

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20021458-UTL

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance, by Resolution and recording of one (1) Utility Easement, for a 4" diameter sewage force main extension serving **PINE ISLAND SHOPPING CENTER**. This is a Developer contributed asset and the project is located on the east side of Pine Island Road approximately 2/3 of a mile south of Pine Island Road.

WHY ACTION IS NECESSARY: To provide sanitary sewer service to the existing shopping center.

WHAT ACTION ACCOMPLISHES: Complies with the Lee County Utilities Line Extension Policy and provides adequate sewer infrastructure to allow for the abatement of the existing on-site wastewater treatment plant.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES
COMMISSION DISTRICT #: 1

C10E

3. MEETING DATE:

1-14-03

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: 12/17/02

7. BACKGROUND:

The Board granted permission to construct on 10/09/01 Blue Sheet #20011038. The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure testing of the force main has been completed. 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. The sewer connection fees have been paid per the conditions set forth by the agreement approved by the BOCC on 12/12/2000 via Blue Sheet No. 20000981. Potable water service is provided by Greater Pine Island Water Association via existing infrastructure. Funds are available for recording fees in account # OD5360748700.504930.

SECTION 33 TOWNSHIP 44S RANGE 22E DISTRICT #1 COMMISSIONER JANES

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: 12-27-02	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 12-19	<i>D. Owen</i> D. Owen Date: 12/27/02		<i>12/30/02</i>	<i>1/2/03</i>	<i>12/30/02</i>	<i>12/27-02</i> <i>J. Lavender</i> Date: 12-27-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 12/27/02
Time: 1:52 PM
Forwarded To: _____

RECEIVED BY
COUNTY ADMIN. PM
12-27-02
3:40
COUNTY ADMIN.
FORWARDED TO:
12-30-02

RESOLUTION NO. _____

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

WHEREAS, it is the desire of SES Group-Miami Springs LTD, c/o The Birch Company, owners of record, to make a contribution to Lee County Utilities of sewer facilities (force main extension), serving "PINE ISLAND SHOPPING CENTER"; 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 **\$8,592.00** 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: _____ (1)
- Commissioner St. Cerny: _____ (2)
- Commissioner Judah (C): _____ (3)
- Commissioner Coy: _____ (4)
- Commissioner 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

DUANE HALL ENGINEERING, INC.

ENGINEERS - SURVEYORS

Address Reply To:

6315-F PRESIDENTIAL COURT
P.O. BOX 6790
FORT MYERS, FL 33911-6790
(239) 433-4111
FAX (239) 433-5373

LETTER OF COMPLETION

DATE: July 9, 2002

Department of Lee County Utilities
Division of Engineering
Post Office Box 398
Fort Myers, FL 33902

Gentlemen:

This is to certify that the sewage collection system(s) located in the Pine Island Shopping Center was designed by me and has been constructed in conformance with:

the approved plans

the revised plans, attached

and:

the approved specifications

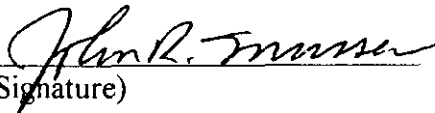
the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities: The 4" force main was pressure tested on 6-14-02. The start-up for the pump station was completed on 6-27-02.

Very truly yours,

DUANE HALL ENGINEERING

(Owner or Name of Corporation)

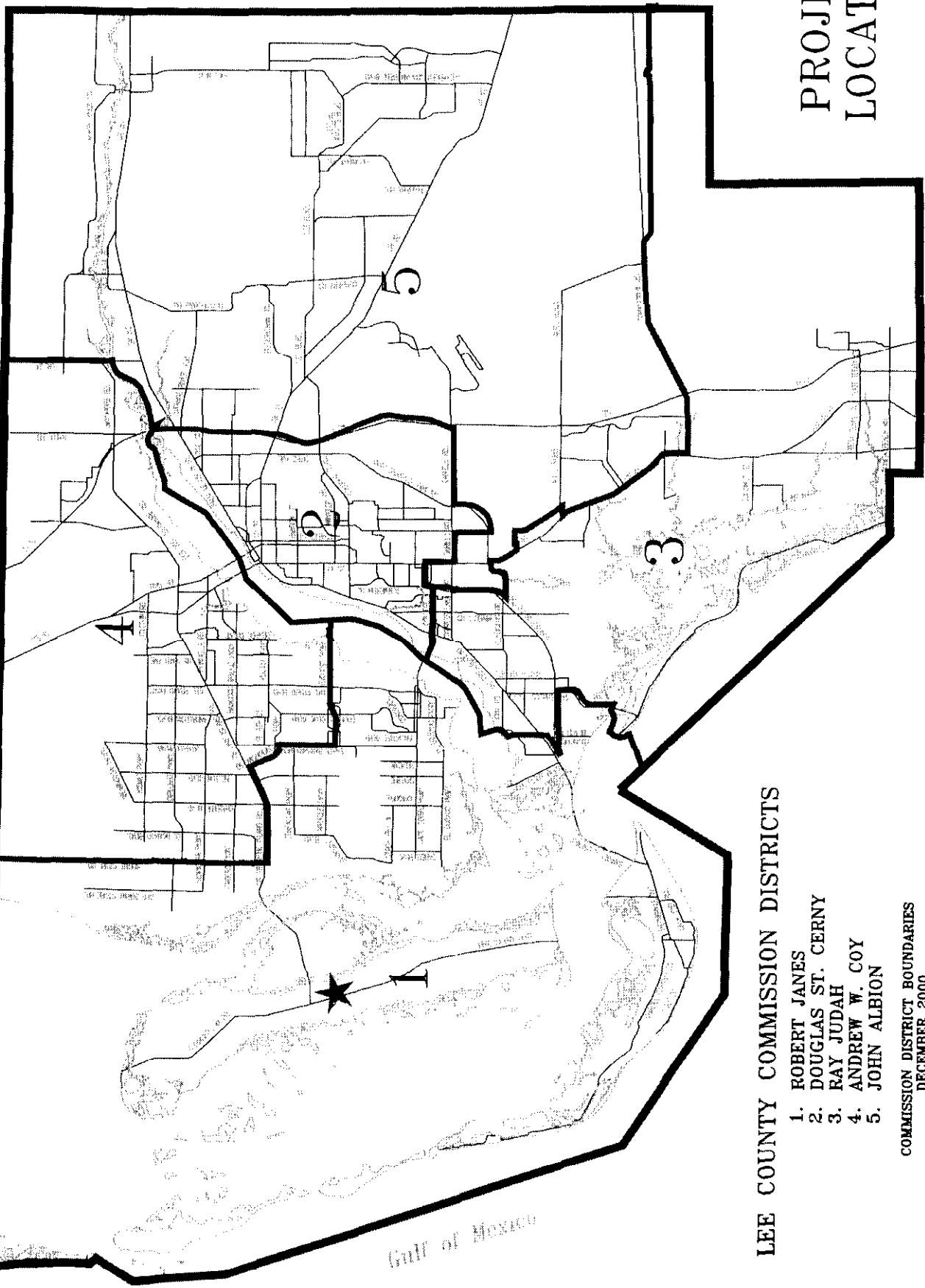
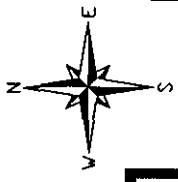

(Signature)

Project Manager

(Title)

SEAL OF ENGINEERING FIRM

PINE ISLAND SHOPPING CENTER - SEWER CONNECTION
33-44-22-00-00008.0060
COMMISSION DISTRICT #1 - JANES



PROJECT
LOCATION

LEE COUNTY COMMISSION DISTRICTS

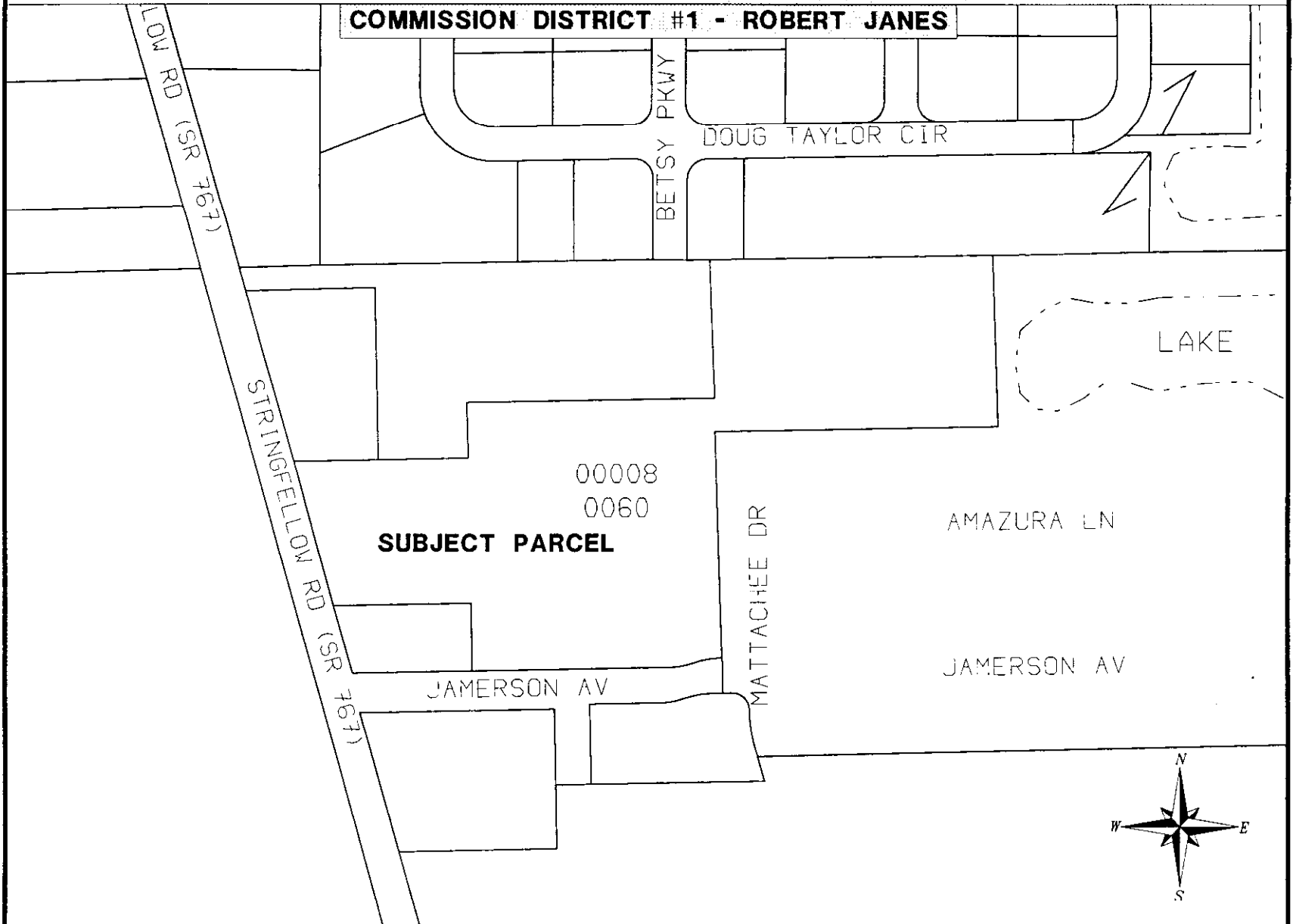
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

Gulf of Mexico

PINE ISLAND SHOPPING CENTER - SEWER CONNECTION

COMMISSION DISTRICT #1 - ROBERT JANES



33-44-22-00-00008.0060

9830 STRINGFELLOW RD

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): _____

Pine Island Shopping Center

9830 Stringfellow road Lee County, Florida

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.

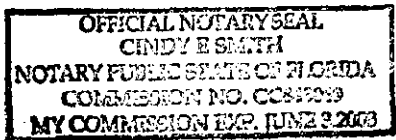
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

RDMG, Inc.
(NAME OF OWNER OR CONTRACTOR)
BY: David P. Miller
David P Miller, Project Coordinator

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 3rd day of July, 2002 by David P Miller who has produced Known to me as identification, and who (did) (did not) take an oath.
(Print or Type Name) (Type Of Id and Number)

Cindy E Smith
Notary Public Signature
Cindy E Smith
Printed Name of Notary Public
CC843069
Notary Commission Number



(NOTARY SEAL)

WAIVER OF LIEN

KNOW ALL MEN BY THESE PRESENTS, that David Martin, as Project Coordinator, of RDMC, Inc.,
for and in consideration of Eight Thousand, Five Hundred Ninty Two and 00/100 Dollars (\$8,592.00) 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: "Pine Island Shopping Center" 9830 Stringfellow Road Lee County, Florida (Sanitary Sewer)

(Please provide full name and location of development and a description of the utility system constructed).

RDMC, Inc.
7676 Jean Blvd
Ft Myers, Florida 33912

NAME & ADDRESS OF FIRM OR CORPORATION

BY: David Martin
David Martin

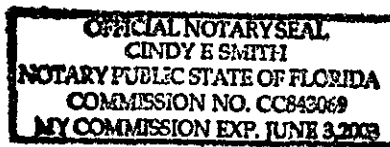
STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 8th day of November, 2002 by David Martin
(Print or Type Name)
who has produced Personally known to me
(Type of Identification and Number)
as identification, and who (did) (did not) take an oath.

Cindy E Smith
Notary Public Signature

Cindy E Smith
Printed Name of Notary Public

CC843069
Notary Commission Number



(NOTARY SEAL)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Pine Island Shopping Center
 LOCATION: 9830 Stringfellow Road Lee County, Florida
3344220000004002A
 (Including STRAP)
 NAME AND ADDRESS OF OWNER: SES Group El Camino Real LTD C/O The Birch Company
P O Box 61156 FT Myers, Florida 33906-1156
 (as shown on Deed)
 TYPE UTILITY SYSTEM: Sanitary Sewer
 (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
HDPE DR~ 11	4"	104.8	LF	\$10.00	\$1,048.00
DR-18 Force Main	4"	5	LF	\$10.00	\$50.00
Directional Bore	10"	98	LF	\$75.00	\$7,350.00
DR-18 Force Main	6"	12	LF	\$12.00	\$144.00
TOTAL AMOUNT					\$8,592.00

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

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:

David Martin
 David Martin, Project Coordinator

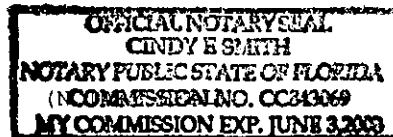
OF: RDMC, Inc.
 (Firm or Corporation)

ADDRESS: 7676 Jean Blvd
Ft Myers, Florida 33912

STATE OF FLORIDA)
) SS:
 COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 8th day of November, 2002 by David Martin who has produce Known to me as identification, and who (did) (did not) take an oath.
 (Print or Type Name) (Type Of Id and Number)

Cindy E Smith
 Notary Public Signature
 Printed Name of Notary Public
Cindy E Smith
CC843069
 Notary Commission Number



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 1, 2003, by and between SES Group-Miami Springs Ltd, 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 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 this 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 assume all liability 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 located 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, amended or renumbered 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. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

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

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

[Signature]
1st Witness

Robert Jones
Robert Jones, Trustee
_____, GRANTOR

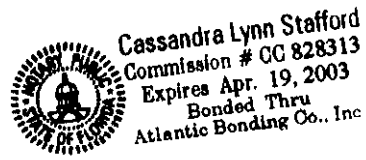
Cassandra Lynn Stafford
2nd Witness

Title: General Partner

STATE OF FLORIDA)
COUNTY OF LEE) SS:

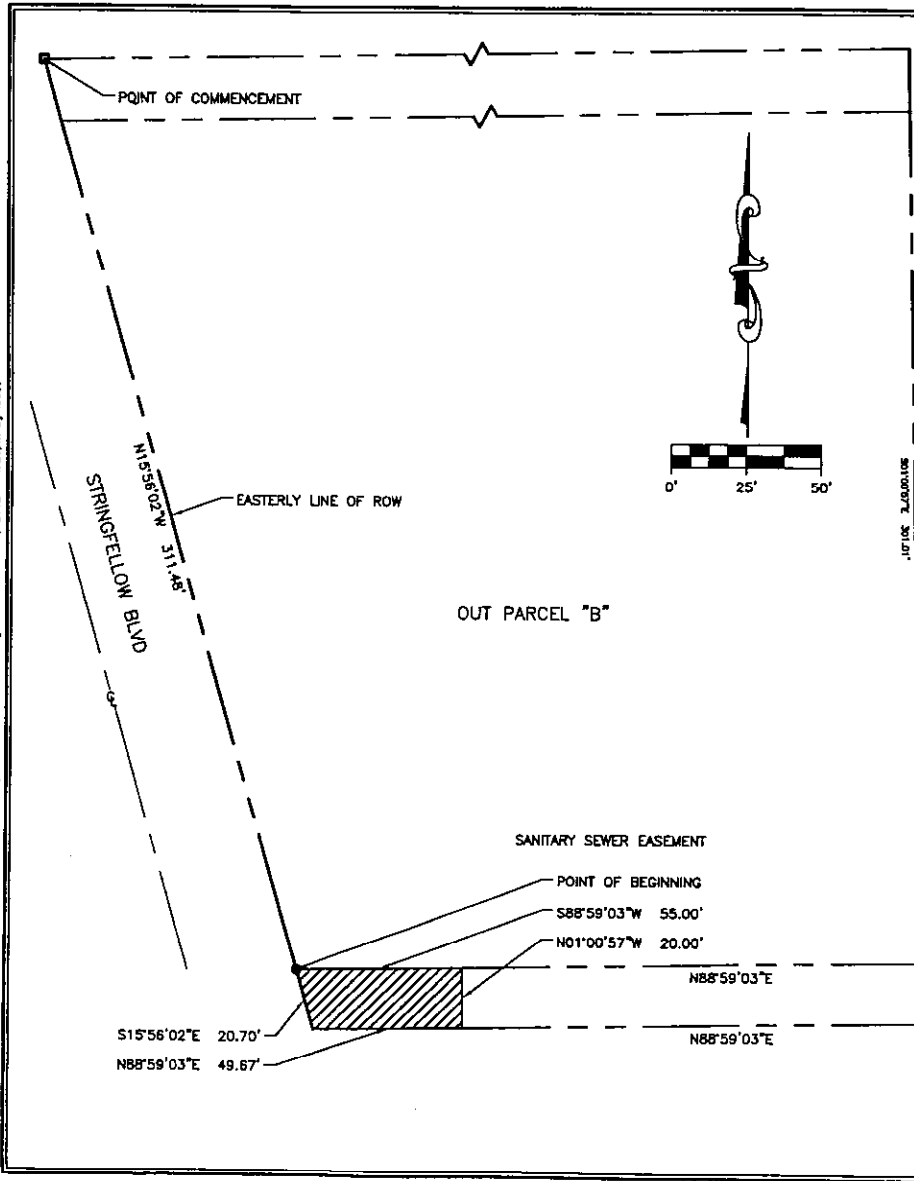
The foregoing instrument was signed and acknowledged before me this 13th day of Nov, 2000 by Robert Jones who has produced Personally known (Type Of Identification and Number) as identification, and who (did) (~~did not~~) take an oath.

Cassandra Lynn Stafford
Notary Public Signature
Cassandra Lynn Stafford
Printed Name of Notary Public
CC 828313
Notary Commission Number



(NOTARY SEAL)

U:\CIVIL\PROJECTS\02756.00-Phase Island Shopping Center\02756.00\LEGAL\NETSH.dwg, Plotted: Oct 16, 2002 - 4:20pm by haseo



**LEGAL DESCRIPTION
SANITARY SEWER EASEMENT**

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 44 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND CONCRETE MONUMENT MARKING THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 33 AND THE NORTHEASTERLY RIGHT-OF-WAY OF STRINGFELLOW BOULEVARD (COUNTY ROAD 767) (A 66 FOOT RIGHT-OF-WAY); THENCE RUN S 15° 56' 02" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 311.48 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S 15° 56' 02" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY FOR A DISTANCE OF 20.7 FEET TO THE SOUTHWESTERLY CORNER OF OUT PARCEL "B" OF THE PINE ISLAND SHOPPING CENTER; THENCE RUN N 88° 59' 03" E ALONG THE SOUTHERLY LINE OF THE SAID SANITARY SEWER EASEMENT FOR A DISTANCE OF 49.67 FEET; THENCE RUN N 01° 00' 57" W FOR A DISTANCE OF 20 FEET; THENCE RUN S 88° 59' 03" W FOR A DISTANCE OF 55 FEET TO THE POINT OF BEGINNING.

CONTAINING 1044.84 SQ FT MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, OR RESTRICTIONS OF RECORD.

N88°59'03"E 439.00'

N 75.00' 1.00'

00'96"

TKW CONSULTING ENGINEERS INC
LICENSED ENGINEERS, SURVEYORS AND MAPPERS

BY: *Stephen A. Seidler*
STEPHEN A. SEIDLER (FOR THE FIRM)
FLORIDA LICENSED SURVEYOR AND
MAPPER NUMBER PSM 4175

"NOT A SURVEY"

TKW CONSULTING ENGINEERS, INC.
Professional & Civil Structural
12553 New Brittany Boulevard
Fort Myers, Florida 33907
(941) 276-1392
FAX (941) 276-0922
E-MAIL tkw@tkwengineers.com
Certification # LB734

Consultants:

**SKETCH & LEGAL DESCRIPTION
SANITARY SEWER EASEMENT**
FOR LEE COUNTY UTILITIES
S33, T44S, R22E
LEE COUNTY, FLORIDA

ISSUED DATE:	10/15/02
DRAWN BY:	IR
CHECKED BY:	JRH
SCALE:	1"=40'
JOB NO.:	02756.00
Sheet Title:	
SANITARY SEWER EASEMENT	

THIS DOCUMENT, AND THE DATA AND RECORDS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE, AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF THE CONSULTING ENGINEER, INC.