Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20050357-UTL

1. Action Requested/Purpose:

Approve final acceptance by Resolution and recording of one (1) utility easement as a donation of a water main extension and one (1) 8" diameter master meter assembly serving *Blessed Pope John XXIII - Phases 1 & 2*. This is a developer contributed asset project located on the west side of Palomino Road approximately 1 ½ miles north of Daniels Parkway.

2. What Action Accomplishes:

SAENGRAW PABLUE SHEETSABLESSED POPE JOHN XXIII - WM EXT & MASTER METER-EASE-TAK BS 200503

Places the water main extension and master meter assembly into operation and complies with the Lee County Utilities Operations Manual.

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	y Utilities req mental Cates		ne County Ma	anager's of	ince recon		proval of eting Dat		
4. Б ераги	mentai Cateş	gory: 10	(-10	6	J. IVIC	ting Dat	.04-	19-2005
6. Agenda	1:	7.	Requiremen	t/Purpose	(specify)	8. Req	uest Init	jated:	
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FLORIDA DEPARTMENT OF REVENUE RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

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448	## # .

FDOR10240300 DR-219

	(PLEASE READ II	NSTRUCTIONS BEFO	ORE COMPLETING	**************************************	R. 07/98
Ш		numbers as shown belo		numbers as shown below.	
1.	Parcel Identification Number 0 1 2 3 2	1 5 6 7 8 9		23456789	
	(If Parcel ID not available				
	please call County Property Appraiser's Office) →	224525	50000001010		
_		Transaction is a split		Property was improved	
2.	Mark (x) all Multi-parcel that apply transaction?	or cutout from		with building(s) at time	
•	E3 CENTER DONA	another parcel?	JOHN J NEV	of sale/transfer? → ↓ INS, DIOCESE OF	 VENICE
3.	Grantor (Seller): Last EASEMENT DONA:	MI		prate Name (if applicable)	
	PO BOX 2006	VENICE	FL	34284	
	Mailing Address	City	State	Zip Code Phone No.	
4.	Grantee (Buyer): RICK DIAZ, P.E. UTII			BD. OF CO. COMMIS	SIONERS
	Last First P. O. BOX 398	MI FT. Myers	FL Corpo	orate Name (if applicable) 33902 (2394798	1Ω1
	Mailing Address	City	State	Zip Code Phone No.	TOT
5.	Date of Sale/Transfer	Sale/Transfer Price	¬ ; ,, ,		
				O Property Lee	
	Month Day Year (Rou	und to the nearest dollar)		
6.	Type of Document Contract/Agreement Other	2	ages on the property?	If "Yes", YES	// NO
	Warranty Quit Claim		ortgage balance:		
	Deed Deed	(Round to the nearest	dollar.) Ψ 💹 🔣		
8.	To the best of your knowledge, were there unusual circu	mstances or conditions	to the sale/transfer		
	such as: Forced sale by court order? Foreclosure pending Sale of a partial or undivided interest? Related to seller by	(? Distress Sale? Title de	efects? Corrective Dec	ed? Mineral rights?	$]/ \square_{NO}$
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9.	Was the sale/transfer financed? YES / NO	If "Yes", please indicate	type or types of financ	ing:	
		Agreement or			
	Conventional Seller Provided	Contract for Deed	Other		
10	Property Type: Residential Commercial Industrial		utional/ laneous Governme	n=6 \/	
	Mark (x) all	Agricultural Miscel	laneous Governme	ent Vacant Acreage	Timeshare
	that apply				
11.	To the best of your knowledge, was personal property	YES / X	NO \$		Cents
	included in the sale/transfer? If "Yes", please state the				
12,	amount attributable to the personal property. (Round to the Amount of Documentary Stamp Tax	e nearest dollar.)	→ *		
40	If no toy is due in sumbon (O) is dead assessed from D				
10.	If <u>no tax</u> is due in number 12, is deed exempt from Docume] /
	Under penalties of perjury, I declare that I have read that that the taxpayer, his/her declaration is based on all in	ne foregoing return and in nformation of which he/h	inat the facts stated in er has any knowledge		_
L	Signature of Grantor or Grantee or Agent			Date3 31 0	5
_	WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FOR OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.	M APPROVED BY/1E DEPAR	TMENT OF REVENUE SHAL	L RESULT IN A PENALTY OF \$25.00 IN A	ADDITION TO ANY
—-					
	To be completed by the Clerk of the Circuit	Court's Office		Clerks Date Stamp	
	This copy to Property Appraiser				
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	Month Day Year				

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



FDOR10240300 DR-219 R. 07/98

(PLEASE READ INSTRUCTIONS BEFORE COMPLETING) Enter numbers as shown below.

If typing, enter numbers as shown below.

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

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0123456789

22452500000010100

2.	Mark (x) all that apply	Multi-pa transact				or cut	action is a : out from er parcel?	split →			W	roperty v rith buildi f sale/tra	ing(s) a	at time	→		
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		_ast BOX	2006		First	V	ENICE	MI	FL			Name (it 2 8 4	applic	:able) ≀			
4.	Grantee (Buyer):_	RICK	Address DIAZ,	P.E.		D.	City		State LEE	co.	ΒĎ	Code . OF	co.		MISS	SIONE	ERS
		₋ast O.B C	X 398		First	FT.		МI .S	FL			Name (if 902		able) 3947	981	.81	
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9.	Was the sale/trans	sfer financ	ed? YES		NO I	f "Yes",	please indi	cate type o	r types	of fina	ncing:						
	Conventional	l	Seller	Provided		_	eement or tract for De	ed	С	ther							
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10.	Property Type: Mark (x) all that apply	Resident	ial Com	nercial	Industrial	Agric	ultural M	/liscellaneou	s Go	vernn	nent	Vacant	F	Acreage	· Ti	meshar	re
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RESOL	UTION.	NO.	

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

WHEREAS, it is the desire of "John J. Nevins, Diocese of Venice", owner of record, to make a contribution to Lee County Utilities of water facilities (one water main extension and one 8" diameter master meter assembly) serving "BLESSED POPE JOHN XXIII, PHASES 1 & 2"; 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.

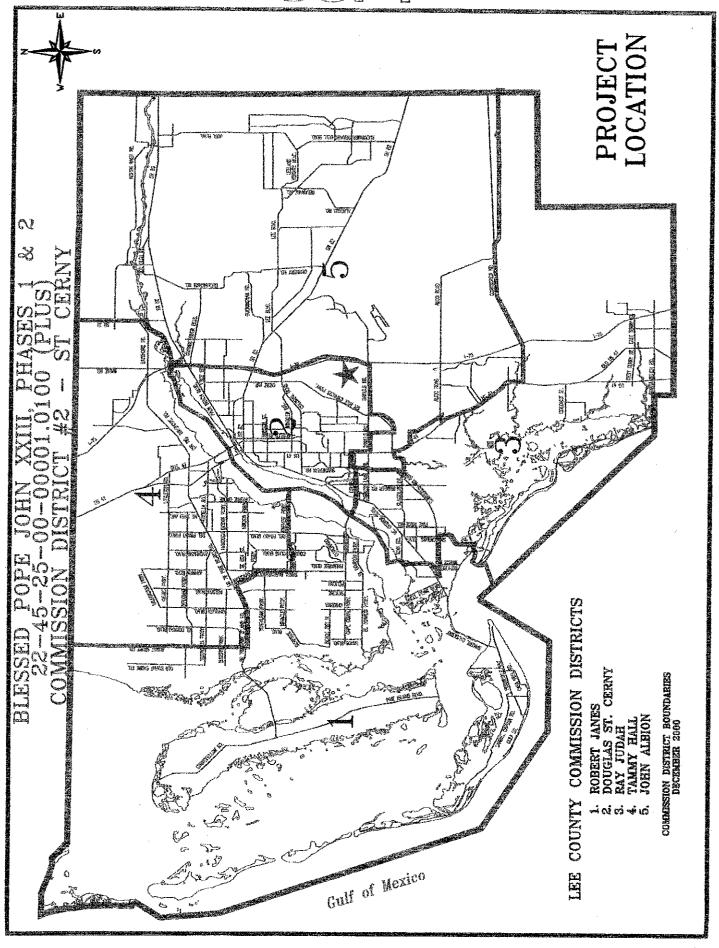
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of \$13,270.00 is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was o	ffered by Commissionerion was seconded by Commissioner	who
and, upon being put to a vote, the	e vote was as follows:	
Commissioner Janes	(1)	
Commissioner St. Cerny	y:(2)	
Commissioner Judah:	(3)	
Commissioner Hall:	(4)	
Commissioner Albion:	(5)	
DULY PASSED AND ADOPTED this _	day of	
·		
ATTEST: CHARLIE GREEN, CLERK	BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA	
By: DEPUTY CLERK	By:CHAIRMAN	
DEPUTY CLERK	CHAIRMAN	

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

GOPY



GOPY

×- 	DA ONIMOTA	ON TWO TV d	RD
#2 ST CERNY	S. IND. W. S. IND. CO. CO. LO. IN. G.	S. T. HOWAY LOWNERS	13060 PALOMINO
ED POPE JOHN XXIII COMMISSION DISTRICT #	S. A. L. D. H. G. M. S. A. L. D. H. L. D. L. D. H. L. D.	S. Till St. A. A. D. St. St. St. St. St. St. St. St. St. St	00-00001,0100 PLUS
BLESSED PO	NJ AZOOJAGA	N7	22-45-25-00-000



LETTER OF COMPLETION

DATE: 01/18/05

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 system located in Blessed Pope John XXIII, Phase 1&2

(Name of Development)

was designed by me and has been constructed in conformance with:

the approved plans and the approved specifications

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

Pressure Test(s) - Water Main

Very truly yours,

Spectrum Engineering, Inc.

(Owner or Name of Corporation)

(Signature)

President

(Title)

(Seal of Engineering Firm)





WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the <u>water system</u> of <u>Blessed Pope John XXIII</u>, <u>Phases 1 & 2</u> to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Charles Whippo, Whippo Company, Inc.
(Name of Owner/Contractor)
(A) /
BK Rekenthe
(Signature of Owner/Contractor)

STATE OF	<u>FL</u>	_)
).8	S:
COUNTY OF	Charlotte)

The foregoing instrument was signed and acknowledged before me this <u>15 th</u> day of <u>MAR</u>, 2005 by <u>Charles Whippo</u> who is personally known to me - _____, and who did not take an oath.

Notary Public Signature

Printed Name of Notary Public

SALLY L. ROBINSON
MY COMMISSION # DD 171572
EXPIRES: December 15, 2006
1-800 3-NOTARY FL Notary Service & Bonding, Inc.

(Notary Seal & Commission Number)



Blessed Pope John XXIII - Warranty





WAIVER AND RELEASE OF LIEN **UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of Thirteen Thousand Two-Hundred Seventy and 00/100(\$13,270.00) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Tri-County Land Development

on the job of John J. Nevins, Bishop - Diocese of Venice to	the following described property:
Blessed Pope John XXIII, Phases 1 & 2 (Name of Development/Project)	water distribution system (Facilities Constructed)
13060 Palomino Lane Fort Myers (Location)	21-45-25-01-00000.0310 and 22-45-25-00-00001.0100 (Strap # or Section, Township & Range)
Dated-on: March 15, 2005	
By Concypo	Whippo Company, Inc.
(Signature of Authorized Representative)	(Name of Firm or Corporation)
By: Charles Whippo	2800 Worth Av.
(Print Name of Authorized Representative)	(Address of Firm or Corporation)
Title: Vice President	Englewood, FL 34224- (City, State & Zip Of Firm Or Corporation)
Phone #: (941)474-9447 Ext.	Fax#: (941)475-2185
STATE OFFL) SS: COUNTY OF Charlotte) The foregoing instrument was signed and acknowledged be Charles Whippowho is personally known to me	
	by L. Robinson Ally L. Robinson e of Notary Public)





CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME:	Blessed Pope John XXIII - Phases 1 & 2
STRAP NUMBER:	21-45-25-01-00000.0310 , 21-45-25-01-00000.0320 and 22-45-25-00-00001.0100
SIRA NOMBIA.	21-43-23-01-00000.0310 , 21-43-23-01-00000.0320 and 22-43-23-00-00001.0100
LOCATION:	13060 Palomino Lane Fort Myers
OWNER'S NAME: (as shown	on Deed) John J. Nevins, Bishop Diocese of Venice
OWNER'S ADDRESS:	P. O. Box 2006
OWNER'S ADDRESS:	Venice,FL 34284-2006

TYPE UTILITY SYSTEM: POTABLE WATER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system from the drop-down list provided.

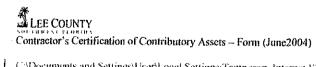
ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
TAPPING SLEEVE W/VALVE	12" x 10"	1.0	LS	\$3,000.00	\$3,000.00
HDPE SDR-11 CASING	20"	31.0	LF	\$120.00	\$3,720.00
HDPE SDR-11 WATER MAIN	10"	46.0	LF	\$25,00	\$1,150.00
PVC C-900 DR-14 WATER MAIN	10"	10.0	LF	\$25.00	\$250.00
ASSORTED FITTINGS	10"	1.0	LS	\$1,050.00	\$1,050.00
SINGLE WATER SERVICE/COMPLETE (Master-meter Assembly)	8 ¹¹	1.0	LS	\$4,100.00	\$4,100.00
					······································
TOTAL					\$13,270.00

(If more space is required, use additional forms(s).





I do hereby certify that the quantities of n representation of the as-installed cost of t record drawings.	naterial and services described above are a true and accurate he system being contributed to Lee County and corresponds with the
	CERTHEXING:
	(Signature of Certifying Agent)
	Charles Whippo, Vice President
	(Name & Title of Certifying Agent)
	Whippo Company, Inc.
	(Name of Firm or Corporation)
	2800 Worth Av.
	(Address of Firm or Corporation)
	Englewood, FL 34224 -
STATE OF <u>FL</u>)) SS:	,
COUNTY OF <u>Charlotte</u>)	
The foregoing instrument was signed and Charles Whippo who is personally	acknowledged before me this 15 th day of March, 2005 by known to me, and who did not take an oath.
000	
Notary Public Signature	
Notary Public Signature SAlly L. Robinson	SALLY L. ROBINSON MY COMMISSION # DD 171572
Printed Name of Notary Public	EXPIRES: December 15, 2006 1-800-3-NOYARY FL Notary Service & Bonding, Inc.
_DD 171572	
Notary Commission Number	(NOTARY SEAL)





(NOTARY SEAL)

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

Strap Number:

22-45-25-00-00001.0100

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this _____ day of _____ 20__, by and between <u>John J. Nevins</u>, as <u>Bishop of the Diocese of Venice</u>, a <u>Corporation Sole</u>, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, 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 will 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 may 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 will 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 from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, 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, agrees to 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 will 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.

	By acceptance of this easement, the GRANTEE assumes no ity for ownership or maintenance of any associated roads. The easement is itility purposes.
10. in interest a	This easement will be binding upon the parties hereto, their successors and any assigns.
(Balance of	Page Left Intentionally Blank)
~ 	

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

Enelyn Corl	BY: here be discussed
[1 st Witness' Signature]	[Signature Grantor's/Owner's]
EVELYN CORL	Volodymyr Smeryk
[Type or Print Name]	[Type or Print Name]
Dorothy Vieira	Chancellor - Diocese of Venice
[2 nd Witness' Signature]	[Title]
Dorothy Vieira	•
[Type or Print Name]	
STATE OF FLORIDA	
COUNTY OF SARASOTA	
The foregoing instrument was	signed and acknowledged before me this 2 means who produced the following as identification
day of FEBRUARY 2005 by VOLOPYMY!	who produced the following as identification
	or is personally know to me,
and who did/did not take an oath.	
[stamp or seal]	
	A / `A
Notary Public, State of Florida	Jean C. Traly
My comm. expires July 15, 2008 Comm. No. DD324824 onded Thru RLI insurance Company/Surety Division	Signature of Notary]
The manufactory of the state of	JEANNE C. HICKEY
[Typed or Printed Name]

Approved and accepted for and or	n behalf of Lee County, Florida, this
day of, 20	
ATTEST:	BOARD OF COUNTY COMMISSIONERS
CHARLIE GREEN, CLERK	OF LEE COUNTY, FLORIDA
BY:	BY:
Deputy Clerk	Chairman
	APPROVED AS TO FORM
	BY:
-	Office of the County Attorney

34 74 . *

INSTR # 6240619 OR BK 04271 Pgs 1400 - 1401; (2pgs) RECORDED 04/27/2004 08:02:39 AN CHARLIE GREEN, CLERK OF COURT LEE COUNTY, FLORIDA RECORDING FEE 10.50 DEPUTY CLERK D Schaefer

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS,

JOHN J. NEVINS, AS BISHOP OF THE DIOCESE OF VENICE, A THAT I. CORPORATION SOLE,

do hereby make, constitute and appoint

VOLODYMYR SMERYK CHANGELLOR OF THE DIOCESE OF VENICE

as my true and lawful attorney for me and in my name, to execute any and all instruments on behalf of the Corporation Sole, including contracts, leases, encumbrances, satisfactions and conveyances of every kind, nature and description whatsoever, specifically including any instrument pertaining to real estate which may be owned by the Corporation Sole; and to act on behalf of and in place of the Grantor in all matters, but without granting the power of substitution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6 day of APRIL ___ 2004.

Signed, sealed and delivered in the presence of:

JOYN J. NEVINS, as Bishop of the Diocese of

Venice, a Corporation Sole

STATE OF FLORIDA

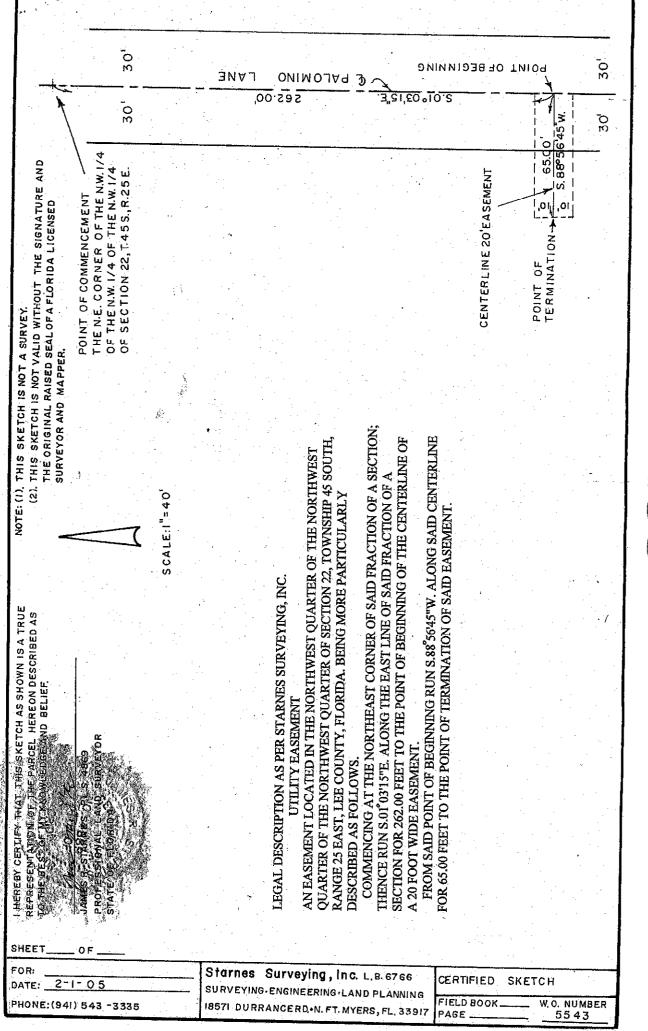
COUNTY OF SARASOTA

The foregoing instrument was ackno	wledged before me this 62 day of
PARIL , 2004 by JOHN J.	NEVINS, AS BISHOP OF THE DIOCESE OF
VENICE, A CORPORATION SOLE, who	is personally known to me or who has produced
as i	identification—
	Jan C. Hickory & Com
OFFICIAL NOTARY SEAL IEANNE C HICKEY NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC952751	Notary Public Jeanne C Hickey Print Name of Notary

Print Name of Notary

My Commission Expires: July 15, 2004

This instrument prepared by: DiVito & Higham, P.A. 4514 Central Ave. St. Petersburg FL 33711





FROM: UTILITIES ENGINEERING	V#111463
(Department)	BS 20050357-UTL
SUE GULLEDGE	Ha 20050551-01H
A. AUTHORIZATION:	
This transmittal authorizes theUTIL . ENGI office to incur expenses for filing/record against:	NEERING
	PE JOHN XXIII, PHASES 1 & 2
Purchase Order #	ING. SEE GULLEBGE Signature Authorizatio
s	3-24-05
B. SERVICE RECEIVED: RECORDING EASEMENT	
O. R. COPIES	
CASE # INDEX FEE	· · · · · · · · · · · · · · · · · · ·
PECORDING	
AMOUNT OF FEE INCURRED \$	
(date)	(DEPUTY CLERK)
THIS FORM GOES TO CASHIE	(CUSTOMER) (DEPT.) ER WITH REGULAR RECEIPT ATTACHED
C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT	ONLY)
REC'D	
ENTERED	
cust. #500283	
INV. #	
PLEASE REMIT TO: Clerk's Accounting	

P.O. BOX 2396

FORT MYERS, FLORIDA 33902-2396