

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020949-UTL

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of a Utility Easement as a donation for one fire hydrant Metro 88 S/D - Lot 4. This is a Developer contributed asset project located on the west side of Metro Parkway approximately 1 mile north of Daniels Road.

WHY ACTION IS NECESSARY:

To provide fire protection to the recently constructed Commercial building.

WHAT ACTION ACCOMPLISHES:

Places the fire hydrant into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10 - UTILITIES  
COMMISSION DISTRICT #: 2

C10F

3. MEETING DATE:

09-10-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED: \_\_\_\_\_

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE \_\_\_\_\_
- ORDINANCE \_\_\_\_\_
- ADMIN. CODE \_\_\_\_\_
- OTHER Res, Easement \_\_\_\_\_

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: \_\_\_\_\_
- B. DEPARTMENT: Lee County Public Works
- C. DIVISION/SECTION: Utilities Division
- BY: Rick Diaz, Utilities Director

DATE: 8/27/02

7. BACKGROUND:

Fire hydrants 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. Potable water and sanitary sewer service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of Metro Parkway. Funds are available for recording fees in account # OD5360748700.504930

SECTION 18 TOWNSHIP 45S RANGE 25E DISTRICT # 2 COMMISSIONER ST CERNY

MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCH. OR CONTRACTS	(C) HUMAN RESOURCES	(D) OTHER	(E) COUNTY ATTORNEY	(F) BUDGET SERVICES				(G) COUNTY MANAGER
					afm 8/27				
					OA	OM	Risk	GC	
<i>J. Lavender</i> Date: 8.27.02	N/A Date:	N/A Date:	T.O. T. Osterhout Date: 8.22	<i>[Signature]</i> D. Owen Date:	<i>[Signature]</i> 8/26/02	<i>[Signature]</i> 8/26/02	<i>[Signature]</i> 8/27/02	<i>[Signature]</i> 8/26/02	<i>J. Lavender</i> Date: 8.27.02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
by CO. ATTY.  
8/27/02  
3:30 PM  
CO. ADMIN.  
FORWARDED TO:  
Budget  
11:15 AM

RECEIVED BY  
COUNTY ADMIN. *DD*  
8/26 300  
COUNTY ADMIN.  
NEEDED TO:  
8/27 400

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

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

WHEREAS, it is the desire of George R. Arpasi, owner of record, to make a contribution to Lee County Utilities of water facilities (one fire hydrant), serving "METRO 88 S/D, LOT 4"; 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 \$6,940.00 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 Janes(C):	_____	(1)
Commissioner St. Cerny:	_____	(2)
Commissioner Judah (V-C)	_____	(3)
Commissioner Coy:	_____	(4)
Commissioner Albion:	_____	(5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

ATTEST:  
CHARLIE GREEN, CLERK

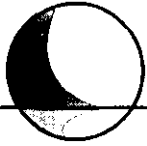
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

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

APPROVED AS TO FORM

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



# EAST BAY GROUP, LLC

COPY

11000 Metro Parkway, Suite 27 • Fort Myers, Florida 33912 • 941-936-5222 • 941-936-7228 Fax

PROJECT: METRO 88 S/D, LOT 4

July 26, 2002

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

Attn: Thom Osterhout

RE: Gulf Coast Telephone

HAND DELIVERED

## LETTER OF COMPLETION

Dear Sirs:

This is to certify that the water distribution system and or sewage collection system located in :  
SEC. 18, TWP. 45, RGE. 25, LEE COUNTY FLORIDA; known as "Gulf Coast Telephone," was designed by me and have been constructed in conformance with:


- the approved plans
- the revised plans
- and:
- the approved specifications
- the revised specifications

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

- pressure test of water distribution system
- infiltration test of gravity sewage collection system
- pressure test of sewage transmission system
- video inspection of utility lines
- lift station final inspection
- lift station start up

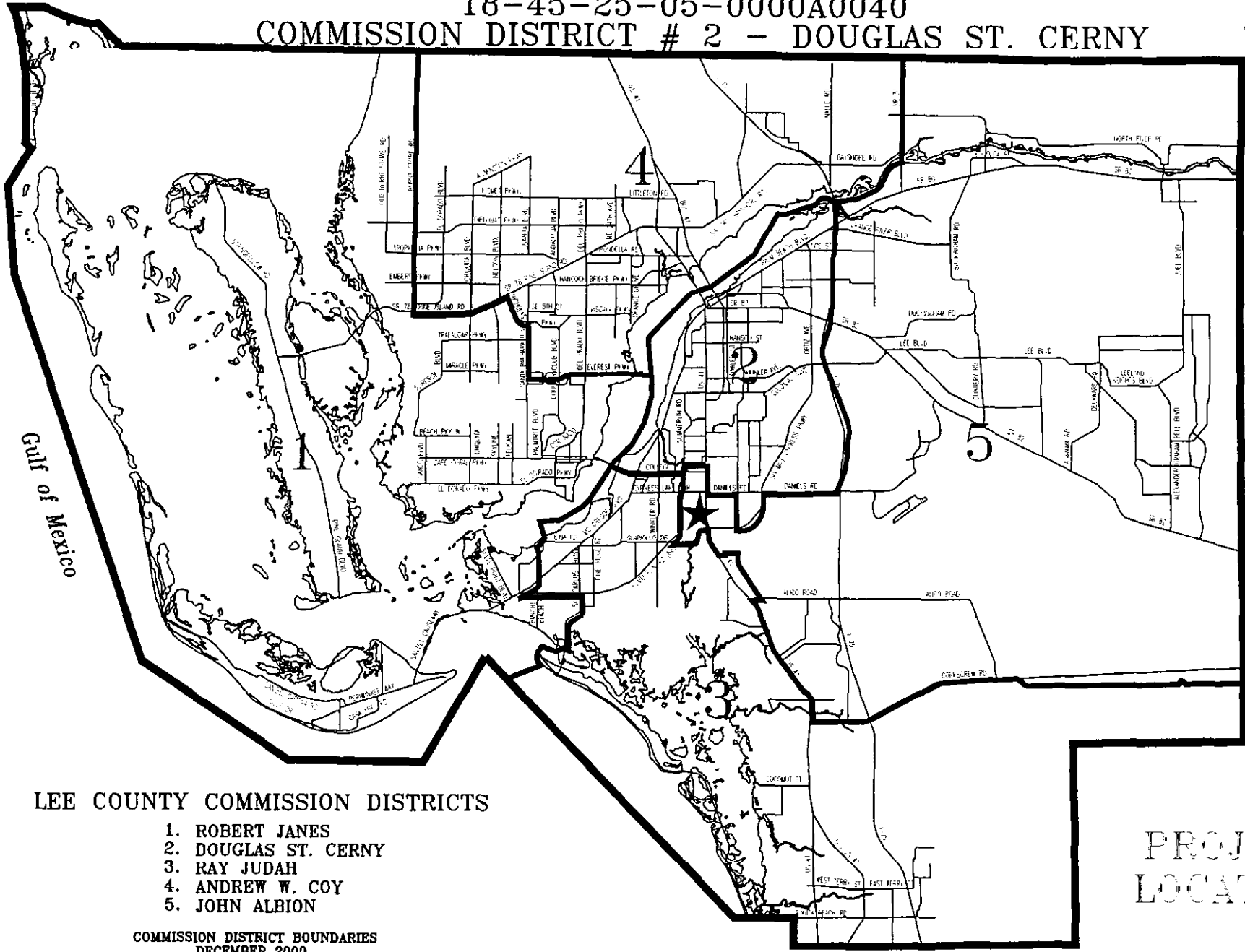
Sincerely,

EAST BAY GROUP, LLC

  
James D. Ottensmann, P.E.  
(seal)

S/D

METRO 88' - LOT 4  
18-45-25-05-0000A0040  
COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY



COPIED

LEE COUNTY COMMISSION DISTRICTS

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

COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000

PROJECT  
LOCATION

COPY

METRO 88 SUBDIVISION - LOT 4 HYDRANT

COMMISSION DISTRICT #5 - ALBION

CORVETTE DR

12590 METRO PARKWAY

18-45-25-05-0000A.0040

184525  
037

184525  
036

SUBJECT PARCEL

0000A  
0040

184525  
071

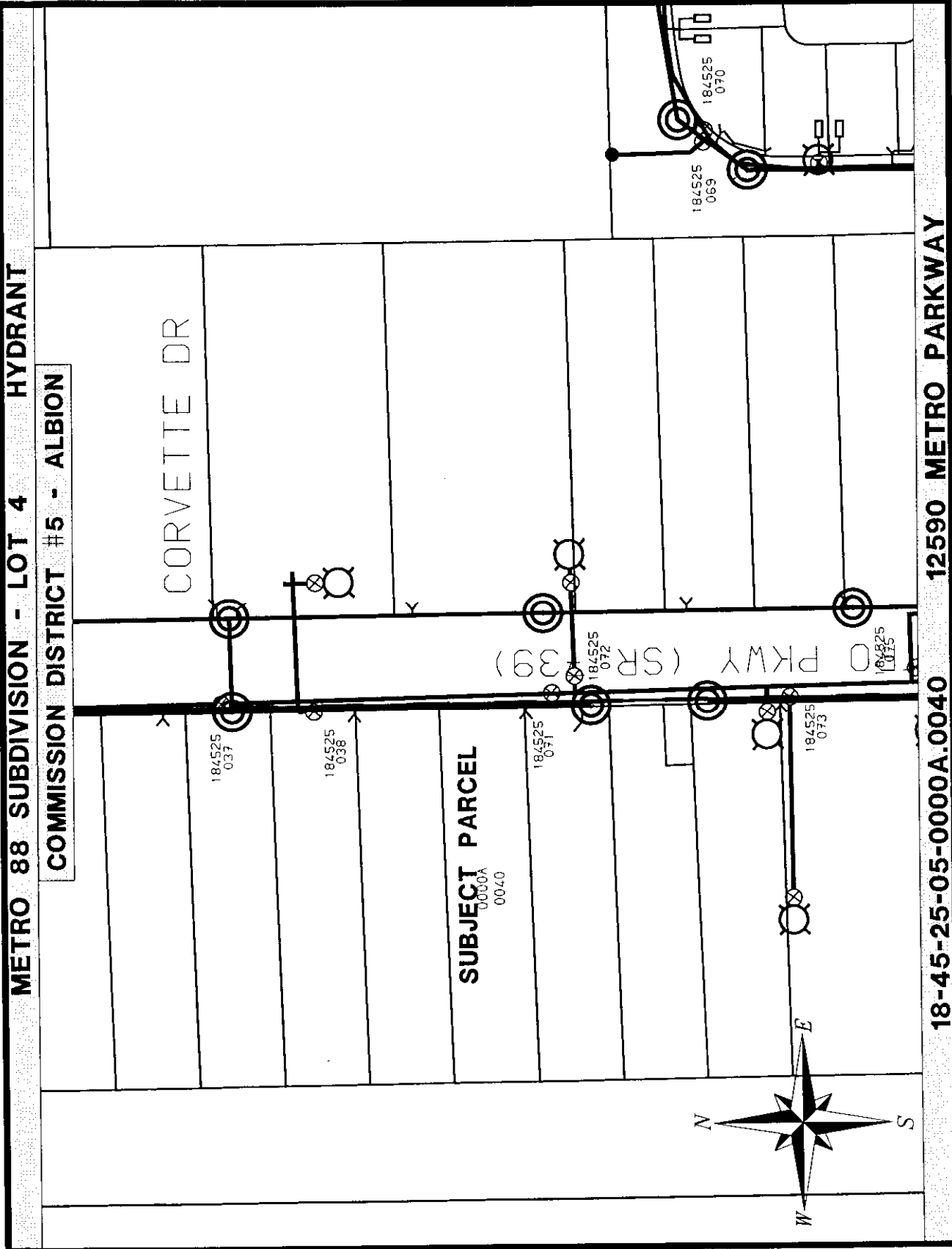
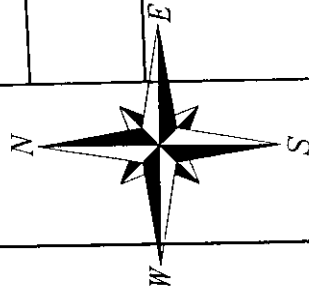
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070

PKWY (SR 30)



*(COPY)*

**WARRANTY**

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the **water and sewer** systems of (Name of Development): **GULF COAST TELEPHONE – 12590 Metro Pkwy. F.Myers, Fl Lot #4** 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.

**CHRISTO, INCORPORATED**  
(NAME OF OWNER OR CONTRACTOR)

BY: *Robert A Keiling*  
(SIGNATURE & TITLE) ROBERT A. KEILING-PRESIDENT

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 16<sup>th</sup> day of July, 20 02 by ROBERT A. KEILING who has produced  
(Print or Type Name)

PERSONALLY KNOWN TO ME as identification, and who (did) (did not) take an oath.  
(Type of Identification and Number)

*Mark K. Nottingham*  
Notary Public Signature  
Mark K. Nottingham  
Printed Name of Notary Public  
CC900356 Jan 6, 2004  
Notary Commission Number

MARK K. NOTTINGHAM  
Notary Public, State of Florida  
My comm. exp. Jan. 6, 2004  
Comm. No. CC900356

(NOTARY SEAL)

**WAIVER OF LIEN**

KNOW ALL MEN BY THESE PRESENTS, that **ROBERT A. KEILING**

as **President**, of **Christo, Incorporated**

for and in consideration of **SIX THOUSAND NINE HUNDRED FOURTY AND NO/CENTS (\$ 6,940.00 )**

and other good and valuable considerations, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, does hereby waive, release, remiss, and relinquish any and all right to claim any lien or liens for work performed or material furnished, or any kind or class of lien whatsoever on the following described property:

**GULF COAST TELEPHONE  
12590 METRO PKWY, FORT MYERS, FL LOT#4  
Strap# 18-45-25-05-0000A.0040**

(Please provide full name and location of development and a description of the utility system constructed).

CUT-IN 10' X 6" TEE, 6" GATE VALVE,  
34 LF 6" DIP, FIRE ASSY. W/ BOLLARDS  
TO SERVE NEW COMMERCIAL BLDG.

**Christo, Incorporated**

**4461-B Hancock Bridge Pkwy.**

**N. Fort Myers, Florida 33903**

NAME & ADDRESS OF FIRM OR CORPORATION

BY:

*Robert A. Keiling*

AUTHORIZED REPRESENTATIVE  
**ROBERT A. KEILING-PRESIDENT**

STATE OF **Florida** )  
 ) SS:  
COUNTY OF **Lee** )

The foregoing instrument was signed and acknowledged before me this **16<sup>TH</sup>** day of

**JULY**, 20 **02** by **ROBERT A. KEILING**

who has produced **PERSONALLY KNOWN TO ME** as identification, and who (did) (did not) take an oath.

*Mark K. Nottingham*  
Notary Public Signature

**Mark K. Nottingham**  
Printed Name of Notary Public

**MARK K. NOTTINGHAM**  
Notary Public, State of Florida  
My comm. exp. Jan. 6, 2004  
Comm. No. CC900356

**CC900356 Jan 6, 2004**  
Notary Commission Number

(NOTARY SEAL)





11.5

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: Robert A. Keiling  
(Name & Title of Certifying Agent) ROBERT A. KEILING-PRESIDENT

OF: CHRISTO, INCORPORATED  
(Firm or Corporation)

ADDRESS: 4461-B HANCOCK BRIDGE PKWY.  
N. FORT MYERS, FL 33903

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF LEE )

The foregoing instrument was signed and acknowledged before me this 16TH  
day of JULY, 20 02 by ROBERT A. KEILING  
(Print or Type Name)

who has produced Personally Known to Me as identification,  
(Type Of Identification and Number)

and who (did) (did not) take an oath.

Mark K. Nottingham  
Notary Public Signature

Mark K. Nottingham  
Printed Name of Notary Public

CC900356 Jan. 6, 2004  
Notary Commission Number

MARK K. NOTTINGHAM  
Notary Public, State of Florida  
My comm. exp. Jan. 6, 2004  
Comm. No. CC900356

(NOTARY SEAL)

This Instrument Prepared By:  
Lee County Utilities  
1500 Monroe Street - 3<sup>rd</sup> Floor  
Fort Myers, Florida 33901

**PERPETUAL PUBLIC UTILITY EASEMENT GRANT**

THIS INDENTURE is made and entered into this \_\_\_ day of \_\_\_ \_\_\_\_,  
by and between <sup>George</sup> Russell ARPASI, Owner, hereinafter  
referred to as GRANTOR(S), and LEE COUNTY, 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.

3. The public utility easement shall 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 shall 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 shall 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 of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the 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, shall indemnify and hold the GRANTEE harmless 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 location 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 or amended from time to time.

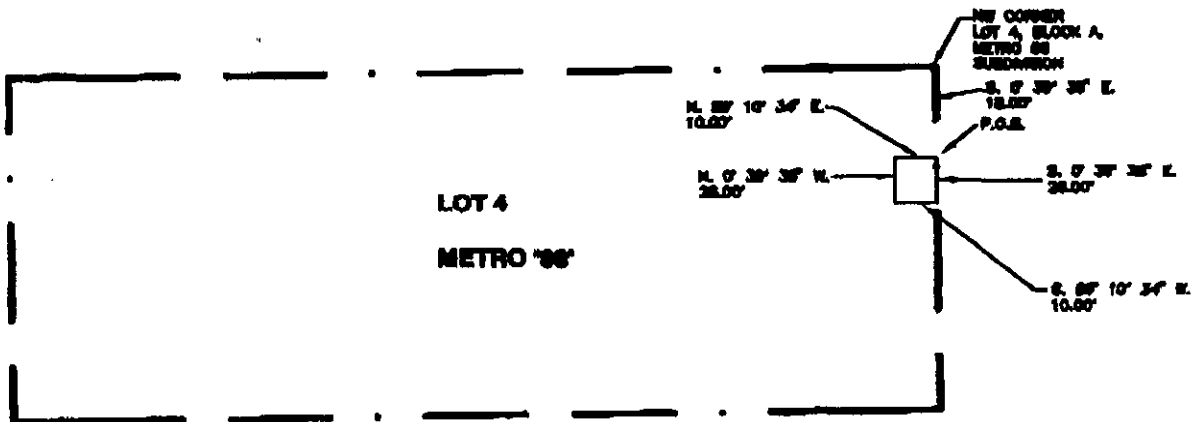
8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or 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 roads. The easement is strictly for utility purposes.



EXHIBIT "A"  
UTILITY EASEMENT DESCRIPTION  
LOT 4, BLOCK A  
METRO 88 SUBDIVISION

COMMENCING AT THE NORTHWEST CORNER OF LOT 4, BLOCK A, METRO 88 SUBDIVISION, AS RECORDED IN PLATBOOK 39, PAGE 21, RECORDS OF LEE COUNTY, FLORIDA: THENCE S. 0D 39' 36" E., 18.00 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE S. 0D 39' 36" E., 26.00 FEET; THENCE S. 89D 10' 34" W., 10 FEET, THENCE N. 0D 39' 36" W., 26.00 FEET; THENCE N 88D 10' 34" E., 10 FEET TO THE POINT OF BEGINNING.



NORTH  
 **EASEMENT SKETCH**  
 N.T.S.

DWG. #010912C

**EAST BAY GROUP, LLC**  
 Engineers, Planners, and Development Consultants  
 11000-27 Metro Pkwy Ft. Myers, FL 33912 941-936-5222 Cor. #8643

PROJECT: LOT 4  
 METRO '08'  
 OWNER: GULF COAST TELEPHONE

DATE	
DATE	
DATE	
DATE	

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING  
(Department)  
SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING office to incur expenses for filing/records against:

Purchase Order # N/A for METRO 88 S/D, LOT 4 (EASEMENT) BS 20020949-UTL project. (GEORGE RUSSELL ARPASI)  
ACCOUNT NO. OD5360748700.504930

ORIGINAL EASEMENT TO MINUTES AFTER RECORDING,  
WITH COPY TO SUE GULLEDGE, UTILITIES

  
SUE GULLEDGE Signature Authorization

B. SERVICE RECEIVED:

RECORDING \_\_\_\_\_

O. R. COPIES \_\_\_\_\_

PLAT COPIES \_\_\_\_\_

CASE #/INDEX FEE \_\_\_\_\_

DESCRIPTION OF SERVICE \_\_\_\_\_

AMOUNT OF FEE INCURRED \$ \_\_\_\_\_

(date)

(DEPUTY CLERK)

(CUSTOMER) (DEPT.)

**THIS FORM GOES TO CASHIER WITH REGULAR RECEIPT ATTACHED**

C. INVOICE INFORMATION: (FOR CLERK'S DEPARTMENT ONLY)

REC'D \_\_\_\_\_

ENTERED \_\_\_\_\_

CUST. # \_\_\_\_\_

INV. # \_\_\_\_\_

PLEASE REMIT TO:

Clerk's Accounting  
P.O. BOX 2396  
FORT MYERS, FLORIDA 33902-2396

White - FINANCE Yellow - DEPT FISCAL OFFICER Pink - CLERK'S OFFICE



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**

PHOTOCOPIES OF  
 THIS FORM NOT  
 ACCEPTABLE

DR-219  
 R. 07/98

(PLEASE READ INSTRUCTIONS ON THE BACK OF THIS FORM BEFORE COMPLETING)

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) → 18452505000A0040

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):  
 Last: ARPASI First: GEORGE MI: RUSSELL Corporate Name (if applicable):  
 6975 HIGHLAND PARK CIRCLE, FT. MYERS FL 33912  
 Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):  
 Last: P. O. BOX 398 First: FT. MYERS MI: 33902 Corporate Name (if applicable):  
 (239) 479-8181  
 Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer: / / \$ Sale/Transfer Price: . 00 Property Located In 46 County Code (County Codes on Reverse)

6. Type of Document:  Contract/Agreement for Deed  Other  Warranty Deed  Quit Claim Deed EASEMENT DONATION  
 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: \$ . 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 \$ .

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 knowledge.

Signature of Grantor or Grantee or Agent: RICK DIAZ, UTIL. DIRECTOR Date: 8/22/02

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
O. R. Book and Page Number and File Number	
Date Recorded	