#### LEE COUNTY BOARD OF COUNTY COMMISSIONERS **AGENDA ITEM SUMMARY** BLUE SHEET NO: 20021286-UTL

# **REQUESTED MOTION:** 1.

ACTION REQUESTED: Approve final acceptance, by Resolution, and recording of one utility easement as a donation of a water distribution system and a gravity collection system serving **PLANTATION PRESERVE**. This is a developer contributed asset project located on the east side of Plantation Road approximately 1,200° north of Penzance Boulevard.

<u>WHY ACTION IS NECESSARY</u>: To provide potable water service, fire protection and sanitary sewer service to the recently constructed residential subdivision.

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

Utilities Ope	erations Manua				····F·····				
2. DEPARTM COMMISS	IENTAL CATEG	<u>ORY</u> : 10 – UTI #: 5	LITIES C	OA	<u>3. MEE7</u>	TING DAT	<u>re:</u> [-]4	4-0=	3
4. AGENDA:		5. REQUIR	EMENT/PURPOSI	E:	6. REQUEST	OR O <u>F IN</u>	FORMATIO	ŀΛ	
X CONSENT		(Specify)			A. COMMISS	IONER	/	V	
ADMINISTR	ATIVE	STATUTE			B. DEPARTM		Lee County-P	hblid Wor	ks
APPEALS		ORDINAN	СЕ		C. DIVISION/				
PUBLIC		ADMIN. C	ODE		BY:		Rick Diaz, U	litics Dire	
WALK ON		X_OTHER_	Res, Easement					/ DATE:	inter lie
TIME REQU	IRED:						FF		10/31/02
7. BACKGRO	UND:						1/		
The installat: Satisfactory As-builts hav Engineer's C Project locat Warranty has Waiver of Li Certification 100% of the Funds are av SECTIO	ion has been in pressure and ba closed circuit to been provide certification of to ion mapcopy s been provided en has been pro- of Contributor connection fees ailable for reco	spected for co leteriological elevision inspect. Completion has attached. Icopy attach ovidedcopy y Assets has b s have been pa rding fees in a NSHIP 45S	et on 01/15/02, nformance to the testing of the we ection of the gra- as been provide ned. attached. een provided	the Lee Cou ater system avity colled dcopy a -copy attac ases of the • OD53607	nty Utilities has been co ction system ttached. hed. project.	0.	performed.		ALBION
			9. RECOMM	ENDED AP	PROVAL				
(A)	(B)	(C)	(D)	(E)			(F)		(17)
DEPARTMENT	PURCH. OR	HUMAN	(2)	COUNTY	,		DGET		(G) COUNTY
DIRECTOR	CONTRACTS	RESOURCES	OTHER	ATTORNI		SER	vices /	1	MANAGER
					· •	M	In the 1/2	133	
Hundu Date: N. 6-02	N/A Date:	N/A Date:	T. Osterhout Date: <b>[O-3]</b>	D. Owen Date:	0A 107 - 14 12   30   02	ОМ		GC M or 1 <sup>1/34</sup> 02	Baundy Bate: 11.6.02
	SION ACTION:			-		1	RECEIVE	DBY	
	APP	ROVED (IED ERRED IER		De	a. by CaAtty te: 12/21/23 me: 11.12 me: 11.12		COUNTY	ADMIN 27-00 120 ADMIN	
S:\UTILS\ENGR\V	WP\BLUESHT\PLA	NTATION PRESE	RVE - FA - WATER	ЦĄ	Budget			0	n dan selati se an

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

#### RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF <u>DEVELOPER CONTRIBUTED ASSETS</u> IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of Advance Homes, Inc., owner of record, to make a contribution to Lee County Utilities of <u>water</u> facilities (water distribution system), and <u>sewer</u> facilities (gravity collection system) serving "PLANTATION PRESERVE"; 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 \$298,109.00 is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

(1)
(2)
(3)
(4)
(5)

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

ATTEST: CHARLIE GREEN, CLERK BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

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

CHAIRMAN

APPROVED AS TO FORM

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

#### OFFICE OF COUNTY ATTORNEY

S:\UTILS\UTIL-ADM\WP\OTHER\SDG\BLUES\RESOLUTIONS\ZRESOLUTION-DEV CONTRIB ASSET, W&S.DOC



#### **LETTER OF COMPLETION**

DATE: July 25, 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 sewer collection system (s) located in

# Plantation Preserve (Name of Development) were designed by me and have been constructed in conformance with: □ the approved plans X the revised plans, attached and: : : : X the approved specifications □ the revised specifications, attached Upon completion of the work, we observed the following successful tests of the facilities: Water Main Pressure Test

-- Low Pressure Sewer Test, VIDEO INSPECTION OF GRAVITY SEWERS +

# FINAL INSPECTION OF ALL FACILITIES.

Very truly yours,

MICHAEL L. SHANNON LIC. NO. 45991

Banks Engineering, Inc. E.B. 6469

(Owner or Name of Corporation) 7/25/02

(Signature)

Project Manager (Title)

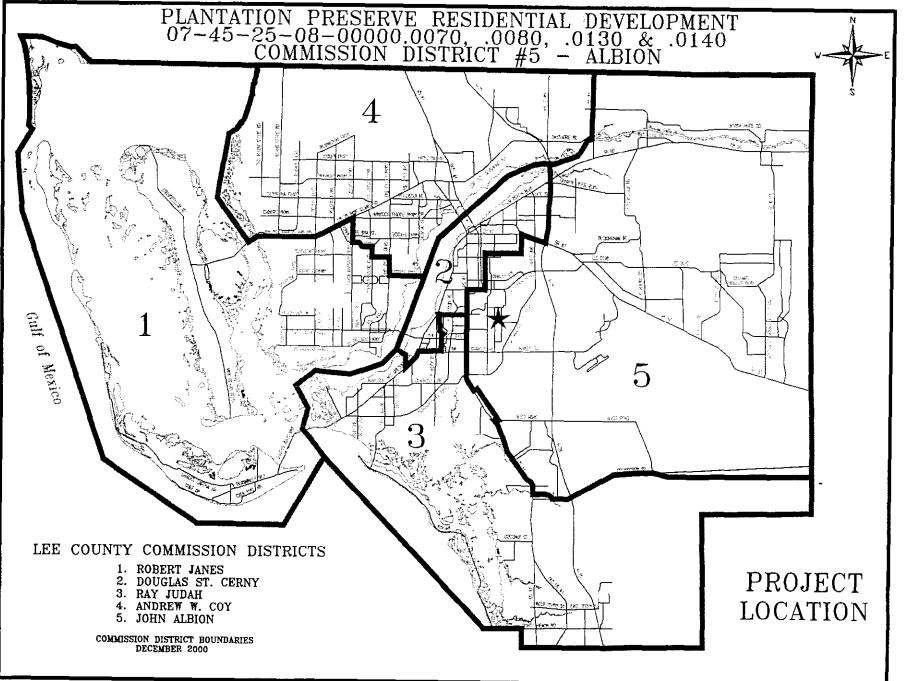
(SEAL OF ENGINEERING FIRM)

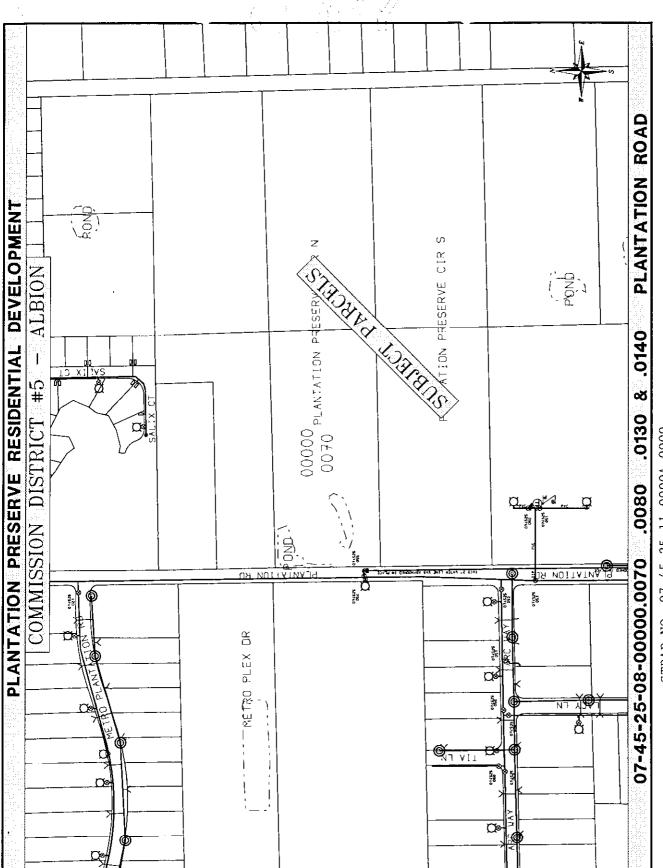
7/1/96

S:\admin\Permits\LC-Utilities\Applications\xxxx-LCU-letter of completion.doc

z

STRAP NO. 07-45-25-11-0000A.0000





STRAP NO. 07-45-25-11-0000A.0000

17

# WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of (Name of Development): PLANTATION PRESERVE STRAP# 07-45-25-11-0000A.0000 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.

CHRISTO, INCORPORATED (NAME OF OWNER OR CONTRACTOR)

BY (SIGNATURE & TITLE) ROBERT A. KEILING-PRESIDENT

STATE OF FLORIDA ) ) SS: COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this \_\_\_\_\_ day of

DECEMBER , 20 02 by ROBERT A. KEILING who has produced (Print or Type Name)

PERSONALLY KNOWN TO ME (Type of Identification and Number)

as identification, and who (did) (did not) take an oath.

Notary Public Signature

Mark K. Nottingham Printed Name of Notary Public Notary Public, State of Florida My comm. exp. Jan. 6, 2004 Comm. No. CC900356

MARK K. NOTTINGHAM

(NOTARY SEAL)

<u>CC900356 Jan. 6, 2004</u> Notary Commission Number

LCDUOPMAN ~ July 1, 1996 - Sect 11



# WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT

The undersigned lienor, in co	nsideration of the final payment in the amount
of TWOLLNERED NINETY EIGHT THOUSAND ON	E HINDRED NINE & NO/100(\$ 298,109.00)
hereby waivers and releases its lien a	nd right to claim a lien for labor, services, or
materials furnished to BROOKS & FRELN	D, IIC.
(ir.	isert the name of your customer)
on the job of <u>A. JEFFREY SE</u> (insert th	to the following to the following
	TATION PRESERVE
POTABLE WATER & SANITARY	(Name of Development/Project) SEWER SEE EXHIBIT "A" FOR BREAKDOWN
	acilities Constructed)
PLANTATION PRESERVE CI	RCLE FORT MYERS, FLORIDA
STRAP# 07-45-25-11-0	(Project Location) 000A_0000
	(STRAP(s) #)
Dated on DECEMBER 13, 2002	
Br: Polut a Kaling	CHRISTO, INCORPORATED
(Signature of Authorized Represent	ative) (Name of Firm or Corporation)
By: ROBERT A. KEILING	4461-B HANCOCK BRIDGE PKWY.
By: (Print Name of Authorized Representa	
் பார்ச்சா பிருள்ள	N. FORT MYERS, FL 33903
Title:	
Phone #: (239)997-2823	(City, State & Zip) Fax #: (239)997-4672
STATE OF FLORIDA	
COUNTY OF LEE	
	signed and acknowledged before me this $13th_{day}$
of DECEMBER 20 02	, by ROBERT A. KEILING, who
produced PERSONALLY KNOWN TO M	E as identification or who is
personally known to me, and who did	/did not take an oath.
Notary Public, State of Florida My comm. exp. Jan. 6, 2004 Comm. No. CC900356	Notary Public <u>Cene Hollon</u> (Signature) Notary Public Name: <u>MARK K. NothinghAm</u> (Print) My Commission Expires: <u>1-6-04</u>



# EXHIBIT 'A' WAIVER ATTACHMENT

DATE: DECEMBER 13, 2002

PROJECT NAME: PLANTATION PRESERVE

PROJECT ADDRESS: PLANTATION PRESERVE CIRCLE, FORT MYERS, FL

<u>STRAP#:</u> 07-45-25-11-0000A.0000

# **DESCRIPTION OF THE UTILITY SYSTEM CONSTRUCTED:**

20" X 8" HOT TAP, 54 LF 20" CASING, 4509 LF 8" WATER, 6 HYDRANTS, 8- 8" GATE VALVES, 16 SINGLE & 63 DOUBLE WATER SERVICES, TIE INTO EX. MANHOLE, 3841 LF 8" SEWER, 636 LF 10" SEWER, 17 MANHOLES, 11 SINGLE & 63 DOUBLE SEWER SERVICES W/ CLEAN-OUT TO SERVE NEW RESIDENTIAL COMMUNITY......

COMPLETED BY: CHRISTO, INCORPORATED – DAWN C. KEILING 12-13-02



#### **CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: PLANTATION PRESERVE

LOCATION:

# PLANTATION PRESERVE CIRCLE FORT MYERS, FL 33912

#### STRAP# 07-45-25-11-0000A.0000

(Including STRAP)

NAME AND ADDRESS OF OWNER; A. JEFFREY SEITZ

# ADVANCE HOMES, INC. 4215 EAST 60<sup>TH</sup> STREET #6 DAVENPORT, IOWA

NOTE: EASEMENT IS ON ADJACENT (ASTROPHENDIN, DECK)ED BY NEW COVENANT FELLOWSHIP INC.

TYPE UTILITY SYSTEM:

WATER (List water, sewer and effluent reuse separately)

#### DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes; lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY/UNIT	COST	TOTAL

PVC C-900 DR-18	8"	4329	LF	9.00	38961.00
DIP CL 50	8"	180	LF	18.00	3240,00
PVC C-900, DR-18	6"	18	LF	8.00	144.00
STEEL CASING	20" X ¼"	54	LF	100.00	5400,00
TAPPING SLEEVE	20" X 8"	1	EA	2000.00	2000.00
TAPPING VALVE	8"	1	EA	2000.00	2000.00
45degree BEND	8"	4	EA	300.00	1200.00
22 <sup>1</sup> / <sub>2</sub> degree BEND	8"	6	EA	300.00	1800.00
90 degree BEND	8"	1	EA	300.00	300,00
MJ TEE	8" X 8"	2	EA	400.00	800.00
MJTEE	8" X 6"	6	EA	400.00	2400.00
GATE VALVE	8"	8	EA	900.00	7200.00
GATE VALVE	6"	6	EA	700.00	4200.00
FIRE HYDRANT	5 ¼"	6	EA	1500.00	9000.00
BLOW OFF ASSY	8" X 2"	1	EA	487,00	487.00
SINGLE WATER SERVICE	1"	16	EA	200.00	3200.00
DOUBLE WATER SERVICE	1"	63	EA	300.00	18900.00

101,232.00

TOTAL AMOUNT

11.5



#### **CERTIFICATION OF CONTRIBUTORY ASSETS**

#### PROJECT NAME: **PLANTATION PRESERVE**

LOCATION:

# PLANTATION PRESERVE CIRCLE FORT MYERS, FL 33912

#### STRAP# 07-45-25-11-0000A.0000

(Including STRAP)

#### NAME AND ADDRESS OF OWNER: A. JEFFREY SEITZ

ADVANCE HOMES, INC. 4215 EAST 60TH STREET #6 DAVENPORT, IOWA

(as shown on Deed)

<u>SEWER</u>

TYPE UTILITY SYSTEM:

(List water, sewer and effluent reuse separately)

#### DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes; lift stations, meters, valves, fittings, etc.

	ITEM	SIZE	QUANTITY/UNIT	COST	TOTAL
--	------	------	---------------	------	-------

<b>PVC SDR 26 (0-6')</b>	8"	1417	LF	18.00	25506.00
<b>PVC SDR 26 (6-8')</b>	8"	1417	LF	25,00	35425.00
<b>PVC SDR 26 (8-10')</b>	8"	607	LF	30,00	18210.00
PVC SDR 26 (10-12')	10"	636	LF	40.00	25440.00
PVC C-900 (0-6')	8"	400	LF	21.00	8400.00
PRECAST MANHOLE (0-6')	4'	6	EA	2400.00	14400.00
PRECAST MANHOLE (6-8')	4'	5	EA	2800.00	14000.00
PRECAST MANHOLE (8-10')	4'	3	EA	3500.00	10500.00
PRECAST MANHOLE (10-12')	4'	2	EA	4000.00	8000.00
PRECAST MANHOLE (12-14')	4'	1	EA	11646.00	11646.00
SINGLE SERVICE W/ CLN/OUT	6"	11	EA	300.00	3300.00
<b>DOUBLE SERVICE W/CLN/OUT</b>	6"	63	EA	350.00	22050.00

196,877.00

TOTAL AMOUNT



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:** 

(Name & Title of Certifying Agent) ROBERT A. KEILING-PRESIDENT

OF: <u>CHRISTO, INCORPORATED</u> (Firm or Corporation)

### ADDRESS: 4461-B HANCOCK BRIDGE PKWY. N. FORT MYERS, FL 33903

STATE OF **FLORIDA** ) ) SS: COUNTY OF **LEE** )

11.5

The foregoing instrument was signed and acknowledged before me this **13<sup>TH</sup>** 

day of \_\_\_\_\_ DECEMBER \_\_\_\_, 20 \_\_\_\_ by \_\_\_ ROBERT A. KEILING (Print or Type Name)

who has produced \_\_\_\_\_ Personally Known to Me \_\_\_\_\_ as identification, (Type Of Identification and Number)

and who (did) (did not) take an oath.

Notary Public Signature

Mark K. Nottingham Printed Name of Notary Public

<u>CC900356 Jan. 6, 2004</u> Notary Commission Number MARK K. NOTTINGHAM Notary Public, State of Florida My comm. exp. Jan. 6, 2004 Comm. No. CC900356

LCDUMan - September 19, 2001

(NOTARY SEAL)



# This Instrument Prepared By: Lee County Utilities 1500 Monroe Street - 3<sup>rd</sup> Floor Fort Myers, Florida 33901

## PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this \_\_\_\_\_day of \_\_\_\_\_, by and between NEW COVENANT FELLOWSHIP MINISTRIES, INC., Ownçi, hereinafter referred to as GRANTOR(S), and <u>LEE COUNTY</u>, hereinafter referred to as GRANTEE.

#### WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) 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 utility 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 his public utility easement is 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 anytime, present or future, by GRANTOR, or its heirs, successors or assigns. 4. Title to all 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 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 herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damages 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 result 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 strictly for utility purposes.

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

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year, first above written.

New Covenant Fellowship Ministries, Inc. A Florida Corporation By: STATE OF FLORI le (print) SS: COUNTY OF LES The foregoing instrument was signed and acknowledged before me this  $\frac{2}{day}$  of  $\frac{1}{day}$   $\frac{1}{$ who is personally known to me (Type of Identification and Number) as identification, and who (did) (did not) take an oath. Notary Public Signature

VANCE PAUL SCOGETIUS

Printed Name of Notary Public

 $\frac{\# CC \& 29399}{\text{Notary Commission Number}}$ 

(Notary Seal)



S:\UOBS\14xx\1407\Documents\LCU\1407-LCU-util esmt grant-002.doc

<u>Banks Engineering, Inc.</u>

Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA

# DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 45 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

# (PUBLIC UTILITY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 7, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

**BEGINNING** AT AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF PLANTATION ROAD (60 FEET WIDE) AND A POINT COMMON TO THE NORTH AND SOUTH LINE OF LOTS 8 AND 9, PINE RANCH ESTATES (UNRECORDED); THENCE N.89°26'40"E. ALONG SAID NORTH AND SOUTH LINE FOR 20.06 FEET; THENCE S.17°50'50"W. FOR 65.46 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID PLANTATION ROAD; THENCE N.00°00'00"E. ALONG SAID EAST LINE FOR 62.11 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 623.02 SQUARE FEET MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 8, PINE RANCH ESTATES (UNRECORDED) AS BEARING N.89°26'40"E.

DESCRIPTION PREPARED 01-15-02

NUMERAN FOR A REPORT OF SCREETERS FOR AN OF A STATE SCREETERS FOR AN A DESCREETERS FOR AN A DESCREETERS

## SHEET 1 OF 2



