

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

Blue Sheet No. 20030549

1. REQUESTED MOTION:

ACTION REQUESTED: Approve and execute Easement to Bonita Springs Utilities, Inc., pursuant to the terms and conditions set forth in the Grant of Utility Easement, for a Pump Station that will provide sewer service to the area. Funds are not required.

WHY ACTION IS NECESSARY: The Board must formally accept all real estate conveyances to and from Lee County.

WHAT ACTION ACCOMPLISHES: Allows Bonita Springs Utilities, Inc. to construct a pump station for their system to serve the area.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3**

C6B

3. MEETING DATE:

06-03-2003

4. AGENDA:

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

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE 125
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Independent
- C. DIVISION County Lands
- BY: Karen L. W. Forsyth, Director

7. BACKGROUND: Lot 57 of Oak Creek Manor, an unrecorded subdivision, consisting of approximately 12,150 square feet was acquired for the Livingston Road/Imperial Connection, Project No. 4056. Approximately 8,000 square feet is being used for right of way leaving a triangular nonconforming remainder parcel of approximately 4,150 square feet, located at 11302 Sunray Drive, Bonita Springs, Florida 34135, being further identified as STRAP No. 01-48-25-B2-00200.0570.

Bonita Springs Utilities, Inc. is requesting a 20 X 20 easement be granted so the company can construct and maintain a pump station to provide the necessary sanitary service for the area.

Cost to record Easement document will be paid by Bonita Springs Utilities, Inc.

Staff recommends that the Board approve the Requested Motion.

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 Manager
<i>K. Forsyth</i>			<i>5/14/03</i>	<i>John J. Fredymek 5-14-03</i>	<i>OA</i>	<i>COM</i>	<i>Risk</i>	<i>GC</i>	
					<i>5/15/03</i>	<i>5/15/03</i>	<i>5/15/03</i>	<i>5/15/03</i>	<i>5/15/03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

2003 MAY 16 AM 7:30

**RECEIVED BY
COUNTY ADMIN.**
5-15-03
9:10
**COUNTY ADMIN.
FORWARDED TO:**
HS
5/15/03

5/15/03
4:05 PM
MAILED TO:
HS
5/15/03

This document prepared by
Lee County, Division of County Lands
PO Box 398
Fort Myers, FL 33902-0398
STRAP No.: 01-48-25-B2-00200.0570

GRANT OF UTILITY EASEMENT
(PUMP STATION)

It is hereby agreed that **Lee County** hereinafter referred to as the "Grantor", in consideration for TEN (\$10.00) DOLLARS and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, does hereby grant and give the BONITA SPRINGS UTILITIES, INC., a Florida, Not-for-Profit Corporation, hereinafter referred to as the "Grantee", and to its successors and assigns, a non-exclusive, perpetual easement upon, over, across or below the surface of the following described lands of the Grantor, situated in Lee County, Florida; more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

for the purposes of construction, operation, maintenance improving or replacing of one pump station and all normal appurtenances thereto, including the necessary rights of ingress and egress for the purposes of providing sewer, provided that such rights of ingress and egress must be exercised in a reasonable manner in accordance with the standard practices in the industry, together with the right and privilege to inspect, alter, remove or relocate such lines, facilities and appurtenances thereto within the easement herein granted, with all rights and privileges necessary or convenient for the use and enjoyment thereof for the above-stated purposes.

The land used to install a pump station within the easement may not exceed 20 feet by 20 feet. No structure or other device may be installed within the easement area without the prior written approval of the GRANTOR. All facilities installed and maintained by GRANTEE within the easement area must be installed underground with the sole exception of the control panel and associated pipe and antennae in compliance with the following. The control panel and pipe may not exceed 5 feet above the 100 year flood elevation; the antennae may not extend further than 5 feet above the top of the control panel.

Grantee, to the extent reasonably possible, is required to restore the surface of the land to the condition as it existed at the time of the grant of this Easement, and also to make such restoration upon any future entry onto this property for repairs and maintenance of the Grantee's equipment.

This easement does not give the Grantor any right whatsoever to own or use the Grantee's sewage pump station located on the Grantor's property except upon further mutual agreement of the parties.

BONITA SPRINGS UTILITIES, INC. will indemnify **Lee County, a political subdivision of the State of Florida**, against any liability resulting from the permitted uses in this easement. Any damage to the Grantor's property or improvements thereon as the result of BONITA SPRINGS UTILITIES, INC. (Grantee), its licensees, agents successors, and assigns will be restored by BONITA SPRINGS UTILITIES, INC. to the condition in which it existed before the damage.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on this ____ day of _____, 200__.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY _____
Deputy Clerk

BY _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

DELIVERED AND ACCEPTED BY: BONITA SPRINGS UTILITIES, INC., A FLORIDA CORPORATION

THIS 1 DAY OF April, 2003.

BY Frank W Liles
Printed Name Frank W Liles

TITLE: V President of Bonita Springs Utilities

(CORPORATE SEAL)

STATE OF Lee County Florida
COUNTY OF Lee



The foregoing instrument was acknowledged before me this 1 Day of April, 2003

by Frank W Liles Vice President of Bonita Springs Utilities, Inc., a Florida Not-For-Profit
(Name of officer or agent, title of officer or agent) (Name of corporation acknowledged)

Corporation on behalf of the corporation. He/she is personally known to me or has produced _____

_____ as identification.
(Type of identification)

Carol Bonham
(Signature of Notary Public)



(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

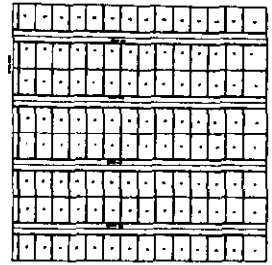
DESCRIPTION OF EASEMENT FOR UTILITIES

BEGINNING AT THE SOUTHEAST CORNER OF LOT 57, OAK CREEK MANOR (UNRECORDED) O.R. BOOK 562, PGS 47-48, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING A PART OF SECTION 1, T-48-S, R-25-E, LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID LOT 57 SOUTH 89°14'18" WEST 20.00 FEET; THENCE LEAVING SAID LINE NORTH 01°14'27" WEST 20.00 FEET; THENCE NORTH 89°14'18" EAST 20.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 57; THENCE ALONG SAID LINE SOUTH 01°14'27" EAST 20.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 400 SQ. FT. MORE OR LESS
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD
 BEARINGS ARE BASED ON THE SOUTH LINE OF SUNRAY DRIVE BEING NORTH 89°14'18" EAST.

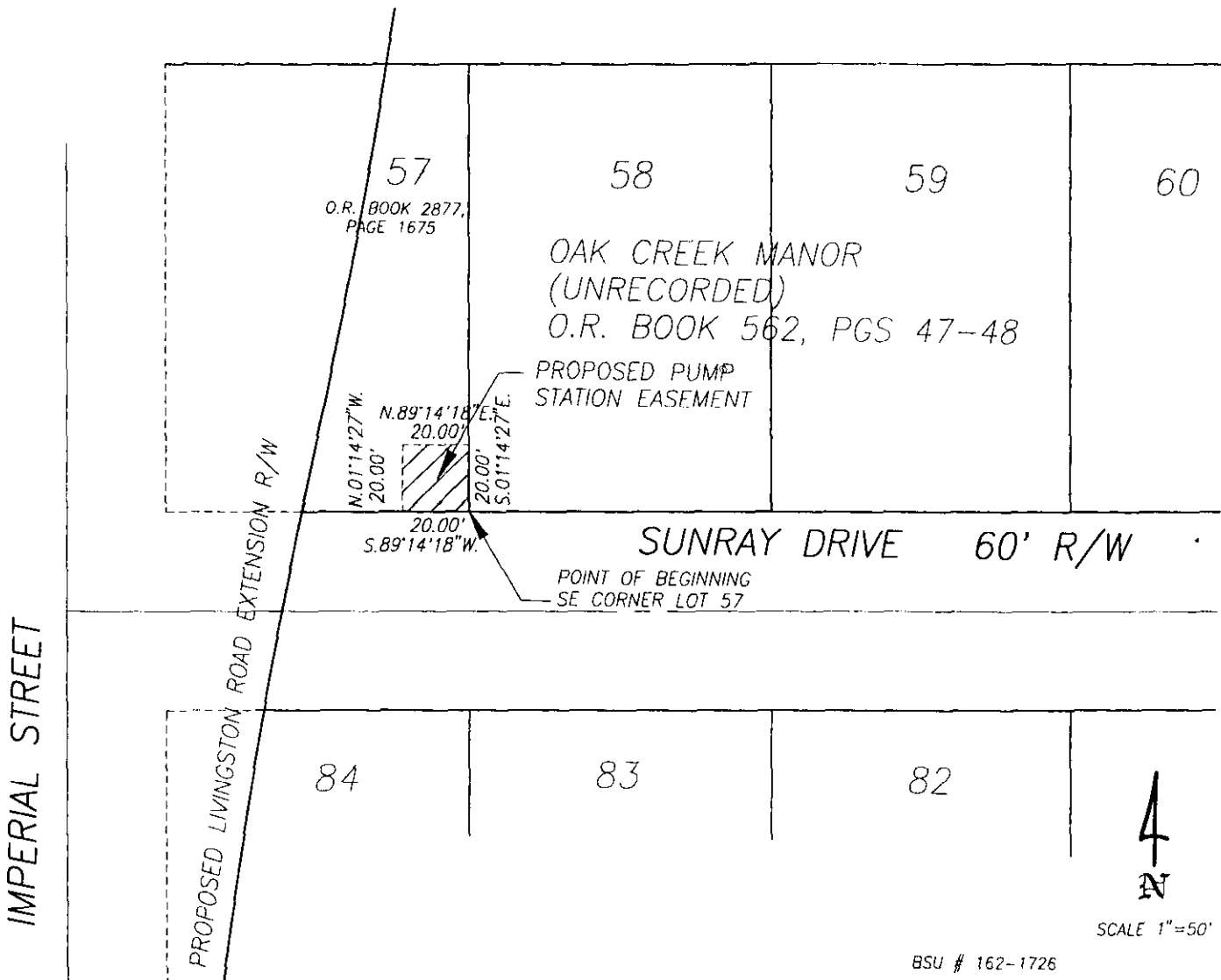
BY *John E. Boutwell* 4/22/02
 JOHN E. BOUTWELL, P.S.M. LS# 3934

CERTIFICATE OF AUTHORIZATION #LB-43
 O.R. = OFFICIAL RECORD
 DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.



DETAIL
 NOT TO SCALE

Exhibit "A"



Apr 22, 2002 - 09:14:42 x:\F0203\1K1726B.dwg

BSU # 162-1726
**** NOT A SURVEY ****



Planners - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants

Wilson Miller, Inc.

Naples - Fort Myers - Sarasota - Bradenton - Tampa
 3200 Bakley Lane, Suite 200 - Naples, Florida 34105-6507 - Phone 941-649-4040 - Fax 941-643-5716 - Web-Site www.wilsonmiller.com

CLIENT:	BONITA SPRINGS UTILITIES		
TITLE:	SKETCH AND DESCRIPTION PUMP STATION EASEMENT LOT 57, OAK CREEK MANOR PART OF SECTION 1, T-48-S, R-25-E, LEE COUNTY, FLORIDA		
DATE:	PROJECT NO.:	SHEET NUMBER:	FILE NO.:
4/2002	F0203-2X0-000-05SLD	1 OF 1	1K-1726B

WOR

Prepared by and Return to:
Denise L. Wallace
PREMIER TITLE ASSOCIATES, INC.
3665 Bonita Beach Road, Ste 3
Bonita Springs, FL 34134
GRANTEE TAX ID NUMBER: _____
File No.: 99752-RP

INSTR # 4798443
OR BK 03212 PG 2523

RECORDED 01/21/00 01:16 PM
CHARLIE GREEN CLERK OF COURT

IN ACCORDANCE WITH
SECTION 119.07(1)
AND 119.07(2)
OF THE FLORIDA
CONSTITUTION
AND APPOINTED ON BEHALF OF THE BOARD BY
OF COMMISSIONERS ACTION ON
11-16-99

WARRANTY DEED

THIS INDENTURE, made this 7th day of January, A.D. 2000 between
ROBIN A. MCNEAL

as Grantor*, whose address is: 5823 Rio Drive, New Port Richey, FL 34652
and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

as Grantee*, whose address is: P.O. BOX 398, FT. MYERS, FL 33902

WITNESSETH: That the Grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said grantors in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of Lee, State of Florida, to-wit:

Lot 57, OAK CREEK MANOR, a subdivision according to the plat or map thereof described in Official Record Book 562, at page(s) 47 & 48, of the Public Records of Lee County, Florida.

THIS DEED IS GIVEN IN LIEU OF CONDEMNATION.

TOGETHER WITH THAT CERTAIN 1970 PLANTATION MOBILE HOME, ID #70122512.

The subject property is not the homestead of the grantor, nor is it contiguous to the grantors homestead property.

Property Tax ID Number: 01-48-25-02-00000.0570

SUBJECT TO easements, restrictions and reservations of record, if any, and taxes for 1999 and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Witnesses

(WITNESS 1) Denise L. Wallace
PRINT OR TYPE NAME: DENISE L. WALLACE

Robin A. McNeal
ROBIN A. MCNEAL

(WITNESS 2) Linda Shue
PRINT OR TYPE NAME: Linda Shue

State of Florida
County of Lee

The foregoing instrument was acknowledged before me on this 7th day of January, 2000 by ROBIN A. MCNEAL, who is known to me or who has produced

drivers license as identification and did _____ take an oath.

My Commission Expires:

Denise L. Wallace
NOTARY PUBLIC
PRINT OR TYPE NAME:

