

ATTACHMENT "A"

Property I.D. No.: 20763240006
Prepared without opinion of title
by and after recording return to:
William J. Dempsey
Cheffy, Passidomo, Wilson & Johnson, LLP
821 Fifth Avenue South
Naples, Florida 34102
(239) 261-9300

(Space above this line for recording data)

PUBLIC PEDESTRIAN ACCESS EASEMENT

THIS PUBLIC PEDESTRIAN ACCESS EASEMENT, made this ____ day of _____, 2008, by **Basil Street Partners LLC, a Delaware limited liability company**, its successors and/or assigns ("Grantor") having its principal place of business at 3530 Kraft Rd., Suite 300, Naples, FL 34105 to the **City of Naples, a municipal corporation of the State of Florida**, its successors and/or assigns ("Grantee"), whose address is 735 8th Street South, Naples, Florida 34102, for the use, enjoyment and benefit of the public. The Public Pedestrian Access Easement is being granted pursuant to **Resolution No. 03-10270** adopted by the Grantee's City Council on December 3rd, 2003.

W I T N E S S E T H:

Grantor, as the owner of the real property more particularly described on attached Exhibit "A," which is incorporated herein by reference (the "Property"), for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and dedicate for the use of the public, between the hours of 8:00 a.m. and 10:00 p.m. on a daily basis, a perpetual non-exclusive access easement for travel over and across those portions of the Property more particularly described on Exhibit "B" attached hereof and incorporated herein ("Easement Area"), including, without limitation, the concrete paths and scenic overlooks constructed over the Easement Area (said easement hereinafter referred to as the "Public Pedestrian Access Easement"), for the use, enjoyment, and benefit of the public, subject to the following conditions and limitations:

1. The Grantor, its successors and/or assigns retain the right to:
 - (i) use the Public Pedestrian Access Easement for any purpose which does not unreasonably interfere with the intended purpose of the Public Pedestrian Easement, including, without limitation, signage, utilities, lighting, sculpture, art, water features, benches, drainage, water management, lot coverage calculations, setback areas, density calculations, open space, and landscaping for the benefit of the Property; and
 - (ii) suspend the right to use the Public Pedestrian Access Easement as reasonably necessary during any period of construction or maintenance in, or in reasonable proximity to, the Public Pedestrian Access Easement.
2. Grantor, its successor or assigns, shall design, permit, construct and maintain the Public Pedestrian Access Easement at its expense. The Public Pedestrian Access Easement and

Easement Area shall be maintained to a standard which equals or exceeds the prevailing level of maintenance of the City of Naples parks and parkways.

3. Grantor reserves the right to use the open space and vertical plane located more than seven (7) feet above that portion of the Public Pedestrian Access Easement (measured from the upper finished surface of the sidewalk or walkway) located within Building A-1 as depicted and shown on Page 12 of Exhibit "B," as well as any other segments of the Easement that are currently located beneath overhead improvements, for any purpose desired by Grantor; provided, however, that Grantor's use of such open space shall not unreasonably interfere with public use of the Public Pedestrian Access Easement.
4. Grantor hereby warrants that: (i) it is the present fee simple title owner of the Easement Area; (ii) that the Easement Area is presently free and clear of liens and encumbrances excepting easements, restrictions and reservations of record and those liens and encumbrances to which a consent and subordination is attached hereto; and (iii) Grantor has good right and lawful authority to convey the easements established hereby.
5. This Public Pedestrian Access Easement may not be changed, modified or terminated, except in writing by an instrument executed by the parties hereto.
6. If any term or provision of this Public Pedestrian Access Easement or the application thereof to any party, person or circumstance shall, to any extent, be declared invalid or unenforceable by a court of law, the remainder of this Public Pedestrian Access Easement, or the application of such term or provision to parties, persons or circumstances other than those to as to which it is held invalid or unenforceable, such term or provision shall be modified to the minimum extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other terms and provisions of this Public Pedestrian Access Easement and all other applications of any such term or provision shall not be affected thereby, and each term and provision of this Public Pedestrian Access Easement shall be valid and enforced to the fullest extent permitted by law.
7. This Public Pedestrian Access Easement shall be construed and enforced in accordance with the laws of the State of Florida, exclusive of choice of law rules. Venue for any legal action arising out of this Public Pedestrian Access Easement shall lie exclusively in the state courts of Collier County, Florida.
8. This Public Pedestrian Access Easement shall be recorded in the Public Records of Collier County, Florida.

The foregoing covenants, terms and conditions shall attach to and run with the Public Pedestrian Access Easement and the Easement Area.

[remainder of page intentionally left blank – signature pages and exhibits follow]

IN WITNESS WHEREOF, Grantor has set its hand and seal on the day and year first above written.

"GRANTOR":

Signed in the presence of:

**Basil Street Partners LLC,
a Delaware limited liability company**

By: NAPLES BAY RESORT HOLDINGS, LLC,
a Delaware limited liability company,
as Managing Member

By: NBR MANAGER, LLC,
a Delaware limited liability company,
as Manager

Witness: _____

Witness : _____

By: _____
Jack J. Antaramian, as President

STATE OF FLORIDA)
)ss:
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me this __ day of _____, 2008, by Jack J. Antaramian, as President of NBR Manager, LLC, a Delaware limited liability company, as Manager of Naples Bay Resort Holdings, LLC, a Delaware limited liability company as Managing Member of Basil Street Partners LLC, a Delaware limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

NOTARY PUBLIC
Name:
(Type or Print)
My Commission Expires:

CONSENT, JOINDER, AND SUBORDINATION OF MORTGAGEE

Regions Bank, f/k/a AmSouth Bank, the owner and holder of a Mortgage and Security Agreement given by Basil Street Partners, LLC, a Delaware limited liability company, recorded in O.R. Book 3404, Page 2329; as modified by a Notice of Future Advance recorded in O.R. Book 3519, Page 734; as further modified by a Notice of Future Advance recorded in O.R. Book 3595, Page 2678; as modified by a Mortgage Modification Agreement and Notice of Future Advance recorded in O.R. Book 3866, Page 1718; as further modified by a Notice of Future Advance recorded in O.R. Book 3901, Page 2633; and as modified by a Notice of Future Advance recorded in O.R. Book 4253, Page 119; all of the Public Records of Collier County, Florida, all of the Public Records of Collier County, Florida, TOGETHER WITH any other lien or encumbrance held by Regions Bank encumbering the land described in the Public Pedestrian Access Easement to which this Joinder is attached (collectively the "Mortgage"), hereby consents to and joins in said Easement, and agrees that the lien of the Mortgage is subordinated to the rights of the public described in said Easement.

Nothing contained herein shall be deemed to in any way limit or affect the validity of the Mortgage held by Regions Bank, the priority of the lien created thereby in the balance of the property described in said Mortgage, and the sole purpose of this Joinder is to acknowledge the consent of said Public Pedestrian Access Easement as hereinabove provided and to subordinate the Mortgage to the public rights created thereby.

EXECUTED this ____ day of _____, 2008.

WITNESSES:

MORTGAGEE:

Regions Bank

Print Name: _____

By: _____

Print Name: _____

Title: _____

Print Name: _____

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF _____

The foregoing Joinder of Mortgagee was acknowledged before me this __ day of _____, 2008, by _____, as _____ of Regions Bank, who is personally known to me or has presented _____ as identification.

Notary Public

Printed Name

My Commission Expires: _____

My Commission No. is: _____

[affix seal]

EXHIBIT "A"
PROPERTY LEGAL DESCRIPTION

A parcel or tract of land lying in the Southeast Quarter (SE ¼) of Section 3, Township 50 South, Range 25 East, Collier County, Florida, more particularly described as follows:

From the Southeast corner of said Section 3 run South $89^{\circ} 39' 10''$ West 234.68 feet along the South line of said Section 3 to the Southwestern right-of-way line of the Tamiami Trail for a point of beginning. Thence from the point of beginning run North $58^{\circ} 43' 50''$ West 1,150 feet, more or less, along said Southwestern right-of-way line to the waters of the Gordon River; thence Southwesterly along said waters to the said South line of Section 3; thence North $89^{\circ} 39' 10''$ East 1,340 feet, more or less, to the point of beginning.

EXHIBIT "B"
PUBLIC PEDESTRIAN ACCESS EASEMENT AREA LEGAL DESCRIPTION AND
GRAPHIC DEPICTION

BBLs
SURVEYORS AND MAPPERS
 1502-A RAILHEAD BLVD.
 NAPLES, FLORIDA 34110
 TELEPHONE: (239)-597-1315
 FAX: (239)-597-5207

LEGAL DESCRIPTION
PUBLIC ACCESS EASEMENT
NAPLES BAY RESORT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE RUN S.89°39'10"W. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 294.81 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE S.89°39'10"W. ALONG SAID SOUTH LINE, A DISTANCE OF 7.92 FEET; THENCE RUN N.51°13'17"W., A DISTANCE OF 31.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 20.14 FEET, A CENTRAL ANGLE OF 43°31'15", A CHORD BEARING OF N.71°38'35"W., AND A CHORD LENGTH OF 14.93 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 15.30 FEET TO THE END OF SAID CURVE; THENCE RUN N.89°02'32"W., A DISTANCE OF 87.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 173.64 FEET, A CENTRAL ANGLE OF 47°48'11", A CHORD BEARING OF N.80°24'37"W., AND A CHORD LENGTH OF 140.71 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 144.87 FEET TO THE END OF SAID CURVE; THENCE RUN N.58°42'39"W., A DISTANCE OF 122.56 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 97.06 FEET, A CENTRAL ANGLE OF 65°45'21", A CHORD BEARING OF S.88°56'45"W., AND A CHORD LENGTH OF 105.38 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 111.39 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 20.48 FEET, A CENTRAL ANGLE OF 33°59'45", A CHORD BEARING OF S.75°12'06"W., AND A CHORD LENGTH OF 11.97 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 12.15 FEET TO THE END OF SAID CURVE; THENCE RUN S.90°00'00"W., A DISTANCE OF 45.31 FEET; THENCE RUN N.51°19'24"W., A DISTANCE OF 30.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 60.03 FEET, A CENTRAL ANGLE OF 57°26'13", A CHORD BEARING OF N.14°30'46"W., AND A CHORD LENGTH OF 57.69 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 60.17 FEET TO THE END OF SAID CURVE; THENCE RUN N.58°40'33"W., A DISTANCE OF 207.60 FEET; THENCE RUN N.31°21'08"E., A DISTANCE OF 7.74 FEET;

THENCE RUN N.58°40'06"W., A DISTANCE OF 21.98 FEET; THENCE RUN S.31°21'08"W., A DISTANCE OF 7.67 FEET; THENCE RUN N.58°40'35"W., A DISTANCE OF 207.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 9.93 FEET, A CENTRAL ANGLE OF 97°58'25", A CHORD BEARING OF S.77°06'21"W., AND A CHORD LENGTH OF 14.99 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 16.98 FEET TO THE END OF SAID CURVE; THENCE RUN S.38°13'01"W., A DISTANCE OF 100.25 FEET; THENCE RUN N.49°30'15"W., A DISTANCE OF 5.00 FEET; THENCE RUN N.38°13'01"E., A DISTANCE OF 99.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 14.93 FEET, A CENTRAL ANGLE OF 95°13'41", A CHORD BEARING OF N.77°35'56"E., AND A CHORD LENGTH OF 22.06 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 24.81 FEET TO THE END OF SAID CURVE; THENCE RUN S.58°40'35"E., A DISTANCE OF 202.66 FEET; THENCE RUN N.31°21'08"E., A DISTANCE OF 7.67 FEET; THENCE RUN S.58°40'06"E., A DISTANCE OF 31.98 FEET; THENCE RUN S.31°21'08"W., A DISTANCE OF 7.74 FEET; THENCE RUN S.58°40'33"E., A DISTANCE OF 206.41 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 55.03 FEET, A CENTRAL ANGLE OF 60°53'05", A CHORD BEARING OF S.12°25'44"E., AND A CHORD LENGTH OF 55.76 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 58.48 FEET TO THE END OF SAID CURVE; THENCE RUN S.51°19'24"E., A DISTANCE OF 28.56 FEET; THENCE RUN N.90°00'00"E., A DISTANCE OF 43.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 15.48 FEET, A CENTRAL ANGLE OF 38°10'13", A CHORD BEARING OF N.73°26'41"E., AND A CHORD LENGTH OF 10.12 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 10.31 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 102.06 FEET, A CENTRAL ANGLE OF 65°03'18", A CHORD BEARING OF N.89°16'58"E., AND A CHORD LENGTH OF 109.76 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 115.88 FEET TO THE END OF SAID CURVE; THENCE RUN S.58°42'39"E., A DISTANCE OF 122.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 168.64 FEET, A CENTRAL ANGLE OF 48°03'42", A CHORD BEARING OF S.80°30'25"E., AND A CHORD LENGTH OF 137.35 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 141.46 FEET TO THE END OF SAID CURVE; THENCE RUN S.89°02'32"E., A DISTANCE OF 88.10 FEET; THENCE RUN S.84°39'48"E., A DISTANCE OF 35.89 FEET; THENCE RUN S.85°28'42"E., A DISTANCE OF 16.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 12.50 FEET, A CENTRAL ANGLE OF 45°20'36", A CHORD BEARING OF N.71°51'00"E., AND A CHORD LENGTH OF 9.64 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 9.89 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF US HIGHWAY 41; THENCE RUN S.58°43'50"E. ALONG SAID SOUTHERLY RIGHT OR WAY LINE,

A DISTANCE OF 5.18 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 17.50 FEET, A CENTRAL ANGLE OF 50°33'51", A CHORD BEARING OF S.69°14'23"W., AND A CHORD LENGTH OF 14.95 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 15.44 FEET TO THE END OF SAID CURVE; THENCE RUN N.85°28'42"W., A DISTANCE OF 16.87 FEET; THENCE RUN N.84°39'48"W., A DISTANCE OF 16.99 FEET; THENCE RUN S.51°13'17"E., A DISTANCE OF 36.08 FEET TO THE POINT OF BEGINNING.

AND

ALL THE AIRSPACE LOCATED WITHIN THE VERTICAL LIMITS OF ELEVATION 7.00' (N.G.V.D. 1929) AND ELEVATION 17.00' (N.G.V.D. 1929) THE SAME BEING LOCATED WITHIN THE FOLLOWING DESCRIBED HORIZONTAL LIMITS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE RUN S.89°39'10"W. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,324.97 FEET; THENCE RUN N.00°20'50"W., A DISTANCE OF 337.76 FEET TO THE POINT OF BEGINNING OF THE "AIRSPACE" PARCEL HEREIN DESCRIBED; THENCE RUN N.49°30'15"W., A DISTANCE OF 74.98 FEET; THENCE RUN N.40°29'45"E., A DISTANCE OF 5.00 FEET; THENCE RUN S.49°30'15"E., A DISTANCE OF 74.78 FEET; THENCE RUN S.38°13'01"W., A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE RUN S.89°39'10"W. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,381.69 FEET; THENCE RUN N.00°20'50"W., A DISTANCE OF 386.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THE SAME BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 18.50 FEET, A CENTRAL ANGLE OF 48°24'54", A CHORD BEARING OF N.25°17'48"W., AND A CHORD LENGTH OF 15.17 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 15.63 FEET TO THE END OF SAID CURVE; THENCE RUN S.42°15'23"W., A DISTANCE OF 68.29 FEET; THENCE RUN N.47°38'22"W., A DISTANCE OF 5.00 FEET; THENCE RUN N.42°13'26"E., A DISTANCE OF 80.86 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING: A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 10°50'57", A CHORD BEARING OF N.47°19'07"E., AND A CHORD LENGTH OF 81.30 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 81.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.54°49'13"E., A DISTANCE OF 40.13 FEET; THENCE RUN N.53°14'12"E., A DISTANCE OF 20.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO

THE RIGHT, HAVING: A RADIUS OF 86.00 FEET, A CENTRAL ANGLE OF 13°39'09", A CHORD BEARING OF N.59°46'54"E., AND A CHORD LENGTH OF 20.44 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 20.49 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 33.00 FEET, A CENTRAL ANGLE OF 14°49'33", A CHORD BEARING OF N.37°02'57"E., AND A CHORD LENGTH OF 8.52 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 8.54 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 51.41 FEET, A CENTRAL ANGLE OF 03°46'18", A CHORD BEARING OF N.39°56'23"E., AND A CHORD LENGTH OF 3.38 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 3.38 FEET TO THE END OF SAID CURVE; THENCE RUN N.36°04'23"E., A DISTANCE OF 5.06 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.27 FEET, A CENTRAL ANGLE OF 38°19'51", A CHORD BEARING OF N.57°20'21"E., AND A CHORD LENGTH OF 10.03 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 10.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.80°48'14"E., A DISTANCE OF 6.04 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 32.45 FEET, A CENTRAL ANGLE OF 77°48'46", A CHORD BEARING OF N.42°29'23"E., AND A CHORD LENGTH OF 40.76 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 44.07 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 26.50 FEET, A CENTRAL ANGLE OF 65°27'37", A CHORD BEARING OF N.36°22'13"E., AND A CHORD LENGTH OF 28.66 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 30.28 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF US HIGHWAY 41; THENCE RUN S.58°43'50"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 6.86 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 21.50 FEET, A CENTRAL ANGLE OF 76°48'32", A CHORD BEARING OF S.41°58'33"W., AND A CHORD LENGTH OF 26.71 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 28.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 37.45 FEET, A CENTRAL ANGLE OF 77°45'16", A CHORD BEARING OF S.42°30'26"W., AND A CHORD LENGTH OF 47.01 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 50.82 FEET TO THE END OF SAID CURVE; THENCE RUN S.81°19'19"W., A DISTANCE OF 4.58 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 10.29 FEET, A CENTRAL ANGLE OF 45°29'32", A CHORD BEARING OF S.59°30'07"W., AND A CHORD LENGTH OF 7.96 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 8.17 FEET TO THE END OF SAID CURVE; THENCE RUN S.36°08'26"W., A DISTANCE OF 5.13 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 56.41 FEET, A CENTRAL ANGLE OF 05°21'54", A CHORD BEARING OF S.41°04'48"W., AND A CHORD LENGTH OF 5.28 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 5.28 FEET TO THE POINT OF REVERSE CURVATURE OF A

CURVE TO THE LEFT, HAVING: A RADIUS OF 28.00 FEET, A CENTRAL ANGLE OF 14°44'55", A CHORD BEARING OF S.33°39'22"W., AND A CHORD LENGTH OF 7.19 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 7.21 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 81.00 FEET, A CENTRAL ANGLE OF 14°52'57", A CHORD BEARING OF S.60°23'18"W., AND A CHORD LENGTH OF 20.98 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 21.04 FEET TO THE END OF SAID CURVE; THENCE RUN S.53°14'12"W., A DISTANCE OF 20.63 FEET; THENCE RUN S.54°49'13"W., A DISTANCE OF 40.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 10°50'13", A CHORD BEARING OF S.47°18'46"W., AND A CHORD LENGTH OF 80.26 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 80.38 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE TO THE LEFT HAVING: A RADIUS OF 13.50 FEET, A CENTRAL ANGLE OF 91°23'53", A CHORD BEARING OF S.03°48'18"E., AND A CHORD LENGTH OF 19.32 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 21.54 FEET TO THE END OF SAID CURVE; THENCE RUN S.40°29'45"W., A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE RUN S.89°39'10"W. ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,244.53 FEET; THENCE RUN N.00°20'50"W., A DISTANCE OF 422.05 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THE SAME BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 14.93 FEET, A CENTRAL ANGLE OF 19°35'56", A CHORD BEARING OF N.78°51'29"W., AND A CHORD LENGTH OF 5.08 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 5.11 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°44'43"E., A DISTANCE OF 22.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 11.83 FEET, A CENTRAL ANGLE OF 135°21'49", A CHORD BEARING OF N.00°15'34"W., AND A CHORD LENGTH OF 21.89 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 27.96 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°22'52"W., A DISTANCE OF 8.37 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 41.61 FEET, A CENTRAL ANGLE OF 34°26'18", A CHORD BEARING OF S.54°36'53"W., AND A CHORD LENGTH OF 24.64 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 25.01 FEET TO THE END OF SAID CURVE; THENCE RUN N.46°31'31"W., A DISTANCE OF 30.64 FEET; THENCE RUN N.54°49'13"E., A DISTANCE OF 5.10 FEET; THENCE RUN S.46°31'31"E., A DISTANCE OF 24.41 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 46.61 FEET, A CENTRAL ANGLE OF 34°37'57", A CHORD BEARING OF N.61°31'12"E., AND A CHORD LENGTH OF 27.75 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 28.18 FEET TO

THE END OF SAID CURVE; THENCE RUN S.10°22'52"E., A DISTANCE OF 18.96 FEET; TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 6.83 FEET, A CENTRAL ANGLE OF 196°12'16", A CHORD BEARING OF S.02°58'37"W., AND A CHORD LENGTH OF 13.53 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 23.40 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°44'43"W., A DISTANCE OF 27.91 FEET TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. 41 AS BEING N.58°43'50"W.,

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.



01/14/08

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)

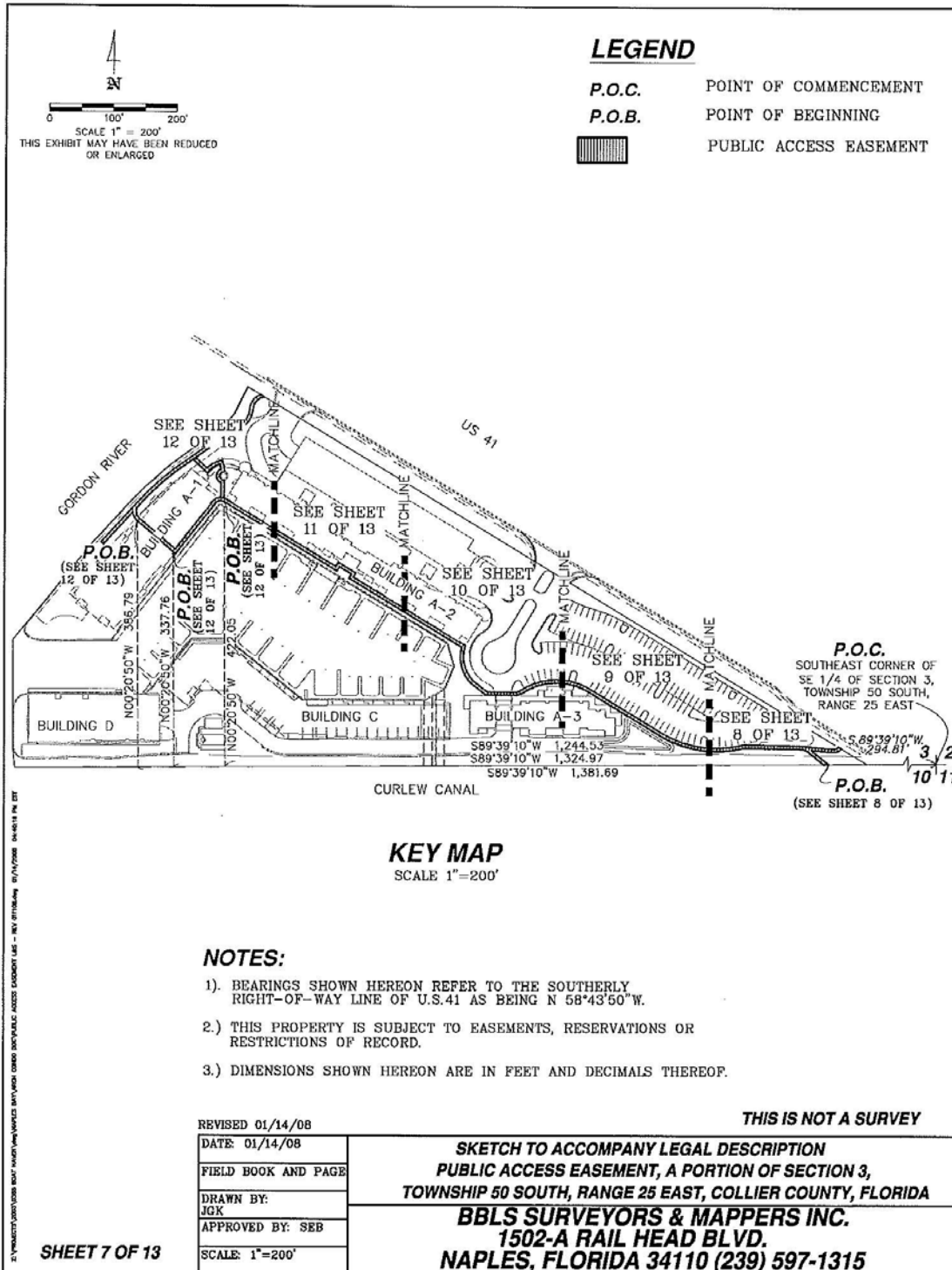
BBLS SURVEYORS AND MAPPERS INC., (L.B. #6753)

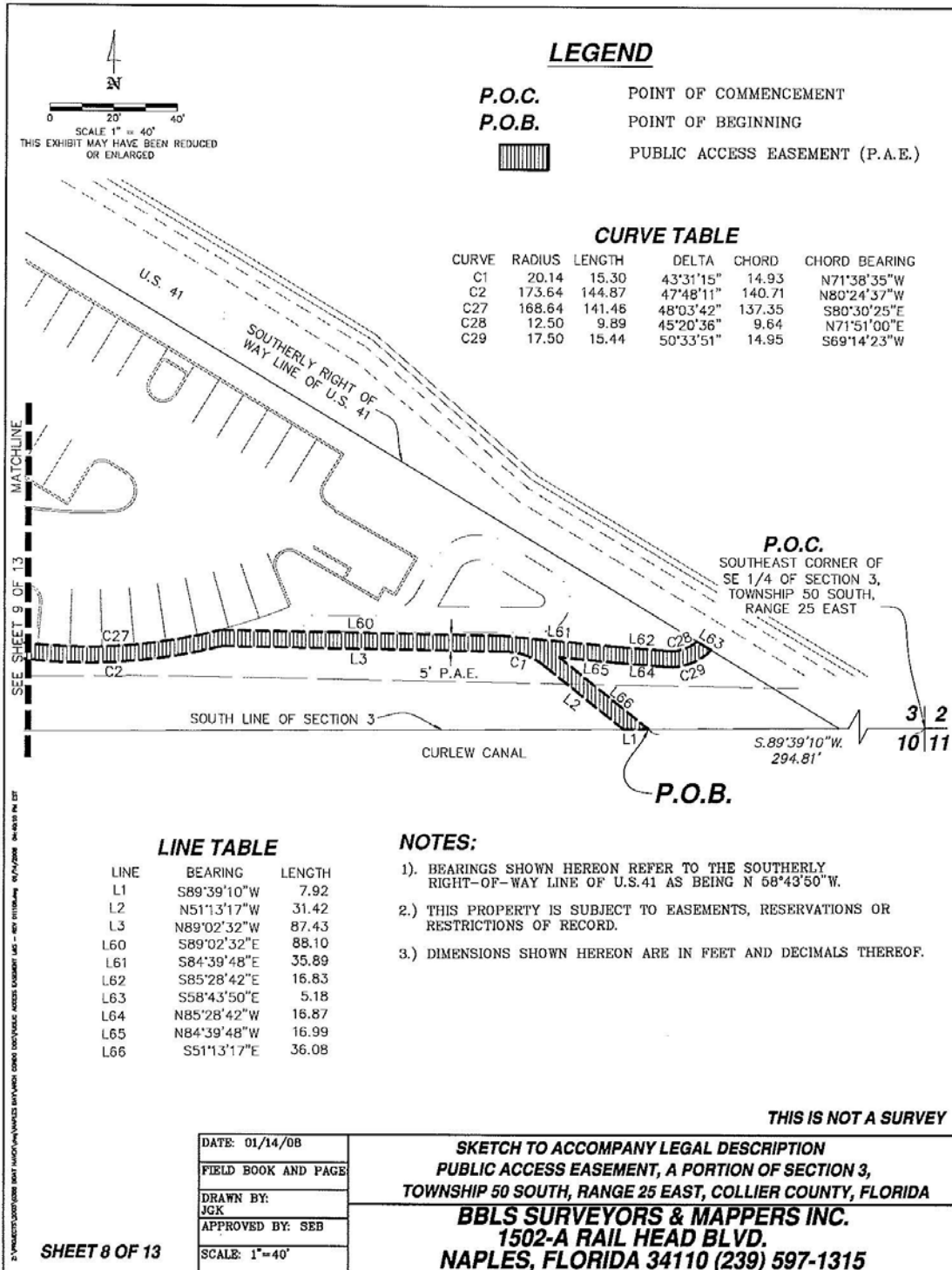
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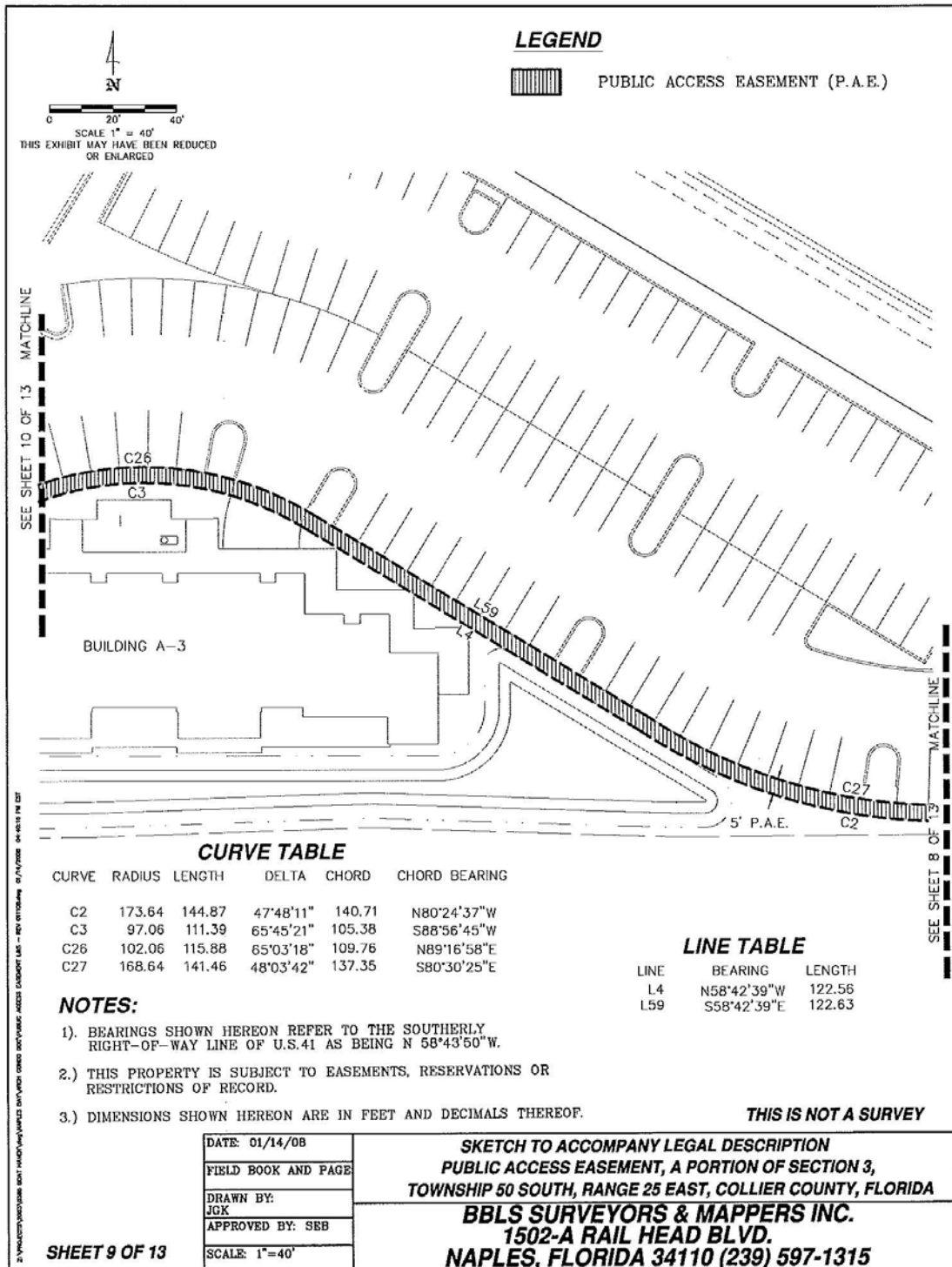
PROOFED BY SEB 01/14/08


REVISED 01/14/08

(SEE ATTACHED SKETCHES -SHEETS 7 OF 13 THROUGH 13 OF 13)








 SCALE 1" = 40'
 THIS EXHIBIT MAY HAVE BEEN REDUCED OR ENLARGED

LEGEND
 PUBLIC ACCESS EASEMENT (P.A.E.)

SEE SHEET 10 OF 13 MATCHLINE

SEE SHEET 8 OF 13 MATCHLINE

BUILDING A-3

5' P.A.E.

CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | CHORD | CHORD BEARING |
|-------|--------|--------|-----------|--------|---------------|
| C2 | 173.64 | 144.87 | 47°48'11" | 140.71 | N80°24'37"W |
| C3 | 97.06 | 111.39 | 65°45'21" | 105.38 | S88°56'45"W |
| C26 | 102.06 | 115.88 | 65°03'18" | 109.76 | N89°16'58"E |
| C27 | 168.64 | 141.46 | 48°03'42" | 137.35 | S80°30'25"E |

LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L4 | N58°42'39"W | 122.56 |
| L59 | S58°42'39"E | 122.63 |

NOTES:

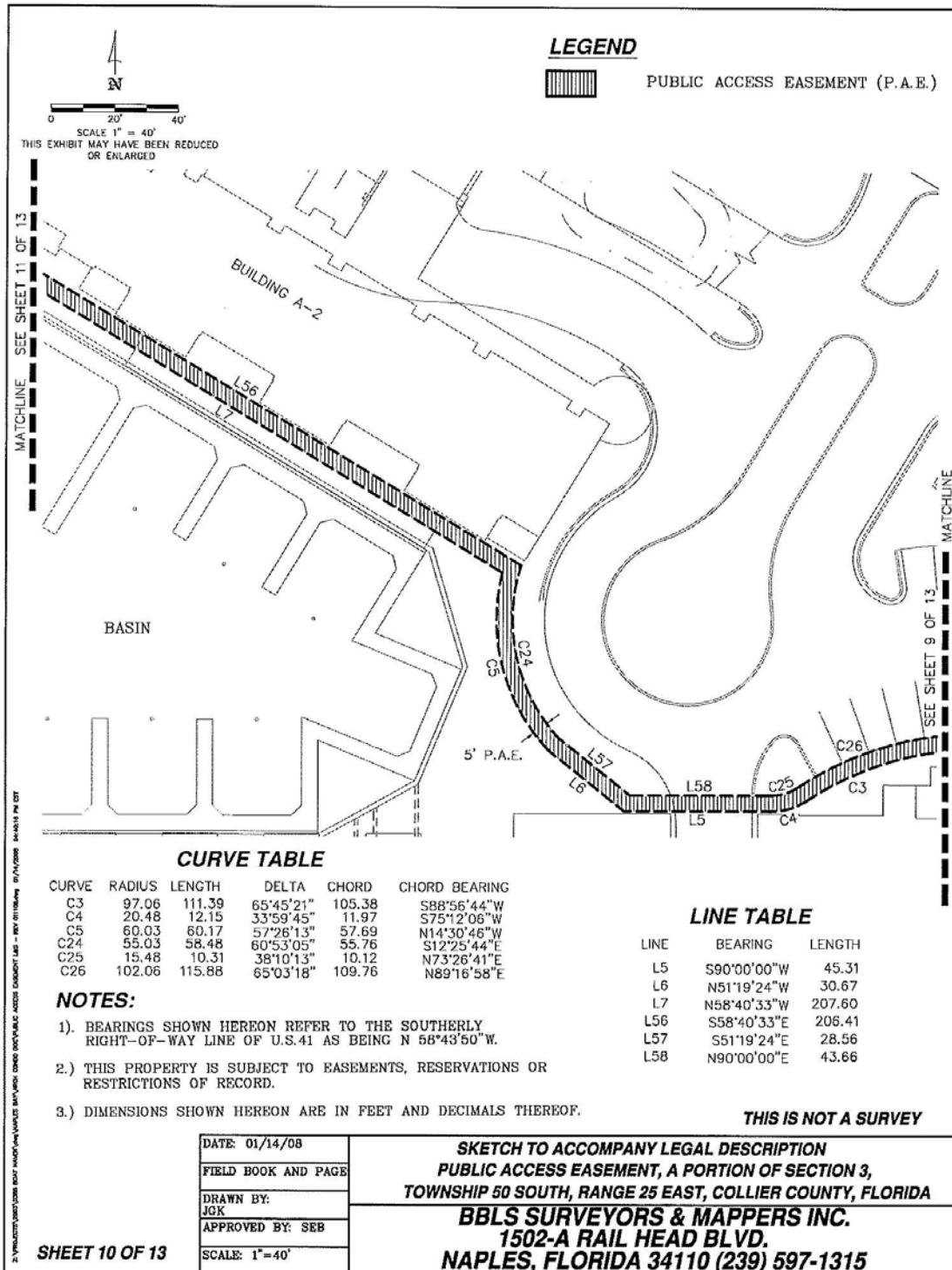
- 1). BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S.41 AS BEING N 58°43'50"W.
- 2). THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3). DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THIS IS NOT A SURVEY


SHEET 9 OF 13

| |
|---------------------|
| DATE: 01/14/08 |
| FIELD BOOK AND PAGE |
| DRAWN BY: JGK |
| APPROVED BY: SEB |
| SCALE: 1"=40' |

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PUBLIC ACCESS EASEMENT, A PORTION OF SECTION 3,
TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA
BBL SURVEYORS & MAPPERS INC.
1502-A RAIL HEAD BLVD.
NAPLES, FLORIDA 34110 (239) 597-1315



LEGEND

 PUBLIC ACCESS EASEMENT (P.A.E.)

SCALE 1" = 40'
THIS EXHIBIT MAY HAVE BEEN REDUCED OR ENLARGED

CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | CHORD | CHORD BEARING |
|-------|--------|--------|-----------|--------|---------------|
| C3 | 97.06 | 111.39 | 65°45'21" | 105.38 | S88°56'44"W |
| C4 | 20.48 | 12.15 | 33°59'45" | 11.97 | S75°12'06"W |
| C5 | 60.03 | 60.17 | 57°26'13" | 57.69 | N14°30'46"W |
| C24 | 55.03 | 58.48 | 60°53'05" | 55.76 | S12°25'44"E |
| C25 | 15.48 | 10.31 | 38°10'13" | 10.12 | N73°26'41"E |
| C26 | 102.06 | 115.88 | 65°03'18" | 109.76 | N89°16'58"E |

LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L5 | S90°00'00"W | 45.31 |
| L6 | N51°19'24"W | 30.67 |
| L7 | N58°40'33"W | 207.60 |
| L56 | S58°40'33"E | 206.41 |
| L57 | S51°19'24"E | 28.56 |
| L58 | N90°00'00"E | 43.66 |

NOTES:

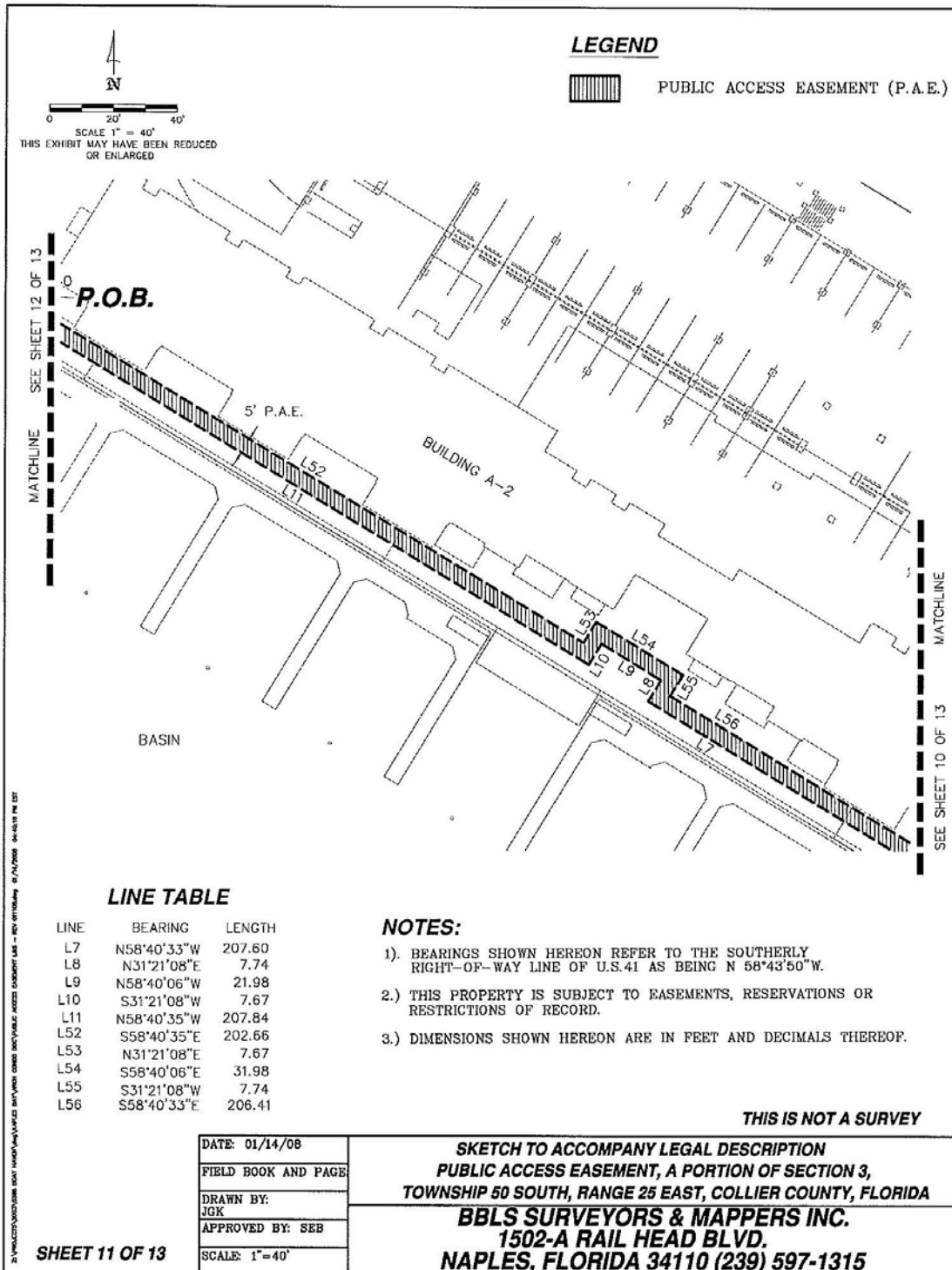
- 1.) BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S.41 AS BEING N 58°43'50"W.
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THIS IS NOT A SURVEY

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| DATE: 01/14/08 |
| FIELD BOOK AND PAGE |
| DRAWN BY: JJK |
| APPROVED BY: SEB |
| SCALE: 1"=40' |

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PUBLIC ACCESS EASEMENT, A PORTION OF SECTION 3,
TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA
BBL SURVEYORS & MAPPERS INC.
1502-A RAIL HEAD BLVD.
NAPLES, FLORIDA 34110 (239) 597-1315**

SHEET 10 OF 13



LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L7 | N58°40'33"W | 207.60 |
| L8 | N31°21'08"E | 7.74 |
| L9 | N58°40'06"W | 21.98 |
| L10 | S31°21'08"W | 7.67 |
| L11 | N58°40'35"W | 207.84 |
| L52 | S58°40'35"E | 202.66 |
| L53 | N31°21'08"E | 7.67 |
| L54 | S58°40'06"E | 31.98 |
| L55 | S31°21'08"W | 7.74 |
| L56 | S58°40'33"E | 206.41 |

NOTES:

- 1). BEARINGS SHOWN HEREON REFER TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S.41 AS BEING N 58°43'50"W.
- 2). THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3). DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

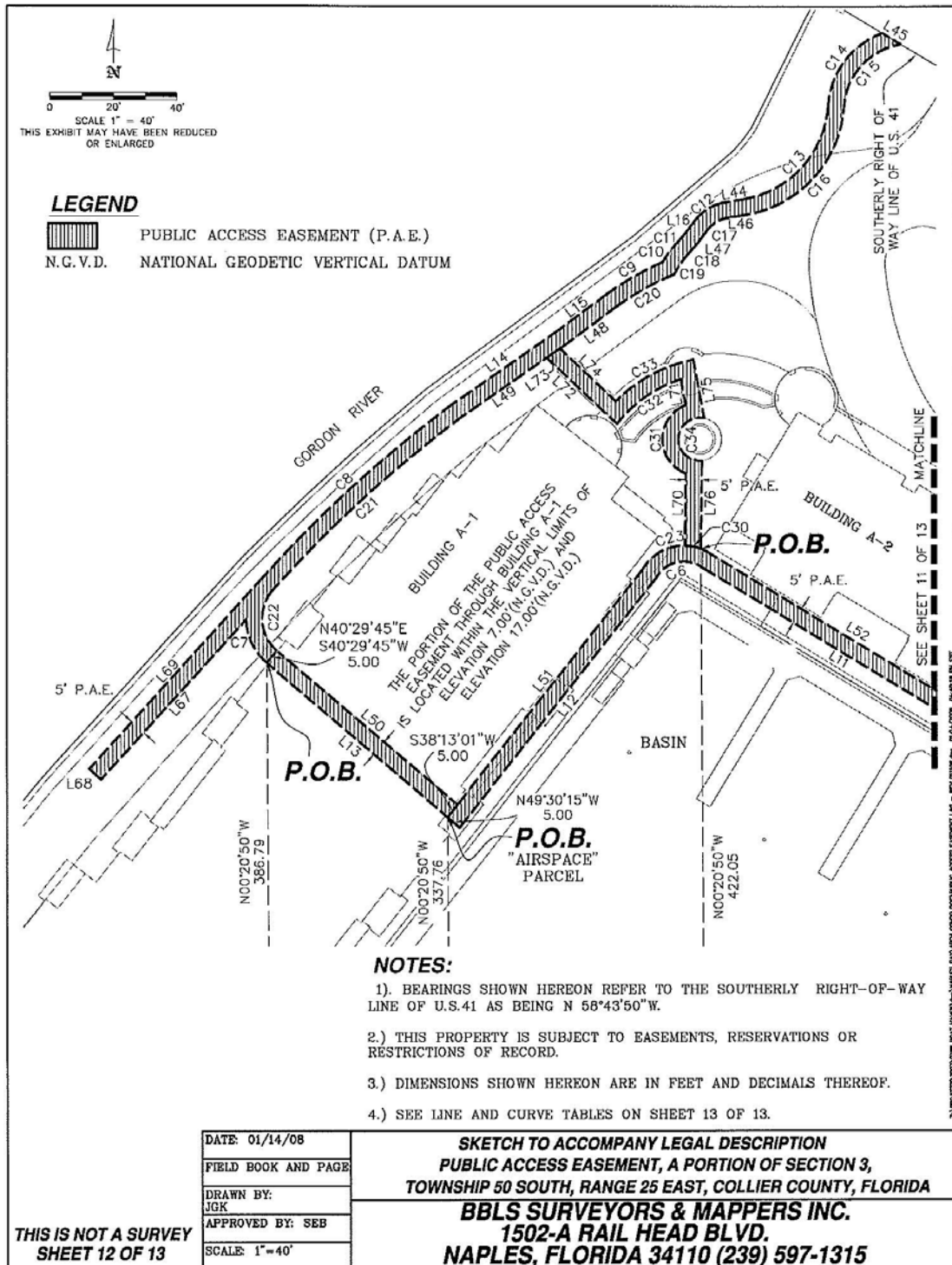
THIS IS NOT A SURVEY

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|----------------------|
| DATE: 01/14/08 |
| FIELD BOOK AND PAGE: |
| DRAWN BY: JGK |
| APPROVED BY: SEB |
| SCALE: 1"=40' |

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PUBLIC ACCESS EASEMENT, A PORTION OF SECTION 3,
TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA
BBL SURVEYORS & MAPPERS INC.
1502-A RAIL HEAD BLVD.
NAPLES, FLORIDA 34110 (239) 597-1315**

SHEET 11 OF 13

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LINE TABLE

| LINE | BEARING | LENGTH |
|------|-------------|--------|
| L11 | N58°40'35"W | 207.84 |
| L12 | S38°13'01"W | 100.25 |
| L13 | N49°30'15"W | 74.98 |
| L14 | N54°49'13"E | 40.13 |
| L15 | N53°14'12"E | 20.55 |
| L16 | N36°04'23"E | 5.06 |
| L44 | N80°48'14"E | 6.04 |
| L45 | S58°43'50"E | 6.86 |
| L46 | S81°19'19"W | 4.58 |
| L47 | S36°08'26"W | 5.13 |
| L48 | S53°14'12"W | 20.63 |
| L49 | S54°49'13"W | 40.11 |
| L50 | S49°30'15"E | 74.78 |
| L51 | N38°13'01"E | 99.66 |
| L52 | S58°40'35"E | 202.66 |
| L67 | S42°15'23"W | 68.29 |
| L68 | N47°38'22"W | 5.00 |
| L69 | N42°13'26"E | 80.86 |
| L70 | N00°44'43"E | 22.77 |
| L71 | N10°22'52"W | 8.37 |
| L72 | N46°31'31"W | 30.64 |
| L73 | N54°49'13"E | 5.10 |
| L74 | S46°31'31"E | 24.41 |
| L75 | S10°22'52"E | 18.96 |
| L76 | S00°44'43"W | 27.91 |

CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | CHORD | CHORD BEARING |
|-------|--------|--------|------------|-------|---------------|
| C6 | 9.93 | 16.98 | 97°58'25" | 14.99 | S77°06'21"W |
| C7 | 18.50 | 15.63 | 48°24'54" | 15.17 | N25°17'48"W |
| C8 | 430.00 | 81.42 | 10°50'57" | 81.30 | N47°19'07"E |
| C9 | 86.00 | 20.49 | 13°39'09" | 20.44 | N59°46'54"E |
| C10 | 33.00 | 8.54 | 14°49'33" | 8.52 | N37°02'57"E |
| C11 | 51.41 | 3.38 | 3°46'18" | 3.38 | N39°56'23"E |
| C12 | 15.27 | 10.22 | 38°19'51" | 10.03 | N57°20'21"E |
| C13 | 32.45 | 44.07 | 77°48'46" | 40.76 | N42°29'23"E |
| C14 | 26.50 | 30.28 | 65°27'37" | 28.66 | N36°22'13"E |
| C15 | 21.50 | 28.82 | 76°48'32" | 26.71 | S41°58'33"W |
| C16 | 37.45 | 50.82 | 77°45'16" | 47.01 | S42°30'26"W |
| C17 | 10.29 | 8.17 | 45°29'32" | 7.96 | S59°30'07"W |
| C18 | 56.41 | 5.28 | 5°21'54" | 5.28 | S41°04'48"W |
| C19 | 28.00 | 7.21 | 14°44'55" | 7.19 | S33°39'22"W |
| C20 | 81.00 | 21.04 | 14°52'57" | 20.98 | S60°23'18"W |
| C21 | 425.00 | 80.38 | 10°50'13" | 80.26 | S47°18'46"W |
| C22 | 13.50 | 21.54 | 91°23'53" | 19.32 | S03°48'18"E |
| C23 | 14.93 | 24.81 | 95°13'41" | 22.06 | N77°35'56"E |
| C30 | 14.93 | 5.11 | 19°35'56" | 5.08 | N78°51'29"W |
| C31 | 11.83 | 27.96 | 135°21'49" | 21.89 | N00°15'34"W |
| C32 | 41.61 | 25.01 | 34°26'18" | 24.64 | S54°36'53"W |
| C33 | 46.61 | 28.18 | 34°37'57" | 27.75 | N61°31'12"E |
| C34 | 6.83 | 23.40 | 196°12'16" | 13.53 | S02°58'37"W |

2: VARIETY/LOG/DRM BAY PUMP/ANOMALUS BAY/ARMS DRMG DICT/PAUSE ACCESS/DEBENT LAB - BEY P/10/08/08 07/10/08 08/10/08 09/10/08 10/10/08 11/10/08 12/10/08

| | | |
|---|---------------------|--|
| <p>THIS IS NOT A SURVEY SHEET 13 OF 13</p> | DATE: 01/14/08 | <p>SKETCH TO ACCOMPANY LEGAL DESCRIPTION PUBLIC ACCESS EASEMENT, A PORTION OF SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA BBL SURVEYORS & MAPPERS INC. 1502-A RAIL HEAD BLVD. NAPLES, FLORIDA 34110 (239) 597-1315</p> |
| | FIELD BOOK AND PAGE | |
| | DRAWN BY: JGK | |
| | APPROVED BY: SEB | |
| | SCALE: 1"=40' | |