

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20020830-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of a Utility Easement as a donation for one 6" diameter fire line serving **Don Jacobs Center at Fort Myers Volkswagen/Honda**. This is a Developer contributed asset and the project is located on the north side of Petty's Way off of U.S. 41 South.

WHY ACTION IS NECESSARY:

To provide fire protection to the recently constructed car sales facility.

WHAT ACTION ACCOMPLISHES:

Places the fire line into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 5

C 10 I

3. MEETING DATE:

8-6-02

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

- (Specify)*
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - OTHER Res, Easement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, Utilities Director
- DATE: 7/18/02

7. BACKGROUND:

Fire lines do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided. The installation has been inspected for conformance to the Lee County Utilities Operations manual. Satisfactory pressure and bacteriological testing has been completed. Record drawings have been received. 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 Contributed Assets has been provided---copy attached. Potable water and sanitary sewer service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of Petty's Way.

No funds required.

SECTION 26 TOWNSHIP 45S RANGE 24E 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> J. Lavender Date: <u>7-19-02</u>	N/A Date:	N/A Date:	<i>T.O. Osterhout</i> T. Osterhout Date: <u>7-18</u>	<i>T.O. Osterhout</i> Date: <u>7/23/02</u>	<i>OA</i> Date: <u>7/22/02</u>	<i>OM</i> Date: <u>7/22/02</u>	<i>Risk</i> Date: <u>7/23</u>	<i>GC</i> Date: <u>7/23</u>	<i>J. Lavender</i> Date: <u>7-19-02</u>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

DD
7-22-02
10:15 AM
7/23 7:00

REC'D. 7/19/02
 by CO. ATTY.
 CO. ATTY. 7/23/02
 FORWARDED TO:
 Budget
 10:15 AM

RESOLUTION NO. _____

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

WHEREAS, it is the desire of Car Sonfree, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (one 6" diameter fire line), serving "DON JACOB CENTER AT FORT MYERS VOLKSWAGEN/HONDA"; 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 \$2,701.43 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 Janes(C):	_____	(1)
Commissioner St. Cerny:	_____	(2)
Commissioner Judah (V-C)	_____	(3)
Commissioner Coy:	_____	(4)
Commissioner Albion:	_____	(5)

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

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: June 21, 2002

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 sewage collection system(s) located in Don Jacobs Center at Fort Myers Volkswagen/Honda

(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

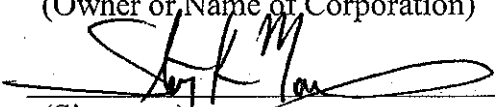
Upon completion of the work, we observed the following successful tests of the facilities:

Pressure test dated April 26, 2002

Very truly yours,

Johnson Engineering Inc.

(Owner or Name of Corporation)


(Signature)

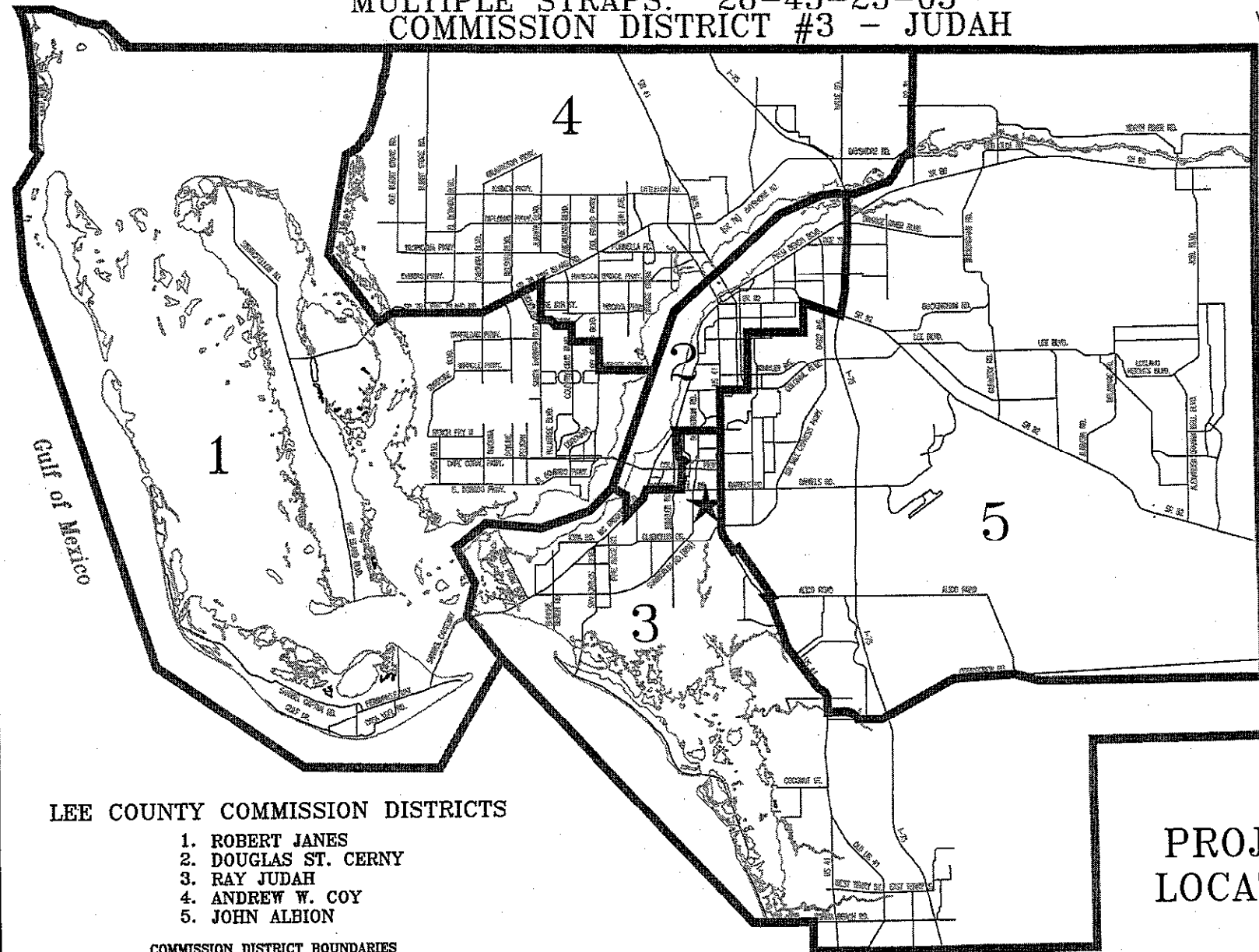
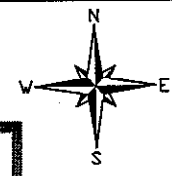
Steven K. Morrison, P.E.

Project Engineer

(Title)

(SEAL OF ENGINEERING FIRM)

DON JACOB'S CENTER EXPANSION
MULTIPLE STRAPS: 26-45-25-05-**
COMMISSION DISTRICT #3 - JUDAH



COPY

LEE COUNTY COMMISSION DISTRICTS

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

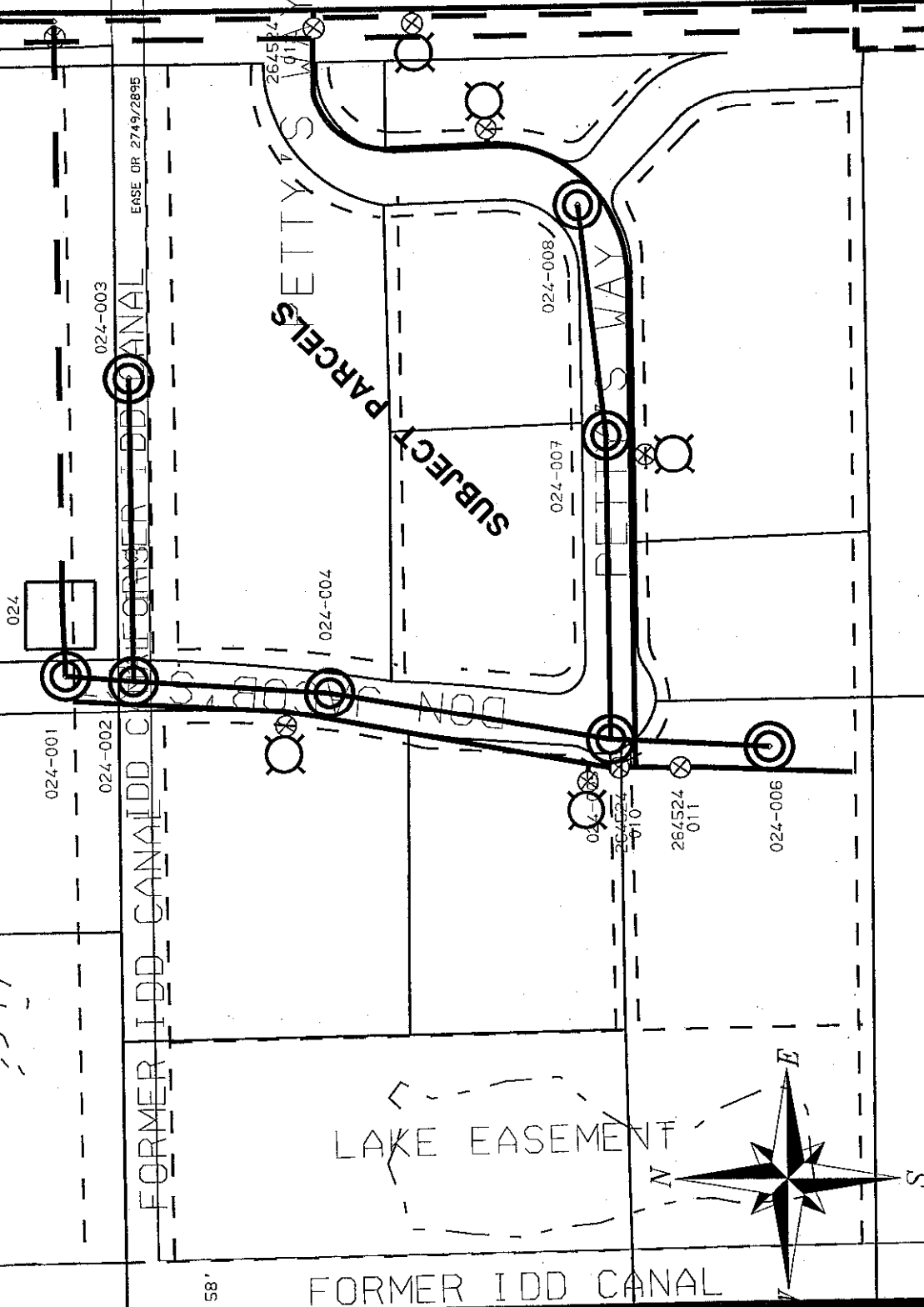
COMMISSION DISTRICT BOUNDARIES
 DECEMBER 2000

**PROJECT
 LOCATION**

COPY

DON JACOB'S CENTER EXPANSION

COMMISSION DISTRICT #3 - JUDAH



26-45-24-05-00000.0010 .0020 .0050 .008A & 23-45-24-44-00000.008A

COPY

WARRANTY

11.2

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of Fort Myers Volkswagen 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 warrant 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.

Honc Construction Company

BY 
David Strickland, Project Manager

STATE OF FLORIDA)
) SS
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 14th day of June 2002

by David Strickland who has produced N/A as identification and who did not take an oath.


Notary Public Signature

Linda Isley
Printed Name of Notary Public

0029281
Notary Commission Number



Linda Isley
My Commission DD029281
Expires June 01, 2005

COPY

11.4

WAIVER OF LIEN

KNOW ALL MEN BY THESE PRESENTS, that Brandon Construction Company
 as a General Contractor, of Volkswagen
 for and in consideration of Ten Dollars (\$10.00)
 and other good and valuable considerations, lawful money of the United States of America, to me in hand paid, the receipt whereof
 is hereby acknowledged, does hereby waive, release, remiss, and relinquish any and all right to claim any lien or liens for work
 performed or material furnished, or any kind or class of lien whatsoever on the following described property:
Ft. Myers Volkswagen
7040 Petty's Way (Lots 2 & 3 of Don Jacobs Center)

(Please provide full name and location of development and a

description of the utility system constructed).

Connection to existing gravity sewer service,
 connection to existing water
 service for potable
 water & fire line

Brandon Construction Co.
557 Alt. 19 N.
Palm Harbor, FL 34683
 NAME & ADDRESS OF FIRM OR CORPORATION

BY: [Signature]
 AUTHORIZED REPRESENTATIVE

STATE OF Florida)
) SS:
 COUNTY OF Pinellas

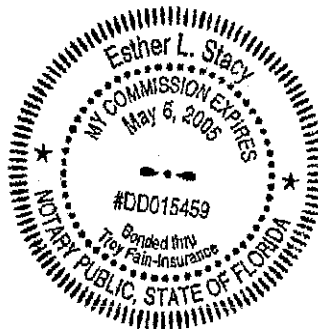
The foregoing instrument was signed and acknowledged before me this 21st day of June, 2002
 by David L. Beaman who has produced Personally Known
 (Print or Type Name) (Type Of Identification and Number)
 as identification, and who (did) (did not) take an oath.

Esther L. Stacy
 Notary Public Signature

ESTHER L. STACY
 Printed Name of Notary Public

Notary Commission Number

(NOTARY SEAL)



COPY

11.5

CERTIFICATION OF CONTRIBUTORY ASSETS

PAGE 1 OF 1

PROJECT NAME: FORT MYERS VOLKSWAGEN

LOCATION: 14020 S TAMIAMI TRAIL

STRAP #'S :

26-45-05-00000.0010
26-45-05-00000.0020
26-45-05-00000.0030
26-45-05-00000.0050
26-45-05-00000.008A
23-45-44-00000.008A

NAME AND ADDRESS OF OWNER:

SONIC FACILITIES GROUP

6425 IDLEWILD ROAD, SUITE 205

CHARLOTTE, NC 28212

TYPE OF UTILITY SYSTEM: POTABLE / FIRE SUPPRESSION

DESCRIPTION AND COST OF MATERIAL, LABOR AND SERVICES

<u>ITEM</u>	<u>SIZE</u>	<u>QTY</u>	<u>UNIT</u>	<u>COST</u>	<u>TOTAL</u>
Gate Valve Assembly	6"	1	LF	727.18	727.18
Ductile Iron Pipe	6"	8.5	LF	24.50	208.25
Mechanical Joint Tee w/ Megas	8x8x6	1	EA	796.00	796.00
MJ Plug	8"	1	EA	65.00	65.00
MJ 90	6"	1	EA	147.00	147.00
Flange x Flange 90	6"	1	LF	150.00	150.00
OSY Valve	6"	1	EA	275.00	275.00
Water Service	2"	1	EA	333.00	333.00
				<u>TOTAL AMOUNT</u>	<u>\$ 2,701.43</u>

(If more space is required, use additional pages. Number each page and include the project name.)

This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street – 3rd Floor
Fort Myers, Florida 33901

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this _____ day of _____, 2002, by and between CAR SONFREE L.L.C., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is to be reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at any time, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to the utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or

assigns.

5. Subject to any pre-existing easements, among other things, for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as shown of record.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damage to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which results from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is for utility purposes.

10. This Agreement shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be

CERTIFICATION OF CONTRIBUTORY ASSETS

11.5

PAGE 1 OF 1

PROJECT NAME: FORT MYERS VOLKSWAGEN

LOCATION: 14020 S TAMIAMI TRAIL

STRAP #'S :

26-45-05-00000.0010
26-45-05-00000.0020
26-45-05-00000.0030
26-45-05-00000.0050
26-45-05-00000.008A
23-45-44-00000.008A

NAME AND ADDRESS OF OWNER:

SONIC FACILITIES GROUP

6425 IDLEWILD ROAD, SUITE 205

CHARLOTTE, NC 28212

TYPE OF UTILITY SYSTEM: POTABLE / FIRE SUPPRESSION

DESCRIPTION AND COST OF MATERIAL, LABOR AND SERVICES

<u>ITEM</u>	<u>SIZE</u>	<u>QTY</u>	<u>UNIT</u>	<u>COST</u>	<u>TOTAL</u>
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MJ 90	6"	1	EA	147.00	147.00
Flange x Flange 90	6"	1	LF	150.00	150.00
OSY Valve	6"	1	EA	275.00	275.00
Water Service	2"	1	EA	333.00	333.00
TOTAL AMOUNT					\$ 2,701.43

(If more space is required, use additional pages. Number each page and include the project name.)

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.

address 14020 S. TAMIAMI TRAIL

work performed

Tied into existing 8" water line and installed an 8" ductile iron water line to the 1st OSY valve.

CERTIFYING:

David Strickland, Project Manager
Honc Construction, Inc.
1130 Pondella Road
N. Ft. Myers, Florida 33903


STATE OF FLORIDA)
) SS
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me t 15th day of June 20 02
by David Strickland who has produced N/A as identification and who did not take an oath.

Linda Isley
Notary Public Signature

Linda Isley
Printed Name of Notary/Public

DD029281
Notary Commission Number

 My Commission DD029281
Expires June 01, 2005

signed on the date and year first above written.

GRANTOR:

CAR SONFREE L.L.C., a Delaware limited liability Company
By: Capital Automotive L.P., a Delaware limited partnership, its Managing Member
By: Capital Automotive REIT, a Maryland real estate investment, its General Partner

Chris Smith
1st Witness

John M. Weaver

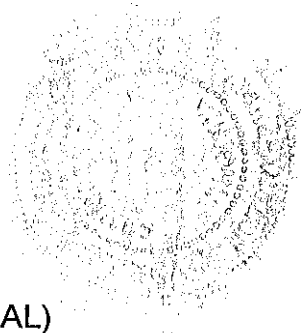
Anne M. Jones
2nd Witness

Title: JOHN M. WEAVER
Senior Vice President and
General Counsel

STATE OF Virginia)
COUNTY OF Fairfax) ss:

The foregoing instrument was signed and acknowledged before me this 9 day
of July, 20 02 by John M Weaver, SVP
(Print or Type Name)
who has produced is personally known to me
(Type Of Identification and Number)
as identification, and who (did) (did not) take an oath.

Yolanda Hidalgo Smith
Notary Public Signature



Yolanda Hidalgo Smith
Printed Name of Notary Public

Notary Commission Number

(NOTARY SEAL)

My commission expires 7/31/06

June 26, 2002

DESCRIPTION

**LEE COUNTY UTILITY EASEMENT
PART OF LOT 3, DON JACOBS CENTER
SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 26, Township 45 South, Range 24 East, Lee County, Florida being a part of Lot 3 as show on the Plat of Don Jacobs Center as recorded in Plat Book 40 at Page 49, Public Records of Lee County, Florida which tract or parcel is described as follows:

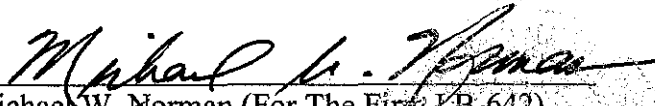
From the southwest corner of said Lot 3 run N 89° 16' 32" E along the south line of said Lot 3 also being the north right-of-way line of Petty's Way as shown on said plat for 32.01 feet; thence run N 01° 23' 54" W departing said right-of-way line for 10.00 feet to an intersection with the northerly line of a 10 foot Utility Easement as shown on said plat and the Point of Beginning.

From said Point of Beginning run the following four courses and distances around The Lee County Utility Easement; S 89° 16' 32" W for 20.00 feet; N 01° 23' 54" W for 22.23 feet; N 89° 16' 32" E for 20.00 feet; S 01° 23' 54" E for 22.23 feet to the Point of Beginning.

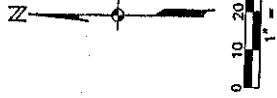
Parcel contains 445 square feet, more or less.

SUBJECT TO easements, restriction and reservations of record.

Bearings hereinabove mentioned are based on the Plat of Don Jacobs Center as recorded in Plat Book 40 at Page 49, Public Records of Lee County, Florida, the south line of Lot 3 as shown on said plat bears N 89° 16' 32" E.


Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500

20002343/Description 062602



COPY

26-45-24-05-00000.B000
TRACT "B"

N 00°34'52" W 91.58 (P & M)

THIS IS NOT A SURVEY

Michael W. Norman
MICHAEL W. NORMAN (FOR THE FIRM) (S 602)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4590

DATE SIGNED: July 10 2007
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

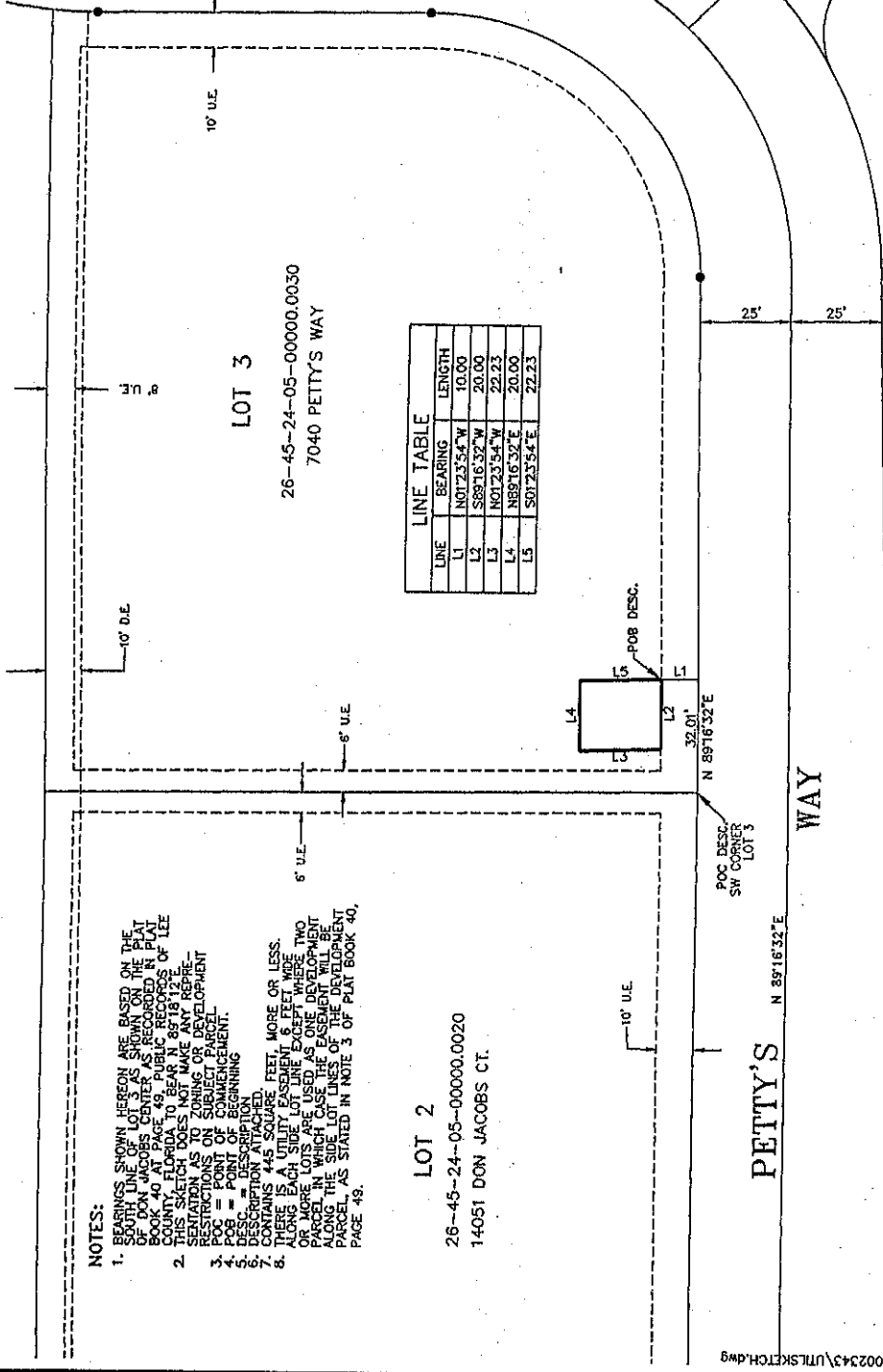
SKETCH TO ACCOMPANY
DESCRIPTION

DATE	06/25/02	PROJECT NO.	200002343	FILE NO.	26-45-24	SCALE	1" = 40'	SHEET	1 OF 1
------	----------	-------------	-----------	----------	----------	-------	----------	-------	--------

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3661
E.B. #642 & L.B. #642

JOHNSON
ENGINEERING

LEE COUNTY UTILITIES EASEMENT
LOT 3
DON JACOBS CENTER
(PLAT BOOK 40, PAGE 49, LEE COUNTY RECORDS)
SECTION 26, TWP. 45 S., RGE. 24 E.
LEE COUNTY, FLORIDA



LINE	BEARING	LENGTH
L1	N01°23'54\"W	10.00
L2	S89°16'32\"W	20.00
L3	N01°23'54\"W	22.23
L4	N89°16'32\"E	20.00
L5	S01°23'54\"E	22.23

LOT 3
26-45-24-05-00000.0030
7040 PETTY'S WAY

LOT 2
26-45-24-05-00000.0020
14051 DON JACOBS CT.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 3 AS SHOWN ON THE PLAT FOR DON JACOBS CENTER AS RECORDED IN PLAT BOOK 40, PAGE 49, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
2. POB = POINT OF BEGINNING.
3. DESC. = DESCRIPTION.
4. CONTAINS 445 SQUARE FEET, MORE OR LESS.
5. ALONG EACH UTILITY EASEMENT 6 FEET WIDE OR MORE LOTS ARE USED TO IDENTIFY DEVELOPMENT PARCEL IN WHICH CASE THE EASTERN BOUNDARY ALONG THE SIDE LOT LINES OF THE DEVELOPMENT PARCEL, AS STATED IN NOTE 3 OF PLAT BOOK 40, PAGE 49.

J:\002343\UTIL\SKETCH.dwg