## Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20051428-UTL

### 1. Action Requested/Purpose:

Approve final acceptance, by Resolution, and recording of two (2) utility easements as a donation of water main extension serving *Apostolic Christian Church* to provide potable water service and fire protection to this existing place of worship. This is considered a Developer contributed asset and the project is located on the northwest corner of Trail Dairy Circle and Rustic Lane.

## 2. What Action Accomplishes:

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

## 3. Management Recommendation:

Approvai.			_				<del></del>			
4. Depart	mental Cate	egory: 10	C	IDA		5. M	eeting Da	te: <b>7/-</b> 6	2005	
6. Agenda	a:	7.	Requiremer	t/Purpose	(specify)	8. Re	8. Request Initiated:		1	
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### RESOLUTION NO.

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

WHEREAS, it is the desire of "APOSTOLIC CHRISTIAN CHURCH OF NORTH FT. MYERS, INC", owner of record, to record two (2) utility easements as a donation of a water main extension (to provide potable water and fire protection) serving "APOSTOLIC CHRISTIAN CHURCH"; 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 \$68,575.00 is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

moved for its add	option. The motio	fered by Commissioner n was seconded by Commissione ut to a vote, the vote was as	er
Comma	issioner Janes:	(1)	)
Commi	issioner St. Cerny	:(2)	)
Commi	issioner Judah:	(3)	)
Commi	issioner Hall:	(4)	)
Commi	issioner Albion:	(5)	)
DULY PASSED AN 2005.	ND ADOPTED this	day of	
ATTEST: CHARLIE GREEN, CL	LERK	BOARD OF COUNTY COMMISSIONER OF LEE COUNTY, FLORIDA	S
By:		By:	<del></del>
DEPUTY CL	.ERK	CHAIRMAN	

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

## LETTER OF COMPLETION

DATE: 6/14/2005

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

Apostolic Christian Church water main extension
(Name of Development/Project)

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:

Bacteriological Test and Pressure Test(s) - Water Main

Very truly yours,

Quattrone & Associates, Inc.; Al Quattrone, P.E.

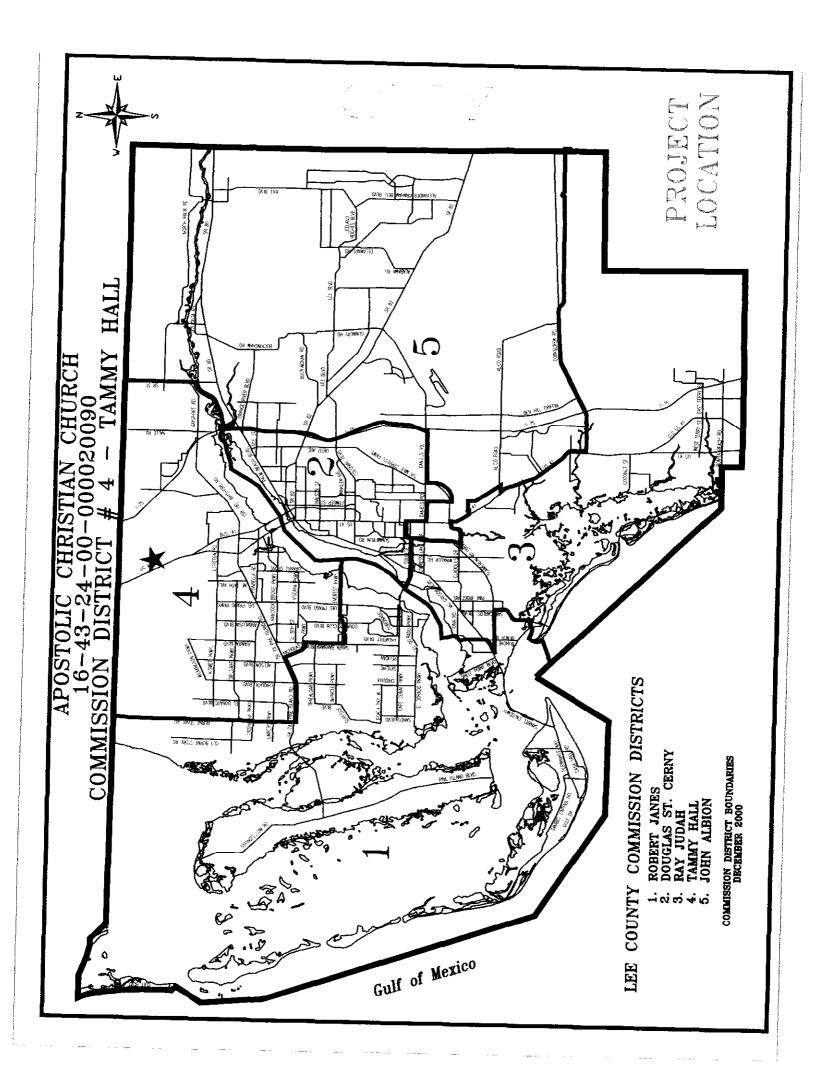
(Owner or Name of Corporation/Firm)

(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>APOSTOLIC CHRISTIAN CHURCH</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.

ROBERT A. KEILING
(Name of Owner/Contractor)
BY: Adata Calina
(Signature of Owner/Contractor)

STATE OF	FL	)
		) SS:
COUNTY OF	LEE	)

The foregoing instrument was signed and acknowledged before me this 20 th day of MAY, 2005 by ROBERT A. KEILING who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Notary Public Signature

MARK K. NOTTINGHAM
Printed Name of Notary Public

MARK K. NOTTINGHAM Notary Public, State of Florida My comm. exp. Jan. 6, 2008 Comm. No. DD 261445

(Notary Seal & Commission Number)

LEE COUNTY
SOUTHWEST PLORIDA
(Forms - Warranty - Revised 04/2003)

LCU WARRANTY 2005

SEP 27 2005

## WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Sixty Eight Thousand Five Hundred Seventy Five dollars & no/cents(\$68,575.00) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to BILL MASTERS on the job of APOSTOLIC CHRISTIANCHURCH to the following described property:

APOSTOLIC CHURCH WATER MAIN (Name of Development/Project)	water distribution system (Facilities Constructed)
2801 TRAIL DAIRY CIRCLE (Location)	16-43-24-00-00002.0090 (Strap # or Section, Township & Range)
Dated on: May 20, 2005.  By: Delta Valua  (Signature of Arthritish Research)	CHRISTO, INCORPORATED
(Signature of Authorized Representative)	(Name of Firm or Corporation)
By: ROBERT A. KEILING	4461-B HANCOCK BRIDGE PKWY
(Print Name of Authorized Representative	(Address of Firm or Corporation)
Title: PRESIDENT	N. FORT MYERS, FL 33903-
	(City, State & Zip Of Firm Or Corporation)
Phone #: (239)997-2823 Ext.	Fax#: (239)997-4672
STATE OF EI	
STATE OF <u>FL</u> ) ) SS:	
COUNTY OF LEE )	
	nowledged before me this 20 th day of May, 2005 by nown to me, and who did not take an oath.
MARK K. NOTTINGHAM Notary Public, State of Florida My comm. exp. Jan. 6, 2008 Comm. No. BD 261445	Mark X Nottyhu (Notary Public Signature)
(Notary Seal & Commission Number)	MARK K. NOTTINGHAM (Printed Name of Notary Public)

## **CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME:	APOSTOLIC CHRISTIAN CHURCH
STRAP NUMBER:	16-43-24-00-00002.0090
LOCATION:	2801 RUSTIC LANE FORT ,MYERS, FL
OWNER'S NAME: (as show	n on Deed) BILL MASTERS
OWNER'S ADDRESS:	2801 RUSTIC LANE
OWNER'S ADDRESS:	FORT MYERS,FL 33917-

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
PVC C-900 DR-18	8"	1,577.0	LF	\$25.00	\$39,425.00
GATE VALVE	8"	3.0	EA	\$2,500.00	\$7,500.00
GATE VALVE	6"	1.0	EA	\$1,500.00	\$1,500.00
FIRE HYDRANT ASSEMBLY	6"	1.0	EA	\$3,500.00	\$3,500.00
SINGLE WATER SERVICE/COMPLETE	1"	1.0	EA	\$1,500.00	\$1,500.00
STEEL CASING	18"	50.0	EA	\$150.00	\$7,500.00
ASSORTED FTITINGS	8"	1.0	LS	\$7,650.00	\$7,650.00
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TOTAL					\$68,575.00

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



LEE COUNTY
SOUTHWEST FLORIDA
Contractor's Certification of Contributory Assets – Form (June2004)

C:\Documents and Settings\Dawn C. Keiling\Desktop\LCU CONTRIBS-2005

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.

	x What a Chiling
	(Signature of Certifying Agent)
	ROBERT A. KEILING - PRESIDENT
-	(Name & Title of Certifying Agent)
_	CHRISTO, INCORPORATED
_	(Name of Firm or Corporation)
_	4461-B HANCOCK BRIDGE PKWY
	(Address of Firm or Corporation)
_	NORTH FORT MYERS, FL 33903 -
STATE OF <u>FL</u> )	
) SS: COUNTY OF <u>LEE</u> )	
	eknowledged before me this 20 th day of May, 2005 by nally known to me, and who did not take an oath.
Mark X Math	
Notary Public Signature	
MARK W MOTTINGHAM	MARK K. NOTTINGHAM
MARK K. NOTTINGHAM Printed Name of Notary Public	Notary Public, State of Florida
Timed raine of rocary radiic	My comm. exp. Jan. 6, 2008 Comm. No. DD 261445
Notary Commission Number	(NOTARY SEAL)

PLEASE PUT MY NAME ON THE ATTENTION LINE:

# Sue Gulledge

LCU 500283 0D5360748700,504930

PLEASE PUT MY NAME ON THE ATTENTION LINE:

# Sue Gulledge

LCU 500283 OD5360748700.504930

PLEASE PUT MY NAME ON THE ATTENTION LINE:

# Sue Gulledge

LCU 500283 OD5360748700.504930

## FLORIDA DEPARTMENT OF REVENUE RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERT

INET

FDOR10240300 DR-219

m			INSTRUCTIONS BEFO			R. 07/9
Ш			er numbers as shown below	/ If typing, ente	r numbers as shown bel	ow.
1.	Parcel Identification Number (If Parcel ID not available	0 1 2 3	4   5   6   7   8   9	01	23456789	
	please call County Property Appraiser's Office)		ور المتداليداليدان	00-00002.		
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3.	Oranio (Selier).	SEMENT DONA				CH OF N. FT. MYERS
	Last 2951 TRAIL DAIR	First Y CIR	N. FT. MYERS	Соп <b>FL</b>	porate Name (if applicat 33917 /	ye)
	Mailing Addres		City	State	Zip Code Phone	) No.
4.	Grantee (Buyer): RICK DIAZ	, P.E. UT	•	OR LEE CO.		COMMISSIONERS
	P. O. BOX 39		FT. MYERS	FL.		,,,,, ,4798181
_	Mailing Addres	ss	City	State	Zip Code Phone	
Э.	Date of Sale/Transfer	005 \$	Sale/Transfer Price	:0	O Property Lee	<u>,                                      </u>
	Month Day	Year (Re	ound to the nearest dollar.)	. •		<del></del>
6.	for Deed	Agreement X Oth	er 7. Are any mortgag outstanding mor		? If "Yes",	YES / X NO
	Warranty Quit Clain	n	(Round to the nearest do	· ·		0.0
_	Deed		`		··•	. 0 0
8.	To the best of your knowledge, we such as: Forced sale by court order Sale of a partial or undivided interes	r? Foreclosure pendin	ig? Distress Sale? Title defe	the sale/transfer ects? Corrective De	eed? Mineral rights?	YES / X NO
9.	Was the sale/transfer financed? YE	ES / X NO	If "Yes", please indicate ty	pe or types of finar	ncing:	
	Conventional Sell	ler Provided	Agreement or Contract for Deed	Other	•	
	Property Type: Residential Co Mark (x) all that apply	ommercial Industrial	Instituti Agricultural Miscella		nent Vacant Acr	reage Timeshare
11.	To the best of your knowledge, wa	as personal property	YES / X N	<b>.</b> \$		Cents
	included in the sale/transfer? If "Yes'	", please state the			· • • • • • • • • • • • • • • • • • • •	. 00
12.	amount attributable to the personal Amount of Documentary Stamp Tax	property. (Round to the	ne nearest dollar.)	\$ " ' ' '		70
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13.	If no tax is due in number 12, is deed			•		YES / NO
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## FLORIDA DEPARTMENT OF REVENUE

RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

INET

FDOR10240300 DR-219 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

I. Parcel Identification Number (If Parcel ID not available please call County Property 0 1 2 3 4 5 6 7 8 9

0123456789



	please call Co Appraiser's Of				16-	43-24-0	0000-000	2.0070		
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	2951	TRAIL I	DAIRY CIE	First }	N. FT.	MYERS	FL C	orporate Name (if 33917	(ap <del>pli</del> cable)	
4.	Grantee (Buye	RICK	Address DIAZ, P.	E. UT	IL. DIR		State OR LRE CO	Zip Code D. BD. OF	Phone No.	SSIONERS
	- "	Last	x 398	First	FT. N	MI	FL C	orporate Name (if 33902	fapplicable) , 239479	8181
_			Address		Cit		State	Zip Code	Phone No.	<del></del>
5.	Date of Sale/T	ransfer 25	2005	\$	Sale/Transf	er Price 10	(	Property		inty Code
	Month	Day	Year	(R	ד Round to the ne		. (	) U Located	In .	
6.	Type of Docum	foi	ontract/Agreeme	nt 🗶 Oth		any mortgage standing mortg		ty? If "Yes",	YES	X NO
	Warranty Deed	QI	uit Claim eed		(Round to t	the nearest doll	ar.) \$			.00
8.	such as: Force	your knowle	dge, were there	sure pendi	ng? Distress S	ale? Title defec	he sale/transfer ts? Corrective	Deed? Mineral riç	ghts? YES	× NO
9.	Was the sale/tr	ansfer finance	ed? YES	x NC	•	se indicate typ	e or types of fir	ancing:		
	Convention	onal	Seller Provid	ed	Agreem Contrac	t for Deed	Other			
10.	Property Type: Mark (x) all that apply	Residentia	al Commercial	Industria	al Agricultur	Institutio al Miscellan		nment Vacant	Acreage	Timeshare
11	To the best of	vous knowlo	<b>dge, w</b> as person	al amportu	VEO	× NO	. •			Cents
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13.	If <u>no tax</u> is due	in number 12	, is deed exempt	from Docur	mentary Stamp	Tax under s. 2	01.02(6), Florid	la Statutes?	YES	NO
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This Instrument Prepared By: Lee County Utilities 1500 Monroe Street - 3<sup>rd</sup> Floor Fort Myers, Florida 33901

Strap Number(s): 16-43-24-00-00002.0070

THIS SPACE RESERVED FOR RECORDING LCU500283

### **GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

### 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 9. responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.
- This easement will be binding upon the parties hereto, their successors in interest and any assigns.

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

auf	BY:	Sandia Milioh
[/i <sup>st</sup> Witness' Signature]		[Signature Grantor's/Owner's]
JAMES: A. TROWNES		Sandra mihok
[Type or Print Name]		[Type or Print Name]
-Malele Chase		President Board of Trust
[2 <sup>nd</sup> Witness' Signature]		[Title] Good Shophesid Mellical
Michelle Chase		[Title] Good Shepherd Melkel Church
[Type or Print Name]		~~ /
STATE OF FLORIDA		
COUNTY OF Lee		

The foregoing instrument was signed and acknowledged before me this 1 day of Sept 2005 by Sendra who produced the following as identification FLOW Maco-790-34-796- Or is personally know to me, and who did/did not take an oath.

[stamp or seal]

[Signature of Notary] [Typed or Printed Name]

Approved and accepted for and o	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

### EXHIBIT "A" CHURCH PROPERTY UTILITY EASEMENT #1

A TRACT OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 15, AND THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15, RUN N. 89 DEGREES 43' 02" E., FOR 200.03 FEET; THENCE S. 0 DEGREES 15' 29" E., FOR 1,893.87 FEET TO THE CENTER OF A 60 FOOT WIDE ROADWAY EASEMENT (TRAIL DAIRY CIRCLE); THENCE S. 89 DEGREES 46' 34" W. ALONG SAID CENTERLINE, FOR 175.02 FEET AND THE POINT OF THE BEGINING; THENCE CONTINUE S 89 DEGREES 46' 34" W FOR 589.86 FEET; THENCE N 0 DEGREES 13' 26" W FOR 30.00 FEET; THENCE N 89 DEGREES 46" 34" E FOR 543.15 FEET; THENCE N 26 DEGREES 07' 10" W FOR 740.76 FEET; THENCE N 89 DEGREES 33' 25" E FOR 33.12 FEET; THENCE S 26 DEGREES 07' 10" E FOR 774.25 FEET TO THE POINT OF BEGINNING

## JO APO TO POST WATE MAIN Quattrone & Associates, Inc. ADDRESS TRAIL COTT FINCES SHEET NO. EASEME Engineers, Planners, \* Development Considerats DATE 1/20 10" CHECKED BYJOT 11000 Metro Parkway, Suite 30 SCALE OR DESCRIPTIONATS Fort Fers, Florida 33917 - 239-936-5222 NOTE: SURVEY INFORMATION SHOWN HEREON TAKEN EXHIBIT "B" FROM SURVEY BY T. ALAN NEAL (ANCHOR ENG.) DATED 8/28/91 SKETCH OF EASEMENT DESCRIPTION POINT OF COMMENCEMENT **NORTHEAST** \_\_\_<u>N89'43'02''E</u> CORNER OF SECTION 15-~ 200.03' --TOWNSHIP 43 SOUTH RANGE 24 EAST NTS N. 89°33'51"E 33.12' TRAIL DAIRY CIRCLE **PARCEL** DESCRIBED IN O.R. 2136 PG. 300 POINT OF BEGINNING EASEMENT N.89'46'34"E. N. 0'13'26"W, 531.15' *30.00'* -589.86' S89'46'34''W 175.02' TRAIL DAIRY CIRCLE

S.W. CORNER OF PARCEL

DESCRIBED IN O.R. 2136, PG. 300

∠ S.E. CORNER OF PARCEL

DESCRIBED IN O.R. 2136, PG. 300

PLEASE PUT MY NAME ON THE ATTENTION LINE:

# Sue Gulledge

LCU 500283 OD5360748700.504930

## FLORIDA DEPARTMENT OF REVENUE

FDOR10240300

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4	Grantee (Buyer	BTOT N	IAZ, P.E	. UTIL	City . DIR.	FOR		Zip Code	Phone No.	ISSIONERS	
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## FLORIDA DEPARTMENT OF REVENUE

RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

FDOR10240300 DR-219 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

Parcel Identification Number (If Parcel ID not available please call County Property

1 2 3 4 5 6 789

0123456789

16-43-24-00-00002.0090 Appraiser's Office) Transaction is a split Property was improved 2. Mark (x) all Multi-parcel with building(s) at time or cutout from that apply transaction? another parcel? of sale/transfer? EASEMENT DONATION BY: APOSTOLIC CHRISTIAN CHURCH Grantor (Seller): Corporate Name (if applicable) 33903 First 2801 RUSTIC LANE N. FT. MYERS FL Mailing Address City State Zip Code Phone No. FOR LEE CO. RICK DIAZ. P.E. UTIL. DIR. BD. OF CO. COMMISSIONERS Grantee (Buyer): Last First MI Corporate Name (if applicable) FT. P. O. BOX 398 MYERS FL 33902 2394798181 Mailing Address City State Zip Code Phone No. Date of Sale/Transfer Sale/Transfer Price **Property** County Code 10 \$10 2005 Located In (Round to the nearest dollar.) Month Dav Year Contract/Agreement 7. Are any mortgages on the property? If "Yes", YES 6. Type of Document for Deed outstanding mortgage balance: Warranty Quit Claim (Round to the nearest dollar.) Deed Deed 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? YES Sale of a partial or undivided interest? Related to seller by blood or marriage. NO If "Yes", please indicate type or types of financing: Was the sale/transfer financed? YES Agreement or Conventional Seller Provided Contract for Deed Other Institutional/ 10. Property Type: Miscellaneous Residential Commercial Industrial Agricultural Government Vacant Acreage Timeshare Mark (x) all that apply Cents 11. To the best of your knowledge, was personal property YES O included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) 0.70 12. Amount of Documentary Stamp Tax 13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under 201.02(6), Florida Statutes? YES NO Order behalties of pertials it agnotes that a basis read the fare personetic than the taxpayer Tischer becausioning passed on accintormation of which + nowledge aignature of Granton or Stantee or Agent WHEREBOOK AND SECURE OF THE REPORT OF THE PROPERTY. To be completed by the Clerk of the Circuit Court's Office Clerks Date Stamp This copy to Department of Revenue O. R. Book and Page Number and

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

Strap Number(s): 16-43-24-00-00002.0090

THIS SPACE RESERVED FOR RECORDING LCU500283

## **GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

### 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 paragaph 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 abovedescribed 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 timeto 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 9. responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.
- This easement will be binding upon the parties hereto, their successors 10. in interest and any assigns.

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

Camalita Devlen	BY: White							
[1 <sup>st</sup> Witness' Signature]	[Signature Grantor's/Owner's]							
CARMALITA DOWLING	Nusters							
[Type or Print Name]	[Type or Print Name]							
Smouth Land	Toustee							
[2 <sup>nd</sup> Witness' Signature]	[Title]							
Involte Pamile								
[Type or Print Name]								
STATE OF FLORIDA								
COUNTY OF Lee								
The foregoing instrument was signed and acknowledged before me this $28$								
day of June 2005 by W. Mostwho produced the following as identification								
St Div. Mada 936-47-4160 or is personally know to me,								
and who did/did not take an oath.								
[stamp or seal]								
	Smint have							
Iniavette Ramirez	[Signature of Notary]							
Commission #DD370027 Expires: Nov 08, 2008 Bonded Thru	Injayothe Ramiret							
Atlantic Bonding Co., Inc.	[Typed or Printed Name]							

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

### **EXHIBIT "A"**

# APOSTOLIC CHURCH UTILITY EASEMENT DESCRIPTION FOR LEE COUNTY UTILITIES

COMMENCING AT THE NW CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE S. 00D 16' 58" E. FOR 500.00 FEET; THENCE S. 89D 43' 02"W. FOR 491.12 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 115D 50' 12" FOR AN ARC LENGTH OF 202.17 FEET TO THE POINT OF TANGENCY; THENCE S. 26D 07' 10' E. FOR 343.55 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE S. 26D 07' 10' E. FOR 271.15 FEET; THENCE S. 89D 33' 51"W. FOR 33.54 FFET; THENCE N. 26D 07' 10" W. FOR 271.15 FEET; THENCE N. 89D 33' 51" E. FOR 33.54 FEET TO THE POINT OF BEGINNING.

## JOB APOSTOLIC CHURCH WATER MAIN Quattrone & Associates, Inc. ADDRESS N.FT. MYERS SHEET NO. EASEMENT DESCRIPTION DATE 6/29/05 Engineers, Planners, & Development Consultants CHECKED BY JDO 11000 Metro Parkway, Suite 30 SCALE OR DESCRIPTION N.T.S. Fort Myers, Florida 33912 - 239-936-5222 **NW CORNER** SECTION 16 T. 43 S. R. 24 E. S. 000 16' 58" E 500.00' R. = 100' DELTA = 115D 50 12" -S. 89D 43' 02" W. ARC = 202.17" 491.12 S. 26D 07' 10" E. 343.55 N. 89D' 33' 51" W. -P.O.B. 33.54 SITE S. 26D 07' 10" E. N. 26D 07' 10" W. 271.15 271.15

S. 89D 33' 51" W.

33.54