

This Instrument Prepared by:

Lee County  
Department of County Lands  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Part of STRAP No.: 22-45-24-00-00001.0220

### PERPETUAL STORMWATER DRAINAGE EASEMENT

This Perpetual Stormwater Drainage Easement ("*Easement*"), is given this 21<sup>st</sup> day of May, 2019, by **Bristol Salamanca, LLC**, a Delaware Limited Liability Company, whose mailing address is c/o Bristol Group, Inc. 400 Montgomery Street, Suite 400, San Francisco, CA 94104 ("*Grantor*"), to **Lee County**, a political subdivision of the State of Florida, whose mailing address is P.O. Box 398, Fort Myers, Florida 33902-0398 ("*County*") as follows:

1. In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor grants to County, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A" ("*Easement Area*").
2. The County has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the Easement Area in accordance with appropriate permits issued for construction and maintenance.
3. The County also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the Easement Area in order to properly install the stormwater drainage facilities.
4. The Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the Easement Area.
5. The Grantor will be responsible for the routine maintenance of the Easement Area, including, but not limited to, mowing. The Grantor will be solely responsible for repairing and replacing the existing underground drainage pipe that runs parallel and adjacent to the Cypress Lake Drive right-of-way that connects the three inlets and any other improvements placed in or to the Easement Area by the Grantor as of the date of this Easement or made by Grantor at a later date. The County will be responsible for designing, permitting, constructing, repairing, and replacing all other facilities or other improvements existing as of the date of this Easement or made at a later date by the County within the Easement Area, other than those facilities and improvements referred to in the immediately preceding sentence.

6. Title to any drainage facilities constructed in the Easement Area will remain in the County, its successors or assigns.

7. The Grantor warrants that, subject to any existing public roadway or utility easements, Grantor is in lawful possession of the Easement Area, free and clear of all liens and encumbrances, except as described on Exhibit "B", and has the right and power to convey this Easement.

8. This Easement runs with the land and is binding on Grantor and Grantor's successors and assigns.

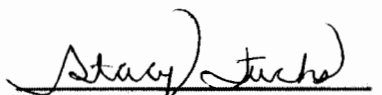
(End of provisions – Signature pages follow.)


The foregoing Perpetual Stormwater Drainage Easement has been executed by the Grantor intending to be bound as of the date first written above.


**Bristol Salamanca, LLC**  
A Delaware Limited Liability Company

By: Bristol Value II, L.P.  
A Delaware Limited Partnership  
Its Sole Member

By: Bristol Investment Company III, LLC  
A Delaware Limited Liability Company  
Its General Partner

  
1<sup>st</sup> Witness signature – as to both  
Stacy Fuchs  
Type or print name

  
2<sup>nd</sup> Witness signature – at to both  
Monica Tse  
Type or print name

  
Jeffrey S. Kott  
Managing Member  
  
Todd J. McLay  
Chief Financial Officer

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

*See attached*

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Jeffrey S. Kott, as Managing Member of Bristol Investment Company III, LLC, a Delaware Limited Liability Company, the General Partner of Bristol Value II, L.P. a Delaware Limited Partnership, the sole Member and Manager of Bristol Salamanca, LLC, a Delaware Limited Liability company, on behalf of the Company. He is personally known to me or he provided \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
[Stamp/seal required]

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Francisco

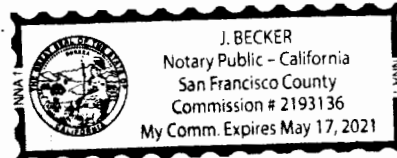
On April 19, 2019 before me, J. Becker, Notary Public  
(insert name and title of the officer)

personally appeared Jeffrey Kott and Todd McLay  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature J. Becker (Seal)



STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Todd J. McLay, the Chief Financial Officer of Bristol Investment Company III, LLC, a Delaware Limited Liability Company, the General Partner of Bristol Value II, L.P. a Delaware Limited Partnership, the sole Member and Manager of Bristol Salamanca, LLC, a Delaware Limited Liability company. He is personally known to me or he provided \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
[Stamp/seal required]

Approved and accepted for and on behalf of Lee County, Florida, this 2<sup>nd</sup> day  
of May, 2019.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Melissa Butler  
[Signature]  
Melissa Butler  
[Type or Print Name]  
Deputy Clerk

BY: Brian Hamman  
[Signature]  
Brian Hamman, Vice  
[Type or print name]  
~~Chair~~ / Vice-Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

BY: John J. Kizer  
Office of County Attorney

Attachments: Exhibit "A" – Legal Description of Easement Area  
Exhibit "B" – Liens and Encumbrances Conveyed Subject To

(041619/1150)

SKETCH TO ACCOMPANY DESCRIPTION (PROPOSED) DRAINAGE EASEMENT

**LYING IN A PORTION OF THE SOUTHWEST  
QUARTER (SW $\frac{1}{4}$ ) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA,**

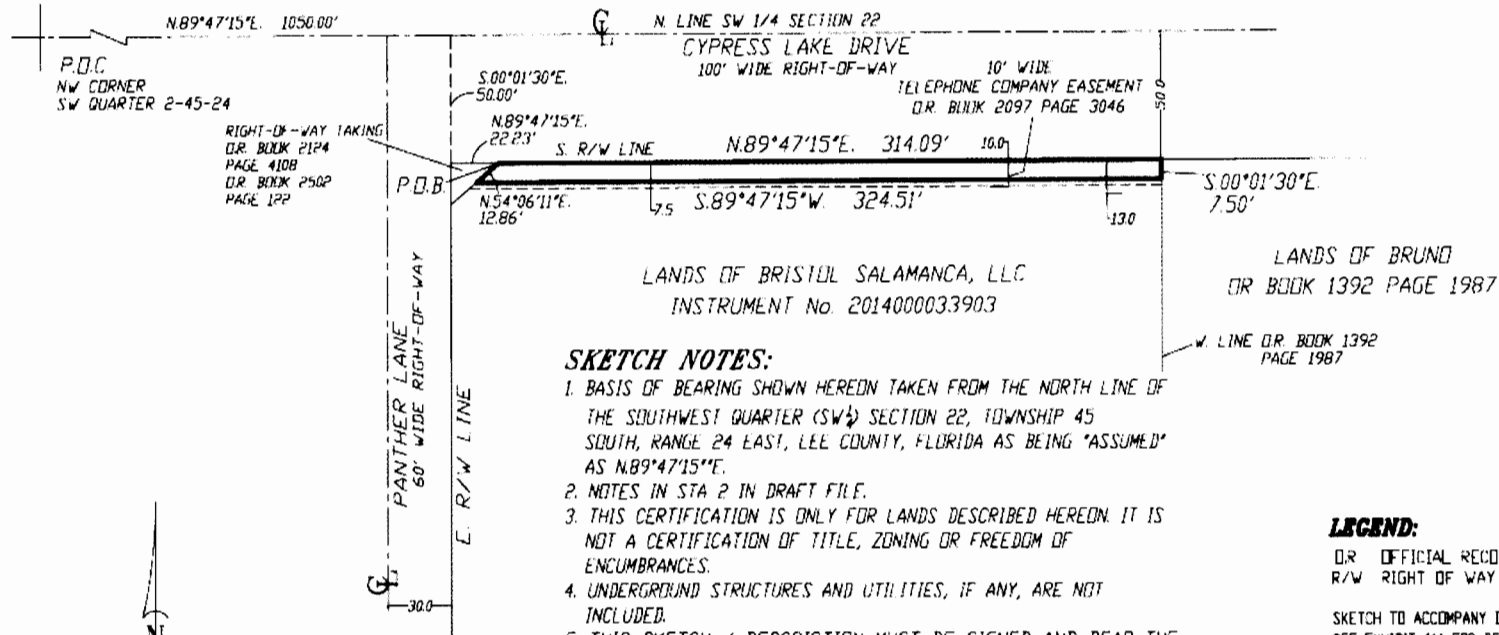
(SALAMANCA APARTMENTS)

AS RECORDED IN INSTRUMENT No. 2006000065207 AND 2014000033903, PUBLIC RECORDS,  
CLERK OF THE CIRCUIT COURT, LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION (EXHIBIT "B")  
\*\*\*NOT A BOUNDARY SURVEY\*\*\*

**LEGEND:**

P.U.E. PUBLIC UTILITY EASEMENT  
D.E. DRAINAGE EASEMENT  
O.R. OFFICIAL RECORDS BOOK  
(S) AS PER SURVEY  
(P) AS PER PLAT  
(I) CURVE NUMBER  
L1 LINE NUMBER  
R/W RIGHT-OF-WAY  
CL CENTERLINE  
P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING



**SKETCH NOTES:**

1. BASIS OF BEARING SHOWN HEREDIN TAKEN FROM THE NORTH LINE OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$ ) SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEING "ASSUMED" AS N 89°47'15"E.
2. NOTES IN STA 2 IN DRAFT FILE.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
5. THIS SKETCH / DESCRIPTION MUST BE SIGNED AND BEAR THE RAISED SEAL OF A LICENSED PROFESSIONAL SURVEYOR AND MAPPER.
6. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
7. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14" 60" SCALE DRAWING.

**LEGEND:**

O.R. OFFICIAL RECORDS BOOK  
R/W RIGHT OF WAY

SKETCH TO ACCOMPANY DESCRIPTION  
SEE EXHIBIT "A" FOR DESCRIPTION  
TO ACCOMPANY THIS SKETCH  
"NOT A BOUNDARY SURVEY"

HARRIS-JORGENSEN, INC.  
3046 DEL PRADO BLVD. S. 3A  
CAPE CORAL, FLORIDA 33904  
PHONE: (239) 257-2624  
FAX: (239) 257-2921

FILE: PANTHER  
EASEMENT

## EXHIBIT A

Page 2 of 2

DESCRIPTION TO ACCOMPANY SKETCH  
(PROPOSED) DRAINAGE EASEMENT

**LYING IN A PORTION OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$ )  
OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA,**

(SALAMANCA APARTMENTS)

AS RECORDED IN INSTRUMENT NO. 2006000065207 AND 2014000033903, PUBLIC RECORDS,  
CLERK OF THE CIRCUIT COURT, LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION (EXHIBIT 'A')  
\*\*\*NOT A BOUNDARY SURVEY\*\*\*

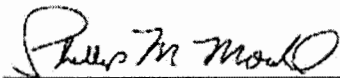
### DESCRIPTION:

(PROPOSED) DRAINAGE EASEMENT

LYING IN A PLOT OR PARCEL OF LAND IN A PORTION OF THE SOUTHWEST  
QUARTER (SW $\frac{1}{4}$ ) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE  
COUNTY FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$ )  
OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY  
FLORIDA; THENCE RUN N.89°47'15"E. ALONG THE NORTH LINE OF SAID  
SOUTHWEST QUARTER (SW $\frac{1}{4}$ ) SAID NORTH LINE ALSO BEING THE CENTERLINE  
OF CYPRESS LAKE DRIVE (100 FEET WIDE) FOR 1050.00 FEET; THENCE RUN  
S.00°01'30"E. TO A POINT ALONG THE SOUTH RIGHT-OF-WAY LINE SAID  
CYPRESS LAKE DRIVE (100 FEET WIDE) FOR 50.00 FEET; THENCE RUN  
N.89°47'15"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE CYPRESS LAKE DRIVE  
(100 FEET WIDE) FOR 22.23 FEET TO THE POINT OF BEGINNING; THENCE RUN  
N.89°47'15"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE CYPRESS LAKE DRIVE  
(100 FEET WIDE) TO THE WEST LINE OF THAT CERTAIN PARCEL AS  
RECORDED IN OFFICIAL RECORDS BOOK 1392, PAGE 1987, PUBLIC RECORDS  
OF LEE COUNTY FLORIDA FOR 314.09 FEET; THENCE RUN S.00°01'30"E. ALONG  
THE AFORESAID WEST LINE FOR 7.50 FEET; THENCE RUN S.89°47'15"W. ALONG  
A LINE PARALLEL WITH AND 7.50 FEET SOUTH AS MEASURED ON A  
PERPENDICULAR FROM SAID SOUTH RIGHT-OF-WAY LINE CYPRESS LAKE  
DRIVE (100 FEET WIDE) FOR 324.51 FEET; THENCE RUN N.54°06'11"E. TO A  
POINT ALONG THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF CYPRESS LAKE  
DRIVE (100 FEET WIDE) FOR 12.86 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,394.77 SQ. FT. MORE OR LESS.



PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
#6515 - STATE OF FLORIDA  
2/12/2019

SHEET 2 OF 2

NOT A BOUNDARY SURVEY

HARRIS-JORGENSEN, LLC.  
3048 DEL PRADO BLVD. S.  
SUITE 100  
CAPE CORAL, FLORIDA 33904  
PHONE: (239) 257-2624



**Exhibit "B"**

Recording references are to instrument recorded in the Official Records (O.R.) of the Public Records of Lee County, Florida.

Grant of Easement of Blue Eagle Construction Co., Inc., to Florida Power & Light Company by instrument recorded in O.R. Book 1060, Page 461.

Matters described in Order of Taking recorded in O.R. Book 2124, Page 4108 and Stipulated Final Judgment recorded in O.R. Book 2502, Page 0122.

Grant of Easement of Malibu Associates, Ltd., in favor of United Telephone Company recorded in O.R. Book 2097, Page 3046.

Grant of Easement of RR Panther, LLC, in favor of Comcast of California, XIV, LLC, recorded as Instrument No. 2010000312079.