

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

**Blue Sheet No. 20070251-UTL**

**1. ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, as a donation of a water distribution system, to provide potable water service and fire protection to *Magnolia Landing Residential f/k/a The Club at Herons Glen, Phase II*, a phased residential development. This is a Developer contributed asset and the project is located on the west side of U.S. 41 North approximately 1/4 mile south of the Lee/Charlotte county line.

**2. FUNDING SOURCE:**

No funds required.

**3. WHAT ACTION ACCOMPLISHES:**

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

**4. MANAGEMENT RECOMMENDATION:** Approval.

**5. Departmental Category:** 10 - Utilities **CIOH** **6. Meeting Date:** MAR 13 2007

<b>7. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b>		<b>9. Request Initiated:</b>	
	<input type="checkbox"/> Statute	<input type="checkbox"/>	<b>Commissioner</b>	
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<b>Department</b>	<b>Public Works</b>
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>	<b>Division</b>	<b>Utilities</b>
	<input checked="" type="checkbox"/> Other	<b>Approval</b>	<b>By:</b> <i>Douglas L. Meurer</i> 2-23-07 <b>Douglas L. Meurer, P.E., Director</b>	

**10. Background:**

The Board granted permission to construct on 05-10-05, Blue Sheet #20050511.  
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.  
 Satisfactory pressure and bacteriological testing has been completed.  
 Record drawings have been received.  
 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 Contributed Assets has been provided—copy attached.  
 100% of the connection fees have been paid.  
 Sanitary sewer service will be provided by North Fort Myers Utilities.  
 No funds required.

SECTION 03 & 04    TOWNSHIP 43S    RANGE 24E    DISTRICT # 4    COMMISSIONER HALL

**11. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Res.	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> Date: 2-26-07	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 2/23	S. Coovert S. Coovert Date: 2/26/07	<i>elw</i> 2-27-07	<i>MR</i> 2/1/07	<i>RR GR</i> RG 2/27	<i>MR</i> 2/27/07	<i>J. Lavender</i> Date: 2-26-07

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN:  
2/27 8:15 AM  
127  
COUNTY ADMIN  
FORWARDED TO: *PLC*  
3/1  
3PM

Rec. by CoAtty  
Date: 2/26/07  
Time: 2:25 PM  
Forwarded to:  
2/26/07  
3:30 PM

RESOLUTION NO.

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

WHEREAS, it is the desire of **"Taylor Woodrow Communities at Herons Glen, LLC"**, owner of record, to make a contribution to Lee County Utilities of water facilities **(water distribution system)**, serving **"MAGNOLIA LANDING RESIDENTIAL, F/K/A THE CLUB AT HERONS GLEN, PHASE II"**; 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 **\$511,645.09** 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 Bob Janes: \_\_\_\_\_ (1)
- Commissioner Brian Bigelow: \_\_\_\_\_ (2)
- Commissioner Ray Judah: \_\_\_\_\_ (3)
- Commissioner Tammara Hall: \_\_\_\_\_ (4)
- Commissioner Frank Mann: \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
DEPUTY CLERK

By: \_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

**BS 20070251-UTL**

COPY

LETTER OF COMPLETION

DATE: February 9, 2007

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 fire hydrant(s)** located in  
**Magnolia Landing - fka The Club at Herons Glen Phase II - DOS2004-00170**  
(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**

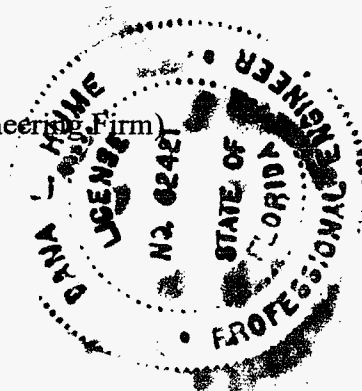
Very truly yours,

Johnson Engineering, Inc.  
(Owner or Name of Corporation/Firm)

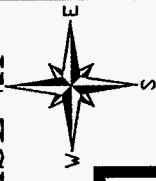
  
\_\_\_\_\_  
(Signature) **2.9.07**

Dana L. Hume, P.E.  
(Title)

(Seal of Engineering Firm)

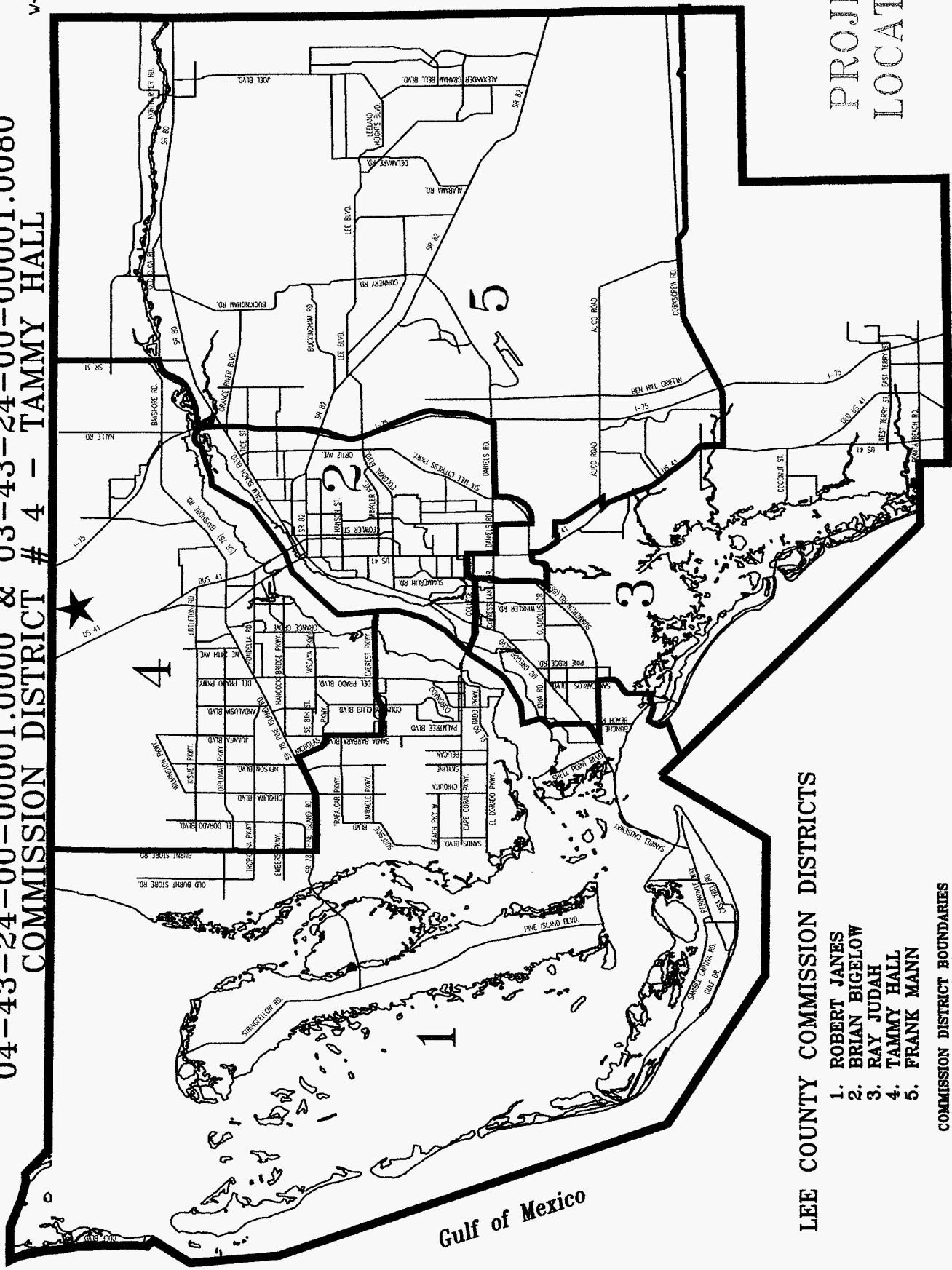


MAGNOLIA LANDING RESIDENTIAL fka THE CLUB AT HERON'S GLEN PHASE II  
 04-43-24-00-00001.0000 & 03-43-24-00-00001.0080  
 COMMISSION DISTRICT # 4 - TAMMY HALL



COPY

PROJECT  
 LOCATION



LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. BRIAN BIGELOW
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. FRANK MANN

COMMISSION DISTRICT BOUNDARIES  
 DECEMBER 2000

Gulf of Mexico

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of Magnolia Landing Residential (fka The Club at Herons Glen Phase 2) 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.

Mitchell & Stark Const. Co., Inc.

(Contractor/Company Name)

L.D. Neal, Project Manager

(Authorized Representative, Title)

BY: 


(Signature)

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 12 th day of February, 2007 by L.D. Neal who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public

NOTARY PUBLIC - STATE OF FLORIDA  
 Belinda Burgbacher  
Commission # DD620455  
Expires: JAN. 22, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.

(Notary Seal & Commission Number)

COPY

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Five hundred eleven thousand six hundred forty five dollars and nine cents (\$511,645.09) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Taylor Woodrow Communities at Herons Glen on the job of Magnolia Landing Residential (fka The Club at Herons Glen Phase 2) to the following described property:

Magnolia Landing Residential (fka The Club at Herons Glen Phase 2) Water Distribution System  
(Name of Development/Project) (Facilities Constructed)  
2250 Avenida Del Vera, North Fort Myers 04-43-24-00-00001.00000 and 03-43-24-00-00001.0080  
(Location) (Strap # or Section, Township & Range)

Dated on: February 12, 2007

By: [Signature]  
(Signature of Authorized Representative)

Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

By: L.D. Neal  
(Print Name of Authorized Representative)

6001 Shirly Street  
(Address of Firm or Corporation)

Title: Project Manager

Naples, FL 34109-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-2165 Ext.23

Fax#: (239)566-7865

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 12 th day of February, 2007 by L.D. Neal who is personally known to me - \_\_\_\_\_, and who did not take an oath.

NOTARY PUBLIC - STATE OF FLORIDA  
**Belinda Burgbacher**  
Commission # DD620455  
Expires: JAN. 22, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number)

Belinda Burgbacher  
(Printed Name of Notary Public)



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:

X

[Signature]  
(Signature of Certifying Agent)

L.D. Neal, Project Manager  
(Name & Title of Certifying Agent)

Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

6001 Shirley Street  
(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 12 th day of February, 2007 by L.D. Neal who is personally known to me - \_\_\_\_\_, and who did not take an oath.

[Signature]  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public

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**Belinda Burgbacher**  
Commission # DD620455  
Expires: JAN. 22, 2011  
BONDED THRU ATLANTIC BONDING CO., INC.

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)