

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

Blue Sheet No. 20061346-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 *Bella Terra, Phases 3D-1 & 3D-2*, two phases of a this residential development. This is a developer contributed asset project located on the south side of Corkscrew Road, approximately 1 2/3 mile east of Alico Road in Estero.

2. What Action Accomplishes:

Places the potable water and sanitary sewer facilities into operation and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10 – Utilities **C10B** **5. Meeting Date:** 10-31-06

6. Agenda:	<input checked="" type="checkbox"/> Consent	7. Requirement/Purpose (specify)	<input type="checkbox"/> Statute	8. Request Initiated:
	<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code	
	<input type="checkbox"/> Public		<input checked="" type="checkbox"/> Other	
	<input type="checkbox"/> Walk-On		<input type="checkbox"/> Approval	
		Commissioner _____ Department <u>Public Works</u> Division <u>Utilities</u> By: <u>Douglas L. Meurer</u> 10-12-2006 Douglas L. Meurer, P.E., Director		

9. Background:

This project is located within the former Gulf Environmental Services' service area, however, it was built to Lee County Utilities' Standards and Specifications.

The Board granted permission to construct on 05/31/05, Blue Sheet #20050548.

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 29 TOWNSHIP 46S RANGE 26E 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: 10-12-06	N/A	N/A	<u>T.O.</u> T. Osterhout Date: 10/12	<u>S. Covert</u> S. Covert Date: 10/13/06	<u>ebw</u> 10-16-06	<u>us</u> 10/14/06	<u>ps</u> 10/14/06	<u>[Signature]</u> 10/15/06	<u>J. Lavender</u> Date: 10-12-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

REC'D
by CO. ATTY
10/13/06
10:38am
CO. ATTY
FORWARDED TO:
County Admin
10/13/06 1:32pm

RECEIVED BY
COUNTY ADMIN:
10/13/06 2:25 mp.
COUNTY ADMIN
FORWARDED TO:
10-18-06
4:10pm

RESOLUTION NO.

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

WHEREAS, it is the desire of "Habitat Lakes, LLC", owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution), and sewer facilities (gravity collection system), serving "BELLA TERRA, PHASES 3D-1 & 3D-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 **\$555,113.00** 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 20061346-UTL

COPY

LETTER OF COMPLETION

DATE: 12/21/2005

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** systems located in
BELLA TERRA - PHASES 3D-1
(Name of Development)

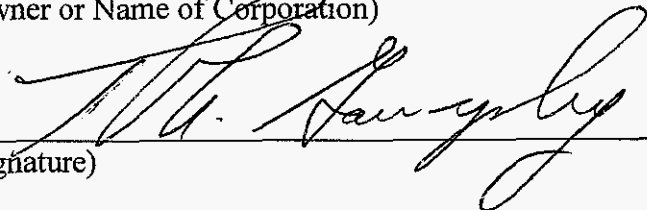
was designed by me and have been constructed in conformance with:
the approved plans and the approved specifications

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,

R. A. Gonzalez - Banks Engineering, Inc.
(Owner or Name of Corporation)


(Signature)

P.E.14629, Engineering Director
(Title)

(Seal of Engineering Firm)

COPY

LETTER OF COMPLETION

DATE: 12/21/2005

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

Gentlemen:

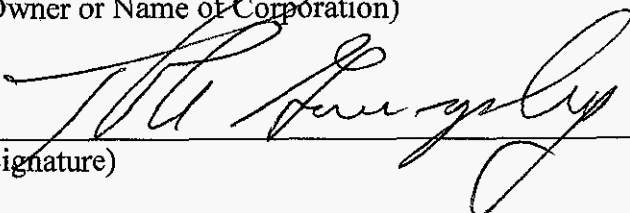
This is to certify that the **water distribution and sanitary sewer** systems located in
BELLA TERRA - PHASES 3D-2
(Name of Development)

was 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,

R. A. Gonzalez - Banks Engineering, Inc.
(Owner or Name of Corporation)

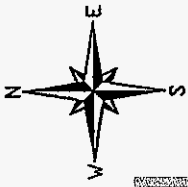


(Signature)

P.E.14629, Engineering Director
(Title)

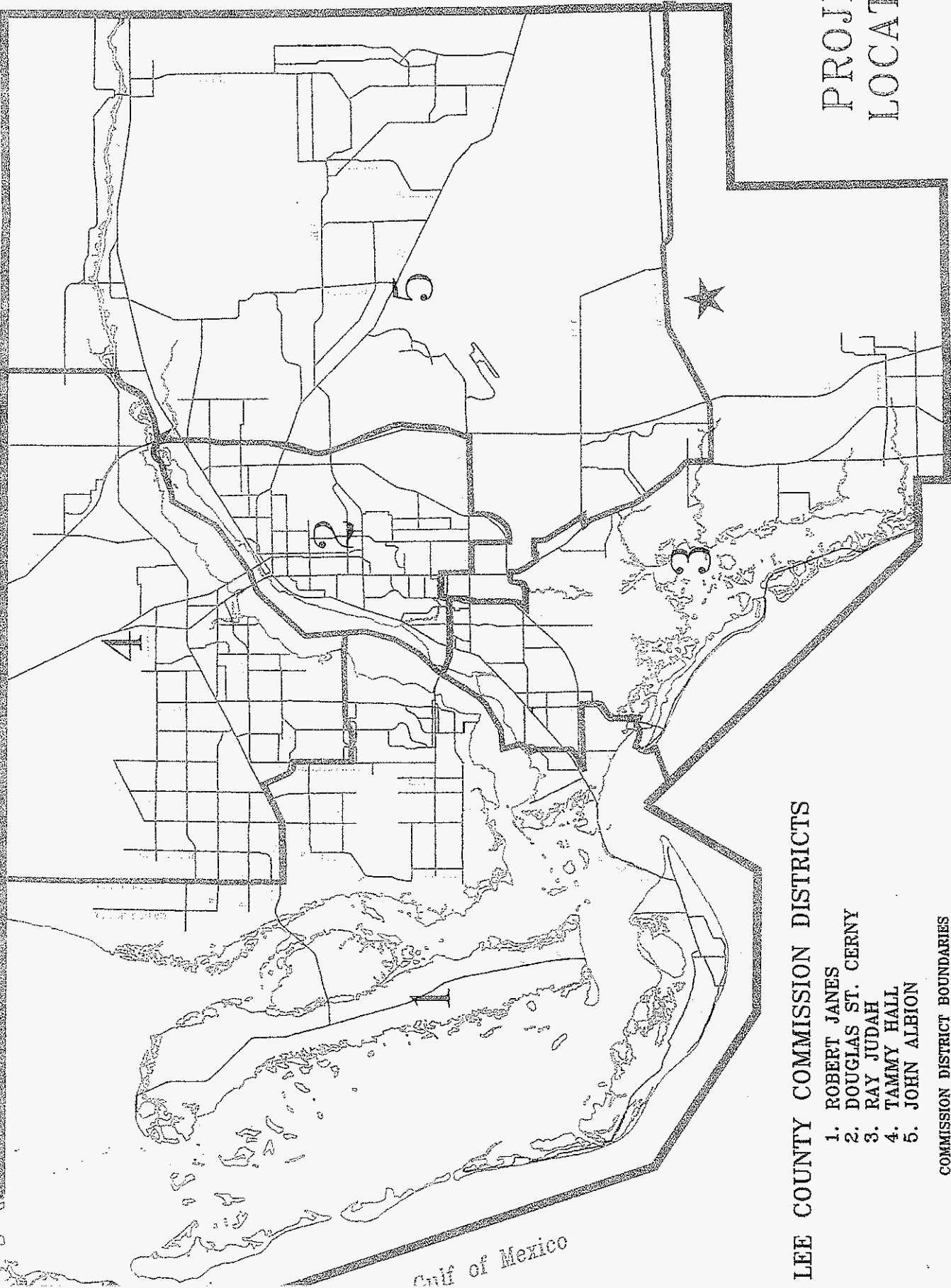
(Seal of Engineering Firm)

COPY



BELLA TERRA, PHASES 3D-1 & 3D-2
29-46-26-07-0000A.00CE & 08-0000A.00CE
COMMISSION DISTRICT #3 - JUDAH

PROJECT
LOCATION



LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

Gulf of Mexico

Bella Terra, Phases 3D-1 & 3D-2

29-46-26-07-0000A.00CE & 08-0000A.00CE

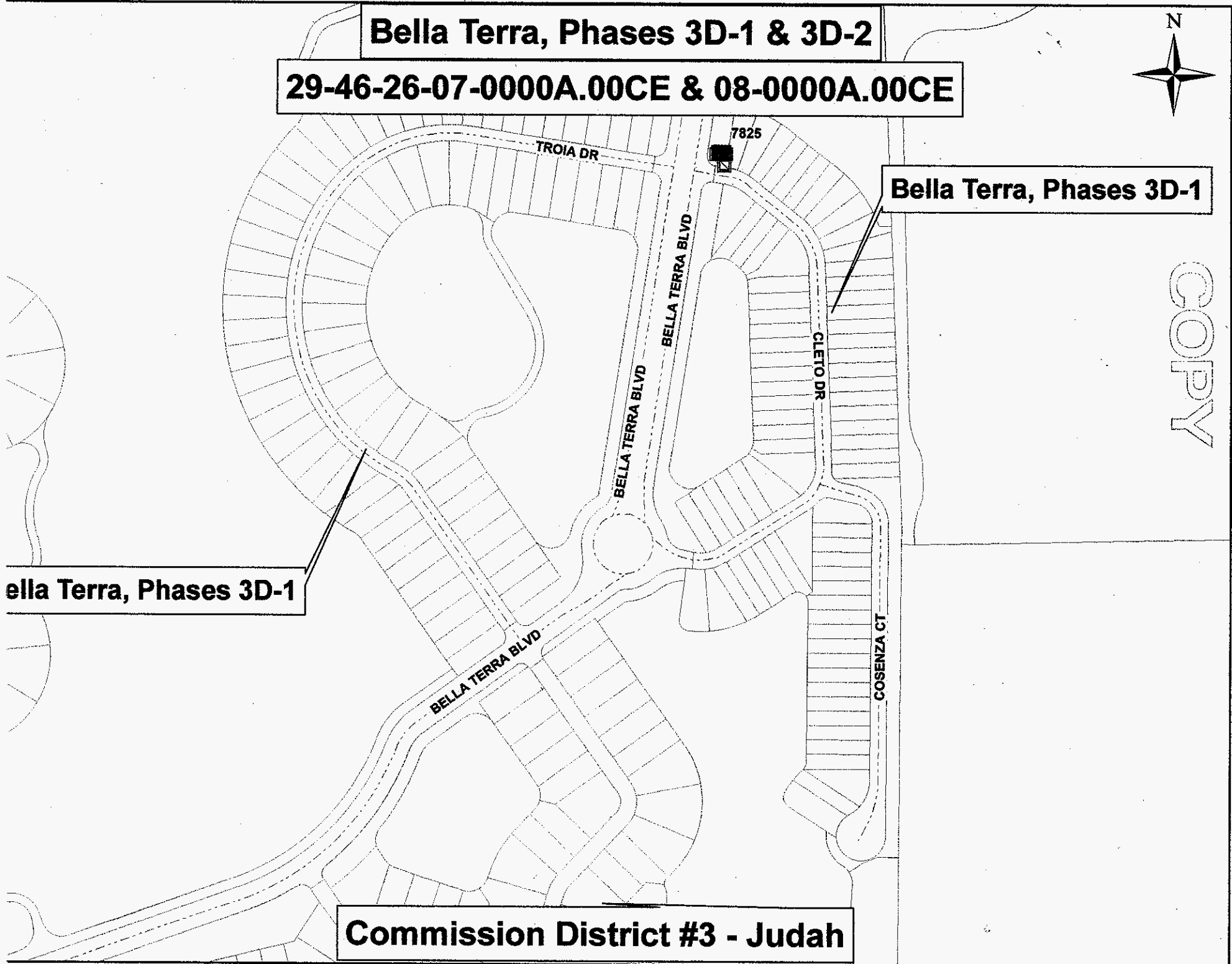


Bella Terra, Phases 3D-1

COPY

Bella Terra, Phases 3D-1

Commission District #3 - Judah



COPY

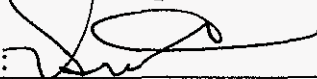
WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Bella Terra - Phase 3D-1 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.

Haleakala Construction, Inc.
(Contractor/Company Name)

Brenda K. Merchant, Authorized Agent
(Authorized Representative, Title)

BY: 
(Signature)

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 30th day of December, 2005 by Brenda K. 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)

COPY

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer systems of Bella Terra - Phase 3D-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.

Haleakala Construction, Inc.

(Contractor/Company Name)

Brenda K. Merchant, Authorized Agent

(Authorized Representative, Title)

BY: 

(Signature)

STATE OF FL)

) SS:

COUNTY OF Collier)

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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)

COPY

WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT

The undersigned lienor, in consideration of the final payment in the amount of three-hundred and two thousand, six-hundred and fifty-three dollars, and forty cents(\$302,653.40) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to Habitat Lakes, LLC on the job of Bella Terra-Phase 3D-1 to the following described property:

Bella Terra-Phase 3D-1
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

Cleto Drive & Cozenza Court, Estero, FL 33928
(Location)

29-46-26-08-0000A.00CE
(Strap # or Section, Township & Range)

Dated on: May 17, 2006

By: [Signature]
(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 34109-1829
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)598-9418 Ext.

Fax#: (239)598-9418

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 17 th day of May, 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)

[Signature]
(Notary Public Signature)

Linda Mahon
(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 two-hundred fifty-two thousand four hundred fifty-nine dollars & sixty cents (\$252,459.60) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Habitat Lakes, LLC on the job of Bella Terra-Phase 3D-2 to the following described property:

Bella Terra-Phase 3D-2
(Name of Development/Project)

water distribution and sanitary sewer systems
(Facilities Constructed)

Troia Drive, Estero, FL 33928
(Location)

29-46-26-07-0000A.00CE
(Strap # or Section, Township & Range)

Dated on: December, 2005

By: [Signature]
(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 34109-1829
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)598-9418 Ext.

Fax#: (239)598-9418

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 30th day of December, 2005 by Brenda K. Merchant who is personally known to me - _____, and who did not take an oath.



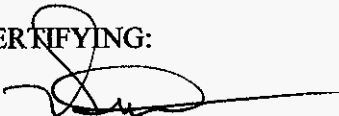
Linda Mahon
Commission #DD177119
Expires: Feb 21, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

[Signature]
(Notary Public Signature)

(Notary Seal & Commission Number)

Linda Mahon
(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 

(Signature of Certifying Agent)

Brenda K. Merchant, Authorized Agent

(Name & Title of Certifying Agent)

Haleakala Construction, Inc.

(Name of Firm or Corporation)

5758 Taylor Road

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)
) SS:
COUNTY OF Collier)

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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 Road

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)

) SS:

COUNTY OF Collier)

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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
(Name of Firm or Corporation)

5758 Taylor Road
(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)
) SS:
COUNTY OF Collier)

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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)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Bella Terra - Phase 3D-2

STRAP NUMBER: 29-46-26-07-0000A.00CE

LOCATION: Troia Drive, Estero, FL 33928

OWNER'S NAME: (as shown on Deed) Habitat Lakes, LLC

OWNER'S ADDRESS: 782 NW 42nd Avenue, Suite 630

OWNER'S ADDRESS: Miami, FL 33126-5547

TYPE UTILITY SYSTEM: SANITARY SEWER

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

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

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

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
PVC SDR-26 GRAVITY MAIN	8"	2,014.0	LF	\$29.40	\$59,211.60
SINGLE SEWER SERVICE W/CLEANOUT	6"	11.0	EA	\$695.00	\$7,645.00
DOUBLE SEWER SERVICE W/CLEANOUT	6"	32.0	EA	\$930.00	\$29,760.00
MANHOLE	4'	12.0	EA	\$5,372.00	\$64,464.00
TOTAL					\$161,080.60

(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 [Signature]
(Signature of Certifying Agent)

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

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

5758 Taylor Road
(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)
) SS:
COUNTY OF Collier)

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[Signature]
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)