

RESOLUTION NO. 2003-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, SUPPLEMENTING RESOLUTION NO. 2002-02, IDENTIFYING THE PARCELS AND INTERESTS TO BE ACQUIRED IN CONNECTION WITH THE ACQUISITION OF THE WATER AND WASTEWATER UTILITY ASSETS OF FLORIDA WATER SERVICES CORPORATION, OR ITS SUCCESSORS IN INTEREST, THROUGH THE EXERCISE OF THE POWER OF EMINENT DOMAIN, AND FINDING THAT ACQUISITION BY THE USE OF EMINENT DOMAIN IS THE MOST PRUDENT MEANS OF ESTABLISHING CITY OWNERSHIP AND CONTROL OF THE WATER AND WASTEWATER SYSTEMS SERVING THE CITIZENS OF THE CITY OF MARCO ISLAND.

WHEREAS, the City of Marco Island (the "City") is a Florida municipal corporation;
and,

WHEREAS, on February 19, 2002, the City passed and adopted Resolution No. 2002-02 establishing public purpose and necessity for the acquisition of the water and wastewater utility assets of Florida Water Services Corporation that serve the City of Marco Island and the Marco Shores area; and,

WHEREAS, Florida law requires that the City exercise due diligence to identify the property that it intends to acquire and requires that the City further identify the estate or interest that it intends to acquire; and,

WHEREAS, the City intends, upon acquisition of the water and wastewater utility assets of Florida Water Services Corporation, or its successor(s) in interest, to own and operate the water and wastewater systems that serve the citizens of the City of Marco Island and the area of Marco Shores, as well as the visitors to those locales; and,

WHEREAS, the City has considered its viable alternatives, including: (1) maintaining the status quo; (2) building its own, new systems to compete and/or replace the systems currently owned and operated by Florida Water Services Corporation; and (3) acquiring the systems owned and operated by Florida Water Systems Corporation. From among those alternatives, the City has determined that it is most prudent and in the best interest of its citizens and the other users of water and wastewater services that the City proceed to acquire the water and wastewater system that is currently owned and operated by Florida Water Services Corporation; and,

WHEREAS, in accordance with the provisions of Florida Statutes, Section 73.015, the City made a written offer of compensation to Florida Water Services Corporation that was delivered by certified mail on January 7, 2003; and,

WHEREAS, Florida Water Services Corporation has failed and refused to contact the City or its designated counsel in an effort to negotiate or respond to the offer of compensation in any manner and more than 30 days has passed since the delivery of the offer; and,

WHEREAS, the City desires to adopt and reaffirm its prior findings of public purpose and necessity that were made in its Resolution No. 2002-02.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, THAT:

1. The statements, findings and conclusions made in Resolution No. 2002-02 are hereby ratified and readopted as if fully set forth herein.
2. The City intends to acquire by eminent domain all of the real property described hereinafter on the attached Exhibit A, that to the best of the City's knowledge comprises all of Florida Water Services Corporation's water and wastewater systems that service the City of Marco Island and Marco Shores, as well as all building improvements; fixtures and equipment; water supply, storage, pumping, treatment, transmission and distribution facilities; wastewater collection, transmission, treatment and disposal facilities; effluent reuse and irrigation facilities;

and all other improvements that are considered to be part of the real property making up the systems. The real property shall be designated as Parcel A, and shall include all subparts identified on Exhibit A attached hereto.

3. The estate or interest in the real property that the City intends to acquire is disclosed on Exhibit A attached hereto.

4. The eminent domain action shall initially include the property and assets described in paragraph 2 above and on the attached Exhibit A that is located on Marco Shores. However, if it is determined by the circuit court that those systems, or portions thereof, are not necessary to the provision of water and wastewater services to the City of Marco Island, then the City Council directs the City Manager, the City Attorney and any outside counsel to proceed to acquire only those assets and property that are necessary to the provision of water and wastewater services for the City of Marco Island.

5. The City Manager, the City Attorney and any outside counsel, are directed to immediately commence eminent domain proceedings pursuant to Florida Statutes, Chapter 73, to acquire the property identified in paragraph 2 above and Exhibit A attached hereto. Further, the provisions of Florida Statutes, Chapter 74, shall not be utilized in connection with the contemplated eminent domain action unless a resolution authorizing the use of those provisions is subsequently adopted by the City Council.

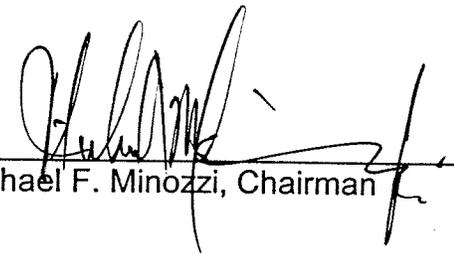
6. This resolution shall be effective immediately upon adoption.

PASSED AND DULY ADOPTED by the City Council of the City of Marco Island, Florida, on the 7th day of April, 2003.

Attest:

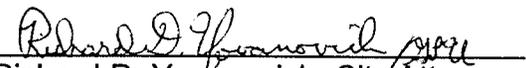


Laura Litzan, City Clerk



Michael F. Minozzi, Chairman

Approved as to form and legal sufficiency:



Richard D. Yovanovich, City Attorney

EXHIBIT A

PARCEL A

Parcel A(1) and A(3)

A parcel of land lying within Section 3, Township 51 South, Range 26 East, and Section 34, Township 50 South, Range 26 East, Collier County, Florida, being more particularly described in Parcel A (1) and A (3) attached on Exhibit B hereto.

Parcel A(2)

The Southeast 1 / 4 of Section 35, Township 50 South, Range 27 East, Public Records of Collier County, Florida.

Parcel A(4)

Parcel of land lying in Sections 24 and 25, Township 51 South, Range 26 East, Collier County, Florida, being more particularly described in Parcel A (4) attached on Exhibit B hereto.

Parcel A(5)

A parcel of land lying in Development Tract-A, of the Collier-Read Tract Map, according to the plat thereof, as recorded in Plat Book 8, Pages 46 and 47 of the public Records of Collier County, Florida, being more particularly described as to Parcel A (5) attached on Exhibit B hereto.

Parcel A(6)

Lot 3, Block 11, Marco Beach Unit One, a subdivision according to the plat thereof, recorded in Plat Book 6, Pages 9 through 19, inclusive, Public Records of Collier County, Florida.

Parcel A(7)

That certain parcel of land lying in and being part of Tract "D" of Marco Beach Unit Four, according to the map or plat thereof as recorded in Plat Book 6, Pages 32 through 37, inclusive of the Public Records of Collier County, Florida, being more particularly described as to Parcel A (7) attached on Exhibit B hereto.

Parcel A(8)

That certain parcel of land lying in and being part of Tract "D" of Marco Beach Unit 4, according to the plat thereof, as recorded in Plat Book 6, Pages 32 through 37, inclusive of the Public Records of Collier County, Florida, being more particularly described as to Parcel A (8) attached on Exhibit B hereto.

Parcel A(9)

A Tract of land lying in and being part of Tract "F" as shown on the Plat of Marco Beach Unit Four, recorded in Plat Book 6, Pages 32 through 37 of the Public Records of Collier County, Florida and being more particularly described as to Parcel A (9) attached on Exhibit B hereto.

Parcel A(10)

Tract "J" of a Replat of a portion of Marco Beach Unit Four, according to the Plat thereof recorded in Plat Book 12, Pages 19 through 21, Public Records of Collier County, Florida.

Parcel A(11)

All of Tract "G" of Marco Beach Unit Twenty-Five, according to the Plat thereof, recorded in Plat Book 12, Pages 2 through 5, inclusive, Public Records of Collier County, Florida.

Parcel A(12)

Tract "N" of Marco Shore Unit 1, according to the plat thereof, recorded in Plat Book 14, Pages 33 through 38, inclusive, Public Records of Collier County, Florida.

Parcel A(13)

Part Tract "Q" Marco Shore Unit One, according to the plat thereof, recorded in Plat Book 14, Pages 33 through 38, inclusive, Public Records of Collier County, Florida, and being more particularly described as to Parcel A (13) attached on Exhibit B hereto.

Parcel A(14)

Tract "P", Marco Shores Unit One, according to the plat thereof recorded in Plat Book 14, Pages 33 through 38, inclusive, Public Records of Collier County, Florida.

The above Parcels A(1) through A(14) to be acquired in fee simple, together with all easements identified on Exhibit C attached hereto, and all contracts, leases, permits, licenses, water rights, customer lists, databases and other property used in connection with the ownership, maintenance and operation of the subject water and wastewater systems; excluding all third party interests identified on Exhibit D attached hereto.

EXHIBIT B

Parcel Nos. A1 and A3

A PARCEL OF LAND LYING WITHIN SECTION 3, TOWNSHIP 51 SOUTH, RANGE 26 EAST, AND SECTION 34, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 3, TOWNSHIP 51 SOUTH, RANGE 26 EAST; THENCE ALONG THE EAST LINE OF SECTION 3, NORTH 0°45'03" EAST 2613.28 FEET TO THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE NORTH LINE OF SECTION 3, NORTH 89°43'36" WEST 40.00 FEET TO THE WEST LINE OF A CANAL RIGHT-OF-WAY AND THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 0°46'03" WEST 1302.33 FEET; THENCE SOUTH 20°16'21" WEST 872.17 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 54°20'18" WEST 3385.32 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 951 (100' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY NORTH 35°40'05" EAST 4208.78 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°05'07" EAST 599.87 FEET TO THE WEST LINE OF A CANAL RIGHT-OF-WAY BEING 40 FEET FROM AND PARALLEL TO THE EAST LINE OF SECTION 34; THENCE SOUTH 03°13'33" WEST 3449.84 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 951 AS BEING NORTH 35°40'05" EAST.

Less and except

A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF U.S.41 (SR 90) AND THE CENTERLINE OF C-951; THENCE RUN ALONG THE CENTERLINE OF C-951, N35°40'08"E A DISTANCE OF 1320.00 FEET; THENCE S54°10'52"E A DISTANCE OF 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF C-951 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF C-951, N35°40'08"E A DISTANCE OF 4415.25 FEET TO A POINT OF CURVE; THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 2914.93 FEET, A CENTRAL ANGLE OF 25°18'05", AN ARC LENGTH OF 1287.21 FEET, AND A CHORD WHICH BEARS N23°01'05"E TO A POINT ON A MONTANGENTIAL LINE, SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF A COUNTY DRAINAGE CANAL RIGHT-OF-WAY; THENCE ALONG SAID WEST LINE, S00°51'53"W A DISTANCE OF 243.73 FEET TO A POINT A MONTANGENTIAL CURVE, SAID POINT LYING 50.00 FEET SOUTH, AS MEASURED PERPENDICULAR TO, THE SOUTH RIGHT-OF-WAY LINE OF C-951; THENCE ALONG AFORESAID CURVE TO THE RIGHT HAVING A RADIUS OF 2984.93 FEET, A CENTRAL ANGLE OF 20°39'03", AN ARC LENGTH OF 1088.84 FEET, AND A CHORD WHICH BEARS S25°20'36"W TO ITS POINT OF TANGENCY; THENCE CONTINUING ALONG A LINE WHICH LIES 50.00 FEET SOUTH, AS MEASURED PERPENDICULAR TO, THE SOUTH RIGHT-OF-WAY LINE OF C-951, S35°40'08"W A DISTANCE OF 4415.24 FEET; THENCE N54°20'16"W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6.411 ACRES—MORE OR LESS. BASIS OF BEARINGS ARE THE CENTERLINE OF C-951 = N35°40'08"E.

NOTE: BASIS OF BEARINGS, RIGHT-OF-WAY, AND BOUNDARY INFORMATION ARE TAKEN FROM AND REVISED ON "STATE OF FLORIDA RIGHT-OF-WAY MAP, SECTION 03510-2602 AND DATED MAY 27, 1960."

Parcel No. A4

That certain parcel of land, lying in Sections 24 and 25, Township 51 South, Range 26 East, Collier County, Florida, being more particularly described as follows:

Commence at the Northeast boundary corner of said Section 24, thence along the East boundary of said Section 24 S00°15'28" W a distance of 4,476.41 feet to a point on said boundary; thence leaving said East boundary N88°28'10"W a distance of 201.60 feet; thence N85°18'35"W a distance of 164.23 feet; thence N20°38'43"W a distance of 62.59 feet; thence N08°54'48"W a distance of 85.19 feet; thence N23°42'39"E a distance of 130.40 feet; thence N60°16'31"E a distance of 106.48 feet; thence N08°16'17"E a distance of 34.66 feet; thence N42°29'24"W a distance of 116.91 feet; thence N10°07'11"W a distance of 107.10 feet; thence N10°56'20"E a distance of 105.37 feet; thence N25°22'43"E a distance of 103.06 feet; thence N29°46'39"E a distance of 75.80 feet; thence N37°18'09"E a distance of 50.11 feet; thence N10°29'59"W a distance of 79.18 feet; thence N44°52'32"W a distance of 54.42 feet; thence N63°38'53"W a distance of 64.07 feet; thence N82°33'24"W a distance of 120.72 feet; thence N01°53'33"E a distance of 116.69 feet; thence N40°21'48"W a distance of 52.95 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence S59°22'21"W a distance of 73.73 feet; thence S25°39'35"W a distance of 95.53 feet; thence S00°05'49"E a distance of 73.02 feet; thence S15°13'39"E a distance of 140.97 feet; thence S17°32'07"E a distance of 160.04 feet; thence S03°46'25"W a distance of 148.33 feet; thence S20°30'53"W 147.93 feet; thence S04°59'51"E a distance of 137.15 feet; thence S08°08'12"W a distance of 108.72 feet; thence S19°33'02"W a distance of 118.95 feet; thence S37°19'10"W a distance of 162.48 feet; thence S22°37'48"W a distance of 51.15 feet; thence S10°55'24"E a distance of 140.47 feet; thence S36°23'56"W a distance of 106.80 feet; thence S01°12'06"E a distance of 153.58 feet; thence S31°09'56"E a distance of 62.54 feet; thence N69°48'24"E a distance of 95.29 feet; thence S86°16'33"E a distance of 109.50 feet; thence S65°02'17"E a distance of 75.05 feet; thence N69°25'44"E a distance of 67.21 feet; thence N37°11'57"E a distance of 85.42 feet; thence S19°55'33"E a distance of 74.92 feet; thence S12°46'58"E a distance of 32.83 feet; thence S46°03'43"W a distance of 74.51 feet; thence S12°06'14"W a distance of 74.75 feet; thence S09°04'17"E a distance of 117.55 feet; thence N75°26'58"E a distance of 151.66 feet; thence S69°44'52"E a distance of 38.61 feet; thence S21°40'44"W a distance of 96.89 feet; thence S25°35'58"W 48.08 feet; thence S27°30'00"W a distance of 86.22 feet; thence S29°52'54"W a distance of 85.21 feet; thence N45°08'14"W a distance of 2560.69 feet; thence N00°15'28"E a distance of 265.00 feet; thence S89°44'32"E a distance of 375.00 feet; thence N84°04'19"E a distance of 149.18 feet; thence N79°01'56"E a distance of 484.64 feet; thence N61°23'47"E a distance of 447.94 feet; thence S89°44'32"E a distance of 264.73 feet; thence S00°15'28"W a distance of 141.70 feet to the Point of Beginning.

Parcel No. A5

A parcel of land lying in DEVELOPMENT TRACT-A, of the COLLIER-READ TRACT MAP, according to the plat thereof, as recorded in Plat Book 8, Pages 46 and 47 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commence at the intersection of the North tract boundary of said Development Tract-A and the existing Westerly Right of Way Line of State Road No. 951, said intersection being shown on aforesaid plat as Point Number 5, thence run $S82^{\circ}29'39''W$ along said existing Westerly Right of Way Line a distance of 268.09 feet, thence $N87^{\circ}30'21''W$ a distance of 40.00 feet to the point of curvature of a circular curve concave to the West having a radius of 3887.79 feet, thence Southerly along the arc of said curve through a central angle of $01^{\circ}32'15''$ an arc distance of 104.32 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence leaving the arc of said curve run $N57^{\circ}23'38''W$ a distance of 4.50 feet; thence $N57^{\circ}08'51''W$ a distance of 17.89 feet; thence $N63^{\circ}33'19''W$ a distance of 14.79 feet; thence $N61^{\circ}23'03''W$ a distance of 15.70 feet; thence $N61^{\circ}51'42''W$ a distance of 17.44 feet; thence $N69^{\circ}39'54''W$ a distance of 16.12 feet; thence $S02^{\circ}29'39''W$ a distance of 125.00 feet; thence $S87^{\circ}30'21''E$ a distance of 74.63 feet to the aforesaid arc of said curve concave to the West having a radius of 3887.79 feet, said point bears $S84^{\circ}39'58''E$ from the center of the circle of said curve; thence Northerly along the arc of said curve, through a central angle of $01^{\circ}18'08''$ for an arc distance of 88.37 feet to the Point of Beginning.

Parcel No. A7

That certain parcel of land lying in and being part of Tract "D" of MARCO BEACH UNIT FOUR, according to the map or plat thereof as recorded in Plat Book 6, Pages 32 through 37 inclusive of the Public Records of Collier County, Florida.

Being more particularly described as follows:

Begin at the intersection of the centerline of Windward Drive, as shown on said plat of MARCO BEACH UNIT FOUR, and the Southwesterly boundary of said Tract "D" for the POINT OF BEGINNING of the parcel of land hereinafter described; run thence N33°43'23"W along said Southwesterly boundary a distance of 30.00 feet; thence N20°52'10"W along the Westerly boundary of said Tract "D" a distance of 230.00 feet; thence leaving said boundary, N58°49'31"E a distance of 344.72 feet; thence N31°10'29"W a distance of 92.97 feet; thence N58°49'31"E a distance of 92.13 feet; thence S25°42'29"E a distance of 490.78 feet; thence S36°20'57"E a distance of 129.66 feet; thence N53°39'03"E a distance of 50.00 feet to a point on the Northeastly boundary of aforesaid Tract "D"; thence S36°20'57"E along said Easterly boundary a distance of 170.60 feet; thence S00°17'48"W along the East boundary of said Tract "D" a distance of 120.00 feet; thence S50°03'34"W along the Southerly boundary of said Tract "D" a distance of 150.22 feet; thence leaving said Southerly boundary, N53°47'14"W a distance of 388.67 feet; thence S45°00'00"W a distance of 100.00 feet to a point on aforesaid Southwesterly boundary of Tract "D"; thence N45°00'00"W along said Southwesterly boundary a distance of 200.00 feet; thence N33°43'23"W along said Southwesterly boundary a distance of 30.00 feet to the Point of Beginning.

less and except

A parcel of land located within a fenced area, as it now exists, lying in Marco Beach Unit Four, Section 4, Township 52 South, Range 26 East, as recorded in Plat Book 6, Pages 32 through 37, of the Public Records of Collier County, Florida, being more particularly described as follows:

Commence at the centerline intersection of Elkara Circle (80 foot right of way) and Windward Drive (60 foot right of way); thence North 56°16'37" East along the centerline of said Windward Drive, a distance of 190.00 feet; thence South 33°43'23" East, a distance of 26.00 feet; thence North 45°40'13" East, a distance of 42.71 feet to an existing fence corner and the Point of Beginning of this description; thence continue North 45°40'13" East along an existing fence line, a distance of 44.94 feet; thence South 45°45'57" East, a distance of 18.03 feet; thence South 09°06'49" East, a distance of 16.96 feet; thence South 45°27'13" East, a distance of 92.90 feet; thence South 43°07'01" West, a distance of 22.24 feet; thence South 87°11'59" West, a distance of 16.51 feet; thence North 45°45'03" West, a distance of 114.85 feet to the Point of Beginning.

Parcel No. A8

That certain parcel of land lying in and being a part of Tract "D" of MARCO BEACH UNIT FOUR, according to the plat thereof, as recorded in Plat Book 8, Pages 32 through 37, inclusive of the Public Records of Collier County, Florida, being more particularly described as follows:

Commencing at the most Northerly corner of said Tract "D", run South 25°42'29" East along the Easterly line of said Tract "D" for a distance of 93.62 feet to the POINT OF BEGINNING of the parcel of land hereinafter described, thence continuing South 25°42'29" East along the Easterly line of said Tract "D" for a distance of 551.18 feet; thence South 36°20'57" East a distance of 125 feet; thence South 53°39'03" West a distance of 58 feet; thence North 36°20'57" West a distance of 129.66 feet; thence North 25°42'29" West a distance of 490.78 feet; thence South 58°49'31" West a distance of 92.13 feet; thence North 31°10'29" West a distance of 60 feet; thence North 58°49'31" East a distance of 148.10 feet to the Point of Beginning. All land lying in Section 8, Township 52 South, Range 26 East, Collier County.

SCRIVENER'S NOTE:

The above described property also being known as "Parcel B" as was contained in and shown on that certain grant of Right-of-Way Easement from Marco Island Development Corporation to Lee County Electric Co-Operative, Inc., dated May 3, 1966 and recorded on June 29, 1966 in Official Records Book 217, Pages 749 through 751, inclusive of the Public Records of Collier County, Florida.

AND

All of aforesaid Tract "D" of Marco Beach Unit Four, bounded by the following:

On the West by the Easterly boundary line of that portion of said Tract "D" conveyed by Fee Simple Deed from Marco Island Development Corporation to Lee County Electric Cooperative, Inc., dated April 29, 1966 and recorded on June 29, 1966 in Official Records Book 217, Pages 747 and 748 of the Public Records of Collier County, Florida; on the South by the Northerly boundary line of that portion of said Tract "D" described as "Parcel B" on that certain Right-of-Way Easement from Marco Island Development Corporation to Lee County Electric Co-Operative, Inc., dated May 3, 1966 and recorded on June 29, 1966 in Official Records Book 217, Pages 749 through 751, inclusive of the Public Records of Collier County, Florida; on the North and East by the Northerly and Easterly plat limits of said Tract "D".

Parcel No. A9

A TRACT OF LAND LYING IN AND BEING PART OF TRACT "F" AS SHOWN ON THE PLAT OF MARCO BEACH UNIT FOUR, RECORDED IN PLAT BOOK 6, PAGES 32 THROUGH 37 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WINDWARD DRIVE, AS SHOWN ON SAID PLAT OF THE MARCO BEACH UNIT FOUR, AND THE NORTHEASTERLY BOUNDARY OF SAID TRACT "F" FOR THE POINT OF BEGINNING; RUN THEN S 45°00'00" E ALONG SAID NORTHEASTERLY BOUNDARY FOR 209.00 FEET; THENCE S 45°00'00" W FOR 159.77 FEET, TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ELKCAW CIRCLE; THENCE N 45°00'00" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF ELKCAW CIRCLE FOR 80.02 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTHEASTERLY HAVING A RADIUS OF 960.00 FEET; THEN NORTHWESTERLY CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°54'17" A DISTANCE OF 132.44 FEET TO THE END OF SAID CURVE AND BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE EASTERLY HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 93°22'20" A DISTANCE OF 40.74 FEET TO THE END OF SAID CURVE; THENCE N 56°16'37" E ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF AFORESAID WINDWARD DRIVE, A DISTANCE OF 123.38 FEET TO THE POINT OF BEGINNING.

Parcel No. A13

Part Tract Q MARCO SHORES UNIT ONE according to the plat thereof recorded in Plat Book 14 pages 33 thru 38 inclusive public records of Collier County Florida described as follows:

Beginning at the northeast corner of said Tract "Q";

Thence along the east line of said Tract "Q" South $11^{\circ}59'55''$ East 332.93 feet to a point on the north right of way line of Mainsail Drive according to the plat of said Marco Shores Unit One;

Thence along said right of way line South $77^{\circ}54'19''$ West 131.94 feet;

Thence leaving said right of way line North $12^{\circ}00'24''$ West 307.62 feet to a point on the boundary of said Tract "Q";

Thence along said boundary in the following two (2) described courses,

1. North $24^{\circ}45'16''$ East 7.32 feet;
2. North $69^{\circ}14'17''$ East 129.11 feet to the Point of Beginning of the parcel herein described;

Bearings are based on the east line of said Tract "Q" being South $11^{\circ}59'55''$ East.

EXHIBIT C

Easements recorded in:

Official Records Book 792, Page 809
Official Records Book 861, Page 1631, as affected by Official Records Book 1245, Page 2082
Official Records Book 1038, Page 676
Official Records Book 930, Page 552
Official Records Book 1215, Page 1687
Official Records Book 1215, Page 1691
Official Records Book 1215, Page 1696
Official Records Book 1348, Page 1553
Official Records Book 1483, Page 500, as corrected by Official Records Book 1760, Page 948 and affected by Official Records Book 2288, Page 2083, Official Records Book 2596, Page 1520 and Official Records Book 2596, Page 1522
Official Records Book 1483, Page 505
Official Records Book 1626, Page 991
Official Records Book 1626, Page 1457
Official Records Book 1653, Page 1626
Official Records Book 1656, Page 159, as re-recorded in Official Records Book 1677, Page 1727
Official Records Book 1712, Page 1783
Official Records Book 1722, Page 138
Official Records Book 1768, Page 1475
Official Records Book 2080, Page 393
Official Records Book 2977, Page 2053
Official Records Book 2220, Page 562
Official Records Book 2224, Page 1189
Official Records Book 2420, Page 1298
Official Records Book 2420, Page 1305
Official Records Book 1643, Page 604
Official Records Book 2277, Page 1596
Official Records Book 2368, Page 268
Official Records Book 2424, Page 2188
Official Records Book 2463, Page 1943
Official Records Book 2473, Page 3464
Official Records Book 2535, Page 3181
Official Records Book 2582, Page 3378
Official Records Book 2607, Page 649
Official Records Book 2607, Page 655
Official Records Book 2607, Page 660
Official Records Book 2607, Page 665
Official Records Book 2607, Page 670
Official Records Book 2607, Page 675
Official Records Book 2607, Page 680
Official Records Book 2607, Page 685
Official Records Book 2607, Page 690
Official Records Book 2607, Page 696
Official Records Book 2607, Page 2857
Official Records Book 2645, Page 1982
Official Records Book 2684, Page 2003

Official Records Book 2690, Page 892
Official Records Book 2716, Page 2507
Official Records Book 2751, Page 2517
Official Records Book 2812, Page 880
Official Records Book 2896, Page 1051
Official Records Book 2896, Page 1054
Official Records Book 2901, Page 12
Official Records Book 2958, Page 346
Official Records Book 3058, Page 63
Official Records Book 3171, Page 392
Official Records Book 2614, Page 1274
Official Records Book 3191, Page 2717
Official Records Book 3171, Page 392
Official Records Book 1535, Page 416
Official Records Book 1546, Page 1009
Official Records Book 1579, Page 2101, as affected by Official Records Book 1983, Page 1509
Official Records Book 1594, Page 133
Official Records Book 1615, Page 1625
Official Records Book 1617, Page 549
Official Records Book 2137, Page 1190
Official Records Book 2167, Page 2248
Official Records Book 2326, Page 1242
Official Records Book 2420, Page 1275
Official Records Book 2396, Page 214
Official Records Book 2624, Page 924
Official Records Book 2632, Page 2510
Official Records Book 2632, Page 2520
Official Records Book 2640, Page 1741
Official Records Book 2689, Page 1932
Official Records Book 2700, Page 1189
Official Records Book 2739, Page 2120
Official Records Book 2739, Page 2158
Official Records Book 2806, Page 2787
Official Records Book 2806, Page 2831
Official Records Book 2815, Page 2006
Official Records Book 2815, Page 2045
Official Records Book 2815, Page 2284
Official Records Book 2815, Page 2334, as amended by Official Records Book 2995, Page 2812
Official Records Book 2858, Page 3319
Official Records Book 2859, Page 1972
Official Records Book 2869, Page 1649
Official Records Book 2886, Page 510
Official Records Book 2999, Page 3367
Official Records Book 2999, Page 3375
Official Records Book 2999, Page 3384
Official Records Book 3022, Page 3568
Official Records Book 3026, Page 834
Official Records Book 3026, Page 845
Official Records Book 3059, Page 3000
Official Records Book 3110, Page 312
Official Records Book 3125, Page 1431

Official Records Book 3175, Page 2214
Official Records Book 3191, Page 2717
Official Records Book 2396, Page 249
Official Records Book 3216, Page 1940

EXHIBIT D

1. Access easement described in Order of Taking recorded July 22, 1994, in Official Records Book 1970, Page 1664, Public Records of Collier County, Florida. (as to Parcel A1 and A3)
2. Rights of Barron Collier Jr. and Isabel Collier Read, and all persons claiming by, through or under same, by virtue of the reservation, grant, or lease of the oil, gas and/or minerals lying within the lands described in Schedule A, as contained in Deed, recorded May 9, 1975, in Official Records Book 613, Page 730, of the Public Records of Collier County, Florida. (as to Parcel A2)
3. Roadway Easements as described in Deed recorded April 11, 1978, recorded in Official Records Book 744, Page 1987, Public Records of Collier County, Florida. (as to Parcel A2)
4. Ingress and egress, road and utility easements recorded in Official Records Book 1089, Page 1250, Public Records of Collier County, Florida. (as to Parcel A4)
5. Ingress and egress, road and utility easements recorded in Official Records Book 1089, Page 1257, Public Records of Collier County, Florida. (as to Parcel A4)
6. Easements and conditions as shown and recited in Plat Book 8, Pages 46 and 47, Public Records of Collier County, Florida. (as to Parcel A5)
7. Any and all residual royalty rights of Coastal Petroleum Company, or its assigns, resulting from any agreements with the Trustees of the Internal Improvement Trust Fund of Florida, which rights do not include the right to disturb the surface without the consent of the surface owner. (as to Parcel A5)
8. Conditions, restrictions and limitations, together with easements reserved for public utilities purposes as shown on Plat recorded in Plat Book 6, Pages 9 through 16, Public Records of Collier County, Florida. (as to Parcel A6)
9. Conditions, restrictions and limitations as shown in the Declaration of Restrictions as recorded in Official Records Book 181, Page 588, and any Amendments thereto, Public Records of Collier County, Florida. (as to Parcel A6)
10. 10' Easement at the rear of all lots and 6' Easement at the side of all lots except side lot lines lying adjacent to streets for utilities purposes in favor of Lee County Electric Cooperative, Inc., as recorded in Official Records Book 267, Page 540, Public Records of Collier County, Florida. (as to Parcel A6)
11. Grant of Non-Exclusive Drainage Easement as recorded in Official Records Book 1151, Page 154, Public Records of Collier County, Florida. (as to Parcels A6 through A11)
12. Deed of Non-Exclusive Easement as recorded in Official Records Book 1483, Page 500, Public Records of Collier County, Florida. (as to Parcel A6 through A11)
13. Corrective Deed of Non-Exclusive Easement as recorded in Official Records Book 1760, Page 948, Public Records of Collier County, Florida. (as to Parcel A6 through A11)

14. Electric Utility Guy-Wire Easement recorded in Official Records Book 3698, Page 2002, Public Records of Collier County, Florida. (as to Parcel A7)
15. Right of Way, Utility Easement granted to Lee County Electric Cooperative, Inc., recorded in Official Records Book 1595, Page 824, Public Records of Collier County, Florida. (as to Parcel A7)
16. Right of Way, Utility Easement granted to Lee County Electric Cooperative, Inc., recorded in Official Records Book 2213, Page 1546, Public Records of Collier County, Florida. (as to Parcel A7)
17. Access Easement Agreement by and Between Florida Water Services Corp. and Peoples Gas Company, recorded in Official Records Book 2443, Page 754, as amended by Cooperative Access Easement Agreement recorded in Official Records Book 2693, Page 3438, Public Records of Collier County, Florida. (as to Parcel A7)
18. Non-Exclusive Drainage Easement to Collier County recorded in Official Records Book 1151, Page 154, Public Records of Collier County, Florida. (as to Parcel A7)
19. Right of Way Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 217, Page 749, Public Records of Collier County, Florida. (as to Parcel A8)
20. Grant of Non-Exclusive Easement in favor of Collier County recorded in Official Records Book 1151, Page 154, Public Records of Collier County, Florida. (as to Parcel A8)
21. Guy-Wire Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 369, Page 2002, Public Records of Collier County, Florida. (as to Parcel A9)
22. Right of Way/Utility Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 1595, Page 824, Public Records of Collier County, Florida. (as to Parcel A9)
23. Grant of Non-Exclusive Easement in favor of Collier County, recorded in Official Records Book 1151, Page 154, Public Records of Collier County, Florida. (as to Parcel A9)
24. Easements as shown and recited on Plat Book 12, Pages 19 through 21, inclusive, Public Records of Collier County, Florida. (as to Parcel A10)
25. 10' easement at the rear of all lots and 6' easement on the side of all lots except side lot lines lying adjacent to streets, etc., in favor of Lee County Electric Cooperative, Inc., as shown in Official Records Book 267, Page 540, Public Records of Collier County, Florida. (as to Parcel A10)
26. Grant of Non-Exclusive Easement in favor of Collier County as recorded in Official Records Book 1151, Page 154, Public Records of Collier County, Florida. (as to Parcel A10)
27. Grant of Non-Exclusive Easement as recorded in Official Records Book 1483, Page 500; and Corrective Deed of Non-Exclusive Easement as recorded in Official Records Book 1760, Page 948, Public Records of Collier County, Florida. (as to Parcel A10)
28. Right of Way/Utility Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 417, Page 709, Public Records of Collier County, Florida. (as to Parcel A10)

29. Easements and conditions as shown and recited in Plat Book 12, Pages 2 through 5, prc (as to Parcel A11)
30. Right of Way/Utility Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 969, Page 2006, Public Records of Collier County, Florida. (as to Parcel A11)
31. Right of Way/Utility Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 1595, Page 824, Public Records of Collier County, Florida. (as to Parcel A11)
32. Right of Way/Utility Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 1799, Page 405, Public Records of Collier County, Florida. (as to Parcel A11)
33. Right of Way/Utility Easement to Lee County Electric Cooperative, Inc., recorded in Official Records Book 2973, Page 480, Public Records of Collier County, Florida. (as to Parcel A11)
34. Easements as shown on and dedicated by the Plat of Marco Shores Unit One as recorded in Plat Book 14, Page 33 through 38, inclusive, Public Records of Collier County, Florida. (as to Parcel A12, A13, and A14)
35. Restrictions, covenants and conditions as set forth in Declaration of Restrictions creating the Marco Shores Drainage Associations, Inc., recorded October 27, 1980, in Official Records Book 888, Pages 1805 through 1857. (as to Parcel A12, A13, and A14)