

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

Blue Sheet No. 20061661

1. ACTION REQUESTED/PURPOSE:

Approve and execute a utility easement to FPL for the Estero Community Park 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 Estero Community Park.

3. MANAGEMENT RECOMMENDATION:

Approve

4. Departmental Category: 6

OCG

5. Meeting Date:

JAN 09 2007

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute 125.38
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

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

9. Background:

The Division of County Lands received a request from Construction & Design for execution and recording of an easement in favor of FPL across a portion of the Estero Community Park property, identified as STRAP Number 34-46-25-01-0000C.017A.

The proposed ten-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 park facility.

Cost to record the easement plus documentary stamps will be approximately \$75.00.

Staff Recommendation: Approve.

Account: Funds are available from Account Number 20-1999 - 30100-506110

Attachments: Copy of easement, sketch of proposed easement area, legal description 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>KLF</i>			<i>NO 12/13</i> <i>Jawada</i>	<i>Robert</i> <i>12-15-06</i>	Analyst <i>12-15-06</i>	Risk <i>12-18-06</i>	Grants <i>12/18/06</i>	Mgr. <i>12/18/06</i>	<i>12-20-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN	<i>12-18-06 10:50</i>
COUNTY ADMIN	
FORWARDED TO:	<i>12/20 3pm</i>
	<i>PR</i>

Rec. by CoAtty
Date: <i>12/15/06</i>
Time: <i>4:25pm</i>
Forwarded To: <i>Admin. 12/15/06</i>
<i>3:20 pm</i>

Work Request No. 1998458
Sec. 34 , Twp. 46S, Rge. 25E
Parcel I.D. 34-46-25-01-0000C.017A
(Maintained By County Appraiser)

This Instrument Prepared By and return to:
Lee County/County Lands Division
P.O. Box 398
Fort Myers, FL 33902-0398

EASEMENT

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to **Florida Power & Light Company**, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement ten-feet in width described as follows:

An FPL Company easement more particularly described on Exhibit A attached hereto and made a part hereof. Said easement prepared by TKW Consulting Engineers, Inc., dated October 2006.

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

Florida Power & Light Company will indemnify **Lee County, a political subdivision of the State of Florida**, against any liability resulting from the permitted uses in this easement. Any damage to the Grantor's property or improvements thereon as the result of **Florida Power & Light Company** (Grantee), its licensees, agents, successors, and assigns will be restored by **Florida Power & Light Company** to the condition in which it existed before the damage.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____,
20 ____.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY _____

BY _____

Deputy Clerk

Chairman

APPROVED AS TO LEGAL FORM:

BY _____

Office of County Attorney

ESTERO COMMUNITY PARK

LEGAL DESCRIPTION

10' WIDE FLORIDA POWER & LIGHT EASEMENT

A 10.00 FOOT WIDE STRIP OF LAND LOCATED IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°57'41" WEST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34, FOR A DISTANCE OF 1,330.59 FEET; THENCE RUN SOUTH 01°08'36" EAST FOR A DISTANCE OF 653.15 FEET; THENCE RUN SOUTH 05°02'49" WEST FOR A DISTANCE OF 201.01 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE HEREIN DESCRIBED; THENCE RUN SOUTH 56°01'42" EAST FOR A DISTANCE OF 147.77 FEET; THENCE RUN SOUTH 00°07'32" WEST FOR A DISTANCE OF 263.10 FEET; THENCE RUN SOUTH 45°07'32" WEST FOR A DISTANCE OF 157.14 FEET; THENCE RUN SOUTH 01°06'39" EAST FOR A DISTANCE OF 556.21 FEET; THENCE RUN WEST FOR A DISTANCE OF 170.00 FEET TO THE POINT OF TERMINUS; CONTAINING 12,942 SQUARE FEET, OR 0.297 ACRE, MORE OR LESS.

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 89°57'41" WEST.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) THE SIDELINES OF THE CENTERLINE HEREIN DESCRIBED ARE TO TERMINATE PERPENDICULAR TO THE POINT OF BEGINNING AND POINT OF TERMINUS.

Eric V. Sandoval 11-8-06
SIGNATURE DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223

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

* THIS IS NOT A SURVEY *

TKW
CONSULTING ENGINEERS, INC.
environmental-civil-structural-survey
6621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: REG

JOB NO.: 06507.00

SHEET 1 OF 2

LEGAL DESCRIPTION

10' FLORIDA POWER & LIGHT COMPANY EASEMENT
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE: OCTOBER 2006

DRAWING: 04538.00-FPL

\\server\50101\Civil_1-1.dwg 11/11/2006 11:44:10 AM

ESTERO COMMUNITY PARK

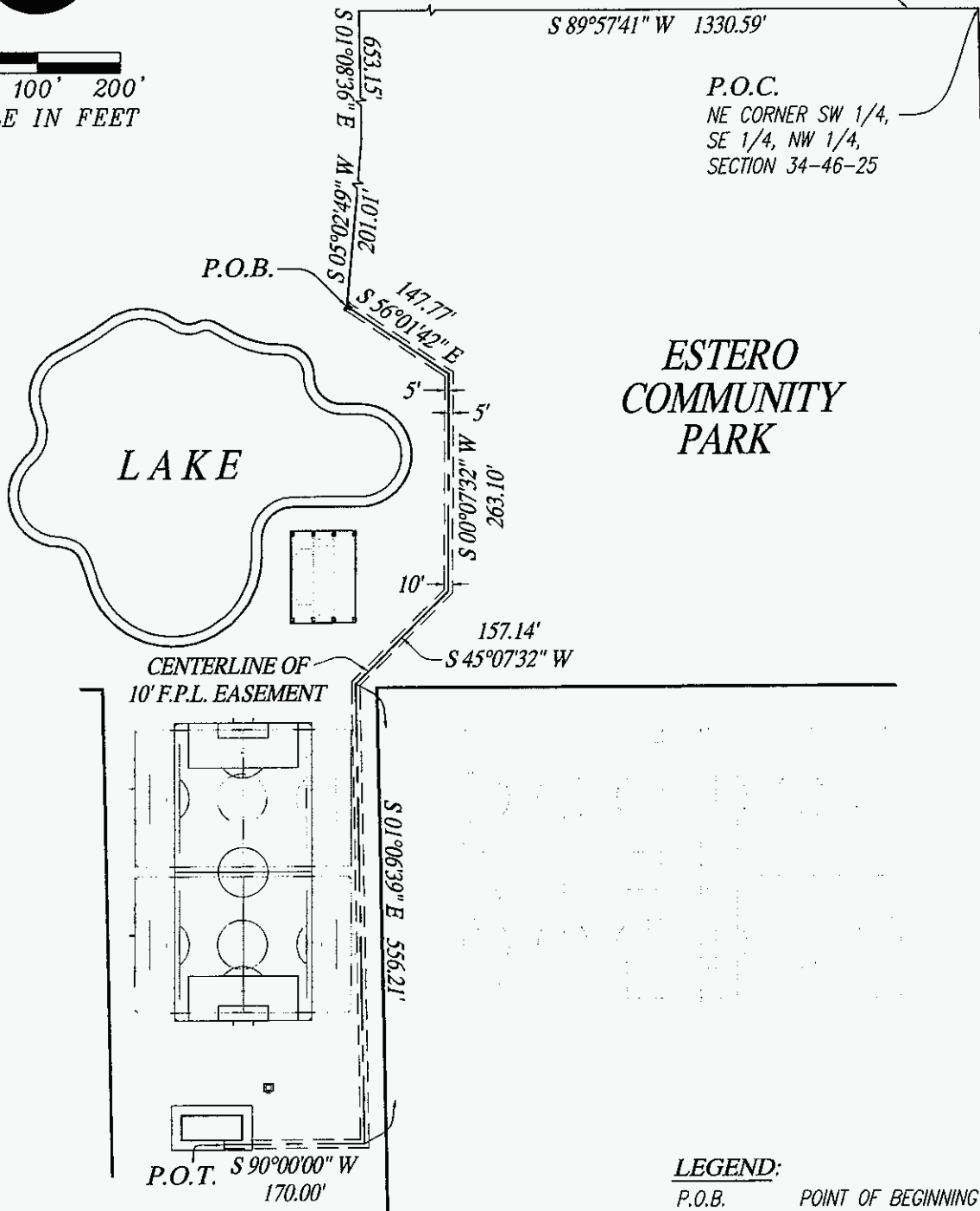
Exhibit "A"

Page 2 of 2



N. LINE OF THE SW 1/4, SE 1/4, NW 1/4,
SECTION 34-46-25

0' 100' 200'
SCALE IN FEET



P.O.C.
NE CORNER SW 1/4,
SE 1/4, NW 1/4,
SECTION 34-46-25

ESTERO
COMMUNITY
PARK

LAKE

CENTERLINE OF
10' F.P.L. EASEMENT

P.O.T. S 90°00'00" W
170.00'

LEGEND:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.T. POINT OF TERMINUS
- F.P.L. FLORIDA POWER AND LIGHT COMPANY

** THIS IS NOT A SURVEY **



environmental-civil-structural-survey
5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: REG JOB NO.: 06507.00 SHEET 2 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

10' FLORIDA POWER & LIGHT COMPANY EASEMENT
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LEE COUNTY, FLORIDA

DATE: OCTOBER 2006

DRAWING: 04538.00-FPL