

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030823-UTIL

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance, by Resolution, and recording of a Utility Easement as a donation of water main relocation serving **Storgard, Phase 3**. This is a Developer contributed asset project located on the west side of Safety Street approximately 200' south of Summerlin Road.

WHY ACTION IS NECESSARY: Provides adequate water infrastructure to support future development.

WHAT ACTION ACCOMPLISHES: Places the water main into operation and complies with the Lee County Utilities Operations Manual.

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

C10K

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 Res., Easement

6. REQUESTOR OF INFORMATION:

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

DATE: 7/17/03

7. BACKGROUND:

The Board granted permission to construct on 04/29/03, Blue Sheet #200304444.
The installation has been inspected for conformance to the Lee County Utilities Operations Manual.
Satisfactory pressure and bacteriological testing of the water system has been completed.
As-builts have been provided.
Engineer's Certification of Completion has been provided---copy attached.
Project location map---copy attached.
Warranty has been provided---copy attached.
Waiver of lien has been provided---copy attached.
Certification of Contributory Assets has been provided---copy attached.
This project consists of a water main relocation to support future development only. Existing services were relocated therefore no capacity is being reserved, no connection/capacity fees are required at this time.
Funds are available for recording fees in account number OD5360748700.504930.

SECTION 08 TOWNSHIP 46S RANGE 24E DISTRICT #3 COMMISSIONER JUDAH

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	
J. Lavender Date: 7-18-03	N/A Date:	N/A Date:	T. Osterhout Date: 7-17	J. Lavender Date: 7/21/03	P.M. 7/21/03	W.H. 7/22	J.S. 7/22/03	M.S. 7/21/03	J. Lavender Date: 7-18-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: *[Signature]*
7-21-03
3:05
COUNTY ADMIN
FORWARDED TO:
7/20/03

RECV. by CO. ATTY
7/21/03
11:00 AM
CO. ATTY.
FORWARDED TO:
C. J. Adams
7-21-03

RESOLUTION NO. _____

RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF
DEVELOPER CONTRIBUTED ASSETS
IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of Storgard Development, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water main relocation), serving "**STORGARD, PHASE 3**"; and,

WHEREAS, Lee County Utilities requires proof of a Release of Lien, a Warranty (one-year) on all labor and materials, an accurate value of contributed assets, and right-of-way and/or easement-indemnity granted for all systems being contributed to Lee County Utilities; and,

WHEREAS, all of the above information has been received and approved as complete by Lee County Utilities; and,

WHEREAS, Lee County Utilities has recommended to the Board of County Commissioners that the above-named system be accepted for ownership, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of **\$27,526.00** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner _____ who moved for its adoption. The motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

- Commissioner Janes _____ (1)
- Commissioner St. Cerny: _____ (2)
- Commissioner Judah(C): _____ (3)
- Commissioner Coy: _____ (4)
- Commissioner Albion (V-C): _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY OFFICE

LETTER OF COMPLETIONDATE: **June 16, 2003**

Department of Lee County Utilities
 Division of Engineering
 Post Office Box 398
 Fort Myers, FL 33902

Gentlemen:

This is to certify that the **water** distribution ~~and / or sewer~~ collection system (s) located in _____

STORGARD PHASE 3

(Name of Development)

were designed by me and have been constructed in conformance with:

the approved plans the revised plans, attached

and:

the approved specifications the revised specifications, attached


Upon completion of the work, we observed the following successful tests of the facilities:

Water pressure test

Very truly yours,

Paul T. Pokorny, P.E. 34904**Banks Engineering, Inc.**

(Owner or Name of Corporation)

 6-16-03

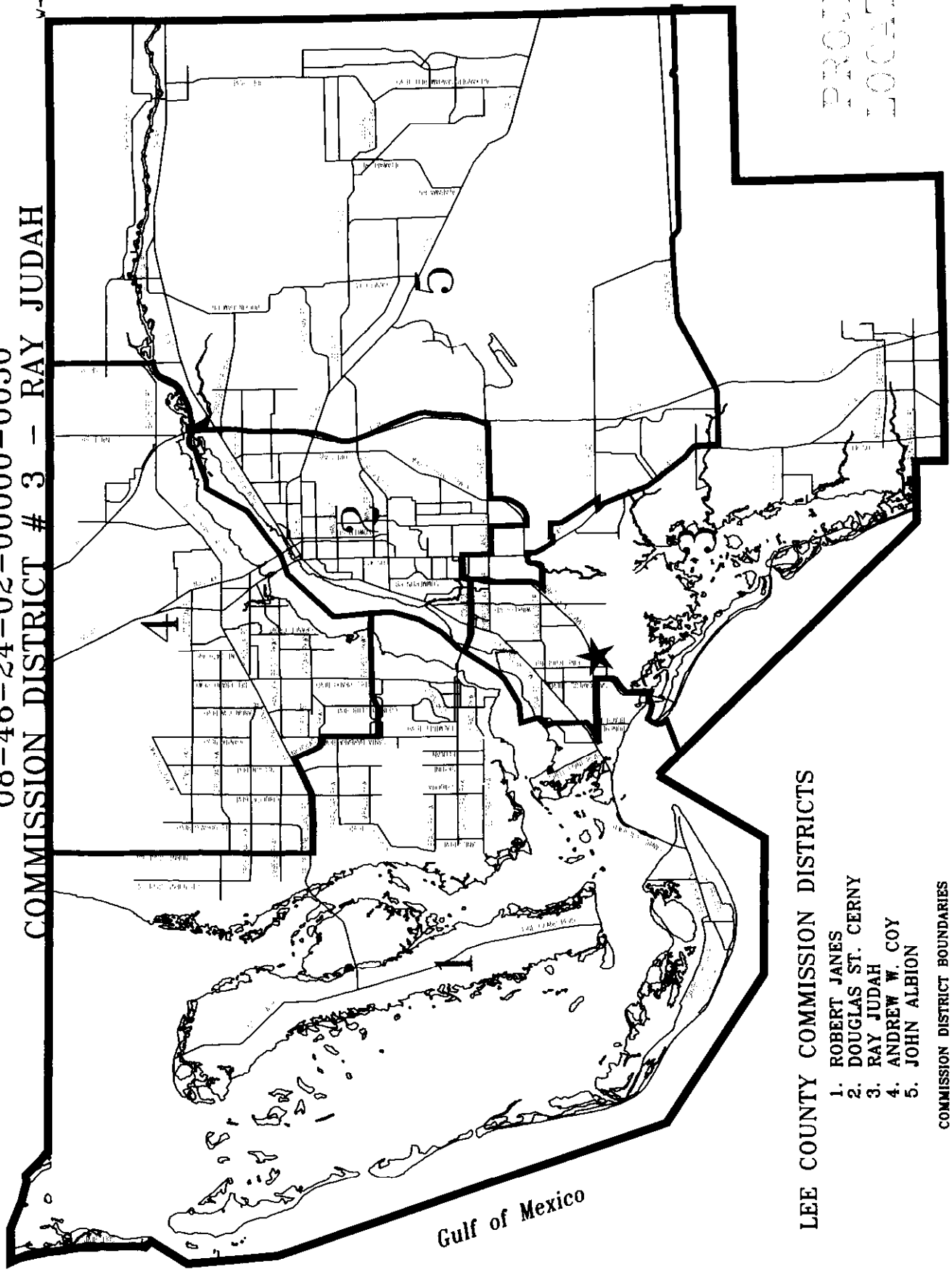
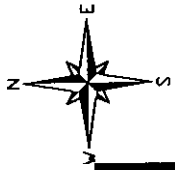
(Signature, Date & Seal)

Project Manager

(Title)

7/1/96

STORGARD PHASE 3 - WATER MAIN RELOCATION
08-46-24-02-00000-0050
COMMISSION DISTRICT # 3 - RAY JUDAH



LEE COUNTY COMMISSION DISTRICTS

1. ROBERT JANES
2. DOUGLAS ST. CERNY
3. RAY JUDAH
4. ANDREW W. COY
5. JOHN ALBION

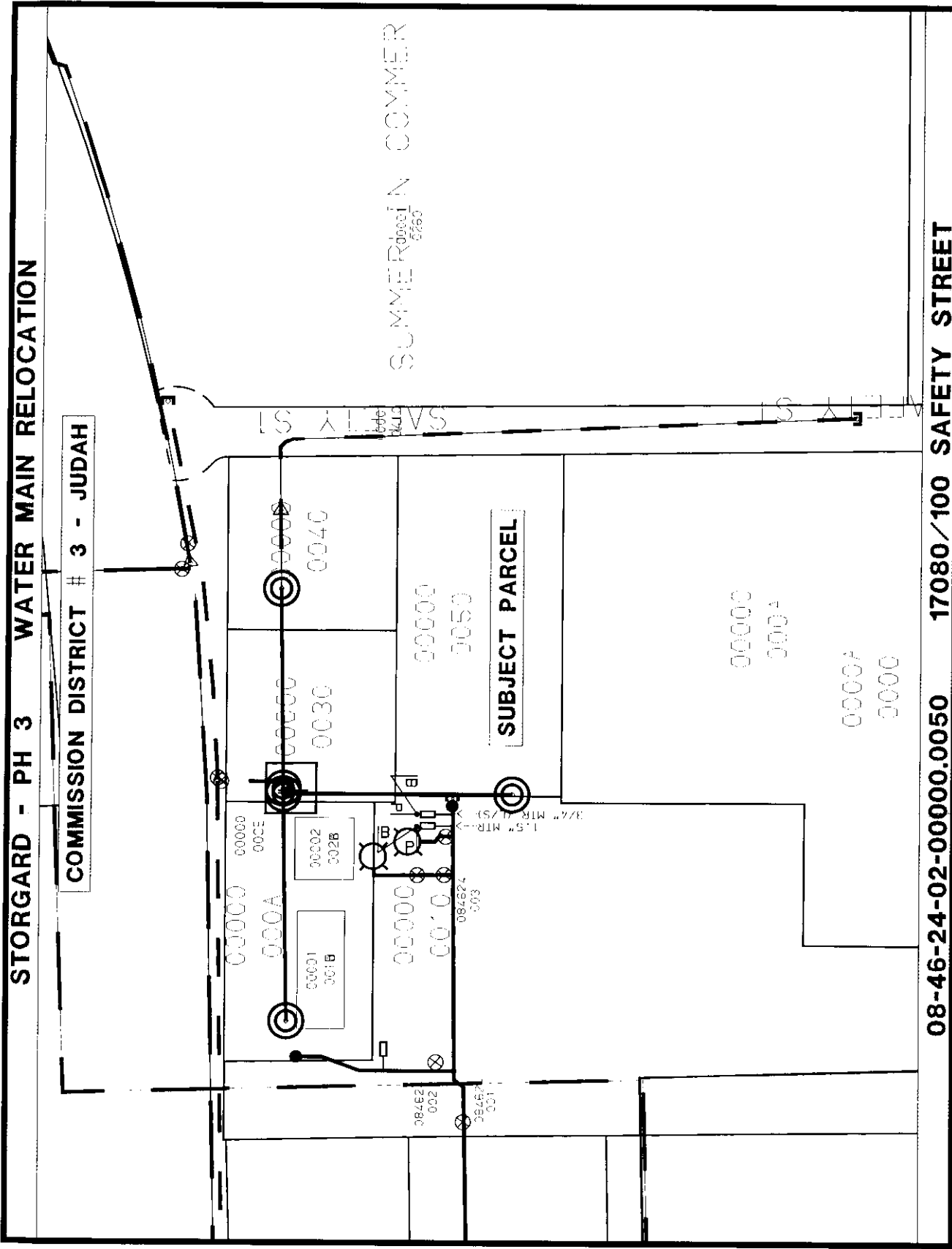
COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

PROJECT
LOCATION

Gulf of Mexico

STORGARD - PH 3 WATER MAIN RELOCATION

COMMISSION DISTRICT # 3 - JUDAH



SUMMER

SUBJECT PARCEL

08-46-24-02-00000.0050 17080/100 SAFETY STREET

CERTIFICATION OF CONTRIBUTORY ASSETSPROJECT NAME: STOR GARD PHASE IIILOCATION: SUMMERLIN ROAD, E OF PINE RIDGE ROAD08-46-24-02-00000.0050

(Including STRAP)

NAME AND ADDRESS OF OWNER: SUMMERLIN STOR GARD LC1628 PRESTWICK DRIVE, LAWRENCE, KANSAS 66047

(as shown on Deed)

TYPE UTILITY SYSTEM: WATER SYSTEM

(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
DIP	12"	433	LF	\$ 42.00	\$18,186.00
FIRE HYDRANTS	--	2	EA	2,500.00	5,000.00
90 DEG. BENDS	12"	2	EA	275.00	550.00
GATE VALVE	12"	1	EA	1,200.00	1,200.00
GATE VALVE	2"	2	EA	95.00	190.00
WATER SERVICES	2"	2	EA	1,200.00	1,400.00

\$27,526.00
TOTAL AMOUNT

LCUMan - September 19, 2001

PROJECT NAME
CERTIFICATE OF CONTRIBUTORY ASSETS
Assets.docPAGE 1 OF 2
S:\admin\Permits\LC-Utilities\Applications\xxxx-LCU-Cert of Contrib

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

Joel Chambers
(Name & Title of Certifying Agent)
Joel Chambers, Operations Manager

OF: HASKINS INC
(Firm or Corporation)

ADDRESS: 10956 ENTERPRISE AVENUE
BONITA SPRINGS, FL 34135

STATE OF FLORIDA
COUNTY OF LEE) SS:

The foregoing instrument was signed and acknowledged before me this 12th
day of JUNE, 2003 by JOEL CHAMBERS
(Print or Type Name)

who has produced KNOWN TO ME as
identification, (Type Of Identification and Number)

and who (did) (did not) take an oath.

Kathleen E. Haskins
Notary Public Signature
KATHLEENE HASKINS
Printed Name of Notary Public

Notary Public Kathleen E. Haskins
COMMISSION # DD179813 EXPIRES
April 27, 2007
BONDED THRU TROY FAIN INSURANCE, INC

(NOTARY SEAL)

LCDUMan - September 19, 2001

TO: LEE COUNTY FINANCE DEPARTMENT

BS 20030823-UTL

FROM: UTILITIES ENGINEERING
(Department)

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for STORGARD, PHASE 3 (STORGARD DEVELOPMENT LLC EASEMENT) project.
ACCOUNT NO. OD5360748700.504930

ORIGINAL EASEMENT TO MINUTES AFTER RECORDING, WITH COPY TO SUE GULLEDGE, UTILITIES

Sue Gulledge
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



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

PHOTOCOPIES OF THIS FORM NOT ACCEPTABLE
 DR-219 R. 07/98

(PLEASE READ INSTRUCTIONS ON THE BACK OF THIS FORM BEFORE COMPLETING)

Use black ink. Enter numbers as shown below. If typing, enter numbers as shown below.

0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) →

0846240200000050

2. Mark (x) all that apply

Multi-parcel transaction? Transaction is a split or cutout from another parcel? → Property was improved with building(s) at time of sale/transfer?

3. Grantor (Seller):

STORGARD DEVELOPMENT LLC
 Last P. O. BOX 1753, LAWRENCE KS 66044 Corporate Name (if applicable)

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 Last P. O. BOX 398, FT. MYERS FL 33902 Corporate Name (if applicable) 239 479-8181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Month / Day / Year Sale/Transfer Price \$. 00 Property Located In 4 6 County Code (County Codes on Reverse)

6. Type of Document

Contract/Agreement for Deed Other Warranty Deed Quit Claim Deed **EASEMENT DONATION**

7. Are any mortgages on the property? If "Yes", outstanding mortgage balance:

YES / NO \$. 00 (Round to the nearest dollar.)

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage.

YES / NO

9. Was the sale/transfer financed? YES / NO If "Yes", please indicate type or types of financing:

Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type:

Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to nearest dollar.)

YES / NO \$. 00 Cents

12. Amount of Documentary Stamp Tax

\$. 00

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes?

YES / NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/she has any knowledge.

Signature of Grantor or Grantee or Agent

RICK DIAZ, P.E., UTILITIES DIRECTOR

Date 7/17/03

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

(To be completed by the Clerk of the Circuit Court's Office)	Clerks Date Stamp
O. R. Book and Page Number and File Number	
Date Recorded	

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

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this ____ day of _____, 2003, by and between STARGARD DEVELOPMENT, LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

10. This easement shall be binding upon the parties hereto, their successors in interest and any assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

X [Signature] (Signature of 1st Witness) X [Signature] (Grantor's/Owner's Signature)

Anthony Santaularia (Name of 1st Witness) J. E. SANTAULARIA (Grantor's/Owner's Name)

X [Signature] (Signature of 2nd Witness) Administrative Assistant Title


Lucretia A. Sergeant (Name of 2nd Witness)

STATE OF FL)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 7th day of JULY 2003 by J. E. SANTAULARIA - Pres., and who take an oath.

[Signature]
Notary Public Signature

KAREN M SMITH
Printed Name of Notary Public

 Karen M Smith
My Commission CC865778
Expires October 23, 2003

(Notary Seal & Commission Number)

COPY

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

SKETCH OF DESCRIPTION

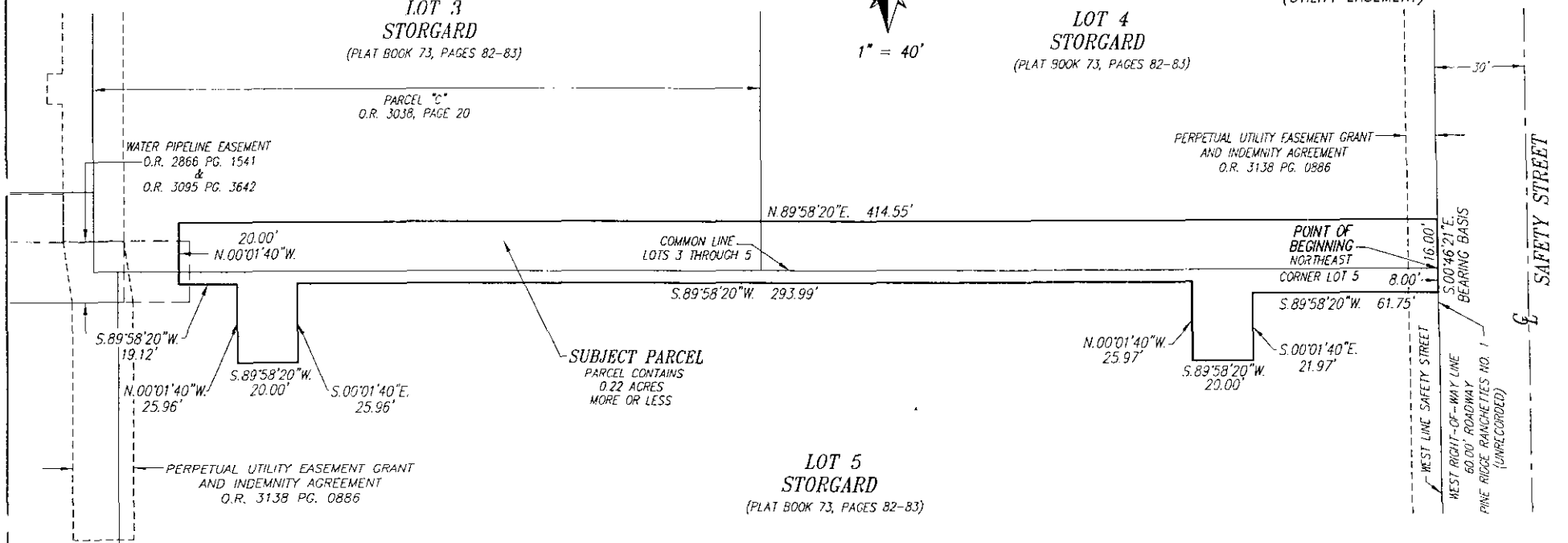
OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(UTILITY EASEMENT)



**LOT 3
STORGARD**
(PLAT BOOK 73, PAGES 82-83)

**LOT 4
STORGARD**
(PLAT 500K 73, PAGES 82-83)

**LOT 5
STORGARD**
(PLAT BOOK 73, PAGES 82-83)



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE EAST LINE OF STORGARD AS RECORDED IN PLAT BOOK 73, AT PAGES 82 AND 83 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING S.00°46'21"E.

LEGEND:

- ⊕ INDICATES CENTERLINE
- NO. INDICATES NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- PG. INDICATES PAGE
- P.S.M. INDICATES PROFESSIONAL SURVEYOR & MAPPER

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

Thomas R. Lehnert, Jr.
THOMAS R. LEHNERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.