

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
 AGENDA ITEM SUMMARY

BLUE SHEET NO: 20031162 -UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, as a donation of four 4" diameter fire lines, three fire hydrants, nine potable water services and a gravity collection system serving LEGENDS, TRACT "J". This is a developer contributed asset project located on the west side of Fiddlesticks Boulevard across from The Olde Hickory Club and just north of Fiddlesticks Country Club.

WHY ACTION IS NECESSARY: To provide potable water service, fire protection and sanitary sewer service to this phase of the residential development.

WHAT ACTION ACCOMPLISHES: Places the water and sewer systems into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY:  
 COMMISSION DISTRICT #: 5

C10B

3. MEETING DATE:

10-14-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- TIME REQUIRED: \_\_\_\_\_

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE \_\_\_\_\_
  - ORDINANCE \_\_\_\_\_
  - ADMIN. CODE \_\_\_\_\_
  - OTHER Res. \_\_\_\_\_

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: \_\_\_\_\_
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, P.E., Utilities Director
- DATE: 9/25/03

7. BACKGROUND:

The Board granted permission to construct on 08/13/02, Blue Sheet #20020863.  
 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.  
 As-builts 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 28 TOWNSHIP 45S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					OA	OM	Risk	GC	
<i>J. Lavender</i> Lavender Date: 9.26.03	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 9.25	<i>J. Board</i> Date: 9/26/03	<i>P.M</i> 9/30/03	<i>JS</i> 9/30/03	<i>JS</i> 9/30/03	<i>JS</i> 9/30/03	<i>J. Lavender</i> Lavender Date: 9.26.03

10. COMMISSION ACTION:

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
 Date: 9-26-03  
 Time: 4:30  
 Forwarded To:  
 City Admin  
 9-26-03

RECEIVED BY  
 COUNTY ADMIN: *pm/edw*  
 9/26  
 4:40 PM SGT  
 COUNTY ADMIN  
 FORWARDED TO:  
 10/1 10/03

RESOLUTION NO. \_\_\_\_\_

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

WHEREAS, it is the desire of Kings Wood Development Corporation, owner of record, to make a contribution to Lee County Utilities of water facilities (four 4" diameter fire lines, three fire hydrants, nine potable water services), and sewer facilities (gravity collection system) serving "**LEGENDS, TRACT "J"**"; 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 **\$196,484.94** 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 Douglas St. Cerny: \_\_\_\_\_ (2)
- Commissioner Ray Judah (C): \_\_\_\_\_ (3)
- Commissioner Andrew Coy: \_\_\_\_\_ (4)
- Commissioner John Albion (V-C): \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
CHAIRMAN

APPROVED AS TO FORM

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

COPY

**LETTER OF COMPLETION**

DATE: **APRIL 9, 2003**

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 / or sewer collection system (s) located in \_\_\_\_\_

**LEGENDS GOLF AND COUNTRY CLUB – TRACT "J"**

(Name of Development)

were designed by me and have been constructed in conformance with:

- the approved plans
- the revised plans, attached

and:

- the approved specifications
- the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities: \_\_\_\_\_

**Water pressure tests and sewer pressure tests, sewer viewer**

Very truly yours,

**SAMUEL W. MARSHALL , P.E. # 48881**

**Banks Engineering, Inc.**

(Owner or Name of Corporation)

*[Signature]* 4/9/03  
(Signature)

**PROJECT MANAGER**

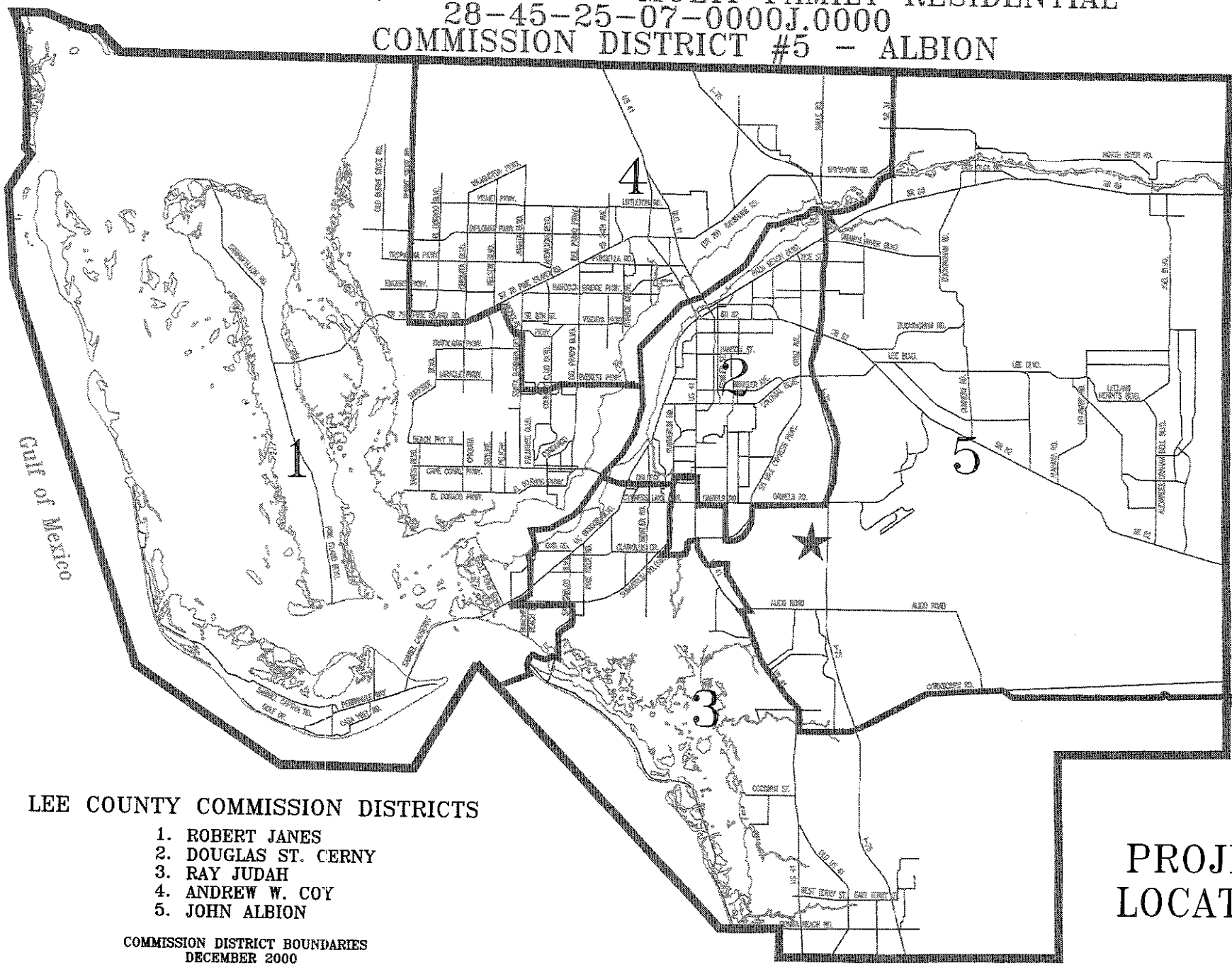
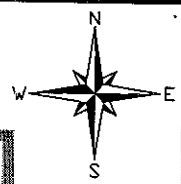
(Title)

(SEAL OF ENGINEERING FIRM)

7/1/96



LEGENDS, TRACT 'J' - MULTI-FAMILY RESIDENTIAL  
 28-45-25-07-0000J.0000  
 COMMISSION DISTRICT #5 - ALBION



COPY

LEE COUNTY COMMISSION DISTRICTS

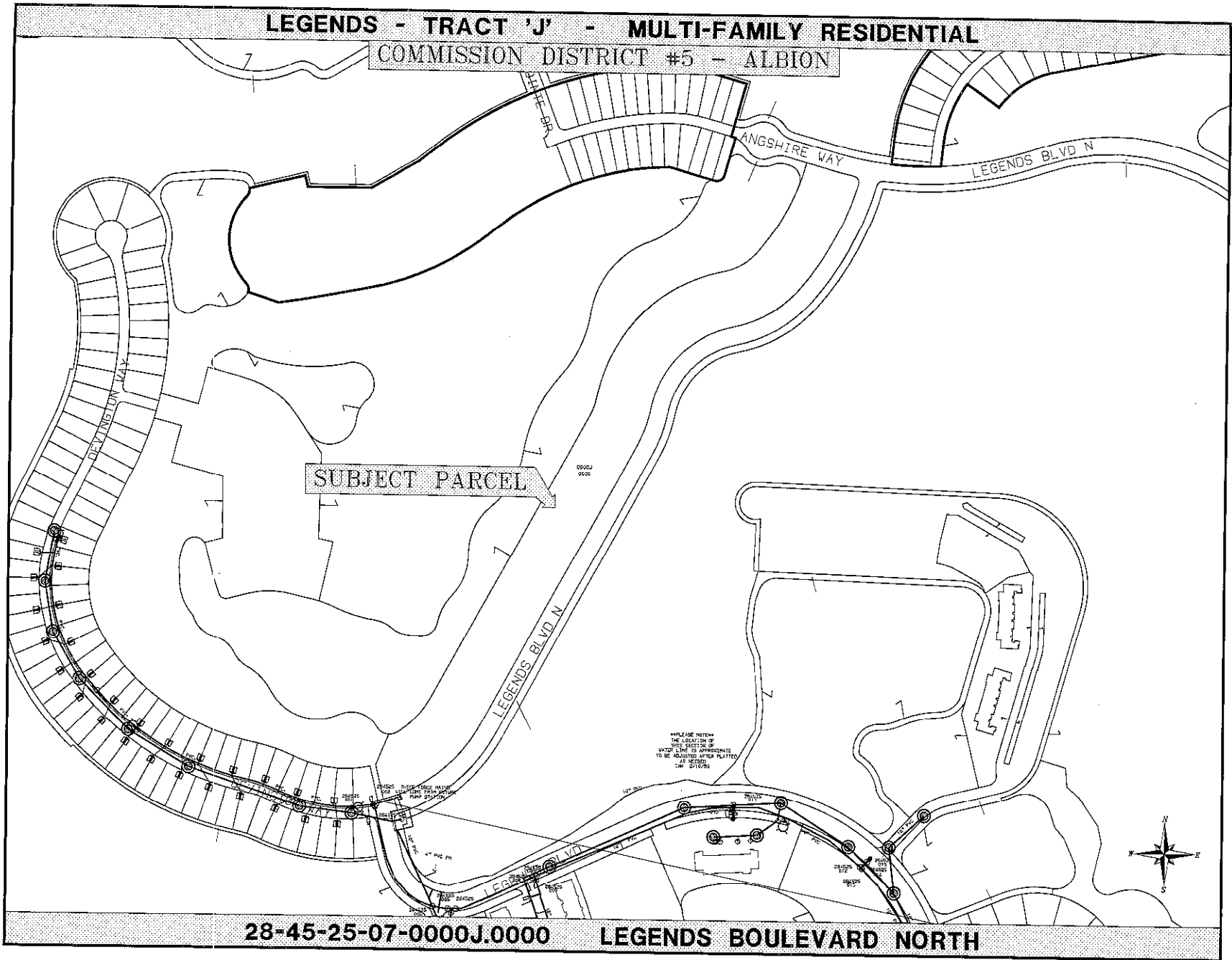
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

PROJECT  
 LOCATION

COMMISSION DISTRICT BOUNDARIES  
 DECEMBER 2000

**LEGENDS - TRACT 'J' - MULTI-FAMILY RESIDENTIAL**

**COMMISSION DISTRICT #5 - ALBION**



**SUBJECT PARCEL**

PLEASE NOTE:  
THE LOCATION OF  
THIS SECTION OF  
LINES IS APPROXIMATE  
TO BE ADJUSTED AFTER PLATTED  
AS SHOWN  
DATE: 2/18/93

**28-45-25-07-0000J.0000 LEGENDS BOULEVARD NORTH**

COPY

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of (Name of Development): LEGENDS GOLF & COUNTRY CLUB

TRACT -"J"- 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 Construction Co. Inc.  
(NAME OF OWNER OR CONTRACTOR)

BY: Michael Devito, Project Manager  
(SIGNATURE & TITLE)

STATE OF Florida )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 31st day of MARCH,

2003 by Michael Devito, Project Manager  
MICHAEL DEVITO, PROJECT MANAGER

who has produced \_\_\_\_\_ as identification,  
and who (did)

(did not) take an oath.

(NOTARY SEAL)

Morris Sons  
Notary Public Signature  
MORRIS SONS  
Printed Name of Notary Public



Morris Sons  
My Commission DD059332  
Expires January 07, 2006  
Notary Commission Number



COPY

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of One hundred ninety-six thousand, four hundred eighty-four & 94/100 (\$196,484.94 ) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to US Homes on the job of Legends, Tract 'J' to the following described property:

Legends Golf & Country Club - Tract 'J' water distribution and sanitary sewer systems  
(Name of Development/Project) (Facilities Constructed)  
Legends Boulevard, N 28-45-25-07-0000J.0000  
(Location) (Strap # or Section, Township & Range)  
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: September 19, 2003

By: [Signature]  
(Signature of Authorized Representative)

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

By: Brian Penner  
(Print Name of Authorized Representative)

6001 Shirley St.  
(Address of Firm or Corporation)

Title: Vice President

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

Phone #: (239)597-2165 Ext.

Fax#: (239)597-7865

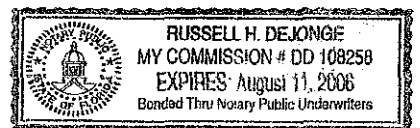
STATE OF FL )  
) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 19 th day of SEPT, 2003 by Brian Penner who is personally known to me - [Signature] and who did not take an oath.

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number)

Russell H. De Jonge  
(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)

Brian Penner, Vice President  
(Name & Title of Certifying Agent)

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

6001 Shirley St.  
(Address of Firm or Corporation)

Naples, FL 34109 -

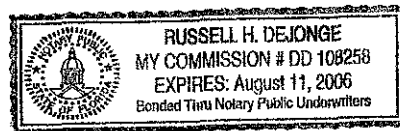
STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

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*[Signature]*  
Notary Public Signature

Russell H. De Jonge  
Printed Name of Notary Public

DD 108258  
Notary Commission Number



(NOTARY SEAL)





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CERTIFYING:

X [Signature]  
(Signature of Certifying Agent)

Brian Penner, Vice President  
(Name & Title of Certifying Agent)

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

6001 Shirley St.  
(Address of Firm or Corporation)

Naples, FL 34109 -

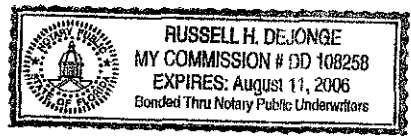
STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

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[Signature]  
Notary Public Signature

Russell H. De Jonge  
Printed Name of Notary Public

DP 108258  
Notary Commission Number



(NOTARY SEAL)

