

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040295

1. REQUESTED MOTION:

ACTION REQUESTED: Approve and execute a utility easement to Lee County Electric Cooperative, Inc., a Florida non-profit corporation. Authorize Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must approve conveying an easement across County-owned property.

WHAT ACTION ACCOMPLISHES: This will provide an easement for electric service to the adjacent property owned by Southwest Florida GWI Housing VIII, Inc., a Florida non-profit corporation.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #**

C6B

3. MEETING DATE:

03-30-2004

4. AGENDA:

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

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE F.S.125
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Independent
 - C. DIVISION County Lands TLM 3/10/04
 - BY: Karen L. W. Forsyth, Director
- KWLF*

7. BACKGROUND:

The Division of County Lands received a letter from Lee County Electric Cooperative, Inc. requesting an easement across a portion of the North Fort Myers Community Park, identified as Strap Number 35-43-24-00-00001.1000, to service the adjacent parcel owned by Southwest Florida GWI Housing VIII, Inc., a Florida non-profit corporation. The adjacent development is a senior housing facility being constructed by Goodwill Industries to assist the community with affordable housing needs for the elderly. Relying on the power source in the NFM Community Park would provide cost and time savings to the proposed development as opposed to other power source alternatives.

The proposed easement has been limited to allow construction of underground electrical lines only. Construction of any above ground improvements will be handled within existing LCEC easements. LCEC has provided a sketch indicating the approximate location of the proposed sixteen-foot wide easement area. The specific legal description and sketch will be furnished upon completion of the underground installation. The Parks & Recreation Department reviewed the proposed easement area and has indicated it does not impact any long range park plans.

Cost to record the easement will be paid by LCEC. Therefore, no funds are required.

Staff Recommendation: Staff recommends Board approve requested motion.

Attachments: Copy of Easement, sketch of proposed easement area, letters from LCEC, letter from Westco Builders of Florida, Memo from Parks & Recreation, and property location map

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>K. Forsyth</i>				<i>John J. Meyer 3-11-04</i>	OA <i>3-15-04</i>	COM <i>3-15-04</i>	Risk <i>3-15-04</i>	GC <i>3-15-04</i>	<i>HS 3/16/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 3/11/04
Time: 4:20
Forwarded to:
CO. Helm.
3/12/04 10AM

RECEIVED BY
COUNTY ADMIN: *AW*
03/12/04
11:30 AM
COUNTY ADMIN
FORWARDED TO: *PL*
3-16-04
3:45 pm

HS

This Instrument Prepared by:
DIVISION OF COUNTY LANDS
Post Office Box 398
Fort Myers, Florida 33902-0398

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

STRAP No. 35-43-24-00-00001.1000

THIS SPACE FOR RECORDING

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Lee County, a political subdivision of the State of Florida, as Grantor, whose address is P.O. Box 398, Fort Myers, FL 33902, in consideration of the benefits to be derived by the granting of this easement, does hereby grant to Lee County Electric Cooperative, Inc., as Grantee, a Florida non-profit corporation, whose post office address is Post Office Box 3455, North Fort Myers, Florida, 33918, and to its successors and assigns (the term "assigns" meaning any person, firm, or corporation owning by way of assignment all rights under this Agreement or a portion of such rights, with the Grantee or its other assigns retaining and exercising the other rights), a non-exclusive easement ("Easement") for a right-of-way to be used for the construction, operation, and maintenance of one or more underground electric distribution lines, limited to underground wires, cables and conduits only, (all of the foregoing hereinafter referred to as "facilities"), under the lands of the Grantor situated in the County of Lee, State of Florida.

The Easement will be located underneath the surface of a strip of land sixteen (16) feet in width, more particularly described in attached Exhibit "A":

SEE ATTACHED EXHIBIT "A"

The foregoing Easement also includes the right and privilege to enter upon the Grantor's property within the boundary of the described Easement for the purpose of inspecting, maintaining, repairing and replacing such facilities or any part of them, doing no unnecessary damage. In the event the Grantee damages any portion of the Grantor's property, including the area of the easement described in attached Exhibit "A", the Grantee agrees to return the area to the same condition as it existed prior to the Grantee's entry thereon. The Grantee will have the right to mark the location of any underground facilities by above-ground markers and other suitable markers, provided the Grantee obtains the prior written approval of the Grantor, which approval will not be unreasonably withheld.

By way of acceptance hereof, the Grantee expressly acknowledges and agrees this Grant of Easement is strictly limited to the installation of underground wires, cables and conduits only as described above.

By the execution and delivery hereof, Grantor agrees to notify Grantee, in writing, prior to excavating or altering the grade/elevation of the easement area for Grantee to maintain depths of cables and protection per the National Electric Safety Code and other electrical and LCEC standards and specifications.

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

Easement to
Lee County Electric Cooperative, Inc.
Page 2

This Easement conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the title.

IN WITNESS WHEREOF, the Grantor has executed this Easement this _____
day of _____, 2004.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

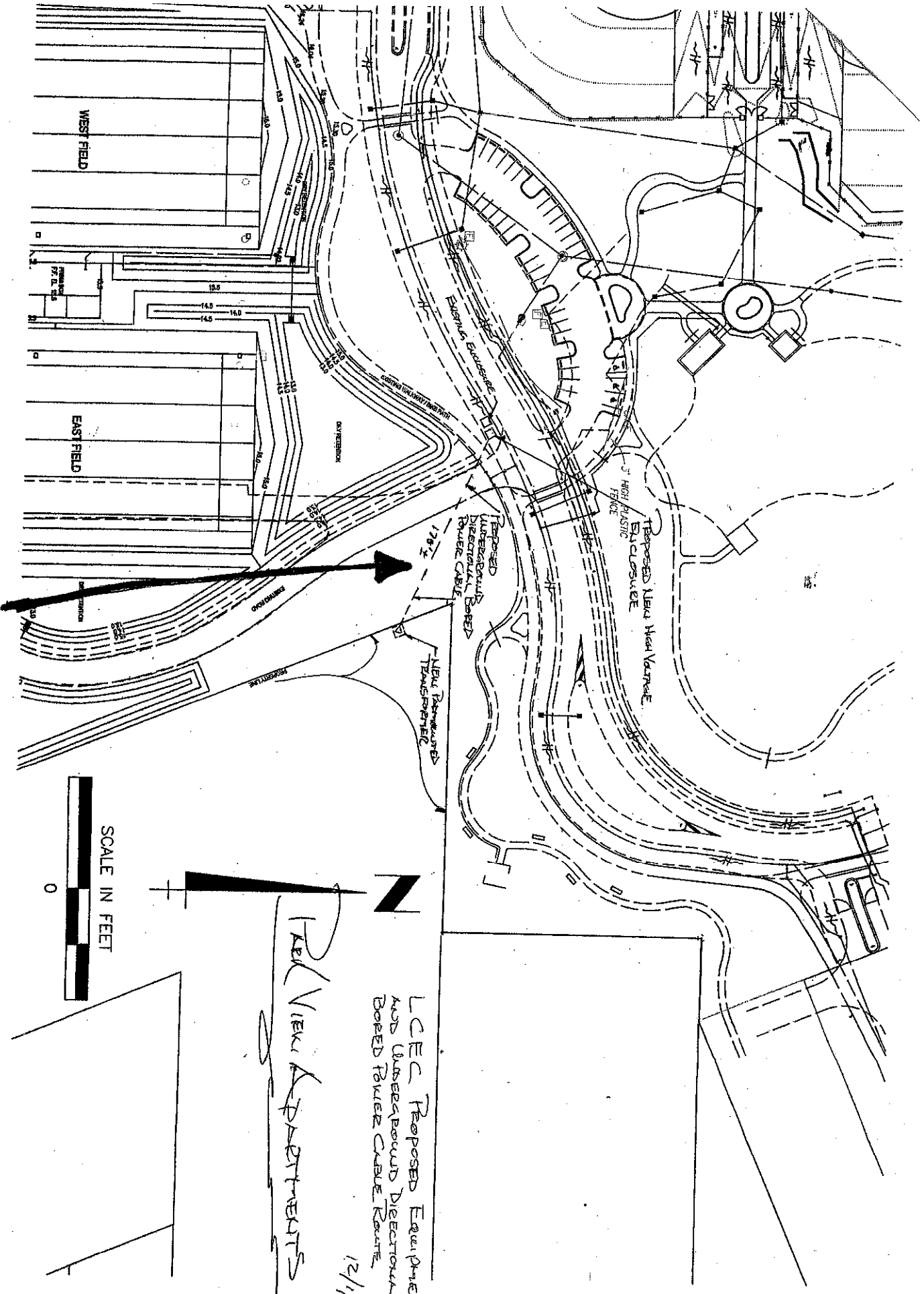
LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

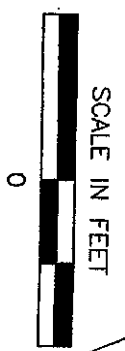
By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney



SKETCH OF APPROXIMATE EASEMENT LOCATION
 PROVIDED BY LCEC



Red View Apartments

LCEC REPOSED EQUIPMENT
 AND UNDERGROUND DIELECTRIC
 BORED FOWER CABLE ROUTE
 12/1/03



DEC 05 2003
COUNTY LANDS

December 3, 2003

Ms. Karen Forsythe
County Lands Director
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: North Fort Myers Park, Strap No. 35-43-24-00-00001.2050

Dear Ms. Forsythe:

LCEC is interested in acquiring an easement across the referenced property to provide power to the new Park View Apartments being constructed on an adjacent parcel. It is our intent to place a new enclosure next to our existing enclosure then directional bore for underground cable to a new padmount transformer on Goodwill's property (Park View Apartments). Enclosed are rough sketches to help clarify our proposed design.

Please advise whether it would be your recommendation for the County to grant an easement and I will have a specific legal description and sketch prepared. I would appreciate a response by December 15, 2003, if at all possible as our final design will be delayed until we are assured this route will be acceptable.

If you have any questions please call me at 656-2422.

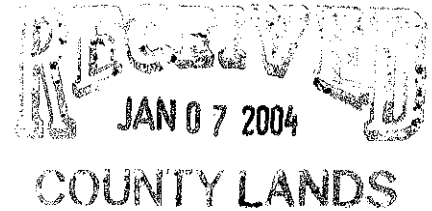
Sincerely,

Karen Hardin
Real Property Representative

Enclosures



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 895-7904
www.lcec.net • www.iline.com



January 7, 2004

Ms. Karen L. W. Forsyth, SR/WA
Lee County Division of County Lands
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Goodwill Industries HUD Project

Dear Ms. Forsyth:

Thank you for meeting with us on Monday to discuss our proposed power line extension at the North Fort Myers Community Park. Enclosed is information you requested concerning the 54 unit senior housing facility being constructed by Goodwill Industries and a legal description to accompany the easement document previously revised for grant by the County to LCEC. As discussed, we will set another enclosure near the existing enclosure and extend underground cable by directional bore from the enclosure to Southwest Florida GWI Housing's property.

I will hold this easement in our office during our construction. Once LCEC's construction is complete, I will have a legal description and sketch of a 16-foot-wide strip of land prepared and forwarded to you.

Please call me at 656-2422 if you have any questions or require additional information.

Sincerely,

Karen Hardin
Real Property Representative

Enclosures



MEMO

To: John Lawson – Lee Co-op
From: Rich McConville
Re: Parkview electrical easement
January 7, 2004

I am providing you with the Fund Reservation letter from the US Dept of HUD to the Senior Friendship Center and Goodwill Industries indicating the project is being constructed under the HUD Section 202 Supportive Housing Program. Also find a copy of the plan we obtained showing the park and the proposed construction site indicating the desired utility line location.

As we discussed, the issue is the provision of electrical utility to the site sufficient to power the systems required to service the building population of elderly residents. The project budget does not contain much in the way of contingency and the design has identified the power source in the North Fort Myers Park. The ability to rely upon this power source would benefit the project immensely.

We appreciate your efforts on behalf of the project. Lee County Electric Cooperative has always been an ally in the effort to help meet the affordable housing needs of Lee County.

We are pleased that Lee County is interested in assisting the project as well. It has been our experience that Lee County Government has also been very helpful in this effort in the past. We look forward to their continued assistance.

Thank you again and please do not hesitate to call on me for any further assistance or information.



LEE COUNTY
PARKS AND RECREATION

3410 Palm Beach Blvd
Fort Myers, FL 33916
Phone 239-461-7400 Fax 239-461-7450

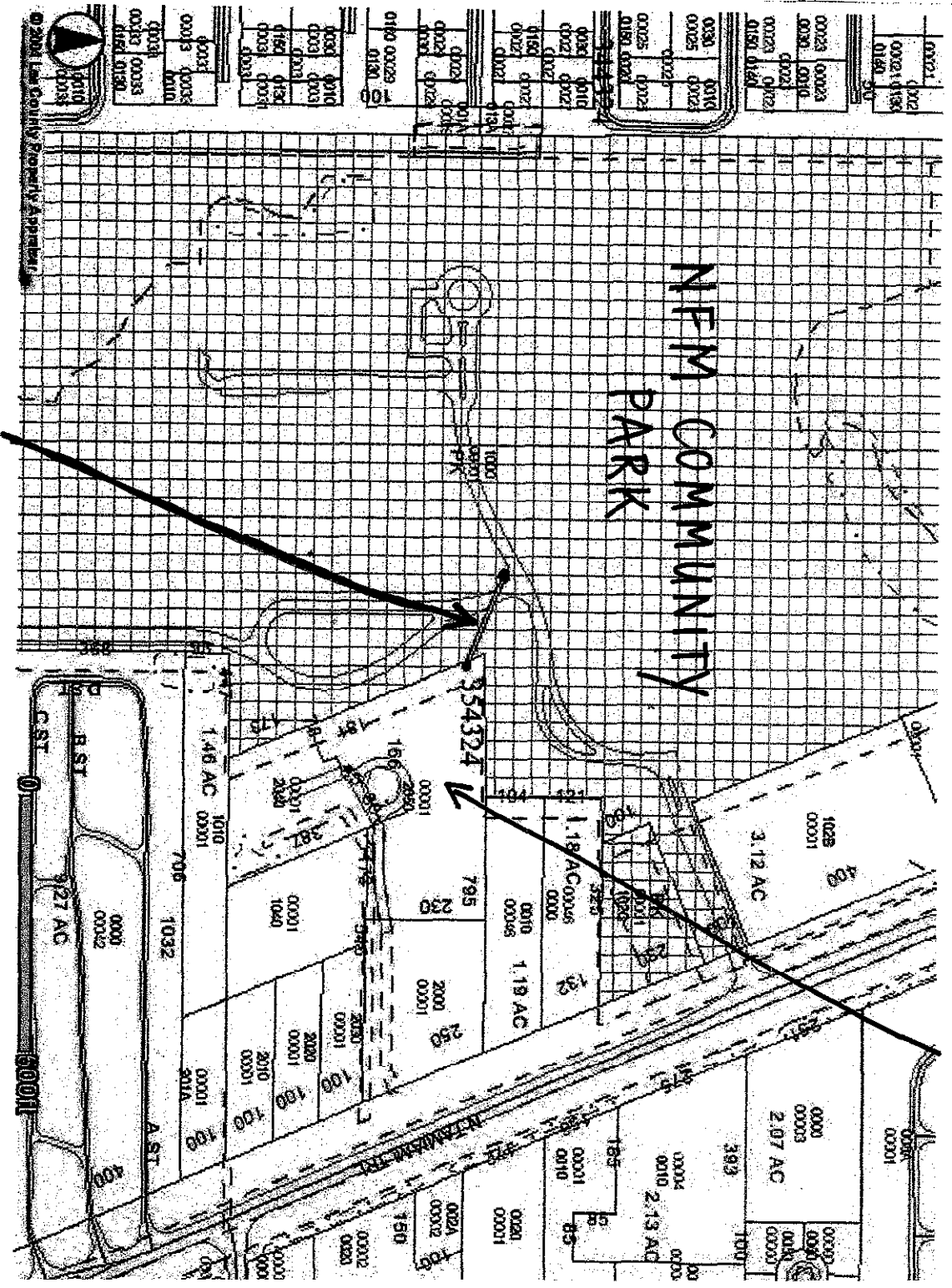
Memorandum

To: Teresa Mann, Lee County Lands Department
From: David S. Berra , Planning Manager
Date: March 11, 2004
Subject: North Fort Myers Community Park ; LCEC Easement

Teresa the conditions and location of the proposed easement to service the Goodwill facility is acceptable to Lee County Parks and Recreation. We have no long range plans that would be impacted by the this proposal. We have also had the site inspected for protected species and found none presently existing within this easement.

Thank-you for your consideration on this project.

SW FLORIDA
GWI HOUSING



APPROXIMATE LOCATION
OF SIXTEEN-FOOT WIDE
LCCEC EASEMENT