

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20040870-UTL

1. REQUESTED MOTION:

ACTION REQUESTED: Approve final acceptance, by Resolution, and recording of one Utility Easement as a donation for a water main relocation serving *Coca Cola Warehouse Addition*. This is considered a developer contributed asset project located on the north side of Alico Road approximately 1 mile east of I-75.

WHY ACTION IS NECESSARY: To provide fire protection to the recently constructed warehouse addition.

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

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 5

C10Q

3. MEETING DATE:

07-27-2004

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, P.E., Utilities Director
- DATE: 7/8/04

7. BACKGROUND:

The relocation of existing water mains do not require permission to construct by the BOCC, 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 of the water system has been completed.
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.
Potable water service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of Alico Road.
Sanitary sewer service is provided by a private on-sight septic system.
100% of the connection fees were previously paid.
Funds are available for recording fees in account # OD5360748700.504930.

SECTIONS 02 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

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> Date: 7-9-04	N/A	N/A	T.O. T. Osterhout Date: 7-8	<i>S. ...</i> Date: 7/12/04	<i>CPM</i> 7/15/04	<i>PM</i> 7/12/04	58 7/12/04	<i>Yes</i> 7/12/04	<i>J. Lavender</i> Date: 7-9-04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/9/04
Time: 7:00 PM
Forwarded To:
Admin 7/9/04

RECEIVED BY
COUNTY ADMIN: *VA*
7/12/04
10:00 am SLT
COUNTY ADMIN
FORWARDED TO: *PL*
7-13-04
7:30 PM

RESOLUTION NO. _____

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

WHEREAS, it is the desire Fort Myers Coca-Cola Bottling Company, a Florida Corporation, owner of record, to make a contribution to Lee County Utilities of water facilities (water main relocation) serving "**COCA COLA WAREHOUSE ADDITIONS**"; 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 **\$43,622.00** 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 _____ (1)
- Commissioner St. Cerny: _____ (2)
- Commissioner Judah: _____ (3)
- Commissioner Coy: _____ (4)
- Commissioner Albion: _____ (5)

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

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

LETTER OF COMPLETION

DATE: 3/31/2004

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** system located in
the Coco-Cola Warehouse Facility at 10051 Alico Road (02-46-25-00.00001.1000)
(Name of Development)

were designed by me and have been constructed in conformance with:
the revised plans, attached and the approved specifications

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

Bacteriological Test and Pressure Test(s) - Water Main

Very truly yours,

David W. Schmitt for O. Grady Minor & Associates, P.A.
(Owner or Name of Corporation)



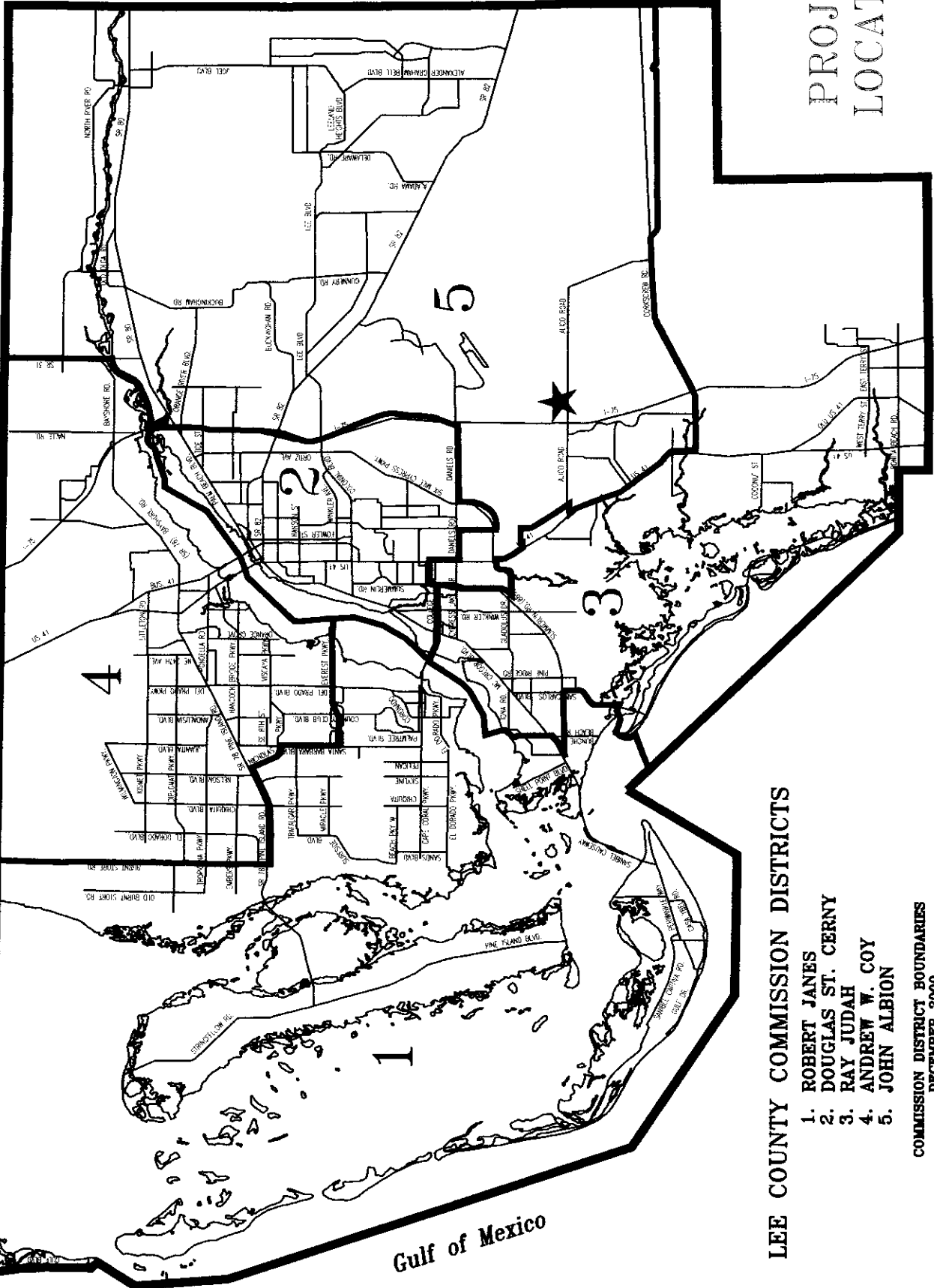
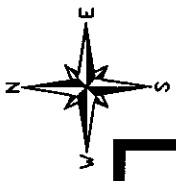
(Signature)

Vice President
(Title)

(Seal of Engineering Firm)

**COCA COLA WAREHOUSE ADDITIONS
02-46-25-00-00001.1000
COMMISSION DISTRICT # 5 - JOHN ALBION**

**PROJECT
LOCATION**



Gulf of Mexico

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

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 *Joel Chambers*
(Signature of Certifying Agent)

Joel Chambers
(Name & Title of Certifying Agent)

Haskins Inc.
(Name of Firm or Corporation)

10956 Enterprise Ave.
(Address of Firm or Corporation)

Bonita Springs, FL 34135 -

STATE OF FL)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 2nd day of APR, 2004 by Joel Chambers who has produced the following as identification - na, and who did not take an oath.

Audrey G. Hix
Notary Public Signature

Audrey Hix
Printed Name of Notary Public

Notary Commission Number

AUDREY G. HIX
Notary Public, State of Florida
My comm. exp. Mar. 13, 2005
Comm. No. DD 009234

(NOTARY SEAL)

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

Strap Number:

02-46-25-00-00001.1000

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this _____ day of _____, 2004, by and between Coca-Cola Enterprises Inc., a Delaware corporation, successor by merger to Florida Coca-Cola Bottling Company, a Tennessee corporation, successor by merger to Fort Myers Coca-Cola Bottling Company, a Florida corporation, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, 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 non-exclusive 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.

(Page 1 of 4)

3. The public utility easement will 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 by GRANTOR. Houses, fences, buildings carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE'S successors, appointees, and/or assigns.

5. Subject to any matters of record in the Official Records of Lee County, Florida, 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 from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, 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, its successors or assigns, agrees to 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 GRANTORS(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 will 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 any associated roads. The easement is strictly for utility purposes.

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

(Balance of Page Left Intentionally Blank)

(Page 3 of 4)

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Rose Marie Teague
[1st Witness' Signature]

Rose Marie Teague
[Type or Print Name]

Karen Adesso
[2nd Witness' Signature]

Karen Adesso
[Type or Print Name]

COCA-COLA ENTERPRISES INC.,
a Delaware corporation

By: Patrick J. Mannelly
[Signature Grantor's/Owner's]

PATRICK J. MANNELLY
[Type or Print Name]

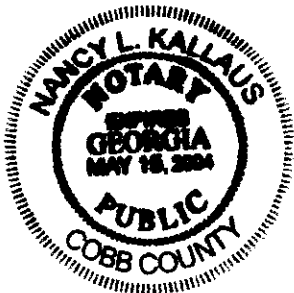
SR VP & CFO
[Title]

STATE OF GEORGIA

COUNTY OF COBB

The foregoing instrument was signed and acknowledged before me this 5th day of MAY 2004, by Patrick J. Mannelly, Senior Vice President and Chief Financial Officer who is personally known to me, and who did not take an oath.

[stamp or seal]



Nancy L. Kallaus
[Signature of Notary]

NANCY L. KALLAUS
[Type or Printed Name]

TRASK ASSOCIATES, INC.

s u r v e y o r s

EXHIBIT A-1

DESCRIPTION OF AN EASEMENT LYING IN
SECTION 2, T-46-S, R-25-E,
LEE COUNTY, FLORIDA

(10' UTILITY EASEMENT)

A 20 FOOT WIDE EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING OVER ACROSS AND THROUGH A PART OF A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, THE SIDELINES OF WHICH ARE 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL; THENCE S.89°36'58"E. ALONG THE EAST LINE OF SAID PARCEL FOR 248.04 FEET; THENCE N.00°42'59"W. FOR 59.34 FEET TO THE NORTHERLY LINE OF AN EXISTING 20 FOOT WIDE WATER PIPELINE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 2500, PAGE 371; THENCE CONTINUE N.00°42'59"W. ACROSS SAID WATER PIPELINE EASEMENT FOR 20.00 FEET THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE OF A 20.00 FOOT WIDE UTILITY EASEMENT; THENCE CONTINUE N.00°42'59"W. FOR 156.78 FEET; THENCE N.44°10'22"E. FOR 25.63 FEET; THENCE N.89°10'22"E. FOR 52.67 FEET; THENCE N.01°00'14"W. FOR 95.41 FEET TO POINT "A"; THENCE N.88°59'46"E. FOR 22.56 FEET TO POINT OF TERMINUS 1; THENCE FROM SAID POINT "A" CONTINUE N.01°00'14"W. FOR 264.92 FEET; THENCE S.88°59'46"W. FOR 205.53 FEET TO POINT OF TERMINUS 2.

THE SIDELINES OF SAID EASEMENT TO BE SHORTENED OR LENGTHENED TO PROVIDE A CONTINUOUS WIDTH OF 20.00 FEET.

SAID EASEMENT CONTAINS 35,756 SQUARE FEET OR 0.82 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF SAID PARCEL DESCRIBED IN AS BEARING S.89°36'58"E. AS PER SAID OFFICIAL RECORDS BOOK 2195, PAGE 4279, LEE COUNTY PUBLIC RECORDS.

TRASK ASSOCIATES, INC.

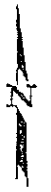
NOVEMBER 14, 2003


KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. LS4684

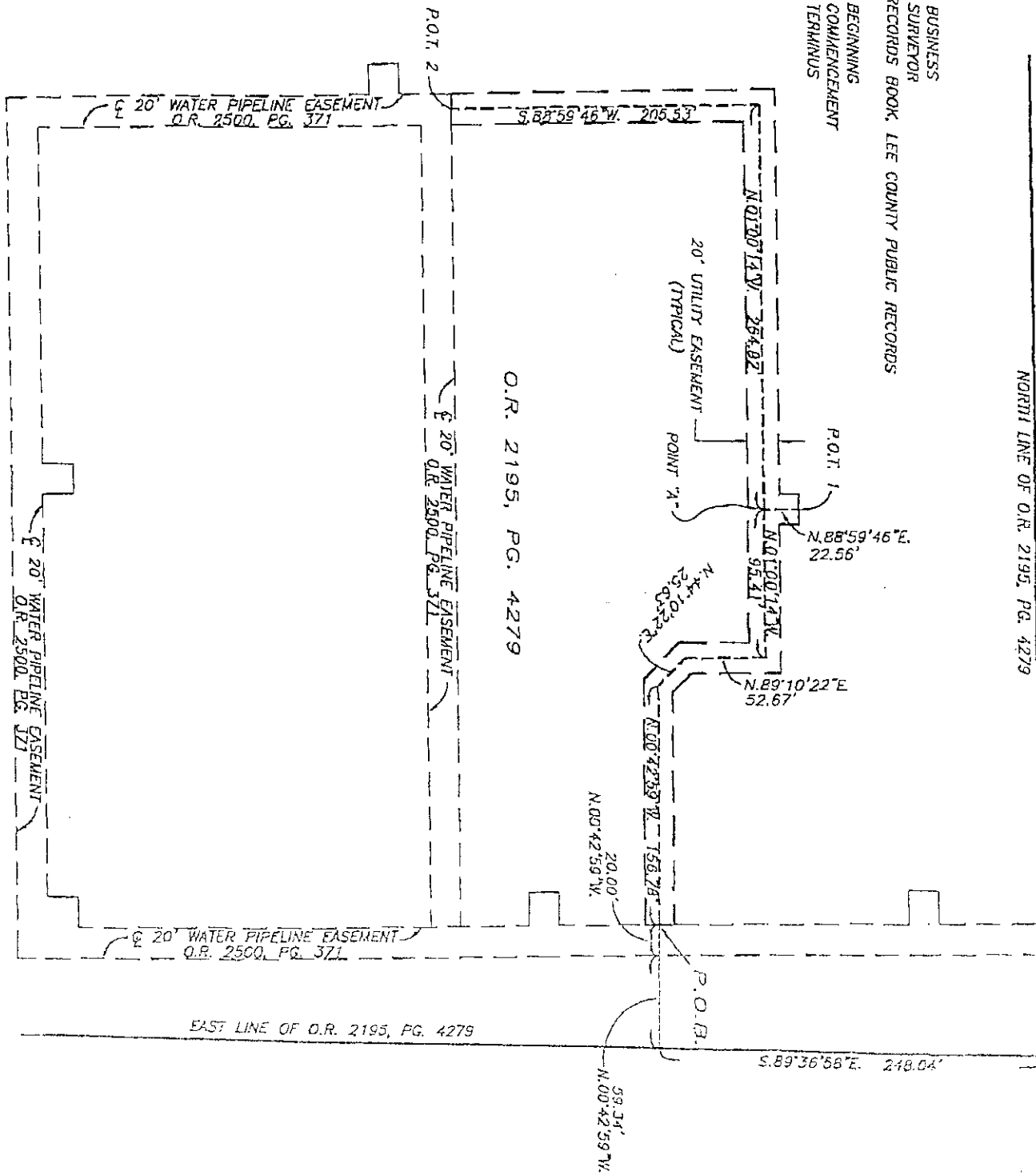
EXHIBIT A-2

LEGEND:

- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- O.R. OFFICIAL RECORDS BOOK, LEE COUNTY PUBLIC RECORDS
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.O.T. POINT OF TERMINUS



THIS IS NOT A BOUNDARY SURVEY



NORTH LINE OF O.R. 2195, PG. 4279

O.R. 2195, PG. 4279

P.O.C.
N.E. CORNER
O.R. 2195,
PG. 4279

SHEET OF 2	SKETCH OF AN EASEMENT LYING IN SECTION 2 T-46-S, R-25-E, LEE COUNTY, FLORIDA.	TRASK ASSOCIATES, INC. surveyors	<i>Kenneth E. Trask</i> KENNETH E. TRASK PROFESSIONAL LAND SURVEYOR FLORIDA CERTIFICATE NO. LS4684
	DATE: 11-14-2003 SCALE: 1" = 100' DRAWING BY: ALH CHECKED BY: KT S-I-R: 2-46-25 JOB NO.: 0337SK	11543 Charles Terrace, Fort Myers, FL 33507 239-694-2336 phone 239-694-2335 fax Florida Licensed Business No. L97136 ktrask@traskassociates.com	11-18-03 DATE SIGNED.

CURRENT BUILDERS



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300
 DR-219
 R. 07/98

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) →

02462500000011000

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):

EASEMENT DONATION BY: FT. MYERS COCA-COLA BOTTLING CO.

Last First MI Corporate Name (if applicable)
10051 ALICO ROAD FT. MYERS FL 33913

Mailing Address City State Zip Code Phone No.

4. Grantee (Buyer):

RICK DIAZ, P.E., UTIL. DIR. FOR LEE CO. BOARD OF COUNTY COMMISSION

Last First MI Corporate Name (if applicable)
P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer

Sale/Transfer Price

00 / 00 / 0000 \$ 000,000.00

Property Located In

Lee

6. Type of Document

Contract/Agreement for Deed
 Other
 Warranty Deed
 Quit Claim Deed

7. Are any mortgages on the property? If "Yes", outstanding mortgage balance:

YES / NO

(Round to the nearest dollar.) \$ 000,000.00

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

\$ 000,000.00

12. Amount of Documentary Stamp Tax

\$ 000,000.00

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/her has any knowledge.

Signature of Grantor or Grantee or Agent

Rick Diaz / SD

Date

7-8-04

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

<p>To be completed by the Clerk of the Circuit Court's Office</p> <p>This copy to Property Appraiser</p> <p>O. R. Book and Page Number and File Number <input type="text"/></p> <p>Date Recorded <input type="text"/></p> <p>Month Day Year</p>	<p>Clerks Date Stamp</p>
--	--------------------------

This copy to Property Appraiser

COPY

TO: LEE COUNTY FINANCE DEPARTMENT

FROM: UTILITIES ENGINEERING
(Department)

BS 20040870-UTL

SUE GULLEDGE

A. AUTHORIZATION:

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

Purchase Order # N/A for COCA-COLA WAREHOUSE ADDITION project.

ACCOUNT NO. OD5360748700.504930 EASEMENT: FT. MYERS COCA-COLA BOTTLING CO.
ORIGINAL EASEMENT TO MINUTES AFTER RECORDING,
WITH COPY TO SUE GULLEDGE, UTILITIES

Sue Gulledge
SUE GULLEDGE Signature Authorization

B. SERVICE RECEIVED: RECORDING EASEMENT

O. R. COPIES

PLAT COPIES

CASE # INDEX FEE

DESCRIPTION OF SERVICE RECORDING

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. # 500283

INV. #

PLEASE REMIT TO: Clerk's Accounting
P.O. BOX 2396
FORT MYERS, FLORIDA 33902-2396