RESOLUTION 08-11920

A RESOLUTION ACCEPTING THE DEDICATION OF A PUBLIC ACCESS EASEMENT ON PROPERTY LOCATED AT 1490-1540 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, consistent with the conditions of approval for General Development and Site Plan Petition 03-GDSP12 under Resolution 03-10270, Basil Street Partners, LLC, a Delaware limited liability company, desires to dedicate a public access easement on property located at 1490-1540 Fifth Avenue South; and

WHEREAS, the proposed easement matches the general path approved in the general development and site plan petition;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the public access easement described in Attachment "A" shall be accepted.

Section 2. That the land owner shall record said easement with the property records office of Collier County.

Section 3. That this resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Date filed with the City Clerk: 2/6/08
PUBLIC PEDESTRIAN ACCESS EASEMENT

THIS PUBLIC PEDESTRIAN ACCESS EASEMENT, made this 12th day of January, 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.

WITNESSETH:

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 hereto 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":

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

By: Jack J. Antaramian, as President

Signed in the presence of:

Witness: Theresa Pagan

Witness: Martha L. Bennett

STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 18th day of January, 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: Martha L. Bennett

My Commission Expires: 8/7/09
A parcel of land lying in the Southeast Quarter (SE 1/4) of Section 3, Township 50 South, Range 15 East, Collier County, Florida, more particularly described as follows:

From the Southeast corner of said Section 3 run South 89°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 59°43' 50" West 1,130 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°39'10" East 1,240 feet, more or less, to the point of beginning.
EXHIBIT "B"
PUBLIC PEDESTRIAN ACCESS EASEMENT AREA LEGAL DESCRIPTION AND
GRAPHIC DEPICTION

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

LEGAL DESCRIPTION
PUBLIC PEDESTRIAN 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 HEREBIN DESCRIBED; THENCE CONTINUE
S.89°39'10"W. ALONG SAID SOUTH LINE, A DISTANCE OF 7.92 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 97.06 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 12.15 FEET TO THE END OF SAID CURVE;
THENCE RUN S.90°00'00"W., A DISTANCE OF 120.96 FEET TO THE POINT OF
BEGINNING OF THE PARCEL HEREBIN DESCRIBED.
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 9.98 FEET, A CENTRAL ANGLE OF
97°58'25", A CHORD BEARING OF $S.77°06'21"W., AND A CHORD LENGTH
OF 14.98 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 90.66
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 $S.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 7.74 FEET;
THENCE RUN $S.58°40'06"E., A DISTANCE OF 31.98 FEET; THENCE RUN
$S.31°21'08"W., A DISTANCE OF 100.25 FEET; THENCE RUN $N.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°52'05", A CHORD BEARING OF $S.12°25'44"E., AND A CHORD LENGTH
OF 53.76 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.00°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°42'59"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 9.69 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°49'30"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.28°42'7"W., A DISTANCE OF 15.87 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.O.V.D. 1929) AND ELEVATION 17.00" (N.O.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 337.78 FEET TO THE POINT OF BEGINNING OF THE "AIRSPACE" PARCEL HEREIN DESCRIBED; THENCE RUN N.49°30'15"E., A DISTANCE OF 5.00 FEET; THENCE RUN N.40°29'45"W., A DISTANCE OF 20.55 FEET TO A 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 N.42°15'23"W., A DISTANCE OF 68.29 FEET; THENCE RUN N.47°24'22"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 43.00 FEET, A CENTRAL ANGLE OF 10°30'57", 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.52°14'12"E., A DISTANCE OF 20.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO

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°23'50"W., A DISTANCE OF 422.65 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREBIN DESCRIBED; THE SAME BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 14.93 FEET, A CENTRAL ANGLE OF 15°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°15'54"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°31'13"W., A DISTANCE OF 30.64 FEET; THENCE RUN N.54°49'13"E., A DISTANCE OF 8.10 FEET; THENCE RUN S.46°31'13"E., A DISTANCE OF 24.41 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 22.77 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 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.

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBLS SURVEYORS AND MAPPERS INC., (L.B. #6753)

(SEE ATTACHED SKETCHES - SHEETS 7 OF 13 THROUGH 13 OF 13)
KEY MAP
SCALE 1"=200'

NOTES:
1) BEARINGS SHOWN HEREOF REFER TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S.41 AS BEING N 68° 43' 60"W.
2) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
3) DIMENSIONS SHOWN HEREOF ARE IN FEET AND DECIMALS THEREOF.

REVIEWED 04/14/08

THIS IS NOT A SURVEY

BBLS SURVEYORS & MAPPERS INC.
1502-A RAIL HEAD BLVD.
NAPLES, FLORIDA 34110 (239) 597-1315
**LINE TABLE**

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>LENGTH</th>
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<tbody>
<tr>
<td>L1</td>
<td>S64°03'00&quot;W</td>
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<tr>
<td>L2</td>
<td>S67°02'33&quot;W</td>
<td>31.42</td>
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<tr>
<td>L3</td>
<td>N69°02'33&quot;W</td>
<td>67.43</td>
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<tr>
<td>L4a</td>
<td>S69°02'33&quot;E</td>
<td>86.10</td>
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<tr>
<td>L5</td>
<td>S64°35'46&quot;E</td>
<td>35.89</td>
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<td>19.83</td>
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<td>L7</td>
<td>S65°43'50&quot;E</td>
<td>5.18</td>
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<tr>
<td>L8</td>
<td>N65°28'42&quot;W</td>
<td>19.67</td>
</tr>
<tr>
<td>L9</td>
<td>N84°36'48&quot;W</td>
<td>19.09</td>
</tr>
<tr>
<td>L10</td>
<td>S64°13'17&quot;E</td>
<td>38.08</td>
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</table>

**NOTES:**

1. The property shown herein refers to the southerly right-of-way line of U.S. 41 as being N 38°49'53"W.
2. This property is subject to easements, reservations or restrictions of record.
3. Dimensions shown herein are in feet and decimals thereof.

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**CURVE TABLE**

<table>
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<tr>
<th>CURVE</th>
<th>RADIUS</th>
<th>LENGTH</th>
<th>DELTA</th>
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<td>168.84</td>
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<td>9.94</td>
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<td>17.50</td>
<td>15.44</td>
<td>50°35'31&quot;</td>
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<td>S69°14'23&quot;W</td>
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**LEGEND**

- **P.O.C.** Point of Commencement
- **P.O.B.** Point of Beginning
- **PUBLIC ACCESS EASEMENT (P.A.E.)**

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**CURVE**

This is not a survey.

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**SCALE 1" = 60'**

**Sketch to accompany legal description**

**Public Access Easement, a portion of section 3, Township 50 South, Range 25 East, Collier County, Florida**

**BBS Surveyors & Mappers Inc.**

1502-A Rail Head Blvd.
Naples, Florida 34110 (239) 697-1315

**Resolution No. 08-11920**

**OR: 4329 PG: 0810**
This property is subject to easements, reservations or restrictions of record.

Sketch to accompany legal description
Public Access Easement, a portion of Section 3, Township 23 South, Range 23 East, Collier County, Florida

BBLS Surveyors & Mappers Inc.
1502 A Rail Head Blvd.
Naples, Florida 34110 (239) 697-1315

This is not a survey.
NOTES:
1. BEARINGS SHOWN REFER TO THE SOUTHERLY RIGHT-UP-RIGHT LINE OF U.S.41 AS BEING N 58° 40' W.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

LINE TABLE

| LINE | BEARING       | LENGTH  
|------|---------------|---------
| L7   | N58°40'33"W   | 207.60  |
| L8   | N31°21'06"W   | 7.74    |
| L9   | N58°40'05"W   | 21.08   |
| L10  | S31°21'06"W   | 7.67    |
| L11  | N58°40'35"W   | 207.94  |
| L12  | S56°43'35"E   | 202.66  |
| L13  | N31°21'06"W   | 7.87    |
| L14  | S58°40'05"E   | 31.36   |
| L15  | S31°21'06"W   | 7.74    |
| L16  | S56°43'35"E   | 204.54  |

SCALE 1" = 40'

THIS IS NOT A SURVEY
NOTES:
1. Bearings shown herein refer to the southerly right-of-way line of U.S. 41 as being N 00°45'50"W.
2. This property is subject to easements, reservations or restrictions of record.
3. Dimensions shown herein are in feet and decimals thereof.
4. See line and curve tables on sheet 13 of 13.
### Curve Table

<table>
<thead>
<tr>
<th>Curve</th>
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<th>Length</th>
<th>Delta</th>
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<th>Chord Bearing</th>
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<td>9.93</td>
<td>18.96</td>
<td>97.58'25&quot;</td>
<td>14.99</td>
<td>S77°08'21&quot;W</td>
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<tr>
<td>C7</td>
<td>15.50</td>
<td>19.63</td>
<td>48°24'54&quot;</td>
<td>15.17</td>
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<td>3.38</td>
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CONSENT, JOINDER, AND SUBORDINATION OF MORTGAGEE

Regions Bank, successor by merger to 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, together with any other lien or encumbrance held by Regions Bank, successor by merger to AmSouth 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.

EXECTED this 18th day of January, 2008.

WITNESSES:

MORTGAGEE:

Regions Bank,
Successor by merger to AmSouth Bank

By: [signature]
Print Name: Russell L. Phillips
Title: Vice President

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing Joinder of Mortgagee was acknowledged before me this 18th day of January, 2008, by Russell Phillips, as Vice President of Regions Bank, successor by merger to AmSouth Bank, who is personally known to me or has presented as identification.

[affix seal]

Notary Public, State of Florida
Printed Name
My Commission Expires: [date]