

This Instrument prepared under the direction of
R. Wade Allen, Administrator
Polk County Real Estate Services
P.O. Box 9005, Drawer RE-01
Bartow, Florida 33831-9005
By: Scott C. Lowery
Project Name: Bimini Bay
LDRES-2023-29

Parent Parcel I.D. Nos.: 262502-485750-001170 &
262502-485751-003610

POLK COUNTY UTILITIES EASEMENT

THIS POLK COUNTY UTILITIES EASEMENT, made this 24TH day of JULY, 2024, between ISLAND CLUB RESORT HOMEOWNER'S ASSOCIATION, INC., a Florida not-for-profit corporation (the GRANTOR), whose address is 339 Australian Way, Davenport, Florida 33897, and POLK COUNTY, a political subdivision of the State of Florida (the GRANTEE), whose address is P.O. Box 988, Bartow, FL 33831.

WITNESSETH, the GRANTOR, for and in consideration of the sum of one dollar and other valuable consideration paid by GRANTEE, receipt whereof is hereby acknowledged, grants and conveys to GRANTEE, its successors, assigns, licensees, a perpetual Polk County Utilities Easement, as described and illustrated below, which is to be under, over, and across the property situated in Polk County, Florida, more particularly described as:

See Attached Exhibit "A"

for Polk County owned utilities, which may include but is not limited to potable water, reclaimed water and wastewater facilities hereafter on said property, such easement to include (i) the right of free ingress and egress under, over and across said property for the purposes of constructing, installing, repairing, replacing, operating, and maintaining said utilities and (ii) the right to use the private roads and rights-of-way depicted on the plat recorded in Plat Book 127, at Pages 34 through 37 and the plat recorded in Plat Book 137, at Pages 29 through 31, both of the Public Records of Polk County, Florida, for ingress to, and egress from, the property. The GRANTEE is hereby granted the right, privilege, and authority to remove, replace, repair, and enlarge said utilities. The GRANTEE is hereby granted the right, privilege, and authority to trim and remove, as necessary, the roots of trees, shrubs, bushes, and plants that may adversely affect the operation of said utilities.

This grant of easement shall not be construed as a grant of right of way and is limited to a Polk County utilities easement. The GRANTOR shall have the right to use the property subject to the easement granted hereby (the "Easement"), including for improved parking areas, improved roadways, improved driveways, medians and landscaping, which are not inconsistent with the use of the Easement by the GRANTEE for the purposes granted hereby, with prior written approval by the GRANTEE. Inconsistent improvements to the use of the Easement by the GRANTOR for the purposes granted hereby, include, but are not limited to, mounded landscaping, building foundations and overhangs, foundations for pole mounted commercial signage, and other permanent structures and related foundations shall be strictly prohibited. With the specific prior written approval of the GRANTEE, the limited use of trees, walls, foundations and mounded landscaping may be utilized within such area by the GRANTOR.

The GRANTOR shall not have the right to grant other easements to other parties without the prior written consent of the GRANTEE. In the event that the GRANTEE performs emergency related repairs, unscheduled infrastructure adjustment activities, or scheduled community improvement projects within said Easement, the GRANTEE shall be responsible for restoring the disturbed portions of all existing County approved and permitted improvements in as good or better condition than existed prior to the disturbance activity by the GRANTEE.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name by its proper officers thereunto duly authorized, and its corporate seal to be affixed, the day and year first above written.

Signed, Sealed and Delivered in the presence of:
(Signature of two witnesses required by Florida Law)

[Signature]
Witness
Print Name Lorenzo Mejia
Address 605 AUSTRALIAN WAY, DAVENPORT, FL

Mano
Witness
Print Name MARC POIO
Address 3534 WIND RIVER RUN
CLERMONT FL. 34711

ISLAND CLUB RESORT
HOMEOWNER'S ASSOCIATION, INC.,
a Florida not-for-profit corporation

By: [Signature] President
Nancy Foryan, President

STATE OF FLORIDA
COUNTY OF POLK

THE FOREGOING instrument was acknowledged before me by means of physical presence or online notarization, this 24 day of JULY, 2024, by Nancy Foryan, as President of Island Club Resort Homeowner's Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation, who is personally known to me or who has produced _____ as identification.

(Seal)



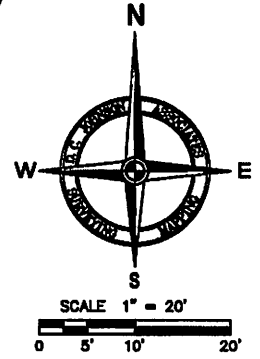
ROBERT B. MULLINS
Notary Public
State of Florida
Comm# HH160812
Expires 8/3/2025

[Signature]
Notary Public
State of Florida at Large

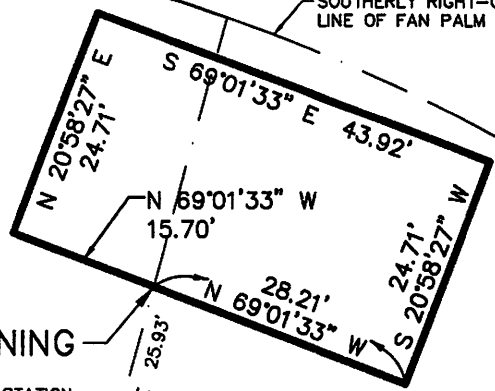
ROBERT B. MULLINS
Printed Name of Notary

Commission No. HH160812
My commission expires 8/3/25

Fan Palm Drive



TRACT I
PUMP STATION
BIMINI BAY PHASE 1
(PLAT BOOK 127, PAGE 34)



POINT OF BEGINNING

EAST BOUNDARY OF TRACT I PUMP STATION
BIMINI BAY PHASE 1
(PLAT BOOK 127, PAGE 34)

TRACT J
PRESERVATION AREA
BIMINI BAY PHASE II
(PLAT BOOK 137, PAGE 29)

POINT OF REFERENCE
SOUTHEAST CORNER OF TRACT I PUMP STATION
BIMINI BAY PHASE 1
(PLAT BOOK 127, PAGE 34)

DESCRIPTION:

A parcel of land lying within Section 2, Township 25 South, Range 26 East, Polk County, Florida, and being a portion of Tract I Pump Station, BIMINI BAY PHASE 1, as per the map or plat recorded in Plat Book 127, Page 34 and Tract J Preservation Area, BIMINI BAY PHASE II, as per the map or plat recorded in Plat Book 137, Page 29, both of Public Records of Polk County, Florida, being more particularly described as follows:
For a POINT OF REFERENCE commence at the Southeast corner of said Tract I; thence N.15°15'34"E., along the east boundary of said Tract I, a distance of 25.93 feet for a POINT OF BEGINNING; thence N.69°01'33"W., a distance of 15.70 feet; thence N.20°58'27"E., a distance of 24.71 feet; thence S.69°01'33"E., a distance of 43.92 feet; thence S.20°58'27"W., a distance of 24.71 feet; thence N.69°01'33"W., a distance of 28.21 feet to the POINT OF BEGINNING. Containing 0.025 acres, more or less.

**DESCRIPTION AND SKETCH
NOT A BOUNDARY SURVEY**

Corner Monuments were not set in conjunction with the preparation of this sketch.
Improvements, if any, have not been located in conjunction with the preparation of this sketch.
This sketch is for graphic illustration only, and does not represent a field survey.
Descriptions created per this sketch.

**Bimini Bay Tract K
Lift Station**

PREPARED FOR
Casa Davenport, LLC

JOB NO: 2022-010C01.BG00004 | DRAWN BY: ARG

We hereby certify that the sketch and description shown hereon are true and correct to the best of our knowledge and belief, and were prepared in accordance with the Standards of Practice as set forth by the Florida Board of Professional Surveyors, Chapter 5J-17, Florida Administrative Code, pursuant to Section 471.087, Florida Statutes.

LS7043

Digitally signed by Andrew R. Getz
Date: 2024.05.02 10:17:56 -04'00'

Andrew R. Getz
Date: 6/28/2024

Andrew R. Getz
For D.C. Johnson & Associates, Inc.
Not valid without the signature and raised seal of a Florida Licensed Surveyor

JOHNSON ASSOCIATES
SURVEYING AND MAPPING

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