

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

Blue Sheet No. 20051289

1. ACTION REQUESTED/PURPOSE:

Approve and execute a utility easement to Lee County Electric Cooperative, Inc., for the Lee/Hendry Landfill Phase 2 Project. Authorize Division of County Lands to handle all documentation necessary to complete the transaction.

2. WHAT ACTION ACCOMPLISHES:

Provides an easement for electric service to the Lee/Hendry Landfill.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested

4. Departmental Category: 6 **C6P** **5. Meeting Date:** 10-11-2005

| | | | |
|--|---|----------------|--|
| 6. Agenda: XX Consent Administrative Appeals Public Walk-On | 7. Requirement/Purpose: (specify) | | 8. Request Initiated: Commissioner _____ Department Independent <i>RC</i> Division County Lands <i>HL</i> By: Karen L.W. Forsyth, Director <i>Karen L.W. Forsyth</i> |
| | XX Statute | FS. 125 | |
| | Ordinance | _____ | |
| | Admin. Code | _____ | |
| | Other | _____ | |

9. Background:

The Division of County Lands received a request from Solid Waste for execution and recording of an easement in favor of Lee County Electric Cooperative, Inc., across a portion of the Lee/Hendry Landfill, identified as PIN 1-28-45-16-A00-0001.0000.

The proposed sixteen-foot wide easement will allow construction, operation and maintenance of overhead and underground electric utility facilities including wires, poles, guys, cables, conduits and appurtenant equipment in providing service to the landfill.

Cost to record the easement plus documentary stamps will be approximately \$50.

The CIP number is 200924.

Attachments: Original Easement, legal description of proposed easement area, and sketch of proposed easement area.

10. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|-------|-----------------|---------------------------|------------------------|--------------------------|------------------------|------------------------------|
| <i>K. Forsyth</i> | | | | <i>Smith</i> | Analyst <i>9/26/05</i> | Risk <i>9/26/05</i> | Grants <i>9/26/05</i> | Mgr. <i>9/26/05</i> | <i>HS 9/26/05</i> |

11. Commission Action:

- Approved**
- Other**
- Deferred**
- Denied**

RECEIVED BY
COUNTY ADMIN: **EW**
12:00
9-26
COUNTY ADMIN
FORWARDED TO: *PR*
9/26/05
5 PM

REC'D-123105
by CO. ATTY.
3:55 PM
CO. ATTY.
FORWARDED TO:
Co. Adm.
9/26/05 11 AM

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

**Blue Sheet No.
20051289**

1. ACTION REQUESTED/PURPOSE:

Approve and execute a utility easement to Lee County Electric Cooperative, Inc., for the Lee/Hendry Landfill Phase 2 Project. Authorize Division of County Lands to handle all documentation necessary to complete the transaction.

2. WHAT ACTION ACCOMPLISHES:

Provides an easement for electric service to the Lee/Hendry Landfill.

3. MANAGEMENT RECOMMENDATION: Management recommends Board approve the Action Requested.

4. Departmental Category: 6

5. Meeting Date:

6. Agenda:

**7. Requirement/Purpose:
(specify)**

8. Request Initiated:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

- Statute FS. 125
- Ordinance
- Admin. Code
- Other

Commissioner _____
 Department Independent
 Division County Lands
 By: Karen L.W. Forsyth, Director

9. Background:

The Division of County Lands received a request from Solid Waste for execution and recording of an easement in favor of Lee County Electric Cooperative, Inc., across a portion of the Lee/Hendry Landfill, identified as PIN 1-28-45-16-A00-0001.0000.

The proposed sixteen-foot wide easement will allow construction, operation and maintenance of overhead and underground electric utility facilities including wires, poles, guys, cables, conduits and appurtenant equipment in providing service to the landfill.

Cost to record the easement plus documentary stamps will be approximately \$50.

The CIP number is 200924.

Attachments: Original Easement, legal description of proposed easement area, and sketch of proposed easement area.

10. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|-------|-----------------|-----------------|------|--------|------|------------------------------|
| | | | | | Analyst | Risk | Grants | Mgr. | |
| <i>K. Forsyth</i> | | | | | | | | | |

11. Commission Action:

- Approved
- Other
- Deferred
- Denied

This document prepared by:
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Lee/Hendry Landfill Phase 2 Project No. 200924

PIN 1-28-45-16-A00-0001.0000
Section 16, Township 45 S, Range 28 E, Hendry County, Florida

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 sum of one dollar and other valuable considerations, a receipt of which is hereby acknowledged, does hereby grant to Lee County Electric Cooperative, Inc. a Florida 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 perpetual easement for a right-of-way to be used for the construction, operation, and maintenance of one or more overhead and underground electric transmission and distribution lines, including, but not limited to, wires, poles, cables, conduits, anchors, guys, and roads, trails, and equipment associated therewith, attachments and appurtenant equipment for fiber optic telecommunications and television purposes (all of the foregoing hereinafter referred to as "facilities"), over, under, in, on, upon and across the lands of the Grantor situated in the County of Hendry and State of Florida and being more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

The foregoing easement shall be a strip of land sixteen (16) feet in width, the centerline of which shall be a line drawn between poles or along a buried cable, together with the right and privilege from time to time to reconstruct, inspect, alter, improve, enlarge, add to, change the voltage, as well as the nature or physical characteristics of, replace, remove, or relocate such facilities or any part of them upon, across, over, or under the right-of-way described above with all rights and privileges necessary or convenient for the full enjoyment or the use thereof for the purposes described herein, including, but not limited to, the right to trim, spray, cut and keep clear all trees and undergrowth and other obstructions within said right-of-way and on lands of Grantor adjoining said right-of-way that may interfere with the proper construction, operation, and maintenance of such facilities or any part of them, the right to mark the location of any underground facilities by above-ground markers and other suitable markers, and the right of ingress and egress for personnel and equipment of Grantee, its contractors, agents, successors, or assigns, over the adjoining lands of the Grantor, for the purpose of exercising and enjoying the rights granted by this easement and any or all of the rights granted hereunder.

By the execution and delivery hereof, Grantor so expressly agrees that no portion of the right-of-way shall be excavated, altered, obstructed, improved, surfaced, or paved without the prior written permission of the Grantee, or its successors, or assigns, and no building, well, irrigation system, drainage system, structure, obstruction or improvement (including any improvements for recreational activities) shall be located, constructed, maintained, or operated over, under, upon, or across said right-of-way by the Grantor, or the heirs, personal representatives, successors or assigns of Grantor.

By execution hereof, Grantor covenants that it has the right to convey this easement and that the Grantee and its successors and assigns shall have quiet and peaceful possession, use and enjoyment of this easement and the rights granted hereby.

IN WITNESS WHEREOF, the Grantor has executed this Agreement
this ____ day of _____ 20____ .

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

**LEGAL AND SKETCH LYING IN
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 28 EAST,
HENDRY COUNTY, FLORIDA**

DESCRIPTION:

A PROPOSED 16' WIDE UTILITY EASEMENT LYING IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 28 EAST, HENDRY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 16, THENCE ALONG THE SOUTH LINE OF SAID SECTION 16, NORTH 89 DEGREES 14 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 54.46 FEET TO A POINT ON THE CENTERLINE OF THE HEREINAFTER DESCRIBED PROPOSED 16' WIDE UTILITY EASEMENT AND BEING THE POINT OF BEGINNING.

THENCE LEAVING SAID SOUTH LINE OF SECTION 16, NORTH 00 DEGREES 24 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 3450.89 FEET TO REFERENCE POINT "A"; THENCE SOUTH 89 DEGREES 55 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 53.36 FEET TO TERMINUS POINT "A"; THENCE FROM SAID REFERENCE POINT "A", NORTH 89 DEGREES 55 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 1530.46 FEET; THENCE SOUTH 58 DEGREES 54 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 194.77 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 1109.22 FEET; THENCE SOUTH 44 DEGREES 11 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 100.05 FEET; THENCE SOUTH 00 DEGREES 35 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 476.79 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 1201.08 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 1013.14 FEET; THENCE SOUTH 86 DEGREES 34 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 85.63 FEET TO TERMINUS POINT "B".

CONTAINING 3.38 ACRES, MORE OR LESS

Exhibit "A"

Page 1 of 2

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

Kent A. Stephenson
KENT A. STEPHENSON, F.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 6521

DATE
9/15/05

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL
RAISED SEAL OF A LICENSED FLORIDA SURVEYOR
AND MAPPER

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
(239) 332-4569
FX: (239) 332-8734

THIS IS NOT A SURVEY

SHEET 1 OF 2

| | |
|----------------------------|--|
| PROJECT NUMBER: 04-8684 | DESCRIPTION: PROPOSED 16' WIDE UTILITY EASEMENT |
| DRAWN BY: ARC | CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE |
| DATE: 8/9/05 | SEC-TWP-RGE: 16-45S-28E |
| FILE: ELESMT.DWG | COUNTY: HENDRY COUNTY |

LEGAL AND SKETCH LYING IN
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 28 EAST,
HENDRY COUNTY, FLORIDA

PIN 1-28-45-08-400-0001.0000
N/F LEE COUNTY
ORB 447, PG 313
COUNTY

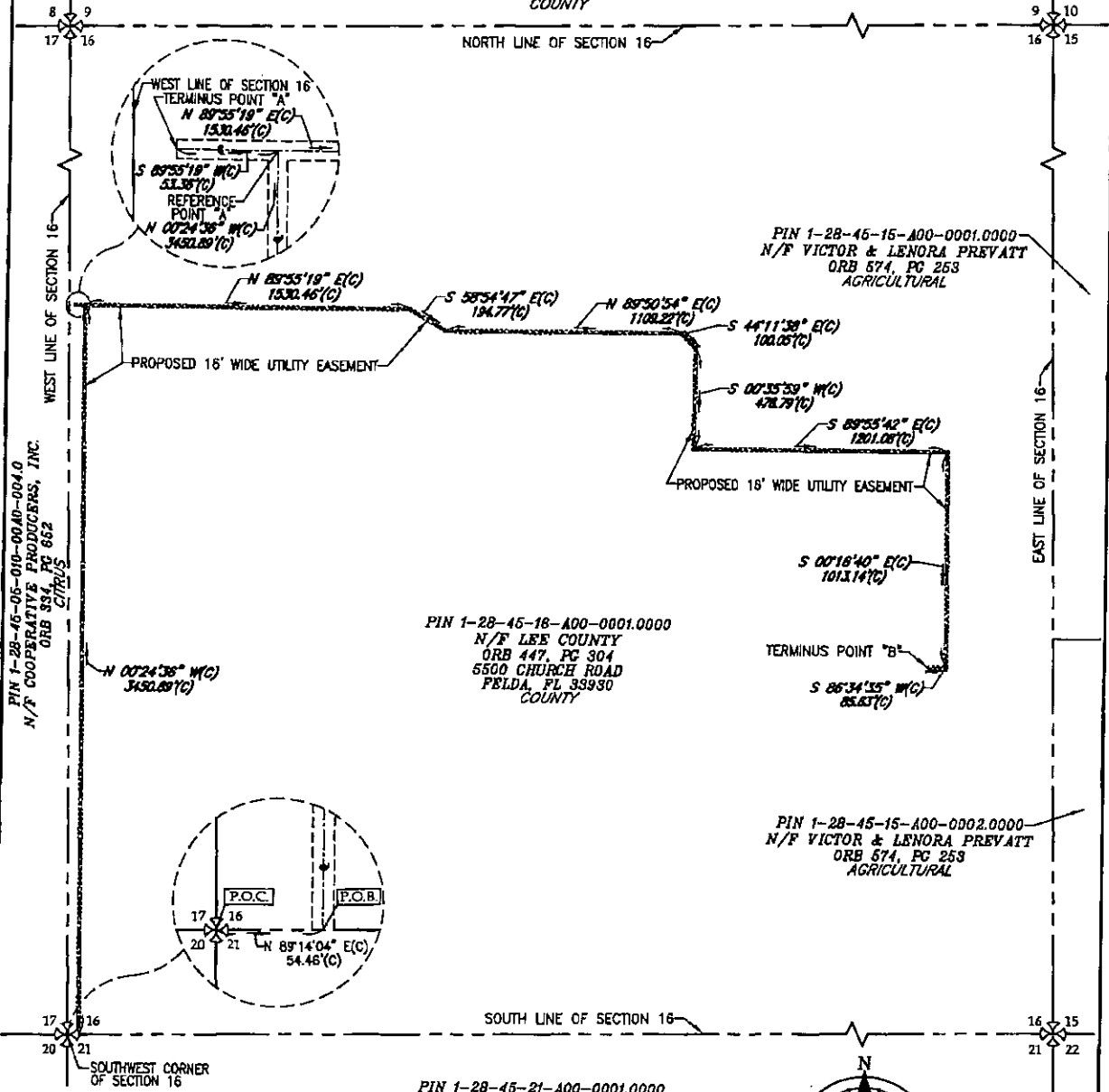
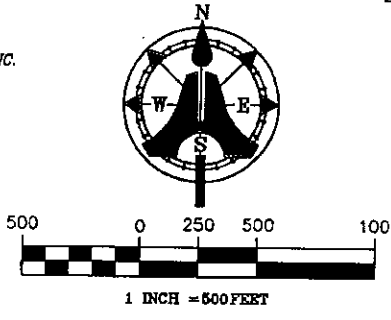


Exhibit "A"

Page 2 of 2



THIS IS NOT A SURVEY SHEET 2 OF 2

AIM Engineering & Surveying, Inc.
P.O. BOX 1235 - 5300 LEE BOULEVARD
Lehigh Acres, Florida 33970
(239) 332-4569 (800) 226-4569
FAX (239) 332-8734 L.B. No. 3114

PROPOSED 16' WIDE UTILITY EASEMENT

| | | | | |
|--|---------------|--------------------|---|---|
| CLIENT: LEE COUNTY DEPARTMENT OF SOLID WASTE | | FIELD DATE: | NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. | PREPARED BY: AIM ENGINEERING AND SURVEYING, INC. |
| PROJECT No: 04-8684 | F.B. PG. | DRAWN BY: ARC | | SEE SHEET 1 |
| S-T-R 16-45S-28E | HENDRY COUNTY | DATE DRAWN: 8/9/05 | CAD FILE: ELESMT.DWG | DATE |
| CHECKED BY: KAS | | | | KEITH A. STEPHENSON, P.S.M. PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE No. 8521 |