

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030162-UTL

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance by Resolution and recording of one utility easement, as a donation of a water distribution system and gravity collection system serving **Renaissance, Phase 1A**. This is a developer contributed asset project located on the north side of Daniels Parkway west of I-75.

WHY ACTION IS NECESSARY: To provide potable water service, fire protection and sanitary sewer service to this phase of the residential development.

WHAT ACTION ACCOMPLISHES: Places the water and sewer systems into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 2

C10F

3. MEETING DATE:

02-25-2003

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: 2/6/03

7. BACKGROUND:

The Board granted permission to construct on 04/02/02, Blue Sheet #20020182.
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. As-builts 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.
Funds are available for recording fees in account number OD5360748700.504930.

SECTIONS 22 TOWNSHIP 45S RANGE 25E DISTRICT #2 COMMISSIONER ST. CERNY

8. 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
					OA	OM	Risk	GC	
<i>J. Lavender</i> Lavender Date: 2-6-03	N/A Date:	N/A Date:	<i>T.O.</i> T. Osterhout Date: 2-6	<i>D.O.</i> D. Owen Date: 2/7/03	<i>P.M.</i> 2/10/03	<i>J.S.</i> 2/11/03	<i>W.R.</i> 02/10/03	<i>P.S.</i> 2/10/03	<i>J. Lavender</i> Lavender Date: 2-6-03

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 2/7/03
Time: 11:19 am
Forwarded to:
Budget
Plylos Pysom

RECEIVED BY
COUNTY ADMIN. *PM*
2-7-03
2:10
COUNTY ADMIN.
FORWARDED TO: *PR*
2-11-03
A.M.

RESOLUTION NO. _____

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

WHEREAS, it is the desire of Worthington of Renaissance, LLC, owner of record, to make a contribution to Lee County Utilities of water facilities (water distribution system), and sewer facilities (gravity collection system) serving **"RENAISSANCE, PHASE 1A"**; 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 **\$148,911.36** 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 (C): _____ (3)
- Commissioner Andrew Coy: _____ (4)
- Commissioner John Albion (V-C): _____ (5)

DULY PASSED AND ADOPTED this _____ day of _____, 2003.

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

COPY

LETTER OF COMPLETION

Date: 11/26/02

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/or sewage collection system(s) located
in Renaissance Phase 1A (Tract G)

(Name of Development)

were designed by me and have been constructed in conformance with:

the approved plans the revised plans, attached

and:

the approved specifications the revised specifications, attached

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

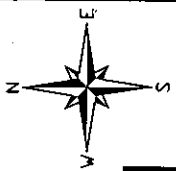
Very truly yours,

Community Engineering Services, Inc.
(Owner or Name of Corporation)

Henry J. Hardman
(Signature)

FL P.E. #56099
(Title)

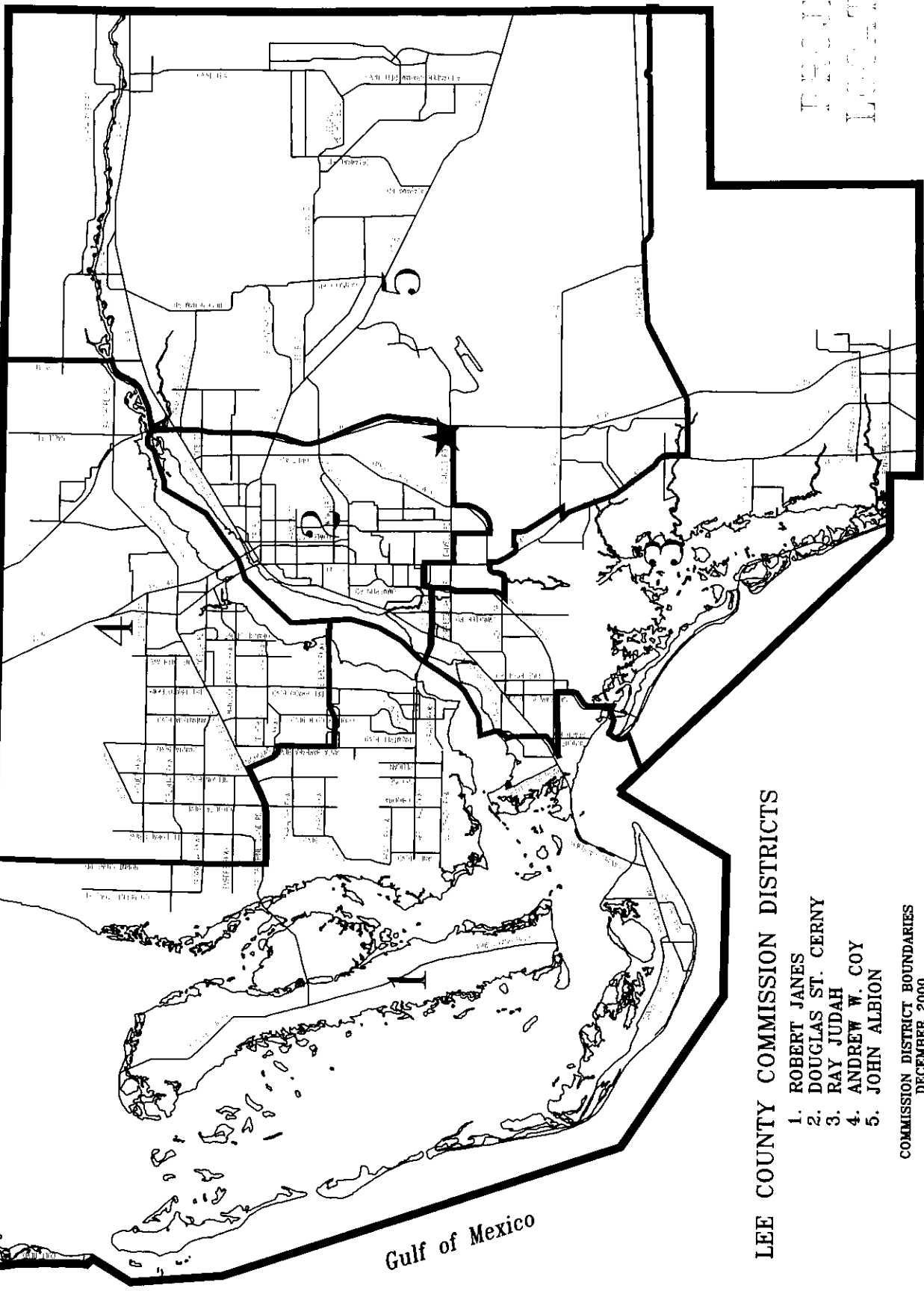
SEAL OF ENGINEERING FIRM



COPY

PRECEDENT
LITIGATION

RENAISSANCE, PHASE 1A
MULTIPLE PARCELS IN 22-45-25
COMMISSION DISTRICT # 2 - DOUGLAS ST. CERNY



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

Gulf of Mexico

COPY

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

The undersigned lienor, in consideration of the final payment in the amount of One Hundred Forty Eight Thousand Nine Hundred Eleven and 36/100 Dollars (\$148,911.36) 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 Renaissance Phase 1-A (Tract "G") to the following described property:

Renaissance Phase 1-A (Tract "G") water distribution and sanitary sewer systems
(Name of Development/Project) (Facilities Constructed)

Triana Terrace (15-45-25)(15-45-28)(22-45-25)
(Location) (Strap # or Section, Township & Range)
(Please provide full name and location of development and a description of the utility system constructed).

Dated on: January 13, 2003

By: [Signature] Mitchell & Stark
(Signature of Authorized Representative) (Name of Firm or Corporation)

By: David C. Scafidi 6001 Shirley Street
(Print Name of Authorized Representative) (Address of Firm or Corporation)


Phone #: (941)597-2165 Ext.27 Naples, FL 34109-
(City, State & Zip Of Firm Or Corporation)

Fax#: (941)566-7865

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 13 th day of JAN, 2003 by David C. Scafidi who has produced the following as identification - FL DL# S130-160-61-411-0 , and who did not take an oath

[Signature]
(Notary Public Signature)

 Morris Sons
My Commission DD059332
Expires January 7 2006
(Notary Seal & Commission Number)

Morris Sons
(Printed Name of Notary Public)

COPY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: RENAISSANCE TRACT "G", (PHASE 1A)

LOCATION: Triana Terrace

STRAP # (15-45-25), (15-45-28), (22-45-25)

(Including STRAP)

NAME AND ADDRESS OF OWNER: Colonial Homes, Inc.

12601 Westlink Drive Fort Myers, FL. 33913

(as shown on Deed)

TYPE UTILITY SYSTEM: WATER

(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
DR-18, C900 W.M.	10-inch	1946	LF	12.92	25142.32
Gate Valve	10-inch	2	EA	1013.00	2026.00
Fire Hydrant Assembly	6-inch	4	EA	2298.00	9192.00
Double Water Service	1-inch	65	EA	423.00	27495.00
Sch. 40 PVC Sleeve	6-inch	1590	LF	5.12	8140.80
Permanent Samping Pt	2-inch	1	EA	965.00	965.00
				TOTAL AMOUNT	\$ 72,961.12



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: RENAISSANCE TRACT "G"

LOCATION: Triana Terrace

STRAP # (15-45-25), (15-45-28), (22-45-25)

(Including STRAP)

NAME AND ADDRESS OF OWNER: Colonial Homes, Inc.

12601 Westlink Drive Fort Myers, FL. 33913

(as shown on Deed)

TYPE UTILITY SYSTEM: SEWER

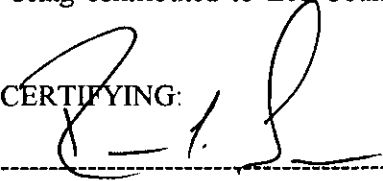
(list water, sewer and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

ITEM	SIZE	QUANTITY	UNIT	COST	TOTAL
SDR-26, PVC	10-inch	1818	LF	17.68	32142.24
MANHOLES	48-inch	8	EA	3260.00	26080.00
Service Laterals	6-inch	32	EA	554.00	17728.00
				TOTAL AMOUNT	\$ 75,950.24

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: 
(David C. Scafidi, Project Manager)

OF: MITCHELL & STARK CONST. CO. INC.

(Firm or Corporation)

ADDRESS: 6001 Shirley Street
Naples, Florida, 34109

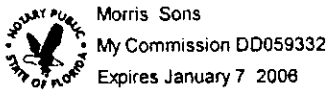
STATE OF Florida)
) SS:
COUNTY OF Collier)


The foregoing instrument was signed and acknowledged before me this 13th day of January, 2003 ,
by David C. Scafidi, Project Manager

who has produced FL DL# S130-160-61-411-0 as identification, and

who did not take an oath.

(NOTARY SEAL)




Notary Public Signature
Morris Sons
Printed Name of Notary
00059332
Notary Commission Number

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

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this _____ day of _____, _____ by and between Worthington of Annissama LLC, 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.



(Forms - Perpetual Public Utility Easement - LCU - County Attorney Approved Form 10/2002 - Page 1 of 3)

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 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 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. GRANTEE agrees to coordinate each activity within the easement premises in advance with the manager of the U. S. Postal Service, so as not to interfere with Postal Service operations.

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. If GRANTEE fails to utilize the granted easement (Exhibit "A", hereto) for the purposes as set out herein and for the time as set out in Section 255.22, Florida Statutes, then this easement shall be extinguished pursuant to law,

10. This easement shall be binding upon the parties hereto, their successors in interest and any assigns.



EXHIBIT A

(Legal Description)

**DESCRIPTION
OF A PARCEL OF LAND
LYING IN
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST
(RENAISSANCE 20'UTILITY EASEMENT TRACT G AREA)**

A 20-FOOT WIDE UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST; BEING PART OF TRACTS "GC-4 " AND "Q-4", RENAISSANCE, AS RECORDED IN PLAT BOOK 72 AT PAGES 18-30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE CENTERLINE OF WHICH IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT G, RENAISSANCE, AS RECORDED IN PLAT BOOK 72 AT PAGES 18-30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.01°02'35"W. ALONG THE WEST LINE OF SAID TRACT G FOR 194.90 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED CENTERLINE; THENCE S.89°15'04"W. ALONG SAID CENTERLINE FOR 50.00 FEET TO THE **TERMINUS** OF SAID CENTERLINE.

THE SIDELINES OF SAID EASEMENT FROM SAID POINT OF BEGINNING TO SAID TERMINUS ARE TO PROVIDE A CONTINUOUS WIDTH OF 20.00 FEET, 10.00 FEET ON EACH SIDE OF SAID CENTERLINE (AS MEASURED ON A PERPENDICULAR).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS BASED ON THE WEST LINE OF TRACT "G", RENAISSANCE AS BEING N.01°02'35"W.

(SEE ATTACHED BOUNDARY SKETCH)

Certification for Description

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr., LS #5430

Community Engineering Services, Inc. LB #6572

Key West Professional Center

1342 Colonial Boulevard, Suite C-24

Fort Myers, FL 33907

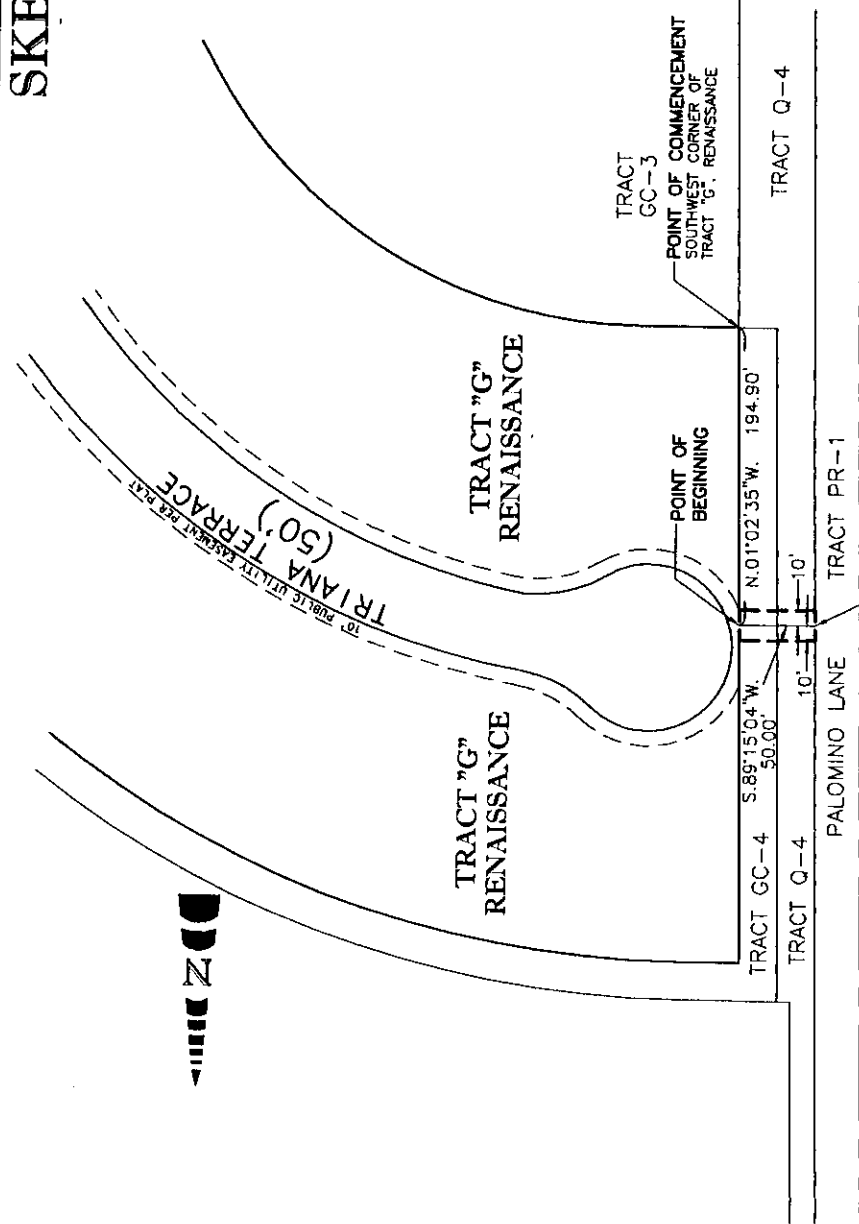
Signed: _____

Date: _____

11/27/06

COPY

SKETCH OF DESCRIPTION OF A PARCEL LYING IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



20' UTILITY EASEMENT RENAISSANCE TRACT G AREA SKETCH OF DESCRIPTION

COMMUNITY ENGINEERING SERVICES, INC.
CIVIL ENGINEERING - SURVEYING - PROJECT MANAGEMENT

EB-0006613 LB 6572
KEY WEST PROFESSIONAL CENTER
1342 COLONIAL BOULEVARD, SUITE C-24
FORT MYERS, FLORIDA 33907
TELEPHONE (941) 936-9777 Fax (941) 936-0064



FILE NAME	REN/CUE/ASE7.DWG	PLOT BOOK/PAGE	PROJECT NO.	SHEET
SURVEY DATE	11-27-2002	DRAWN BY	DJO	DJO
		SCALE	1" = 100'	2 OF 2
		DIVIDED BY	1.335	FILE NO. (S-1-A)
				22-45-25

THIS IS NOT A SURVEY
DATE SIGNED 11/27/02

PROFESSIONAL SURVEYOR AND NUMBER 15418-330

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)
SUE GULLEDGE

A. AUTHORIZATION:

This transmittal authorizes the UTIL. ENGINEERING BS 20030162-UTL
office to incur expenses for filing/records against:
N/A RENAISSANCE, PHASE 1A (WORTHINGTON OF RENAISSANCE EASEMENT)

Purchase Order # _____ for _____ project.
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