

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

**Blue Sheet No. 20060935**

**1. ACTION REQUESTED/PURPOSE:** Approve and accept by donation a Perpetual Public Utility Easement for a replacement gravity sewer main adjacent to Master Pump Station 482 (formerly 4-M), authorize County Lands Division to handle and accept all documentation necessary to complete this transaction; authorize payment of recording fees.

**2. WHAT ACTION ACCOMPLISHES:** Allows the County to proceed with the project without resorting to Condemnation proceedings.

**3. MANAGEMENT RECOMMENDATION:** Approve.

**4. Departmental Category:** 6 **C6F** **5. Meeting Date:** **08-01-2006**

<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input checked="" type="checkbox"/> Statute 73,74,125,127		<b>8. Request Initiated:</b> Commissioner _____ Department _____ Independent Division _____ County Lands <i>KK</i> By: <u>Karen L.W. Forsyth, Director</u> <i>KLF</i>
	<input type="checkbox"/> Ordinance		
	<input type="checkbox"/> Admin. Code		
	<input type="checkbox"/> Other		

**9. Background:** On October 11, 2005, the BOCC approved an after-the-fact emergency Purchase Order No. 67789 (under E-05-02) to Cabana Construction Company, Inc. to replace a 30" major gravity sewer line that was near collapsing under SR 80 (Palm Beach Blvd.). This sewer line is a major influent pipe to the existing master pump station 482 (formerly 4-M). During field work, it was found that installation of this new 30" line would require crossing SR 80 at a point beyond the lift station property and was so installed and connected. The Division of County Lands is now acquiring a parcel for the Utilities Department for the new installed sewer line and appurtenances. This parcel is a 1840 +/- square foot easement acquisition, adjacent to Lee County Utilities Pump Station 482 (formerly 4-M), to be utilized for the relocation and maintenance of the gravity sewer main.

**Negotiated for:** Utilities Department

**Interest to Acquire:** Perpetual Public Utility Easement.

**Property Detail:**

**Owner:** Evangelistic Works, Inc.  
**Address:** 12925 Palm Beach Boulevard, Fort Myers, FL 33905

**Purchase Details:**

**Purchase Price:** Donation  
**Costs to Close:** Recording Costs \$35.50.

**Account:** 20722948730.506525

**Attachments:** Copy of Grant of Perpetual Public Utility Easement, GIS Map Location, 5-Year Sales History

**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>K. Forsyth</i>	<i>N/A</i>	<i>N/A</i>	<i>Utilities</i>	<i>Ref. to...</i>	<i>7/19/06</i>	<i>7/19/06</i>	<i>7/19/06</i>	<i>7/19/06</i>	<i>HS 7/19/06</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 7-19-06 11:10 AM  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
 7/20/06  
*[Signature]*

7/18/06  
 7/19/06  
 7/19/06

This Instrument Prepared by:  
COUNTY LANDS DIVISION  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Parcel: 101/ Evangelistic Works, Inc.  
Project: 7233/East Lee County Force Main  
STRAP No.: 30-43-26-00-00003.0020

COPY

**THIS SPACE FOR RECORDING**

**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

This INDENTURE, made and entered into this 29<sup>th</sup> day of June, 2006, between **EVANGELISTIC WORKS, INC., a non-profit Corporation in the State of Florida**, Owner, whose address is 12925 Palm Beach Boulevard, Fort Myers, Florida 33905, hereinafter "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "Grantee":

**WITNESSETH**

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual, non-exclusive, public utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.
2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities, to include: sewer transmission and collection systems with all appurtenances thereto, to be located on, under, above, across, through and within 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 facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility facilities or Grantee's use of the easement. Grantee has the right and authority to remove and dispose of dirt, rocks and vegetation within the easement area.
3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties.
4. The Grantor will reserve the total area of this public utility easement for the public utility lines, mains, or other appurtenant utility facilities and for any landscaping (excluding trees), or similar type uses. The Grantor, or its heirs, successors or assigns will not construct or place any structures, in conflict with the Grantee's intended use of the easement, upon or within the easement at any time, present or future.
5. Title to any public utility facilities constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.
6. Subject to any 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, Grantors covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as recorded in the Public Records, and accordingly, Grantors will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

COPY

Grant of Perpetual Public Utility Easement  
Page 2  
Project: 7233/East Lee County Force Main

- 7. Grantor, its heirs, successors or assigns, will indemnify and hold the Grantee harmless for any consequential damages to structures subsequently constructed by Grantor in violation of paragraph 4, 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.
- 8. Grantee will have a 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 above-described easement will be restored by the County or the particular utility providing service, to the condition in which it existed prior to the damage.
- 9. Grantee will be responsible for obtaining the necessary approvals from permitting agencies, for construction of facilities within the conservation easement encumbering the property.
- 10. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

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

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF TWO WITNESSES:

Loretta Dezarn  
 1st WITNESS Signature  
LORETTA DEZARN  
 Printed name of 1<sup>st</sup> witness

Kathryn Keene  
 2<sup>nd</sup> WITNESS Signature  
Kathryn Keene  
 Printed name of 2<sup>nd</sup> witness

Evangelistic Works, Inc.  
 a Florida non-profit Corporation  
 By: Bobby Leon Calvert  
Bobby Leon Calvert  
 Bobby Leon Calvert, President/Director

STATE OF Fl.  
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of June, 2006, by Bobby Leon Calvert, President/Director of Evangelistic Works, Inc., a Florida non-profit corporation, on behalf of the corporation. He is personally known to me  or has produced \_\_\_\_\_ (type of identification) as identification.



Loretta Dezarn  
 Signature of Notary Public  
LORETTA DEZARN  
 Printed Name of Notary Public

My Commission expires: 02-26-09



**Exhibit "A"**

May 1, 2006

**DESCRIPTION**

**LEE COUNTY UTILITIES  
20' WIDE UTILITY EASEMENT  
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA**

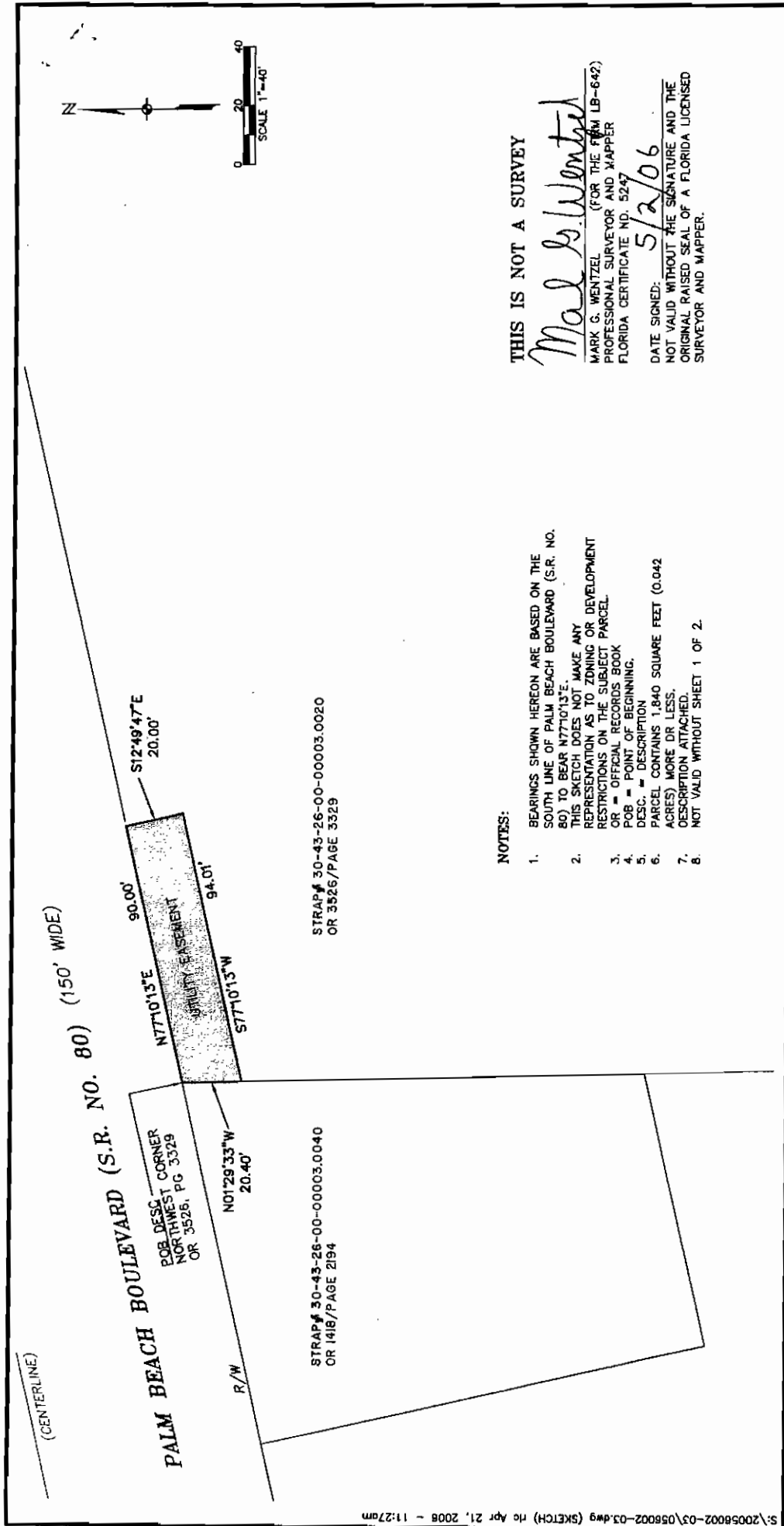
A strip of land lying in Section 30, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at the northwest corner of lands described in Official Records Book 3526, Page 3329, Public Records of Lee County, Florida, said beginning point also being in the southerly right-of-way line of Palm Beach Boulevard (State Road #80) (150' wide), thence run along said right-of-way line N 77° 10' 13" E for a distance of 90.00 feet to a point; thence departing said right-of-way line run S 12° 49' 47" E for a distance of 20.00 feet to a point; thence run S 77° 10' 13" W for a distance of 94.01 feet to an intersection with the easterly line of lands described in Official Records Book 1418, Page 2194; thence run along said easterly line N 01° 29' 33" W for a distance of 20.40 feet to the Point of Beginning.

Containing within said bounds 1,840 square feet or 0.042 acres, more or less.

Bearings hereinabove mentioned are based on the south line of Palm Beach Boulevard (S.R. 80) to bear N 77° 10' 13"E.

# Exhibit "A"



**NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF PALM BEACH BOULEVARD (S.R. NO. 80) TO BEAR N77°10'13"E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL OR - OFFICIAL RECORDS BOOK
3. POB = POINT OF BEGINNING.
4. DESC. = DESCRIPTION
5. PARCEL CONTAINS 1.840 SQUARE FEET (0.042 ACRES) MORE OR LESS.
6. DESCRIPTION ATTACHED.
7. NOT VALID WITHOUT SHEET 1 OF 2.
- 8.

THIS IS NOT A SURVEY

*Mark G. Wentzel*  
 MARK G. WENTZEL (FOR THE FIRM LB-642)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5247  
 DATE SIGNED: 5/2/06  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



2158 JOHNSON STREET  
 P.O. BOX 1550  
 FORT MYERS, FLORIDA 33802-1550  
 PHONE (239) 334-0046  
 FAX (239) 334-3881  
 E.B. #842 & L.B. #842

LEE COUNTY UTILITIES  
 20' WIDE UTILITY EASEMENT  
 SECTION 30, TOWNSHIP 43 SOUTH, RANGE 26 EAST

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
4/17/06	20056002-03	30-43-26	1"=40'	2 OF 2

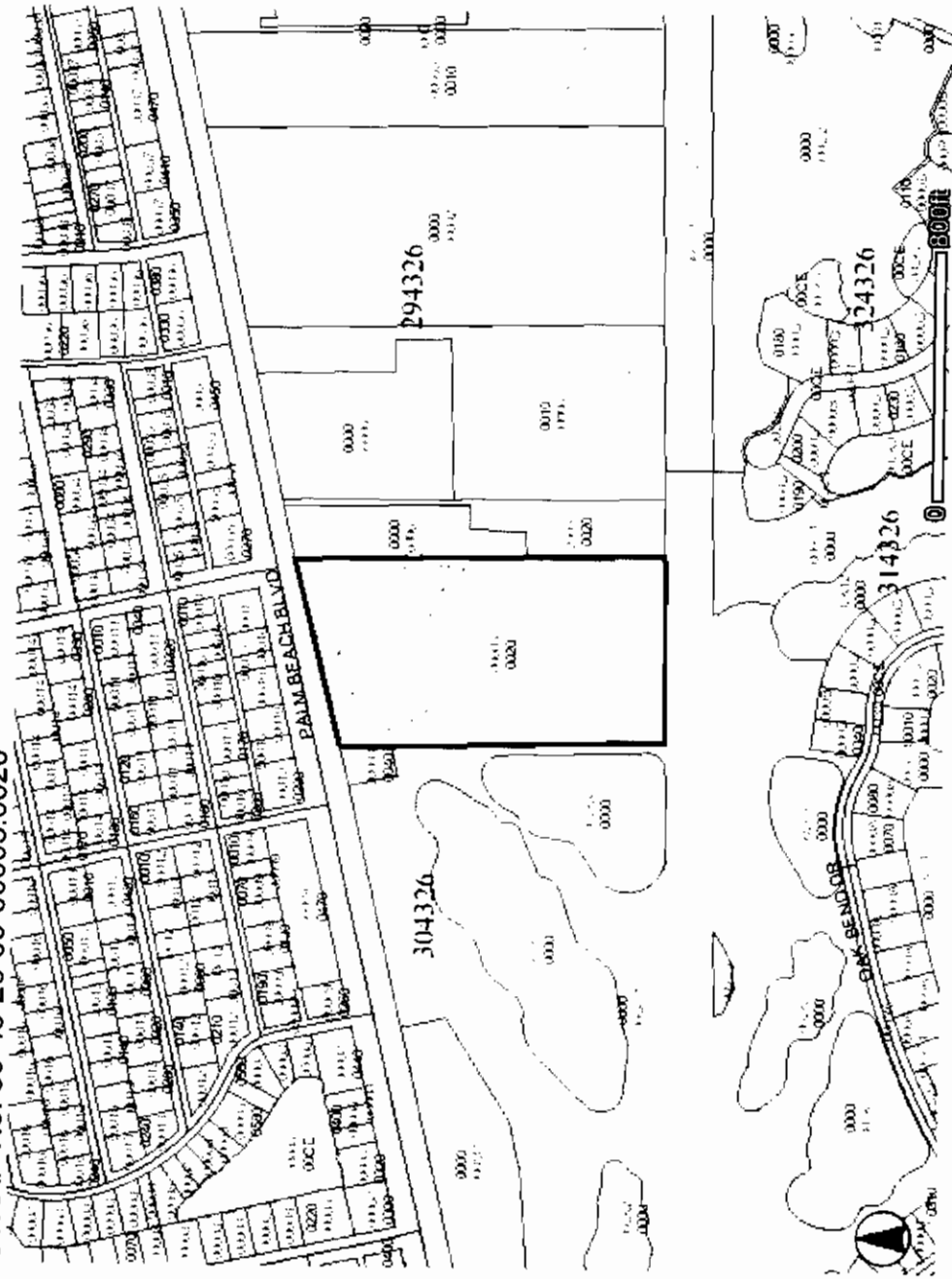
# 5-Year Sales History

East Lee County Force Main, 7229

Evangelistic Works, Inc.

The property was acquired by Warranty Deed dated November 19, 2001, recorded November 26, 2001, in Official Record Book 3526, Page 3329, Public Records of Lee County, Florida. The seller, Florida Conference Association of Seventh-Day Adventists, acquired the property from Ruth Kaune Baucom on May 25<sup>th</sup>, 1970, the Indenture was recorded January 22, 1971, in Official Record Book 655, Page 407, Public Records of Lee County, Florida.

STRAP No. 30-43-26-00-00003.0020



- Legend**
- Selected Features
  - Block
  - Lot
  - Condo Block
  - Condo Lot
  - Condo Building
  - Parcels
  - Parcel Hooks
  - Hydro Features
  - Road Center Line
  - Township Range Lines
  - Township Range Labels
  - Section Lines
  - City Limits
  - External Range
  - Center Line
  - Foot Meters
  - Sanitary
  - Town of Fort Myers Beach