

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

Blue Sheet No. 20061250-UTL

**1. Action Requested/Purpose:**

Approve final acceptance, by Resolution as a donation of water distribution and gravity collection systems to provide potable water service, fire protection and sanitary sewer service to *Verandah-Mossy Oak and River Point, Phases 1 & 2*, a residential development. This is a Developer Contributed asset project located on the south side of State Road 80, approximately 1/2 mile east of State Road 31.

**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 **C10D** **5. Meeting Date:** OCT 17 2006

<b>6. Agenda:</b>	<input checked="" type="checkbox"/> <b>Consent</b>	<b>7. Requirement/Purpose (specify)</b>	<input type="checkbox"/> <b>Statute</b>	<b>8. Request Initiated:</b>
	<input type="checkbox"/> <b>Administrative</b>		<input type="checkbox"/> <b>Ordinance</b>	
	<input type="checkbox"/> <b>Appeals</b>		<input type="checkbox"/> <b>Admin. Code</b>	
	<input type="checkbox"/> <b>Public</b>		<input checked="" type="checkbox"/> <b>Other</b> <b>Approval</b>	
	<input type="checkbox"/> <b>Walk-On</b>			
		<b>Commissioner</b> _____ <b>Department</b> <u>Public Works</u> <b>Division</b> <u>Utilities</u> <b>By:</b> <i>Deputy</i> <u>9-28-2006</u> <b>Douglas L. Meurer, P.E., Director</b>		

**9. Background:**

The Board granted permission to construct on 03/29/05, Blue Sheet #20050191.  
 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 pressure testing of the force main has been completed.  
 Satisfactory closed circuit television inspection of the gravity collection system has been performed.  
 Satisfactory lift station start up has been performed. (L/S#4435)  
 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 31 TOWNSHIP 43S RANGE 26E DISTRICT #5 COMMISSIONER ALBION

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> Date: <u>10-2-06</u>	N/A	N/A	<i>T.O.</i> T. Osterhout Date: <u>9/22</u>	<i>S. Covert</i> S. Covert Date: <u>10/2/06</u>	<i>RK for EW</i> Date: <u>10/3</u>	<i>WJ</i> <u>10/4/06</u>	<i>WJ</i> <u>10/3/06</u>	<i>J. Lavender</i> Date: <u>10-2-06</u>	

**11. Commission Action:**

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

RECEIVED BY  
 COUNTY ADMIN: *RK*  
10/3/06 11:40 AM  
 COUNTY ADMIN  
 FORWARDED TO:  
10/4/06 - P. Res. 10:30

Rec. by CoAtty  
 Date: 10/2/06  
 Time: 3:50pm  
 Forwarded To:  
 County Admin  
10/3/06 9:50am

RESOLUTION NO.

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

WHEREAS, it is the desire of "Verandah Development, LLC.", owner of record, to make a contribution to Lee County Utilities of water facilities (water main extension), and sewer facilities (gravity main extension, force main extension, and one lift station), serving "VERANDAH-MOSSY OAK AND RIVER POINT, PHASES 1 & 2"; 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 \$910,531.50 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 20061250-UTL**

COPY

LETTER OF COMPLETION

DATE: October 20, 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** located in  
**Mossy Oak and River Point at Verandah.- Phase 1**  
(Name of Development/Project)

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:  
**Low Pressure Test(s) - Gravity Main , Pressure Test(s) - Water Main ,**  
**TV Inspection, Mandrill - Gravity Main and Bacteriological Test**

Very truly yours,

Allen J. Mank, P.E. for Johnson Engineering, Inc

Fla. Lic.No. 45937

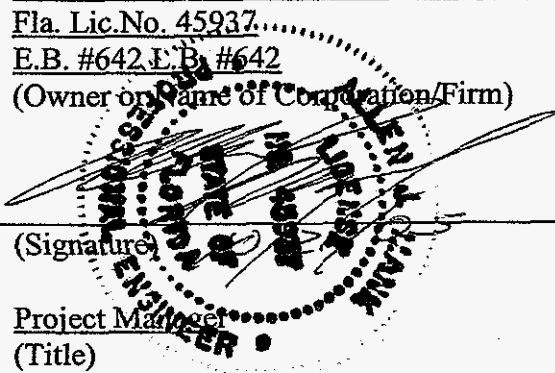
E.B. #642, E.B. #642

(Owner or Name of Corporation/Firm)

(Signature)

Project Manager

(Title)



(Seal of Engineering Firm)

**JOHNSON ENGINEERING, INC.**  
2158 Johnson Street  
P.O. Box 1550  
Fort Myers, FL 33902  
**(239) 334-0046**  
**Fax (239) 334-3861**  
**EB #642 LB #642**

RECEIVED OCT 21 2005

COPY

LETTER OF COMPLETION

DATE: February 6, 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 and sanitary sewer systems** located in Mossy Oak and River Point – Phase 2 (Name of Development/Project) 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 , Pressure Test(s) - Force Main , Low Pressure Test(s) - Gravity Main , TV Inspection, Mandrill - Gravity Main and Lift Station Start-up.**

Very truly yours,

Johnson Engineering, Inc.  
2158 Johnson Street  
P. O. Box 1550  
Fort Myers, FL 33902

\_\_\_\_\_  
(Owner or Name of Corporation/Firm)

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

Allen J. Mark, P.E.  
Project Manager  
Fl. Lic. No. 45937

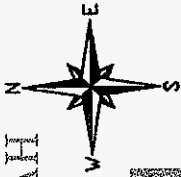
\_\_\_\_\_  
(Title)

(Seal of Engineering Firm)

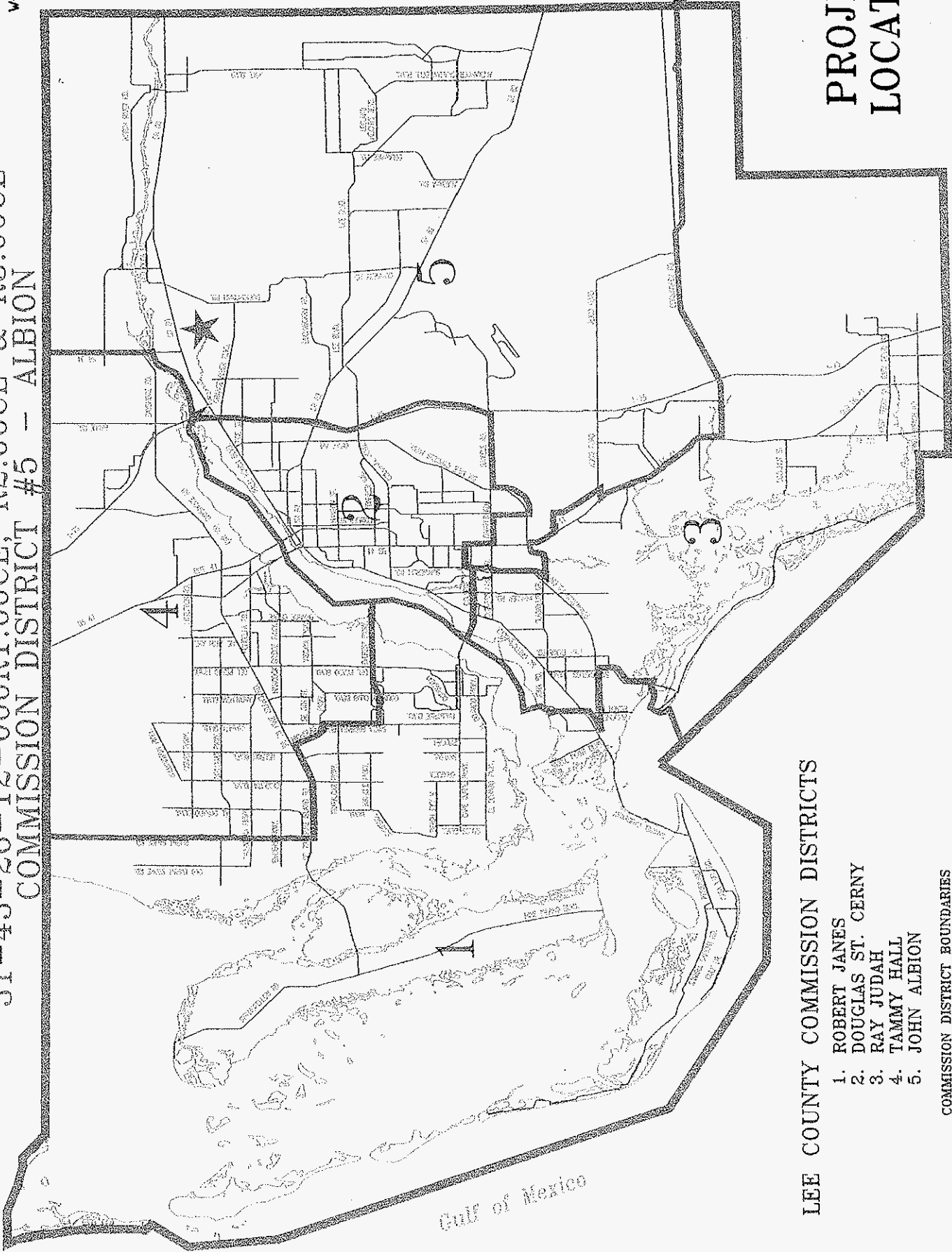
**JOHNSON ENGINEERING, INC.**  
2158 Johnson Street  
P.O. Box 1550  
Fort Myers, FL 33902  
**(239) 334-0046**  
**Fax (239) 334-3661**  
**EB #642 LB #642**

 **LEE COUNTY**  
SOUTHWEST FLORIDA  
(Forms – Letter of Completion – Revised 2004)

COPY



THE VERANDAH - MOSSY OAK & RIVER POINT AT THE VERANDAH  
31-43-26-12-00R1.00CE, R2.00CE & R3.00CE  
COMMISSION DISTRICT #5 - ALBION



PROJECT  
LOCATION

LEE COUNTY COMMISSION DISTRICTS

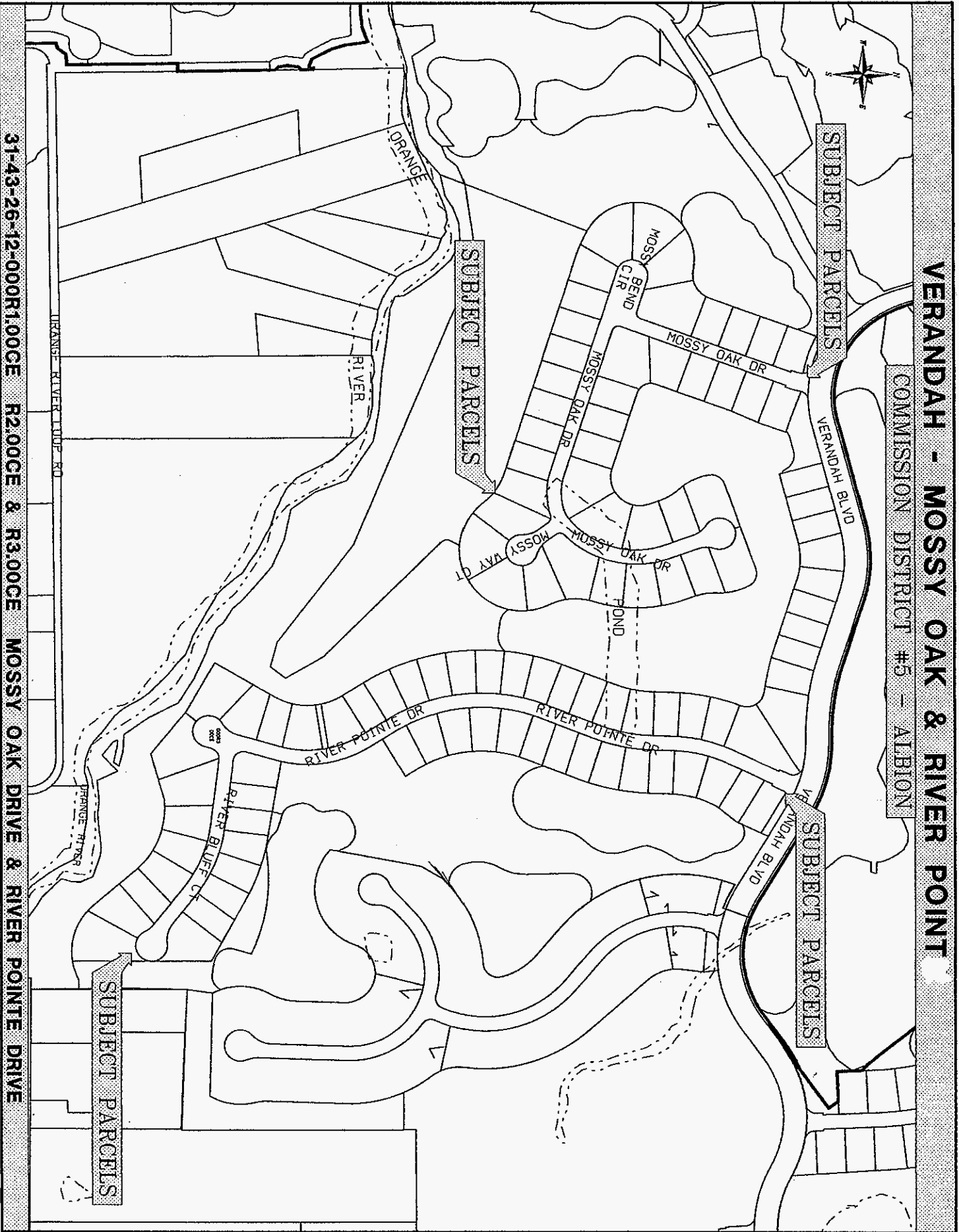
- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

Gulf of Mexico

**VERANDAH - MOSSY OAK & RIVER POINT**

COMMISSION DISTRICT #5 - ALBION



31-43-26-12-000R1.00CE R2.00CE & R3.00CE MOSSY OAK DRIVE & RIVER POINTE DRIVE

SUBJECT PARCELS

SUBJECT PARCELS

SUBJECT PARCELS

SUBJECT PARCELS

COPY



COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer of Mossy Oak and River Point at Verandah, Phase 2 to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Mitchell & Stark Const. Co., Inc.

(Contractor/Company Name)

Brian Penner, Vice President

(Authorized Representative, Title)

BY: 

(Signature)

STATE OF FL )  
 ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 30<sup>th</sup> day of January, 2006 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public



Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

(Notary Seal & Commission Number)



COPY

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of  
Three hundred fifty eight thousand seven hundred thirty seven dollars and eighty five cents (\$358,737.85  
\_\_\_\_\_) hereby waives and releases its lien and right to claim a lien for labor, services, or materials  
furnished to Verandah Development LLC (F.K.A. State Road 80 LLC) on the job of Mossy Oak and  
River Point Phase 1 at Verandah to the following described property:

Mossy Oak and River Point Phase 1 at Verandah  
(Name of Development/Project)

water distribution and sanitary sewer systems  
(Facilities Constructed)

Mossy Oak complete, (Mossy Oak Dr., Mossy Bend Cir.  
Verandah Blvd. water only & Mossy Way Ct.)  
River Point Dr. portion water only

31-43-26-04-000R1.00CE,  
31-43-26-12-000R1.00CE,  
31-43-26-12-000R2.00CE,  
31-43-26-12-000R3.00CE

(Location)

(Strap # or Section, Township & Range)

Dated on: March 13, 2006

By: [Signature]  
(Signature of Authorized Representative)

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

By: Brian Penner  
(Print Name of Authorized Representative)

6001 Shirley Street  
(Address of Firm or Corporation)

Title: Vice President

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

Phone #: (239)597-2165 Ext.25

Fax#: (236)566-7865

STATE OF FL )  
) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 13 th day of March, 2006 by  
Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number)

Belinda Burgbacher  
(Printed Name of Notary Public)

COPY

WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of Five hundred fifty one thousand seven hundred ninety three dollars and sixty five cents (\$551,793.65) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Verandah Development LLC (F.K.A. State Road 80 LLC) on the job of Mossy Oak and River Point at Verandah, Phase 2 to the following described property:

Mossy Oak and River Point at Verandah, Phase 2  
(Name of Development/Project)

water distribution and sanitary sewer systems  
(Facilities Constructed)

Verandah Blvd. and River Point Dr. & River Bluff Ct.  
Ft. Myers, FL 33905  
(Location)

31-43-26-12-000R1.00CE,  
31-43-26-12-000R3.00CE  
(Strap # or Section, Township & Range)

Dated on: August 18, 2006

By: [Signature]  
(Signature of Authorized Representative)

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

By: Brian Penner  
(Print Name of Authorized Representative)

6001 Shirley Street  
(Address of Firm or Corporation)

Title: Vice President

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

Phone #: (239)597-2165 Ext.25

Fax#: (236)566-7865

STATE OF FL )  
) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 18 th day of August, 2006 by Brian Penner who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number)

Belinda Burgbacher  
(Printed Name of Notary Public)





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 *L.D. Neal*  
(Signature of Certifying Agent)

L.D. Neal, Project Manager  
(Name & Title of Certifying Agent)

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

6001 Shirley Street  
(Address of Firm or Corporation)

Naples, FL 34109 -


STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 17<sup>th</sup> day of October, 2005 by L.D. Neal, Project Manager who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*Morris Sons*  
Notary Public Signature

Morris Sons  
Printed Name of Notary Public

DD059332  
Notary Commission Number

 Morris Sons  
My Commission DD059332  
Expires January 07 2006

(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 *L.D. Neal*  
(Signature of Certifying Agent)

L.D. Neal, Project Manager  
(Name & Title of Certifying Agent)

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

6001 Shirley Street  
(Address of Firm or Corporation)


Naples, FL 34109 -

STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 30<sup>th</sup> day of January, 2006 by L.D. Neal, Project Manager who is personally known to me - \_\_\_\_\_, and who did not take an oath.

*Belinda Burgbacher*  
Notary Public Signature

Belinda Burgbacher  
Printed Name of Notary Public

 Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)

RECEIVED FEB - 6 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)

L.D. Neal, Project Manager

(Name & Title of Certifying Agent)

Mitchell & Stark Const. Co., Inc.

(Name of Firm or Corporation)

6001 Shirley Street

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL )

) SS:

COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 17 th day of October, 2005 by L.D. Neal, Project Manager who is personally known to me - \_\_\_\_\_, and who did not take an oath.

Notary Public Signature

Morris Sons

Printed Name of Notary Public

DD059332

Notary Commission Number



Morris Sons  
My Commission DD059332  
Expires January 07 2006

(NOTARY SEAL)



LEE COUNTY  
SOUTHWEST FLORIDA  
Contractor's Certification of Contributory Assets -- Form (January 2004)





I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:  
X [Signature]  
(Signature of Certifying Agent)

L.D. Neal, Project Manager  
(Name & Title of Certifying Agent)

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

6001 Shirley Street  
(Address of Firm or Corporation)


Naples, FL 34109 -

STATE OF FL )  
                  ) SS:  
COUNTY OF Collier )

The foregoing instrument was signed and acknowledged before me this 18 th day of August, 2006 by L.D. Neal, Project Manager who is personally known to me - \_\_\_\_\_, and who did not take an oath.

[Signature]  
Notary Public Signature

\_\_\_\_\_  
Printed Name of Notary Public

 Belinda Burgbacher  
Commission #DD179217  
Expires: Jan 22, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc.

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)

