



# Board of County Commissioners Meeting Agenda

District #1 Bob Janes <b>Vice Chair</b>	District #2 Douglas St. Cerny	District #3 Ray Judah	District #4 Tammy Hall <b>Chairwoman</b>	District #5 John E. Albion
Donald D. Stilwell County Manager				David M. Owen County Attorney

**September 5, 2006**

**Please fill out a “Request to Comment” card if you plan to address the Board and return it to the Clerk at the left of the podium prior to the start of the meeting.**

All back up for this agenda is available on the Internet at <http://www.lee-county.com>. Additional information is available in the **Public Resources Office**, 1<sup>st</sup> Floor, Administration Building, 2115 Second St., Fort Myers, FL  
**PLEASE NOTE:** The Board may take action in its capacity as the Port Authority or Government Leasing Corporation.

## **COMMISSION CHAMBERS, 2120 MAIN STREET, FORT MYERS, FLORIDA**

**9:30 AM** Invocation: Pastor Becky Robbins-Penniman Lamb of God Lutheran Church

Pledge of Allegiance

Presentations:

- CP 1**
  - Purple Heart Presentation to Kenneth Britz of Lehigh Acres (#20061125 – Veterans Services)
- CP 2**
  - Ceremonial Resolution recognizing Library Card Sign-up month (#20061131 – Commissioner Hall)

Recap

Public Comment on the Consent and Administrative Agenda

Consent Agenda:

- Items to be pulled for discussion by the Board
- Motion to approve balance of items
- Consideration of items pulled for discussion

Administrative Agenda

Walk-ons and Carry-overs

Commissioners' Items/Committee Appointments

County Manager Items

County Attorney Items

**9:30 AM Public Hearings**

**PH 1 ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility and Drainage Easement located at 509 and 511 Causeway Dr., Lehigh Acres (Case No. VAC2006-00027) (S26-T44S-R27E) (#5).

**WHAT ACTION ACCOMPLISHES:**

To build a single-family residence on the combined lots. The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

**MANAGEMENT RECOMMENDATION:**

Approve (#20060981 – Community Development)

Adjourn

**CONSENT AGENDA**  
**September 5, 2006**

**1. COUNTY ADMINISTRATION**

**2. CONSTRUCTION AND DESIGN**

**(A) ACTION REQUESTED/PURPOSE:**

Award and authorize staff to enter into a Construction Manager Agreement for RFQ-06-09 WA-KE HATCHEE COMMUNITY PARK, to Lodge Construction, Inc., for the sum of six (6%) percent of the total construction cost of the project. Also approve preliminary construction consulting services for an additional fee "NOT TO EXCEED" \$20,000.00. Also request Board approve waiving of any formal process (if needed) and authorize the use of the Direct Material Purchase Orders based on CM's Agreement which allows the County to purchase directly from suppliers of equipment and/or material as a cost/time saving measure. Also authorize Chairwoman to execute the Construction Management agreement upon receipt.

**WHAT ACTION ACCOMPLISHES:**

Provides Construction Management services for the construction of the Wa-Ke Hatchee Community Park.

**MANAGEMENT RECOMMENDATION:**

Staff recommends approval. (#20061122 – Construction & Design)

**3. COUNTY COMMISSIONERS**

**4. COMMUNITY DEVELOPMENT**

**(A) ACTION REQUESTED/PURPOSE:**

1) Authorize the amendment of Contract C-3384 between the BoCC and Southwest Florida Addiction Services, Inc (SWFAS) to extend contract term to May 31, 2007 and 2) Execute a grant award agreement between the BoCC and SWFAS for \$255,000 in SHIP funds to construct a duplex to provide permanent supportive housing to 6 individuals in substance abuse recovery programs.

**WHAT ACTION ACCOMPLISHES:**

Provides additional time to finish the rehabilitation project under C-3384 and allows for the construction of permanent supportive housing.

**MANAGEMENT RECOMMENDATION:**

Approve (#20061113 – Community Development)

**5. HUMAN SERVICES**

**6. INDEPENDENT**

**(A) ACTION REQUESTED/PURPOSE:**

Approve License and Agreement to Hold Lee County Harmless related to the Harbor Drive Road Paving MSBU; authorize the Division of County Lands to handle and accept all documentation necessary to complete transaction.

**WHAT ACTION ACCOMPLISHES:**

Grants license to prior owner, who donated the property, for the purpose of entering onto County property and removing certain improvements.

**MANAGEMENT RECOMMENDATION:**

Approve. (#20061089 – County Lands)

6. INDEPENDENT (Continued)

(B) **ACTION REQUESTED/PURPOSE:**

Approve Agreement between the City of Cape Coral and Lee County Library System for the plant removal and replanting of drought tolerant, native plants at the Cape Coral Regional Library. The City of Cape Coral will remove the existing plants and replant native plants in accordance with the "Florida Friendly Landscape" program at no cost to the County.

**WHAT ACTION ACCOMPLISHES:**

Allows the City and Cape Coral Library to go forward with the "Florida Friendly Landscape" program at the Cape Coral Regional Library.

**MANAGEMENT RECOMMENDATION:**

Approve (#20061095 – Library)

7. PUBLIC SAFETY

8. SOLID WASTE-NATURAL RESOURCES

(A) **ACTION REQUESTED/PURPOSE:**

Approve Lee County's portion of the Second Annual Report for the Lee County NPDES (National Pollutant Discharge Elimination System) Storm Water Permit (FLS000035, issued March 11, 2004) and authorize staff to transmit the report to the Florida Department of Environmental Protection (FDEP). Authorize Chairwoman to sign the Certification Page for the NPDES Second Annual Report for the 2004 NPDES Permit.

**WHAT ACTION ACCOMPLISHES:**

Annual Reports are required as a permit condition of the Lee County NPDES permit.

**MANAGEMENT RECOMMENDATION:**

Staff recommends approval. (#20061087 – Natural Resources)

(B) **ACTION REQUESTED/PURPOSE:**

Approve and authorize two party checks to be issued in the names of D.J. Casey Enterprises and Dave Foote Environmental under Contract #2524, RFP-03-01 YARD WASTE (HORTICULTURE) PROCESSING AND RECYCLING FACILITY.

**WHAT ACTION ACCOMPLISHES:**

At the awarded contractors (D.J. Casey) request, this will allow two party checks to be issued in its name as well as Dave Foote Environmental, a subcontractor to ensure payment.

**MANAGEMENT RECOMMENDATION:**

Staff recommends approval. (#20061130 – Solid Waste)

9. TRANSPORTATION

(A) **ACTION REQUESTED/PURPOSE:**

Award B-06-21 THREE OAKS PARKWAY WIDENING – FROM CORKSCREW ROAD TO ALICO ROAD to the lowest responsive/responsible bidder, Posen Construction, Inc., for a total not-to-exceed amount of \$23,794,550.10, plus alternates as needed, with a project completion time of 480 calendar days. Authorize Chairwoman to execute agreement upon receipt. Approve an interest bearing loan from the General Fund Revolving Loan-Roads to the Three Oaks Widening Project (204081) for \$5,500,000. Approve resolution and all budget transfers to increase the Three Oaks Widening project. Also, approve Budget Transfer in the amount of \$2,680,000 from Sewer Connection Fee Reserves to the Three Oaks Parkway Widening-Sewer Project (207279). Amend the FY 05/06-09/10 CIP accordingly.

**WHAT ACTION ACCOMPLISHES:**

Provides Lee County with a Contractor to widen the existing Three Oaks Parkway from two lane to four lane with drainage, utilities, minor lighting and core level landscaping.

**MANAGEMENT RECOMMENDATION:**

Approval recommended. (#20061018 – Transportation)

(B) **ACTION REQUESTED/PURPOSE:**

Award B-06-23 ALICO ROAD LANDSCAPE AND IRRIGATION PROJECT FROM DUSTY ROAD TO I-75 to the lowest responsive/responsible bidder, Vila & Son Landscaping Corp., in the total not-to-exceed amount of \$313,251.67, with a total completion time of 455 days (includes one-year maintenance period). Authorize transfer of \$29,000 from Capital Improvement Fund-Reserves to the Alico Road Project and amend the FY 05/06-09/10 CIP accordingly. Also, authorize Chairwoman to execute agreement on behalf of the Board.

**WHAT ACTION ACCOMPLISHES:**

Provides Lee County with a Contractor for the installation of plant material and underground irrigation system, including maintenance of traffic, soil, sod (repairs), pump stations/controllers, electrical directional boring and landscape and irrigation maintenance.

**MANAGEMENT RECOMMENDATION:**

Approval recommended. (#20061048 – Transportation)

(C) **ACTION REQUESTED/PURPOSE:**

Award B-06-25 COUNTY-WIDE RESURFACING ROADWAY IMPROVEMENTS to the lowest responsive/responsible bidder, APAC-SE, for a total not-to-exceed amount of \$2,250,581.75, with a project completion time of 180 calendar days. Also, authorize Chairwoman to execute Contract on behalf of the Board. This project was anticipated and funds are available.

**WHAT ACTION ACCOMPLISHES:**

Provides Lee County with a Contractor to perform road resurfacing and rebuilding of various streets located in Lehigh Acres.

**MANAGEMENT RECOMMENDATION:**

Approval recommended. (#20061066 – Transportation)

9. TRANSPORTATION (Continued)

(D) **ACTION REQUESTED/PURPOSE:**

Approve the resolution authorizing the Chairwoman to execute the attached Local Agency Program Agreement Termination with the Florida Department of Transportation for a traffic operations improvement at the intersection of McGregor Boulevard and Summerlin Road.

**WHAT ACTION ACCOMPLISHES:**

Terminates the Local Agency Program Agreement with the Florida Department of Transportation for traffic operations improvements at McGregor Boulevard and Summerlin Road and allows County to proceed with construction with local funds.

**MANAGEMENT RECOMMENDATION:**

Approve. (#20061069 – Transportation)

10. UTILITIES

(A) **ACTION REQUESTED/PURPOSE:**

Approve construction of two (2) 10'' diameter master meter assemblies and a force main connection serving Deep Lagoon Boat Club LTD to provide potable water service, fire protection and sanitary sewer service to this proposed marina expansion. This is a Developer Contributed asset project located on the northwest side of McGregor Boulevard approximately ½ mile south of Cypress Lake Drive.

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approval. (#20060983 – Utilities)

(B) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to Moody River Estates, Parcel C, a phased residential development. This is a Developer Contributed asset project located on the south side of Hancock Bridge Parkway between Moody Road and Skyline Drive, approximately 1.25 miles west of N. Cleveland Avenue.

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approval. (#20061059 – Utilities)

(C) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of one (1) 8'' diameter fire line and one (1) 3'' diameter water service serving River Hall Elementary School, to provide potable water service and fire protection to this recently constructed elementary school. This is a Developer Contributed asset project located on the east side of River Hall Parkway approximately ¾ of a mile south of SR 80.

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approval. (#20061060 – Utilities)

10. UTILITIES (Continued)

(D) **ACTION REQUESTED/PURPOSE:**

Approve construction of two (2) 10' diameter master meters and a force main connection serving Forest Ridge to provide potable water service, fire protection and sanitary sewer service to this proposed multi-family residential development. This is a Developer Contributed asset project located along the west side of Six Mile Cypress/Ben C. Pratt Parkway approximately 900' north of Penzance Boulevard.

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approval. (#20061073 – Utilities)

(E) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one (1) Utility Easement, as a donation of three (3) fire hydrants and 60 water services serving Brooks Drive Elderly Housing to provide potable water service and fire protection to this recently constructed assisted living facilities. This is a Developer Contributed asset project located on the on the south side of Brook Drive approximately 500' east of N. Tamiami Trail.

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approval. (#20061074 – Utilities)

(F) **ACTION REQUESTED/PURPOSE:**

1) Approve Budget Amendment Resolution to reduce \$6,667,335 in the State Revolving Loan Fund #48734; 2) Approve \$9,375,000 interfund transfers from the State Revolving Fund to the Utilities Capital Improvements Fund #48730 and Water Connection Fees Fund #48712; 3) Approve Budget Amendment Resolutions in the Utilities Capital Improvements Fund and Water Connection Fees Fund accepting funds from the State Revolving Fund; and 4) Amend the FY05/06 CIP accordingly. (The transfer of funds from #48734 to #48730 includes increases of \$1,500,000 to the FMB Filtration System Replacement project #207261.)

**WHAT ACTION ACCOMPLISHES:**

Reimburses expenses made on Utilities projects in the Water Connection Fees and the Utilities Capital Improvements Fund.

**MANAGEMENT RECOMMENDATION:**

Approval. (#20061075 – Utilities)

11. PARKS AND RECREATION

12. COUNTY ATTORNEY

13. HEARING EXAMINER

14. PORT AUTHORITY

**15. CONSTITUTIONAL OFFICERS**

**(A) ACTION REQUESTED/PURPOSE:**

Request Board approves disbursements. The check and wire registers can be reviewed on the 3<sup>rd</sup> floor of the County Administration Building. Florida Statute Chapter 136.06 (1) requires that all County disbursements be recorded in the Minutes of the Board.

**WHAT ACTION ACCOMPLISHES:**

Compliance with the requirements of FS 136.06 (1)

**MANAGEMENT RECOMMENDATION:**

Approve (#20061127 – Clerk of Court)



**ADMINISTRATIVE AGENDA**

**September 5, 2006**

1. **COUNTY ADMINISTRATION**
2. **CONSTRUCTION AND DESIGN**
3. **COUNTY COMMISSIONERS**
4. **COMMUNITY DEVELOPMENT**
5. **HUMAN SERVICES**
6. **INDEPENDENT**
7. **PUBLIC SAFETY**
8. **SOLID WASTE-NATURAL RESOURCES**
9. **TRANSPORTATION**
10. **UTILITIES**
11. **PARKS AND RECREATION**
12. **COUNTY ATTORNEY**

(A) **ACTION REQUESTED/PURPOSE:**

Sunset and dissolve the “Greater Pine Island & Bridgeless Islands Citizens Liaison Committee” originally established in October, 2002, as the result of the County’s acquisition of the Fisherman’s Cooperative in February, 2006.

**WHAT ACTION ACCOMPLISHES:**

Sunsets and dissolves the “Greater Pine Island & Bridgeless Islands Citizens Liaisons Committee” as it has completed its mission(s) and is no longer necessary.

**MANAGEMENT RECOMMENDATION:**

Sunset and dissolve the “Greater Pine Island & Bridgeless Islands Citizens Liaisons Committee”, and recognize the contributions of its members for their service to the Board, their respective communities and the County. (#20061109 – County Attorney)

13. **HEARING EXAMINER**
14. **PORT AUTHORITY**
15. **CONSTITUTIONAL OFFICERS**

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

**Blue Sheet No. 20061125**

**1. ACTION REQUESTED/PURPOSE:**

**Purple Heart Presentation to Kenneth Britz of Lehigh Acres**

**2. WHAT ACTION ACCOMPLISHES:**

**3. MANAGEMENT RECOMMENDATION:**

**4. DEPARTMENTAL CATEGORY: #3**

**CP #1**

**5. MEETING DATE:**

**September 5, 2006**

**6. AGENDA:**

CONSENT  
 ADMINISTRATIVE  
 APPEALS  
 PUBLIC  
 WALK-ON

**7. REQUIREMENT/PURPOSE  
(SPECIFY)**

STATUTE  
 ORDINANCE  
 ADMIN.  
 CODE  
 OTHER

**8. REQUEST INITIATED:**

COMMISSIONER \_\_\_\_\_  
DEPARTMENT County Commission  
DIVISION \_\_\_\_\_  
BY: \_\_\_\_\_

**9. BACKGROUND:**

**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.	
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**11. COMMISSION ACTION**

Approved  
 Deferred  
 Denied  
 Other

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

**Blue Sheet No. 20061131**

**1. ACTION REQUESTED/PURPOSE:**

Ceremonial Resolution recognizing Library Card Sign-up month

**2. WHAT ACTION ACCOMPLISHES:**

**3. MANAGEMENT RECOMMENDATION:**

**4. DEPARTMENTAL CATEGORY: #3**

**CP #2**

**5. MEETING DATE:**

**September 5, 2006**

**6. AGENDA:**

CONSENT  
 ADMINISTRATIVE  
 APPEALS  
  
 PUBLIC  
 WALK-ON

**7. REQUIREMENT/PURPOSE  
(SPECIFY)**

STATUTE  
 ORDINANCE  
 ADMIN.  
 CODE  
 OTHER

**8. REQUEST INITIATED:**

COMMISSIONER \_\_\_\_\_  
DEPARTMENT County Commission  
DIVISION \_\_\_\_\_  
  
BY: \_\_\_\_\_

**9. BACKGROUND:**

**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.	
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**11. COMMISSION ACTION**

Approved  
 Deferred  
 Denied  
 Other



***The Board of County Commissioners***  
**RESOLUTION**

**Whereas:** The smartest card is a library card; and

**Whereas:** A library card opens up a world of opportunity for people of all ages; and

**Whereas:** A library card provides access to a goldmine of books, magazines, CDs, DVDs, videos, computers, the Internet and more; and

**Whereas:** Library cards are the ticket to a variety of free programs and services for the whole family to enjoy; and

**Whereas:** Children who have library cards perform better in school.

**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Lee County, Florida does hereby proclaim September 2006 as:

**Library Card Sign-up Month**

in Lee County and encourages everyone to sign up for the smartest card. Get it. Use it.  
@ your library

Duly executed this 5<sup>th</sup> day of September 2006.



**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA**

Chairwoman

Agenda Item Summary

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility and Drainage Easement located at 509 and 511 Causeway Dr., Lehigh Acres (Case No. VAC2006-00027).

**2. WHAT ACTION ACCOMPLISHES:** To build a single-family residence on the combined lots. The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:**  
COMMISSION DISTRICT #: 5

930 PH#1


**5. Meeting Date:**

09-05-2006

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute F.S. Ch. 177  
 Ordinance  
 Admin. Code 13-1  
 Other

**8. Request Initiated:**

Commissioner  
 Department Community Development  
 Division Development Services  
 By:  7/31/06

Peter J. Eckenrode, Director

**9. Background:**

The completed petition to vacate, VAC2006-00027 was submitted by John Goddard on behalf of his client Valerio E. Fransel.

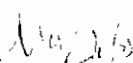
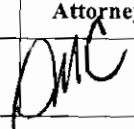
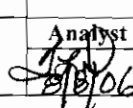
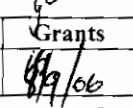
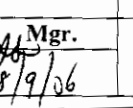
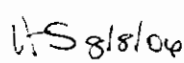
**LOCATION:** The site is located at **509 and 511 Causeway Dr., Lehigh Acres, Florida 33972** and its strap numbers are **26-44-27-13-00020.0070 and .0080**. Petition No. VAC2006-00027 proposes to vacate a twelve-foot (12') wide Public Utility and Drainage Easement centered on the common line between Lots 7 and 8, both in Block 20, Section 26, Township 44 South, Range 27 East, Lakewood Terrace Subdivision, as recorded in Plat Book 15, Page 121 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet thereof.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate.




Attached to this Blue sheet is the Petition to Vacate, Notice of Public Hearing and Exhibits.

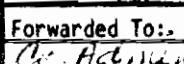
**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
									

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN:   
 8/8/06 11:25 AM  
 COUNTY ADMIN FORWARDED TO:   
 8/9/06  


Rec. by CoAtty  
 Date: 8/1/06  
 Time: 10:40 AM  
 Forwarded To: 





PETITION TO VACATE  
TRANSMITTAL FOR PUBLIC NOTICE  
REQUIREMENTS

DATE: July 21, 2006

To: Molly Schweers  
Public Resources

FROM: Ron Wilson  
Development Services

BLUESHEET NUMBER: 20060981

CASE NUMBER: VAC2006-00027

Applicable Public Noticing Requirement:

PTV under AC13-1  
1<sup>st</sup> Notice - 15 days prior to Public Hearing  
2<sup>nd</sup> Notice - 7 days prior to Public Hearing

PTV under AC13-8  
One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services ([rwilson@leegov.com](mailto:rwilson@leegov.com)) and John Fredyma, Assistant County Attorney ([fredymjj@leegov.com](mailto:fredymjj@leegov.com)).





**ALLEN D. ROHDE, INC.,** LB 3708

17408 ROCKEFELLER CIRCLE  
SUITE 101  
FORT MYERS, FLORIDA 33912

EXHIBIT "A"

Sheet 1 of 2

**LAND SURVEYING**

Sec. 26, T44S, R27E

**PHONE: (239) 267-1551**

PROPOSED EASEMENT VACATION

described as follows:

A utility and drainage easement (12 feet wide) centered on the property line between Lots 7 and 8, excepting the easterly 6 feet thereof as measured concentric with the westerly right-of-way line of Causeway Drive and the westerly 6 feet thereof as measured concentric with the westerly line of said Lots 7 & 8, Block 20, Lakewood Terrace Subdivision, Section 26, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 121, of the public records of Lee County, Florida.

ADDRESS LOT 7

509 Causeway Drive  
Lehigh Acres, Fl. 33972

ADDRESS LOT 8

511 Causeway Drive  
Lehigh Acres, Fl. 33972

**THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.**

DATE OF SURVEY: 03/22/06

REVISIONS:

ORDER NO: 06.175

CLIENT: Valerio Fransel

CERTIFIED TO:

AVCS 019 0055

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 03/22/06

*Allen D. Rohde*  
ALLEN D. ROHDE PLS NO. 3997

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2006-00027**  
[Page One of One]



THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2006-00027

WHEREAS, Petitioner Valerio E. Fransel in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the \_\_\_\_\_; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2006-00027 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this \_\_\_\_\_.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Chairwoman Signature

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name



**ALLEN D. ROHDE, INC., LB 3708**

17898 ROCKEFELLER CIRCLE  
SUITE 101  
FORT MYERS, FLORIDA 33912

**EXHIBIT "B"**

(Sheet 2 of 2)

**LAND SURVEYING**

Sec. 26, T44S, R27E

**PHONE: (239) 267-1551**

**BOUNDARY SURVEY OF:**

Proposed easement vacation, Lots 7 & 8, Block 20, Lakewood Terrace, as recorded in Plat Book 15, Page 121, of the public records of Lee County, Florida.

**BENCHMARK DESCRIPTION:**

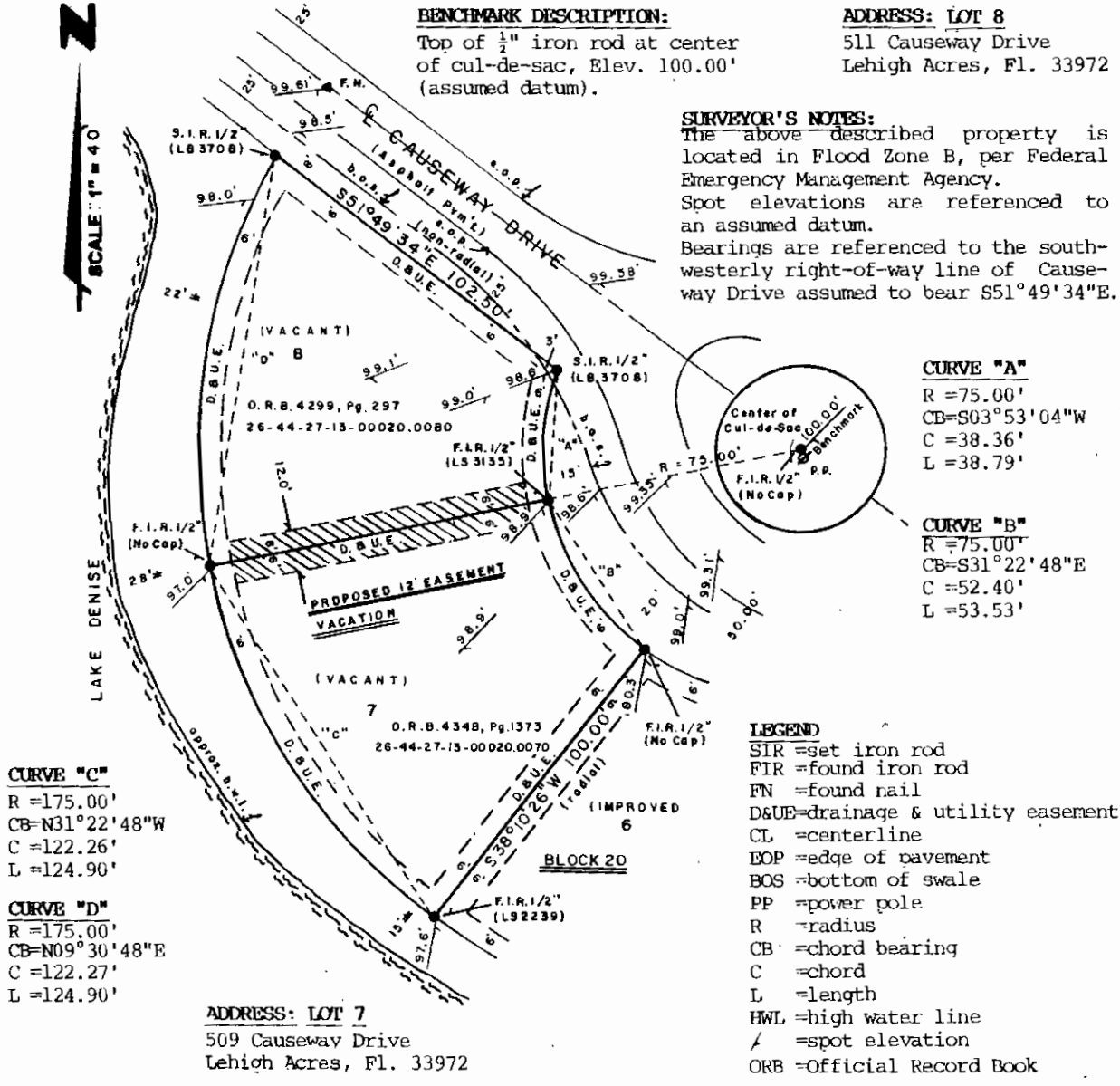
Top of 1/2" iron rod at center of cul-de-sac, Elev. 100.00' (assumed datum).

**ADDRESS: LOT 8**

511 Causeway Drive  
Lehigh Acres, Fl. 33972

**SURVEYOR'S NOTES:**

The above described property is located in Flood Zone B, per Federal Emergency Management Agency. Spot elevations are referenced to an assumed datum. Bearings are referenced to the south-westerly right-of-way line of Causeway Drive assumed to bear S51°49'34"E.



**CURVE "C"**  
 R = 175.00'  
 CB = N31°22'48"W  
 C = 122.26'  
 L = 124.90'

**CURVE "D"**  
 R = 175.00'  
 CB = N09°30'48"E  
 C = 122.27'  
 L = 124.90'

**CURVE "A"**  
 R = 75.00'  
 CB = S03°53'04"W  
 C = 38.36'  
 L = 38.79'

**CURVE "B"**  
 R = 75.00'  
 CB = S31°22'48"E  
 C = 52.40'  
 L = 53.53'

- LEGEND**
- SIR = set iron rod
  - FIR = found iron rod
  - FN = found nail
  - D&UE = drainage & utility easement
  - CL = centerline
  - EOP = edge of pavement
  - BOS = bottom of swale
  - PP = power pole
  - R = radius
  - CB = chord bearing
  - C = chord
  - L = length
  - HWL = high water line
  - / = spot elevation
  - ORB = Official Record Book

**ADDRESS: LOT 7**  
 509 Causeway Drive  
 Lehigh Acres, Fl. 33972

**THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.**

<b>DATE OF SURVEY:</b> 03/22/06	<b>REVISIONS:</b>
<b>ORDER NO:</b> 06.175	
<b>CLIENT:</b> Valerio Fransel	

**CERTIFIED TO:**

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

**DATE:** 03/22/06

*Allen D. Rohde*  
**ALLEN D. ROHDE** PLS NO. 3997

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2006-00027**  
 [Page One of One]



**PETITION TO VACATE (AC 13-1)**

Case Number: VAC2006-00027

Petitioner(s), Valerio E. Fransel  
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 1613 BEACON ST., TOMS RIVER, N.J. 08757
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Wherefore, Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:  
  
\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

Valerio E. Fransel  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.

RECEIVED  
JUL 20 2006

VAC2006-00027

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as \_\_\_\_\_ Having Strap numbers 26-44-27-13-00020,0070 and 0080 \_\_\_\_\_ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate \_\_\_\_\_ John Goddard \_\_\_\_\_ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

\_\_\_\_\_  
Owner\*(signature)  
Valerio E. Fransel  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 26<sup>th</sup> day of June, 2006 by Valerio E. Fransel, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

\_\_\_\_\_  
Linda Fillman  
Notary Public

LINDA FILLMAN  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Sept. 08, 2010



(Updated 10/11/04) P:\WEBPage\...authorizationletter wpd

VAC 2006 - 00027

COMMUNITY DEVELOPMENT



**ALLEN D. ROHDE, INC.,** LB 3708

17502 ROOMPELLER CIRCLE  
SUITE 101  
FORT MYERS, FLORIDA 33912

EXHIBIT "A"

**LAND SURVEYING**

Sec. 26, T44S, R27E

**PHONE: (239) 267-1551**

Sheet 1 of 2

PROPOSED EASEMENT VACATION

described as follows:

A utility and drainage easement (12 feet wide) centered on the property line between Lots 7 and 8, excepting the easterly 6 feet thereof as measured concentric with the westerly right-of-way line of Causeway Drive and the westerly 6 feet thereof as measured concentric with the westerly line of said Lots 7 & 8, Block 20, Lakewood Terrace Subdivision, Section 26, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 121, of the public records of Lee County, Florida.

ADDRESS LOT 7

509 Causeway Drive  
Lehigh Acres, Fl. 33972

ADDRESS LOT 8

511 Causeway Drive  
Lehigh Acres, Fl. 33972

**THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.**

DATE OF SURVEY: 03/22/06

REVISIONS:

ORDER NO: 06.175

CLIENT: Valerio Fransel

CERTIFIED TO:

AVCS 002 0003

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER #1617-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 03/22/06

*Allen D. Rohde*  
ALLEN D. ROHDE PLS NO. 3997

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2006-00027**  
[Page One of One]



**ALLEN D. ROHDE, INC.,** LB 3706

1780 ROCKEFELLER CIRCLE  
SUITE 101  
FORT MYERS, FLORIDA 33913

**EXHIBIT "B"**

(Sheet 2 of 2)

**LAND SURVEYING**

Sec. 26, T44S, R27E

**PHONE: (239) 267-1551**

**BOUNDARY SURVEY OF:**

Proposed easement vacation, Lots 7 & 8, Block 20, Lakewood Terrace, as recorded in Plat Book 15, Page 121, of the public records of Lee County, Florida.

**BENCHMARK DESCRIPTION:**

Top of 1/2" iron rod at center of cul-de-sac, Elev. 100.00' (assumed datum).

**ADDRESS: LOT 8**

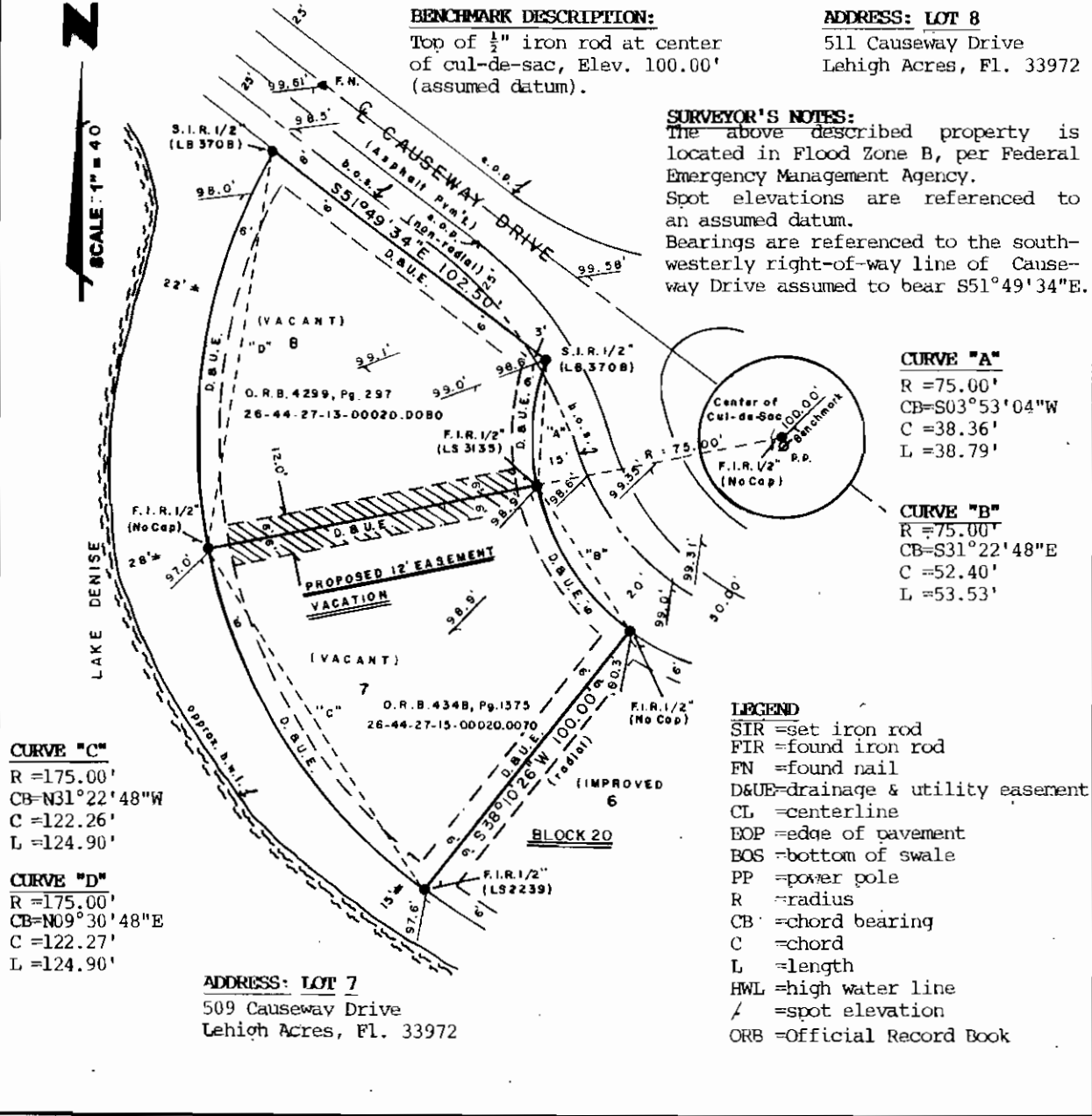
511 Causeway Drive  
Lehigh Acres, Fl. 33972

**SURVEYOR'S NOTES:**

The above described property is located in Flood Zone B, per Federal Emergency Management Agency. Spot elevations are referenced to an assumed datum. Bearings are referenced to the south-westerly right-of-way line of Causeway Drive assumed to bear S51°49'34"E.



SCALE: 1" = 40'



**CURVE "A"**

R = 75.00'  
CB = S03°53'04"W  
C = 38.36'  
L = 38.79'

**CURVE "B"**

R = 75.00'  
CB = S31°22'48"E  
C = 52.40'  
L = 53.53'

**CURVE "C"**

R = 175.00'  
CB = N31°22'48"W  
C = 122.26'  
L = 124.90'

**CURVE "D"**

R = 175.00'  
CB = N09°30'48"E  
C = 122.27'  
L = 124.90'

**LEGEND**

- SIR = set iron rod
- FIR = found iron rod
- FN = found nail
- D&UE = drainage & utility easement
- CL = centerline
- EOP = edge of pavement
- BOS = bottom of swale
- PP = power pole
- R = radius
- CB = chord bearing
- C = chord
- L = length
- HWL = high water line
- / = spot elevation
- ORB = Official Record Book

**ADDRESS: LOT 7**

509 Causeway Drive  
Lehigh Acres, Fl. 33972

**THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.**

<b>DATE OF SURVEY:</b> 03/22/06	<b>REVISIONS:</b>
<b>ORDER NO:</b> 06.175	
<b>CLIENT:</b> Valerio Fransel	

**CERTIFIED TO:**

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

**DATE:** 03/22/06

*Allen D. Rohde*  
**ALLEN D. ROHDE** PLS NO. 3997

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2006-00027**  
[Page One of One]

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2006-00027**  
 [Page One of One]

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
26-44-27-13-00020.0070	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
26-44-27-13-00020.0070	4348/1375	
<b>Owner</b>		
FRANSEL VALERIO E		
<b>Physical Address</b>	<b>Mailing Address</b>	
509 CAUSEWAY DR Lehigh Acres FL 33972	1613 BEACON ST TOMS RIVER NJ 08757 USA	
<b>Legal Description</b>		
LAKEWOOD TERRACE BLK 20 PB 15 PG 121 LOT 7		
<b>Outstanding Balance as of 6/14/2006</b>		<b>\$0.00</b>

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
26-44-27-13-00020.0080	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
26-44-27-13-00020.0080	4299/ 297	
<b>Owner</b>		
FRANSEL VALERIO E		
<b>Physical Address</b>	<b>Mailing Address</b>	
511 CAUSEWAY DR Lehigh Acres FL 33972	1613 BEACON ST TOMS RIVER NJ 08757 USA	
<b>Legal Description</b>		
LAKEWOOD TERRACE BLK 20 PB 15 PG 121 LOT 8		
<b>Outstanding Balance as of 6/14/2006</b>		<b>\$0.00</b>



Return to:  
Name:  
Address:



This Instrument Prepared by:  
Annette Dease  
Executive Title Insurance Services, Inc.  
1140 Lee Boulevard Suite 111  
Lehigh Acres, Florida 33936

INSTR # 6335693  
WR BK 04348 Pgs 13/5 - 1376; (2pgs)  
RECORDED 06/28/2004 11:22:57 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
DEED DOC 245.70  
DEPUTY CLERK P Johnston

as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it

Property Appraisers Parcel I.D. (Folio) Number(s):  
26-44-27-13-00020.0070

File No: 7040366

2

WARRANTY DEED  
(CORPORATION)

This Warranty Deed Made the <sup>30th</sup> day of March, 2004,  
by Holl Corp., 17 Blue Hill Ave. Naples, Fl. 34108  
a corporation existing under the laws of Florida, and having its place of business at

hereinafter called the grantor,

to  
Valerio E. Fransel,  
whose post office address is  
1613 Beacon St., Tom's River, NJ. 08757  
hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents grants, bargains, sells, assigns, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

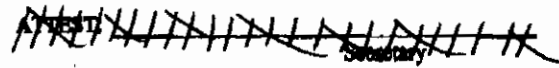
Lot 7, Block 20, Unit 13, LAKEWOOD TERRACE, Lehigh Acres, Section 26, Township 44 South, Range 27 East, according to the plat thereof, as recorded in Plat Book 15, Page 121, Public Records of Lee County, Florida.

\*\*\*\*\*This conveyance is in accordance with the winding up of the officer of the Corporation  
\*\*\*\*\*

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.  
To Have and to Hold, the same in fee simple forever.  
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 01/01/84, reservations, restrictions and easements of record, if any.  
(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

In Witness Whereof, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

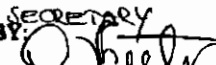
Signed, sealed and delivered in our presence:

 Secretary  
Holl Corp.

RECEIVED  
JUN 13 2006

1st Witness Signature: Katrin Dlouhy  
Printed Name: KATRIN DLOUHY, NOTARY SECRETARY

2nd Witness Signature: Diana Rau  
Printed Name: DIANA RAU, NOTARY SECRETARY

  
BY: Horst Leo Wentz  
Notary Secretary

STATE OF FLORIDA  
COUNTY OF

VAC 2006-00027

The foregoing instrument was acknowledged before me this 30th day of March, 2004, by  
Horst Leo Wentz as president of Holl Corp. on behalf of the corporation. Dease is

Innsbruck, am 13.4.2004

Anneliese Wentz  
26.4.34  
Horst Wenz  
30.3.28

Gebühr in Höhe von € 13,00  
gem. § 14 TP 13 GebG idF  
BGBl. I 144/2001 entrichtet.

B.R.Zl.: 1342/2004

Ich bestätige die Echtheit der Unterschriften des Herrn Horst **Wenz**, geboren am 30.03.1928 (dreißigsten März neunzehnhundertachtundzwanzig), Pensionist, Lärchenweg 423, Hotel Sonnen-Alp, A-6100 Seefeld und der Frau Anneliese **Wenz**, geboren am 26.04.1934 (sechszwanzigsten April neunzehnhundertvierunddreißig), Hotelierin, Lärchenweg 423, Hotel Sonnen-Alp, A-6100 Seefeld . -----  
Innsbruck, am 13.4.2004 (dreizehnten April zweitausendvier).-----

  
öffentlicher Notar

INSTR # 6275291  
OR BK 04299 Pgs 0297 - 300; (4pgs)  
RECORDED 05/17/2004 04:03:12 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 19.50  
DEED DOC 245.70  
DEPUTY CLERK L Wheat

Return to: Annette Deates  
Name: Executive Title Insurance Services, Inc.  
Address: 1148 Lee Boulevard Suite 111  
Lehigh Acres, Florida 33936

This Instrument Prepared:  
Annette Deates  
Executive Title Insurance Services, Inc.  
1148 Lee Boulevard Suite 111  
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraiser's Parcel ID. (Folio) Number(s):  
26-44-27-13-00020.0080

File No: 7040865

**WARRANTY DEED**

This Warranty Deed Made the 25<sup>th</sup> day of April, 2004,  
by  
Maria Seyrling, Surviving Spouse of Alois Seyrling,  
hereinafter called the grantor, whose post office address is:  
Hotel Klosterbraun, Austria,

to  
Valerio E. Frassol,  
whose post office address is:  
1613 Beacon St., Toms River, NJ 08757,  
hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable  
considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases,  
conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 8, Block 20, Unit 13, LAKWOOD TERRACE, Lehigh Acres, Section 26, Township 44 South, Range 27 East,  
according to the plat thereof, as recorded in Plat Book 15, Page 121, Public Records of Lee County, Florida.

The property is not the homestead of the Grantor(s).  
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.  
To Have and to Hold, the same in fee simple forever.  
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor  
has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and  
will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except  
taxes accruing subsequent to January 1, 2004, reservations, restrictions and easements of record, if any.  
(The terms "grantor" and "grantee" herein shall be construed to include both genders and singular or plural as the context indicates.)  
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES  
(TWO SEPARATE WITNESSES REQUIRED)

1<sup>st</sup> Witness Signature: [Signature]  
Printed Name: JOAQUIN COLONIA Maria Seyrling

2<sup>nd</sup> Witness Signature: [Signature]  
Printed Name: PAZ COLONIA

SPANISH  
COUNTRY OF

The foregoing instrument was acknowledged before me this 13 day of April, 04, by Maria  
Seyrling, Surviving Spouse of Alois Seyrling, who is/are personally known to me / who has/have produced driver  
license(s) as identification, and who did / did not take an oath.

My Commission Expires: N/A

[Signature]  
Notary Signature  
Print Name:  
Serial Number:

Kingdom of Spain SEAL  
Province and City of Las Palmas de Gran Canaria  
Consular Agency of the United States of America } SS

Ana M. Quintana Figueroa  
Consular Agent of the United States of America  
Canary Islands

RECEIVED

JUN 13 2006

VAC 2006-00027

This Instrument Prepared by and Return to:  
Annette Deates of  
Executive Title Insurance Services, Inc.  
1140 Lee Boulevard Suite 111  
Lehigh Acres, Florida 33936  
File No.: 7040865

**AFFIDAVIT OF  
SURVIVING SPOUSE**

STATE OF:  
COUNTY OF:

BEFORE ME, the undersigned authority, on this day personally appeared Maria Seyrling (hereinafter referred to as "Affiant"), who being by me duly sworn, deposes and says under penalties of perjury:

1. That Affiant is the owner of the following described real property:

Lot 8, Block 20, Unit 13, LAKEWOOD TERRACE, Lehigh Acres, Section 26, Township 44 South, Range 27 East, according to the plat thereof, as recorded in Plat Book 15, Page 121, Public Records of Lee County, Florida.

2. That Affiant was continuously married to Alois Seyrling, deceased, without interruption or intervening divorce from the date of acquisition of said property through and including the date of death on 11.09.01.

3. That this Affidavit is given for the purpose of clearing any possible question or objection to the title of the above described property and for the purpose of inducing Valerio E. Fransel to (purchase/refinance) said property and for the purpose of inducing Executive Title Insurance Services, Inc. to issue a policy of title insurance.

Dated, this 23 day of April, 04

  
\_\_\_\_\_  
Maria Seyrling

Sworn to and subscribed before me this 23<sup>rd</sup> day of April, 04, by Maria Seyrling who is personally known to me or who has produced a driver license as identification. # 703-42617-2003-BS



Seal

Notary Public:

Commission number: 11/0  
Commission expires:

Ana M. Quintana Figueroa  
Consular Agent of the United States of America  
Canary Islands

→ See Attached Exhibit - A + B Death Certificate - Translation sheet

1	<b>REPUBLIK ÖSTERREICH</b>			
2	Standesamts- behörde/ Service de l'état civil	Standesamtsverband Seefeld in Tirol  Gebührenverzeichnis-Nr.: 742/2004 Verwaltungsabgabe € 2,10 entrichtet Bundessteimpflicht € 6,90 entrichtet  DVR-Nr.: 0082121		
3	Auszug aus dem Sterbeantrag / Extrait de l'acte de décès no  Nr. 24 / 2001			
4	Tag und Ort des Todes / Date et lieu de décès	Jo Mo An 11 09 2001 Seefeld in Tirol		
5	Name/Nom	Seyrling		
6	Vornamen/ Prénoms	Alois Anton		
7	Geschlecht/ Sexe	M		
8	Tag und Ort der Geburt / Date et lieu de naissance	Jo Mo An 23 06 1923 Seefeld in Tirol		
9	Name des letzten Ehegatten/ Nom du dernier conjoint	Seyrling		
10	Vorname des letzten Ehegatten/ Prénoms du dernier conjoint	María Rosa		
	12	Vater/Père	13	Mutter/Mère
5	Name/Nom			
6	Vornamen/ Prénoms			
11	Tag der Ausstel- lung/Date de délivrance	Jo Mo An 15 04 2004		
	Unterschrift/Signature	 Hieron Unterschrift/Signature		

SYMBLES/ ZEICHEN/ SYMBOLS/ BÍMBOLS/ ΣΥΜΒΟΛΑ/SÍMBOLI/ SYMBOLEN/ SIMBÓLOS/  
ISARETLER/ SIMBÓLI

- Jo: Jour/ Tag/ Day/ Dia/ 'Hupá/ Giorno/ Dag/ Dia/ Gün/ Dan
- Mo: Mois/ Monat/ Month/ Mes/ Mh/ Mesa/ Månd/ Més/ Ay/ Mesec
- An: Année/ Jahr/ Year/ Año/ 'Eros/ Anno/ Jaar/ Anol/ Yil/ Godina
- M: Masculin/ Männlich/ Masculino/ 'Appel/ Maschle/ Mannelijk/ Masculino/ Erkek/ Muški
- F: Féminin/ Weiblich/ Feminina/ Femenino/ 'ERAU/ Femminile/ Vrouwelijk/ Feminino/ Kadın/ Ženski

\* See Attached Exhibit B - Translation sheet

10

1	<b>Republic Austria</b>	Fee listing no: 742/2004	
2	Register Office- Authority Service	<b>Register Office Federation Seefeld in Tirol</b>	
3		<b>Excerpt from the dying entry</b> <b>NO. 24 / 2001</b>	
4	Day & Place of dead	D M Y 11 9 2001	Seefeld in Tirol
5	Last Name	Seyrlng	
6	Fist Name	Alois Anton	
7	Sex	M	
8	Date of Birth City	D M Y 23 6 1923	Seefeld in Tirol
9	Name of last spouse	Seyrlng	
10	First name of last spouse	Maria Rosa	
		12	Father
		13	Mother
5	Last Name		
6	First Name		
11	Date of issue	D M Y 15 4 2004	



**BOARD OF COUNTY COMMISSIONERS**

239-479-8585

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
*District One*

July 21, 2006

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

**John Goddard**  
**4670 43<sup>rd</sup> Ave. N.E.**  
**Naples, FL 34120**

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Re: VAC2006-00027 - Petition to Vacate Public Utility and Drainage Easements centered on the common lot lines between Lots 7 and 8, both in Block 20, Lakewood Terrace Subdivision, in S 26, T 44S, R 27E, Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 121 of the Public Records of Lee County, FL**

Dear Mr. Goddard:

You have indicated that in order to build a single family residence on the combined lots, your client, Valerio E. Fransel desires to eliminate the Public Utility and Drainage Easements located between your two (2) lots. The site is located at 509 and 511 Causeway Dr., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Should you have any questions, please call me at the above telephone number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

PJE/RXW

**PETITION TO VACATE**  
**REQUEST FOR LETTER OF REVIEW AND RECOMMENDATION**

4/24/2006  
JOHN GODDARD  
GODDARD CONSTRUCTION  
4670 43<sup>RD</sup> AVE NE.  
NAPLES, FL. 34120

RE: Request for a letter of Review and recommendation on a proposed right-of-way or easement vacation, utility or drainage easement, of #: 26-44-27-13-00020.0070 & 0080 address 509 & 511 Causeway Dr.

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement, utility or drainage easement at the location identified above in order to build a house on said property.

We have included sketch of the right-of-way or easement. Utility or drainage easement, we desire to vacate. Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly.  
239-464-6123 John Goddard  
FAX 319-726-3982

Thank you in advance for your consideration.

Signed,



Valerio Fansel  
1613 Beacon St  
Tems River, NJ 08757

RECEIVED

JUN 13 2006

VAC 2006-00027





Lee County Electric Cooperative, Inc  
Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(239) 995-2121 • FAX (239) 995-7904  
www.lcec.net • www.iline.com

JUL 20 2006  
COMMUNICATIONS SECTION

April 24, 2006

Mr. John Goddard  
Goddard Construction  
4670 43<sup>rd</sup> Avenue NE  
Naples, FL 34120

Re: Vacation of Easements for Lots 7 and 8, Block 20  
Lakewood Terrace, Lee County, Florida

Dear Mr. Goddard:

LCEC does not object to the vacation of the 12-foot Drainage and Utility Easement, the centerline of which is the common lot line between Lots 7 and 8, Block 20, Lakewood Terrace, Lee County, Florida, **LESS AND EXCEPT** the Easterly 6 feet and the Westerly 6 feet thereof as shown on the attached sketch provided by Allen D. Rohde, Inc.

I can be reached at 239-656-2422 if you have any questions.

Sincerely,

*Sandra McIver*

Sandra McIver  
Real Property Representative

Attachment

RECEIVED

JUL 20 2006

VAC 2006-00027



May 3, 2006

Valerio Fransel  
1613 Beacon St  
Toms River, NJ 08757

Re: Vacation of Public Utility Easement:

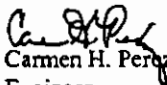
A 12 foot wide public utility and drainage easement  
centered on the lot line common to lots 7 & 8,  
Block 20, Unit 13, Section 26, Township 44S, Range 27E,  
as recorded in Plat Book 15, Page 121 of the Official Records of Lee County, Florida

Dear Mr. Fransel:

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863-675-3145.

Sincerely,

  
Carmen H. Perez  
Engineer

RECEIVED

JUN 13 2006

VAC2006-00027

May 23, 2006

John Goddard  
4670 43rd Ave NE  
Naples, FL 34120



RE: Vacation of Easement request from John Goddard on behalf of Valerio Fransel for the two (2) 6-foot wide drainage and utility easements located between Lots 7 and 8, Block 20, Lakewood Terrace, as recorded in Plat Book 15, Page 121, of the public records of Lee County, Florida.

LEA ANN THOMAS, CHAIR  
Polk County

BRIAN WHEELER  
Osceola County

JIM LAVENDER  
Lee County

THOMAS H. DICK  
Citrus County

Dear Mr. Goddard:

The FGUA has determined that it does not presently hold any property rights over the property identified above other than the easement included in the plat reservation. It has also been determined that the FGUA has no current utilities in the utility easement, nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the request for vacation of easement as depicted in the sketch attached to your request and identified below is hereby approved.

The vacation of easement was requested from John Goddard on behalf of Valerio Fransel for the two (2) 6-foot wide drainage and utility easements located between Lots 7 and 8, Block 20, Lakewood Terrace, as recorded in Plat Book 15, Page 121, of the public records of Lee County, Florida.

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

*Florida Governmental Utility Authority*

Charles L. Sweat  
Director of Operations

**FGUA OPERATIONS OFFICE**

Government Services Group, Inc.  
Protegrity Plaza, Suite 203  
280 Wekiva Springs Road  
Longwood FL 32779

877/552-3482 Toll Free  
407/629-6900 Tel  
407/629-6963 Fax

RECEIVED

JUN 13 2006

VAC 2006 - 00027



**26102 Bonita Grande Dr.  
Bonita Springs, FL 34135  
Phone: 239-732-3805  
FAX: 239-498-5456**

June 29, 2006

Goddard Construction  
C/O John Goddard  
4670 43 Ave. N.E.  
Naples, Fl. 34120

Re: 509 & 511 Causeway Dr. Lehigh Acres, Fl.

Dear John Goddard,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in cursive script, appearing to read "Mark Cook".

Mark Cook  
Design Coordinator

RECEIVED

JUL 20 2006

VAC 2006-00027

**BOARD OF COUNTY COMMISSIONERS**

(239) 479-8150

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

April 18, 2006

Douglas R. St. Cerny  
District Two

Valerio Fransel  
1613 Beacon St  
Tems River, NJ 08757

Ray Judah  
District Three

Tammy Hall  
District Four

**SUBJECT: VACATION OF UTILITY AND/OR RIGHT-OF-WAY EASEMENT  
STRAP #: 26-44-27-13-00020.0070 & 0080  
509 & 511 CAUSEWAY DR.**

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Dear Mr. Fransel,

Diana M. Parker  
County Hearing  
Examiner

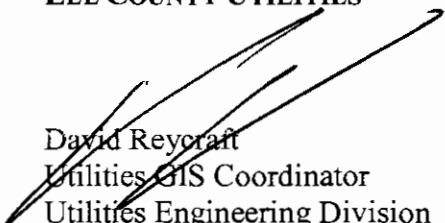
Lee County Utilities has no objection to the proposed vacation of the existing platted easement(s) as described in your recent letter and associated attachment. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Florida Governmental Utility Authority at 368-1615, concerning your request, as the subject parcels are located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 479-8150.

Sincerely,

**LEE COUNTY UTILITIES**

  
David Reycraft  
Utilities GIS Coordinator  
Utilities Engineering Division  
Lee County Utilities

Original Mailed: 04/18/2006

Fax Sent: 04/18/2006

CC: Correspondence File

RECEIVED

VAC 2006-00027

JUN 13 2006

H:\Vacates\2006\Fransel04182006.doc



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number **(239) 479-8124**

Bob Janes  
District One

Douglas R. St. Clair  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing Examiner

**Monday, June 12, 2006**

**Mr. John Goddard  
Goddard Construction  
4670 43<sup>rd</sup> Ave. N.E.  
Naples, FL 34120**

**Re: Petition to Vacate a twelve-foot (12') wide public utility and drainage easement centered on the common lot lines of Lots 7 and 8, Block 20, Lakewood Terrace Subdivision as recorded in Plat Book 15 at Page 121 of the Public Records of Lee County, Florida.**

**Dear Mr. Goddard:**

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility and drainage easement.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

**Allen L. Davies, Jr.  
Natural Resources Division**

S:\NATRES\SURFACE\DOCUMENT\vac534.doc

**RECEIVED**

**JUN 13 2006**

**VAC 2006-00027**

 **LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8517

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

May 26, 2006

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

**Mr. John Goddard**  
**Goddard Construction**  
**4670 43<sup>rd</sup> Avenue N.E.**  
**Naples, FL 34120**

Tammy Hall  
District Four

John E. Albion  
District Five

**Re: Petition to Vacate Drainage Easement—509 & 511 Causeway Drive;  
STRAP# 26-44-27-13-00020.0070 & 26-44-27-13-00020.0080; Lehigh  
Acres**

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

**Mr. Goddard:**

Lee County Department of Transportation has reviewed the above referenced request to vacate the right-of-way at the locations described above.

Diana M. Parker  
County Hearing Examiner

Based upon this department's review, DOT recommends proceeding with this petition to vacate application.

Very truly yours,



Margaret Lawson  
Right-of-way Supervisor  
Lee County Department of Transportation

ML/hc

cc: Ron Wilson, Development Services  
Allen Davies, Natural Resources  
Terry Kelley, Utilities  
DOT/PTV File (Causeway Drive)

S:\DOCUMENT\Coachman\Letters\PTV No Objection Letters

RECEIVED

JUN 13 2006

VAC 2006-00027



# Florida Department of Transportation

JEB BUSH  
GOVERNOR

DENVER J. STUTLER, JR.  
SECRETARY

May 10, 2006

Mr. John Goddard  
Goddard Construction  
4670 43<sup>rd</sup> Avenue, NE  
Naples, Florida 34120

**Re: Vacation of a Public Interest in the Right of Way or Road Easement,  
Utility or Drainage Easement for Strap Nos. 26-44-27-13-00020.0070  
& 26-44-27-13-00020.0080, 509 & 511 Causeway Drive,  
Lehigh Acres, Lee County, Florida  
PM Log# 06-49**

Dear Mr. Goddard:

In response to your letter we received on May 1, 2006, our staff has conducted a review of your request to vacate the public interest in the subject area as marked and generally described as:

Lots 7 & 8, Block 20, Lakewood Terrace, as recorded in Plat Book 15, Page 121, of the public records of Lee County; Section 26, Township 44 South, Range 27 East, Lee County, Florida

Based on our review, we offer "No Objection" to this request. If we can be of further assistance, please feel free to contact this office.

Sincerely,

Sylvia Petrosky  
Right of Way Agent  
Property Management

SAP/jps

cc: Scott Gilbertson, P.E. – Lee County  
Peter J. Eckenrode – Lee County  
Michael G. Rippe – FDOT  
Thomas T. Garcia – FDOT  
File, Daily File

RECEIVED

JUN 13 2006

VAC 2006-00027

District One-Right of Way Department-Property Management  
801 North Broadway Avenue\*Post Office Box 1249\*Bartow, FL 33831-1249  
(863)519-2413\*(863)519-5183(FAX)\*MS 1-66  
[www.dot.state.fl.us](http://www.dot.state.fl.us)



SHEET No. 4

SHEET No. 5

JEFFERSON AVE

Public Beach

LAKEVIEW DR.

Proposed easement  
vacation

Lake

ROOSEVELT AVE

FIFTH ST

MS ARTHUR WAY

McARTHUR AVE

Denise

JACKSON AVE

LEE COUNTY, FLORIDA

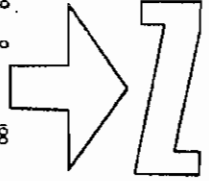
LEHIGH ACRES

SECTION 26, TWP. 44 S., RGE. 27 E.

PLAT Book 15 Page 121  
LAKEWOOD TERRACE

A SUBDIVISION OF

SCALE IN FEET  
0 100 200



RECORDED IN PG 15  
PAGE 38 1 2

RECORDED IN PG 15, PAGE 38 1 33

All lots subject to a 6 foot Drainage and Utility Easement both sides, front and back.

Interior P.R.M.s. are 4"x4"x24" concrete

• Denotes P.R.M.s

All corner lot radii are 25 feet, except as shown and the lot dimensions are to the straight line intersections, except where arc distances are shown.

All Canals to be dedicated to East County Water Control District.

00020 0090

00020 0080

00020 0070

00020 0060



AREA TO BE TREATED

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

**Blue Sheet No. 20061122**

**1. ACTION REQUESTED/PURPOSE:** Award and authorize staff to enter into a Construction Manager Agreement for RFQ-06-09 WA-KE HATCHEE COMMUNITY PARK, to Lodge Construction, Inc., for the sum of six (6%) percent of the total construction cost of the project. Also approve preliminary construction consulting services for an additional fee **"NOT TO EXCEED"** \$20,000.00. Also request Board approve waiving of any formal process (if needed) and authorize the use of the Direct Material Purchase Orders based on CM's Agreement which allows the County to purchase directly from suppliers of equipment and/or material as a cost/time saving measure. Also authorize Chairwoman to execute the Construction Management agreement upon receipt.

**2. WHAT ACTION ACCOMPLISHES:** Provides Construction Management services for the construction of the Wa-Ke Hatchee Community Park.

**3. MANAGEMENT RECOMMENDATION:** Staff recommends approval.

**4. Departmental Category:** 2. **CZA** **5. Meeting Date:** **SEP 05 2006**

<b>6. Agenda:</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Administrative</b> <input type="checkbox"/> <b>Appeals</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Walk-On</b>	<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b> <b>Commissioner</b> <b>Department</b> Construction & Design <b>Division</b> <b>By:</b> James Lavender, Director	
	Statute			
	Ordinance			
	<input checked="" type="checkbox"/>	Admin. Code		AC-4-4
	Other			

**Background:** Letters of Qualifications were solicited on behalf of the Board of County Commissioners for professional construction management services for the Wa-Ke Hatchee Community Park.

The deadline for receipt of the Qualification Submittals was July 17, 2006. A total of three (3) submittals were received by the established deadline date. Only three (3) submittals were received and all were ask to give Oral Presentation for the Selection Committee meeting held on August 2, 2006. The Selection Committee consisted of the following staff members: Jim Lavender, Director of Public Works, Chairman; John Yarbrough, Parks & Recreation Director; and Robert Taylor, Project Manager. Based on the Oral Presentations it was the consensus of the Committee to recommend award to Lodge Construction, Inc.

A letter was received from Lodge Construction, Inc. on August 15, 2006, indicating a construction management fee of six (6%) percent of the total construction cost of the project. Lodge Construction, Inc. will also provide preliminary construction consulting services for an additional fee **"NOT TO EXCEED"** \$20,000.00. A Guaranteed Maximum Price (GMP) will be brought back for Board approval.

Funds will be available in account strings: 20187318604.506540

- Attachments: 1. Selection Committee Interview/Presentations Ranking Sheet  
2. Letter from Lodge Construction, Inc., dated August 15, 2006

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>J. Lavender</i> 8-27-06		N/A	<i>5/10-5/13</i>	<i>Melody F. Charles</i>	Analyst <i>RN...</i>	Risk <i>8/24/06</i>	Grants <i>...</i>	Mgr. <i>8/24/06</i>	<i>J. Lavender</i> 8-27-06

**11. Commission Action:**

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

RECEIVED BY COUNTY ADMIN: *JL*  
8/23/06 3:35 PM  
COUNTY ADMIN FORWARDED TO: *JL*  
8/25/06  
8:34 AM

Rec. by CoAtty  
Date: 8/23/06  
Time: 1:00 PM  
Forwarded to: COUNTY ADMIN  
8/23/06 2:15 PM

License CGC059635



# LODGE CONSTRUCTION, INC.

*General Contracting · Construction Management · Design to Build*

2161-A McGregor Blvd., Fort Myers, Florida 33901

(239) 332-4371

Fax (239) 332-0218

E-mail: [info@LodgeConstruction.com](mailto:info@LodgeConstruction.com)

[LodgeConstruction.com](http://LodgeConstruction.com)

August 15, 2006

Mr. Bob Taylor  
Lee County – Department of Planning and Construction  
PO Box 398  
Fort Myers, FL 33902

Re: Wa-ke-Hatchee Park  
Pre-Construction Services

Dear Bob,

Thank you for the award of the Wa-ke-Hatchee Park. As per our meeting, please find below an outline of the fees as discussed:

- Preconstruction Services: attend design meetings, prepare budgets, and assist in permitting. These services shall be a NOT TO EXCEED cost of \$20,000.00. Billing shall be done on an hourly basis with Tammy Kaminski billed at \$110/hr and Dane Edwards at \$90/hr.
- Construction Phase shall include a Guaranteed Maximum Price (GMP) with a Construction Manager's fee of 6%.

If you have any further questions or comments regarding any of the items above, please let me know. Again, we thank you for the opportunity to work with you.

Sincerely,

Tammy L. Kaminski  
Project Manager  
Lodge Construction

Cc: Mike Dunn  
file

COMPETITIVE NEGOTIATIONS COMMITTEE  
OVERALL RANKING SHEET  
FOR

RFQ-06-09

WA KE HATCHEE COMMUNITY PARK

Wednesday, August 9, 2006  
1:30 p.m.

COMPANY NAME

NUMBER SELECTED

GATES MCVEY BUTZ INSTITUTIONAL

2

CONSTRUCTION

J. L. WALLACE, INC.

3

LODGE CONSTRUCTION, INC.

1

SIGNATURE: \_\_\_\_\_

*Robert D. Teague*  
COMMITTEE MEMBER

Date: \_\_\_\_\_

8/9/06

Agenda Item Summary

**1. ACTION REQUESTED/PURPOSE:** 1) Authorize the amendment of Contract C-3384 between the BoCC and Southwest Florida Addiction Services, Inc (SWFAS) to extend contract term to May 31, 2007 and 2) Execute a grant award agreement between the BoCC and SWFAS for \$255,000 in SHIP funds to construct a duplex to provide permanent supportive housing to 6 individuals in substance abuse recovery programs.

**2. WHAT ACTION ACCOMPLISHES:** Provides additional time to finish the rehabilitation project under C-3384 and allows for the construction of permanent supportive housing.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:**  **C4A** **5. Meeting Date:** September 5, 2006

<b>6. Agenda:</b>	<input checked="" type="checkbox"/> <b>Consent</b>	<b>7. Requirement/Purpose:</b> (specify)	<input type="checkbox"/> <b>Statute</b>	<b>8. Request Initiated:</b>	<input type="checkbox"/> <b>Commissioner</b>	<input type="checkbox"/> <b>N/A</b>
	<input type="checkbox"/> <b>Administrative</b>		<input type="checkbox"/> <b>Ordinance</b>		<input type="checkbox"/> <b>Department</b>	<input type="checkbox"/> <b>Community Development</b>
	<input type="checkbox"/> <b>Appeals</b>		<input type="checkbox"/> <b>Admin. Code</b>		<input type="checkbox"/> <b>Division</b>	<input type="checkbox"/> <b>Planning</b>
	<input type="checkbox"/> <b>Public</b>		<input type="checkbox"/> <b>Other</b>		<input type="checkbox"/> <b>By:</b>	<input type="checkbox"/> <b>Paul O'Connor, AICP, Planning Director</b>
	<input type="checkbox"/> <b>Walk-On</b>		<input type="checkbox"/> <b>LHAP</b>		<input type="checkbox"/> <b>POC</b>	<input type="checkbox"/> <b>8/23/06</b>

**9. Background:** 1) Extension of Contract C-3384 SWFAS is requesting that contract C-3384 for \$165,385 in SHIP funds be extended from December 31, 2006 to May 31, 2007 for additional time to rehabilitate one house (2 bedrooms) and two apartments (2 bedrooms each) for a total of 6 bedrooms for permanent supportive housing.

2) Execute grant award agreement between BoCC and SWFAS for \$255,000 in recaptured SHIP funds to construct a duplex to provide permanent supportive housing to 6 individuals (3 low and 3 very low income) in substance abuse recovery programs. (Due to recapture additional 2005/2006 SHIP funds are now available.)

To continue its innovative permanent supportive housing program, SWAFAS received a total \$408,333 in federal funds for Fresh Start II Phase II. These funds were supplemented with \$165,385 in SHIP funds (see above C-3384). The total project scope included the acquisition and rehabilitation of two houses (2 bedrooms each) and two apartments (2 bedrooms each) for a total of 8 bedrooms on Grand Ave in Fort Myers. However because the rehabilitation of one of the houses is cost prohibitive, SWFAS is proposing demolishing that house (2 bedrooms) and replacing it with a new duplex (6 bedrooms). To accomplish this SWFAS is requesting \$255,000 in SHIP funds. This request would increase the county's contribution to \$420,385 in SHIP funds (\$165,385 under C-3384 and \$255,000 per this request) and expand the project scope from a total of 8 to 12 bedrooms.

Staff recommends approval of the two requests and finds them in compliance with SHIP rules.

SHIP funds are available and maintained in the following account: LB5540513801.508309 S/L LB009

Attachments: Amendment to Contract C-3384 and Contract C-3619

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
Man	<i>[Signature]</i>	N/A	N/A	<i>[Signature]</i>	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
8/24/06 3:45 PM
COUNTY ADMIN FORWARDED TO:

Rec. by CoAtty
Date: 8/24/06
Time: 10:00 AM
Forwarded To: County Admin.
8/24/06 1:22 PM

AMENDMENT TO THE  
AGREEMENT BETWEEN THE  
LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AND

**SOUTHWEST FLORIDA ADDICTION SERVICES, INC.**

WITNESSETH:

WHEREAS, the referenced Parties to Contract No. C-3384 desire to amend the Contract pursuant to its Section I.A and I.C.

NOW, THEREFORE IN CONSIDERATION OF THE MUTUAL PROMISES STATED HEREIN, the referenced contract Section 1. a. is amended as follows with new language underlined and amended language struck-through:

**EXHIBIT A**

1. a. The Project, as approved for grant assistance, shall consist of the following authorized scope of Project work:

Rehabilitation of permanent supportive housing – one house (2 beds) and 2 apartments (2 beds each) for 6 beds for 3 very-low and 3 low-income special needs households recovering from substance abuse and/or mental illness to be completed by May 31, 2007 ~~December 31, 2006~~.

The Parties hereby executed this Amendment on \_\_\_\_\_, 2006.

CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY \_\_\_\_\_  
DEPUTY CLERK

BY: \_\_\_\_\_  
CHAIRWOMAN

Rosemary Doison  
Witness (Signature)

BY: K. B. Lewis  
SOUTHWEST FLORIDA ADDICTION SERVICES, INC.

Rosemary Doison  
Witness (Name) Address)  
21 NW 14th AVE  
Cape Coral, FL 33993

Title: Executive Director

FEIN#: 59-1965829

Michelle Phillips  
Witness (Signature)

Michelle Phillips  
Witness (Name, Address)  
2101 McGregor Blvd.  
Fort Myers, FL 33901

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

BY: \_\_\_\_\_  
Lee County Attorney's Office



# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/14/05

<b>PRODUCER</b> HRH of Orlando 800 N. Magnolia Ave, Ste. 1600 Orlando, FL 32803 407 926-2600	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	<b>INSURED</b> Southwest Florida Addiction Svc Inc 2101 McGregor Blvd Ft Myers, FL 33901	<b>INSURERS AFFORDING COVERAGE</b>
	INSURER A: Westport Insurance Corporation	34207
	INSURER B: Commerce & Industry Ins Co	19410
	INSURER C:	
	INSURER D:	
	INSURER E:	

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	WCP120003246101	12/11/05	12/11/06	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$3,000,000 PRODUCTS - COM/OP AGG \$3,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO	WCP120003246101	12/11/05	12/11/06	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
A	<b>EXCESS/UMBRELLA LIABILITY</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10000	WUM12000324601	12/11/05	12/11/06	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000 \$ \$ \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC9685399	04/20/05	04/20/06	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	OTHER Prof Liab	WCP120003246101	12/11/05	12/11/06	\$1,000,000/3,000,000
A	Employee Dishones	WCP1200032461001	12/11/05	12/11/06	\$250,000-\$1,000 Ded

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

\*10 day notice of cancellation for nonpayment; 30 days all other reasons

Employee Dishonesty - \$750,000 limit/\$2,500 ded  
(See Attached Descriptions)

**CERTIFICATE HOLDER**

**CANCELLATION**

Lee County Board of County Commissioners  
 P.O. Box 398  
 Fort Myers, FL 33902

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Judith A. McBurney*

## **IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

**DESCRIPTIONS (Continued from Page 1)**

Certificate holder is added as an additional insured for general liability  
but only with respect to operations of the Named Insured.

CSFA# 52.901  
Contract No. C-3619  
Funding Source: LB 5540513801.508302 S/L LB009

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**AGREEMENT BETWEEN  
THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
And  
SOUTHWEST FLORIDA ADDICTION SERVICES, INC.**

**THIS**  **Service**  **Capital (check one) CONTRACT** entered this 5th day of September 2006, between LEE COUNTY hereinafter referred to as **COUNTY** and SOUTHWEST FLORIDA ADDICTION SERVICES, INC., a Not-for-Profit Corporation existing under the laws of the State of Florida and, hereinafter referred to as "**PROVIDER**".

**WHEREAS, COUNTY** believes it to be in the public interest to provide certain activities to Lee County through the **PROVIDER** according to this contract, the agency's intent as stated in the proposal and attachments and/or exhibits and all other terms and conditions as specified.

**NOW THEREFORE**, in consideration of the mutual covenants, promises, and representations contained herein **COUNTY** and the **PROVIDER** agree as follows:

**ARTICLE I SCOPE OF SERVICES**

The **COUNTY** has awarded the following amounts for each program listed below. The **PROVIDER** will be responsible for implementing these program(s) for the residents of Lee County: Program(s) must be implemented in accordance with the approved proposal(s) and exhibits/attachments.

**ARTICLE II TERM OF CONTRACT**

This contract shall begin **September 05, 2006** and ends **December 31, 2008** unless terminated as specified in Article VIII, Suspension/Termination.

**ARTICLE III COMPENSATION AND REPORTS**

**A. Contract Payment**

Payments will be made by the **COUNTY** to the **PROVIDER** and the **PROVIDER** agrees to accept as full compensation the total amount not to exceed **\$255,000.00** during the term of this contract, subject to the provisions of Article III B. Deferred Payment/Return of Funds, and Article VIII, Suspension/Termination. Funding is contingent upon the **COUNTY** receiving the related State funds.

**B. Deferred Payment/Return of Funds**

The **PROVIDER** agrees to return to the **COUNTY** any overpayments due to funds disallowed pursuant to the terms of this contract. Such funds shall be considered county funds and must be refunded to the **COUNTY** within thirty (30) calendar days of receiving notice from the **COUNTY** in writing regarding the overpayment. Should

repayment not be made in a timely manner, the **COUNTY** will charge interest of one (1) percent per month compounded on the outstanding balance after forty (40) calendar days after the date of notification or discovery. The **PROVIDER** will be required to reimburse the **COUNTY** for any acts of non-compliance resulting in disallowed costs or fines.

It is at the option of the **COUNTY** to defer payment to the **PROVIDER** for noncompliance with contract deliverables or during the period of a county audit or monitoring due to questionable items. If as a result of the audit or monitoring, unallowable or unsupported costs are found, no further payments will be made until the full amount of overpayment is remitted to Lee County or a repayment agreement is accepted by Lee County.

**C. Required Reports**

- 1. Financial and Compliance Audit Requirements in Exhibit/Attachment 1**
- 2. Quarterly reports, final report, and any other report as stipulated in Exhibit/Attachment 2**

**ARTICLE IV      AUDITS, MONITORING, AND RECORDS**

**A. Monitoring**

The **PROVIDER** agrees to permit employees duly authorized by the **COUNTY** and the Federal or State grantor agency (if applicable) or any representatives to inspect all records, papers, documents, facility's goods and services of the **PROVIDER** and/or interview any clients and employees of the **PROVIDER** to be assured of satisfactory performance of the terms and conditions of this contract to the extent permitted by the law after giving the **PROVIDER** reasonable notice. The monitoring is a limited scope review of the contract and agency management and does not relieve the **PROVIDER** of its obligation to manage the grant in accordance with applicable rules and sound management practices.

Following such monitoring the **COUNTY** may deliver to the **PROVIDER** a written report regarding the manner in which goods or services are being provided. The **PROVIDER** will rectify all noted deficiencies within the specified period of time indicated in the monitoring report or provide the **COUNTY** with a reasonable and acceptable justification for not correcting the noted shortcomings. The **PROVIDER'S** failure to correct or justify the deficiencies within the time specified by the **COUNTY** may result in the withholding of payments, being deemed in noncompliance, or termination of this contract.

**PROVIDER** must supply **COUNTY** with copies of all monitoring reports of programs which are also funded by the **COUNTY**, including agency response, within thirty (30) days of receipt.

**B. Audit and Inspections**

The **PROVIDER** will make all records referenced in Article IV. C., and all items included on financial statements available for audit or inspection purposes at any time during normal business hours and as often as **COUNTY** deems necessary.

The Clerk of Courts Internal Audit division, the Federal or State grantor agency (if applicable), Lee County employees, or any duly authorized representatives have the right of timely and unrestricted access to any books, documents, papers, or other records of **PROVIDER** or **CPA** that are pertinent to the contract in order to make audits, examinations, excerpts, transcripts and copies of such documents. If contract non-compliance or material weaknesses in the organization is noted, the **COUNTY** or other authorized representatives have the right to

unlimited access to records during an audit or inspection. This includes timely and reasonable access to a **PROVIDER'S** personnel for the purpose of interview and discussion related to such documents.

**C. Records**

The **PROVIDER** shall retain all financial, client demographic, and programmatic records, supporting documentation, statistical records and other records which are necessary to document service provision, client demographics, expenditures, income and assets of the **PROVIDER** by funding source, program, and functional expenses category during the term of this contract and five (5) years from the date of contract expiration. If any litigation, claim, negotiation, audit, or other action involving the records has been initiated before the expiration of the 5-year period, the records shall be retained for one (1) year after the final resolution of the action and final resolution of all issues that arise from such action.

**D. Independent Audit**

An original, bound annual audit of the **PROVIDER'S** financial statements in accordance with FASB 117, or current GAGA Standards as applicable including the auditor's opinion, requisite reports on internal control and compliance if required, management letter addressing internal controls if required, and management's response to such letter if required, must be submitted to the **COUNTY** no later than **180** days following the end of the **PROVIDER'S** fiscal year along with any corrective action plan if applicable.

The audit must be conducted by an independent licensed certified public accountant who has received an unmodified opinion on their current Peer Review and must be in accordance with Auditing Standards Generally Accepted in the United States, and generally accepted Government Auditing Standards, OMB Circular A-133, "Audits of Institutions of Higher Education and other Non-Profit Organizations" if applicable, the Florida Single Audit Act (F.S. 215.97) if applicable, and the Auditor General rule 10.550 if applicable. The audit must detail the programs or service areas that are funded by Lee County either in the statement of functional expenses, revenues and expenditures, footnotes, schedule of federal awards and state financial assistance or as supplemental data in the financial statements. The statement should be consistent with programs detailed in the corresponding proposal(s) and exhibit(s).

The **PROVIDER** agrees to comply with all **FINANCIAL AND COMPLIANCE AUDIT REQUIREMENTS** as specified in Attachment A.

Failure to submit the report within the required time frame will result in the withholding of payment, or termination of the contract by the **COUNTY**.

**ARTICLE V MODIFICATIONS**

Modifications of provisions of this contract shall only be valid when they have been reduced to writing and duly signed and dated by both parties.

**ARTICLE VI CONTRACTOR STATUS**

**A. Independent Contractor**

It is mutually agreed that the **PROVIDER** is an independent contractor and not an agent or employee of the **COUNTY**.

**B. Subcontracts**

Primary roles and responsibilities of **PROVIDER** cannot be subcontracted. It is mutually agreed that any **COUNTY** funded program component that is subcontracted by **PROVIDER** must have a written contract upon execution of this contract. The **PROVIDER** must ensure each subcontractor conforms to the terms and conditions of this contract and must be subject to indemnification as stated in Article VII.

**ARTICLE VII      RISK MANAGEMENT**

**A. Indemnification**

The **PROVIDER** will defend, hold harmless, and indemnify the **COUNTY** from and against any and all liability, loss, claims, damages, costs, attorneys' fees, and expenses of whatever kind or nature which the **COUNTY** may sustain, incur, or be required to pay either by reason of the loss or improper use of any monies disbursed or to be disbursed hereunder including but not limited to fraud, embezzlement, or dishonesty on the part of any person represented or employed by the **PROVIDER**, or by reason of the intentional or negligent act of the **PROVIDER** or its agents, representatives and/or employees.

The **PROVIDER** further agrees that it will, at its own expense, defend any and all claims, actions, suits, or proceedings that may be brought against the **COUNTY** in connection with the above and satisfy, pay, and discharge any and all judgments or other resolution of claims that may be entered against the **COUNTY** in any such action or proceedings.

The **PROVIDER** further agrees that it is responsible for any and all claims arising from the hiring of individuals relating to activities provided under the contract. All individuals hired are employees of the **PROVIDER** and not of the **COUNTY**.

**B. Insurance**

The **PROVIDER** agrees to provide and maintain during the term of this contract Commercial General Liability insurance insuring the **PROVIDER** against any and all claims, demands, or causes of action whatsoever for injuries received or damage to property incurred in the performance of the terms of this Contract or the use, occupation, management, or control of any facility herein provided for and the improvements thereto. Such a policy of insurance will insure the **PROVIDER** in an amount not less than \$300,000 to cover any and all bodily injury, personal injury. And/or property damage claim connected with any **COUNTY** accident or occurrence that may arise or be claimed to have arisen against the **PROVIDER**. The **PROVIDER** must furnish an appropriate Certificate of Insurance (**Exhibit**) naming Lee County Board Of County Commissioners as Certificate Holder and Additional insured. The **PROVIDER** agrees that the coverage granted to the Additional Insured applies on a primary basis, with the Additional Insured's coverage being excess. The **PROVIDER** agrees that this insurance requirement shall not relieve or limit **PROVIDERS** liability and that the **COUNTY** does not in any way represent that the insurance required is sufficient or adequate to protect the **PROVIDER'S** interests or liabilities, but are merely minimums. Certificates of Insurance and bonding and renewals must be submitted to:

Risk Management  
Lee County Board of County Commissioners  
P.O. Box 398 Fort Myers, Florida 33902-0398

**C. Bonding**

The **PROVIDER** must provide fidelity bonding for all employees that handle **PROVIDER'S** funds. The amount of the bond must be equivalent to the highest daily cash balance of the **PROVIDER**. Proof of this bonding must be submitted to the **COUNTY** prior to the date of execution of this contract.

**ARTICLE VIII      SUSPENSION/TERMINATION**

**A. Suspension**

The **COUNTY** reserves the right to suspend funding for failure to comply with the requirements of this contract.

In the event **PROVIDER** ceases operation for any reason or files for protection from creditors under bankruptcy law, any remaining unpaid portion of this contract, less funds for expenditures already incurred, shall be retained by the **COUNTY** and the **COUNTY** shall have no further funding obligation to the **PROVIDER** with regard to those unpaid funds.

**B. Termination by COUNTY**

The **COUNTY** may at any time and for any reason cancel this contract by giving twenty-four (24) hours written notice to the **PROVIDER** by certified mail following a determination by the Board of **COUNTY** Commissioners, at its sole discretion, that such cancellation is in the best interest of the people of the **COUNTY**. From the date of cancellation, neither party shall have any further obligation unless specified in the termination notice.

**C. Termination by PROVIDER**

The **PROVIDER** may at any time and for any reason cancel this contract by giving seventy-two (72) hours prior written notice to the **COUNTY** by certified mail of such and specifying the effective date.

**COUNTY'S** obligation to make any payments under any provision of this contract shall cease on the effective date of termination.

**ARTICLE IX      ASSURANCE, CERTIFICATIONS, AND COMPLIANCE**

The **PROVIDER** agrees that compliance with these assurances and certifications constitutes a condition of continued receipt of or benefit from funds provided through this contract, and that it is binding upon the **PROVIDER**, its successors, transferees, and assignees for the period during which services are provided. The **PROVIDER** further assures that all contractors, subcontractors, or others with whom it arranges to provide services or benefits to participants or employees in connection with any of its programs and activities are not discriminating against those participants or employees in violation of statutes, regulations, guidelines and standards. By acceptance of this funding, the **PROVIDER** assures and certifies the following:

- A.** That it will comply with all applicable laws, ordinances and regulations of the United States, the State of Florida, the **COUNTY**, and the municipalities as said laws, ordinances and regulations exist and are amended from time to time. In entering into this contract, the **COUNTY** does not waive the requirements of any county or local ordinance or the requirements of obtaining any permits or licenses that are normally required to conduct business or activity contemplated by the **PROVIDER**.



- B.** That it will comply with Chapter 760, Florida Statutes and Lee County Ordinance 00-19 which prohibit discrimination in housing on the basis of race, color, national origin, sex, religion, disability or familial status.
- C.** That it will comply with Chapter 760, Florida Statutes and Lee County Ordinance 00-18 which prohibit discrimination in employment on the basis of race, color, national origin, sex, religion, disability or marital status.
- D.** That it will administer its programs under procedures, supervision, safeguards, and such other methods as may be necessary to prevent fraud and abuse, and that it will target its services to those who most need them.
- E.** That if clients are to be transported under this contract, the **PROVIDER** will comply with the provisions of Chapter 427, Florida Statutes, which requires the coordination of transportation for the disadvantaged.
- F.** That any products or materials purchased with contract funds shall be procured in accordance with the provisions of Chapter 403.7065, Florida Statutes, which refers to the procurement of products or materials with recycled content.
- G.** That it will comply with the Americans with Disabilities Act of 1990, P.L. 101-336, which prohibits discrimination on the basis of disability and requires reasonable accommodation for persons with disabilities.
- H.** That it shall report any unusual incidents involving funded activities to the **COUNTY**, in writing, within five (5) calendar days of the occurrence or the **COUNTY** may terminate this contract. Unusual incidents include, but are not limited to those events which are reported to local police authorities by the **PROVIDER** or any person whose report requires any type of response by local law enforcement authorities; those events which result in physical injury to a person receiving **PROVIDER** services that are underwritten in any way by the **COUNTY**; or, those incidents or events which result in a report to or investigation arising from a call to the Florida Abuse Hotline. In accordance with Chapter 415, Florida Statute, an employee of the **PROVIDER** who knows or has reasonable cause to suspect that a child, aged person, or disabled adult has been abused, neglected, or exploited, shall immediately report such knowledge or suspicion to the Florida Abuse Hotline on the statewide toll-free number (1-800-96- ABUSE).
- I.** That it will comply with Chapter 216.347, Florida Statutes, which prohibits the expenditure of contract funds for the purpose of lobbying the Legislature, State or County agencies.
- J.** That it will notify the **COUNTY** immediately of any funding source changes and/or additions from other sources that are different from that shown in the **PROVIDER'S** proposal. This notification must include a statement as to how this change in funding affects provision of service as well as the use of and continued need for county funds.
- K.** That it will acknowledge support for programs funded by Lee County.
- L.** That it will notify the **COUNTY** of any SIGNIFICANT changes to the **PROVIDER** organization to include articles of incorporation and bylaws within ten (10) working days of the effective date.

**ARTICLE X NOTICES**

Official notices concerning this contract shall be directed to the following authorized representatives:

**COUNTY:**

ATTN: Gloria M. Sajgo, AICP, Principal Planner  
Lee County Department of Community Development/Planning

Telephone: (239) 479-8311

Fax: (239) 479-8161

E-mail: sajgogm@leegov.com

**PROVIDER:**

Name: Kevin Lewis

Title: Executive Director

Agency: SW FL Addiction Services

Address: 2101 McGregor Blvd  
Fort Myers, FL 33901

Telephone: 239 332 6937

Web site address: www.swfas.org

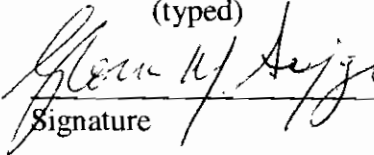
E-mail: k\_lewis@swfas.org

The signatures of the persons shown below are designated and authorized to sign all applicable reports:

OR

Name: Gloria M. Sajgo, AICP

(typed)

  
Signature

Principal Planner

Title

Name: Kevin B. Lewis

(typed)

  
Signature

Executive Director

Title

In the event that different representatives are designated by either party after execution of this contract, notice of the name and address of the new representative will be rendered in writing by authorized officer of **PROVIDER** to the **COUNTY**. The notification shall be attached to originals of this contract.

**ARTICLE XI SPECIAL PROVISIONS**

A. If needed, **PROVIDER** may be called upon to assist county during a natural disaster or emergency.

**ARTICLE XII ALL TERMS AND CONDITIONS INCLUDED**

This contract and its **attachments**, and any **exhibits** referenced in said attachments, together with any documents incorporated by reference, contain all the terms and conditions agreed upon by the parties. There are no provisions terms, conditions, or obligations other than those contained herein, and this contract shall supersede all previous communications, representations, or agreements, either verbal or written between the parties. If any term or provision of this contract is legally determined unlawful or unenforceable, the remainder of the contract shall remain in full force and effect and such terms or provisions shall be stricken.

IN WITNESS THEREOF, **PROVIDER** and **COUNTY** have caused this contract, to be executed by their undersigned officials as duly authorized.

**PROVIDER:**

**COUNTY: LEE COUNTY**

By: Kevin B Lewis  
Name (typed)

By: \_\_\_\_\_  
Name (typed)

Kevin B Lewis  
Signature of authorized officer

\_\_\_\_\_  
Signature of authorized officer

Executive Director  
Title

\_\_\_\_\_  
Title

8/19/06  
Date

\_\_\_\_\_  
Date

**NOTARY:**

**ATTEST: CLERK OF CIRCUIT COURT**

By: Michelle Phillips  
Notary of Public (Signature)

By: \_\_\_\_\_

Michelle Phillips  
Name (Typed)

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**FINANCIAL AND COMPLIANCE AUDIT REQUIREMENTS**

This attachment outlines audit requirements for non-federal entities or subrecipients, hereinafter known as the Contractor. This attachment shall apply when the Contractor has obtained Federal and/or State funding from Lee County. Each subrecipient is responsible for complying with the Single Audit Act of 1984 (Public Law 98-502), the Single Audit Act Amendments of 1996 (Public Law 104-156), and 29 CFR, part 96, of the Department of Labor Regulations that implements Office of Management and Budget (OMB) Circular A-133. Also, each subrecipient is responsible for complying with the Florida Single Audit Act (FS 216.3491) (as applicable).

NOTE: Subrecipients/Contractors that are State Departments, State Universities and/or State Community Colleges are audited annually by the Office of the State Auditor General, and are not required to have additional independent audits performed as outlined by this Attachment. Additionally, copies of the State Auditor General's audit report is transmitted directly to AWI by that office. No further actions are required by the entities (as Contractors) referenced in this paragraph.

The Contractor agrees to have an annual financial and compliance audit as specified by The Single Audit Act of 1996 and OMB Circular A-133. **An annual audit is required if the Subrecipient/Contractor has Federal expenditures of \$500,000 or more in a fiscal year. This includes all Federal funds received from all funding sources, not just the funds awarded under this contract.** The audits are to be performed by independent auditors in accordance with the current Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States, and in compliance with OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations.

The Contractor agrees to have an annual State financial and compliance audit, if the total expenditures are \$500,000 or more in a fiscal year (i.e. state financial assistance provided to carry out a state project) in accordance with auditing standards as stated in the Rules of the Auditor General. The Contractor must have a single audit or project-specific audit for such fiscal year in accordance with section 216.3491, Florida Statutes; applicable rules of the Executive Office of the Governor and the Comptroller, and Chapter 10.600. Rules of the Auditor General.

**Audit Requirements for States, Local Governments and Nonprofit Organizations:**

Non-federal organizations that expend \$500,000 or more in a fiscal year in Federal awards (**all Federal funding sources must be considered**) must have a single audit or a program-specific audit conducted for that fiscal year in accordance with current Government Auditing Standards issued by the Comptroller General of the United States, and in compliance with The Single Audit Act of 1984 (P.L. 98-502), the Single Audit Act Amendments of 1996 (P.L. 104-156) and OMB Circular A-133 "Audits of States Local Governments, and Non-Profit Organizations".

**Single Audit** – Single Audit means an audit that includes both the entity’s financial statements and the Federal awards requirements as described in Section \_\_.500 of OMB Circular A-133. A State single audit means an audit of a non-state entity’s financial statements and state awards. A Single Audit also includes a report on Internal Controls and a report on Program Compliance.

**Program-Specific Audit** – A Program-Specific Audit means an audit of **one Federal program** as provided for in Section \_\_.200© and Section \_\_.235 of OMB Circular A-133. Additionally, a state program-specific audit means an audit of **one state project** in accordance with the requirements of FS 216.3491.

**No Audit Exemption:**

Even when cumulative (all programs considered) Federal and/or State award expenditures are less than \$500,000 in a fiscal year, an audit is required.

The cost of audits conducted in accordance with the Single Audit Act and/or the provisions of Section 216.3491, Florida Statutes, must be paid from non-Federal/non-State funds (i.e., the cost of such an audit must be paid from subrecipient/contractor funds obtained from other than Federal/State sources).

**ATTACHMENT 2**  
**Southwest Florida Addiction Services, Inc.**

1. a. The Project, as approved for grant assistance, shall consist of the following authorized scope of Project work:

Construction of permanent supportive housing – one duplex (2 dwelling units with 3 bedrooms each) for 6 beds for 3 very-low and 3 low-income special needs households recovering from substance abuse and/or mental illness to be completed by December 31, 2007.
- b. The amount of funds awarded under this grant is \$255,000.00. The Grantor is not obligated or authorized to award any funds in addition to this amount.
- c. The Provider is expected to make every reasonable effort to participate in program training activities offered by the Florida Housing Finance Corporation, the Florida Housing Coalition, Lee County or similar organizations in order to ensure compliance with local and State regulations governing the State Housing Initiatives Partnership Program.
2. The Grantor agrees to provide drawdowns to the Provider, upon receipt and verification of the Provider's request and documentation for project costs pursuant to and as defined in Subsection 1.a. up to a maximum of \$50,000.00 or the amount of actual cash expended by the Provider for project work, whichever is less.
3. The Provider is hereby placed on notice that when public funds are expended by an agency, then all the financial, business, and membership records pertaining to the public agency from which or on whose behalf the payments are made, of the person, corporation, foundation, trust, association, group, or organization to whom such payments are made shall be public records and subject to the provisions of Florida Statutes, Chapter 119 Public Records.

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee.

Before any person is granted access to the records related to these funds (except governmental agencies or their agents who are entitled to access to the records specified in this paragraph for the purposes of auditing federal, state, or local housing programs or housing assistance programs), please seek the advice of your legal counsel or contact the Lee County Division of Planning who shall seek counsel from the office of the County Attorney. Home addresses, telephone numbers, social security numbers, photographs, and places of employment of the certain personnel, spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from public record. Medical history records, bank account numbers, credit card numbers, telephone numbers, and information related to health or property insurance furnished by an individual to any agency pursuant to federal, state, or local housing assistance programs are confidential and exempt. Any other information produced or received by any private or public entity in direct connection with federal,

state, or local housing assistance programs, unless the subject of another federal or state exemption, is subject to public records requests.

A person who has custody of a public record and who asserts that an exemption or special law applies to a particular public record or part of such record shall delete or excise from the record only that portion of the record with respect to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and examination.

4. The Provider agrees to perform all necessary requirements to assist the Grantor in implementing its monitoring responsibilities, which include on-site inspections of the project to determine compliance with applicable laws, rules, regulations, ordinances, and codes of the federal, state, and local governments, including the requirements of the State Housing Initiatives Partnership (SHIP) and the Lee County Local Housing Assistance Plan.
5. The Grantor shall be provided access to all contracts of the Provider for the procurement of goods and/or services relating to the project work described in Subsection 1.a. and all change orders or amendments, but said access shall not be construed as acceptance by or imposition of upon the Grantor of any financial liability in connection with said contracts.
6. The Provider shall be responsible for ensuring that all builders/contractors utilized are licensed appropriately and capable of performing all necessary work. The Provider will further be responsible to ensure that all applicable permits, inspections, and fees are obtained and paid (as required for the respective scope of work).
7. The Grantor shall be provided access to detailed plans, specifications and tenant income levels relating to the project described in Subsection 1.a. to assure compliance with the objectives, requirements and limitations of the Lee County SHIP affordable housing program. **Documentation must be maintained on file for each beneficiary or unit produced by the Provider for a period of fifteen years following effective date of contract.**
8. The Provider shall provide to the Grantor proof of the following prior to receiving final payment:
  - a. Applicant Intake Forms
  - b. Income Verification and Certification Forms
  - c. Release of Information/Acknowledgment of SHIP terms signed by beneficiary
  - d. Proof of affordability of units. Monthly rents cannot exceed 30 percent of an amount representing the percentage of the median anticipated annual income adjusted for family size for the household. In addition, all rental units must be rented at affordable rates (i.e.: rents will not exceed those limits adjusted for the number of bedrooms published by the Florida Housing Finance Corporation).
  - e. Certificate of Completion/Occupancy.
9. All projects must be in compliance with the rules and regulations of 24 CFR Part 5 (Income Limits, Annual Income, Rent, and Examinations for the Public Housing and Section 8 Programs), the State Housing Initiatives Partnership Program as authorized by Florida Statutes, Chapter 420.907, Florida Administrative Code 67-37, and the Lee

County Housing Assistance Program authorized by Lee County Ordinance 95-17, as amended, and in particular:

- a. Income limits
  - b. Definition of Affordability
  - c. Non-discrimination
  - d. Maximum rent
  - e. Maximum SHIP funds per unit
  - f. Compliance reporting as required per project
10. The Provider shall provide to the Grantor proof of the following, as applicable, for each beneficiary prior to receiving final payment:
- a. SHIP Program Recipient Profile Form
  - b. Certificate of Hazard Insurance naming Lee County as co-insured
  - c. Budget and Actual expended Summary per unit form
  - d. Proof of Affordability of Units



Client#: 6085

4SOUTFLA

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/14/05

<b>PRODUCER</b> HRH of Orlando 800 N. Magnolia Ave, Ste. 1600 Orlando, FL 32803 407 926-2600	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	<b>INSURED</b> Southwest Florida Addiction Svc Inc 2101 Mcgregor Blvd Ft Myers, FL 33901	<b>INSURERS AFFORDING COVERAGE</b>
	INSURER A: Westport Insurance Corporation	34207
	INSURER B: Commerce & Industry Ins Co	19410
	INSURER C:	
	INSURER D:	
	INSURER E:	

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	WCP120003246101	12/11/05	12/11/06	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMP/OP AGG \$3,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	WCP120003246101	12/11/05	12/11/06	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10000	WUM12000324601	12/11/05	12/11/06	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000 \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC9685399	04/20/05	04/20/06	<input checked="" type="checkbox"/> WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A		OTHER Prof Liab	WCP120003246101	12/11/05	12/11/06	\$1,000,000/3,000,000
A		Employee Dishones	WCP1200032461001	12/11/05	12/11/06	\$250,000-\$1,000 Ded

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

\*10 day notice of cancellation for nonpayment; 30 days all other reasons

Employee Dishonesty - \$750,000 limit/\$2,500 ded  
(See Attached Descriptions)

**CERTIFICATE HOLDER**

**CANCELLATION**

Lee County Board of County Commissioners  
P.O. Box 398  
Fort Myers, FL 33902

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL \*30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Judith A. McBurney*

## **IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

**DESCRIPTIONS (Continued from Page 1)**

Certificate holder is added as an additional insured for general liability  
but only with respect to operations of the Named Insured.

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

**Blue Sheet No. 20061089**

**1. ACTION REQUESTED/PURPOSE:** Approve License and Agreement to Hold Lee County Harmless related to the Harbor Drive Road Paving MSBU; authorize the Division of County Lands to handle and accept all documentation necessary to complete transaction.

**2. WHAT ACTION ACCOMPLISHES:** Grants license to prior owner, who donated the property, for the purpose of entering onto County property and removing certain improvements.

**3. MANAGEMENT RECOMMENDATION:** Approve.

**4. Departmental Category:** 6 **CGA** **5. Meeting Date:** ~~SEP 04 2006~~ **SEP 05 2006**

<b>6. Agenda:</b> X <b>Consent</b> <b>Administrative</b> <b>Appeals</b> <b>Public</b> <b>Walk-On</b>	<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b> <b>Commissioner</b> <b>Department</b> Independent <b>Division</b> County Lands <b>By:</b> Karen L.W. Forsyth, Director
	X <b>Statute</b>	125	
	<b>Ordinance</b>		
	<b>Admin. Code</b>		
	X <b>Resolution</b>	03-12-20	
X <b>Blue Sheet</b>	20050648		

**9. Background:**

The Board of County Commissioners created the Harbor Drive Road Paving MSBU on December 20, 2003, when it adopted Resolution Number 03-12-20. The purpose of the project is to pave the existing unimproved (dirt/shell) roadway. One of the property owners executed the required Quit Claim Deed and it was accepted by the Board of County Commissioners on May 31, 2005. Subsequently it was determined the prior owner, Dean & Dean Farms Limited, a Florida Limited Partnership, had specific improvements within the right of way that had not been removed prior to acceptance of the Quit Claim Deed by the County. Grant of the license to enter the property will allow the prior owner the opportunity to remove the improvements.

Funds are not required.

Staff Recommends Board approve the Requested Motion.

ATTACHMENTS: Original License & Agreement to Hold Lee County Harmless (2)

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Adm.	
<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
8/22/06 1:14 pm

COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
8/24/06  
1:30 pm

Rec. by CoAtty  
Date: 8/21/06  
Time: 10:05 am  
Forwarded To: *[Signature]*

This Instrument Prepared by:

Office of the County Attorney  
Lee County, Florida  
Post Office Box 398  
Fort Myers, Florida 33902-0398

STRAP No. 05-44-22-01-00018.0040

THIS SPACE FOR RECORDING

## LICENSE & AGREEMENT TO HOLD LEE COUNTY HARMLESS

**THIS LICENSE & AGREEMENT TO HOLD LEE COUNTY HARMLESS** ("*License*") is executed this 11 day of August, 2006, by **LEE COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, ("*County*" or "*Licensor*"), and **DEAN + DEAN FARMS LIMITED**, a Florida Limited Partnership, whose address is 14401 Harbor Drive, Bokeelia, Florida 33922 ("*Dean*" or "*Licensee*").

**WHEREAS**, County is the owner of real property located on Harbor Drive, Bokeelia, Florida, being more particularly described attached Exhibit "A," which description is incorporated herein by reference ("*Property*"); and

**WHEREAS**, Dean deeded the property described in Exhibit "A" to County by Quit Claim Deed dated April 18, 2005 and recorded in the Public Records of Lee County, Florida at O.R. Book 4732, Page 2219.

**WHEREAS**, 452 trees, a chain link fence, an 8" post, a mail box, 3 stop signs, a double gate, a security light and a berm, hereinafter referred to as the "*Improvements*", are currently located upon the property. A list of the *Improvements* is attached hereto as Exhibit "B".

**WHEREAS**, DEAN seeks use and control of the *Improvements* upon the *Property*;  
and

**WHEREAS**, the County has the authority to issue to DEAN a non-exclusive, revocable license to allow the use and removal of the *Improvements*.

PAGE 1 OF 4

**NOW THEREFORE**, for and in consideration of the sum of One and xx/100 Dollar (\$1.00), the promises of the Licensee contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County hereby authorizes, approves and issues a non-exclusive, revocable License to DEAN to use and remove the Improvements upon the Property, further subject to the following conditions:

1. The above recitals are acknowledged by the parties to be true and correct and are incorporated herein by reference.
2. This License is temporary, non-exclusive and fully revocable by the County at any time and for any reason whatsoever as determined solely by the County. The License may be terminated by the County upon the sending of a notice of revocation to the Licensee, via regular mail, postage prepaid, at the address for the property as maintained by the Lee County Tax Collector.
3. This License allows the use and removal of the Improvements upon the Property. This License will create the relationship of Licensor and Licensee between the parties and no estate or title will pass out of the Licensor. This License may not be construed to constitute an easement.
4. Licensee may not construct any further improvements or replace any removed Improvements upon the Property.
5. Licensee agrees to maintain the chain linked fence currently existing around the perimeter of the Property.
6. Licensee agrees not to use the Improvements in any manner that may interfere with County's intended use of the Property as right of way for Harbor Drive.
7. Licensee agrees to repair any damage caused by Licensee, its agents or invitees that may occur to the Property during the course of use or removal of the Improvements.
8. The County will not be responsible for the maintenance, restoration or replacement of any of the Licensee's improvements located upon the Property.
9. In the event Licensee fails to immediately remove or relocate any structure when requested by the County, then the County is authorized to remove the structure or improvement, in part or in whole, at the full expense of the Licensee.
10. Licensee, for itself, its successors and assigns, agrees to indemnify, hold harmless and defend the County and all of its officers, agents, consultants and employees from and against all losses, claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recoverable against it or them by reason of any negligent or willful act or omission of the Licensee, or the Licensee's agents, consultants, employees or subcontractors during the use or removal of any Improvement or any activity upon the Property. This includes any costs related to these actions.

11. The Licensee may abandon its use of any Improvement they have upon the Property, provided the removal is at the sole expense of the Licensee and further, that any improvements or structures owned or maintained by the County on the Property are not damaged or diminished.
12. This License will be construed and enforced in accordance with Florida law.
13. This License constitutes the entire agreement between the parties with respect to the subject matter hereof and may not be modified except by written agreement executed with the same formality.
14. Licensee, by accepting this License, specifically accepts and agrees to be bound by the stated conditions contained therein
15. This License must be recorded in the Official Records of the Public Records of Lee County, Florida.
16. This License applies only to the interest of Lee County and its Board of County Commissioners in the Property referenced herein, and does not warrant the title or represent any state of facts concerning the title.

**IN WITNESS WHEREOF** the COUNTY has caused this License to be executed in its name by its Board of County Commissioners, acting by the Chairwoman or Vice Chairman of said Board, the day and year first written above.

(OFFICIAL SEAL)

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairwoman

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Robert D. Spickerman  
Assistant County Attorney  
Office of the Lee County Attorney

**Licensee's Acceptance of Terms and Conditions  
of License & Agreement to Hold Lee County Harmless**

In consideration of the County's grant of the License herein, the Licensee specifically accepts and agrees to be bound by the terms and conditions stated and contained in this License & Agreement to Hold Lee County Harmless.

**IN WITNESS WHEREOF**, the Licensee has hereunto set its corporate hand intending to be bound as of the date first written above.

Signed, sealed and delivered  
in the presence of

Dean + Dean Farms Limited

*Lorraine Elliott*  
[1<sup>st</sup> Witness' Signature]

Lorraine Elliott  
[Type or Print Name]

*Patricia Waite*  
[2<sup>nd</sup> Witness' Signature]

Patricia Waite  
[Type or Print Name]

BY: *[Signature]*  
[Signature]

MARK F. DEAN  
[Type or Print Name]

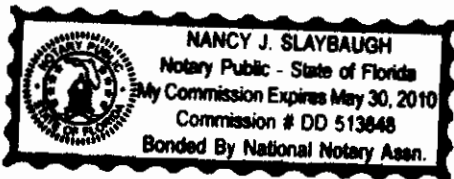
GENERAL PARTNER  
[Corporate Office or Title]

COUNTY OF Lee :  
STATE OF Florida :

The foregoing instrument was acknowledged before me this 11 of August 2006,  
by Mark F. Dean [Name], the General Partner [Corporate Office or Title] of

Dean + Dean Farms Limited, a Florida Limited Partnership, on behalf of the company.  
He/she is personally known to me, or has produced \_\_\_\_\_  
as identification.

[stamp or seal]



*[Signature]*  
[Signature of Notary]

Nancy J. Slaybaugh  
[Typed or printed name]

Office Manager  
[Title]

\_\_\_\_\_  
[Serial number, if any]



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## Exhibit "A"

JUNE 13, 2006  
JOB # 03-7033  
FILE #03-7033SK14LGL

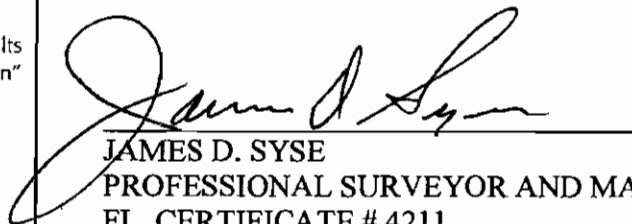
SHEET 1 OF 2

### DESCRIPTION: FENCE EASEMENT

A PARCEL OF LAND LYING IN KREAMER'S AVOCADO SUB-DIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 21 OF THE PUBLIC RECORD OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 27.00 FEET OF A PARCEL OF LAND DESCRIBED IN O.R. 4732, PAGE 2219 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, LYING IN LOT 4 BLOCK 18 OF SAID KREAMER'S AVOCADO SUB-DIVISION.

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



JAMES D. SYSE  
PROFESSIONAL SURVEYOR AND MAPPER  
FL. CERTIFICATE # 4211

P:\03-7033\Survey\Sketch\03-7033SK14LGL.doc

# Exhibit "A"

LOT 1  
BLOCK 18

KREAMER'S AVOCADO  
SUB-DIVISION  
PLAT BOOK 5, PAGE 21

LOT 4  
BLOCK 18

WEST 27'

O.R. 4732, PAGE 2219

R/W

60'

HARBOR DRIVE

PLATTED R/W  
PLATTED R/W

LOT 3  
BLOCK 17

**SURVEYOR'S NOTES**

- 1 SUBJECT TO EXISTING EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
- 2 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH OF DESCRIPTION  
NOT A SURVEY

C/L	CENTERLINE
LB	LICENSED BUSINESS
O.R.	OFFICIAL RECORD BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
SEC.	SECTION



Drawing Name: P:\P\03-7033\Survey\Sketch\03-7033sk14.dwg Layout Name: 100 SCALE - Plotted by: Jim Syae - Date: 6/14/2006 - 8:06 AM - LBFH, Inc.

*James O Syae*  
 JAMES O SYAE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FL CERTIFICATE # 4211

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Scale: 1"=100'

Sheet 2 OF 2

Computed: CP

Checked: JS

PROJECT NAME:  
FENCE EASEMENT

Date  
6/13/2006

FILE NO.  
03-7033sk14

Project No.  
03-7033

**EXHIBIT "B"**

**PALMCO OFFICE PROPERTY**

<u>Quantity</u>	<u>Description</u>
3	Canary Palm
50	Coconut Palm
15	Veitchia Palm
10	King Alexander Palm
12	Chinese Fan Palm
35	Royal Palm
8	Thrinax Rodiata
60	Roebelenii Palm
19	Adonidia Palm
33	Foxtail Palm
3	Areca Palm
2	White Princess Palm
1	Reclinata Palm
5	Washingtonia Palm
2	Latania Palm
-	Fern (ground cover)
2	Papaya
75	Bouganvilla
1	Teddy Bear Palm
2	Carpentaria Palm
2	Red Heart Palm
82	Cat Palm
28	Silver Bismarckia Palm
1	Queen Palm
1	Sylvestris Palm

Other items

1. Limestone cap rock as a border
2. Chain link fence
3. 8" post as border
4. 1 mail box
5. 3 stop signs
6. Double gates for entrance
7. Security light mounted on 8" pole
8. Mound of dirt

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20061095

1. ACTION REQUESTED/PURPOSE:

Approve Agreement between the City of Cape Coral and Lee County Library System for the plant removal and replanting of drought tolerant, native plants at the Cape Coral Regional Library. The City of Cape Coral will remove the existing plants and replant native plants in accordance with the "Florida Friendly Landscape" program at no cost to the County.

2. WHAT ACTION ACCOMPLISHES:

Allows the City and Cape Coral Library to go forward with the "Florida Friendly Landscape" program at the Cape Coral Regional Library.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: **CLB**

5. Meeting Date: September 5, 2006

6. Agenda:
- Consent
  - Administrative
  - Appeals
  - Public
  - Walk-On

7. Requirement/Purpose: (specify)
- Statute
  - Ordinance
  - Admin. Code
  - Other

8. Request Initiated:  
Commissioner \_\_\_\_\_  
Department \_\_\_\_\_  
Division Library  
By: Sheldon Kaye, Director

9. Background:

The City of Cape Coral, in conjunction with the South Florida Water Management District, have proposed a landscaping project at the Cape Coral Regional Library that will replace existing plantings with drought-tolerant native Floridian plants at no cost to Lee County.

Attachments: License agreements signed by City of Cape Coral  
Copy of letter announcing program

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
Sheldon Kaye				M. Kelly A. [Signature]	Analyst [Signature]	Risk [Signature]	Grants [Signature]	Mgr. [Signature]	[Signature] 8-25-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN: [Signature]  
8/24/06 2:45 PM  
COUNTY ADMIN  
FORWARDED TO:

Rec. by CoAtty  
Date: 8/24/06  
Time: 10:00 AM  
Forwarded to:  
County Admin  
8/24/06 1:23 PM



# City of Cape Coral

---

May 15, 2006

The City of Cape Coral, in conjunction with the South Florida Water Management District, is proposing a landscaping project at the Cape Coral Library. We anticipate planting in early June to coincide with the start of rainy season.


The planting of the entrance areas will use drought-tolerant, native plants. The initial planting will look sparse, allowing for the plants to grow in and fill the space. Plant choice and location is designed to minimize maintenance. In general, shorter plants will be placed closest to the building entrance and taller plants will be used further away. The storm drain will be encircled by groundcovers to stabilize the area and prevent mulch from being washed into it.

The City of Cape Coral and All Native Garden Center will be doing the plant removal and re-planting. We anticipate the removal of all existing shrubs and grasses in the areas to be planted. These can be relocated to other areas around the building. The areas will have mulch added to a depth of 3-4 inches. Initial watering will be required until the plants are established. The irrigation system should be checked to assure proper coverage for these areas.

Upon planting, the City of Cape Coral will do basic maintenance for 30 days. This includes checking on irrigation, weed removal and replacement of plants if necessary. After that date, we will turn the maintenance over to the Library.

We would place two signs on the site, probably on a short, unobtrusive post. One states the area is a Certified Florida Yard. The other would be a small engraved sign acknowledging the Water Management District for its grant (approximately \$4000). We would like to conduct occasional tours, bringing groups of 10-12 people to look over the area. Pictures of the area would be used on Cape-TV to promote similar plantings in the yards of homeowners or businesses. Information on landscaping and related classes would be available in the library entrance.

Thank you again for the opportunity to demonstrate the benefits of Florida Friendly Landscaping. We look forward to working with you and providing a beautiful change to the Library entrance.

  
Kraig Hankins  
Environmental Biologist  
City of Cape Coral  
574-0746

**LICENSE AGREEMENT FOR PLANT REMOVAL AND  
REPLANTING AT THE CAPE CORAL REGIONAL LIBRARY**

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between LEE COUNTY, a political subdivision and Charter County of the State of Florida, acting by and through its Board of County Commissioners, the owner of the property located at 921 SW 39<sup>th</sup> Terrace, Cape Coral, Florida, hereinafter called the Licensor and the CITY OF CAPE CORAL, a municipal corporation of the State of Florida, acting by and through its Town Council, the governing body thereof, whose address is Cape Coral City Council, P.O. Box 150027, Cape Coral, Florida 33915, hereinafter called the Licensee:

WITNESSETH:

Licensor, in recognition of the public benefit in demonstrating the benefits of Florida Friendly Landscaping at the Cape Coral Regional Library, located in the City of Cape Coral, the covenants and agreements herein to be kept and performed by the Licensee, does hereby grant to the Licensee a license solely for the purpose of landscaping the property located at the above address belonging to Licensor.

In further consideration of this Agreement, the parties agree as follows:

1. The purpose of this license is to allow the Licensee to remove and re-plant, at its own cost, the planting of the entrance areas using drought-tolerant, native plants. Licensee is granted access, by ingress and egress, to and from the Licensor's property for this purpose.
2. Licensee may only plant drought-tolerant, native plants in the are depicted in the attached Exhibit "A".

This License is not assignable.

4. This License shall be effective immediately upon execution by all parties and shall for an initial term of three (3) months, which at the expiration of such term may be renewable upon the written concurrence of both parties, for one (1) additional (3) three month period and/or may be revocable by either party giving the other party thirty (30) days written notice.
5. Licensee will not use the property described in Exhibit "A" for any other purpose other than for those specified in this license.
6. Licensee will maintain the plantings herein described for (30) thirty days upon completion of the planting. Licensee will be responsible for any damage to Licensor's property, including, but not limited to, irrigation systems, sod, etc.

Licensor agrees to allow Licensee to place two signs on the site. One sign will state that the area is a Certified Florida Yard. The other will be a small engraved sign acknowledging the South Florida Water Management District for its grant of approximately (\$4,000.00) Four Thousand Dollars.

8. Licensor has the sole authority to approve the placement, location and design of the signs.
9. Licensor agrees to allow Licensee to conduct occasional touring of 10-17 people to view the area.
10. Licensor agrees to make available to library patrons information provided by Licensee on landscaping and related classes.
11. Licensee agrees to assume all liability for the willful or negligent acts of its employees and agents that cause any loss, damage, or injury to Licensor,

its employees or agents as a result of Licensee's use of the property.

(Balance of Page Intentionally Left Blank)



IN WITNESS WHEREOF, the parties hereto have caused the execution hereby by their duly authorized officials on the date above written.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

By: \_\_\_\_\_  
Deputy Clerk

LICENSOR-BOARD OF COUNTY  
COMMISSIONERS OF LEE COUNTY,  
FLORIDA

By: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney

ATTEST:

By: Bonnie J. West  
City Clerk

LICENSEE-CITY OF CAPE CORAL

By: Eric Feithaler  
Eric Feithaler, Mayor

APPROVED AS TO FORM:

By: Matthew H. Miller  
Office of the City Attorney






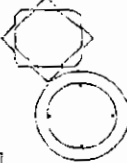












## EXHIBIT "A"

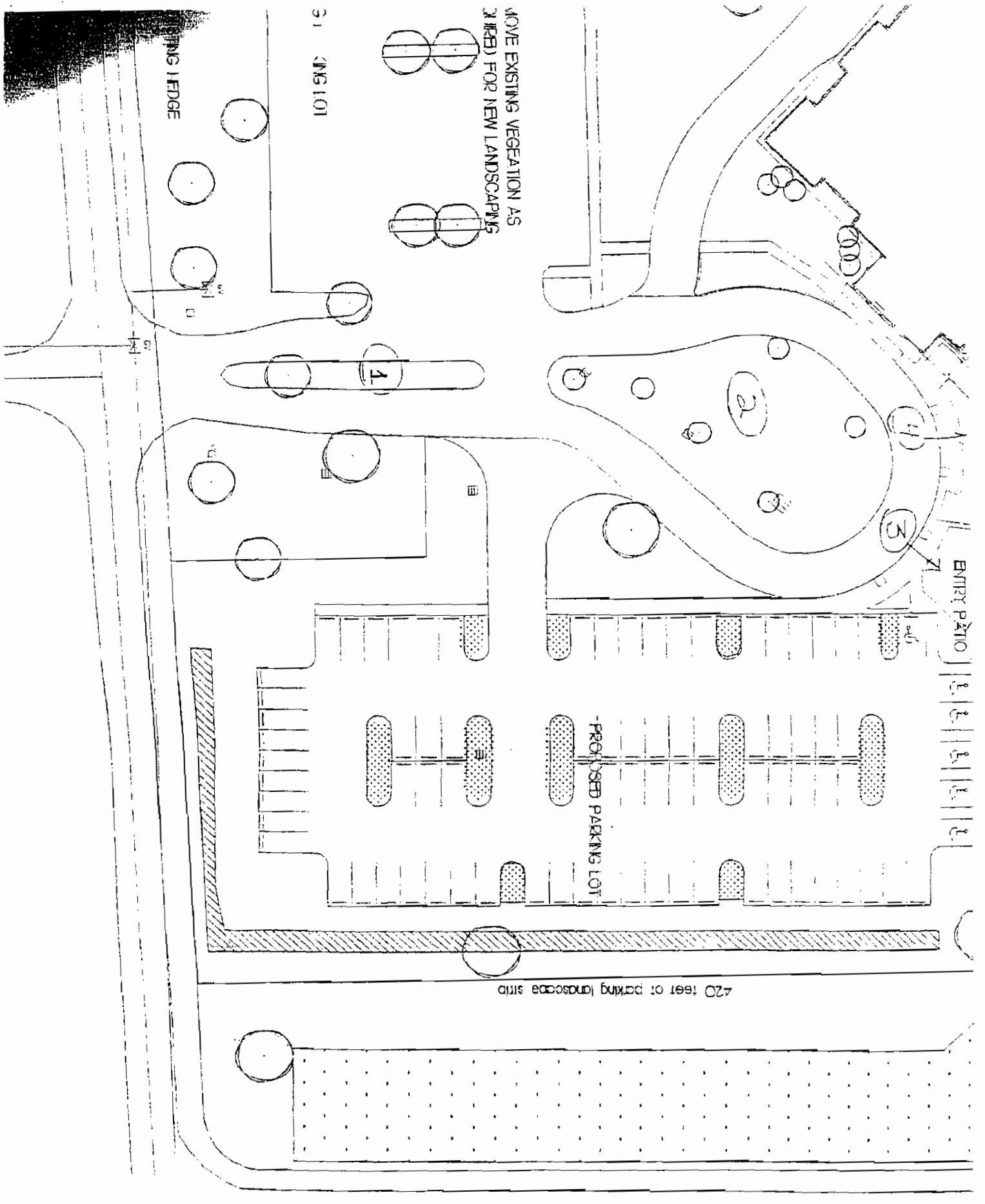
Project: Florida Yards & Neighborhoods Yard Makeover Project  
 Cape Coral Library 921 SW 39th Terrace Cape Coral, FL 33914

Contact: City of Cape Coral Plant Quote  
 Kraig Hankins  
 phone: 574-0746  
 E-mail: khankins@capecoral.net  
 Fax: 574-0721

Gallon size	Common Name	Scientific Name	Quantity
3	Beach verbena	<i>Verbena sp.</i>	16
3	Coontie	<i>Zamia pumila</i>	98
3	Elliots love grass	<i>Eragrostis eliottii</i>	20
3	Fakahatchee grass	<i>Tripsacum floridanum</i>	16
15	Fiddlewood	<i>Citharexylum spinosum</i>	3
7	Firebush	<i>Hamelia patens</i>	2
7	Firebush, Dwarf	<i>Hamelia patens (glabra)</i>	10
7	Golden Dewdrop, Dwarf	<i>Duranta repens</i>	30
25	Gumbo Limbo	<i>Bursera simaruba</i>	3
3	Indian Hawthorn	<i>Raphiolepis indica</i>	20
25	Jacaranda	<i>Jacaranda mimosifolia</i>	3
15	Jamaican Caper	<i>Capparis cynophallophora</i>	3
3	Muhly Grass	<i>Muhlenbergia capillaris</i>	36
7	Necklace Pod (veilow)	<i>Sophora tomentosa</i>	2
3	Railroad vine	<i>Ipomoea pes-caprae</i>	5
15	Saw Palmetto, Silver	<i>Serenoa repens, Silver</i>	4
7	Sea Lavendar	<i>Tournefortia gnaphalodes</i>	12
15	Stopper, Simpson	<i>Myrcianthes fragrans</i>	4
7	Texas Sage	<i>Leucophyllum frutescens</i>	23

# Cape Coral Library Plant List

coontie	
Dwarf firebush	
Dwarf golden dewdrop	
Fakahatchee grass	
necklace pod	
Indian hawthorn	
<hr/>	
Gumbo Limbo	
Jacaranda	
Simpson Stopper	
TX Sage	
Sea Lavendar	
Silver Saw Palmetto	
Beach verbena	
Firebush	
Jamaican Caper	
Fiddlewood	
Muhy grass	
Railroad vine	
Elliot's love grass	



MOVE EXISTING VEGETATION AS  
 SHOWN FOR NEW LANDSCAPING

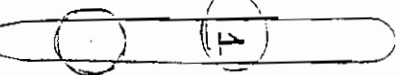
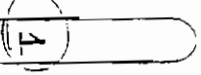
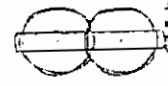
SITING LOT

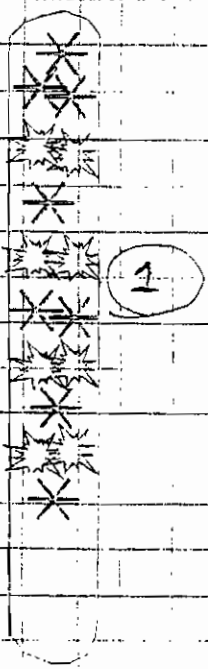
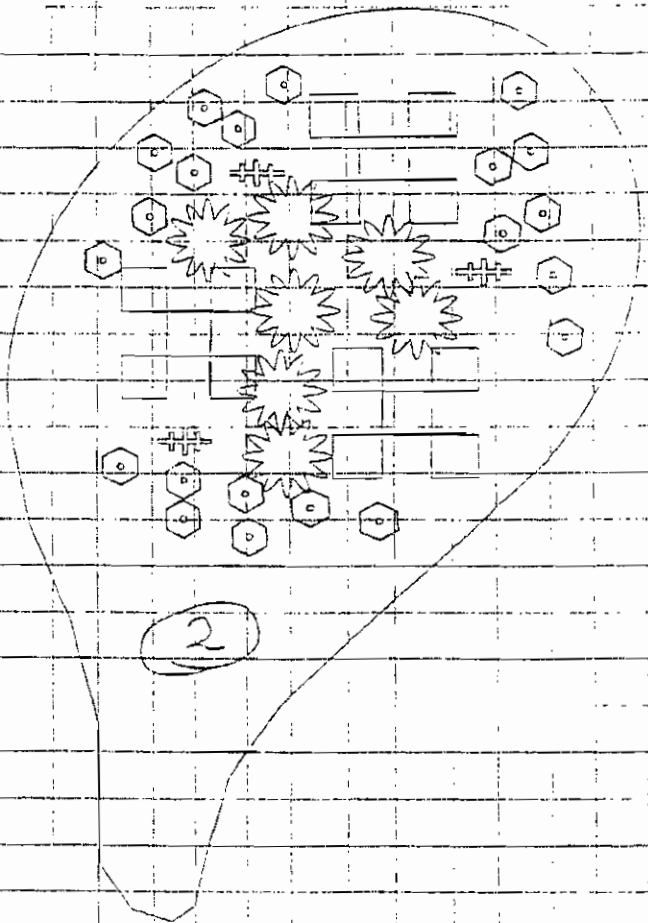
SITING LEDGE

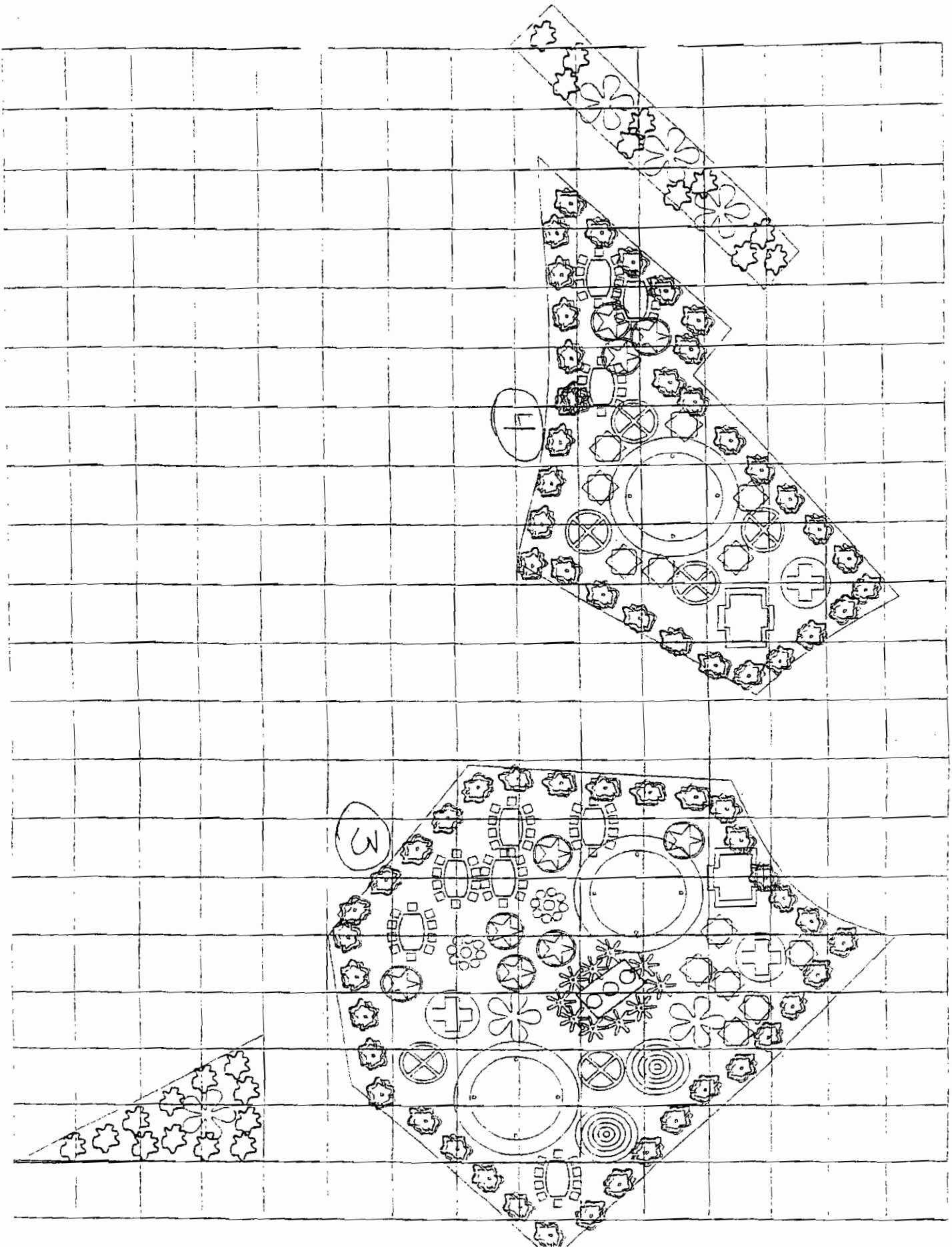
ENTRY PATIO

PROPOSED PARKING LOT

420 feet or parking landscape strip







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

Blue Sheet No. 20061087

**1. ACTION REQUESTED/PURPOSE:** Approve Lee County's portion of the Second Annual Report for the Lee County NPDES (National Pollutant Discharge Elimination System) Storm Water Permit (FLS000035, issued March 11, 2004) and authorize staff to transmit the report to the Florida Department of Environmental Protection (FDEP). Authorize Chairwoman to sign the Certification Page for the NPDES Second Annual Report for the 2004 NPDES Permit.

**2. WHAT ACTION ACCOMPLISHES:** Annual Reports are required as a permit condition of the Lee County NPDES permit.

**3. MANAGEMENT RECOMMENDATION:** Staff recommends approval.

**4. Departmental Category:** 8


**C8A**

**5. Meeting Date:**

**09-05-2006**

**6. Agenda:**  
 Consent  
 Administrative Appeals  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute  
 Ordinance  
 Admin. Code  
 Report Cert.  
 Other

**8. Request Initiated:**  
 Commissioner \_\_\_\_\_  
 Department Public Works  
 Division Natural Resources  
 By: **Roland Ottolini, Director**  


**9. Background:**

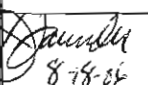
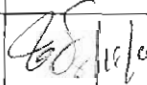
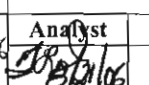
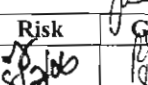
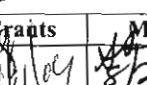
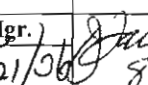
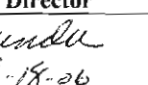
In October 1997, Lee County obtained a permit to operate its Municipal Separate Storm Sewer System (MS4) from the U.S. Environmental Protection Agency (USEPA), in 2000 the permit responsibilities were transferred to the FDEP. The purpose of the permit is to track activities associated with the operation and maintenance of the MS4. It also specifies certain legal and educational activities required of the County. The result of the permitted activities is to improve the waters discharged to federal waters from the Lee County MS4.

The Annual Report is **due by September 10, 2006**, or six months after the end of the permit year (March 10). It contains summaries of activities performed by Lee County, and will be combined with the reports of the other NPDES Permit Co-permittees. A copy of the final report (including copies of all the Co-permittees reports) will be submitted to the Clerk (for the Record) upon its filing with the FDEP.

Activities associated with the permit are currently budgeted and funded. No additional funding is required.

Attachments: One (1) Copy of NPDES Annual Report  
 Two (2) Original Certification Pages (one to be retained by the Clerk's office and one returned to Division for mailing)

**10. Review for Scheduling:**

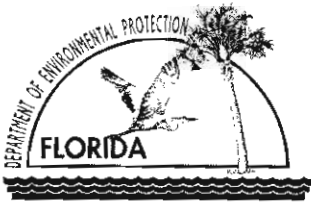
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
 8-18-06					 8/21/06	 8/21/06	 8/21/06	 8/21/06	 8-18-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 8/18/06 4:55 PM
COUNTY ADMIN FORWARDED TO: 8/22/06 2:32 PM

Rec. by CoAtty
Date: 8/18/06
Time: 2:50 PM
Forwarded To: 8/18/06



# ANNUAL REPORT FORM FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (RULE 62-624.600(2), F.A.C.)

- This Annual Report Form must be completed and submitted to the Department to satisfy the annual reporting requirements established in Rule 62-621.600, F.A.C.
- Submit this fully completed and signed form and any REQUIRED attachments by mail to the address in the box at right.
- Refer to the Form Instructions for guidance on completing each section.
- Please print or type information in the appropriate areas below.

**Submit the form and attachments to:**  
 Florida Department of Environmental Protection  
 Mail Station 2500  
 2600 Blair Stone Road  
 Tallahassee, Florida 32399-2400

**SECTION I. BACKGROUND INFORMATION**

<b>A.</b>	Permittee Name: Lee County		
<b>B.</b>	Permit Name: Lee County Municipal Separate Storm Sewer System		
<b>C.</b>	Permit Number: FLS000035		
<b>D.</b>	Annual Report Year:	Year 1	<input checked="" type="checkbox"/> Year 2
		Year 3	Year 4
		Year 5	Other, specify Year:
<b>E.</b>	Reporting Time Period (month/year): March/ 2005 through March / 2006		
<b>F.</b>	Name of the Responsible Authority: Chairwoman Lee County BOCC		
	Title: Chairwoman		
	Mailing Address: P O Box 398		
	City: Ft Myers	Zip Code: 33902-0398	County: Lee
	Telephone Number: 239-335-2269	Fax Number: 239-335-2449	
	E-mail Address: mail_center@leegov.com		
<b>G.</b>	Name of the Designated Stormwater Management Program Contact (if different from Section I.F above): Tony Pellicer		
	Title: Engineering Manager		
	Department: Public Works/ Natural Resources		
	Mailing Address: P O Box 398		
	City: Ft Myers	Zip Code: 33902-0398	County: Lee
	Telephone Number: 239-479-8129	Fax Number: 239-479-8108	
	E-mail Address: pellicle@leegov.com		

**SECTION II. MS4 MAJOR OUTFALL INVENTORY (Not Applicable In Year 1)**

<b>A.</b>	Number of outfalls ADDED to the outfall inventory in the current reporting year (insert "0" if none): 128 (Does this number include non-major outfalls? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable)
<b>B.</b>	Number of outfalls REMOVED from the outfall inventory in the current reporting year (insert "0" if none):9 (Does this number include non-major outfalls? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable)
<b>C.</b>	Is the change in the total number of outfalls due to lands annexed or vacated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable



**SECTION III. MONITORING PROGRAM**

<b>A.</b>	Provide a brief statement as to the status of monitoring plan implementation:  The Lee County Monitoring Plan continues to provide monthly analyses of the Lee County MS4.
<b>B.</b>	Provide a brief discussion of the monitoring results to date:  An evaluation of the Lee County MS4 Monitoring results includes a WQI comparison over the last five years. The trend is an overall improvement in water quality for the assessed analytes as demonstrated by a 15% improvement in the WQI over the period of evaluation.
<b>C.</b>	Attach a monitoring data summary, as required by the permit. See Appendix.

**SECTION IV. FISCAL ANALYSIS**

<b>A.</b>	Total expenditures for the NPDES stormwater management program for the current reporting year: \$305,728.26
<b>B.</b>	Total budget for the NPDES stormwater management program for the subsequent reporting year: \$316,841.00

**SECTION V. MATERIALS TO BE SUBMITTED WITH THIS ANNUAL REPORT FORM**

Only the following materials are to be submitted to the Department along with this fully completed and signed Annual Report Form (check the appropriate box to indicate whether the item is attached or is not applicable):

<u>Attached</u>	<u>N/A</u>	
X		Any additional information required to be submitted in this current annual reporting year in accordance with Part III.A of your permit that is not otherwise included in Section VII below.
X		A monitoring data summary as directed in Section III.C above and in accordance with Rule 62-624.600(2)(c), F.A.C.
	X	Year 1 ONLY: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM) in accordance with Rule 62-624.600(2)(a), F.A.C.
	X	Year 3 ONLY: The estimates of pollutant loadings and event mean concentrations for each major outfall or each major watershed in accordance with Rule 62-624.600(2)(b), F.A.C.
	X	Year 4 ONLY: Permit re-application information in accordance with Rule 62-624.420(2), F.A.C.

**DO NOT SUBMIT ANY OTHER MATERIALS**  
(such as records and logs of activities, monitoring raw data, public outreach materials, etc.)

**SECTION VI. CERTIFICATION STATEMENT AND SIGNATURE**

*The Responsible Authority listed in Section I.F above must sign the following certification statement, as per Rule 62-620.305, F.A.C.:*

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Responsible Authority (type or print): Lee County Board of County Commissioners

Title: Chairwoman

Signature: \_\_\_\_\_ Date:  / /

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Name of Responsible Authority (type or print): Lee County Board of County Commissioners

Title: Chairwoman

Signature: \_\_\_\_\_ Date:  / /

**SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE**

A. Permit Citation/SWMP Element	B. Permit Requirement/Quantifiable SWMP Activity	C. Number of Activities Performed	D. Documentation/ Record	E. Entity Performing the Activity	F. Comments
Part III.A.1	Structural Controls and Stormwater Collection Systems Operation Maintain an up-to-date inventory of stormwater facilities operated by the permittee. Provide any updates to the inventory in the subsequent ANNUAL REPORT.				
	<b>Dry retention ponds</b>	0			Lee County DOT Operations (LDOT) reports none
	<b>Wet retention ponds</b>	61	S:\Data\Com\GIS\RetentionPond\GIS_Retention_Pond_PGD.mdb	LDOT	
	<b>Channels/canals (miles)</b>	445	S:\Data\Com\Admin\WCS\KJR\Canal\rawKJCanal.shp	LDOT	
	<b>Ditches/swales (miles)</b>	4754	GIS\SDE.DOT.Roadcenterline	LDOT	(Road length x 2) – Curb Inv (401)
	<b>Inlets/catch basins/grates</b>	2465	GIS_drainage_inventory_GIS_drainage_Level_PGD.mdb	LDOT	
	<b>Pollution control structures</b>	0			Debris Catchers not inventoried
	<b>Weirs</b>	11	S:\Data\Com\GIS\drainage_inventory_GIS_Drainage-Level_PGD.mdb	LDOT	
	Conduct inspections and maintenance of structural controls and roadway stormwater collection structures in accordance with Table II.A.1.a of the permit. Maintain an internal record keeping system to schedule and document inspections and maintenance activities performed on structural controls and roadway stormwater collection structures operated by the permittee. Report on the inspections and maintenance conducted in each ANNUAL REPORT.				
	<b>Dry retention pond inspections</b>	0			No dry retention ponds
	<b>Dry retention pond maintenance</b>	0			No dry retention ponds
	<b>Wet retention pond inspections</b>	61	S:\data\com\GIS_Retention_pond_PGD.mdb	LDOT	Inspected with roads
	<b>Wet retention pond maintenance</b>	61	S:\data\com\GIS_Retention_pond_PGD.mdb	LDOT	Maintained

**SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE**

A. Permit Citation/SWMP Element	B. Permit Requirement/Quantifiable SWMP Activity	C. Number of Activities Performed	D. Documentation/ Record	E. Entity Performing the Activity	F. Comments
	Channel/canal inspections (miles/acres)	37.3 / 693.8	Production with Earned Hours (PEH) Work Order Section 50 (405,410,415,420,425)	LDOT	with roads
	Channel/canal maintenance (miles/acres)	37.3 / 693.8	PEH Work Order, Section 50 (405,410, 415,420,425)	LDOT	
	Ditch/swale inspections (miles)	61.6	PEH Work Order, Section 30 (179, 183)	LDOT	
	Ditch/swale maintenance (miles)	61.6	PEH Work Order, Section 30 (179, 183)	LDOT	
	Inlet/catch basin/grate inspections	1137	PEH Work Order, Sections 39, 41 (340, 345, 300, 304, 306)	LDOT	
	Inlet/catch basin/grate maintenance	1137	PEH Work Order, Sections 39, 41 (340, 345, 300, 304, 306)	LDOT	
	Pollution control structure inspections	0			Inspections not tracked
	Pollution control structure maintenance	0			Maintenance not tracked
	Weir inspections	221	PEH Work Order, Section 55	LDOT	
	Weir maintenance	140	PEH Work Order, Section 55	LDOT	
	Pipe cleaning/clearing (miles)	3.2	PEH Work Order, Section 41 (302)	LDOT	
Part III.A.2	Areas of New Development and Significant Redevelopment				
	During Years 1 and 2, conduct a review of the permittee's current local codes and land development regulations to determine where changes can be made to reduce the stormwater impact of new development. In particular, focus on changes to the code that will promote: reductions in impervious surfaces, the use of swales, the incorporation of low impact development principles, stormwater reuse, and adherence to the principles of the Florida Yards and Neighborhoods program in new landscaping. Provide a summary of recommended changes to the local codes and regulations with a schedule for implementation in the Year 3 ANNUAL REPORT.				
	<b>(Year 3 Only: Attach summary of recommended changes)</b>				
Part III.A.3	Roadways				
	Continue to implement the litter control programs for public highways and streets, including rights-of-way, employed within the permittee's jurisdictional area and properly dispose of collected material. Report on the litter collection activities, including the frequency of litter collection and an estimate of the quantity of litter collected, in each ANNUAL REPORT.				

**SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE**

A. Permit Citation/SWMP Element	B. Permit Requirement/Quantifiable SWMP Activity	C. Number of Activities Performed	D. Documentation/ Record	E. Entity Performing the Activity	F. Comments
	<p><b>Number of litter collected (tons)</b></p> <p><b>Amount of litter collected (tons)</b></p> <p><b>Total miles of right-of-way maintained</b></p> <p>Continue to implement standard practices employed to reduce the pollutants in stormwater runoff from areas associated with road repair and maintenance, and from permittee-owned or operated equipment yards and maintenance shops that support road maintenance activities.</p> <p><b>Applicable municipal equipment yards and maintenance shops</b></p> <p><b>Frequency or number of inspections</b></p> <p>Continue to maintain the Lee County Department of Transportation (LDOT) 24-hour Request for Action (RFA) service for public reporting of roadway and drainage problems.</p> <p><b>Number of Requests for Action (RFAs) reported</b></p> <p><b>Number of RFAs resolved</b></p> <p>Continue to actively promote and coordinate, on a regular basis, public participation in the "Keep Lee County Beautiful, Inc." litter control program.</p> <p><b>Amount of litter collected (tons)</b></p> <p><b>Total miles cleaned (per year)</b></p>	<p>822</p> <p>928</p> <p>2,543</p> <p>2</p> <p>2</p> <p>1297</p> <p>927</p> <p>39.91</p> <p>135.5</p>	<p>PEH\Work Order, Section 14 (114) and "NPDES for Adopt-a-Road" e-mail</p> <p>PEH\Work Order, Section 14 (114) and "NPDES for Adopt-a-Road" e-mail</p> <p>GIS\SDE\DOT_Roadcenterline</p> <p>S:\nates\npdes\database\fac_insp.mdb</p> <p>S:\nates\npdes\database\fac_insp.mdb</p> <p>intranet2\dotrfa\ifa_results.asp</p> <p>intranet2\dotrfa\ifa_results.asp</p> <p>Rudy Busch, Director, Keep Lee County Beautiful, Inc. e-mail "Litter Collection Data"</p> <p>Rudy Busch, Director, Keep Lee County Beautiful, Inc. e-mail "Litter Collection Data"</p>	<p>LDOT, volunteers</p> <p>LDOT, volunteers</p> <p>LDOT</p> <p>L Simmons, Department of Natural Resources (DNR)</p> <p>L Simmons, DNR</p> <p>LDOT</p> <p>LDOT</p> <p>Volunteers</p> <p>Volunteers</p>	<p>Operations &amp; Lehigh Depot</p> <p>Vactor, ditch &amp; canal RFAs</p>
Part III.A.4	<p><b>Flood Control Projects</b></p> <p>Maintain a list of stormwater capital improvement projects proposed by the Stormwater Management Master Plan. Report on the status of the projects, including a description of the stormwater quality improvement and/or protection measures for each project, in each ANNUAL REPORT. Include only those projects with activity during the reporting year.</p> <p><b>Capital Improvement Projects (CIPs) proposed</b></p> <p><b>CIPs active</b></p> <p><b>CIPs completed</b></p>	<p>26</p> <p>16</p> <p>10</p>	<p>Lee Co DNR CIP and Water Resources Status Report, Anura Karuna-Muni, DNR</p> <p>Lee Co DNR CIP and Water Resources Status Report, Anura Karuna-Muni, DNR</p> <p>Lee Co DNR CIP and Water Resources</p>	<p>Anura Karuna-Muni, DNR</p> <p>Individual Contractors hired by DNR</p> <p>Individual Contractors</p>	

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Part III.A.5	<p>(Attach description of stormwater quality improvements/protection measures for each project)</p> <p>Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Stormwater Permit</p> <p>Continue the program to identify priorities and procedures for inspections, and implementation of measures to control discharges from municipal waste treatment, waste storage, and waste disposal facilities, including transfer stations and waste fleet maintenance facilities that are not otherwise covered by an NPDES stormwater permit. The program shall identify priority facilities and shall determine the necessary control measures and procedures to be employed at each facility. Report on the status and findings of the program, including the number and frequency of the inspections conducted, and the identification of the applicable facilities, in each ANNUAL REPORT</p> <p><b>Applicable municipal facilities</b></p> <p><b>Number of inspections</b></p> <p><b>Frequency of inspections</b></p>	6 6 Yearly	Status Report, Anura Karuna-Muni, DNR	hired by DNR	See Attached
Part III.A.6	<p>Pesticides, Herbicides, and Fertilizer Application</p> <p>Continue to require documentation of proper certification and licensing for all applicators contracted to apply pesticides or herbicides on permittee-owned property, as well as any permittee personnel employed in the application of these products, in accordance with Florida Department of Agriculture regulations.</p> <p><b>Certified/licensed applicators (personnel)</b></p> <p><b>Certified/licensed applicators (contractors)</b></p>	14 3	Adrienne Solomon, LDOT Administrative assistant, e-mail "NPDES Pesticide Licenses" Janet Sheehan & Diana Khan, LC Purchasing e-mail "Pesticide/herbicide Applicator Information"	LDOT Gulf to Bay Tree & Landscaping, Pro Cut Lawn & Landscape	Licenses can be viewed at LDOT Licenses verified @ <a href="http://www.flaes.org">www.flaes.org</a> (FI Dept of Agriculture & Consumer Services website)

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	<p>Continue to implement a public education program (using such means as the Internet, literature, lectures, special events, notices on Government Access television, radio announcements, utility bill inserts, bulletin board ads, etc) to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. Continue the distribution of public education materials describing the need to minimize the application of fertilizers, pesticides and herbicides, and promote actions such as incorporating native vegetation and xeriscape concepts into new landscaping projects. Report on the public education activities that occurred within the permittee's jurisdiction, such as the number of brochures/bill inserts distributed, the number of newspaper articles published, and the number of presentations conducted, in each ANNUAL REPORT.</p> <p><b>Brochures/Flyers/Fact sheets distributed</b></p> <p><b>Public displays</b></p> <p><b>Special events</b></p> <p><b>Website hits</b></p>	<p>8650</p> <p>55</p> <p>108</p> <p>1601</p>	<p>Florida Yards and Neighbors (FYN) email "annual report 2005"</p> <p>FYN email "annual report 2005"</p> <p>Lakes Park Wetland Filter Marsh Planting Project Flyer, FYN email "annual report 2005"</p> <p>FYN email "annual report 2005"</p>	<p>FYN Tom Becker 239-461-7515</p> <p>FYN Tom Becker 239-461-7515</p> <p>Lee County DNR, Parks &amp; Recreation, Earthbalance, Johnson Engineering, FYN</p> <p>FYN Tom Becker 239-461-7515</p>	<p>107 put on by FYN, 1 by Lee County</p>
Part III.A.7.a	<p><b>Training sessions conducted</b></p> <p>Continue to conduct annual seminars, training sessions, and/or on-the-job supervision for municipal applicators to emphasize the stormwater implications of pesticides and herbicide application. Report on the training activities, including the number of training sessions conducted and the number of municipal applicators trained, in each ANNUAL REPORT.</p> <p><b>Municipal applicators trained</b></p>	<p>29</p> <p>14</p>	<p>Adrienne Solomon, LDOT Administrative assistant, e-mail "NPDES Pesticide Licenses"</p> <p>Adrienne Solomon, LDOT Administrative assistant, e-mail "NPDES Pesticide Licenses"</p>	<p>LDOT</p> <p>LDOT</p>	
	<p><b>No Reportable Items</b></p>		<p>Illicit Discharges and Improper Disposal --- Inspections, Ordinances, and Enforcement Measures</p>		



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Part III.A.7.c	<p>Illicit Discharges and Improper Disposal — Investigation of Suspected Illicit Discharges and/or Improper Disposal</p> <p>Continue to implement the standard investigative procedures (including pro-active inspections) to identify and terminate the source(s) of illicit connections or discharges to the MS4. Based upon reports received from personnel or citizens, investigate suspected illicit discharges. Maintain an internal log documenting the reports of suspected illicit discharges, investigations performed, and enforcement actions taken. Report on the program, including the number and the results of the investigations and enforcement actions conducted, in each ANNUAL REPORT.</p> <p><b>Pro-active inspections of suspected illicit connections/discharges/dumping</b></p> <p><b>Investigations of reports of suspected illicit connections/discharges/dumping</b></p> <p><b>Illicit connections/discharges/dumping found</b></p>	<p>13</p> <p>74</p> <p>63</p>	<p>intranet2/dotirfa/rfa_results.asp</p> <p>intranet2/dotirfa/rfa_results.asp</p> <p>intranet2/dotirfa/rfa_results.asp</p>	<p>B Alexander, L Simmons, DNR</p> <p>B Alexander, L Simmons, DNR</p> <p>B Alexander, L Simmons, DNR</p> <p>L Simmons, DNR</p>	<p>RFA2005-01686</p> <p>RFA2006-00354</p>
	<p><b>Citations (warnings) issued</b></p> <p><b>Tickets (fines) issued</b></p> <p>Continue to implement a periodic training course to educate appropriate permittee personnel to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges to the MS4. Report on the training activities, including the number of training courses conducted and the number of personnel trained, in each ANNUAL REPORT.</p> <p><b>Training sessions conducted</b></p> <p><b>Personnel trained</b></p>	<p>2</p> <p>16</p>	<p>Sign-in sheets, Monthly NPDES Meeting April 2005 and Municipal Class Training in Stormwater P2 for Lee Co. Inspectors February 2006</p> <p>Sign-in sheets, Monthly NPDES Meeting April 2005 and Municipal Class Training in Stormwater P2 for Lee Co. Inspectors February 2006</p>	<p>T Pellicer, L Simmons, DNR</p> <p>T Pellicer, L Simmons, DNR</p>	
Part III.A.7.d	<p>Illicit Discharges and Improper Disposal — Spill Prevention and Response</p> <p>Continue to implement the spill-prevention/spill-response plan and procedures to prevent, contain, and respond to spills that may discharge into the MS4. Ensure that spills, regardless of whether they are</p>				



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	<p>hazardous, are properly addressed. Report on the spill prevention and response activities, including the number of spills addressed, in each ANNUAL REPORT. <b>Hazardous and non-hazardous material spills responded to</b></p>	124	Unincorporated Lee County Fire Departments, Lee County Emergency Management, Port Authority e-mails/FAXs	Individual Local Fire Departments	
	<p><b>Citations (warnings) issued</b> <b>Tickets (fines) issued</b> <b>Enforcement referrals to DEPAgency</b></p>	0 0 37	Unincorporated Lee County Fire Departments, Lee County Emergency Management, Port Authority e-mails/FAXs	Individual Local Fire Departments	
	<p>Provide periodic training courses on proper spill prevention, containment, and response techniques and procedures for appropriate permittee personnel. Report on the training activities completed, including the number of training courses provided and the number of personnel trained, in each ANNUAL REPORT. <b>Training courses provided</b></p>	2	Sign-in sheets, All-Pro Occupational Trainers, Inc April 2005	Dan Buechner, All-Pro Occupational Trainers 813-662-0986	40 hour class and 8 hour refresher
	<p><b>Personnel trained</b></p>	32	Sign-in sheets, All-Pro Occupational Trainers, Inc April 2005	Dan Buechner, All-Pro Occupational Trainers 813-662-0986	
Part III.A.7.e	<p><b>Illicit Discharges and Improper Disposal — Public Reporting</b> Continue to maintain a complaint log documenting all reports of illicit discharges and improper disposal and the actions taken to investigate and resolve the problem in the permittee's jurisdictional area. Report the number and type of complaints received and the results of the investigations (i.e., whether an illicit discharge was found and subsequently eliminated) in each ANNUAL REPORT. <b>Citizen reports of suspected illicit connections/discharges/dumping received</b> <b>Illicit connections/discharges/dumping found</b> <b>Illicit connections/discharges/dumping eliminated</b></p>	61 52 52	intranet2/dotrfa/rfa_results.asp intranet2/dotrfa/rfa_results.asp intranet2/dotrfa/rfa_results.asp	B Alexander, L Simmons, DNR B Alexander, L Simmons, DNR B Alexander, L Simmons, DNR	
	<p>Continue to promote, publicize, and facilitate public reporting of the presence of illicit discharges and</p>				

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	<p>improper disposal of materials into the MS4. Continue to maintain a dedicated phone line for reporting of suspected illicit discharges and improper disposal. The permittee shall publicize the existence of this number on a routine basis and shall include information on the problems associated with illicit discharges and improper disposal, how to identify them, and how to report incidents found. Report on the public outreach activities conducted in each ANNUAL REPORT.</p> <p><b>Brochures/Flyers/Fact sheets distributed</b></p> <p><b>Public displays</b></p> <p><b>Seminars/Workshops</b></p> <p><b>Special events</b></p> <p><b>Website hits</b></p>	<p>1050</p> <p>9</p> <p>0</p> <p>0</p> <p>2190</p>	<p>NPDES Calendar Notes</p> <p>NPDES Calendar Notes</p> <p></p> <p>Website Counter <a href="http://www.lee-county.com/naturalresources/">www.lee-county.com/naturalresources/</a></p>	<p>T Pellicer, L Simmons, J Aliucci, DNR</p> <p>T Pellicer, L Simmons, J Aliucci, DNR</p> <p></p> <p>DNR</p>	<p>SW Florida Fair 2/25/06 to 3/5/06</p> <p>9 days Fair</p>
Part III.A.7.f	<p>Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control</p> <p>Continue implementation of the outreach program to instruct the public on responsible environmental management and the proper disposal of used motor oil, leftover hazardous household products, and lead acid batteries. The outreach program could include an activity such as the stenciling/marketing of municipally-owned storm sewer inlets, and providing information through the Internet, utility bill inserts, brochures, flyers, PSAs, presentations, etc. Continue to support and publicize Household Hazardous Waste Collection Days and Conditionally Exempt Business Collection Days to facilitate proper disposal of oil, toxics, and household hazardous materials. Lee County shall provide the other permittees with adequate advance notification of these planned events. Report on the public outreach activities conducted in each ANNUAL REPORT</p> <p><b>Brochures/Flyers/Fact sheets distributed</b></p> <p><b>Direct mailings</b></p> <p><b>Newspaper and newsletter articles/notices</b></p>	<p>19,196</p> <p>125,000</p> <p>5,649,852</p>	<p>Pollution Prevention (P2) records email "Report", Billing invoice (Lee Co Fiscal, Rosie 479-8541)</p> <p>Gulf Coast Printing calendar billing (Lee Co Fiscal, Rosie 479-8541)</p> <p>News-Press and Breeze newspapers billing</p>	<p>Lee Co P2 Program, Lee County Solid Waste</p> <p>Lee County Solid Waste</p> <p>Lee County Solid</p>	<p></p> <p></p> <p>Circulation x</p>

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	<p>Newsletters distributed</p> <p>Number of Household Hazardous Waste Collection Day events</p> <p>Public displays</p> <p>Radio or television Public Service Announcements (PSAs)</p> <p>Special events</p>	<p>27,503</p> <p>6</p> <p>9</p> <p>654</p> <p>1</p> <p>0</p>	<p>invoices (Lee Co Fiscal, Rosie 479-8541)</p> <p>The Letter Box P2 Newsletters billing (Lee Co Fiscal, Rosie 479-8541)</p> <p>www.lee-county.com/solidwaste/autopage_T1_R9.htm</p> <p>P2 email "Report"</p> <p>Solid Waste Billing (Lee Co Fiscal, Rosie 479-8541)</p> <p>Solid Waste Billing (Lee Co Fiscal, Rosie 479-8541)</p>	<p>Waste</p> <p>Lee County P2 Program</p> <p>Lee County Solid Waste</p> <p>Lee Co P2 program</p> <p>Lee Co Solid Waste</p> <p>Lee Co Solid Waste</p>	<p>notices</p> <p>9 days Lee Co Fair</p> <p>America Recycles Day Event</p>
Part III.A.7.g	<p><b>Storm sewer inlets marked</b></p> <p>Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage</p> <p>Continue to implement procedures to reduce or eliminate discharges to the MS4 from sanitary sewer seepage and sanitary sewer overflows (SSOs). Report on the activities to reduce or eliminate seepage and SSOs, such as number of incidents discovered and resolved, in each ANNUAL REPORT.</p> <p><b>Sanitary sewer seepage incidents discovered</b></p>	<p>4</p>	<p>intranet2/doi/farfa_results.asp</p>	<p>L Simmons, DNR; Tina Greenwald, Lee Co Health Dept</p>	<p>RFA2005-04165 &amp; 4284</p> <p>RFA2006-00102 &amp; 00457</p>
	<p><b>Sanitary sewer seepage incidents resolved</b></p>	<p>4</p>	<p>intranet2/doi/farfa_results.asp</p>	<p>L Simmons, DNR; Tina Greenwald, Lee Co Health Dept</p>	
	<p><b>Sanitary sewer overflows (SSOs) discovered</b></p>	<p>50</p>	<p>North Fort Myers Utilities e-Mail "Abnormal Event" and Lee County Utilities Abnormal Event reports</p>	<p>LCU David Sabiston <a href="mailto:sabistda@leeegov.com">sabistda@leeegov.com</a></p> <p>NFM Utilities Rick Retz 239-349-6172</p>	
Part III.A.8.a	<p><b>Industrial and High-Risk Runoff</b> — Identification of Priorities and Procedures for Inspections</p> <p>Continue to maintain an up-to-date inventory of all existing high risk facilities discharging into the permittee's MS4. The inventory shall identify the outfall and surface waterbody into which each high risk facility discharges.</p> <p><b>Total high risk facilities</b></p> <p><b>New high risk facilities</b></p>	<p>11</p> <p>0</p>	<p>S:\nates\inpdes\database\fac_insp.mdb</p> <p>S:\nates\inpdes\database\fac_insp.mdb</p>	<p>T. Hunt, DNR</p>	<p>4 high-risk closed this reporting year</p>

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	<p>Continue the inspection program procedures for high risk facilities, according to the priority and established inspection schedules, to determine compliance with all appropriate aspects of the stormwater program (e.g., no illicit connections and compliance with local stormwater regulation requirements). Maintain a log documenting the inspections performed and enforcement actions taken. Report on the inspection program, including the number and results of inspections conducted and enforcement actions taken, in each ANNUAL REPORT.</p> <p><b>High risk facility inspections</b></p>	8	S:\nates\inpdes\database\fac_insp.mdb	T. Hunt, DNR	Remaining 3 monitored through reports (see below)
Part III.A.8.b	<p><b>Citations (warnings) issued</b> <b>Tickets (fines) issued</b></p> <p>Industrial and High-Risk Runoff — Monitoring for High Risk Industries</p> <p>Monitoring may be required on an as-needed basis in the event that inspections of high-risk facilities disclose suspected illicit discharges to the MS4. New high-risk industrial facilities as defined in 40 CFR 122.26(d)(2)(iv)(C) must be evaluated to determine if the new discharge is contributing a substantial pollutant load to the MS4. The evaluation may include site-specific monitoring.</p> <p><b>New high risk facilities evaluated</b> <b>High risk facilities monitored</b></p>	0 0			
Part III.A.9.a	<p>Construction Site Runoff — Site Planning and Non-Structural and Structural Best Management Practices</p> <p>Continue to implement the local codes or land development regulations that require construction site planning approval and structural and non-structural erosion and sediment controls during construction to reduce the discharge of pollutants to the MS4.</p> <p><b>Construction site plan reviews (private and municipal sites)</b></p>	0 3  190	High Risk Facilities Folders: Gulf Coast Sanitary Landfill, Solid Waste Resource Recovery, Lee/Hendry Landfill	John Wong, Waste Management; Laura Gray, Lee County Engineer	
			Kara Stewart e-mail: Tidemark Report on Number of Development Orders	B Alexander, J Aliucci, L Simmons, DNR; Lee Co Development Services	

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Part III.A.9.b	<p>Construction Site Runoff — Inspection and Enforcement</p> <p>Continue to implement the inspection program for construction projects to ensure compliance with local stormwater requirements and the permittee's development requirements concerning erosion and sediment control. Maintain enforcement of inspection program by issuing a violation notice and/or a stop work order to those construction site operators that repeatedly do not maintain compliance with the approved erosion and sediment control BMP's and permit conditions. Maintain an internal log documenting the inspections performed and any enforcement actions taken. Report on the inspection program, including the number of construction inspections conducted and the number and type of enforcement actions taken, in each ANNUAL REPORT.</p> <p><b>Construction site inspections (private and municipal sites)</b></p> <p><b>Citations (warnings) issued</b></p> <p><b>Stop Work Orders issued</b></p> <p><b>Tickets (fines) issued</b></p> <p>Develop and implement a formalized construction inspection checklist covering current stormwater management and water quality inspection items in order to standardize the inspection process. Provide a copy of the developed checklist in the Year 1 ANNUAL REPORT.</p>	<p>2172</p> <p>35</p> <p>0</p> <p>24</p>	<p>Access Constinspdata.mdb</p> <p>Access Constinspdata.mdb</p> <p>Access Constinspdata.mdb</p>	<p>B Alexander, J Aliucci, T Hunt, L Simmons, DNR</p> <p>L Simmons, T Hunt, DNR</p> <p>L Simmons, T Hunt, DNR</p>	
Part III.A.9.c	<p><b>(Year 1 Only: Attach inspection checklist)</b></p> <p>Construction Site Runoff — Site Operator Training</p> <p>Continue the stormwater training/outreach program for construction site operators and inspectors. Provide periodic training courses for public and private persons involved in the construction or inspection of stormwater management, erosion and sediment controls. Report on the training activities, including the number of training courses provided and the number of personnel trained, in each ANNUAL REPORT.</p> <p><b>Training courses provided</b></p>	<p>3</p>	<p>Class Flyer, Sign-In Sheet</p>	<p>Lee County (Alexander, Pellicer,</p>	

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	Private participants trained	91	Class Flyer, Sign-In Sheet	Simmons) Lee County (Alexander, Pellicer, Simmons)	
	Municipal construction inspectors/ site operator trained	6	Class Flyer, Sign-In Sheet	Lee County (Alexander, Pellicer, Simmons)	
	Municipal construction site plan reviewers trained	1	Qualified Stormwater Management Inspector 11925	DNR John Aliucci	
	Continue to implement the procedures to notify building permit applicants of their potential application responsibilities under the Department's NPDES generic permit for stormwater discharge from construction activities (Rule 62-621.300(4), F.A.C.).				
	<b>Number of development orders applicants notified</b>	190	Kara Stewart e-mail; Tidemark Report on Number of Development Orders	Lee County Development Services	
	Provide a description of the notification procedures for building permit applicants required above, and include any supporting materials, in the Year 1 ANNUAL REPORT. (Year 1 Only: Attach description of procedures and supporting material)				

**SECTION VIII. CHANGES TO THE STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES (Not Applicable In Year 4)**

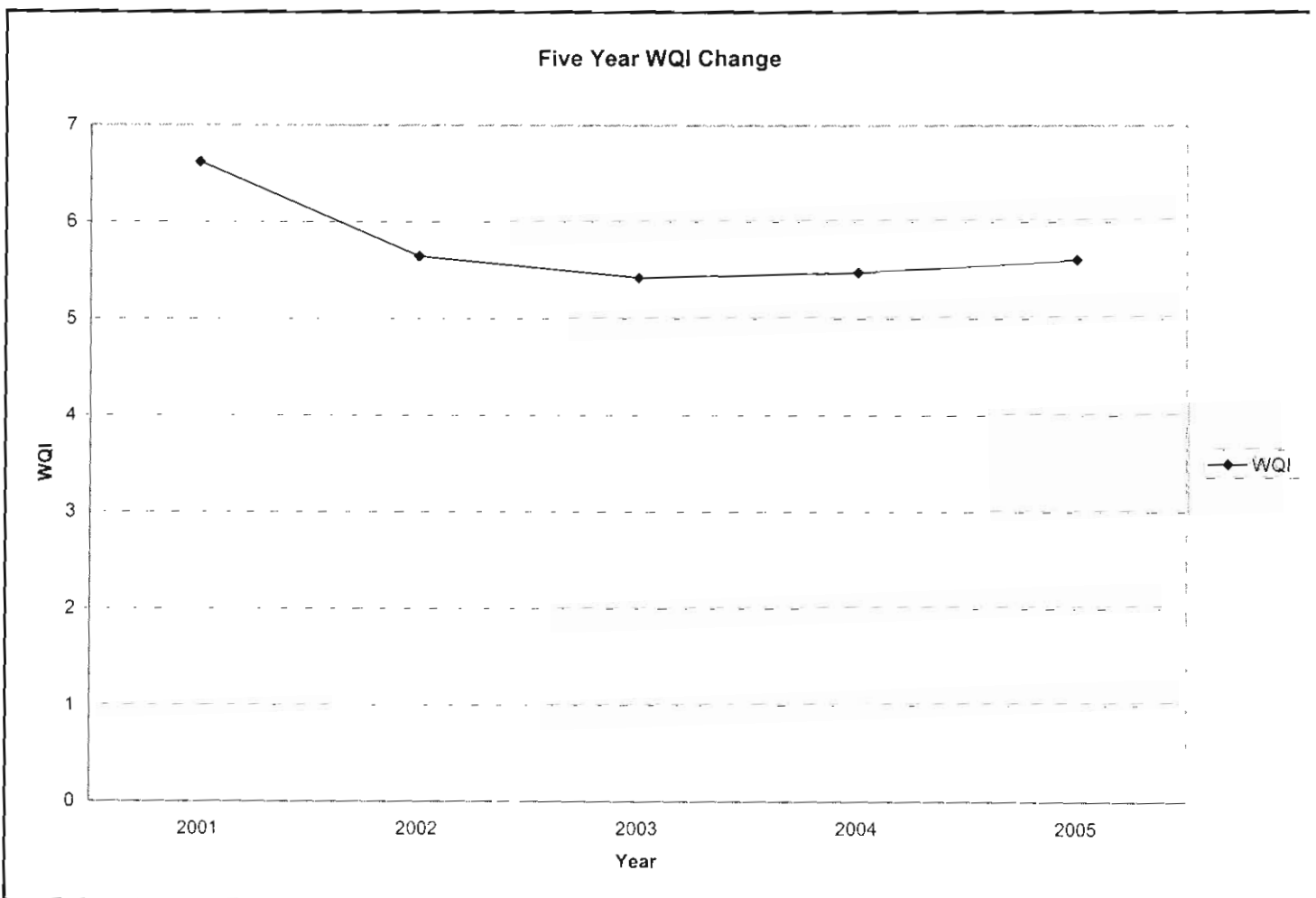
A.	Permit Citation/ SWMP Element	Proposed Changes to the Stormwater Management Program Activities Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) — REQUIRES DEP APPROVAL PRIOR TO CHANGE IF PROPOSING TO REPLACE OR DELETE AN ACTIVITY.
B.	Permit Citation/ SWMP Element	Changes to the Stormwater Management Program Activities NOT Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change)

# Appendix

## Water Quality Summary

The Water Quality Index (WQI) has been used as a tool by the State to evaluate the relative quality of waterbodies in Florida. The WQI values are reflective of the relative comparison within Florida waters. The higher the numbers (>90), the worse case condition, the lower numbers (<10) are considered better. In our case, we evaluated several water quality parameters collected over the past 5 years for Dissolved Oxygen, oxygen demanding compounds, bacteria, phosphate, the nitrogen suite (NO<sub>3</sub>, NO<sub>x</sub>, TKN, combined with phosphate as nutrients) and total suspended solids (clarity factor). This provides relative values for analytes typically considered causative in surfacewaters. The resulting WQI values are a relative comparative measure of potentially problematic variables, these values provide a direct comparison of problematic values over time.

As seen below, for the five year period of comparison, the WQI improved 15% from 6.6 to 5.6.





## Lee County Stormwater Projects (CIP) Description

<b>Capital Improvement Projects – Permit Year 2</b>		
March 2005 - March 2006		
Project Name	Status	Improvement/Protection
Ten Mile Canal Filter Marsh	completed	WQ
Gator Slough Channel Restoration	active	WQ, FP
Briarcliff Channel Weirs	active	OM, CS
Lakes Park Water Quality Project	active	WQ
<b>NIP (NEIGHBORHOOD IMPROVEMENT PROJECTS)</b>		
Monarch Ln./Quail Trail	completed	FP
Marina Dr.	completed	FP
Brahma Rd.	active	CS, OM
Shelby Ln.	completed	CS, OM
Buckingham Ditch	completed	CS, OM
Tuckahoe Rd. Tributary	completed	CS, OM
Bedman Creek	completed	WQ, CS, OM
Edward's Creek	completed	WQ, CS, OM
Fichter's Creek	completed	WQ, CS, OM
SFWMD Drainage Improvements	active	WQ, FP
Spanish Creek Restoration	active	WQ, FP
Ten Mile Canal Pump Facility	active	WQ, FP
Flood Insurance Study	active	FM
Briarcliff Ditch Filter marsh	active	WQ
Island Park Filter Marsh	active	WQ
Three Oaks Parkway Filter marsh	active	WQ
North Lee County Hydrologic Restoration	active	WQ
Water table monitoring network	active	FM
Stroud Creek Restoration	active	WQ, FP
ELC Creek Restoration	completed	WQ
NW Lee County Surface Water Management	active	WQ, FP
BMP Study	active	WQ

Projects Proposed (Total)	26
Active	16
Completed	10

Descriptive Key:

**WQ:** Water Quality Improvements, retention, bio-enhancements, habitat restoration

**FP:** Flood prevention, flow-way restoration, hydraulic improvements

**OM:** On-going maintenance, removing sediments and excess plant materials

**CS:** Cleaning and Snagging, removing excess sediments and trash, exotic plants

**FM:** Funding mechanism, planning tools, site monitoring

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

**Blue Sheet No. 20061130**

**1. ACTION REQUESTED/PURPOSE:** Approve and authorize two party checks to be issued in the names of D.J. Casey Enterprises and Dave Foote Environmental under Contract #2524, RFP-03-01 YARD WASTE (HORTICULTURE) PROCESSING AND RECYCLING FACILITY.

**2. WHAT ACTION ACCOMPLISHES:** At the awarded contractors (D.J. Casey) request, this will allow two party checks to be issued in its name as well as Dave Foote Environmental, a subcontractor to ensure payment.

**3. MANAGEMENT RECOMMENDATION:** Staff recommends approval.

**4. Departmental Category:** 08.

**C88**

**5. Meeting Date:** 09/05/06

**6. Agenda:**

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

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

- Statute
- Ordinance
- Admin. Code AC-4-4
- Other

**8. Request Initiated:**

Commissioner \_\_\_\_\_  
 Department Public Works  
 Division Solid Waste  
 By: Lindsey Sampson, Director

**9. Background:**

On April 1, 2003, the Board entered into a Service Provider Agreement with D.J. Casey Enterprises under RFP-03-01 YARD WASTE (HORTICULTURE) PROCESSING AND RECYCLING FACILITY to grind, screen, load and haul away processed horticultural material at the Waste to Energy (WTE) Plant for a contract period of 3 years with option of two 1-year renewals. Notice to Proceed was issued to D.J. Casey effective August 18, 2003.

On August 4, 2006, Lee County received a letter from D.J. Casey requesting that a two party check be issued to D.J. Casey Enterprises and Dave Foote Environmental in the amount of \$42,200.00 for the grinding that took place through July 31, 2006 of the outstanding invoices with the balance (final payment) going to D.J. Casey (through August 18, 2006). Additional two-party checks may also be issued.

Additional funds are not required.

Attachment: 1. D.J. Casey Letter dated August 4, 2006

**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>	<i>[Signature]</i>	N/A		<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 8/24/06 11:25 AM
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>

Rec. by CoAtty
Date: 8/24/06
Time: 9:00 AM
Forwarded To: Cam Admin 8/24/06 9:21 AM

Lace Construction, inc. d/b/a  
**D.J. CASEY ENTERPRISES**  
Logs, Stumps, Brush & Demolition Grinding, Land Clearing



Office: (561) 803-7685 • Fax: (561) 803-7689  
17546 State Rd., 710 • Jupiter, FL 33458

August 4, 2006

Cindy Logan, Manager  
Lee County Contracts Management  
1500 Monroe St. 4<sup>th</sup> Floor  
Ft. Myers, FL 33901

Re: Service Provider Agreement #2524

Ms. Logan;

We are requesting a two party check to be issued to Dave Foote Environmental and D. J. Casey Enterprises in the amount of \$42,200.00 for grinding through July 31<sup>st</sup> with the balance of our bill going to us. Please be advised that we will be requesting another two party check to Dave Foote Environmental when we submit our final bill. If you have any questions please contact me or Michelle at Dave Foot Enviromental at 239-369-6146. Thank you for your help.

Regards,

A handwritten signature in black ink, appearing to read 'Susan Case', with a long horizontal stroke extending to the right.

Susan Case  
Comptroller

SC/lg

CC: Bill Newman  
Operations Manager  
Solid Waste Division

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

Blue Sheet No. 20061018

**1. ACTION REQUESTED/PURPOSE:** Award B-06-21 THREE OAKS PARKWAY WIDENING – FROM CORKSCREW ROAD TO ALICO ROAD to the lowest responsive/responsible bidder, Posen Construction, Inc., for a total not-to-exceed amount of \$23,794,550.10, plus alternates as needed, with a project completion time of 480 calendar days. Authorize Chairwoman to execute agreement upon receipt. Approve an interest bearing loan from the General Fund Revolving Loan-Roads to the Three Oaks Widening Project (204081) for \$5,500,000. Approve resolution and all budget transfers to increase the Three Oaks Widening project. Also, approve Budget Transfer in the amount of \$2,680,000 from Sewer Connection Fee Reserves to the Three Oaks Parkway Widening-Sewer Project (207279). Amend the FY 05/06-09/10 CIP accordingly.

Continued on Page #2

**2. WHAT ACTION ACCOMPLISHES:** Provides Lee County with a Contractor to widen the existing Three Oaks Parkway from two lane to four lane with drainage, utilities, minor lighting and core level landscaping.

**3. MANAGEMENT RECOMMENDATION:** Approval recommended.

<b>4. Departmental Category:</b> 09		<b>C9A</b>	<b>5. Meeting Date:</b> 09-05-2006
<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> Statute _____ Ordinance _____ <input checked="" type="checkbox"/> Admin. Code AC-4-4 Other _____		<b>8. Request Initiated:</b> Commissioner _____ Department Transportation Division _____ By: <u>Scott Gilbertson, Director</u>

**9. Background:**  
The Department of Transportation submitted a request to Contracts Management to obtain bids for the Three Oaks Parkway Widening project. The anticipated cost required the use of the formal, sealed bid procedure.

On the bidding deadline of June 28, 2006, Contracts Management received three (3) bids. The bids have been reviewed by the Department of Transportation and the projects' consultant, David Douglas Associates, Inc., and it is being recommended the award be made to the lowest responsive/responsible bidder, Posen Construction Services, Inc., in the not-to-exceed amount of \$23,794,550.10.

- CONTINUED ON PAGE TWO -

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
<i>Amelia P. Davis 8-18</i>	<i>[Signature]</i>	N/A		<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
8-31-06 11:55
COUNTY ADMIN FORWARDED TO:
8/29 9- AR

Rec. by CoAtty
Date: 8/21/06
Time: 8:00 am
Forwarded To: 11/25/06 5/2/06

A \$5,500,000 loan from the General Fund will be repaid with future Gas Taxes (fund 30700). The loan will be interest bearing based on short term interest charged by the State Board of Administration (SBA) and is anticipated to be paid back in FY 2010/11.

Funds will be made available in the following accounts: 20408130700.506540, 20408118804.506540, 20408118824.506540, 20408118825.506540 and 20727948713.506540.

Funding Breakdown

**DOT**

General Fund Revolving Loan \$5,500,000  
Transfer from Three Oaks North \$1,087,656  
Transfer from Reserves \$1,801,000  
Three Oaks Widening Budget \$9,476,644.10

**Utilities**

Transfer from Sewer Connection Fee Reserves \$2,680,000  
Three Oaks Widening-Sewer Project Budget \$3,249,250.00

- Attachments: 1) Bid Tabulation  
2) Department Recommendation  
3) Consultant Recommendation  
4) Budget Transfer(s)  
5) Budget Amendment Resolution

**Motion Continued:**

RK

Approve transfer from Reserves in the following funds: \$5,500,000 in the General Fund #00100 for an interfund transfer; \$700,000 in the Transportation Capital Improvement Fund #30700 for Improvements Construction; \$1,101,000 in the Impact Fee-Roads-Southwest District Fund #18824 for Improvements Construction. Also, approve transfer of \$1,087,656 from the Three Oaks Extension North Project #4053 to the Three Oaks Parkway Widening Project #4801. Finally, approve Budget Amendment Resolution in the Transportation Capital Improvements Fund #30700 in the amount of \$5,500,000 accepting the transfer from the General Fund #00100 for Improvements Construction.









# RESOLUTION #

Amending the Transportation Capital Improvements Fund #30700 Budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2005-2006.

**WHEREAS**, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Transportation Capital Improvements Fund #30700 budget for \$5,500,000 of unanticipated revenue from an interfund transfer and an appropriation of a like amount for improvements construction and;

**WHEREAS**, the Transportation Capital Improvements Fund #30700 budget shall be amended to include the following amounts, which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$112,078,069
Additions		
GC5810130700.381000.900100	Transfer From Fund 00100	5,500,000
Amended Total Estimated Revenues		\$117,578,069

## APPROPRIATIONS

Prior Total:		\$112,078,069
Additions		
20408130700.506540	Improvements Construction	5,500,000
Amended Total Appropriations		\$117,578,069

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Transportation Capital Improvements Fund #30700 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRWOMAN

APPROVED AS TO FORM

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

DOC TYPE YA  
LEDGER TYPE BA



# REQUEST FOR TRANSFER OF FUNDS

FUND NAME: LCU Capital Improvements      DATE: 07/25/06      BATCH NO. \_\_\_\_\_

FISCAL YEAR: 05/06      FUND #: 48713      DOC TYPE: YB      LEDGER TYPE: BA

TO: Capital Projects      Sewer Systems Projects  
 (DIVISION NAME)      (PROGRAM NAME)

NOTE: PLEASE LIST THE ACCOUNT NUMBER BELOW IN THE FOLLOWING ORDER:  
 FUND #-DEPT/DIV #-PROGRAM #-OBJECT CODE #-SUBFUND #-PROJECT#-COST CENTER #.  
 (EXAMPLE: BB5120100100.503450)

ACCOUNT NUMBER	OBJECT NAME	DEBIT
20727948713.506540	Three Oaks Pkwy Widening - Sewer	\$ 2,680,000
TOTAL TO:		\$ 2,680,000

FROM: <u>Non-Departmental</u> (DIVISION NAME)	<u>Reserves</u> (PROGRAM NAME)	CREDIT
ACCOUNT NUMBER GC5890148713.509910	OBJECT NAME Reserve for Contingencies	\$ 2,680,000
TOTAL FROM:		\$ 2,680,000

EXPLANATION: Transfer budget to the indicated project to be able to cover the full contracted price.

*[Signature]*      7/25/06  
 DIVISION DIRECTOR SIGNATURE      DATE

DBS: APPROVAL       DENIAL \_\_\_\_\_

APPROVAL       DENIAL \_\_\_\_\_

CO. ADMIN.: APPROVAL \_\_\_\_\_      DENIAL \_\_\_\_\_

BCC APPROVAL DATE \_\_\_\_\_

DEPARTMENT DIRECTOR SIGNATURE      DATE

*[Signature]*      8/21/06  
 OPERATIONS ANALYST SIGNATURE      DATE

*[Signature]*      8/22/06  
 BUDGET OPERATIONS MANAGER SIGNATURE      DATE

CO. ADMIN. SIGNATURE      DATE

\_\_\_\_\_  
 BCC CHAIRMAN SIGNATURE

BA NO: \_\_\_\_\_ AUTH CODE: \_\_\_\_\_ TRANS DATE: \_\_\_\_\_

**LEE COUNTY BID TABULATION SHEET  
FOR  
THREE OAKS PARKWAY WIDENING –  
FROM CORKSCREW ROAD TO ALICO  
ROAD**

**BID NO.: B-06-21** **DATE: 06/28/06**

CONTRACTOR	BID BOND	TOTAL NOT-TO- EXCEED AMOUNT
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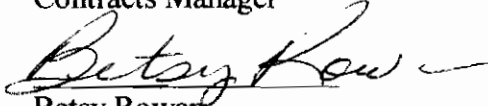
John Carlo, Inc. Mr. Curtis Johnson 14165 No. Main Street Jacksonville, FL 32218	\$625,000.00	\$27,288,661.15
---	--------------	-----------------

Phoenix Construction Services Mr. James Finch 1805 Tennessee Avenue Lynn Haven, FL 32444	\$625,000.00	\$25,960,000.00
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Posen Construction Mr. Steven Funck 10500 Design Lane Shelby Township, MI 48316	\$625,000.00	\$23,794,550.10
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## Memo

To: Cindy Logan  
Contracts Manager

From:   
Betsy Rowan  
Project Manager, DOT

Date: August 8, 2006

Subject: **Award of Bid for Three Oaks Widening  
CIP #4081**

---

Lee County agrees with our consultant, Dave Douglas & Associates, Inc., in awarding the bid to the low bidder, Posen Construction in the amount of \$23,794,550.10.

BR/kb

Attachment

cc: CIP Project File #4081



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

July 20, 2006

Ms. Betsy Rowan  
Lee County DOT  
1500 Monroe Street  
Fort Myers, FL 33901

RE: Three Oaks Parkway Award of Bid  
CN # 02-06

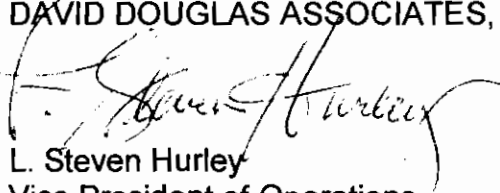
Dear Ms. Rowan:

Please allow this letter to serve as an "Award of Bid" for the above referenced project. I have reviewed the submitted bid tabulations and concur that Posen Construction, Inc. was the low bidder. Therefore, I am recommending the construction contract for the Three Oaks Parkway project be awarded to Posen Construction, Inc.

David Douglas Associates, Inc. will incorporate the Addendum items that were identified in the bidding process into a final set of plans. These plans should be considered as the official construction plans.

Should you have any questions, please feel free to contact me.

Sincerely,  
DAVID DOUGLAS ASSOCIATES, INC.



L. Steven Hurley  
Vice President of Operations

LSH/cf

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

Blue Sheet No. 20061048

**1. ACTION REQUESTED/PURPOSE:** Award B-06-23 ALICO ROAD LANDSCAPE AND IRRIGATION PROJECT FROM DUSTY ROAD TO I-75 to the lowest responsive/responsible bidder, Vila & Son Landscaping Corp., in the total not-to-exceed amount of \$313,251.67, with a total completion time of 455 days (includes one-year maintenance period). Authorize transfer of \$29,000 from Capital Improvement Fund-Reserves to the Alico Road Project and amend the FY 05/06-09/10 CIP accordingly. Also, authorize Chairwoman to execute agreement on behalf of the Board.

**2. WHAT ACTION ACCOMPLISHES:** Provides Lee County with a Contractor for the installation of plant material and underground irrigation system, including maintenance of traffic, soil, sod (repairs), pump stations/controllers, electrical directional boring and landscape and irrigation maintenance.

**3. MANAGEMENT RECOMMENDATION:** Approval recommended.

<b>4. Departmental Category:</b> 09		<b>C9B</b>	<b>5. Meeting Date:</b> 09-05-2006	
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>
<input checked="" type="checkbox"/> Consent		Statute		Commissioner
<input type="checkbox"/> Administrative		Ordinance		Department Transportation
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code	AC-4-4	Division
<input type="checkbox"/> Public		Other		By: Scott Gilbertson, Director
<input type="checkbox"/> Walk-On				

**9. Background:**  
The Department of Transportation submitted a request to Contracts Management to obtain bids for the Alico Road Landscape and Irrigation Project from I-75 to Dusty Road. The anticipated cost required the use of the formal, sealed bid procedure.

On the bidding deadline of July 26, 2006, Contracts Management received four (4) bids. The bids have been reviewed by the Department of Transportation and the projects' Consultant, David M. Jones & Associates, Inc., and it is recommended that award be made to the lowest responsive/responsible bidder, Vila & Son Landscaping Corp., in the not-to-exceed amount of \$313,251.67.

Funds will be made available in the following account: 20403030100.506540.

- Attachments: 1) Bid Tabulation  
2) Department Recommendation  
3) Consultant Recommendation  
4) Transfer

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>Stander</i> 8-10-06	<i>[Signature]</i>	N/A	<i>[Signature]</i>	<i>[Signature]</i>	Analyst <i>RK/az</i> <i>ew 8/18</i>	Risk <i>[Signature]</i> 8/23/06	Grants <i>[Signature]</i> 8/2/06	Mgr. <i>[Signature]</i> 8/2/06	<i>Stander</i> 8-10-06

**11. Commission Action:**

- Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
8/18/06 4:00 PM
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
8/21/06 11:00 AM

Rec. by CoAtty
Date: 8/16/06
Time: 8:30 AM
Forwarded to: 2:30 pm 8/18/06





LEE COUNTY BID TABULATION SHEET  
FOR  
ALICO ROAD LANDSCAPE &  
IRRIGATION PROJECT FROM I-75 TO  
DUSTY ROAD

BID NO.: B-06-23

DATE: July 26, 2006

CONTRACTOR	BID BOND	TOTAL NOT-TO- EXCEED AMOUNT
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Vila & Son Landscaping Corp. Mr. Philip Thibeaux 20451 SW 216 <sup>th</sup> Street Miami, FL 33170 PHONE 239-267-9034 FAX 239-434-5793	\$17,450.00	\$313,251.67
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Greenwerx Groundskeeping, Inc. Mr. Kyle Gordon P.O. Box 3281 N. Ft. Myers, FL 33918 PHONE 239-482-8277 FAX 239-482-8227	\$17,450.00	\$339,376.96
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Tropics North Ms. Evelyn Campa 4155 E. Mowry Drive Homestead, FL 33033 PHONE 305-258-8011 FAX 305-258-0809	\$17,450.00	\$366,510.02**
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Hannula Landscaping Inc. Mr. Dale Hannula 28131 Quails Nest Lane Bonita Springs, FL 34135 PHONE 239-992-2210 FAX 239-498-6818	\$17,450.00	\$344,827.00
--	-------------	--------------

\*\*CORRECTED BID AMOUNT

## Memo

To: Cindy Logan, Contracts Supervisor

From: <sup>PAM/RD</sup> Pat Moore, Landscape Architect

Date: August 3, 2006  
OM-117-06

**RE: Recommendation of Bid Award**

---

Project Name: Alico Road Landscape and Irrigation Project from Dusty Road to I-75

Bid Number: B-06-23 Project Manager: Clay Simmons

A review by this office of the experience, qualifications and capabilities of Vila and Son Landscaping Corp. the apparent low bidder, indicates that said bidder is qualified to construct this project and it is recommended that the Contract be awarded to the above said bidder for the total lump sum price/not-to-exceed price of \$313,251.67.

The total awarded Contract Price does not include any "alternate bid items" in the award and amounts.

Funds are or will be made available in account string number: 20403030100.506540

Any additional required information to be included on the Blue Sheet for award (ie; transfer of funds, budget amendment, etc.):

attachment

cc: Clay Simmons, P.E., Engineering Manager

**DAVID M. JONES, JR. AND ASSOCIATES, INC.**

LANDSCAPE ARCHITECTS AND PLANNERS



July 31, 2006

Mr. Pat Moore  
Lee County DOT  
5560 Zip Drive  
Fort Myers, Florida 33905

**RE: Alico Road-Bid Review (B-06-23)**

**Via Fax: 694-3332  
Hard Copy to Follow**

Dear Pat:

Our office has reviewed the bid summary sheets provided by your office. Based on the bid totals, we reviewed in more depth the submittal by Villa and Son Landscaping, Corp.

We spoke with the contractor, two of their references and Lee County D.O.T. employees. The contractor stated they have the manpower and equipment necessary to complete this project within the anticipated time frames with their current and projected work load. The references were satisfied with the work performed by this contractor on past projects. The County personnel felt their were minor problems on past projects, but believed any issues were getting worked out and shouldn't be an issue in the future.

Based on these discussions and review of the available information, we recommend Lee County award the Alico Road Landscape and Irrigation Project From I-75 to Dusty Road to Villa as the low bidder.

Sincerely

**DAVID M. JONES, JR.  
AND ASSOCIATES, INC.**

A handwritten signature in cursive script, appearing to read "Gregory J. Diserio".

Gregory J. Diserio, RLA  
Vice President

Lee County Board Of County Commissioners

Blue Sheet No. 20061066

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Award B-06-25 COUNTY-WIDE RESURFACING ROADWAY IMPROVEMENTS to the lowest responsive/responsible bidder, APAC-SE, for a total not-to-exceed amount of \$2,250,581.75, with a project completion time of 180 calendar days. Also, authorize Chairwoman to execute Contract on behalf of the Board. This project was anticipated and funds are available.

2. WHAT ACTION ACCOMPLISHES: Provides Lee County with a Contractor to perform road resurfacing and rebuilding of various streets located in Lehigh Acres.

3. MANAGEMENT RECOMMENDATION: Approval recommended.

4. Departmental Category: 09 <b>C9C</b>		5. Meeting Date: <b>09-05-2006</b>
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	Statute _____	
	Ordinance _____	
	<input checked="" type="checkbox"/> Admin. Code <b>AC-4-4</b>	
Other _____		8. Request Initiated: Commissioner _____ Department <u>Transportation</u> Division _____ By: <b>Scott Gilbertson, Director</b>

9. Background:

The Department of Transportation submitted a request to Contracts Management to obtain bids for the County-Wide Resurfacing Roadway Improvements project. The anticipated cost required the use of the formal, sealed bid procedure.

On the bidding deadline of August 2, 2006, Contracts Management received three (3) bids. The bids have been reviewed by the Department of Transportation, and it being recommended that award be made to the lowest responsive/responsible bidder, APAC-SE.

- Attachments: 1) Bid Tabulation  
 2) Department Recommendation to Award

Funds are available in the following account: 40468330700.503490

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>Amelia K. Davis 8/17</i>	<i>[Signature]</i>	N/A	<i>SAO 8/14</i>	<i>[Signature] 8/17/06</i>	Analyst <i>RS 8/18</i>	Risk <i>8/20/06</i>	Grants <i>[Signature]</i>	<i>[Signature] 8/11/06</i>

11. Commission Action:

- Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: *[Signature]*  
 8/18/06 3:15 *wp.*

COUNTY ADMIN FORWARDED TO: *[Signature]*  
 8/21/06  
 11 AM

Rec. by CoAtty  
 Date *8/17/06*  
 Time *9:20 AM*  
 Forwarded To:  
*2:30 PM*  
 8/18/06

**LEE COUNTY BID TABULATION SHEET  
FOR  
COUNTY-WIDE RESURFACING  
ROADWAY IMPROVEMENTS**

**BID NO.:** B-06-25 **DATE:** August 2, 2006

CONTRACTOR	BID BOND	TOTAL NOT-TO- EXCEED AMOUNT
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Ajax Paving Industries Mr. Michael Horan 510 Gene Green Road Nokomis, FL 34275 PHONE 941-486-3600 FAX 941-486-3500		\$2,692,368.25
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APAC-SE Mr. Jim Stern 14299 Alico Road Ft. Myers, FL 33913 PHONE 941-267-7767 FAX 941-267-1336		\$2,250,581.75
---	--	----------------

Better Roads, Inc. Mr. Drew Clark 1910 Seward Avenue Naples, FL 34109 PHONE 239-597-2181 FAX 239-597-1597		\$2,578,400.00
--	--	----------------

**MEMORANDUM  
FROM THE  
DEPARTMENT OF TRANSPORTATION**

**TO:** Department of Public Works  
Contracts Management

**DATE:** August 10, 2006

**FROM:**   
Randy P. Cerchie  
Construction Manager

---

**RE: RECOMMENDATION OF BID AWARD**

**PROJECT NAME: COUNTYWIDE ROADWAY RESURFACING**

**BID NO.: B-06-25**

**PROJECT MANAGER: Randy Cerchie**

A review by this office of the experience, qualifications and capabilities of: **APAC-Southeast, Inc.**, the low bidder, indicates that said bidder is qualified to construct this project and it is recommended that the Contract be awarded to the above-said bidder for:

The total lump sum price/not-to-exceed price of **\$2,250,581.75**

If the total awarded Contract Price is to include alternate bid items, indicate which "alternate bid items" are recommended to be included in the award and amounts.

**Alternate**

**Amount**

Funds are available/will be made available in account string number:

Account Narrative:

Any additional information required to be included on the Blue Sheet for award (i.e., transfer of funds, budget amendment, etc.):

CSD:541

REV:03/06/96

S:\DOCUMENT\CERCHIE\CONTRACT\INTENT TO AWARD - BETTER ROADS - CW PAVED SHOULDERS.doc

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

**Blue Sheet No. 20061069**

**1. ACTION REQUESTED/PURPOSE:**

Approve the resolution authorizing the Chairwoman to execute the attached Local Agency Program Agreement Termination with the Florida Department of Transportation for a traffic operations improvement at the intersection of McGregor Boulevard and Summerlin Road.

**2. WHAT ACTION ACCOMPLISHES:**

Terminates the Local Agency Program Agreement with the Florida Department of Transportation for traffic operations improvements at McGregor Boulevard and Summerlin Road and allows County to proceed with construction with local funds.

**3. MANAGEMENT RECOMMENDATION:** Approve.

<b>4. Departmental Category:</b> <span style="font-size: 1.5em; font-weight: bold;">C9D</span>		<b>5. Meeting Date:</b> <span style="font-size: 1.2em; font-weight: bold;">09-05-2006</span>
<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 type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	<b>8. Request Initiated:</b> Commissioner _____ Department <u>Transportation</u> Division _____ By: <u>Scott M. Gilbertson</u>

**9. BACKGROUND:**

Due to significant time and cost increases which would be necessary to complete this project under the new LAP guidelines as opposed to constructing the project with County funds, DOT is requesting that the LAP Agreement for the construction of the intersection improvements at Summerlin Road and McGregor Boulevard be terminated and the project proceed with local funds. The termination of this Agreement will free up \$167,310 in XU funds which the MPO has asked FDOT to restore to congestion mitigation funds. The Lee County MPO voted on March 20, 2006 to amend its Fiscal Years 2005/2006-2009/10 Transportation Improvement Program (TIP) by deleting this project. An amendment to the State Transportation Improvement Program (STIP) to delete this project has been accepted and approved by the Federal Highway Administration and deemed to be developed based on a continuing, cooperative and comprehensive transportation planning process. This project has already been deleted from FDOT's Work Program and this action will terminate the agreement Lee County has with FDOT.

FHWA and FDOT have recently revised the process for LAP projects. When this LAP agreement was entered into the plan was to revise the existing traffic signal (Strain Pole) and add a dual left turn with the design and construction costs being approximately \$250,000. New LAP procedures initiated that apply retroactively to all projects not yet constructed will cause the total design and construction cost of these improvements (including a mast arm signal) to approach \$500,000. The implementation for this project would also be delayed approximately 6 months due to review time and these contract requirements. Lee DOT staff feels it is in the County's interest to proceed without the federal participation to avoid the additional expenditure of public funds.

**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.	
 S. Gilbertson Date <u>8/21/06</u>	N/A				RK 8/23	SB 8/24	MY 8/24/06	 8/24/06	 Lavender Date <u>8/21-06</u>

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY  
COUNTY ADMIN:  
8/23/06 3:35 PM

---

COUNTY ADMIN  
FORWARDED TO:

8/23/06  
8:30 AM

Rec. by CoAtty

Date: 8/22/06

Time:  
4:15 pm

Forwarded to:  
8/22/06

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING LEE COUNTY TO ENTER  
INTO A LOCAL AGENCY PROGRAM AGREEMENT  
TERMINATION WITH THE FLORIDA DEPARTMENT OF  
TRANSPORTATION**

This is a Resolution of the Board of County Commissioners, Lee County, Florida, a political subdivision of the State, authorizing the execution of a Supplemental Agreement with the Florida Department of Transportation.

**WHEREAS**, Lee County, Florida, has the statutory authority to enter into this Termination Agreement with the Florida Department of Transportation in accordance with Section 338.251, Florida Statutes.

**NOW THEREFORE, BE IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:**

1. The Termination Agreement for traffic operations improvements at Summerlin Road and San Carlos Boulevard is hereby approved.
2. The Chairwoman or Chairman of, the Board of County Commissioners of Lee County, Florida, or designee per Lee County Administrative Code 1-3 are hereby authorized to execute said Agreement.
3. The Clerk of the Circuit Court is hereby authorized and directed to transmit one (1) certified copy of this Resolution to the Florida Department of Transportation along with the executed Agreements.



The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY \_\_\_\_\_  
BOB JANES \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
TAMMARA HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairwoman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of County Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT TERMINATION**

THIS TERMINATION AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter "DEPARTMENT") and LEE COUNTY (hereinafter, "AGENCY").

**WITNESSETH**

1. WHEREAS, the DEPARTMENT and the AGENCY on January 5, 2005 entered into a Local Agency Program Agreement (hereinafter, "LAP") in connection with the traffic operations improvement to add a east bound to northbound left turn lane and revise the signal and striping to allow for dual left operation at the intersection of McGregor Boulevard and Summerlin Road; and
2. WHEREAS, the DEPARTMENT and the AGENCY have mutually agreed to terminate the agreement and services at the present status of completion and in accordance with Section 8.01 of the LAP Agreement; and
3. WHEREAS, the DEPARTMENT has reimbursed the AGENCY under the terms of the LAP Agreement the sum of \$0.00 leaving a balance of \$0.00 still due and payable to the AGENCY by the DEPARTMENT.

NOW THEREFORE, in accordance with terms of the executed LAP Agreement, the parties agree as follows:

1. The AGENCY agrees to termination of the LAP Agreement dated January 5, 2005 with the DEPARTMENT.
2. The AGENCY agrees that all provisions in the LAP Agreement relating to the AGENCY'S indemnification of the DEPARTMENT survives termination of the LAP Agreement and shall remain in full force and effect. The AGENCY agrees pursuant to the terms of the LAP Agreement to continue to protect, indemnify, defend, save, and hold harmless the DEPARTMENT from all claims, demands or liabilities which may arise out of or because of the LAP Agreement.
3. The AGENCY shall be reimbursed by the DEPARTMENT for all work completed up to and including the effective date of this Termination Agreement.
4. The AGENCY shall not be reimbursed for any work completed after the effective date of this Termination Agreement.
5. The AGENCY shall not be reimbursed for any work completed prior to the effective date of this Termination Agreement that fails to meet with the standards specified by the DEPARTMENT.
6. Upon execution of this Termination Agreement, the DEPARTMENT shall reimburse the AGENCY the sum of \$0.00, which the AGENCY agrees represent the balance due to the AGENCY and is the final payment for services rendered pursuant to the LAP Agreement.

IN WITNESS WHEREOF, **LEE COUNTY** has caused this Agreement to be executed in its behalf, by the Chairman of the Board of County Commission or its designee, as authorized by **Resolution Number \_\_\_\_\_**, and the FLORIDA DEPARTMENT OF TRANSPORTATION has caused this Agreement to be executed in its behalf through its District Secretary or authorized designee:

**LEE COUNTY**

BY:

\_\_\_\_\_  
BOCC CHAIRMAN OR DESIGNEE

ATTEST:

\_\_\_\_\_  
CLERK

AGENCY LEGAL REVIEW:

\_\_\_\_\_  
ATTORNEY

**STATE OF FLORIDA**

**DEPARTMENT OF TRANSPORTATION**

BY:

\_\_\_\_\_  
DIRECTOR OF TRANSPORTATION  
DEVELOPMENT

DEPARTMENT LEGAL REVIEW:

\_\_\_\_\_  
DISTRICT ATTORNEY

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

Blue Sheet No. 20060983-UTL

**1. Action Requested/Purpose:**

Approve construction of two (2) 10" diameter master meter assemblies and a force main connection serving *Deep Lagoon Boat Club LTD* to provide potable water service, fire protection and sanitary sewer service to this proposed marina expansion. This is a Developer Contributed asset project located on the northwest side of McGregor Boulevard approximately 1/2 mile south of Cypress Lake Drive.

**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

**CIOA**

**5. Meeting Date:**

**09-05-2006**

**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: Douglas Meurer 8-17-06  
**Douglas Meurer, P.E., Director**

**9. Background:**

The Letter of Intent has been received.  
 The review fee has been paid.  
 The plans have been reviewed for conformance to the Lee County Utilities Operations Manual.  
 The project is to construct 25'± of 10" diameter water main, two (2) 10" diameter master meter assemblies and 130'± of 6" diameter force main.  
 Lee County Utilities has requested the developer to construct a privately owned and maintained on-site gravity collection system due to the fact that no regional benefit will be provided to LCU by owning and maintaining another lift station in this vicinity. Due to this request, LCU prefers the on-site water system remain under private ownership as well, and this will be achieved by constructing two 10" master meters connecting to existing infrastructure. These master meters will be located within the right-of-way of McGregor Boulevard sanitary sewer service which will be achieved by connecting to existing infrastructure also located in the right-of-way of McGregor Boulevard.  
 50% of the connection fees have been paid.  
 Project Location Map---copy attached.  
 No funds required.

SECTION 29    TOWNSHIP 45    RANGE 24E    DISTRICT #3    COMMISSIONER JUDAH

**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.	
<u>J. Lavender</u> Date: <u>8-17-06</u>	N/A	N/A	<u>P.O.</u> T. Osterhout Date: <u>8/17</u>	<u>S. Covert</u> Date: <u>8/21/06</u>	<u>RK</u> <u>8/21</u>	<u>W</u> <u>8/21/06</u>	<u>W</u> <u>8/21/06</u>	<u>W</u> <u>8/21/06</u>	<u>J. Lavender</u> Date: <u>8-17-06</u>

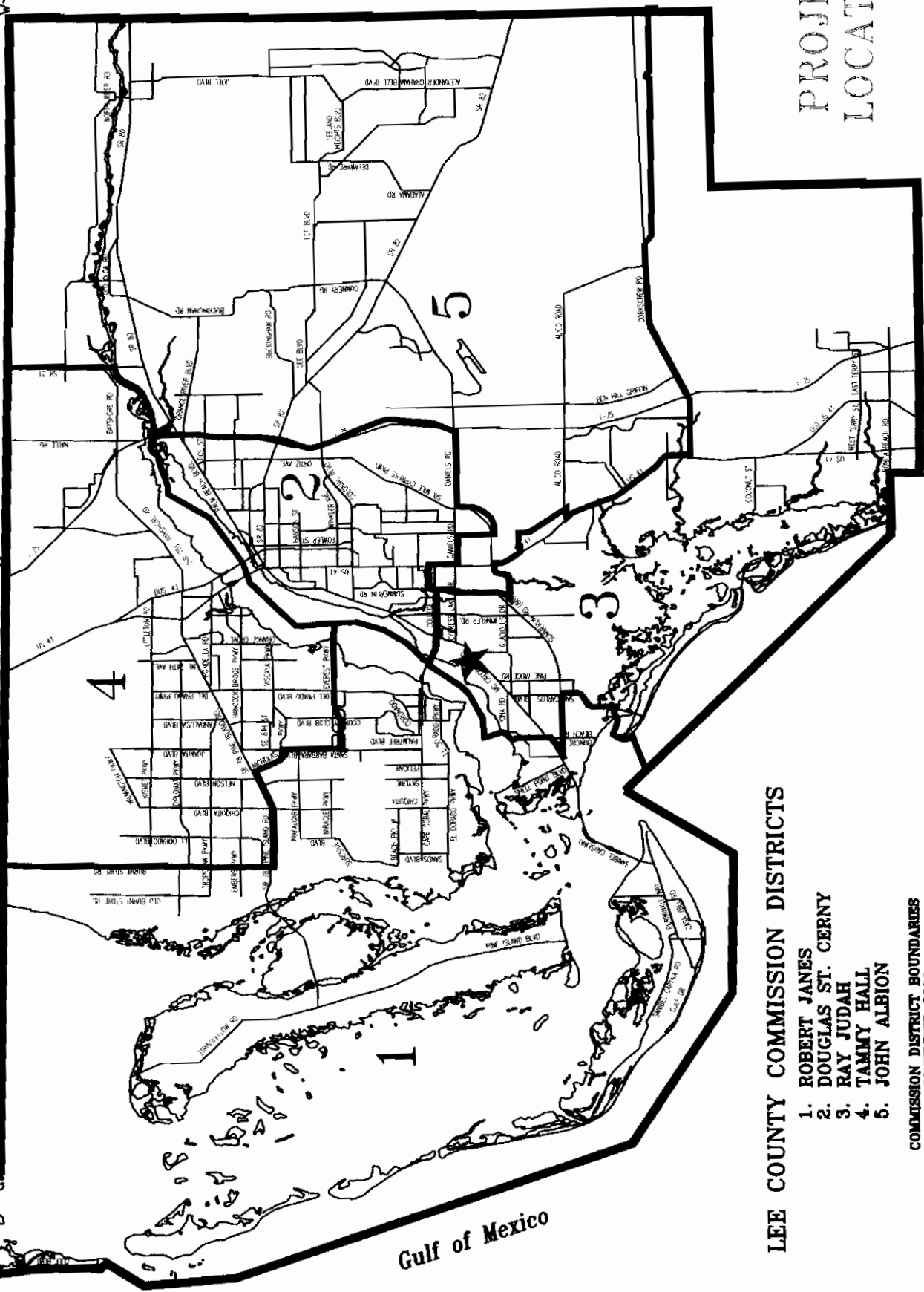
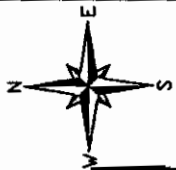
**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <u>8/21/06 1:5</u>
COUNTY ADMIN FORWARDED TO: <u>W</u>
<u>8/22/06</u> <u>2:30pm</u>

Rec. by CoAtty
Date: <u>8/21/06</u>
Time: <u>8:00 AM</u>
Forwarded To: Cntry. Admin <u>8/21/06 11:44am</u>

DEEP LAGOON BOAT CLUB LTD  
 29-45-24-00-00011.002A  
 COMMISSION DISTRICT # 3 - RAY JUDAH



PROJECT  
 LOCATION

LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
 DECEMBER 2000

Gulf of Mexico

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

Blue Sheet No. 20061059- UTL

**1. Action Requested/Purpose:**

Approve final acceptance, by Resolution, as a donation of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to *MOODY RIVER ESTATES, PARCEL C*, a phased residential development. This is a Developer Contributed asset project located on the south side of Hancock Bridge Parkway between Moody Road and Skyline Drive, approximately 1.25 miles west of N. Cleveland Avenue.

**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**

**CIOB**

**5. Meeting Date:**

**09-05-2006**

**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: Douglas Meurer 8/17/06  
**Douglas Meurer, P. E., Director**

**9. Background:**

The Board granted permission to construct on 12/14/04, Blue Sheet #20041518.  
 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 10    TOWNSHIP 44S    RANGE 24E    DISTRICT #4    COMMISSIONER HALL

**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.	
<u>J. Lavender</u> Date: 8/17/06	N/A	N/A	<u>P.O.</u> T. Osterhout Date: 8/17	<u>S. Covert</u> Date: 8/17	<u>RK</u> 8/17	<u>or</u> 8/17/06	<u>PL</u> 8/17/06	<u>Mgr.</u> 8/17/06	<u>J. Lavender</u> Date: 8-17-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

8/21/06 1:15 PM  
 PL  
 8/22/06  
 J. Supra

Rec. by CoAtty
Date: 8/21/06
Time: 8:00 AM
Forwarded To:
8/21/06 11:43 AM

RESOLUTION NO.

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

WHEREAS, it is the desire of "Colonial Homes, Inc.", owner of record, to make a contribution to Lee County Utilities of water facilities (a water main extension, fire protection ), and sewer facilities (a gravity main extension and sanitary sewer), serving **"MOODY RIVER ESTATES, PARCEL C"**; 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 **\$121,912.35** 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 \_\_\_\_\_, 2006.

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 20061059-UTL**

**COPY**

LETTER OF COMPLETION

DATE: 10/28/2005

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 sanitary sewer system** located in  
Moody River Estates Parcel C  
(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:  
**Bacteriological Test , Pressure Test(s) - Water Main , Low Pressure Test(s) - Gravity Main  
and TV Inspection, Mandrill - Gravity Main ,**

Very truly yours,

Strickland T. Smith, P.E. of Heidt & Associates, Inc.  
(Owner or Name of Corporation)

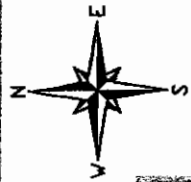
  
(Signature) 10-28-05

Vice President  
(Title)

(Seal of Engineering Firm)

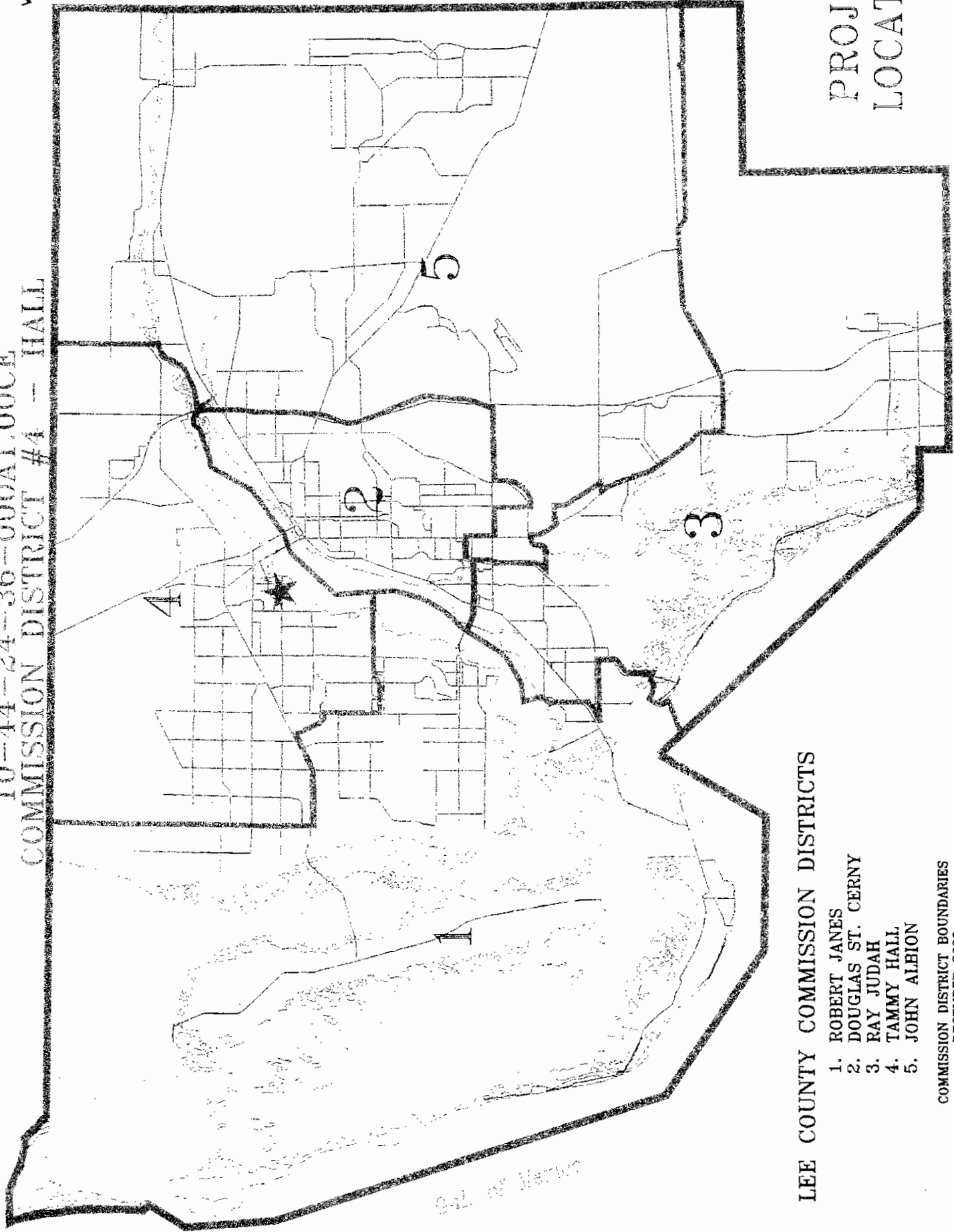
RECEIVED OCT 28 2005





**COPY**  
PROJECT  
LOCATION

MOODY RIVER ESTATES, PARCEL 'C'  
10-44-24-36-000A1.00CE  
COMMISSION DISTRICT #4 - HALL



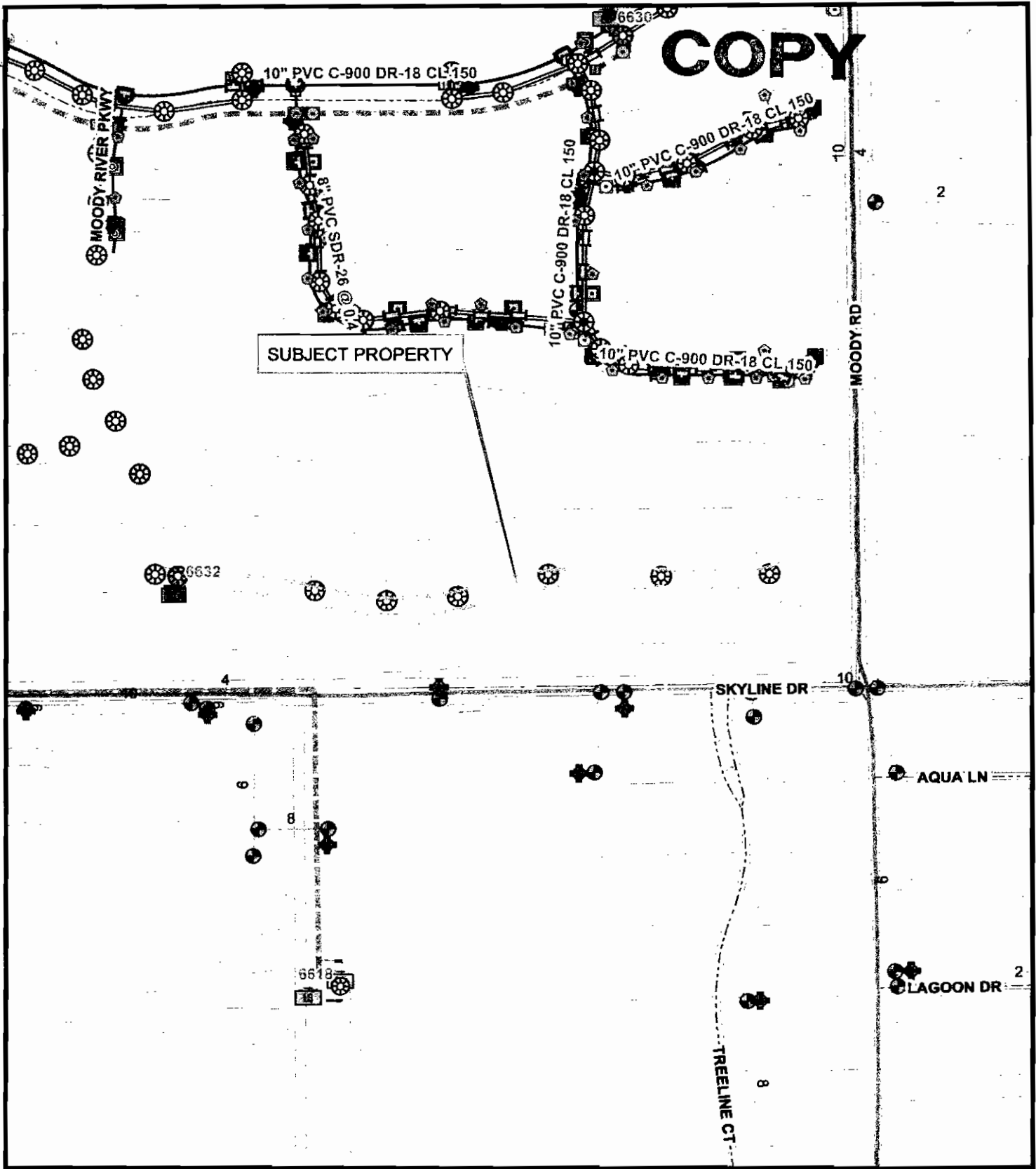
**LEE COUNTY COMMISSION DISTRICTS**

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

Sal. of Nemo

**COPY**

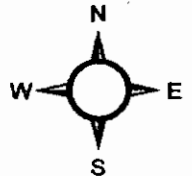


UTILITIES



LEE COUNTY

MOODY RIVER ESTATES - PARCEL C  
COMMISSION DISTRICT #4 - HALL  
10-44-24-36-000A1.00CE  
MIDSHIP DRIVE

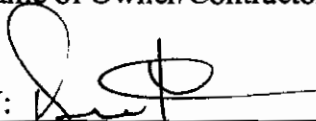


## WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Moody River Estates Parcel C 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.

Brenda Merchant;  
Haleakala Construction Company  
 (Name of Owner/Contractor)

BY:   
 (Signature of Owner/Contractor)

STATE OF FL )  
 ) SS:  
 COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 8 th day of NOV, 2005 by Brenda Merchant who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
 Notary Public Signature

LINDA MAHON  
 Printed Name of Notary Public



Linda Mahon  
 Commission #DD177119  
 Expires: Feb 21, 2007  
 Bonded Thru  
 Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

**PAINTS & COATINGS**

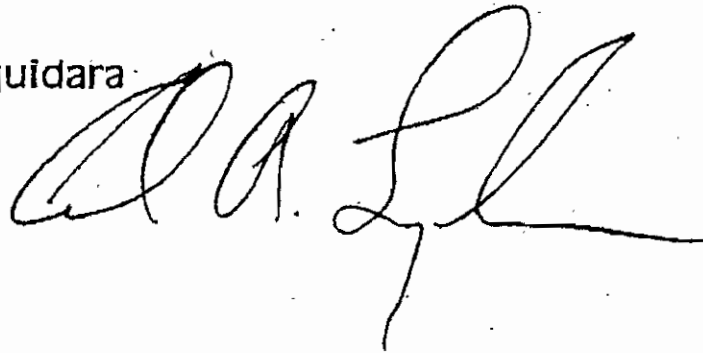
*"The Finest in Wastewater Structure Rehabilitation!"*

To Whom It May Concern:

Please accept this letter as certification that the structures supplied to, Moody River Parcel "C" were coated on the inside with IET Systems by Paints and Coatings, Inc.

Yours truly,

Carl A. Laquidara  
President



RECEIVED NOV - 9 2005

**COPY**

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

The undersigned lienor, in consideration of the final payment in the amount of One Hundred Twenty-one Thousand Nine Hundred Twelve Dollars and 35/100(\$121,912.35 ) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Colonial Homes, Inc. on the job of Moody River Estates, Parcel 'C' to the following described property:

Moody River Estates, Parcel 'C'

(Name of Development/Project)

Water Distribution System and  
Gravity Collection System

(Facilities Constructed)

Midship Drive

(Location)

10-44-24-36-000A1.00CE

(Strap # or Section, Township & Range)

Dated on: August 9, 2006

By:

(Signature of Authorized Representative)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

By: Brenda K. Merchant

(Print Name of Authorized Representative)

5758 Taylor Road

(Address of Firm or Corporation)

Title: Authorized Agent

Naples, FL 34109-

(City, State & Zip Of Firm Or Corporation)

Phone #: (239)598-1968 Ext.

Fax#: (239)598-9418

STATE OF FL )

) SS:

COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 9<sup>th</sup> day of August, 2006 by Brenda K. Merchant who is personally known to me - \_\_\_\_\_, and who did not take an oath.



**Linda Mahon**  
Commission #DD177119  
Expires: Feb 21, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)

Linda Mahon  
(Notary Public Signature)

Linda Mahon  
(Printed Name of Notary Public)

RECEIVED AUG 10 2006

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Moody River Estates, Parcel 'C'

STRAP NUMBER: 10-44-24-36-000A1.00CE

LOCATION: Midship Drive

OWNER'S NAME: (as shown on Deed) Colonial Homes, Inc.

OWNER'S ADDRESS: 12631 Westlinks Drive, Unit 7

OWNER'S ADDRESS: Fort Myers, FL 33913-

OWNER'S TELEPHONE #: (239)

TYPE UTILITY SYSTEM: Potable Water

(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.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
PVC C-900 DR-18 WATER MAIN	8"	1,241.0	LF	\$15.35	\$19,049.35
PVC C-900 DR-18 WATER MAIN	4"	262.0	LF	\$13.50	\$3,537.00
GATE VALVE	8"	1.0	EA	\$990.00	\$990.00
FIRE HYDRANT ASSEMBLY		2.0	EA	\$2,805.00	\$5,610.00
BLOW-OFF ASSEMBLY	2"	1.0	EA	\$1,400.00	\$1,400.00
SINGLE WATER SERVICE/COMPLETE	1"	13.0	EA	\$280.00	\$3,640.00
DOUBLE WATER SERVICE/COMPLETE	1"	18.0	EA	\$520.00	\$9,360.00
<b>TOTAL</b>					<b>\$43,586.35</b>

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

RECEIVED AUG 10 2006

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 of Certifying Agent)

Brenda K. Merchant, Authorized Agent  
(Name & Title of Certifying Agent)

Haleakala Construction, Inc.  
(Name of Firm or Corporation)

5758 Taylor Rd.  
(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 9 th day of August, 2006 by Brenda K. Merchant who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Linda Mahon  
Notary Public Signature

Linda Mahon  
Printed Name of Notary Public

DD177119  
Notary Commission Number



(NOTARY SEAL)





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 of Certifying Agent)

Brenda K. Merchant, Authorized Agent

(Name & Title of Certifying Agent)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

5758 Taylor Rd.

(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 9 th day of August, 2006 by Brenda K. Merchant who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Linda Mahon

Notary Public Signature

Linda Mahon

Printed Name of Notary Public

DD177119

Notary Commission Number



Linda Mahon  
Commission #DD177119  
Expires: Feb 21, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

(NOTARY SEAL)

RECEIVED AUG 10 2006

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

Blue Sheet No. 20061060-UTL

**1. Action Requested/Purpose:**

Approve final acceptance, by Resolution, as a donation of one (1) 8" diameter fire line and one (1) 3" diameter water service serving *River Hall Elementary School*, to provide potable water service and fire protection to this recently constructed elementary school. This is a Developer Contributed asset project located on the east side of River Hall Parkway approximately 3/4 of a mile south of SR 80.

**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**

**C10C**

**5. Meeting Date:**

**09-05-2006**

**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: Douglas Meurer 8/17/2006  
**Douglas Meurer, P.E. Director**

**9. Background:**

Fire line and single water services 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.  
 Public School Facilities are exempt from connection/capacity fees; per Florida Statutes, Sec. 235.26.  
 Sanitary sewer service is provided by Lee County Utilities via existing infrastructure located within the River Hall Parkway right-of-way.  
 No funds required.

SECTION 27 TOWNSHIP 43 S RANGE 26 E 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.	
<u>J. Lavender</u> Date: <u>8-17-06</u>	N/A	N/A	<u>T.O.</u> T. Osterhout Date: <u>8/17</u>	<u>S. Coovert</u> Date: _____	<u>RK</u> 8/21	<u>W</u> 8/21/06	<u>AS</u> 8/21/06	<u>JP</u> 8/21/06	<u>J. Lavender</u> Date: <u>8/17/06</u>

**11. Commission Action:**

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

RECEIVED BY COUNTY ADMIN:
<u>8/21/06 1:15</u>
COUNTY ADMIN FORWARDED TO:
<u>8/22/06</u> <u>2:30 PM</u>

Rec. by CoAtty
Date: <u>8/21/06</u>
Time: <u>8:00 AM</u>
Forwarded To: County Admin <u>8/21/06 11:45 am</u>

RESOLUTION NO.

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

WHEREAS, it is the desire of "Lee County District School Board.", owner of record, to make a contribution to Lee County Utilities of water facilities (one eight inch diameter fire line and one three inch diameter water line), serving "RIVER HALL ELEMENTARY SCHOOL"; 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 **\$13,370.00** 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 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 \_\_\_\_\_, 2006.

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 20061060-UTL**

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

**COPY**

The undersigned lienor, in consideration of the final payment in the amount of Thirteen thousand three hundred seventy dollars (\$13,370.00) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Target Builders, Inc. on the job of River Hall Elementary School to the following described property:

River Hall Elementary School  
(Name of Development/Project)

Fire Line up to and including 1st OS and Y valve and Water and/or Sewer Service(s)  
(Facilities Constructed)

2800 River Hall Parkway  
Alva, Florida 33920  
(Location)

27-43-26-00-00003.0030  
(Strap # or Section, Township & Range)

Dated on: July 27, 2006

By: *Nancy J. Boyd*  
(Signature of Authorized Representative)

Boyd Irrigation, Inc.  
(Name of Firm or Corporation)

By: Nancy J. Boyd  
(Print Name of Authorized Representative)

5115 Genesee Parkway  
(Address of Firm or Corporation)

Title: PSTO

Bokeelia, FL 33922-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)283-5281 Ext.

Fax#: (239)283-7765

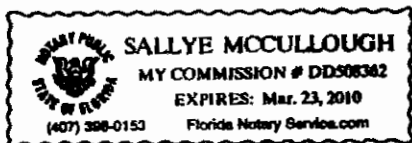
STATE OF FL )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 27 th day of July, 2006 by Nancy J. Boyd, who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*Sallye McCullough*  
(Notary Public Signature)

(Notary Seal & Commission Number)

SALLYE MCCULLOUGH  
(Printed Name of Notary Public)



LETTER OF COMPLETION

**COPY**

DATE: 7/25/2006

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

Gentlemen:

\* This is to certify that the **fire line up to and including 1st OS + Y valve(s) , water service(s) ,**  
**(force main extension/connection)** located at  
River Hall Elementary  
(Name of Development/Project)

was designed by me and has 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:  
**Bacteriological Test Pressure Test(s) - Water Main , Pressure Test(s) - Force Main**  
**Lift Station Start-up**

Very truly yours,

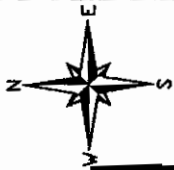
Exceptional Engineering, Inc.  
(Owner or Name of Corporation/Firm)

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

Brian Roberts, PE  
(Name and Title)

(Seal of Engineering Firm)

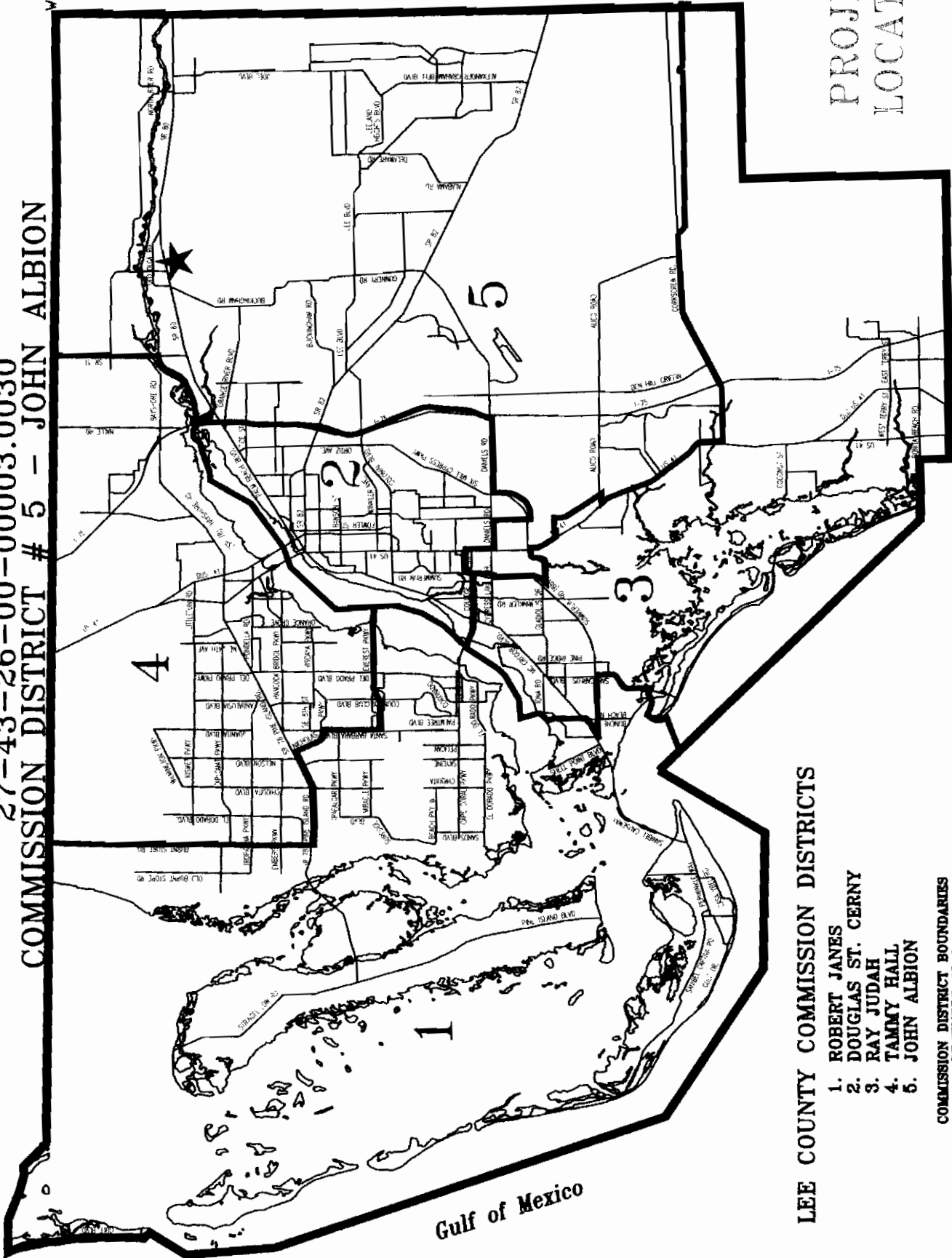
\* LCU clarification note: Per Thom Osterhout, LCU will not own any of the force main that River Hall Elementary School constructed. Whatever force main LCU owns was constructed with the original construction along the main road.



**COPY**

**PROJECT  
LOCATION**

**RIVER HALL ELEMENTARY SCHOOL  
27-43-26-00-00003.0030  
COMMISSION DISTRICT # 5 - JOHN ALBION**



**LEE COUNTY COMMISSION DISTRICTS**

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

**COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000**

**COPY**

11.2

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of River Hall Elementary School 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.

Nancy J. Boyd/Boyd Irrigation, Inc.  
(Name of Owner/Contractor)

BY: *NJ Boyd*  
(Signature of Owner/Contractor)

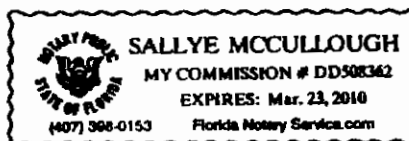
STATE OF FL )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 27 th day of JULY, 2006 by Nancy J. Boyd who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*Sallye McCullough*  
Notary Public Signature

Sallye Esther McCullough  
Printed Name of Notary Public

(Notary Seal & Commission Number)



**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: River Hall Elementary School

STRAP NUMBER: 27-43-26-00-00003.0030

LOCATION: 2800 River Hall Parkway, Alva, Florida 33920

OWNER'S NAME: (as shown on Deed) Lee County District School Board

OWNER'S ADDRESS: 2055 Central Avenue

OWNER'S ADDRESS: Fort Myers, FL 33901-

OWNER'S TELEPHONE #: (239) 479-4208

TYPE UTILITY SYSTEM: Potable Water

(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>
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	8"	1.0	EA	\$4,675.00	\$4,675.00
SINGLE WATER SERVICE/COMPLETE	3"	1.0	EA	\$8,695.00	\$8,695.00
<b>TOTAL</b>					<b>\$13,370.00</b>

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



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 NJ Boyd  
(Signature of Certifying Agent)

Nancy J. Boyd, PSTO  
(Name & Title of Certifying Agent)

Boyd Irrigation, Inc.  
(Name of Firm or Corporation)

5115 Genesee Parkway  
(Address of Firm or Corporation)

Bokeelia, FL 33922 -

STATE OF FL )  
                  ) SS:  
COUNTY OF LEE )

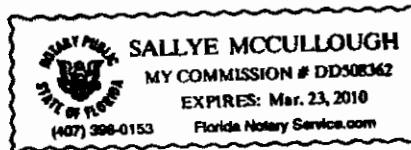
The foregoing instrument was signed and acknowledged before me this 27 th day of July, 2006 by Nancy J. Boyd, who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Sallye McCullough  
Notary Public Signature

SALLYE MCCULLOUGH  
Printed Name of Notary Public

DD 508362  
Notary Commission Number

(NOTARY SEAL)



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

**Blue Sheet No. 20061073-UTL**

**1. Action Requested/Purpose:**

Approve construction of two (2) 10" diameter master meters and a force main connection serving *Forest Ridge* to provide potable water service, fire protection and sanitary sewer service to this proposed multi-family residential development. This is a Developer Contributed asset project located along the west side of Six Mile Cypress/Ben C. Pratt Parkway approximately 900' north of Penzance Boulevard.

**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.

<b>4. Departmental Category:</b> 10 <span style="font-size: 1.5em; margin-left: 50px;">C10D</span>		<b>5. Meeting Date:</b> 09-05-2006
<b>6. Agenda:</b>	<b>7. Requirement/Purpose (specify)</b>	
	<input checked="" type="checkbox"/> Statute	<b>8. Request Initiated:</b>
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other	
<input type="checkbox"/> Approval	Commissioner _____ Department <u>Public Works</u> Division <u>Utilities</u> By: <u>Douglas Meurer</u> 8/17/2006 Douglas Meurer, P.E., Director	
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On		

**9. Background:**

The Letter of Intent has been received.

The review fee has been paid.

The plans have been reviewed for conformance to the Lee County Utilities Operations Manual.

The project is to construct 292'± of 10" diameter water main; two (2) 10" master meter assemblies, 80'± of 4" diameter force main with all related fittings.

Lee County Utilities requested the developer to construct a privately owned and maintained on-site gravity collection system due to the fact that no regional benefit would be provided by LCU owning and maintaining another lift station in this vicinity. Due to this request, LCU prefers the on-site water system remain under private ownership, as well, and this will be achieved by constructing the master meters connecting to existing infrastructure located within the right-of-way of Six Mile Cypress/Ben C. Pratt Parkway. Sanitary sewer service will be achieved by connecting to the existing infrastructure also located within the right-of-way of Six Mile Cypress/Ben C. Pratt Parkway.

50% of the connection fees have been paid.

Project Location Map---copy attached.

No funds required.

SECTION 08 TOWNSHIP 45S RANGE 25E DISTRICT # 2 COMMISSIONER ST. CERNY

**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> B. Lavender Date: 8-17-06	N/A	N/A	<i>P.O.</i> T. Osterhout Date: 8/17	<i>[Signature]</i> S. Coovert Date:	<i>[Signature]</i> RK 8/21	<i>[Signature]</i> 08 8/21/06	<i>[Signature]</i> 8/21/06	<i>[Signature]</i> 8/21/06	<i>[Signature]</i> B. Lavender Date: 8-17-06

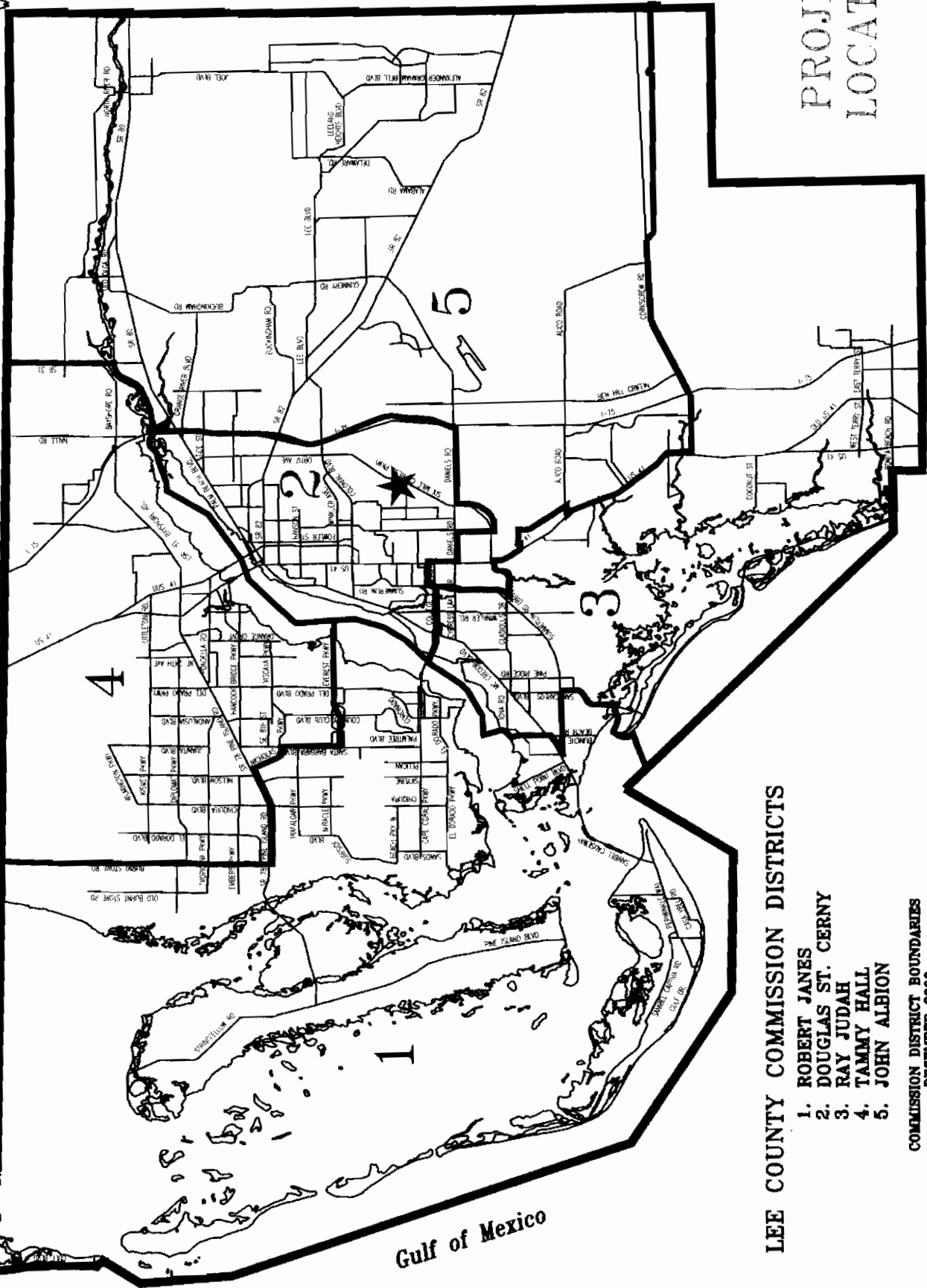
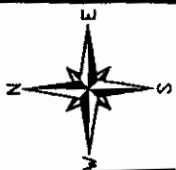
**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 8/21/06 1:15 <i>mp</i>
COUNTY ADMIN FORWARDED TO: 8/22/06 8:30 <i>mp</i>

Rec. by CoAtty
Date: 8/21/06
Time: 8:00 AM
Forwarded To: County Admin 8/21/06 11:45 <i>mp</i>

**FOREST RIDGE  
08-45-25-00-00004.001A, 0030 & 0040  
COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY**



**PROJECT  
LOCATION**

**LEE COUNTY COMMISSION DISTRICTS**

- 1. ROBERT JAMES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

**COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000**

Gulf of Mexico

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

Blue Sheet No. 20061074-UTL

**1. Action Requested/Purpose:**

Approve final acceptance, by Resolution and recording of one (1) Utility Easement, as a donation of three (3) fire hydrants and 60 water services serving *Brooks Drive Elderly Housing* to provide potable water service and fire protection to this recently constructed assisted living facilities. This is a Developer Contributed asset project located on the on the south side of Brook Drive approximately 500' east of N. Tamiami Trail.

**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:**

**09-05-2006**

**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:** Douglas Meurer 8/17/2006  
**Douglas Meurer, P.E., Director**

**9. Background:**

Fire hydrants and water services 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.  
 100% of the connection fees have been paid.  
 Sanitary sewer service is provided by North Fort Myers Utilities.  
 Funds are available for recording fees in account number OD5360748700.504930.

SECTION 02 TOWNSHIP 43S RANGE 24E DISTRICT #4 COMMISSIONER HALL

**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.	
<u>J. Lavender</u> Date: <u>8/18/06</u>	N/A	N/A	<u>T.C.</u> T. Osterhout Date: <u>8/17</u>	<u>S. Covert</u> Date: <u>8/21/06</u>	<u>RK</u> 8/17	<u>WR</u> 8/21/06	<u>AL</u> 8/16/06	<u>JL</u> 8/21/06	<u>J. Lavender</u> Date: <u>8-18-06</u>

**11. Commission Action:**

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

RECEIVED BY COUNTY ADMIN:	<u>8/21/06 1:15</u>
COUNTY ADMIN FORWARDED TO:	<u>8/22/06</u>

Rec. by CoAtty	<u>JL</u>
Date:	<u>8/21/06</u>
Time:	<u>8:00 AM</u>
Forwarded To:	<u>8/21/06 11:46</u>

RESOLUTION NO.

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

WHEREAS, it is the desire of "Habitat for Humanity Lee County, Inc.", owner of record, to make a contribution to Lee County Utilities of water facilities (three fire hydrants and 60 water services), serving "BROOKS DRIVE ELDERLY HOUSING"; 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 \$52,440.00 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 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 \_\_\_\_\_, 2006.

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 20061074-UTL**

LETTER OF COMPLETION

**COPY**

DATE: 7/10/2006

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

Gentlemen:

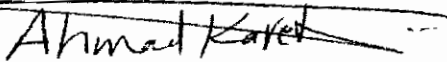
This is to certify that the **water distribution system** located in  
**Brooks Drive Elderly Housing**  
(Name of Development/Project)

were designed by me and have been constructed in conformance with:  
**the revised plans, attached and the approved specifications**

Upon completion of the work, we observed the following successful tests of the facilities:  
**Bacteriological Test , Pressure Test(s) - Water Main ,** ,

Very truly yours,

Ahmad Kareh, P.E./Bean, Whitaker, Lutz & Kareh, Inc.  
(Owner or Name of Corporation/Firm)



(Signature)

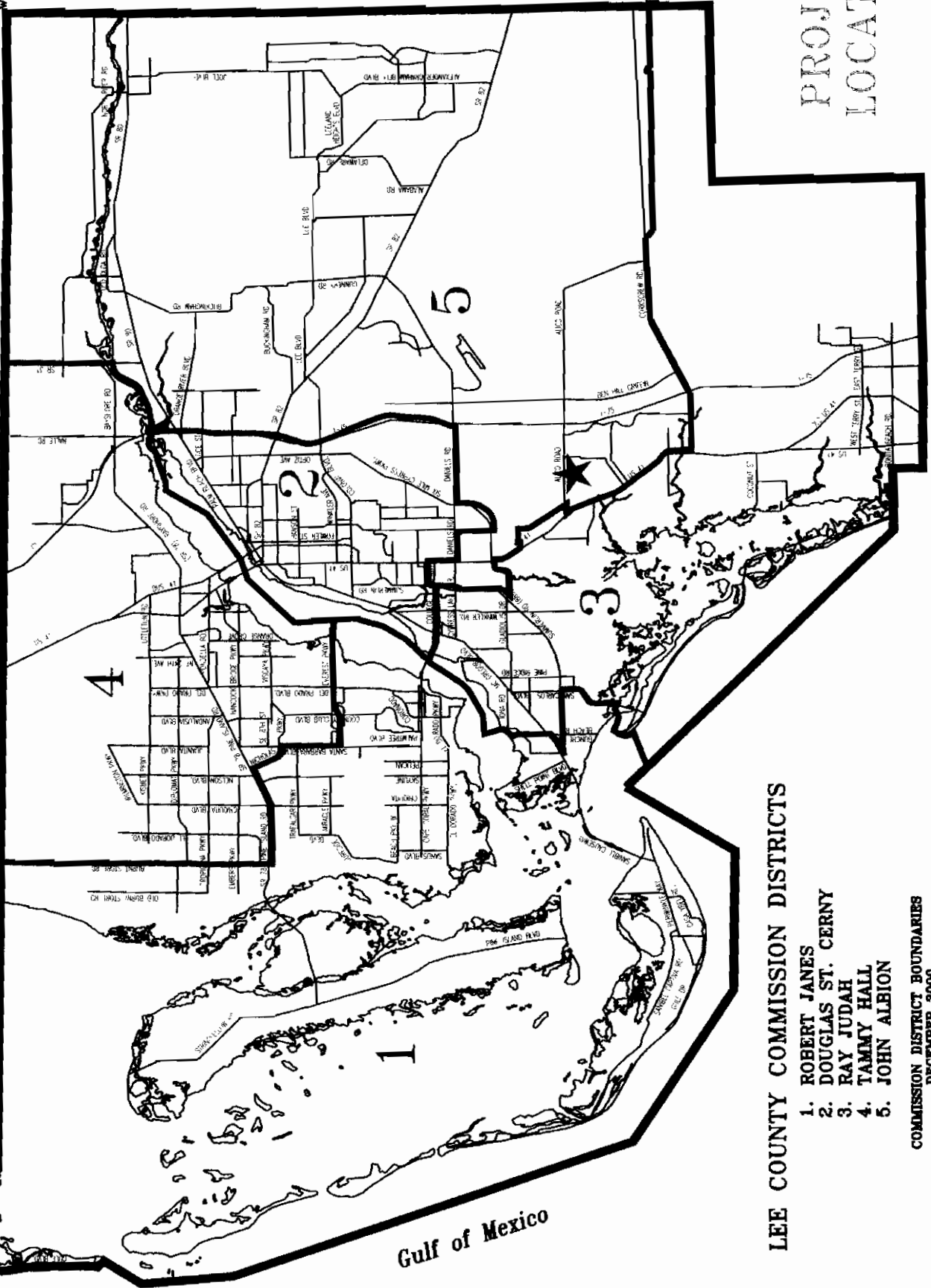
Vice-President  
(Name and Title)

(Seal of Engineering Firm)

**COPY**

**PROJECT  
LOCATION**

**BROOKS DRIVE ELDERLY HOUSING  
02-44-24-03-0000A.0190  
COMMISSION DISTRICT # 4 - TAMMY HALL**



**LEE COUNTY COMMISSION DISTRICTS**

- 1. ROBERT JAMES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

**COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000**


WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of Brooks Drive Elderly Housing 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.

MAJ Contracting, Inc.  
(Contractor/Company Name)

Mark Justice, President  
(Authorized Representative, Title)


BY:   
(Signature)

STATE OF FL )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 15 th day of August, 2006 by Mark Justice who is personally known to me - \_\_\_\_\_, and who did not take an oath

  
Notary Public Signature

Anthony Stefanacci  
Printed Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA  
 **Anthony Stefanacci**  
Commission #DD373721  
Expires: NOV 21, 2008  
Bonded Thru Atlantic Bonding Co.

(Notary Seal & Commission Number)



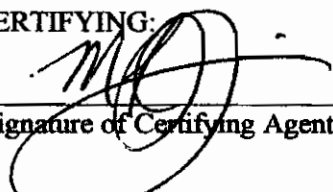




I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

X



(Signature of Certifying Agent)

Mark Justice, President

(Name & Title of Certifying Agent)

MAJ Contracting, Inc.

(Name of Firm or Corporation)

10920 Wiles Rd.

(Address of Firm or Corporation)

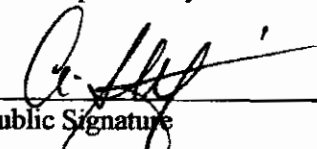
Coral Springs, FL 33076 -

STATE OF FL )

) SS:

COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 19 th day of June, 2006 by Mark Justice who is personally known to me - \_\_\_\_\_, and who did not take an oath.




Notary Public Signature

Anthony Stefanacci  
Printed Name of Notary Public

DD 373721

Notary Commission Number

NOTARY PUBLIC-STATE OF FLORIDA  
 **Anthony Stefanacci**  
Commission # DD373721  
Expires: NOV 21, 2008  
Bonded Thru Atlantic Bonding Co., Inc.

(NOTARY SEAL)



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**  
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300  
 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) → 024424030000A0190

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): **BS 20061074 EASEMENT: HABITAT FOR HUMANITY OF LEE COUNTY, INC**

Last: 1288 N TAMiami TrL First: NORTH FORT MYERS MI: FL Corporate Name (if applicable): 33903  
 Mailing Address: 1288 N TAMiami TrL City: NORTH FORT MYERS State: FL Zip Code: 33903 Phone No.:

4. Grantee (Buyer): **THOM OSTERHOUT AS AGENT: FOR LEE CO. BD. OF CO. COMMISSIONERS**

Last: P. O. BOX 398 First: FT. MYERS MI: FL Corporate Name (if applicable): 33902 (2394798181)  
 Mailing Address: P. O. BOX 398 City: FT. MYERS State: FL Zip Code: 33902 Phone No.: 2394798181

5. Date of Sale/Transfer: 09/05/2006 Sale/Transfer Price: \$ 00 Property Located In: Lee  
 Month: 09 Day: 05 Year: 2006 (Round to the nearest dollar.)

6. Type of Document:  Contract/Agreement for Deed  Other  Warranty Deed  Quit Claim Deed

7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: \$ 00 YES  /  NO  
 (Round to the nearest dollar.)

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

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 Cents

12. Amount of Documentary Stamp Tax \$ 70

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

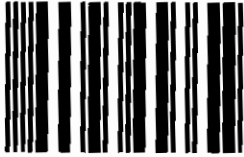
Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/she has any knowledge.

Signature of Grantor or Grantee or Agent: [Signature] Date: 8/17/06

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
<b>This copy to Property Appraiser</b>	
O. R. Book and Page Number and File Number	
Date Recorded	

**This copy to Property Appraiser**



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**  
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300  
 DR-219  
 R. 07/98

Enter numbers as shown below. If typing, enter numbers as shown below.

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) → **0 1 2 3 4 5 6 7 8 9 0123456789**  
**024424030000A0190**

2. Mark (x) all that apply: Multi-parcel transaction? → **BS 20061074** Transaction is a split or cutout from another parcel? → **EASEMENT:** Property was improved with building(s) at time of sale/transfer? → **HABITAT FOR HUMANITY OF LEE COUNTY, INC**

3. Grantor (Seller): Last **1288 N TAMIAMI TRL** First **NORTH FORT MYERS** MI **FL** Corporate Name (if applicable) **33903**

4. Grantee (Buyer): Mailing Address **THOM OSTERHOUT** City **AS AGENT:** State **FOR LEE CO.** Zip Code **BD. OF CO. COMMISSIONERS** Phone No. **33902** ( **2394798181** )

5. Date of Sale/Transfer: Month **09** Day **05** Year **2006** Sale/Transfer Price **\$ .00** Property Located In **46** County Code **46**

6. Type of Document: Contract/Agreement for Deed  Other  7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: **YES**  **NO**  
 Warranty Deed  Quit Claim Deed  (Round to the nearest dollar.) **\$ .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

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 **\$ 0.70**

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/she has any knowledge.

Signature of Grantor or Grantee or Agent *[Signature]* Date **8/17/06**

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
<b>This copy to Department of Revenue</b>	
O. R. Book and Page Number and File Number	
Date Recorded	
Month Day Year	

**This copy to Department of Revenue**

**TO: RECORDERS OFFICE**

**PLEASE PUT MY NAME ON THE ATTENTION LINE:**

***Sue Gullette***

**CHARGE TO: LEE COUNTY UTILITIES -  
LCU 500283**

**ACCOUNT NO. OD5360748700.504930**

**THANK YOU.**

**FOR UTILITIES USE ONLY:**

**BLUE SHEET NO. 20061074-UTL**

**PROJECT NAME: BROOKS DRIVE ELDERLY  
HOUSING**

**EASEMENT NAME: HABITAT FOR HUMANITY FOR  
LEE COUNTY, INC.**

This Instrument Prepared By:  
Lee County Utilities  
1500 Monroe Street - 3<sup>rd</sup> Floor  
Fort Myers, Florida 33901

Strap Number(s):

**02-44-24-03-0000A.0190**

**LCU 500283**

(THIS SPACE RESERVED FOR RECORDING)

**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2006, by and between "HABITAT FOR HUMANITY OF LEE COUNTY, INC.", Owner, hereinafter referred to as GRANTOR(S), and "LEE COUNTY", a political subdivision of the State of Florida, 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.

**BS 20061074-UTL**



3. The public utility easement will 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 may 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 will 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 from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, 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, agrees to 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.

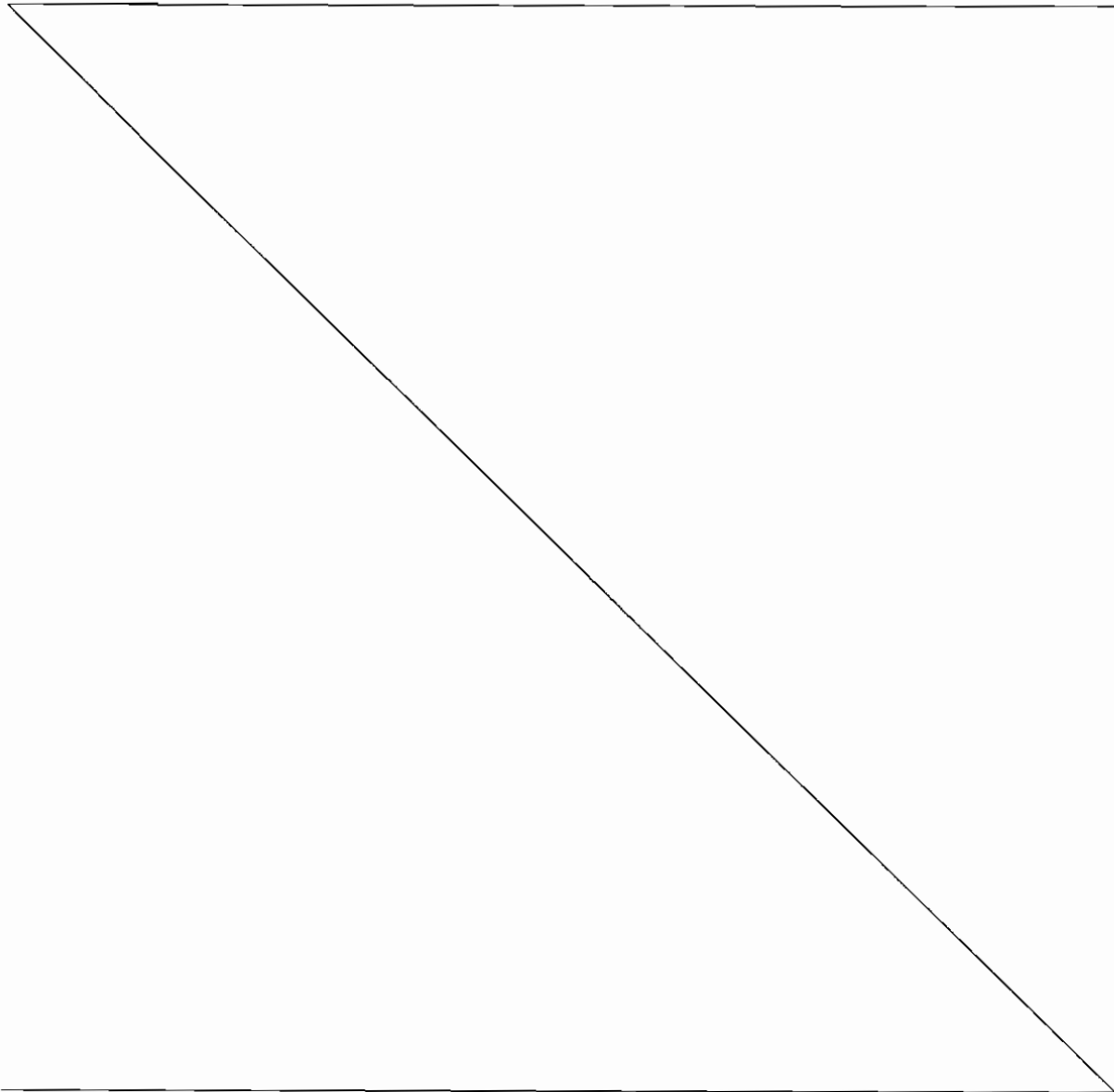
8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or 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.



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.

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

(Balance of Page Left Intentionally Blank)



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

Stanley D. York  
[1<sup>st</sup> Witness Signature]

STANLEY D. YORK  
[Type or Print Name]

Kimberly D. Taylor  
[2<sup>nd</sup> Witness Signature]

Kimberly D Taylor  
[Type or Print Name]

BY: Vernon E. Archibald  
[Signature Grantor's/Owner's]

Vernon E. Archibald  
[Type or Print Name]

President of Habitat for Humanity of Lee County, Inc.  
[Title]

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 10<sup>th</sup> day of July 2006, by Vernon E. Archibald who produced the following as identification \_\_\_\_\_ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Cheryl Simpson  
[Signature of Notary]

Cheryl Simpson  
[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM

BY: \_\_\_\_\_  
Office of the County Attorney



# Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard  
Fort Myers, Florida 33919-5910  
email – fmooffice@bwlk.net  
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land  
Lying in  
Section 2, Township 44 South, Range 24 East  
Lee County, Florida  
Habitat for Humanity - Old Raymond Lumber Site  
(Elderly Housing Parcel - 20' Wide Water Main Easements)

A parcel of land situated in the State of Florida, County of Lee, lying within the plat of Town of Kantz Subdivision as recorded in Plat Book 1 at Page 19 (now partially vacated per County Commissioners Minutes Book 11 at Page 275), Public Records of Lee County, and further described as follows:

## Water Main Easement #1

A water line easement 20 feet wide lying 10 feet each side of the following described centerline:

Commencing at the intersection of the northerly right-of-way line of Willis Street (50 feet wide), formerly First Street, as shown on said plat and the northeasterly line of Tamiami Trail (Old U.S. [Business] 41) per Florida Department of Transportation Right-of-Way Map Section 12010-2501; thence N89°20'35"E along the northerly line of said Willis Street for 250.00 feet to the southeast corner of a parcel described in Official Record Book 2539 at Page 474; thence N30°22'15"W along the easterly line of said parcel for 303.90 feet to the northeast corner of said parcel; thence S89°20'35"W along the northerly line of said parcel for 38.49 feet; thence N00°37'58"W for 340.93 feet to an intersection with the southerly right-of-way line of Brooks Drive (60 feet wide) as described in Official Record Book 74 at Page 690; thence N89°22'02"E along said southerly line for 41.44 feet to the Point of Beginning; thence S00°37'58"E for 212.37 feet to the Point of Terminus.

Together with:

## Water Main Easement #2

A water line easement 20 feet wide lying 10 feet each side of the following described centerline:

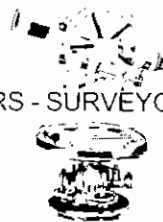
Commencing at the intersection of the northerly right-of-way line of Willis Street (50 feet wide), formerly First Street, as shown on said plat and the northeasterly line of Tamiami Trail (Old U.S. [Business] 41) per Florida Department of Transportation Right-of-Way Map Section 12010-2501; thence N89°20'35"E along the northerly line of said Willis Street for 250.00 feet to the southeast corner of a parcel described in Official Record Book 2539 at Page 474; thence N30°22'15"W along the easterly line of said parcel for 303.90 feet to the northeast corner of said parcel; thence S89°20'35"W along the northerly line of said parcel for 38.49 feet; thence N00°37'58"W for 340.93 feet to an intersection with the southerly right-of-way line of Brooks Drive (60 feet wide) as described in Official Record Book 74 at Page 690; thence N89°22'02"E along said southerly line for 356.82 feet to the point of curvature of a circular curve concave to the northwest; thence easterly and northeasterly along the arc of said curve having for its elements a radius of 630.00 feet and a central angle of 01°42'07" for 18.71 feet to the Point of Beginning; thence S01°17'22"E for 17.97 feet to the Point of Terminus.

Continued...

### PRINCIPALS

WILLIAM E. BEAN, PSM, CHAIRMAN  
SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



### ASSOCIATES.

TRACY N. BEAN, AICP  
W. BRITT POMEROY, JR., PSM  
STEPHEN H. SKORUPSKI, PSM  
ELWOOD FINEFIELD, PSM  
JAMES A. HESSLER, PSM  
JAMES R. COLEMAN, PSM  
RUDOLF A. NORMAN, PE

Description of a Parcel of Land  
Lying in  
Section 2, Township 44 South, Range 24 East  
Lee County, Florida  
Habitat for Humanity - Old Raymond Lumber Site  
(Elderly Housing Parcel - 20' Wide Water Main Easements)  
- Continued -

Together with:

**Water Main Easement #3**

A water line easement 20 feet wide lying 10 feet each side of the following described centerline:

Commencing at the intersection of the northerly right-of-way line of Willis Street (50 feet wide), formerly First Street, as shown on said plat and the northeasterly line of Tamiami Trail (Old U.S. [Business] 41) per Florida Department of Transportation Right-of-Way Map Section 12010-2501; thence N89°20'35"E along the northerly line of said Willis Street for 250.00 feet to the southeast corner of a parcel described in Official Record Book 2539 at Page 474; thence N30°22'15"W along the easterly line of said parcel for 260.21 feet; thence N89°20'35"E for 113.27 feet; thence N00°37'58"W for 138.00 feet; thence N89°20'35"E for 282.57 feet; thence S00°19'49"E for 25.00 feet; N89°20'35"E for 275.00 feet to an intersection with the westerly right-of-way line of Lavin Lane (60 feet wide); thence N00°19'49"W along said westerly line for 94.94 feet to the Point of Beginning; thence S89°20'35"W for 30.02 feet to the Point of Terminus.

Subject to easements, restrictions, reservations and rights-of-way (written and unwritten, recorded and unrecorded).

Bearings are based on the centerline of Tamiami Trail (Old U.S. [Business] 41) as bearing N31°48'31"W at Willis Street as per Florida Department of Transportation Right-of-Way Maps Section 12001-2501.

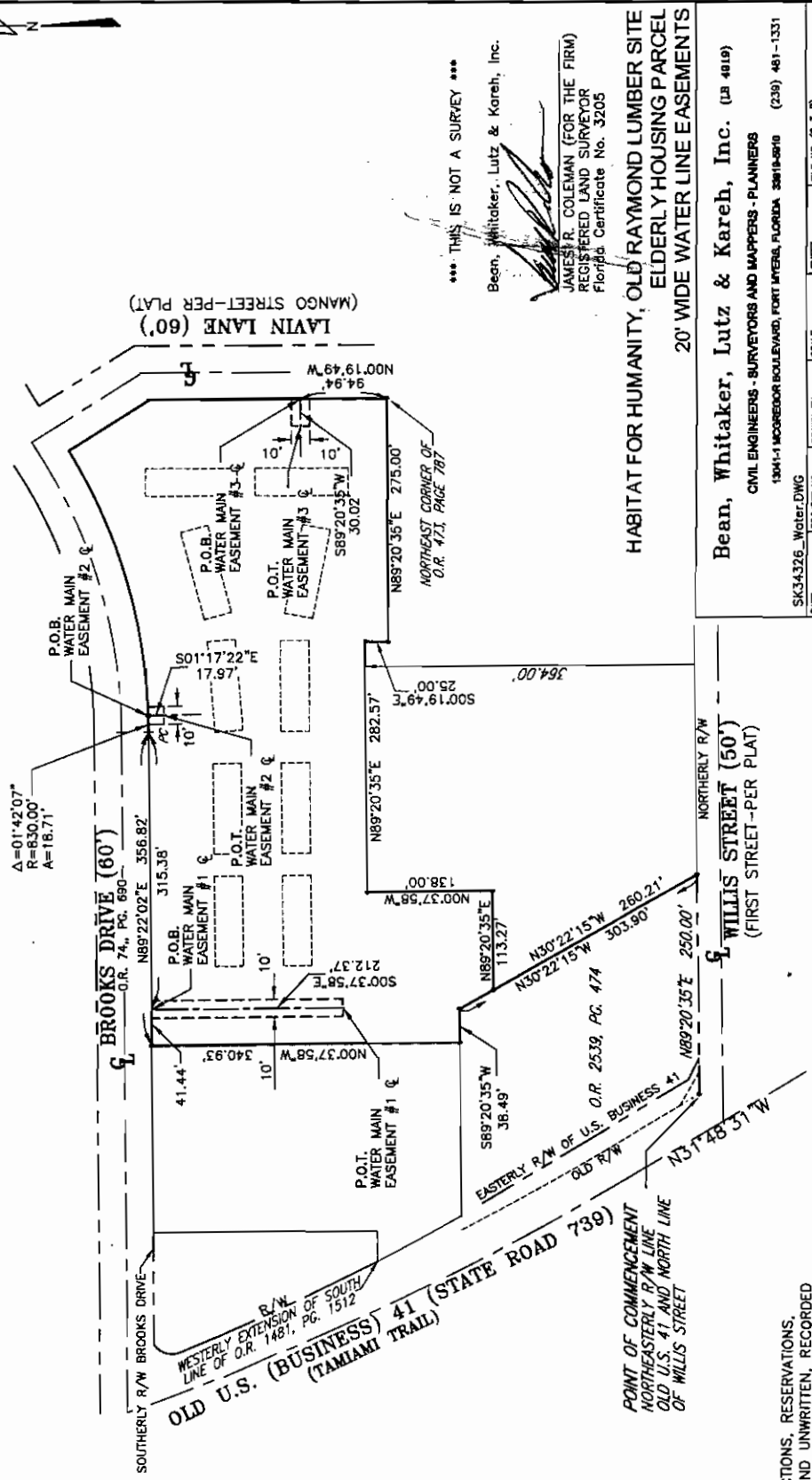
Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)



James R. Coleman (For the firm)  
Registered Land Surveyor  
Florida Certificate No. 3205

# SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND  
LYING IN  
SECTION 2, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA.



$\Delta = 01^{\circ}42'07''$   
 $R = 830.00'$   
 $A = 18.71'$

**BROOKS DRIVE (60')**  
O.R. 74, PG. 690

**WILLIS STREET (50')**  
(FIRST STREET - PER PLAT)

**LAVIN LANE (60')**  
(MANGO STREET - PER PLAT)

\*\*\* THIS IS NOT A SURVEY \*\*\*

Bean, Whitaker, Lutz & Kereh, Inc.

JAMES R. COLEMAN (FOR THE FIRM)  
REGISTERED LAND SURVEYOR  
Florida Certificate No. 3205

HABITAT FOR HUMANITY, OLD RAYMOND LUMBER SITE  
ELDERLY HOUSING PARCEL  
20' WIDE WATER LINE EASEMENTS

Bean, Whitaker, Lutz & Kereh, Inc. (LA 4019)  
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS  
1904-1 MOOREBORO BULEVARD, FORT MYERS, FLORIDA 36618-9610 (239) 481-1331

DATE	07-12-08	PROJECT NO.	34326	DRAWN BY	JRC	SCALE	1" = 150'	SHEET	1 OF 1	FILE NO. (S-F-R)	2-44-24
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**ABBREVIATIONS:**

- POT = POINT OF TERMINUS
- PC = POINT OF CURVATURE
- OR = OFFICIAL RECORD BOOK
- PG = PAGE

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

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

Blue Sheet No. 20061075-UTL

**1. Action Requested/Purpose:**

1) Approve Budget Amendment Resolution to reduce \$6,667,335 in the State Revolving Loan Fund #48734; 2) Approve \$9,375,000 interfund transfers from the State Revolving Fund to the Utilities Capital Improvements Fund #48730 and Water Connection Fees Fund #48712; 3) Approve Budget Amendment Resolutions in the Utilities Capital Improvements Fund and Water Connection Fees Fund accepting funds from the State Revolving Fund; and 4) Amend the FY05/06 CIP accordingly. (The transfer of funds from #48734 to #48730 includes increases of \$1,500,000 to the FMB Filtration System Replacement project #207261.)

**2. What Action Accomplishes:**

Reimburses expenses made on Utilities projects in the Water Connection Fees and the Utilities Capital Improvements Fund.

**3. Management Recommendation:**

Approval.

**4. Departmental Category: 10**

**CIOF**

**5. Meeting Date:**

**09-05-2006**

**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: Douglas L. Meurer 3/21/06  
**Douglas L. Meurer, P.E., Director**

**9. Background:**

On June 14, 2005 the Florida Department of Environmental Protection (FDEP) executed a loan agreement with Lee County under the Drinking Water State Revolving Fund authorizing a loan amount of \$3,493,400 for the construction of the North Lee County Water Treatment Plant. This first segment of funding consisted of \$3,375,000 to be disbursed to the County, and \$118,400 as capitalized interest.

On November 22, 2005 FDEP advised the County that an additional \$6,156,300 had been authorized for this loan. The second segment consisted of \$6,000,000 to be disbursed to the County, and \$156,000 as capitalized interest and other project costs. The \$6,000,000 was received in two installments of \$3,000,000 each during March 2006 and May 2006.

The project will continue to be granted segment financing on a yearly basis, at whatever level the SRF segment cap is set for in a given year, until the total cost of the project is covered.

**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.	
<u>L. Lavender</u> Date: 8/21/06		N/A Date:	<u>JAD</u> Date: 8/21/06	<u>S. Covert</u> Date: 8/22/06	<u>NK</u> 8/22	<u>or 8/22/06</u>	<u>8/22/06</u>	<u>8/22/06</u>	<u>J. Lavender</u> Date: 8-21-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <u>8/20/06 2:20 mp.</u>
COUNTY ADMIN FORWARDED TO: <u>8/24 9:00 - P/A</u>

Rec. by CoAtty Date: <u>8/22/06</u> Time: <u>11:55 AM</u> Forwarded to: COUNTY ADMIN <u>8/22/06 12:54</u>
--

# RESOLUTION

Amending the budget of the DEP Loan 2001-Construction Fund #48734 to **reduce** Estimated Revenues and Appropriations for fiscal year 2005-2006.

**WHEREAS**, in compliance with Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the DEP Loan 2001-Construction Fund #48734 budget by reducing estimated Revenues of \$6,667,335 from State of Florida Revolving Trust proceeds and a reduction of a like amount in Appropriations for improvement construction;

**WHEREAS**, the DEP Loan 2001-Construction Fund #48734 budget shall be amended to reflect the following amounts.

## ESTIMATED REVENUES

Prior Total:		\$16,072,335
Reductions		
20700048734.384000.9004	State of Florida Revolving Trust	\$500,000
20710048734.384000.9004	State of Florida Revolving Trust	20,000
20713148734.384000.9004	State of Florida Revolving Trust	3,500,000
20726148734.384000.9004	State of Florida Revolving Trust	2,647,335
Amended Total Estimated Revenues		\$9,405,000

## APPROPRIATIONS

Prior Total:		\$16,072,335
Reductions		
20700048734.506540	Improvement Construction	\$500,000
20710048734.506540	Improvement Construction	20,000
20713148734.506540	Improvement Construction	3,500,000
20726148734.506540	Improvement Construction	2,647,335
Amended Total Appropriations		\$9,405,000

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the DEP Loan 2001-Construction Fund #48734 budget is hereby amended to show the above reductions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRWOMAN

APPROVED AS TO FORM

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





# RESOLUTION #

Amending the Lee County Utilities – Capital Improvements Fund #48730 budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2005-2006.

**WHEREAS**, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Lee County Utilities – Capital Improvements Fund #48730 budget for \$8,000,000 of unanticipated receipts from Sub-fund transfer proceeds and an appropriation of a like amount for improvement construction and reserves;

**WHEREAS**, the Lee County Utilities – Capital Improvements Fund #48730 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$52,402,288
Additions		
GC5810148730.381900.948734	Sub Fund Transfers from 48734	\$8,000,000
Amended Total Estimated Revenues		\$60,402,288

## APPROPRIATIONS

Prior Total:		\$52,402,288
Additions		
GC5890148730.509910	Reserve for Contingencies	\$6,500,000
20726148730.506540	Improvement Construction	1,500,000
Amended Total Appropriations		\$60,402,288

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Lee County Utilities – Capital Improvements Fund #48730 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRWOMAN

APPROVED AS TO FORM

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

DOC TYPE YA  
LEDGER TYPE BA

# RESOLUTION #

Amending the Lee County Utilities – Water Connection Fees Fund #48712 budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2005-2006.

**WHEREAS**, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Lee County Utilities – Water Connection Fees Fund #48712 budget for \$1,375,000 of unanticipated receipts from Sub-fund transfer proceeds and an appropriation of a like amount for reserves;

**WHEREAS**, the Lee County Utilities – Water Connection Fees Fund #48712 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$19,668,579
Additions		
GC5810148712.381900.948734	Sub Fund Transfers from 48734	\$1,375,000
Amended Total Estimated Revenues		\$21,043,579

## APPROPRIATIONS

Prior Total:		\$19,668,579
Additions		
GC5890148712.509910	Reserve for Contingencies	\$1,375,000
Amended Total Appropriations		\$21,043,579

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Lee County Utilities – Water Connection Fees Fund #48712 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRWOMAN

APPROVED AS TO FORM

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

DOC TYPE YA  
LEDGER TYPE BA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8178

(VIA FEDERAL EXPRESS 2ND DAY)

February 10, 2006

Don W. Berryhill, P.E., Chief  
Bureau of Water Facilities Funding  
**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Twin Towers Office Building - MS 3505  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**SUBJECT: NORTH LEE COUNTY WATER TREATMENT PLANT PROJECT  
REQUEST FOR DISBURSEMENT #2  
LOAN AGREEMENT - DW3610 010**

Dear Mr. Berryhill:

Enclosed please find a Request for Disbursement of funds authorized by Amendment 1 to subject loan agreement.

In addition to a disbursement request form, included as supporting documents, please find:

1. A copy of Lee County BOCC Resolution No. 05-03-30 designating the Chair of the Lee County BOCC as the "Authorized Representative" empowered to execute documents pertinent to subject loan.
2. A copy of "Blue Sheet" No. 20051514 documenting the election of Tamara Hall as Chairwoman of the Lee County BOCC.
3. A copy of documentation previously submitted authorizing the electronic transfer of funds to Lee County.
4. Copies of paid invoices, Nos: 23 to 32, documenting contract payments made for the North Lee County Water Treatment Plant project totaling \$7,030,68; of which \$5,976,970 were payments to subcontractors.

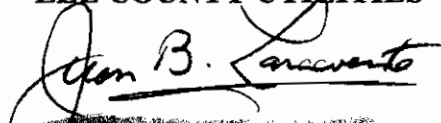
Page 2  
February 10, 2006  
Letter to Don W. Berryhill, P.E.  
Subject: Request for disbursement #2  
Loan agreement - DW3610 010

If anything else is needed, or if you or your staff members have any questions, please call me at 239-479-8178 or 239-357-0385.

Thank you for your help in this matter.

Cordially,

**LEE COUNTY UTILITIES**



**Don B. Larcuente, P.E.**

Senior Engineer

JBL/sdg

Enclosures

cc: Al Bishop, P.E., DEP (W/O Enclosures)  
Angela Knecht, DEP (W/O Enclosures)  
Honorable Tamara Hall, Chairwoman Lee County BOCC (W/O Enclosures)  
Rick Diaz, P.E., LCU (W/O Enclosures)  
Ivan Velez, P.E., LCU (W/O Enclosures)  
Thomas Mamott, P.E. LCU (W/O Enclosures)  
File/Scan Copy, LCU

**Disbursement Details**  
(Cumulative Amounts)

All numbers should be rounded to the nearest dollar

	(Per Amendment 1 to SRF Loan DW3610 010)
1. Administrative Allowance	\$ 144,000
2. Planning Allowance	\$ 0
3. Engineering Allowance	\$ 1,440,000
4. Construction and Demolition	\$ 7,791,000
5. Technical Services during Construction	\$ 0
6. Loan Repayment Reserve (N/A for Grants)	\$ 0
7. Other <sup>1</sup> (Must be budgeted in agreement)	\$
	\$
	\$
	\$
8. Total cumulative to date	\$ 9,375,000
9. Disbursements previously requested	\$ ( 3,375,000 )
10. Amount requested for disbursement (Line 8 minus Line 9)	\$ 6,000,000

<sup>1</sup> Some items that may appear in the agreement that would be included on this line are equipment, land, financing, and project performance certification.

**Authorized Representative's Certification**  
of Disbursement Request

I, Tammara Hall, Chairwoman, Lee County Board of County Commissioners,  
(Name of Authorized Representative designated in the agreement)

on behalf of Lee County, do hereby certify that:  
(Name of Project Sponsor)

1. The disbursement amount requested on page 2 of 5 of this form is for allowable costs for the project described in the agreement.
2. Materials, labor, equipment, and/or services representing costs included in the amount requested have been satisfactorily purchased, performed or received, and applied toward completing the project; such costs are documented by invoices or other appropriate documentation, which are filed in the Project Sponsor's permanent records.
3. The Project Sponsor is required to pay such costs under the terms and provisions of contracts relating directly to the project, and the Project Sponsor is not in default of any terms or provisions of the contracts.
4. Funds received for establishment of the Loan Repayment Reserve Account will be deposited, and the account will be maintained in accordance with the Agreement. (N/A for GRANTS)
5. All funds received to date have been applied toward completing the project.
6. All permits and approvals required for the construction which is underway have been obtained.

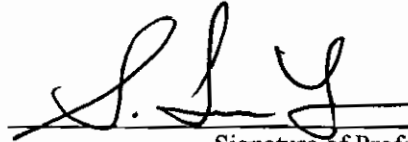
  
\_\_\_\_\_  
(Signature of Authorized Representative)

2/9/09  
\_\_\_\_\_  
(Date)

**Engineer's Certification**  
of Disbursement Request

I, Ivan Velez, P.E., being the Professional Engineer retained by  
(name of Professional Engineer)  
Lee County, am responsible for overseeing construction of the  
(name of Project Sponsor)  
project described in the Agreement and do hereby certify that:

1. Equipment, materials, labor, and services represented by the construction invoices have been satisfactorily purchased or received and applied to the project in accordance with construction contract documents filed with and previously approved by the Department of Environmental Protection;
2. Payment is in accordance with construction contract provisions;
3. Adequate construction supervision is being provided to assure compliance with construction requirements and Florida Administrative Code Rule 62-600 or Rule 62-604, as appropriate;
4. Construction up to the point of this disbursement is in compliance with the contract documents;
5. All changes, additions, or deletions to the construction contract(s) have been documented by change order and all change orders have been submitted to the Department; and
6. All additions or deletions to the Project which have altered the Project's performance standards, scope, or purpose (since issue of the pertinent Department permit) have been identified in writing to the Department or are identified and attached hereto. (An attachment is included). Yes  No



\_\_\_\_\_  
Signature of Professional Engineer

\_\_\_\_\_  
Lee County Utilities  
Firm or Affiliation

\_\_\_\_\_  
January 31, 2006  
(Date)

\_\_\_\_\_  
46086  
(P.E. Number)

**NOTE:** This certification is not required for Preconstruction Disbursement Requests or Allowance Requests for Construction Disbursements.



## CONTRACTOR'S REPORT OF MINORITY/WOMEN'S BUSINESS ENTERPRISE PARTICIPATION

Project Name: N. Lee County Water Treatment Plant Month of January, 2006  
 General Contractor: Kellogg Brown & Root  
 Contact Person: Joe Dignem Telephone: 239-567-2181, ext. 229  
 Address: 18250 Durrance Rd., Ft. Myers, FL 33917  
 Amount of Contract: \$24,000,000 MBE 0 WBE 0  
 \_\_\_\_\_ %: \_\_\_\_\_ %:

**MBE/WBE Information: Circle either MBE or WBE and Complete Form.**

MBE/WBE Firm Name: NONE Contact Person: \_\_\_\_\_  
 Date of Award: \_\_\_\_\_ Contract Value: \$ \_\_\_\_\_  
 Completed-to-Date: \$ \_\_\_\_\_ Paid-to-Date: \$ \_\_\_\_\_  
 Work Description: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Comments: \_\_\_\_\_

MBE/WBE Firm Name: NONE Contact Person: \_\_\_\_\_  
 Date of Award: \_\_\_\_\_ Contract Value: \$ \_\_\_\_\_  
 Completed-to-Date: \$ \_\_\_\_\_ Paid-to-Date: \$ \_\_\_\_\_  
 Work Description: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Comments: \_\_\_\_\_

MBE/WBE Firm Name: NONE Contact Person: \_\_\_\_\_  
 Date of Award: \_\_\_\_\_ Contract Value: \$ \_\_\_\_\_  
 Completed-to-Date: \$ \_\_\_\_\_ Paid-to-Date: \$ \_\_\_\_\_  
 Work Description: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Comments: \_\_\_\_\_

MBE/WBE Firm Name: NONE Contact Person: \_\_\_\_\_  
 Date of Award: \_\_\_\_\_ Contract Value: \$ \_\_\_\_\_  
 Completed-to-Date: \$ \_\_\_\_\_ Paid-to-Date: \$ \_\_\_\_\_  
 Work Description: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 Comments: \_\_\_\_\_

**Attach additional pages as required.**

General Contractor's Signature: [Signature] Date: 1/24/06  
 For questions or further information please contact Mary Patt Talton at (850) 488-8163.

**NOTE:** Please submit with construction disbursement requests for payment.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

RESOLUTION NO. 05-03-30

**RE: RELATING TO THE STATE REVOLVING FUND PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES AND CERTIFICATIONS; PROVIDING FOR CONFLICTS, SERVERABILITY AND EFFECTIVE DATE.**

**WHEREAS, Florida Statutes provide for financial assistance to local government agencies to finance the construction of drinking water facilities; and**

**WHEREAS, Florida Administrative Code rules require authorization to apply for financial assistance, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with program requirements; and to enter into an agreement; and**

**WHEREAS, the State Revolving Fund priority list designates Project Number DW3610010 as eligible for available funding; and**

**WHEREAS, Project Sponsor, Florida, intends to enter into an agreement with the Department of Environmental Protection under the State Revolving fund for project financing.**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION I. The foregoing findings are incorporated herein by reference and made part hereof.**

**SECTION II. Lee County, Florida is authorized to apply for financial assistance to finance the project.**

**SECTION III. The revenues pledged for the repayment of the loan are net revenues of the Lee County Utilities System [after payment of debt service on list outstanding bond debt by series].**

**SECTION IV. The Chairman of the Board of County Commissioners is hereby designated as the authorized representative to provide the assurances and commitments required by the application.**

**SECTION V. The Chairman of the Board of County Commissioners is hereby designated as the authorized representative to execute the loan application and execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Chairman of the Board of County Commissioners is authorized to represent Lee County in carrying out the County's responsibilities under the loan agreement. The Chairman of the Board of County Commissioners is authorized to delegate responsibility to appropriate County Staff to carry out technical, financial, and administrative activities associated with the agreement.**

SECTION VI. The legal authority for borrowing moneys to construct this Project is Florida Statutes.

SECTION VII. Conflicts. All Resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION VIII. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION IX. Effective Date. This resolution shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Lee County, Florida, this 22nd day of March, 2005.

**BOARD OF COUNTY COMMISSIONERS OF  
LEE COUNTY, FLORIDA**


BY: \_\_\_\_\_



ATTEST:

Charlie Green, Clerk of the  
Circuit Court and ex-officio Clerk  
of the Board of County Commissioners  
of Lee County, Florida

APPROVED AS TO FORM

  
OFFICE OF COUNTY ATTORNEY

BY: \_\_\_\_\_

Lisa L. Pierce  
Deputy Clerk



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

**Blue Sheet No. 20051514**

- 1. ACTION REQUESTED/PURPOSE:**  
Annual Organization of the Board of County Commissioners.
- 2. WHAT ACTION ACCOMPLISHES:**  
Administrative Code AC-1-3, Section IV, Rule 2.01 calls for the annual organization or reorganization of the Board to designate a Chairman and Vice-Chairman.
- 3. MANAGEMENT RECOMMENDATION:**

**4. Departmental Category:** 06 **9:30 PM** **Meeting Date:** **11-15-2005**

<b>6. Agenda:</b> <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input checked="" type="checkbox"/> Statute Chapter 125 <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Admin. Code AC-1-3 <input type="checkbox"/> Other	<b>8. Request Initiated:</b> Commissioner _____ Department _____ Division <u>Public Resources</u> By: <u>Libby Walker, Director</u>
--	---	---

**9. Background:**  
The Board of County Commissioners of Lee County, Florida, shall annually, on the third Tuesday of November, organize or reorganize the officers of the Board as to designating or redesignating a Chairman and Vice Chairman. The Chairman and Vice Chairman shall serve for a one-year term unless the Board shall reorganize as set forth in the procedures in AC-1-3, Rule 2.01 – Annual Reorganization.

**Attachment: Administrative Code AC-1-3, Section IV, Rule 4.01**

Note: Commissioner Tammy Hall (Tammara Hall) was elected as Chair of the Board for next year. On her signature block on legal documents she prefers it to read as follows: TAMMARA HALL, CHAIRWOMAN

Chairwoman Hall then appointed Commissioner Janes as Vice-Chairman, and his title line should read Vice-Chairman.

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>Cliffen 10/19</i>				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 10/14/05	<i>[Signature]</i> 10/14/05	<i>[Signature]</i> 10/14/05	<i>[Signature]</i> 10/14/05	<i>[Signature]</i> 10/17/05	<i>[Signature]</i> 10-20-05

- 11. Commission Action:**  
 Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY  
COUNTY ADMIN  
10-14-05  
3:15  
COUNTY ADMIN  
FORWARDED TO:  
10/19/05  
JAM

Rec. by CoAtty  
Date: 10/14/05  
Time: 10:55 AM  
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Budget  
10/14/05 2:55 PM

## **AC-1-3 Continued**

The County Manager shall be responsible for maintaining an accurate and up-to-date roster of all boards, commissions, and their respective memberships, and shall advise the Commission prior to the expiration of any appointments.

### **SECTION IV: ORGANIZATION AND REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS**

Chapter 125, Florida Statutes, and the Lee County Charter (Lee County Ordinance No. 96-01, as amended), provide that the legislative and governing body of a County shall have the power to carry on County Government to the extent not inconsistent with general or special law. This power shall include, but shall not be limited to, the power to adopt its own rules and procedures, select its officers and set the time and place of its meetings.

#### **RULE 4.01 - ANNUAL ORGANIZATION**

The Board of County Commissioners of Lee County, Florida, shall annually, on the third Tuesday of November, organize or reorganize the officers of the Board as to designating or redesignating a Chairman and Vice Chairman. The Chairman and Vice Chairman shall serve a one year term, unless the Board shall reorganize as set forth in the procedures below.

The Clerk to the Board or the Deputy Clerk to the Board shall be present and conduct the meeting until a Chairman has been selected. The organization of the Board will be the first item on the Agenda for that day.

#### **RULE 4.02 - PROCEDURE FOR ANNUAL ORGANIZATION**

The Clerk shall call for nominations of the Chairman and after a member has been recognized by the Chair, a Commissioner may place in nomination a name for the Chairman. The nomination does not require a second. The Chair must call for nominations until an affirmative vote is received to close the nomination. The election of the Chairman will be upon roll call, there shall be no discussion by any member voting. He shall vote "Yes" or "No". After a new Chairman is elected, the Vice Chairman's election shall be held in the same manner by the newly elected Chairman.

#### **RULE 4.03 - REORGANIZATION OF THE BOARD**

Any member of the Board of County Commissioners may, at any regular or special called meeting of the Board, after being duly recognized by the Chairman, request a reorganization of the Board. For this purpose the Commissioner, upon being recognized shall request Special Privilege. The rule governing Special Privilege does not require a second and is not debatable, however, the question of privilege is decided by the Chair. If the Chair elects to grant Special Privilege of reorganization the procedure for organization as outlined above shall proceed.

If the Chair elects to deny the question of Special Privilege unless further action is taken, the ruling of the Chair is final. If any member of the Board wishes to enforce the Special Privilege Rule, he must call for the "Orders of the Day". The rule governing this motion does not require a second but does require a 2/3 negative vote not to proceed to the Orders of the Day. If the Orders of the Day motion is an affirmative, the reorganization takes place as outlined under Organizational Procedures.

**(PH 1) ACTION REQUESTED/PURPOSE:**

Annual Organization of the Board of County Commissioners.

**WHAT ACTION ACCOMPLISHES:**

Administrative Code AC-1-3, Section IV, Rule 2.01 calls for the annual organization or reorganization of the Board to designate a Chairman and Vice-Chairman.

**MANAGEMENT RECOMMENDATION:**

Approve. (#20051514 – Public Resources)

**DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:**

Agenda Item PH 1 should be heard as a presentation rather than as a public hearing.

Clerk of Courts Charlic Green mentioned that the past year had been an exciting one, with another hurricane and the opening of the new Midfield Terminal. After noting that a second was not required, Mr. Green opened the floor for nominations for Chairman. Commissioner Albion nominated Commissioner Hall. There being no other nominations, Mr. Green closed nominations and called for a voice vote for the nomination of Commissioner Hall. The nomination was approved unanimously. Mr. Green then turned the meeting over to Chairman Hall, and requested that she select a Vice-Chairman. Commissioner St. Cerny thanked Mr. Green, the other Commissioners, County Administration, the County Attorney's Office, County staff, and citizens for their roles in the County's successes of the past year.

Commissioner Hall requested that Commissioner Janes serve as Vice-Chairman, and the Board concurred.

Commissioner Judah commended Commissioner St. Cerny for the dignity and grace with which he had dealt with the issues that had come before the Board; and noted that, as Vice-Chairman during the past year, Commissioner Hall had demonstrated her abilities on numerous occasions.

**9:30 A.M. AGENDA ITEM - Public Hearing****(PH 2) ACTION REQUESTED/PURPOSE:**

Adopt a resolution on Petition No. VAC2005-00044, submitted by Pierre S. and Souse Lysius, to vacate a twelve-foot wide public utility easement centered on the common lot line between Lots 1 and 2, Block 7, Unit 7, Lehigh Acres, as recorded in Plat Book 15, Page 87, Public Records of Lee County, Florida, less and except the easterly six feet and the westerly six feet thereof. The site is located at 100 Gunnery Road S., Lehigh Acres.

**WHAT ACTION ACCOMPLISHES:**

To build a commercial building on the combined lots. The vacation of this easement will not alter existing utility conditions, and the easement is not necessary to accommodate any future utility requirements.

**MANAGEMENT RECOMMENDATION:**

Approve. (S33-T44S-R26E) (District #5) (#20051465 – Community Development)

**IMMEDIATELY FOLLOWING CONSIDERATION OF CARRY-OVER ITEM NO. 1:**

Assistant County Attorney John J. Fredyma approved as to legal form and sufficiency, the Affidavit of Publication for this item; and briefly described the request. The Chairman called for public input; however, no one came forward. Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

**RESOLUTION NO. 05-11-41**

**(PH 3) ACTION REQUESTED/PURPOSE:**

Conduct second public hearing; and agree to enter into a development agreement, with the owners and developers of the Alico Interchange Park Development of Regional Impact (DRI), that will govern the mitigation of the transportation impacts of the Alico Interchange Park DRI. Accept cash payment received pursuant to this agreement; amend the FY 05/06 - 09/10 CIP to reflect payment; and approve a budget amendment resolution, in the amount of \$10,709,662.00 \$9,584,657.00.

**WHAT ACTION ACCOMPLISHES:**

Finalizes the terms and conditions of the mitigation of transportation impacts for the Alico Interchange Park DRI.

**MANAGEMENT RECOMMENDATION:**

Execute development agreement. (#20051572 – County Attorney)

Assistant County Attorney Donna Marie Collins approved as to legal form and sufficiency, the Affidavit of Publication for this item; and mentioned that the amount for the budget amendment resolution should be changed to \$9,584,657.00 because of road impact fees that had already been paid in conjunction with existing development. The Chairman called for public input; however, no one came forward. Commissioner Judah moved approval of the item as amended, seconded by Commissioner St. Cerny, called and carried.

**RESOLUTION NO. 05-11-42**

**Bank of America**



Bank of America  
Commercial Banking  
1201 6th Avenue West  
Bradenton, FL 34205

Tel 941.745.3044

July 27, 2005

Direct Deposit Section  
Department of Financial Services  
Room 414, Fletcher Building  
200 E. Gaines Street  
Tallahassee, Florida 32399-0359

To Whom It May Concern:

I have verified that the account and transit-routing numbers provided on the attached State of Florida Electronic Payment Authorization form for Lee County Board of County Commissioners are correct. I have further verified that Charlie Green is authorized to sign on the account provided and that this is his signature. If you have any questions, please call me at 941-745-3047.

Sincerely,

A cursive handwritten signature in black ink, appearing to read "Lorraine Guay".

Lorraine Guay  
Assistant Vice President

AUG 09 2005



2000-2004  
US Olympic Teams

Recycled Paper

WALK ON #1

Lee County Board of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20051696-UTL

1. Action Requested/Purpose:

Authorize the Chairwoman on behalf of the BOCC, to sign Amendment 1 to State Revolving Fund (SRF) Loan Agreement DW3610 010 that increases the amount of the loan funding amount for the construction of the North Lee County Water Treatment Plant. Approve Budget Amendment Resolution in the amount of \$6,000,000 from FDEP and amend the FY05-06/09-10 CIP accordingly.

2. What Action Accomplishes:

This action initiates the process to secure an additional \$6,000,000 at an interest rate of 2.58%, to fund the construction of the North Lee County Water Treatment Plant (Project).

3. Management Recommendation:

Approval.

4. Departmental Category: 10

WO #1

5. Meeting Date:

12-06-2005

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: Rick Diaz, P.E., Director  
12/11/05

9. Background:

On June 14th, 2005 the Florida Department of Environmental Protection (FDEP) executed a loan agreement with Lee County under the Drinking Water State Revolving Fund authorizing a loan amount of \$3,493,400 with an interest rate of 2.67% for the construction of the North Lee County Water Treatment Plant. This first segment of funding consisted of \$3,375,000 to be disbursed to the County and \$118,400 as capitalized interest.

The attached letter from FDEP advises Lee County that an additional \$6,156,300 at an interest rate of 2.58% has been authorized for this loan. This second segment consists of \$6,000,000 to be disbursed to the County, \$120,000 in capitalized interest, and \$36,300 in other project costs.

(CONT'D.)

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager / P.W. Director
					Analyst	Risk	G	
J. Lavender Date: 12-2-05	[Signature] Date: [Signature]	N/A Date:		S. Covert Date: 12-2-05	[Signature] 12-5-05	MF 12/5/05		

Xc: Utilities Division  
Rick Diaz (Central Files)  
S. Ivan Velez  
O. Figueroa  
K. Miller  
~~A. Whitman~~  
S. Gulledge (B/S Files)  
D. Thomas-Bickar  
Contracts

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

J/A

RECEIVED  
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3:30 PM  
12/5/05  
9:20 AM



The Project will continue to be granted segment financing on a yearly basis, at whatever level the SRF segment cap is set for a given year, until the total cost of the project is covered. The term of the loan will be 20 years with the first semi-annual payment due in 2008. In future years, amendments to the loan will be executed based on the then applicable segment amount, interest rate, and remaining term.

The execution and submittal of the attached State Revolving Fund Loan Amendment 1 is the first step towards securing disbursement of the additional funds to Lee County for the Project. The State must have the completed documents before the end of this year, or the additional loan may be subject to a higher interest rate. Therefore, we are submitting this Blue Sheet as a Walk-On item for December 13, 2005.

The Chairwoman is authorized to take this action per Resolution No. 05-03-30 approved by the BOCC on March 22, 2005 (see attached copy).

**Attachments:**

Letter from FDEP

SRF Loan Agreement Amendment 1 – 3 Originals (Signatures required on Page 4)

Copy of Resolution No. 05-03-30



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

November 22, 2005

Mr. Juan B. Laracuente, P.E., Senior Engineer  
Lee County Utilities  
1500 Monroe Street, Floor 3  
Fort Myers, Florida 33901

Re: DW3610 010 - Lee County  
Treatment

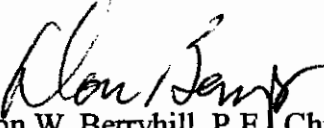
Dear Mr. Laracuente:

Enclosed are three original copies of proposed Amendment 1 to your State Revolving Fund loan agreement. The amendment provides an additional \$6,000,000 for this project.

Please have the appropriate officials **sign and seal** the enclosed three copies and return them to us within three weeks at 2600 Blair Stone Road, Mail Station 3505, Tallahassee, Florida, 32399-2400. We will arrange for the Department Secretary to sign the document and mail a fully executed copy to you. If the signed amendment is not received by us before January 1, 2006, this additional loan may be subject to a higher interest rate.

If you have any questions regarding this amendment, please call Melissa Dockstader at (850) 245-8358.

Sincerely,

  
Don W. Berryhill, P.E., Chief  
Bureau of Water Facilities Funding

DWB/md

Enclosures

NOV 23 2005

cc: Rick Diaz - Lee County Board of County Commissioners  
Douglas R. St. Cerny - Lee County Board of County Commissioners  
Ivan Velez - Lee County Utilities

"More Protection, Less Process"

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**DRINKING WATER STATE REVOLVING FUND  
AMENDMENT 1 TO LOAN AGREEMENT DW3610 010  
LEE COUNTY**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and LEE COUNTY, FLORIDA, (Project Sponsor) existing as a local government agency under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Project Sponsor entered into a Drinking Water State Revolving Fund Loan Agreement, Number DW3610 010, authorizing a Loan amount of \$3,375,000, excluding Capitalized Interest; and

WHEREAS, the Project Sponsor is entitled to additional financing of \$6,000,000, excluding Capitalized Interest; and

WHEREAS, an interest rate must be established for the additional financing amount awarded in this amendment; and

WHEREAS, a Loan Service Fee must be assessed for the additional financing; and

WHEREAS, the Semiannual Loan Payment amount needs revision to reflect adjustment in the Loan amount; and

WHEREAS, the Project costs need adjustment to reflect revised estimates; and

WHEREAS, revised provisions for audit and monitoring are needed.

NOW, THEREFORE, the parties hereto agree as follows:

1. Subsection 2.03(1) is revised as follows:

(1) The financial assistance authorized pursuant to this Loan Agreement consists of the following:

Federal Resources, Including State Match, Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
FS984522-050	EPA	66.468	Capitalization Grants for Drinking Water State Revolving Fund	\$9,375,000	140129

2. Additional financing in the amount of \$6,000,000, excluding Capitalized Interest, is hereby awarded to the Project Sponsor.

3. An interest rate of 2.58 percent per annum is established for the additional financing amount awarded in this amendment; however, if this amendment is not executed by the Project Sponsor and returned to the Department before January 1, 2006, the interest rate may be adjusted.

4. The estimated principal amount of the Loan is hereby revised to \$9,649,700, which consists of \$9,375,000 authorized for disbursement to the Project Sponsor and \$274,700 of Capitalized Interest. This total consists of the following:

(a) \$3,491,700, including \$3,375,000 authorized for disbursement to the Project Sponsor and \$116,700 of Capitalized Interest, at an interest rate of 2.67 percent per annum; and

(b) \$6,158,000, including \$6,000,000 authorized for disbursement to the Project Sponsor and \$158,000 of Capitalized Interest, at an interest rate of 2.58 percent per annum.

5. An additional Loan Service Fee in the amount of \$120,000, for a total of \$187,500, is hereby assessed. The fee represents two percent of the Loan amount excluding Capitalized Interest; that is, two percent of \$9,375,000. Estimated Loan Service Fee capitalized interest for the fee amount assessed to date is \$11,180.

6. The Semiannual Loan Payment amount is hereby revised and shall be in the amount of \$317,680. Such payments shall be received by the Department on July 15, 2008 and semiannually thereafter on January 15 and July 15 of each year until all amounts due hereunder have been fully paid. Until this Agreement is further amended, each Semiannual Loan Payment will be proportionally applied, after deduction of the Loan Service Fee is complete, toward repayment of the amounts owed on each incremental Loan amount at the date such payment is due.

The Semiannual Loan Payment amount is based on the total amount owed of \$9,848,380, which consists of the Loan principal plus the Loan Service Fee with its capitalized interest (if any).

7. The Project Sponsor and the Department acknowledge that the actual cost of the Project has not been determined. Project cost adjustments may be made as a result of mutually agreed upon Project changes. Capitalized Interest will be recalculated based on actual dates and amounts of Loan disbursements. If the Project Sponsor receives other governmental financial assistance for this Project, the costs funded by such other governmental assistance will not be financed by this Loan. The Department shall establish the final Project costs after its final inspection of the Project records. Changes in Project costs may also occur as a result of the Project Sponsor's Project audit or a Department audit.

Funds disbursed in accordance with Section 4.08 of this Agreement shall be disbursed in the order in which they have been obligated without respect to budgetary line item estimates. All disbursements shall be made from the original Loan amount until that amount has been disbursed; the interest rate established for the original Loan amount shall apply to such disbursements for the purpose of determining the associated Capitalized Interest and repayment amount. The interest rate established for any additional increment of Loan financing shall be used to determine the Capitalized Interest and repayment amount associated with the funds disbursed from that increment.

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The estimated Project costs are revised as follows:

CATEGORY	COST(\$)	AUTHORIZED LOAN AMOUNT(\$) TO DATE
(1) Administrative Allowance	144,000	<i>Line items may</i>
(2) Engineering Allowance	1,440,000	<i>vary based on</i>
(3) Construction and Demolition	24,000,000	<i>actual</i>
(4) Contingencies	0	<i>disbursements</i>
SUBTOTAL (Disbursable Amount)	25,584,000	9,375,000
(5) Capitalized Interest	274,700	274,700
TOTAL (Loan Principal Amount)	25,858,700	9,649,700

8. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to Loan Agreement DW3610 010 shall be executed in three or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary of the Department and the Project Sponsor has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Secretary of the Department.

for  
**LEE COUNTY**

\_\_\_\_\_  
Tammara Hall, Chairwoman  
Board of County Commissioners  
Lee County, Florida

Attest

I attest that this amendment complies with  
Section 2.02 of the Agreement and as to form  
and legality.

\_\_\_\_\_  
County Clerk

SEAL

\_\_\_\_\_  
County Attorney

for  
**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

\_\_\_\_\_  
Secretary

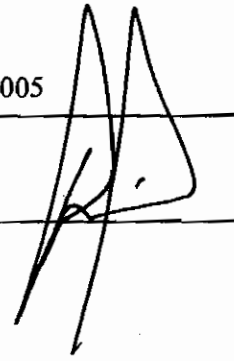
\_\_\_\_\_  
Date

**MEMORANDUM  
FROM  
PUBLIC WORKS  
UTILITIES DIVISION**

**DATE:** DECEMBER 1, 2005

**To:** RICHARD DESALVO  
PUBLIC RESOURCES

**FROM:** RICK DIAZ, P.E.  
DIRECTOR



**SUBJECT: WALK-ON FOR DECEMBER 13, 2005  
BS 20051696-UTL  
DW SRF LOAN AMENDMENT 1**

Lee County Utilities is requesting that the attached Blue Sheet No. 20051696 be submitted before the Board on December 13th as a WALK-ON item.

If the subject Loan Amendment is not received by the FDEP in Tallahassee before January 1st, 2006, the current interest rate of 2.58% will change, probably to a higher rate based on the current interest increase trend. With the Christmas season holidays approaching and so many people taking vacation time, it seems unreasonable to presume that if the normal blue sheet process were followed, and the loan amendment were put on the agenda for the December 20th meeting, that the January 1st deadline would be met.

If the deadline is not met and the current interest rate of 2.58% were to rise to the interest rate for the initial loan agreement of 2.67%, the County would ultimately pay over \$65,000 in additional interest. Even if the rate only increased to 2.60%, the amount saved would be over \$15,000. (See attached list of historical rates.)

Thank you.

RD:JBL:sdg

Attachments: Historical Interest Rates  
BS 20051696-UTL w/attachments

**DEP DW STATE REVOLVING FUND HISTORICAL INTEREST RATES**

Downloaded From FDEP Website 11/30/2005

<b>October 1, 2005 - December 31, 2005 (Current Rate)</b>	<b>2.58%</b>
July 1, 2005 - September 30, 2005	2.60%
April 1, 2005 - June 30, 2005	2.67%
January 1, 2005 - March 31, 2005	2.70%
October 1, 2004 - December 31, 2004	2.81%
July 1, 2004 - September 30, 2004	3.00%
April 1, 2004 - June 30, 2004	2.71%
January 1, 2004 - March 31, 2004	2.86%
October 1, 2003 - December 31, 2003	2.96%
July 1, 2003 - September 30, 2003	2.67%
April 1, 2002 - June 30, 2003	2.90%
January 1, 2002 - March 31, 2003	2.95%
October 1, 2002 - December 31, 2002	2.93%
July 1, 2002 - September 30, 2002	3.09%
April 1, 2002 - June 30, 2002	3.11%
January 1, 2002 - March 31, 2002	3.07%
October 2001 - December 31, 2001	3.05%
July 1, 2001 - September 30, 2001	3.16%
April 1, 2001 - June 30, 2001	3.08%
January 1, 2001 - March 31, 2001	3.27%
October 1, 2000 - December 31, 2000	3.33%
July 1, 2000 - September 30, 2000	3.52%
April 1, 2000 - June 30, 2000	3.57%
January 1, 2000 - March 31, 2000	3.55%
October 1, 1999 - December 31, 1999	3.34%
July 1, 1999 - September 30, 1999	3.12%
April 1, 1999 - June 30, 1999	3.03%
January 1, 1999 - March 31, 1999	2.99%
October 1, 1998 - December 31, 1998	3.05%



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

**Blue Sheet No. 20061127**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Request Board approves disbursements. The check and wire registers can be reviewed on the 3<sup>rd</sup> floor of the County Administration Building.

**WHY ACTION IS NECESSARY:**

Florida Statute Chapter 136.06 (1) requires that all County disbursements be recorded in the Minutes of the Board.

**WHAT ACTION ACCOMPLISHES:**

Compliance with the requirements of FS 136.06(1).

**2. DEPARTMENTAL CATEGORY: *h*  
COMMISSION DISTRICT #**

**C15A**

**3. MEETING DATE: September 5, 2006**

**4. AGENDA:**

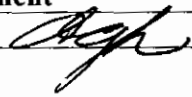
- CONSENT ADMINISTRATIVE APPEALS
- PUBLIC WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:  
(Specify)**

- STATUTE 136.06(1)
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**


- A. COMMISSIONER
- B. DEPARTMENT Clerk of Circuit Cour
- C. DIVISION Finance/Records Department

BY: Donna G. Harn 

**7. BACKGROUND:**

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manage
					OA	OM	Risk	GC	
									

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

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

**Blue Sheet No. 20061109**

**1. ACTION REQUESTED/PURPOSE:** Sunset and dissolve the "Greater Pine Island & Bridgeless Islands Citizens Liaison Committee" originally established in October, 2002, as the result of the County's acquisition of the Fisherman's Cooperative in February, 2006.

**2. WHAT ACTION ACCOMPLISHES:** Sunsets and dissolves the "Greater Pine Island & Bridgeless Islands Citizens Liaisons Committee" as it has completed its mission(s) and is no longer necessary.

**3. MANAGEMENT RECOMMENDATION:** Sunset and dissolve the "Greater Pine Island & Bridgeless Islands Citizens Liaisons Committee", and recognize the contributions of its members for their service to the Board, their respective communities and the County.

<b>4. Departmental Category:</b> <span style="font-size: 2em; font-weight: bold;">AIZA</span>		<b>5. Meeting Date:</b> September 5, 2006
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	<b>8. Request Initiated:</b> Commissioner _____ Department _____ County Attorney _____ Division _____ By: <u>David M. Owen</u> County Attorney
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	
<input type="checkbox"/> Public	<input type="checkbox"/> Other	
<input type="checkbox"/> Walk-On		

**9. Background:**

During the spring/summer (May - September) of 2001, and for the next year, the County was engaged in a spirited debate with respect to the movement of solid waste, other goods and services and persons back and forth between the west coast of Pine Island and the bridgeless Barrier Islands. Many issues were raised by both Pine Island and Barrier Islands residents and commercial enterprises. Efforts were made to identify the issues and potential solutions for relief to some, which in turn, in some instances, became a burden to others.

In October, 2002, in an effort to bring communities together with County staff and for the transmitting of information and materials from the County to the respective communities (Pine Island and the Barrier Islands), a Citizens Liaison Committee was created by the District I. Commissioner.

**(BACKGROUND CONTINUED - NEXT PAGE)**

**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>	RK 3/21	8/21/06	8/21/06	8/21/06	8-21-06

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: 8/18/06 4:55 pm

COUNTY ADMIN FORWARDED TO: 8/21/06 4:30 pm

CO. ATTY'S FORWARDED TO CO. ADMIN: 8/18/06 9:10 pm

**BACKGROUND:** (Continued)

The Committee was comprised of a balanced number of individuals from both Pine Island and the Barrier Islands, and had members representing residential, commercial, tourism, development, fishing and environmental interests.

The Committee met and interacted on a regular basis and addressed a variety of issues from its inception until the County's acquisition of the Fisherman's Cooperative on Pine Island in February of this year, approximately four (4) years. The Committee's work was invaluable in bringing the communities together for constructive dialogue in resolving the myriad of issues surrounding the movement of materials, goods and services and persons to and from the Barrier Islands.

The Committee was also instrumental in the "selling" of the purchase of the Fisherman's Cooperative to their communities and its ultimate acquisition through one of its members.

With the acquisition of the Fisherman's Cooperative, the principal objective of the Committee has been achieved. At the last two most recent meetings (April, 2006 and June, 2006), the Committee came to the conclusion that there was no longer any real need for the Committee, and that their individual participation with the County on the structure and operations of the Co-op for all interests, would be more productive. The Committee, the District Commissioner and County staff all agreed that the Committee should sunset and dissolve (minutes of April 19, 2006 and June 21, 2006, attached).

The Board is being requested to sunset and dissolve the Committee and recognize all of its membership for their service to their communities and the County.

**Greater Pine Island & Bridgeless Islands  
Citizens Liaison Committee Meeting Minutes  
June 21, 2006**

**1. CALL TO ORDER, INTRODUCTIONS, REVIEW OF AGENDA**

The above referenced committee meeting was held on Wednesday, June 21, 2006 at 3:00 p.m. in the 1<sup>st</sup> Floor Conference Room of the Community Development/Public Works Building at 1500 Monroe Street in Fort Myers.

Mr. Vincent Formosa, Chairman, called the meeting to order at 3:15 p.m. Attendance was taken and a quorum was not present.

**The following Committee Members were present:**

Zeke McDonald  
Dick Lewis  
Vincent Formosa  
Ron Lueth

**The following Committee Members were not present:**

David Barton  
Bill Spikowski  
Leo Amos, Jr.  
Eva Scala  
Ken Stead  
Sally Tapager  
Barbara Dubin  
Robert A. Wells, III

**Staff present:**

David Owen, County Attorney  
Commissioner Robert Janes (Arrived Late)  
Jim Lavender (Arrived Late)

**Other Guest Present:**

None

## **2. ADMINISTRATIVE MATTERS**

### **A. General Information**

David Owen, County Attorney for Lee County BoCC reported he had examined the Affidavit and Public Notice for the June 21, 2006 Greater Pine Island & Bridgeless Island's Citizen's Liaison Committee and found it legally sufficient to conduct this meeting. The notice was published on June 14, 2006 in the Fort Myers News Press edition.

### **B. Approval of Minutes** – The minutes of April 19, 2006 meeting were not approved due to lack of quorum.

**3. COMMENTS FROM PUBLIC:** No one was present from the public.

## **4. INFORMATIONAL BRIEFINGS/DISCUSSIONS**

David Owen, Lee County BoCC County Attorney informed members that no action could be taken at today's meeting due to a lack of quorum. However, they are able to discuss agenda items. David opened the discussion by briefing members on the update of Coop and Harbor Hide-a-way. David reported that there was a meeting held June 6, 2006 on Upper Captiva. There were about 45 people in attendance. Staff discussed and sought input from those attending with respect to use and operation of the Coop site. David reported it was an extremely cordial and productive meeting with county staff, residents and other interested parties.

Mr. Yarbrough, Lee County Parks and Recreation Director was not in attendance but representation was there in his stead. The Parks & Recreation Department will be establishing two full time positions to run the operations division of this site. They are looking at a hire date of August 3, 2006. One of the things the county had been struggling with is getting good folks from Parks and Recreation out there to run both facilities with coordination with law enforcement. There are some issues that need to be worked out but the county is working diligently on those. Over the course of the next month or two the county will be working with the design consultant. David commented that the public would be able to view and discuss the different design options presented by the design consultant. Also, the county is waiting for DEP for the permitting process to be completed with respect to boat access in Bokeelia Island.

David Owen commented on the issue brought up at the last meeting by Mr. Robert Wells, III in reference to the direction this Committee is going. We have had since the beginning of the year and since the purchase of the Coop a hard time in getting a quorum. Vince has been very diligent in sending out emails, letters, etc... to advisory members to no avail.

David reported that from the staff standpoint they are all having collectively a tough time getting to these meetings. It is obvious today we could probably get some people here even myself but it is becoming increasing difficult. Even if staff sends someone in their place, that person isn't up to date on what has happened in the last 5 years on this committee. The problem now is having the key people at the table who have been here since the inception of this committee which started out discussing shipping of goods between the western coast and Pine Island.

David thinks that with the purchase of the Coop, a lot of those issues were brought to a head, not necessarily resolved but to a head so that now staff's focus has changed. Our interest now is in getting the operation, the construction and the use of the site to the level it is supposed to be operating. There is nothing that we have done here that is not doable; it is just going to take time. David is not sure that the liaison committee is the best vehicle for the best interest of the people of Pine Island and the outer islands. There were a lot of innuendos thrown around at the last meeting. Some of those have been addressed, but the other's David feels could be resolved in another committee. The County Attorney stated to the few people at the meeting that are still interested -- (it shows you are interested because you are still here interested in the process), the county would welcome and invite you to any, all and every session that we have as a staff. It is open to the public with respect to the design, operation and the conduct of business of the Coop site. Those issues that we had some 5 years ago are going to be resolved through the operations of coop.

Jim Lavender stated that the issue he has is that he has to repeat the same thing in two different settings. One at this meeting and the other at Hide-a-way.

Commissioner Janes stated that the purpose of this committee has been completed. It has reached the point of this committee to sunset it. The lack of interest at the past couple of meetings shows that the majority issues have been resolved. Comm. Janes stated that he doesn't want to waste the staff's time nor the member's time in continuing these meetings.

Mr. Vincent Formosa commented he appreciated all the work the county has put into the coop. The interest level has dropped since we've made those accomplishments and people don't feel it's as pressing as it was at one time. Vincent for one has a lot of things to do and he really doesn't want to serve on a committee that has lost it's purpose or it's objective. Vincent is fine with the sun setting of this committee. He appreciates everything that everyone has put into this.

Mr. Dick Lewis asked that he be informed of the dates and times of open staff meetings so that he can be up informed on the progress of the design and operation of the two sites mentioned.

David Owen reported that the board is in recess until August 1, 2006. Sometime between then a bluesheet will be created to sunset this committee. Staff will send out notices when the item will be on the agenda so that the members could be in attendance at that Board Meeting.

Commissioner Robert Janes thanked everybody for the time and effort with this committee.

## **ADJOURNMENT**

There being no further business to be discussed, the meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Antionette Bates, Administrative Specialist  
Office of the County Manager

**Greater Pine Island & Bridgeless Islands  
Citizens Liaison Committee Meeting Minutes  
April 19, 2006**

**1. CALL TO ORDER, INTRODUCTIONS, REVIEW OF AGENDA**

The above referenced committee meeting was held on Wednesday, April 19, 2006 at 3:00 p.m. in the 1<sup>st</sup> Floor Conference Room of the Community Development/Public Works Building at 1500 Monroe Street in Fort Myers.

Mr. Vincent Formosa, Chairman, called the meeting to order at 3:15 p.m. Attendance was taken and a **quorum** was present.

**The following Committee Members were present:**

Sally Tapager  
Zeke McDonald  
Dick Lewis  
Barbara Dubin  
Vincent Formosa  
Robert A. Wells, III  
Phil Buchanan

**The following Committee Members were not present:**

David Barton (Excused)  
Bill Spikowski (Excused)  
Leo Amos, Jr.  
Ron Lueth  
Eva Scala  
Ken Stead

**Staff present:**

David Owen, County Attorney

**Other Guest Present:**

None

## 2. ADMINISTRATIVE MATTERS

### A. General Information

David Owen, County Attorney for Lee County BoCC reported he had examined the Affidavit and Public Notice for the April 19, 2006 Greater Pine Island & Bridgeless Island's Citizen's Liaison Committee and found it legally sufficient to conduct this meeting. The notice was published on April 17, 2006 in the Fort Myers News Press edition.

B. **Approval of Minutes** – The minutes of February 15, 2006 meeting were approved and carried.

## 3. INFORMATIONAL BRIEFINGS/DISCUSSIONS

Lake Okeechobee Discharges and Estuary Pollution – Wayne Daltry, Smart Growth Director for Lee County BoCC discussed the County's approach to dealing with the damaging release of water from Lake Okeechobee into the estuaries of Lee County. Wayne estimates that it will take 10 years for the river to recover, once the unusual discharges stop. Discharges of the current nature aren't forecasted to stop until 2007. River recovery will require four strategies. Litigation is a fifth step. Listed below is a brief summary of the information presented by Mr. Wayne Daltry.

A. Management. There has to be a River/Bay management program that focuses on the River. None exists. The program needs to relate water quality to land use and water quality contributors. It will need to be funded in a reliable way, and be able to pursue implementation beyond different political jurisdictions. The Governor addressed this need in various components of the October 10<sup>th</sup> announced Lake Okeechobee Estuary Recovery Initiative. The Initiative includes more storage north of the Lake, and a better Lake Okeechobee strategy. More storage south of the Lake seems to be needed for an increasing cycle of wet years.

B. Legislation. The River needs the equivalent water quality standard protection that the Lake and the areas south of the Lake are getting. Litigation has prevented discharges from going south, since the water volume needed to give us relief would exceed establish pollutant load limits. The River needs the same protection legislatively.

C. Research. Sadly, all research and planning going into the SWFFS assumes a better condition of the River than exists. The sediment deposits now occurring are not recognized in current assessments, and what that does to recovery planning is not known. Other than that serious shortcoming, the SWFFS needs to be supported to its timely conclusions.

D. Media Exposure. The nature of the estuary and the degree to which its' health is locked into the "Everglades Restoration" program needs to be frequently portrayed. Focus needs to be given to those hurt by poor management, and how the normal person and business can make a difference.

4. **COMMENTS FROM PUBLIC:** No one was present from the public.



**5. OTHER BUSINESS:**

Zeke McDonald discussed his disappointment with the Committee. He stated he enjoyed the presentation by Wayne Daltry but it had nothing to do with the operation of the Fisherman's Cooperative. He and Vincent Formosa feel that since the County has purchased the Fisherman's Cooperative their opinions are no longer wanted.

Members briefly discuss disbanding this committee and forming a new committee. The sole purpose of this committee was to have dialogue between the outer islands and Pine Island to include water access and Solid Waste Services. They discussed forming a new committee that will discuss and take recommendation to county staff about the design, diversity, land use, services, marine patrol, and overall operation of the Fisherman Cooperative. The committee also discussed having a committee with fewer members so that the primary focus isn't lost in the personal agendas and opinions of a larger committee. They want to focus more on the issues at hand.

Vincent Formosa stated he would send out a letter to members who have not been present at the last few meetings to see if they are still interested in serving on this committee. Vincent reiterated that commitment is essential.

Zeke McDonald and Robert Wells, III, were disappointed in the communication dialogue between the committee members and county staff. Both stated that they were informed of meetings at the last minute. Also, Robert stated he read in the News-Press the purchase of the Cooperative and also Harbor Hideaway. He stated he should have been informed prior since he is a member of this committee.

David Owen said he would discuss the committees' concern with the Commissioner later this week.

**4. ADJOURNMENT**

There being no further business to be discussed, the meeting was adjourned at 4:45 p.m. The next meeting is scheduled for July 21, 2006.

Respectfully submitted,

Antionette Bates, Administrative Specialist  
Office of the County Manager