

Prepared by:
Victoria S. Bucher, SR/WA
33 North Main Street
Winter Garden, FL 34787

(The Above Space Shall Be Used for Recording Purposes)

EASEMENT AGREEMENT

The undersigned ("Grantor"), on this 18th day of September, 2023, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, hereby grants and conveys to **CENTURYLINK OF FLORIDA, INC.**, a Florida corporation, its successors, assigns, lessees, licensees, agents and affiliates ("Grantee"), having an address of 1025 Eldorado Blvd., Broomfield, CO 80021, Attn: Construction Services, a perpetual, nonexclusive easement ("Easement") to construct, operate, maintain, repair, expand, replace and remove a subsurface communication system that Grantee from time to time may require, consisting of but not limited to, cables, wires, conduits, manholes, drains, and other facilities and structures, including utility service if required to operate such system, facilities and structures (collectively, the "Facilities") over, under and across the following property located in the County of **LEE**, State of **FLORIDA**, which Grantor owns ("Easement Tract"):

SEE THE DESCRIPTION SET FORTH ON EXHIBIT A, ATTACHED TO, AND BY THIS REFERENCE, MADE A PART OF THIS AGREEMENT.

Grantee may only construct, operate, maintain, repair, expand, replace and remove subsurface improvements within the Easement Tract, with the exception of installing and maintaining splicing boxes, vaults, surface location markers, equipment cabinets, and other above-ground facilities and structures that are necessary to support the communication system.

Grantor further grants and conveys to Grantee the following incidental rights:

- (1) The right of ingress and egress over and across Grantor's lands to and from the Easement Tract; and
- (2) The right to clear all trees, roots, brush, and other vegetation that interfere with Grantee's use and enjoyment of the Easement Tract. Grantee shall not materially alter or reasonably disturb existing building structures located within, or adjacent to, the Easement Tract.

Grantor reserves the right to use and enjoy the Easement Tract so long as Grantor's use does not materially interfere with the rights granted in this Easement Agreement. Grantor will not plant trees or other vegetation within the Easement Tract that will materially interfere with Grantee's use, it being understood and accepted by Grantee that Grantor may install grass, ground cover and other low growing vegetation together with necessary irrigation facilities in the Easement Tract.

Grantor warrants that Grantor is the owner of the Easement Tract and will defend title to the Easement Tract against all claims. Grantee will have no responsibility for environmental contamination unless caused by Grantee.

Lee County, Florida, a political subdivision of the State of Florida ("Lessee") leases the property from Grantor containing the Easement Tract and by its signature below, consents and approves of this Easement Agreement.


The rights, conditions, and provisions of this Easement Agreement will run with the land and will inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

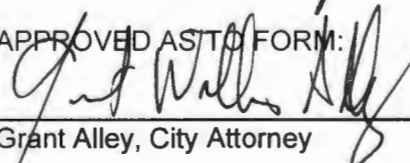
ATTEST:

CITY OF FORT MYERS
A Florida municipal corporation


Gwen Carlisle, MMC, City Clerk

By: 
Kevin B. Anderson, Mayor


Marty K. Lawing, City Manager

APPROVED AS TO FORM:

Grant Alley, City Attorney

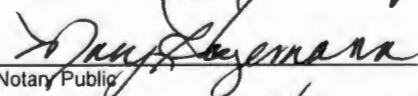


STATE OF FLORIDA
COUNTY OF LEE

Before me, a notary public in and for the State of Florida at large, personally appeared KEVIN B. ANDERSON, Mayor and GWEN CARLISLE, City Clerk of the CITY OF FORT MYERS, a Florida municipal corporation, by the party of the first part mentioned in the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes mentioned, and as the act and deed of said municipality and also acknowledged the seal thereto attached to be the municipal seal of said city and that the same was attached thereto by due authority.

IN WITNESS WHEREOF I have hereunto set my hand and seal at Fort Myers this 22 day of September, 2023.




Notary Public
Printed Name: Mary Hagemann
My Commission Expires: 4/24/26

In Witness Whereof, this Easement Agreement is consented and approved by the Lessee, Lee County, Florida, a political subdivision of the State of Florida, on this 7th day of November, 2023.

LESSEE:

Lee County, a political subdivision of the State of Florida
P.O. BOX 398
Fort Myers, FL 33902

Signed, sealed and delivered in the presence of:

ATTEST:

Kevin C. Karnes
Clark of Circuit Court

By: *Michelle Butler*
Deputy Clerk

LEE COUNTY, FLORIDA,
A Political Subdivision of the State
of Florida, by its Board of County
Commissioners

By: *[Signature]*
Chair / Vice-Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

Daniel Hill
COUNTY ATTORNEY

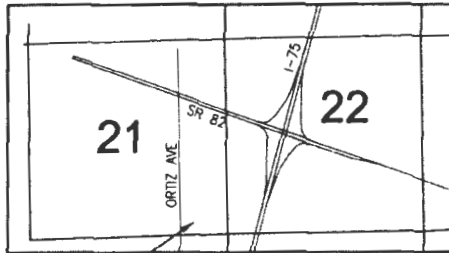


Exhibit A
The Easement Tracts

SKETCH AND DESCRIPTION

LEE COUNTY EOC (911 COMM BUILDING)
LUMENS EASEMENTS
A PARCEL OF LAND LYING IN
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
CITY OF FORT MYERS - LEE COUNTY, FLORIDA

VICINITY MAP
1"=5000'



**PROJECT
LOCATION**

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. THE ALIGNMENT OF THE EASEMENT IS BASED ON AS-BUILT INFORMATION OF THE LUMENS LINE PROVIDED BY THE CLIENT. PROPOSED ALIGNMENTS WERE PROVIDED BY THE ENGINEER OF RECORD.
3. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
4. BEARINGS SHOWN HEREON ARE BASED ON FIXING THE SOUTH LINE OF THE SE1/4 OF SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS S88°15'11"W.
5. PARCEL CONTAINS A TOTAL OF 16,151 SQUARE FEET, MORE OR LESS.
6. P.O.C = POINT OF COMMENCEMENT
7. P.O.B. = POINT OF BEGINNING
8. ORI = OFFICIAL RECORDS INSTRUMENT
9. ORB = OFFICIAL RECORDS BOOK
10. DB = DEED BOOK/PAGE
11. R/W - RIGHT-OF-WAY
12. PG = PAGE
13. PUE = PUBLIC UTILITY EASEMENT
14. N = NOTHING
15. E = EASTING
16. R = RADIUS
17. Δ = DELTA
18. CB = CHORD BEARING
19. C = CHORD
20. L = ARC LENGTH
21. NOT VALID WITHOUT SHEETS 1 THROUGH 6 OF 6.



THIS IS NOT A SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

Mark D. Haines

MARK D. HAINES (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312

DATE: 8/2/23
SIGNED: _____
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

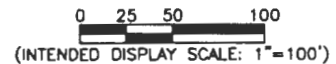


JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE COUNTY EOC (911 COMM BUILDING) - LUMENS EASEMENTS
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/02/23	20203303-015	21-44-25	AS SHOWN	1 OF 6

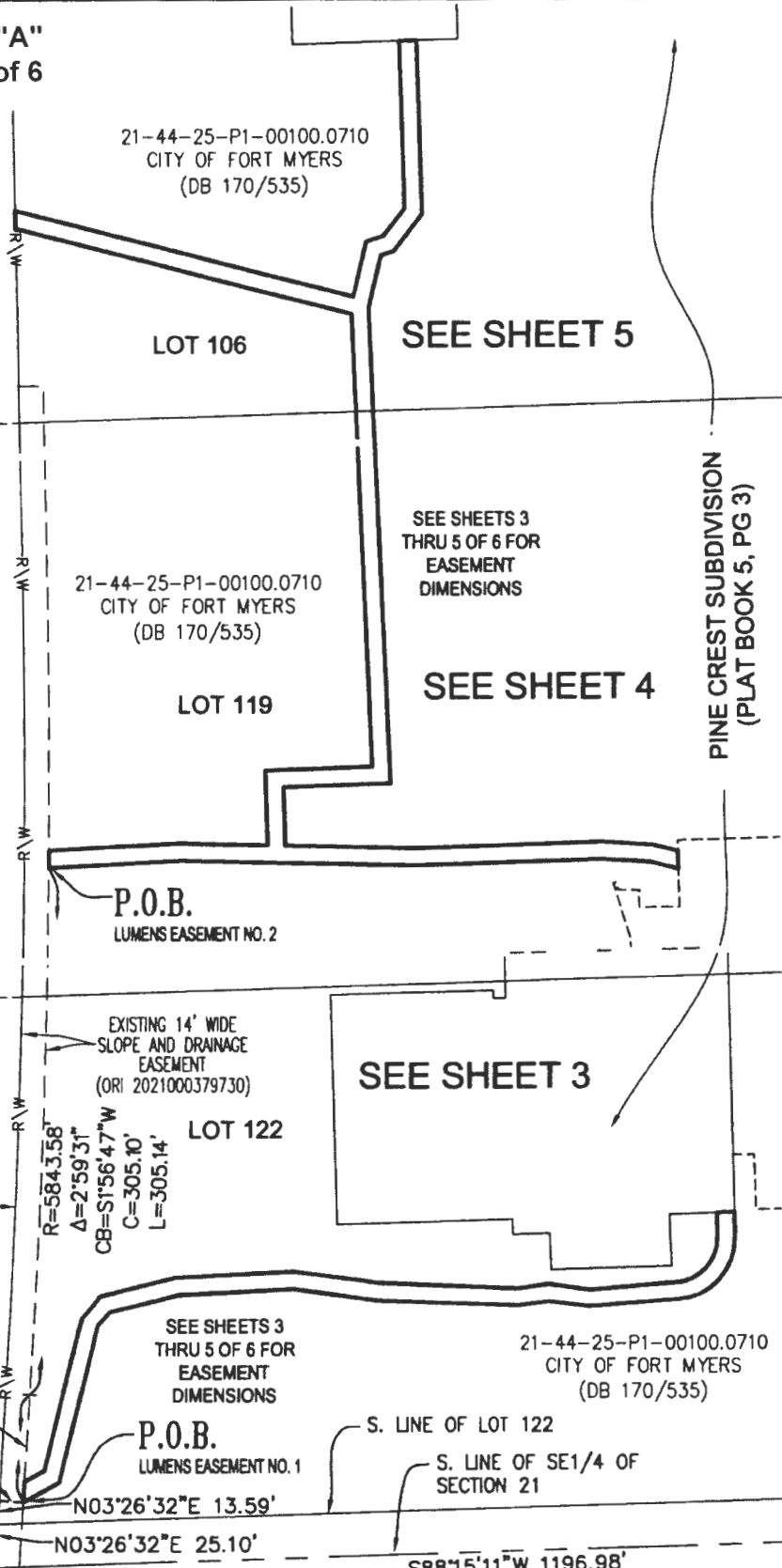
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LINE TABLE		
LINE	BEARING	DISTANCE
L9	S86°33'28"E	14.00'
L10	N03°26'32"E	62.57'

ORTIZ AVENUE

ORB 936/649
(200' RIGHT-OF-WAY)



21-44-25-P1-00100.0710
CITY OF FORT MYERS
(DB 170/535)

LOT 106

SEE SHEET 5

21-44-25-P1-00100.0710
CITY OF FORT MYERS
(DB 170/535)

LOT 119

SEE SHEETS 3
THRU 5 OF 6 FOR
EASEMENT
DIMENSIONS

SEE SHEET 4

PINE CREST SUBDIVISION
(PLAT BOOK 5, PG 3)

P.O.B.
LUMENS EASEMENT NO. 2

EXISTING 14' WIDE
SLOPE AND DRAINAGE
EASEMENT
(ORI 2021000379730)

SEE SHEET 3

LOT 122

R=584.358'
Δ=2°59'31"
CB=S1°56'47"W
C=305.10'
L=305.14'

EAST
RIGHT-OF-WAY
OF ORTIZ AVE.
(ORB 936/649)

SEE SHEETS 3
THRU 5 OF 6 FOR
EASEMENT
DIMENSIONS

21-44-25-P1-00100.0710
CITY OF FORT MYERS
(DB 170/535)

P.O.B.
LUMENS EASEMENT NO. 1

S. LINE OF LOT 122
S. LINE OF SE 1/4 OF
SECTION 21

P.O.C.
SE CORNER OF SECTION 21
TOWNSHIP 44 SOUTH,
RANGE 25 EAST
LEE COUNTY, FLORIDA

L10

L9

N03°26'32"E 13.59'

N03°26'32"E 25.10'

S88°15'11"W 1196.98'
(BASIS OF BEARINGS)

21 22
28 27

THIS IS NOT A SURVEY.
*NOT VALID WITHOUT SHEETS 1 THROUGH 6 OF 6.

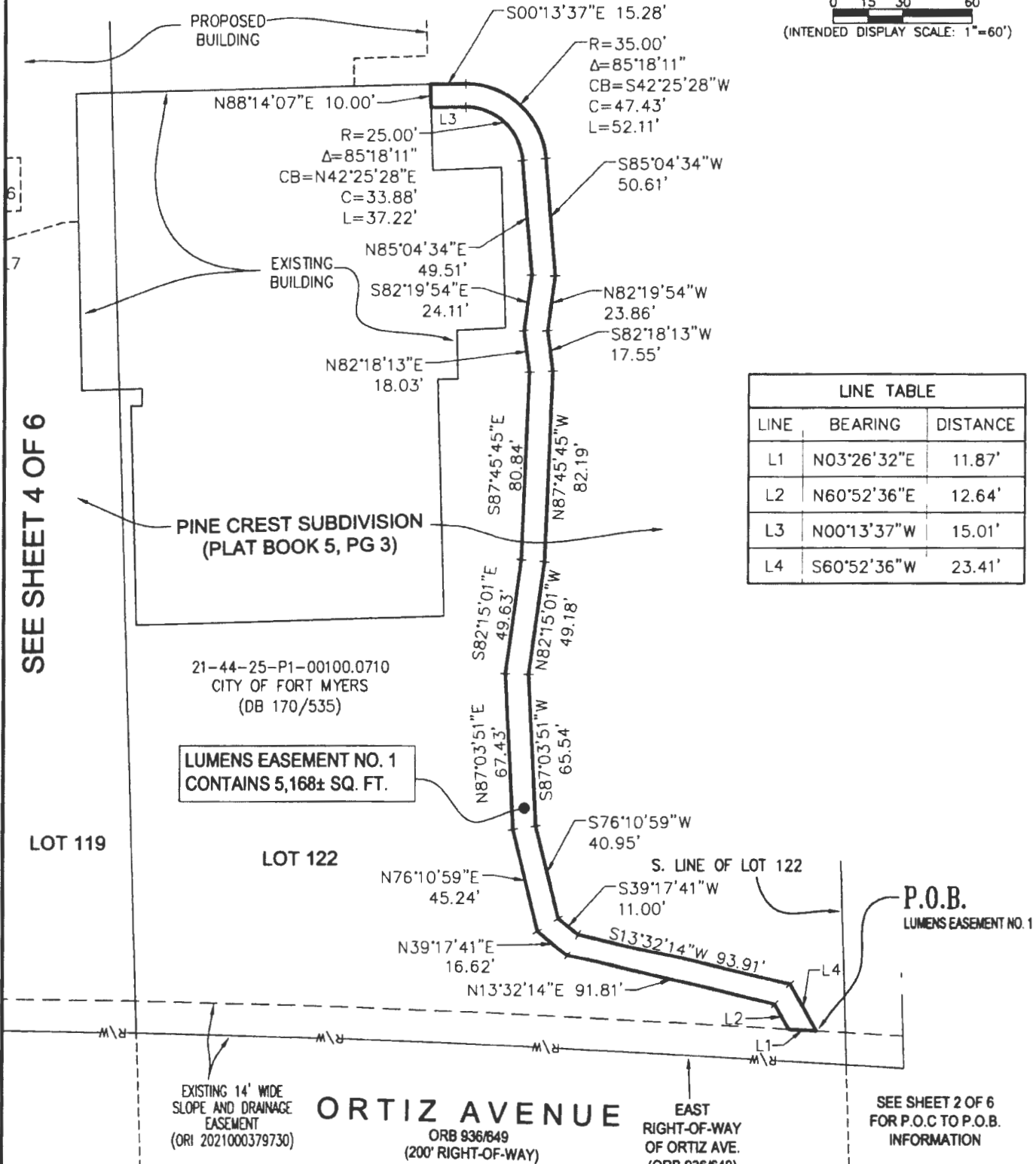
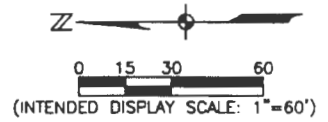


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SKETCH AND DESCRIPTION
LEE COUNTY EOC (911 COMM BUILDING) - LUMENS EASEMENTS
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/02/23	20203303-015	21-44-25	1"=100'	2 OF 6

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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°26'32\"E	11.87'
L2	N60°52'36\"E	12.64'
L3	N00°13'37\"W	15.01'
L4	S60°52'36\"W	23.41'

SEE SHEET 4 OF 6

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**LUMENS EASEMENT NO. 1
CONTAINS 5,168± SQ. FT.**

21-44-25-P1-00100.0710
CITY OF FORT MYERS
(DB 170/535)

EXISTING 14' WIDE
SLOPE AND DRAINAGE
EASEMENT
(ORI 2021000379730)

ORTIZ AVENUE
ORB 936/649
(200' RIGHT-OF-WAY)

EAST
RIGHT-OF-WAY
OF ORTIZ AVE.
(ORB 936/649)

P.O.B.
LUMENS EASEMENT NO. 1

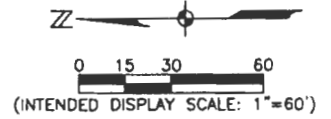
SEE SHEET 2 OF 6
FOR P.O.C TO P.O.B.
INFORMATION

THIS IS NOT A SURVEY.
*NOT VALID WITHOUT SHEETS 1 THROUGH 6 OF 6.

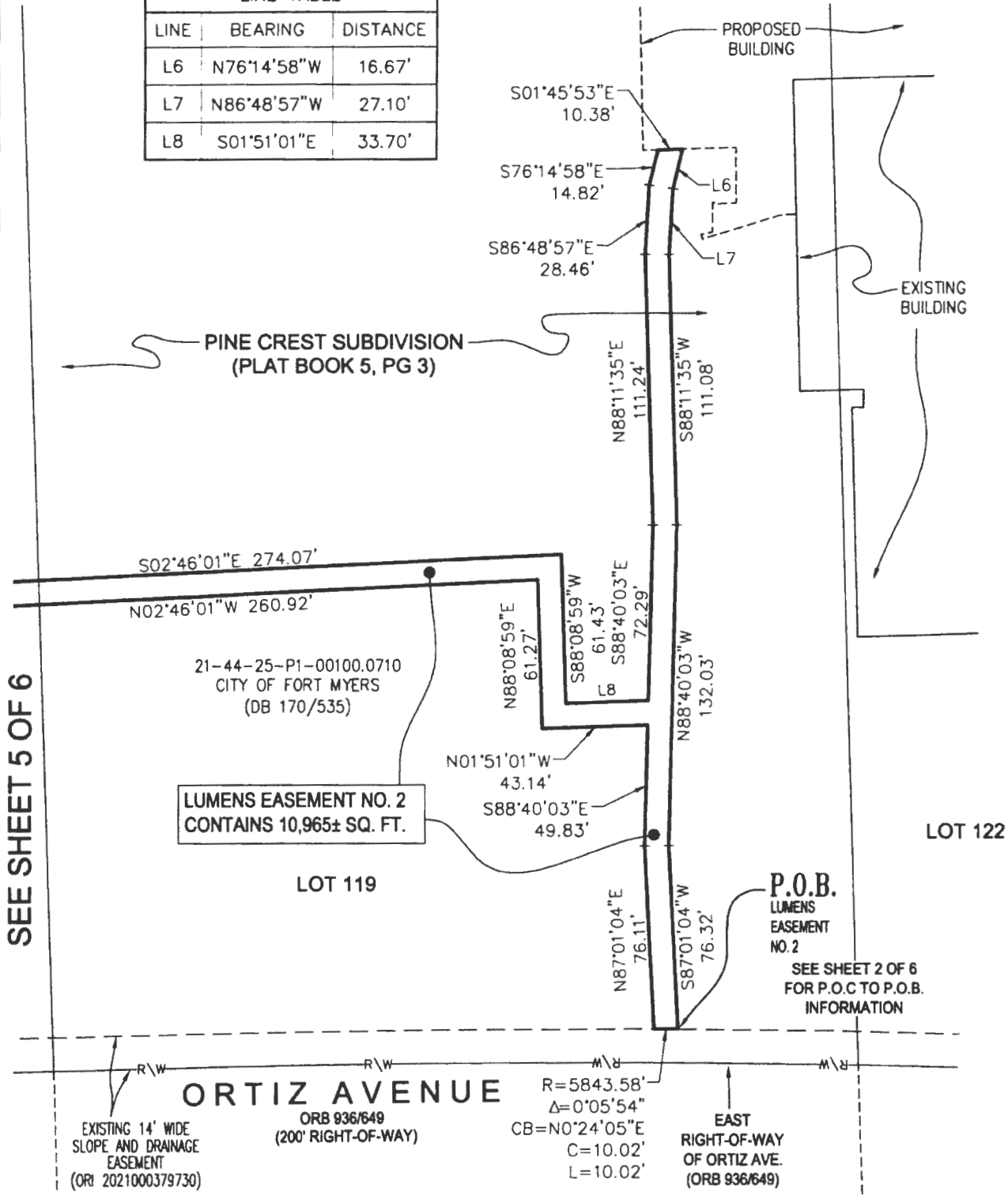


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SKETCH AND DESCRIPTION				
LEE COUNTY EOC (911 COMM BUILDING) - LUMENS EASEMENTS				
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST				
CITY OF FORT MYERS - LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/02/23	20203303-015	21-44-25	1"=60'	3 OF 6



LINE TABLE		
LINE	BEARING	DISTANCE
L6	N76°14'58"W	16.67'
L7	N86°48'57"W	27.10'
L8	S01°51'01"E	33.70'



SEE SHEET 5 OF 6

SEE SHEET 3 OF 6

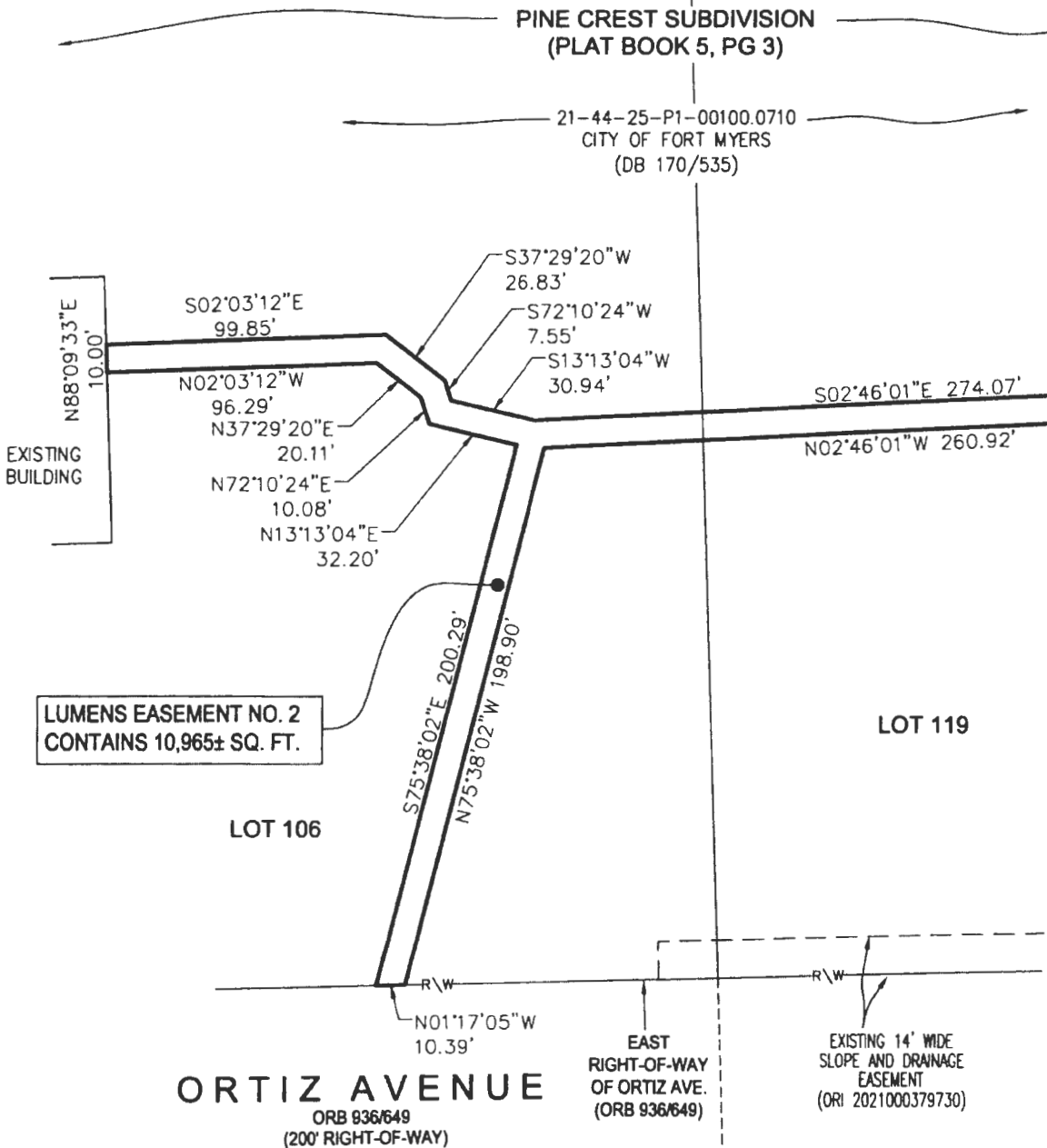
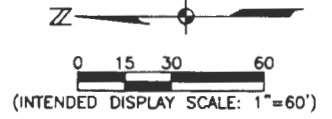
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LEE COUNTY EOC (911 COMM BUILDING) - LUMENS EASEMENTS				
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST				
CITY OF FORT MYERS - LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/02/23	20203303-015	21-44-25	1"=60'	4 OF 6

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SEE SHEET 4 OF 6

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SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/02/23	20203303-015	21-44-25	1"=60'	5 OF 6

DESCRIPTION

LEE COUNTY EOC (911 COMM BUILDING)
LUMENS EASEMENTS
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS, LEE COUNTY, FLORIDA

LUMENS EASEMENT NO. 1

A PARCEL OF LAND BEING A PORTION OF LOT 122 ACCORDING TO THE PLAT OF PINE CREST SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 3 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A PART OF LANDS DESCRIBED IN DEED BOOK 170, PAGE 535, OF THE AFOREMENTIONED PUBLIC RECORDS, LYING IN SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED SECTION 21; THENCE, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 21, S.88°15'11"W., 1,196.98 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF ORTIZ AVENUE (200' WIDE) AS RECORDED IN OFFICIAL RECORDS BOOK 936, PAGE 649 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID EASTERLY RIGHT-OF-WAY, N.03°26'32"E., 25.10 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LOT 122 ACCORDING TO THE AFOREMENTIONED PLAT OF PINE CREST SUBDIVISION; THENCE, CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY OF ORTIZ AVENUE, N.03°26'32"E., 13.59 FEET; THENCE, LEAVING SAID EASTERLY RIGHT-OF-WAY, S.86°33'28"E., 14.00 FEET TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF A 14.00 FOOT WIDE SLOPE AND DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS INSTRUMENT 2021000379730 OF THE AFOREMENTIONED PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE, ALONG SAID EASTERLY BOUNDARY OF THE SLOPE AND DRAINAGE EASEMENT, N.03°26'32"E., 11.87 FEET; THENCE, LEAVING SAID EASTERLY BOUNDARY, N.60°52'36"E., 12.64 FEET; THENCE N.13°32'14"E., 91.81 FEET; THENCE N.39°17'41"E., 16.62 FEET; THENCE N.76°10'59"E., 45.24 FEET; THENCE N.87°03'51"E., 67.43 FEET; THENCE S.82°15'01"E., 49.63 FEET; THENCE S.87°45'45"E., 80.84 FEET; THENCE N.82°18'13"E., 18.03 FEET; THENCE S.82°19'54"E., 24.11 FEET; THENCE N.85°04'34"E., 49.51 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 85°18'11", A CHORD OF 33.88 FEET, A CHORD BEARING OF N.42°25'29"E., AN ARC OF 37.22 FEET; THENCE N.00°13'37"W., 15.01 FEET; THENCE N.88°14'07"E., 10.00 FEET; THENCE S.00°13'37"E., 15.28 FEET; THENCE ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING FOR ITS ELEMENTS A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 85°18'11", A CHORD OF 47.43 FEET, A CHORD BEARING OF S.42°25'29"W., AN ARC OF 52.11 FEET; THENCE S.85°04'34"W., 50.61 FEET; THENCE N.82°19'54"W., 23.86 FEET; THENCE S.82°18'13"W., 17.55 FEET; THENCE N.87°45'45"W., 82.19 FEET; THENCE N.82°15'01"W., 49.18 FEET; THENCE S.87°03'51"W., 65.54 FEET; THENCE S.76°10'59"W., 40.95 FEET; THENCE S.39°17'41"W., 11.00 FEET; THENCE S.13°32'14"W., 93.91 FEET; THENCE S.60°52'36"W., 23.41 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 5,168 SQUARE FEET, MORE OR LESS.

TOGETHER WITH:

LUMENS EASEMENT NO. 2

A PARCEL OF LAND BEING A PORTION OF LOTS 106 AND 119 ACCORDING TO THE PLAT OF PINE CREST SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 3 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO BEING A PART OF LANDS DESCRIBED IN DEED BOOK 170, PAGE 535, OF THE AFOREMENTIONED PUBLIC RECORDS, LYING IN SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED SECTION 21; THENCE, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 21, S.88°15'11"W., 1,196.98 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF ORTIZ AVENUE (200' WIDE) AS RECORDED IN OFFICIAL RECORDS BOOK 936, PAGE 649 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID EASTERLY RIGHT-OF-WAY, N.03°26'32"E., 25.10 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LOT 122 ACCORDING TO THE AFOREMENTIONED PLAT OF PINE CREST SUBDIVISION; THENCE, CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY OF ORTIZ AVENUE, N.03°26'32"E., 13.59 FEET; THENCE, LEAVING SAID EASTERLY RIGHT-OF-WAY S.86°33'28"E., 14.00 FEET TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF A 14.00 FOOT WIDE SLOPE AND DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS INSTRUMENT 2021000379730 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE, ALONG SAID EASTERLY BOUNDARY OF THE SLOPE AND DRAINAGE EASEMENT FOR THE FOLLOWING TWO (2) COURSES:

1. N.03°26'32"E., 62.57 FEET;
2. ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST HAVING FOR ITS ELEMENTS A RADIUS OF 5,843.58 FEET, A CENTRAL ANGLE OF 02°59'31", A CHORD OF 305.10 FEET, A CHORD BEARING OF N.01°56'47"E., AN ARC OF 305.14 FEET

TO THE **POINT OF BEGINNING**; THENCE, CONTINUE, ALONG SAID EASTERLY BOUNDARY OF THE SLOPE AND DRAINAGE EASEMENT, AND ALONG THE ARC OF A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST HAVING FOR ITS ELEMENTS A RADIUS OF 5,843.58 FEET, A CENTRAL ANGLE OF 00°05'54", A CHORD DISTANCE OF 10.02 FEET, A CHORD BEARING OF N.00°24'05"E., AN ARC DISTANCE OF 10.02 FEET; THENCE, LEAVING SAID EASTERLY BOUNDARY OF THE SLOPE AND DRAINAGE EASEMENT, N.87°01'04"E., 76.11 FEET; THENCE S.88°40'03"E., 49.83 FEET; THENCE N.01°51'01"W., 43.14 FEET; THENCE N.88°08'59"E., 61.27 FEET; THENCE N.02°46'01"W., 260.92 FEET; THENCE N.75°38'02"W., 198.90 FEET; THENCE N.01°17'05"W., 10.39 FEET; THENCE S.75°38'02"E., 200.29 FEET; THENCE N.13°13'04"E., 32.20 FEET; THENCE N.72°10'24"E., 10.08 FEET; THENCE N.37°29'20"E., 20.11 FEET; THENCE N.02°03'12"W., 96.29 FEET; THENCE N.88°09'33"E., 10.00 FEET; THENCE S.02°03'12"E., 99.85 FEET; THENCE S.37°29'20"W., 26.83 FEET; THENCE S.72°10'24"W., 7.55 FEET; THENCE S.13°13'04"W., 30.94 FEET; THENCE S.02°46'01"E., 274.07 FEET; THENCE S.88°08'59"W., 61.43 FEET; THENCE S.01°51'01"E., 33.70 FEET; THENCE S.88°40'03"E., 72.29 FEET; THENCE N.88°11'35"E., 111.24 FEET; THENCE S.86°48'57"E., 28.46 FEET; THENCE S.76°14'58"E., 14.82 FEET; THENCE S.01°45'53"E., 10.38 FEET; THENCE N.76°14'58"W., 16.67 FEET; THENCE N.86°48'57"W., 27.10 FEET; THENCE S.88°11'35"W., 111.08 FEET; THENCE N.88°40'03"W., 132.03 FEET; THENCE S.87°01'04"W., 76.32 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 10,965 SQUARE FEET, MORE OR LESS.

THIS IS NOT A SURVEY.
*NOT VALID WITHOUT SHEETS 1 THROUGH 6 OF 6.



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LEE COUNTY EOC (911 COMM BUILDING) - LUMENS EASEMENTS
SECTION 21, TOWNSHIP 44 SOUTH, RANGE 25 EAST
CITY OF FORT MYERS - LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
08/02/23	20203303-015	21-44-25	N/A	6 OF 6

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