

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

**Blue Sheet No. 20061604-UTL**

**1. Action Requested/Purpose:**

Developer Contributed Asset: Approve final acceptance, by Resolution as a donation of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to *Palmetto Grove at Verandah*, a phased residential development. This is a Developer Contributed asset project located on the south side of State Road 80, approximately 1/2 mile east of State Road 31.

**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:**

Approval.

**4. Departmental Category:** 10 – Utilities      **C10J**      **5. Meeting Date:** JAN 09 2007

<b>6. Agenda:</b>	<input checked="" type="checkbox"/> <b>Consent</b>	<b>7. Requirement/Purpose (specify)</b>	<input type="checkbox"/> <b>Statute</b>	<b>8. Request Initiated:</b>
	<input type="checkbox"/> <b>Administrative</b>		<input type="checkbox"/> <b>Ordinance</b>	
	<input type="checkbox"/> <b>Appeals</b>		<input type="checkbox"/> <b>Admin. Code</b>	
	<input type="checkbox"/> <b>Public</b>		<input checked="" type="checkbox"/> <b>Other</b>	
	<input type="checkbox"/> <b>Walk-On</b>		<input type="checkbox"/> <b>Approval</b>	
		<b>Commissioner</b> <b>Department</b> Public Works <b>Division</b> Utilities <b>By:</b> <i>Douglas L. Meurer</i> 12-7-2006 <b>Douglas L. Meurer, P.E., Director</b>		

**9. Background:**

The Board granted permission to construct on 01/24/06, Blue Sheet #20051785.  
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual.  
 Satisfactory pressure and bacteriological testing of the water system has been completed.  
 Satisfactory closed circuit television inspection of the gravity collection system has been performed.  
 Record Drawings have been provided.  
 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 Contributory Assets has been provided---copy attached.  
 100% of the connection fees have been paid.  
 No funds required.

SECTION 32 TOWNSHIP 43S RANGE 26E DISTRICT # 5 COMMISSIONER MANN

**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>J. Lavender</i> Date: 12-8-06	N/A	N/A	<i>T.O.</i> T. Osterhout Date: 12/7	<i>S. Covert</i> S. Covert Date: 12/12/06	<i>ehw</i> 12-13-06	<i>vs</i> 12/12/06	<i>vs</i> 12/22/06	<i>vs</i> 12/12/06	<i>J. Lavender</i> Date: 12.8.06

**11. Commission Action:**

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

RECEIVED BY COUNTY ADMIN: *EW*  
 12/12 1:45  
 COUNTY ADMIN FORWARDED TO:  
 12/14 4:00  
*PO*

Rec. by CoAtty  
 Date: 11/106  
 Time: 1:45pm  
 Forwarded To:  
 12/12/06  
 1:30pm

RESOLUTION NO.

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

WHEREAS, it is the desire of "Lyons Land Corp, LLC", owner of record, to make a contribution to Lee County Utilities of water facilities (water service line, potable water, and fire protection), and sewer facilities (gravity collection system, sanitary sewer service), serving "Palmetto Grove at Verandah"; 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 **\$188,803.92** 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 \_\_\_\_\_, 2006.

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 20061604-UTL**

# COPY

## LETTER OF COMPLETION

DATE: 6/28/2006

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 sanitary sewer systems** located in  
**Palmetto Grove at Verandah**  
(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:  
**Pressure Test(s) - Water Main , Bacteriological Test , Low Pressure Test(s) - Gravity Main  
and TV Inspection, Mandrill - Gravity Main**

Very truly yours,

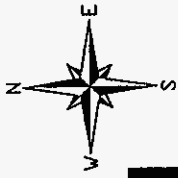
Johnson Engineering, Inc.  
(Owner or Name of Corporation/Firm)

(Signature)

Allen J. Mack, P.E.  
Fl. Lic. No. 45937  
Project Manager  
(Name and Title)

(Seal of Engineering Firm)

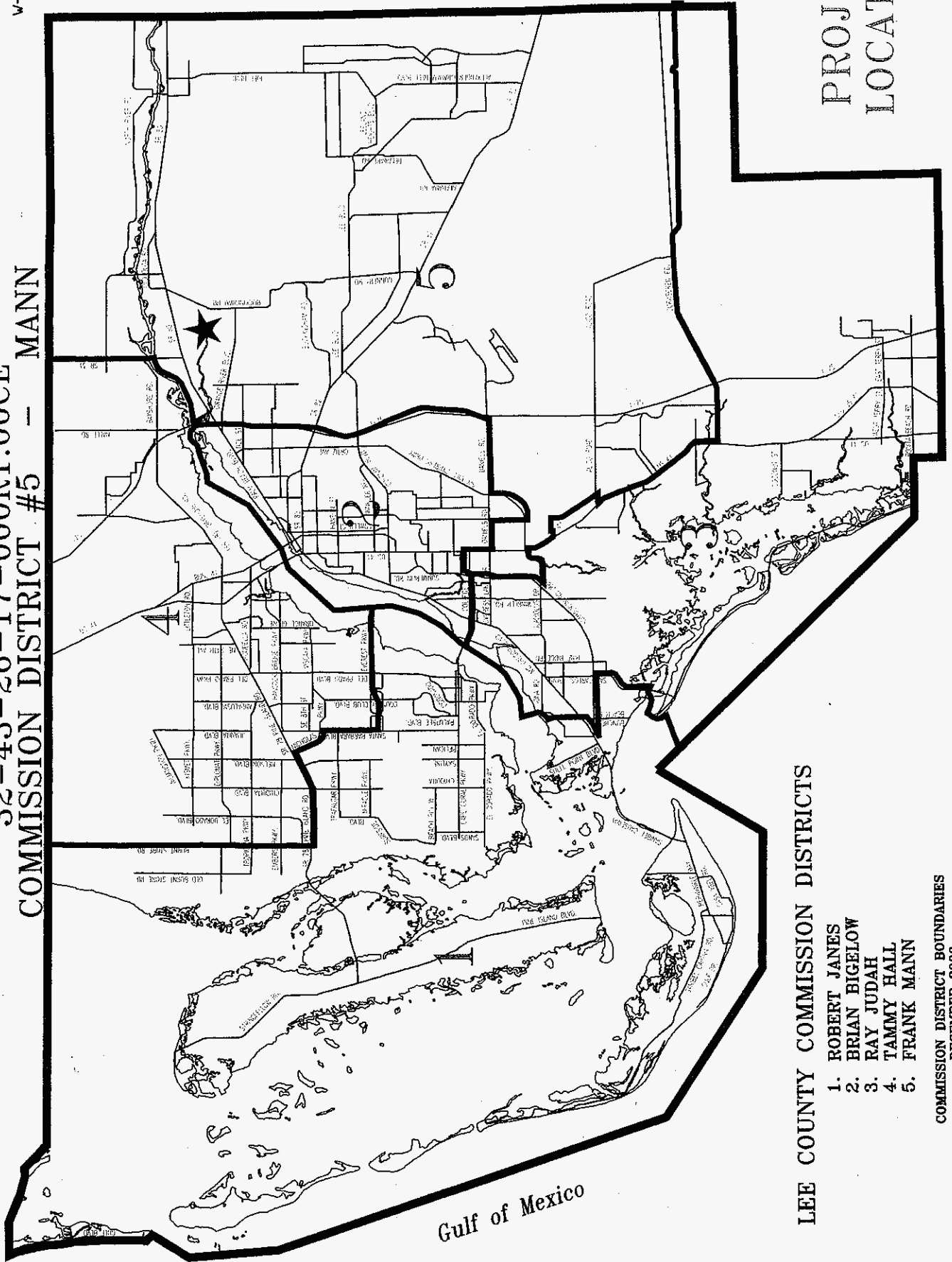




**COPY**

**PROJECT  
LOCATION**

**VERANDAH - PALMETTO GROVE  
32-43-26-17-000R1.00CE  
COMMISSION DISTRICT #5 - MANN**



**LEE COUNTY COMMISSION DISTRICTS**

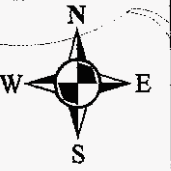
- 1. ROBERT JANES
- 2. BRIAN BIGELOW
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. FRANK MANN

**COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000**

Gulf of Mexico

Verandah - Palmetto Grove

Commission District #5 - Mann

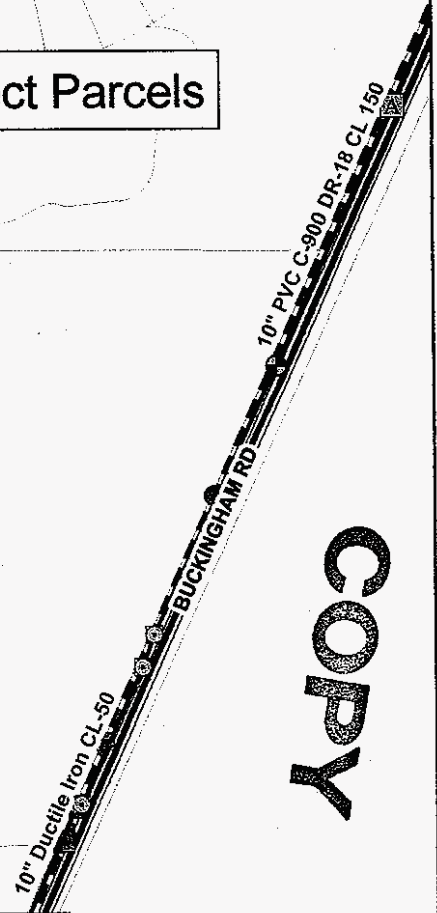


Subject Parcels

4436



4438



**COPY**

32-43-26-17-000R1.00CE

Palmetto Grove Drive

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

**COPY**

The undersigned lienor, in consideration of the final payment in the amount of One Hundred Eighty-eight Thousand Eight Hundred Three Dollars and 92/100 (\$188,803.92) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Verandah Development LLC (f. k. a. State Road 80 LLC) on the job of Palmetto Grove at Verandah, Lyons Land Corp., LLC to the following described property:

<u>Palmetto Grove at Verandah</u>	<u>Water Distribution System and Gravity Collection System</u>
(Name of Development/Project)	(Facilities Constructed)
<u>Palmetto Grove Drive</u>	<u>32-43-26-17-000R1.00CE</u>
(Location)	(Strap # or Section, Township & Range)

Dated on: November 30, 2006

By:   
(Signature of Authorized Representative)

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

By: Brian Penner  
(Print Name of Authorized Representative)

6001 Shirley Street  
(Address of Firm or Corporation)

Title: Vice President

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

Phone #: (239)597-2165 Ext.25

Fax#: (239)566-7865

STATE OF FL )  
                                  ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 30 th day of November, 2006 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Belinda Burgbacher  
Commission #DD179217  
Expires: January 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

  
(Notary Public Signature)

(Notary Seal & Commission Number)

Belinda Burgbacher  
(Printed Name of Notary Public)



COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Palmetto Grove at Verandah 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)

Brian Penner, Vice President

(Authorized Representative, Title)

BY: 


(Signature)

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 11 th day of July, 2006 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public

 Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)



## CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Palmetto Grove at Verandah

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STRAP NUMBER: 32-43-26-17-000R1.00CE

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LOCATION: Palmetto Grove Drive

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OWNER'S NAME: (as shown on Deed) Lyons Land Corp, LLC

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OWNER'S ADDRESS: 9240 Marketplace Rd., Suite 1

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OWNER'S ADDRESS: Fort Myers, FL 33912-

---

OWNER'S TELEPHONE #: (239) 768-3003

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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 WATER MAIN	8"	1,328.0	LF	\$28.28	\$37,555.84
CL-50 DIP WATER MAIN	8"	15.0	LF	\$30.36	\$455.40
CL-50 DIP WATER MAIN	6"	50.0	LF	\$27.34	\$1,367.00
PVC C-900 DR-18 WATER MAIN	4"	307.0	LF	\$21.24	\$6,520.68
FIRE HYDRANT ASSEMBLY		3.0	EA	\$4,020.00	\$12,060.00
BLOW-OFF ASSEMBLY	4"	1.0	EA	\$1,460.00	\$1,460.00
SINGLE WATER SERVICE/COMPLETE		14.0	EA	\$610.00	\$8,540.00
DOUBLE WATER SERVICE/COMPLETE		10.0	EA	\$770.00	\$7,700.00
<b>TOTAL</b>					<b>\$75,658.92</b>

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





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 30 th day of November, 2006 by L. D. Neal, Project Manager who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*[Signature]*  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public

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



Belinda Burgbacher  
Commission #DD179217  
Expires: January 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

(NOTARY SEAL)



## CERTIFICATION OF CONTRIBUTORY ASSETS

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STRAP NUMBER: 32-43-26-17-000R1.00CE

LOCATION: Palmetto Grove Drive

OWNER'S NAME: (as shown on Deed) Lyons Land Corp, LLC

OWNER'S ADDRESS: 9240 Marketplace Rd., Suite 1

OWNER'S ADDRESS: Fort Myers, FL 33912-

OWNER'S TELEPHONE #: (239) 768-3003

TYPE UTILITY SYSTEM: Sanitary Sewer  
(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 SDR-26 GRAVITY MAIN	8"	1,377.0	LF	\$35.00	\$48,195.00
MANHOLE	4'	9.0	EA	\$5,080.00	\$45,720.00
SINGLE SEWER SERVICE W/CLEANOUT	4"	3.0	EA	\$1,010.00	\$3,030.00
DOUBLE SEWER SERVICE W/CLEANOUT	6"	15.0	EA	\$1,080.00	\$16,200.00
<b>TOTAL</b>					<b>\$113,145.00</b>

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



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)

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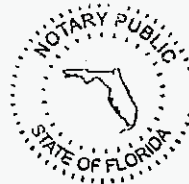
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[Signature]  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public

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



Belinda Burgbacher  
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(NOTARY SEAL)

