

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20030373 - UTIL**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance, by Resolution, and recording of one utility easement as a donation for a water main extension serving **Summerlin Commercial Center, Phase I-A**. This is a Developer contributed asset project located on the west side of Safety Street, approximately 200' south of Summerlin Road.

WHY ACTION IS NECESSARY: Provides adequate water infrastructure to support future development.

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

C10G

3. MEETING DATE:
04/22/2003

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 Diaz, Utilities Director

DATE: 4/3/03

7. BACKGROUND:

The Board granted permission to construct on 02/19/02, Blue Sheet #20020119.
 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.
 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.
 This project consists of a water main extension to support future development only. No services constructed. No capacity is being reserved; therefore no connection/capacity fees are required at this time.
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 08 TOWNSHIP 46S RANGE 24E DISTRICT #3 COMMISSIONER JUDAH

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> Date: 4-4-03	N/A Date:	N/A Date:	R.O. T. Osterhout Date: 4-3	S. Owen Date: 1/7/03	P.M. 4/7/03	4/8/03	4/21/03	4-7-03	<i>J. Lavender</i> Date: 4-4-03

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

RECEIVED BY
 COUNTY ADMIN. PM
4-7-03
3:20 pm
 COUNTY ADMIN.
 FORWARDED TO:
4/8/03

Rec. by CoAtty
 Date: 4/7/03
 Time: 1:15 pm
 Forwarded To:
 Co. Admin
4-7-03 3:20

RESOLUTION NO. _____

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

WHEREAS, it is the desire of Storgard Development, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension), serving **"SUMMERLIN COMMERCIAL CENTER, PHASE I-A"**; 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 **\$16,412.58** 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

LETTER OF COMPLETION

DATE: 11-8-02

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 Summerlin Commercial Center Phase I-A

(Name of Development)

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

- × the approved plans - the revised plans, attached

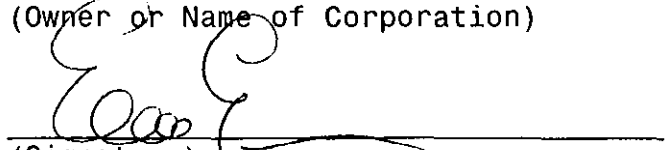
and:

- × the approved specifications - the revised specifications, attached

Upon completion of the work, we observed the following successful tests of the facilities: water main pressure test

Very truly yours,

Eddie Neese, P.E. - Neese & Associates
(Owner or Name of Corporation)

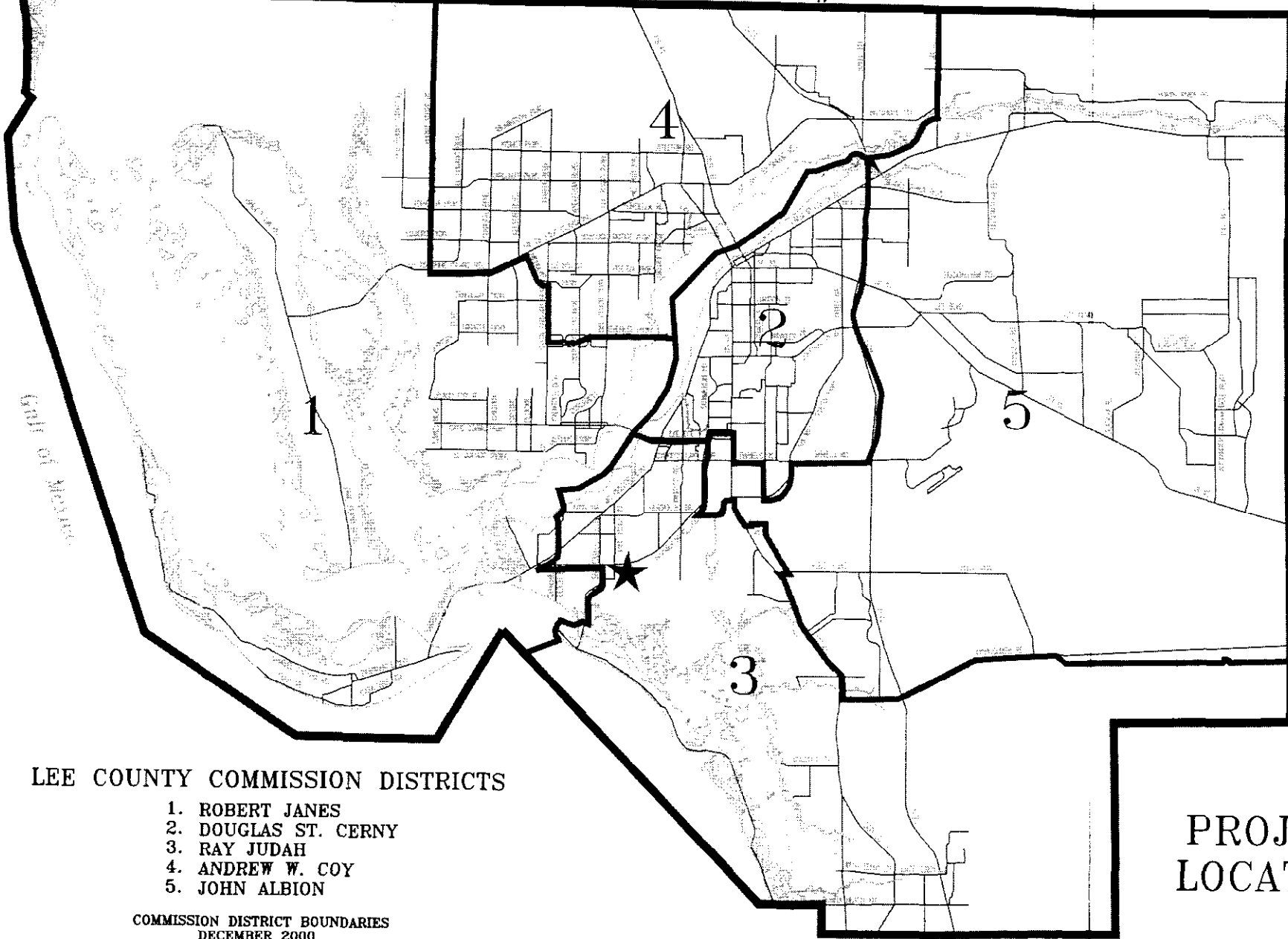

(Signature)

President
(Title)

(SEAL OF ENGINEERING FIRM)



SUMMERLIN COMMERCIAL CENTER - PH I-A
08-46-24-00-00001.0400
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

SUMMERLIN COMMERCIAL CENTER - PH I-A

COMMISSION DISTRICT #3 - JUDAH

SUMMERLIN RD

SAFETY ST

SUMMERLIN COM

08462
002

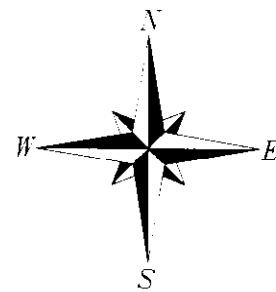
08462
001

084624
003

00001
0400

SUBJECT PARCEL

1.5" MTR →
3/4" MTR →



08-46-24-00-00001.0400

17060-64 SAFETY STREET

Copy

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): Summerlin Commercial Center Phase 1-A

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.

Hone Construction
(NAME OF OWNER OR CONTRACTOR)

By Lawrence Tomlinson Asst. Proj. Mgr.
(SIGNATURE & TITLE)

STATE OF FL
COUNTY OF Lee)SS:

The foregoing instrument was signed and acknowledged before me this 5th day of Sept, 2002 by Lawrence Tomlinson who has produced known by me
(Print or Type Name) (Type Of Identification and Number)

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

Constance A. Guernieri
Notary Public Signature
Constance A. Guernieri
Printed Name of Notary Public
DD17496
Notary Commission Number



(NOTARY SEAL)



WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Sixteen thousand, four hundred twelve dollars and fifty eight cents (\$16,412.58) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Future Reality Inc.

(insert the name of your customer)
on the job of Daniel T Carabine to the following
(insert the name of the owner)

described property: Summerlin Commercial Center Phase 1-A
(Name of Development/Project)

Tie into existing 12" Gate valve west of Property, Inskill 350'-12" c900 78'-12" DIP
(Facilities Constructed)

Safety Ln & Summerlin Rd
(Project Location)

08-46-24-00-00001.0400
(STRAP(s) #)

Dated on 3/10/03

By: Lawrence A Tomlinson
(Signature of Authorized Representative)

Hone Construction
(Name of Firm or Corporation)

By: Lawrence Tomlinson
(Print Name of Authorized Representative)

1130 Pondella Rd
(Address)

Title: Asst. Proj Mngt

N. Ft. Myers Fla 33903
(City, State & Zip)

Phone #: 458-3335

Fax #: 458-3331

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 10th day of March 2003, by LAWRENCE A. TOMLINSON, who produced N/A as identification or who is personally known to me, and who ~~did~~ did not take an oath.



Notary Seal

Notary Public: Marylyn P. Kotas
(Signature)

Notary Public Name: MARYLYN P. KOTAS
(Print)

My Commission Expires: July 31, 2003



11.5

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Summerlin Commercial Center PH 1-A

LOCATION: Summerlin Rd & Safety Ln South Ft Myers

Strap# 08-46-24-00-00001.0400

NAME AND ADDRESS OF OWNER: (Including STRAP) Daniel T. Carabine

C/O Future Realty Services, 1950 Courtney Drive, Suite 206

TYPE UTILITY SYSTEM: (as shown on Deed) 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
①	12" CL 350 DI Fashite Pipe	78'	Per/ft	34.66	2703.48
②	12" E-900 DR18 CL150 PVC GS	350'	Per/ft	20.09	7031.50
③	12" GV ASSY w/2" Blowoff	1	EA	2116.72	2116.72
④	12" MJCL 153 45° Bend	4	EA	442.63	1770.52
⑤	12" X 8" TEE	2	EA	603.65	1207.30
⑥	8" Gate Valves	2	EA	791.53	1583.06

TOTAL AMOUNT

16,412.58

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



81

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:

Lawrence Lombino Asst Proj Mgr
(Name & Title of Certifying Agent)

- OF: Honc Construction
(Firm or Corporation)

ADDRESS: 1130 Pondella Rd
North Ft Myers Fla 33903

STATE OF Fla)
COUNTY OF Lee) SS:

The foregoing instrument was signed and acknowledged before me this 5th day of Sept 2002 by Lawrence Lombino who has produced known by me

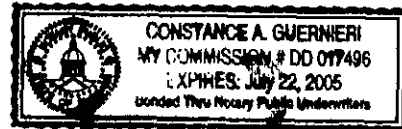
(Print or Type Name)
as identification, and who (did) (did not) take an oath.

(Type Of Identification and Number)

Constance A. Guernieri
Notary Public Signature

Constance A. Guernieri
Printed Name of Notary Public

DD 17496
Notary Commission Number



(NOTARY SEAL)



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 _____, ____ by and between STOR-GARD DEVELOPMENT, LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

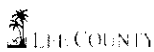
1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated 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



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.

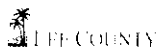
6. GRANTOR(S), its heirs, successors or assigns, shall assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3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

X Wayne Perry
(Signature of 1st Witness)

X [Signature]
(Grantor's/Owner's Signature)

WAYNE PERRY
(Name of 1st Witness)

J.E. SANTAMARIA
(Grantor's/Owner's Name)
FOR STORWHA DEVELOPMENT, LLC

X [Signature]
(Signature of 2nd Witness)

Owner
Title

SUZANNE L. PERRY
(Name of 2nd Witness)

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

The foregoing instrument was signed and acknowledged before me this 12~~th~~ day of 3 2003 by _____ who has produced the following as identification - _____, and who did take an oath.

FL DL 5534485523660

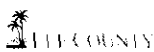
[Signature]
Notary Public Signature



Suzanne L. Perry
Commission # DD 068695
Expires Oct. 30, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

SUZANNE L. PERRY
Printed Name of Notary Public

(Notary Seal & Commission Number)



Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF
AN EASEMENT
LYING IN
SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(STORGARD WATERLINE EASEMENT - PHASE 3)

A WATERLINE EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PART OF LOT 11, PINE RIDGE RANCHETTES NO. 1 (UNRECORDED) AS SHOWN IN OFFICIAL RECORDS BOOK 1378, PAGE 2335 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST; THENCE S.89°58'20"W. ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER FOR 1738.60 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 11, PINE RIDGE RANCHETTES NO. 1; THENCE S.00°45'25"E. ALONG SAID NORTHERLY PROLONGATION FOR 225.02 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SUMMERLIN ROAD (COUNTY ROAD 869); THENCE CONTINUE S.00°45'25"E. ALONG SAID WEST LINE FOR 106.92 FEET; THENCE N.90°00'00"E. FOR 462.90 FEET; THENCE S.00°00'00"W. FOR 137.86 FEET TO THE POINT OF BEGINNING; THENCE N.89°58'20"E. FOR 411.19 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAFETY STREET (60 FEET WIDE); THENCE S.00°46'21"E. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 20.00 FEET; THENCE S.89°58'20"W. FOR 411.46 FEET; THENCE N.00°00'00"W. FOR 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.19 ACRES, MORE OR LESS.

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

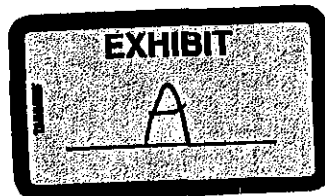
BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 24 EAST AS BEARING S89°58'20"W.

DESCRIPTION PREPARED JULY 17, 2000.

 7-18-2000

Thomas R. Lehnert, Jr.
Professional Surveyor and Mapper
Florida Certification No. 5541

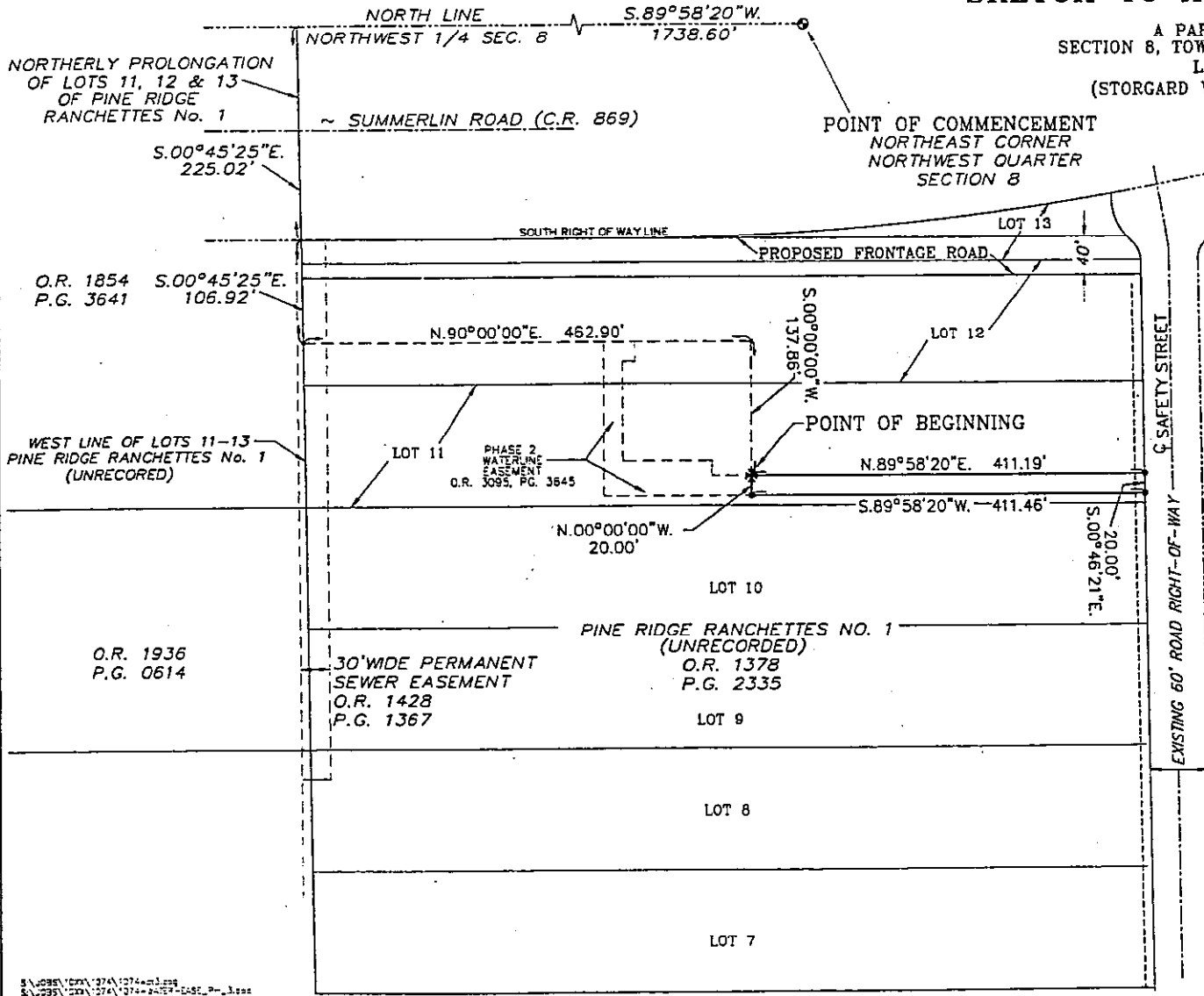
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SHEET 1 OF 2

SKETCH TO ACCOMPANY DESCRIPTION

OF
A PARCEL OF LAND LYING IN
SECTION 8, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA
(STORGARD WATERLINE EASEMENT-PHASE 3)



LEGEND:
 L1 - SEE LINE NO. 1 OF LINE TABLE
 (1) - SEE CURVE DATA SET NO. 1
 C.R. - COUNTY ROAD
 O.R. - OFFICIAL RECORDS BOOK
 PGS. - PAGES
 SEC. - SECTION

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

*****THIS IS NOT A SURVEY*****
 THIS SKETCH TO ACCOMPANY DESCRIPTION IS NOT FULL OR COMPLETE WITHOUT SHEETS 1 AND 2

TRMCO 17-18-2000
 THOMAS R. LEHNERT, JR.
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATION NO. 5541

PREPARED BY:
Banks Engineering, Inc.
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
 PROFESSIONAL ENGINEERS, PLANNERS, & LAND SURVEYORS
 10501 SIX MILE CYPRESS PARKWAY - SUITE 104
 FORT MYERS, FLORIDA 33912
 (813) 638-5400

COPY

S:\JOB5\COMP\274\1274.dwg
 S:\JOB5\COMP\274\1274.dwg
 S:\JOB5\COMP\274\1274.dwg

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:

BS 20030373-UTL

Purchase Order # N/A for SUMMERLIN COMMERCIAL CENTER, PHASE I-A (STORGARD EASEMENT) project.

ACCOUNT NO. OD5360748700.504930

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

Sue Gullledge
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