

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20030273-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance by Resolution and recording of a utility easement, as a donation of one 6" diameter fire line serving Eckerd **Drug Store at Fiddlesticks**. This is a developer contributed asset project located on the southeast corner of Daniels Road and Fiddlesticks Blvd.

WHY ACTION IS NECESSARY:

To provide fire protection to the recently constructed commercial building.

WHAT ACTION ACCOMPLISHES:

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

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 5

C10A

3. MEETING DATE: 04-01-2003

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 Dial, Utilities Director
 DATE: 3/13/03

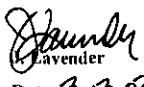
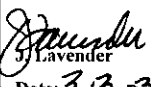
7. BACKGROUND:

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 service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of Daniels Parkway. Sewer service is provided by Lee County Utilities via existing infrastructure located along the rear access road. Funds are available for recording fees in account number OD5360748700.504930.

SECTIONS 22 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	
 J. Lavender Date: 3-13-03	N/A Date:	N/A Date:	T. Osterhout Date: 3-13	D. Owen Date: 3/17/03	3/14/03 3/17/03	3/17 3/17/03	3/17/03 3/17/03	3/17/03 3/17/03	 J. Lavender Date: 3-13-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: 3/14/03
 Time: 2:15

RECEIVED BY COUNTY ADMIN. PM
 3-17-03
 10:00
COUNTY ADMIN. FORWARDED TO:
 3/17 200

Forwarded To:
 City Admin 3/17
 3/17/03

RESOLUTION NO. _____

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

WHEREAS, it is the desire of KB Investment Holdings, Ltd., owner of record, to make a contribution to Lee County Utilities of water facilities (one fire hydrant), serving **"ECKERD DRUG STORE AT FIDDLESTICKS"**; 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 **\$3,315.74** 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

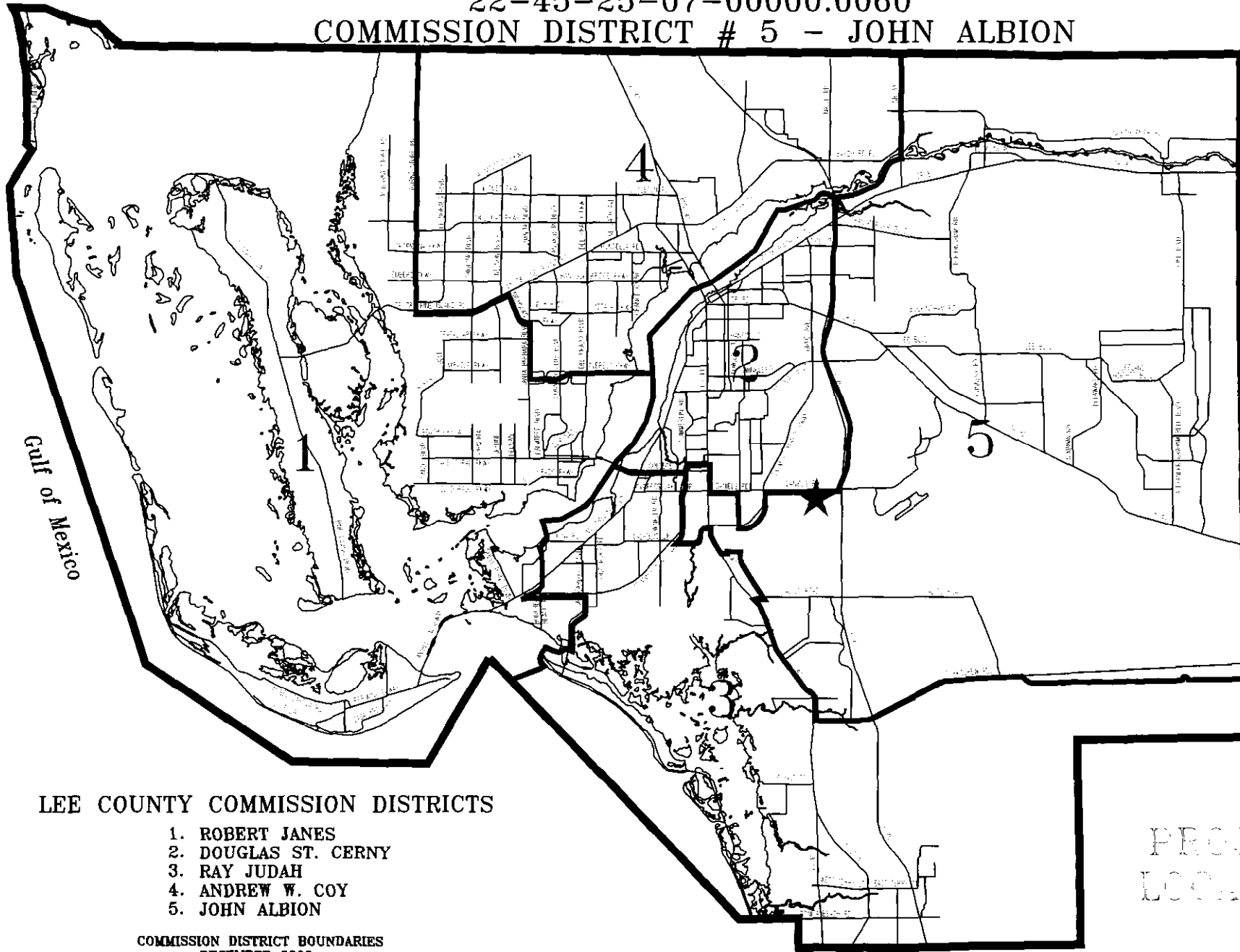
By: _____
DEPUTY CLERK

By: _____
CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY OFFICE

ECKERDS DRUG STORE AT FIDDLESTICKS AND DANIELS
22-45-25-07-00000.0060
COMMISSION DISTRICT # 5 - JOHN ALBION



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

02/25/2003 14:37 FAX 9414798.

LEE CO. UTILITIES

008

COPY

11.2

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): Eckerd Drugs
9170 DANIELS PARKWAY FT. MYERS FL 33912
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.

Patrick J Cook
(NAME OF OWNER OR CONTRACTOR)

BY: [Signature]
(SIGNATURE & TITLE)

STATE OF Florida)
) SS:
COUNTY OF Mantee

The foregoing instrument was signed and acknowledged before me this 25 day of February, 2003 by Patrick J Cook who has produced _____ (Type Of Identification and Number) as identification, and who (did) (did not) take an oath.

Sharon E Ruthruff
Notary Public Signature

Sharon E Ruthruff
Printed Name of Notary Public

DD # 031543
Notary Commission Number



(NOTARY SEAL)

RECEIVED
FEB 25 2003

02/25/2003 14:38 FAX 9414798.

007

LEE CO. UTILITIES

COPY

**WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of Three Thousand Three Hundred Fifteen Dollars and 74/100 (\$ 3,315.74) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Lee County Utilities (insert the name of your customer)

on the job of KB Investments to the following (insert the name of the owner)

described property: Eckerd # 3954 (Name of Development/Project)
Water Line from Row to Property Line (Facilities Constructed)
9170 Daniels Pkwy. Ft. Myers, FL (Project Location)
22-45-25-07-00000.0060 (STRAP(s) #)

Dated on 2-25-03
By: [Signature] (Signature of Authorized Representative)

By: DARLA COOK (Print Name of Authorized Representative)

Title: SECY. / TREAS.

Phone #: 941-749-1959

SECY. / TREAS. OF PAT COOK CONST., INC. (Name of Firm or Corporation)

1931 Manatee Ave. W. (Address)

Bradenton (City, State & Zip)

Fax #: 941-746-8475

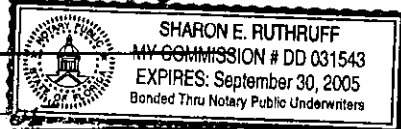
STATE OF FL
COUNTY OF manatee

The foregoing instrument was signed and acknowledged before me this 25th day of FEB. 2003, by DARLA COOK, who produced _____ as identification or who is personally known to me, and who did/did not take an oath.

Notary Public: [Signature] (Signature)

Notary Public Name: _____ (Print)

My Commission Expires: 9-30



Notary Seal

RECEIVED
FEB 25 2003

02/25/2003 14:37 FAX 94147981

LEE CO. UTILITIES

008

11.5

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:-

Don Sicking Vice president
(Name & Title of Certifying Agent)

OF: PAT COOK CONSTRUCTION, INC
(Firm or Corporation)

ADDRESS: 1931 MANATEE AVE W.
BRADENTON, FL 34205

STATE OF Florida)

) SS:

COUNTY OF manatee)

The foregoing instrument was signed and acknowledged before me this 25 day of February 2003 by Don Sicking who has produced

(Print or Type Name)

(Type Of Identification and Number)

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

Sharon E Ruthruff
Notary Public Signature

Sharon E Ruthruff
Printed Name of Notary Public

#DD 031543
Notary Commission Number



(NOTARY SEAL)

RECEIVED

FEB 25 2003

PAT COOK CONSTRUCTION, INC.

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 _____, 2003,
by and between KB Investment Holdings, 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.

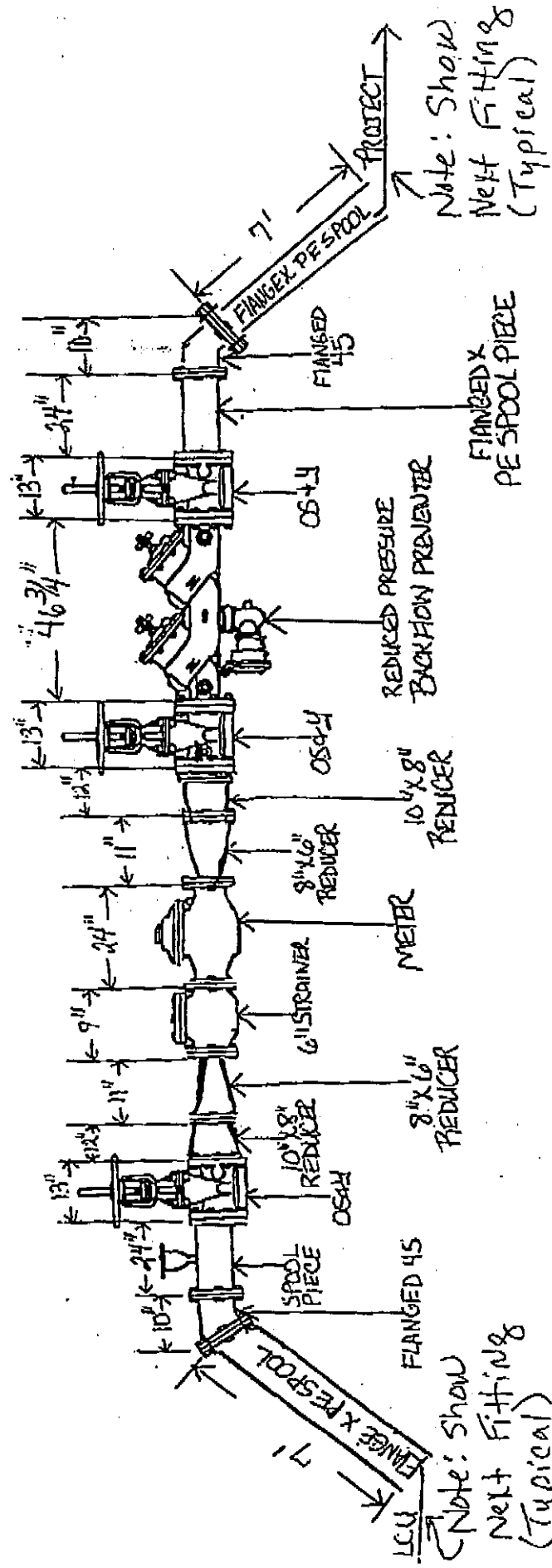
6. GRANTOR(S), its heirs, successors or assigns, shall assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 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.



EXAMPLE OF FIRE LINE SCHEMATIC/DETAIL

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF AN EASEMENT LYING IN
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(LEE COUNTY UTILITIES EASEMENT)

A LEE COUNTY UTILITIES EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING OVER, ACROSS AND THROUGH A PART OF LOT 6, REPLAT OF PORTION OF INTERCHANGE COMMERCE PARK AS RECORDED IN PLAT BOOK 54, PAGES 24 THROUGH 26 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

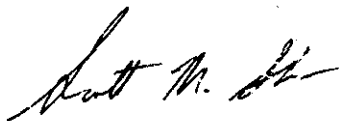
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6, THENCE N.89°25'12"E. ALONG THE SOUTH LINE OF SAID LOT 6 FOR 80.75 FEET; THENCE LEAVING SAID SOUTH LINE N.00°34'48"W. FOR 6.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE CONTINUE N.00°34'48"W. FOR 4.00 FEET; THENCE N.89°25'12"E. FOR 6.00 FEET; THENCE S.00°34'48"E. FOR 4.00 FEET; THENCE S.89°25'12"W. FOR 6.00 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 24 SQUARE FEET, MORE OR LESS.

EASEMENT SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE SOUTH LINE OF SAID LOT 6 BEING N.89°25'12"E.

METRON SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071



2-25-2003

SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5743

SHEET 1 OF 2

3317SK2.doc

Exhibit A

Pg 2 of 2

COPY

SKETCH TO ACCOMPANY DESCRIPTION

LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- O.R. = OFFICIAL RECORD BOOK
- PG. = PAGE
- P.B. = PLAT BOOK
- P.U.E. = PUBLIC UTILITY EASEMENT
- FPL = FLORIDA POWER & LIGHT COMPANY
- U.E. = UTILITY EASEMENT



FIDDLESTICKS BOULEVARD S.E.

TRACT "C"
RIGHT-OF-WAY

35'

5' U.E.
(O.R. 2053, PAGE 623)

LOT 6

BUILDING

10' P.U.E.

N.89°25'12"E.
6.00'

FIRST O.S.&Y. VALVE
LOCATED WITHIN P.U.E.

N.00°34'48"W.
4.00'

S.00°34'48"E.
4.00'

(O.R. 2053, PAGE 623)
6' U.E.

P.O.B.

5' P.U.E.

P.O.C.
SOUTHWEST CORNER
LOT 6

N.89°25'12"E. 80.75'

N.00°34'48"W.
6.00'

S.89°25'12"W.
6.00'

DANIEL'S 9000
(PER ROAD SIGN)
TRACT "B"

LOT 7

TRACT "C"
RIGHT-OF-WAY

FOR THE EXCLUSIVE USE OF:

- PAT COOK CONSTRUCTION, INC.

*** THIS IS NOT A SURVEY ***

BY:

SCOTT M. SHORE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5743

DATE SIGNED:

2-25-2003

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TITLE: SKETCH OF DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS • PLANNERS L.B# 7071	
5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 3317SK2.DWG	FIELD BOOK/PAGE: N/A	PROJECT NO.:3317	SHEET: 2 OF 2
SKETCH DATE: 2-20-2003	DRAWN BY: SMS	SCALE: 1" = 30'	CHECKED BY: SMS (S-T-R)
		22-45-25	

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

BS 20030273-UTL

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING office to incur expenses for filing/records against:

Purchase Order # N/A for ECKERD DRUG STORE AT FIDDLESTICKS (KB INVESTMENT HOLDINGS LTD) project.

ACCOUNT NO. OD5360748700.504930

ORIGINAL EASEMENT TO MINUTES AFTER RECORDING WITH COPY TO SUE GULLEDGE, UTILITIES

Sue Gulledge
SUE GULLEDGE Signature Authorization

B. SERVICE RECEIVED:

RECORDING _____

O. R. COPIES _____

PLAT COPIES _____

CASE #/INDEX FEE _____

DESCRIPTION OF SERVICE _____

AMOUNT OF FEE INCURRED \$ _____

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D _____

ENTERED _____

CUST. # _____

INV. # _____

PLEASE REMIT TO: Clerk's Accounting
P.O. BOX 2396
FORT MYERS, FLORIDA 33902-2396



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
 (PLEASE READ INSTRUCTIONS ON THE BACK OF THIS FORM BEFORE COMPLETING)

PHOTOCOPIES OF
THIS FORM NOT
ACCEPTABLE
DR-219
R. 07/98

Use black ink. Enter numbers as shown below. If typing, enter numbers as shown below.

0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9

1. Parcel Identification Number
(If Parcel ID not available
please call County Property
Appraiser's Office) →

22452507000000060

2. Mark (x) all that apply
 Multi-parcel transaction? Transaction is a split or cutout from another parcel? Property was improved with building(s) at time of sale/transfer?

3. Grantor (Seller): **KB INVESTMENT HOLDINGS LTD**
 Last First MI Corporate Name (if applicable)
4340 W HILLSBOROUGH AVE, TAMPA FL 33614

Mailing Address City State Zip Code Phone No.
LEE COUNTY BOARD OF COUNTY COMMISSIONERS

4. Grantee (Buyer):
 Last First MI Corporate Name (if applicable)
P. O. BOX 398, FT. MYERS FL 33902 (239) 479-8181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer Sale/Transfer Price
 Month Day Year (Round to the nearest dollar.) \$. 00
 Property Located in 4 6 County Code (County Codes on Reverse)

6. Type of Document Contract/Agreement for Deed Other Warranty Deed Quit Claim Deed **EASEMENT DONATION**
 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: \$. 00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage. YES / NO

9. Was the sale/transfer financed? YES / NO If "Yes", please indicate type or types of financing:
 Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type: Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare
 Mark (x) all that apply

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES / NO \$. 00

12. Amount of Documentary Stamp Tax \$.

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? YES / NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent **RICK DIAZ, UTILITIES DIRECTOR** Date **3/13/03**

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

(To be completed by the Clerk of the Circuit Court's Office)	Clerks Date Stamp
O. R. Book and Page Number and File Number	
Date Recorded	