

**Lee County Board of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20060048-UTL**

**1. Action Requested/Purpose:**

Approve final acceptance, by Resolution, as a donation of water and gravity main extensions serving *LEGENDS, TRACT L-2 - LANGSHIRE WAY* to provide potable water service, fire protection and sanitary sewer service to this phase of the residential development. This is a Developer Contributed asset project located on the west side of Fiddlesticks Boulevard just north of Fiddlesticks Country Club.

**2. What Action Accomplishes:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

**3. Management Recommendation:**

Approval.

**4. Departmental Category: 10 -**

*CIOE*

**5. Meeting Date:**

*02-14-2006*

**6. Agenda:**

- Consent**
- Administrative**
- Appeals**
- Public**
- Walk-On**

**7. Requirement/Purpose (specify)**

- Statute**
- Ordinance**
- Admin. Code**
- Other**      **Approval**

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department **Public Works**  
 Division **Utilities**  
 By: *[Signature]* **1/26/06**  
**Rick Diaz, P. E., Utilities Director**

**9. Background:**

The Board granted permission to construct on 11/18/03, Blue Sheet #20031257.  
 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. Satisfactory closed circuit television inspection of the gravity collection system has been performed. Record Drawings 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. 100% of the connection fees have been paid. No Funds Required.

SECTION 28    TOWNSHIP 45S    RANGE 25E    DISTRICT #5    COMMISSIONER ALBION

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i> J. Lavender Date: <i>1-27-06</i>	N/A	N/A	<i>N.O.</i> T. Osterhout Date: <i>1/26</i>	S. Coovert Date: _____	<i>P.M.</i> <i>1/30/06</i>	<i>58</i> <i>1/30/06</i>	<i>[Signature]</i> <i>1/30/06</i>	<i>[Signature]</i> <i>1/30/06</i>	<i>[Signature]</i> J. Lavender Date: <i>1-27-06</i>

**11. Commission Action:**

- Approved**
- Deferred**
- Denied**
- Other**

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 1-27-06  
 4:21  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 2/2/06  
 10:11

Rec. by CoAtty  
 Date: *1/27/06*  
 Time: *3:10pm*  
 Forwarded to:  
*1/27/06*  
*3:30pm*

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

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

WHEREAS, it is the desire of "Legends Golf & Country Club Master Association, Inc", owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension), and sewer facilities (a gravity main extension), serving **"LEGENDS, TRACT L-2, LANGSHIRE WAY"**; 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 **\$87,785.60** 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 Bob Janes: \_\_\_\_\_ (1)
- Commissioner Douglas St. Cerny: \_\_\_\_\_ (2)
- Commissioner Ray Judah: \_\_\_\_\_ (3)
- Commissioner Tammara Hall: \_\_\_\_\_ (4)
- Commissioner John Albion: \_\_\_\_\_ (5)

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

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
TAMMARA HALL, CHAIRWOMAN

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

**BS 20060048**

**LETTER OF COMPLETION**

DATE: **July 2, 2001**

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

Sire or Ma'am:

This is to certify that the **water distribution and sanitary sewer** system(s) located in  
**LEGENDS GOLF & COUNTRY CLUB – TRACT "L2"**  
(Name of Development)

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

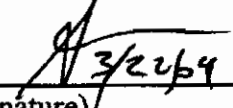
the approved plans and the approved specifications

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

- Pressure Test(s)- Water Main**
- Low Pressure Test(s)- Gravity Main**
- Sewer Viewer**

Very truly yours,

**Samuel W. Marshall, Fl# 48881, Banks Engineering, Inc.**  
(Owner or Name of Corporation)

  
\_\_\_\_\_  
(Signature)

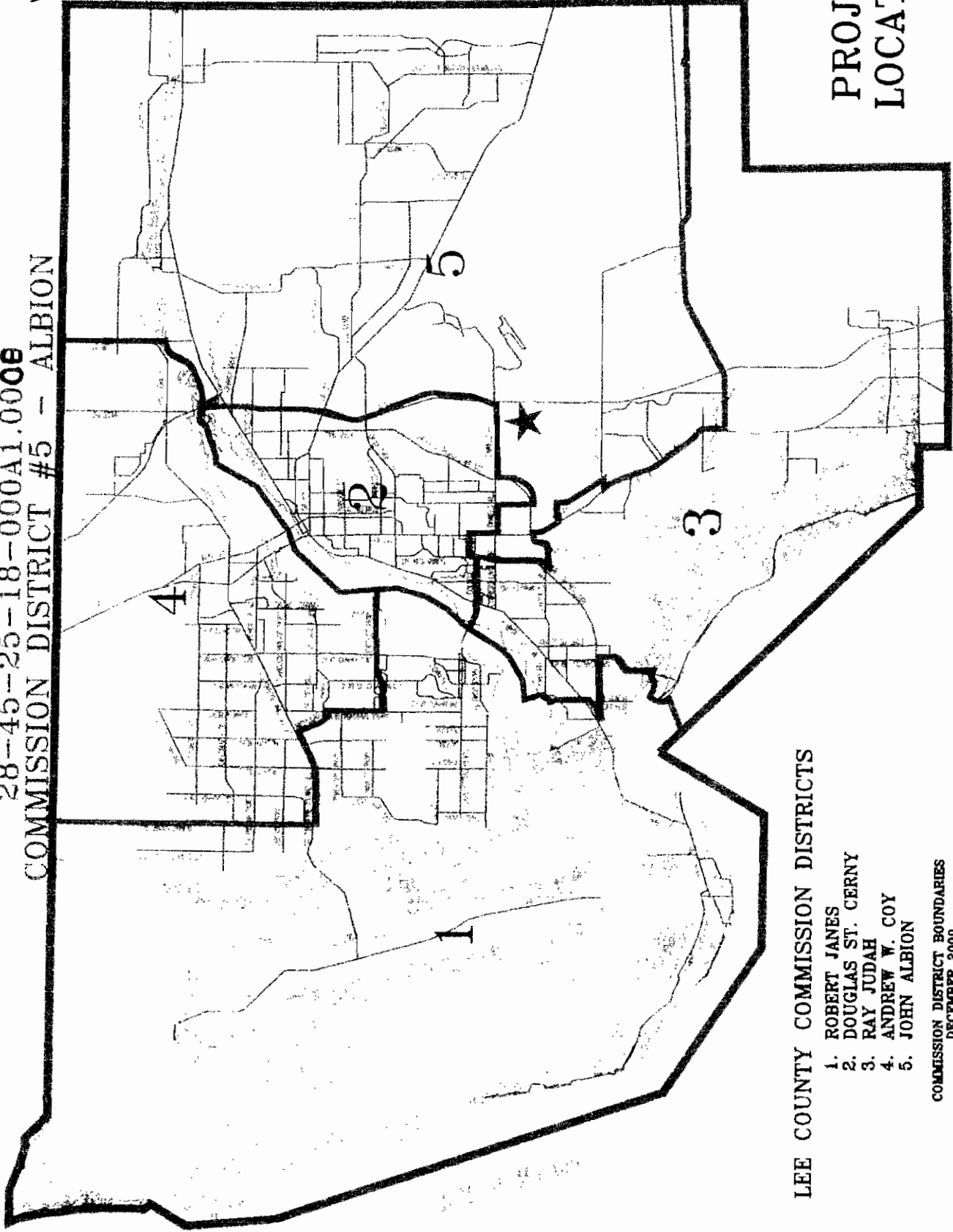
**Project Manager**  
(Title)

(SEAL OF ENGINEERING FIRM)

7/1/96



LEGENDS GOLF & COUNTRY CLUB, TRACT L2  
28-45-25-18-000A1.000B  
COMMISSION DISTRICT #5 - ALBION



LEE COUNTY COMMISSION DISTRICTS

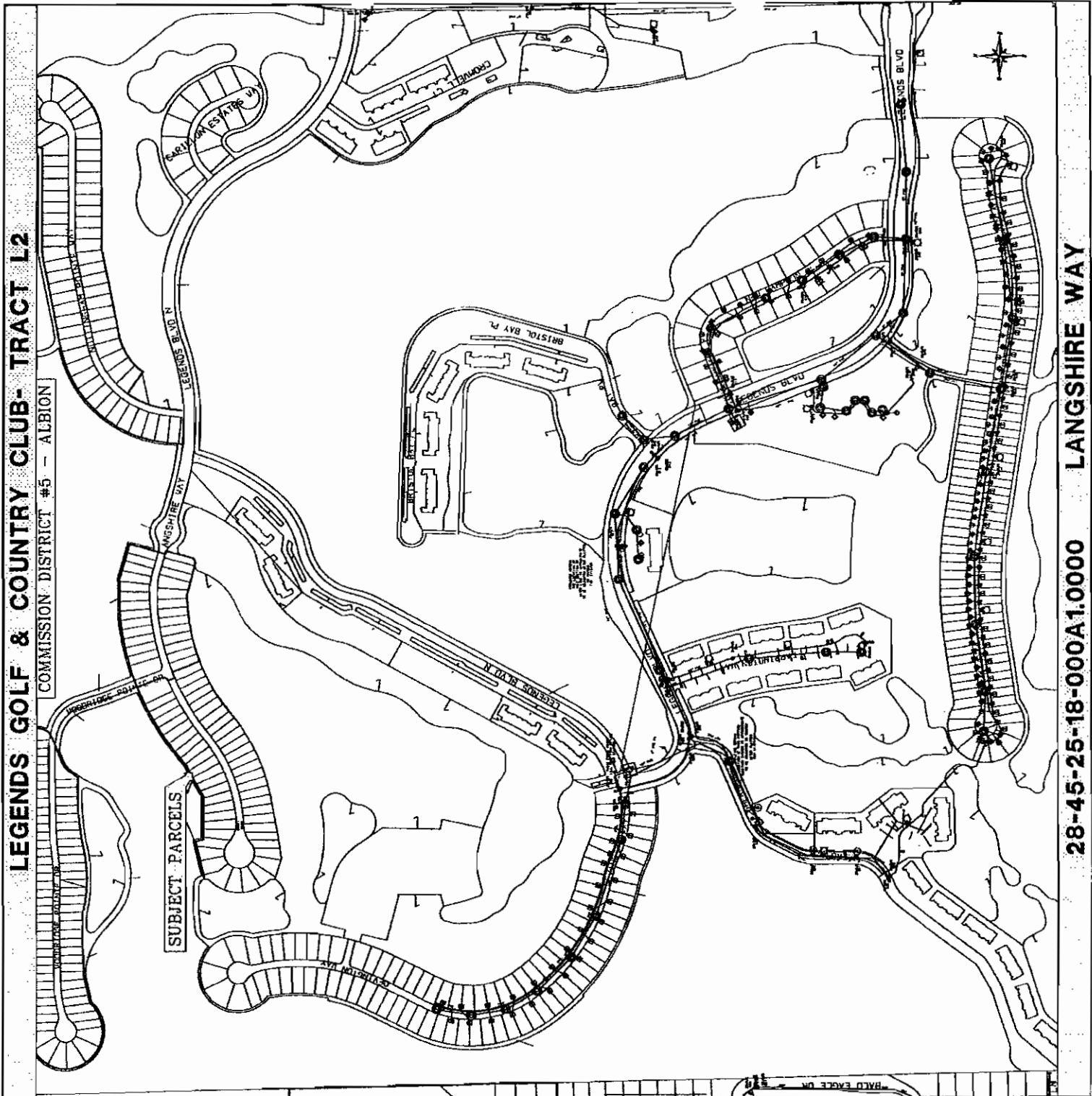
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. ANDREW W. COY
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

PROJECT  
LOCATION

LEGENDS GOLF & COUNTRY CLUB- TRACT L2

COMMISSION DISTRICT #5 - ALBION



SUBJECT PARCELS

28-45-25-18-000A1.0000 LANGSHIRE WAY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and/or sewer systems of Legends Golf & Country Club - Tract "L2" 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.

Mitchell & Stark Construction Company, Inc.

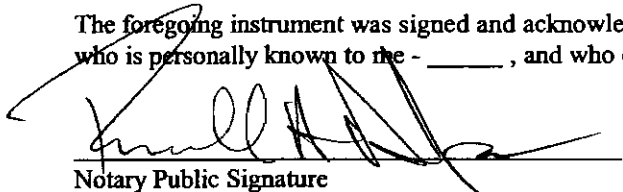
(NAME OF OWNER/CONTRACTOR)

BY: 

(SIGNATURE OF OWNER/CONTRACTOR)

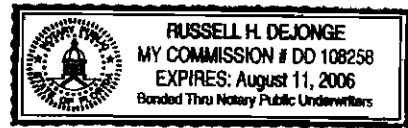
STATE OF FL )  
 ) SS:  
COUNTY OF Colleir )

The foregoing instrument was signed and acknowledged before me this 22 nd day of MAR, 2004 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Notary Public Signature

Russell H De Jonge  
Printed Name of Notary Public



(Notary Seal & Commission Number)



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

The undersigned lienor, in consideration of the final payment in the amount of eighty -seven thousand seven hundred eighty five dollars and sixty cent (\$87,785.60 ) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Kingswood Development Company, L.L.C.; Lennar Homes, Inc. on the job of Legends Golf & Country Club - Tract "L2" to the following described property:

Legends Golf & Country Club - Tract "L2"  
(Name of Development/Project)

water distribution and sanitary sewer systems  
(Facilities Constructed)

Langshire Way  
(Location)

28-45-25-18-000A1.00CE  
(Strap # or Section, Township & Range)

Dated on: September 14, 2005

By:   
(Signature of Authorized Representative)

Mitchell & Stark Construction Co. Inc.  
(Name of Firm or Corporation)

By: Brian Penner  
(Print Name of Authorized Representative)

6001 Shirley St  
(Address of Firm or Corporation)

Title: Vice President

Naples, FL 34109-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-2165 Ext.

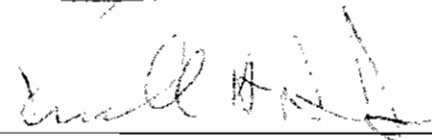
Fax#: (239)566-7865

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 14 th day of September, 2005 by Brian Penner who is personally known to me -       , and who did not take an oath.



(Notary Seal & Commission Number)

  
(Notary Public Signature)

Russell H De Jonge  
(Printed Name of Notary Public)

RECEIVED SEP 19 2005





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:

X [Signature]  
(Signature of Certifying Agent)

Brian Penner, Vice President  
(Name & Title of Certifying Agent)

Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

6001 Shirley Street  
(Address of Firm or Corporation)

Naples, FL 34109 -

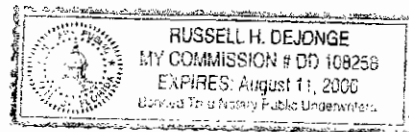
STATE OF FL )  
                  ) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 14<sup>th</sup> day of September, 2005 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.

[Signature]  
Notary Public Signature

Russell H De Jonge  
Printed Name of Notary Public

DD 108258  
Notary Commission Number



(NOTARY SEAL)

RECEIVED SEP 10 2005

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Legends Golf and Country Club Tract "L2"

STRAP NUMBER: 28-45-25-18-000A1.00CE

LOCATION: Langshire Way

OWNER'S NAME: (as shown on Deed) Legends Golf and Country Club Master Association, Inc.

OWNER'S ADDRESS: 8600 Legends Blvd.

OWNER'S ADDRESS: Fort Myers, FL 33912-

TYPE UTILITY SYSTEM: SANITARY SEWER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

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

Please list each element of the system from the drop-down list provided.

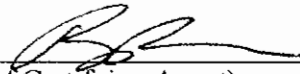
<u>ITEM</u>	<u>SIZE</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>TOTAL</u>
PVC SDR-26 GRAVITY MAIN	8"	866.0	LF	\$19.00	\$16,454.00
MANHOLE	4'	5.0	EA	\$3,178.00	\$15,890.00
SINGLE SEWER SERVICE W/CLEANOUT	6"	6.0	EA	\$455.00	\$2,730.00
DOUBLE SEWER SERVICE W/CLEANOUT	6"	22.0	EA	\$514.00	\$11,308.00
<b>TOTAL</b>					<b>\$46,382.00</b>

(If more space is required, use additional forms(s).)

RECEIVED SEP 19 2005

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X   
(Signature of Certifying Agent)

Brian Penner, Vice President  
(Name & Title of Certifying Agent)

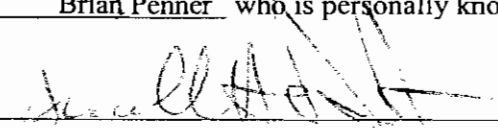
Mitchell & Stark Construction Co., Inc.  
(Name of Firm or Corporation)

6001 Shirley Street  
(Address of Firm or Corporation)

Naples, FL 34109 -

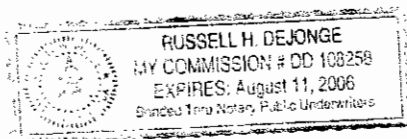
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DD 108258  
Notary Commission Number



(NOTARY SEAL)

RECEIVED SEP 10 2005