

## TITLE OPINION

STATE OF FLORIDA  
COUNTY OF COLLIER

BEFORE ME, the undersigned authority, personally on this 19 day of March, 2018, appeared **ROGER B. RICE**, who to me is well known, and having been sworn and under oath, deposes and states:

1. My name is **ROGER B. RICE**. I am over the age of twenty-one (21) years, and otherwise *sui juris*, and have personal knowledge of the facts contained herein.
2. I am a licensed attorney, Florida Bar Number 0752444, authorized to practice in the State of Florida. My business address is: 9010 Strada Stell Court, Suite 207, Naples, Collier County, Florida 34109. My business telephone number is: (239) 593-1002. My business mailing address is: 9010 Strada Stell Court, #207, Naples, Florida 34109.
3. This title opinion is given as an inducement to the Board of County Commissioners of Collier County, Florida, to approve and record the Plat of City Gate Commerce Center, Phase Three, said legal description attached hereto as *Exhibit "A"*, and made a part hereof ("Real Property.").
4. The undersigned has examined record title information to the Real Property
5. The undersigned has reviewed the public records and is of the opinion that the record owners of the Real Property are:
  - A. **850 NWN, LLC, a Florida limited liability company (hereinafter "OWNER 1")**, is the owner and acquired title to that portion of the Real Property by instruments recorded at Official Record Book 4417, Page 1567, Public Records of Collier County, Florida and by instrument recorded at Official Record Book 4520, Page 2220, of the Public Records of Collier County, Florida.
  - B. **CG II, LLC, a Florida limited liability company (hereinafter "OWNER 2")**, is the owner and acquired title by a Special Warranty Deed recorded July 9, 2003, in Official Record Book 3336, Page 2524, Public Records of Collier County, Florida.
6. The undersigned has reviewed the corporate information for both OWNER 1 and OWNER 2 and is of the opinion that the both are current and active within the State of Florida, and are currently authorized to do business in the State of Florida.
7. The Operating Agreement for both OWNER 1 and OWNER 2 provides that officers of the company may be designated.
8. **Joseph R. Weber** has been appointed as Vice President of OWNER 1 and has full power and authority, in his capacity as Vice President, to execute any and all documents

necessary to Plat any property on behalf of 850 NWN, LLC.

9. **Joseph R. Weber** has been appointed as Vice President of OWNER 2 and has full power and authority, in his capacity as Vice President, to execute any and all documents necessary to Plat any property on behalf of CG II, LLC.
10. The Real Property is free and clear of all mortgage liens and liens of any and all other nature, except real estate taxes for the year 2018, which are not yet due; except:
  - The 2017 Real Estate Taxes have not yet been paid on Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of City Gate Commerce Park Phase Two Plat; and
  - The 2017 Real Estate Taxes have not yet been paid (2,923.29) on that certain 5.02 acre parcel, Collier County Property Appraiser Parcel No. 00298440304.
11. The underlying rights-of-way, easements or plats affecting the Real Property are as follows:
  - A portion of the Real Property is within City Gate Commerce Center, Phase Two Plat, and is subject to the restrictions, dedications, conditions, reservations, easements and other matters on the Plat recorded at Plat Book 49, Pages 97-100, of the Public Records of Collier County, Florida and City Gate Commerce Center, Phase Two, Replat of Lots 5 and 6, recorded at Plat Book 50, Page 24, of the Public Records of Collier County, Florida;
  - A portion of the Real Property is within City Gate Commerce Center, Phase Three A Plat, and is subject to the restrictions, dedications, conditions, reservations, easements and other matters on the Plat recorded at Plat Book 63, Page 53-54, of the Public Records of Collier County, Florida;
  - A portion of the Real Property is subject to the within
  - Terms, provisions, conditions and easement rights contained in Utilities Facilities Warranty Deed and Bill of Sale (Phase Two) to City Gate Community Development District, recorded on November 2, 2011 in O.R. Book 4732, Page 1723, of the Public Records of Collier County, Florida;
  - Terms and conditions of that certain Developer Agreement recorded in O.R. Book 4517, Page 640, as amended in O.R. Book 5168 Page 3989, Public Records of Collier County, Florida. **Note 2<sup>nd</sup> Amendment Pending.**
  - Declaration of Covenants, Conditions, Restrictions and Easements (hereinafter "Declaration") recorded on the 22<sup>nd</sup> day of March 2004, in O.R. Book 3525, Pages 2931, *et seq.*, of the Public Records of Collier County, Florida cover:
    - Plat of City Gate Commerce Center, Phase One, as recorded in Plat Book 41, Pages 6-7, of the Public Records of Collier County, Florida ("City Gate Phase One Plat"); and
    - Plat of City Gate Commerce Center, Phase Two, as recorded in Plat Book 49, Pages 97-100, of the Public Records of Collier County, Florida ("City Gate Phase Two Plat"); and
    - Plat of City Gate Commerce Center, Phase Three A, as recorded in Plat Book 63, Pages 53-54, of the Public Records of Collier County, Florida ("City Gate Phase Three A Plat"); and

o Note: Eighth Amendment extending Declaration to Phase Three pending.

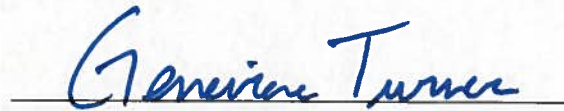
- Notice of Establishment of City Gate Community Development District recorded in O.R. Book 4521, Page 1453, Public Records of Collier County, Florida.
- Easement in favor of Florida Power & Light Company recorded in O.R. Book 2664, Page 3228, Public Records of Collier County, Florida.
- Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
- Oil, gas, mineral, or other reservations as set forth in deed by Barron Collier, Jr et al. recorded in Deed Book 30, Page 91 and Notice of Interest recorded in O.R. Book 4586, Page 412, Public Records of Collier County, Florida.
- Oil, gas, mineral, or other reservations as set forth in deed by Brace Corporation recorded in Deed Book 33, Page 434, Public Records of Collier County, Florida.

12. Undersigned further states that the information contained in this Title Opinion is true, and current as of the date of given.



ROGER B. RICE, ESQUIRE  
Florida Bar No.0752444

The foregoing instrument was sworn to and subscribed before me this 19 day of March, 2018, by Roger B. Rice, who is personally known to me.



NOTARY PUBLIC

My Commission Expires: