

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20030815-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Authorize the Chairman, on behalf of the BOCC, to execute Amendment No. 1 to the "Agreement for the Delivery and Use of Reclaimed Water" dated March 16, 1999, between Robins Roost Phase I Homeowners Association and Lee County, to be recorded in the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY:

Amending the original agreement encourages the conservation of reclaimed water.

WHAT ACTION ACCOMPLISHES:

This amendment allows the amending of Section 14 (charge per gallon) and Exhibit B (quantity and maximum amount of water available of reclaimed water) of the original agreement.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 3

C10G

3. MEETING DATE:

08-05-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

- (Specify)*
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - OTHER Agmt Amendment

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director

[Signature]

DATE: *7/14/03*

7. BACKGROUND:

On March 16, 1999, the BOCC approved the original agreement with Robins Roost Phase 1 Homeowners Association which provided for effluent reuse for irrigation of their common green areas at a cost of \$0.21 per 1,000 gallons, and a monthly average flow of .05 million gallons per day, with the maximum amount of water available to the user under adverse conditions of 50,000 gallons per day.

On July 9, 2002, the BOCC approved, by Resolution No. 02-07-44, revised utilities rates and charges, increasing the reclaimed effluent reuse charge to \$0.25 per 1,000 gallons.

The attached amendment revises the reuse charge to the current amount of \$0.25 per 1,000 gallons, and revises the monthly average flow to 0.016 millions gallons per day with the maximum amount of water available to the user under adverse conditions of 32,000 gallons per day.

Funds for recording fees are in Account No. OD5360748700.504930

Attachments: 4 Originals

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>[Signature]</i> Lavender Date: <i>7.11.03</i>	N/A Date:	N/A Date:	<i>[Signature]</i> H. Wegis Date: <i>7-10-03</i>	<i>[Signature]</i> Date: <i>7/14/03</i>	<i>P.M.</i> <i>7/14/03</i>	<i>[Signature]</i> <i>7/14/03</i>	<i>[Signature]</i> <i>7/14/03</i>	<i>[Signature]</i> <i>7/14/03</i>	<i>[Signature]</i> Lavender Date: <i>7-11-03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *7/11/03*
 Time: *3:30 PM*
 Forwarded To:
City Admin.
7/14/03

RECEIVED BY
 COUNTY ADMIN
7/14 10:00
 COUNTY ADMIN
 FORWARDED TO:
7/15 10:00

This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street – 3rd Floor
Fort Myers, FL 33901

AMENDMENT NO. 1 TO THE
AGREEMENT FOR “THE DELIVERY AND USE OF
RECLAIMED WATER”
RECORDED IN O.R. BOOK 3094 PAGES 1991 – 2006

WHEREAS, Robins Roost Phase I Homeowners Association (herein after referred to as “USER”) entered into an agreement entitled “Agreement for the Delivery and Use of Reclaimed Effluent Water” (Recorded in O.R. Book 3094, Pages 1991 – 2006), dated March 16, 1999, (herein after referred to as “1999 Agreement”), with Lee County, a political subdivision in the State of Florida (herein after referred to as “COUNTY”); and,

WHEREAS, The COUNTY passed and adopted Resolution number 02-07-44 on July 9, 2002 raising the reclaimed water rate from \$0.21 to \$0.25 per 1,000 gallons; and,

WHEREAS, The original 1999 agreement established a billing methodology that allotted a monthly average flow of 0.05 million gallons per day to the user; and,

WHEREAS, The USER and the COUNTY desire to amend the original Agreement to encourage conservation of reclaimed water.

NOW, THEREFORE in consideration of the foregoing, it is the intent of ROBINS ROOST PHASE I HOMEOWNERS ASSOCIATION and the COUNTY to make this Amendment No. 1 to the Agreement in order to agree as follows:

Section 14 is amended to read:

For furnishing of reclaimed water, the COUNTY’S current charge is \$0.25 per 1,000 gallons. The COUNTY shall bill the USER monthly on the number of gallons used. Payment shall be made to the COUNTY within 30 days following receipt of the bill.

Quantity of Reclaimed Water in Exhibit B is amended to read:

The COUNTY will deliver and the USER shall accept a monthly average flow of 0.016 million gallons per day (MGD) reclaimed water. Availability of the reclaimed water shall be determined by the COUNTY based upon: flow into the treatment facility, quality of reclaimed water, and/or priority level as established in the Agreement. The maximum rate available to the USER, under these adverse conditions, will be twice the average daily flow rate of 0.016 M.G.D., or 32,000 G.P.D. If the USER desires an increase in allocation the USER shall submit a request in writing to the COUNTY for approval prior to the maximum allocation being exceeded.

AMENDMENT NO. 1 TO THE
AGREEMENT FOR "THE DELIVERY AND USE OF
RECLAIMED WATER"
RECORDED IN O.R. BOOK 3094 PAGES 1991 - 2006

IN WITNESS WHEREOF, the parties have hereto set their hands and seals this
1 day of JULY 2003.

Judith White
Witness #1
Robert A. White
Witness #2

ROBINS ROOST PHASE I
HOMEOWNERS ASSOCIATION

By: David P. Adams
David P. Adams
President
Robins Roost Phase I HOA

ATTEST AS TO GRANTEE:
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, STATE OF FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM

Office of County Attorney

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW
<http://www.paveselaw.com>

1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

(239) 334-2195
FAX (239) 332-2243

C. DENNIS LUETTICH, JR.
(239) 334-2195

PLEASE REPLY TO
FORT MYERS OFFICE

July 7, 2003

Lee County Utilities
Mr. Howard Wegis, Staff Engineer
P.O. Box 398
Fort Myers, FL 33902-0398

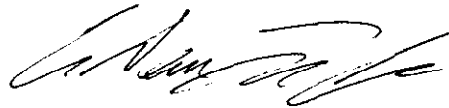
RE: *Robins Roost Homeowners Association*

Dear Mr. Wegis:

Please find enclosed four (4) signed copies of the Amendment to the effluent water agreement between Lee County and Robins Roost Homeowners Association, Inc.. Please remit the copies to the Board of County Commissioners for their execution and return two (2) copies of the amendment to my office.

Thank you for your prompt attention to this matter and should you have any questions, do not hesitate to call.

Very truly yours,



C. Dennis Luetlich, Jr.

CDL/cdl

cc: Client

Enclosure (4)

F:\WPDATA\CDL\CJS\ROBINSROOST\Wegis Letter 7-7-03.wpd

JUL 07 2003

BS 20030815-UTL

TO: LEE COUNTY FINANCE DEPARTMENT

UTILITIES ENGINEERING

FROM: _____
(Department)

SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING
office to incur expenses for filing/records against:

Purchase Order # N/A for ROBINS ROOST, PHASE I project.
ACCOUNT NO. OD5360748700.504930

(AGREEMENT FOR DELIVERY & USE OF
RECLAIMED WATER, AGMT. AMEND. #1)

ORIGINAL DOCUMENT TO MINUTES AFTER RECORDING,
WITH COPY TO SUE GULLEDGE (3 ORIGINALS)


SUE GULLEDGE

Signature Authorization

B. SERVICE RECEIVED:

RECORDING _____

O. R. COPIES _____

PLAT COPIES _____

CASE #/INDEX FEE _____

DESCRIPTION OF SERVICE _____

AMOUNT OF FEE INCURRED \$ _____

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D _____

ENTERED _____

CUST. # _____

INV. # _____

PLEASE REMIT TO:

Clerk's Accounting
P.O. BOX 2396
FORT MYERS, FLORIDA 33902-2396

White - FINANCE Yellow - DEPT FISCAL OFFICER Pink - CLERK'S OFFICE