

Agenda Item Summary

**1. ACTION REQUESTED/PURPOSE:** Approve and execute a utility easement to Florida Power and Light Company for the Lee County Sheriff's Evidence Storage Facility. Authorize Division of County Lands to handle all documentation necessary to complete the transaction.

**2. FUNDING SOURCE:** Fund: New Jail and Evidence Facility Construction Bonds Program: Capital Projects; Project: Evidence Facility

**3. WHAT ACTION ACCOMPLISHES:** Provides an easement for electric service to the Lee County Sheriff's Evidence Storage Facility.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** 06 **CLC** **6. Meeting Date:** MAY 22 2007

<b>7. Agenda:</b>	<b>8. Requirement/Purpose: (specify)</b>	<b>9. Request Initiated:</b>
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute F.S. 125	Commissioner _____
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	Department <u>Independent</u> <i>KL</i>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	Division <u>County Lands</u>
<input type="checkbox"/> Public	<input type="checkbox"/> Other	By: <u>Karen Forsyth, Director</u> <i>KF</i>
<input type="checkbox"/> Walk-On		

**10. Background:**

The Division of County Lands received a request from Public Works for execution and recording of an easement in favor of Florida Power and Light Company across a portion of the Sheriff's Evidence Storage Facility property, identified as STRAP Number 22-45-25-15-00009.0000.

The proposed ten-foot wide easement will allow construction, operation and maintenance of electrical utility facilities and appurtenant equipment in providing service to the Sheriff's Evidence Storage Facility.

Cost to record the easement plus documentary stamps will be approximately \$40.

Staff Recommendation: Staff recommends that the Board approve the action requested.

Account: 20876931408.506110

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

**11. 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>			<i>BAO 5/8</i>	<i>Robert Spitzer 5-9-07</i>	<i>5/9 11:00 AM</i>	<i>5/9/07</i>	<i>5/9/07</i>	<i>5/9/07</i>	<i>Shander 5-8-07</i>

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *KL*  
 5/9 11:00 AM  
 COUNTY ADMIN FORWARDED TO: *KL*  
 5/9/07 10:30

Rec. by CoAtty  
 Date: 5/8/07  
 Time: 11:35 AM  
 Forwarded To: *Admin*  
 5/9/07 10:44 am

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

Lee County Sheriff's Evidence Storage  
Facility FPL Easement

Portion of STRAP No. 22-45-25-15-00009.0000  
Section 22, Township 45 S, Range 25 E, Lee 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 Florida Power & Light Company, whose post office address is 15834 Winkler Road, Fort Myers, FL 33908, 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), perpetual easements 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 Lee and State of Florida and being more particularly described as follows:

SEE ATTACHED EXHIBIT "A"  
F.P.L. Easement Nos. 1 & 2

The foregoing easement shall be strips of land ten (10) 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.

Grant of Easement to  
Florida Power & Light Company  
Lee County Sheriff's Evidence Storage  
Facility FPL Easement

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

**DESCRIPTION**

**F. P. & L. EASEMENT NO. 1**

A 10 FOOT WIDE (AS MEASURED AT RIGHT ANGLES) STRIP OF LAND IN TRACT 9 OF D-75 COMMERCE CENTER, AS SHOWN IN PLAT RECORDED IN PLAT BOOK 82, PAGES 76 THROUGH 78, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID STRIP OF LAND LYING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 9; THENCE S.89°25'43"W. ALONG THE NORTH LINE OF SAID TRACT 9, BEING ALSO THE SOUTH RIGHT-OF-WAY LINE OF INTERCOM DRIVE, AS SHOWN ON SAID PLAT, A DISTANCE OF 26.39 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S.05°47'03"E. A DISTANCE OF 35.14 FEET; THENCE S.01°05'10"E. ALONG A LINE THAT LIES 23.51 FEET WEST OF (AS MEASURED AT RIGHT ANGLES), AND PARALLEL TO THE EAST LINE OF SAID TRACT 9, A DISTANCE OF 397.65 FEET; THENCE S.88°54'50"W. A DISTANCE OF 158.26 FEET TO THE POINT-OF-TERMINUS OF THIS DESCRIPTION.  
 SUBJECT TO A PUBLIC UTILITY EASEMENT OVER AND ACROSS THE NORTH 10.00 FEET THEREOF.  
 SIDELINES TO BE SHORTENED OR EXTENDED SO AS TO FORM A CONTINUOUS STRIP.

**Exhibit "A"**

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**DESCRIPTION**

**F. P. & L. EASEMENT NO. 2**

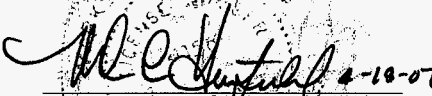
A 10 FOOT WIDE (AS MEASURED AT RIGHT ANGLES) STRIP OF LAND IN TRACT 9 OF D-75 COMMERCE CENTER, AS SHOWN IN PLAT RECORDED IN PLAT BOOK 82, PAGES 76 THROUGH 78, INCLUSIVE, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID STRIP OF LAND LYING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 9; THENCE S.01°05'10"E. ALONG THE EAST LINE OF SAID TRACT 9, A DISTANCE OF 361.84 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE S.88°54'50"W. A DISTANCE OF 23.51 FEET TO THE POINT-OF-TERMINUS OF THIS DESCRIPTION.  
 SIDELINES TO BE SHORTENED OR EXTENDED SO AS TO FORM A CONTINUOUS STRIP.

**SURVEYOR'S NOTES**

THE DESCRIPTIONS SHOWN HEREON ARE NEW.  
 NO SEARCH OF THE PUBLIC RECORDS WAS CONDUCTED BY THIS OFFICE FOR THE EXISTENCE OF EASEMENTS, RESERVATIONS, OR RIGHTS-OF-WAY OF RECORD.  
 ORIENTATION BASED ON THE NORTH LINE OF SAID TRACT 9 AS BEARING S.89°25'43"W.  
 DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR ABSTRACT.  
 UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS NOT VALID.  
**THIS IS NOT A SURVEY!**

**ABBREVIATIONS**

- D.E. = DRAINAGE EASEMENT
- F.P.&L. = FLORIDA POWER AND LIGHT
- O.R. = OFFICIAL RECORDS
- P.G. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINUS
- P.U.E. = PUBLIC UTILITY EASEMENT
- R. = RANGE
- R/W = RIGHT OF WAY
- SEC. = SECTION
- T. = TOWNSHIP

PREPARED BY  
  
 MARK A. HATFIELD / S.M. DATE 4-18-07  
 FLORIDA CERT. NO. 3158

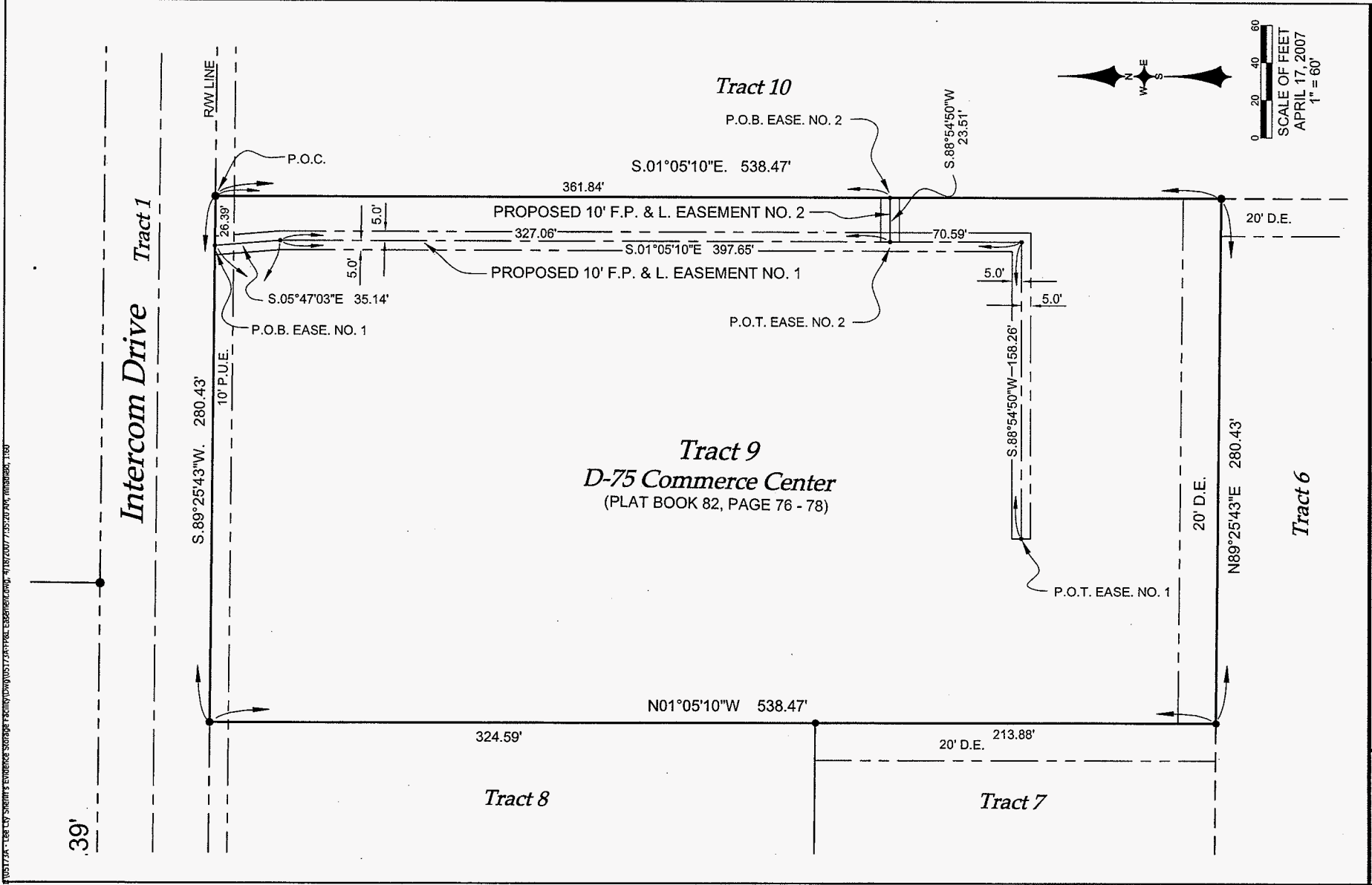
MDA PROJECT: 05173A		DESCRIPTION DRAWING F.P.&L. EASEMENTS IN TRACT 9, OF D-75 COMMERCE CENTER IN SEC.22, T. 45 S., R. 25 E., LEE COUNTY FLORIDA	
CHECKED BY: MAH	DRAWN BY: MAH		
DATE: 04-17-07		CLIENT: LEE COUNTY	
SHEET 1 OF 2		PROJECT: LEE COUNTY SHERIFF'S EVIDENCE STORAGE FACILITY	

**MORRIS DEPEW**  
 ENGINEERS-PLANNERS-SURVEYORS  
 2218 Allamont Avenue Fort Myers, Florida 33901 (239) 337-3993 • (FAX) 337-3994  
 FLA. CERT. OF AUTH. NO. LB0001

100173A - LEE COUNTY SHERIFF'S EVIDENCE STORAGE FACILITY SURVEY AND PLAT BOOK 82, PAGE 76 - 78, 04/17/2007 1:52:20 PM, 100173A.DWG

Exhibit "A"

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 MORRIS DEPEW ENGINEERS-PLANNERS-SURVEYORS 2216 Alhambra Avenue Fort Myers, Florida 33901 (239) 337-3893 • (FAX) 337-3894 F.L.A. CERT. OF AUTH. NO. 10981	
<b>DESCRIPTION DRAWING</b> F.P. & L. EASEMENTS IN TRACT 9, OF D-75 COMMERCE CENTER IN SEC. 22, T. 45 S., R. 25 E., LEE COUNTY FLORIDA	
CLIENT: LEE COUNTY PROJECT: LEE COUNTY SHERIFF'S EVIDENCE STORAGE FACILITY	
MDA PROJECT: 05173A	CHECKED BY: MAH
DATE: 04-17-07	DRAWN BY: MAH
SHEET 2 OF 2	

