

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

Blue Sheet No. 20040911

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Approve license for use of Orange River property at 13800 Cemetery Rd., Buckingham, FL by the East County Water Control District to conduct water flow and level recordings on the Orange River to determine impact.

**WHY ACTION IS NECESSARY:**

Board approval is needed to allow the East County Water Control District to access the property and set up monitoring equipment in location agreed to by Lee County Parks and Rec.

**WHAT ACTION ACCOMPLISHES:**

Acceptance of license terms provides guidelines and responsibilities for use of the site by the East County Water Control District.

**2. DEPARTMENTAL CATEGORY:**

**COMMISSION DISTRICT #**

Districts #5 & #2

*C11A*

**3. MEETING DATE:**

*08-03-2004*

**4. AGENDA:**

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

**5. REQUIREMENT/PURPOSE:**

*(Specify)*

- STATUTE
- ORDINANCE
- ADMIN.
- CODE
- OTHER
- Local agreement

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Parks & Recreation
- C. DIVISION

BY: John Yarbrough, Director

*John Yarbrough*

**7. BACKGROUND:** The East Lee County Water Control District requested Lee County Parks & Recreation's help to provide a water flow monitoring station at Orange River property that was deemed ideal for this purpose. This station will help the District with future water control issues and planning.

There will be no cost to Lee County.

**8. MANAGEMENT RECOMMENDATIONS:**

*CCM*

**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>dy</i> <i>7-27-04</i>	<i>[Signature]</i>	<i>HA</i>		<i>KUC</i> <i>7/19/04</i>	OA <i>7/20/04</i>	OM <i>7/20/04</i>	Risk <i>7/20/04</i>	<i>AS</i> <i>7/20/04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *7/19/04*  
Time: *1:35 PM*  
Forwarded To:  
*Co. Admin*  
*7/19/04*

RECEIVED BY  
COUNTY ADMIN: *OK*  
*7/19/04*  
*3:00pm SCT*  
COUNTY ADMIN  
FORWARDED TO: *PL*  
*7/20/04*  
*5pm*

**LICENSE FOR USE OF SITE  
ON ORANGE RIVER/CEMETERY ROAD FOR  
WATER MONITORING PURPOSES**

This Agreement made this 28 day of JUNE, 2004, by and between LEE COUNTY, a political subdivision and Charter County of the State of Florida, acting by and through its Board of County Commissioners, the owner of the property located at 13800 Cemetery Rd, Buckingham, Florida (also referred to as the Cemetery Road property), hereinafter called the Licensor and the EAST COUNTY WATER CONTROL DISTRICT, a political subdivision of the State of Florida, acting by and through its Board of Supervisors, the governing body thereof, hereinafter called the Licensee:

**WITNESSETH:**

Licensor, in recognition of the public health and safety benefits of installing water monitoring equipment located on the Orange River and in consideration of the covenants and agreements herein to be kept and performed by the Licensee, does hereby grant to the Licensee a license solely for the purpose of using the property located at the above address belonging to Licensor, to erect a Water Level Recording site to collect information regarding the Orange River.

In further consideration of this Agreement, the parties agree as follows:

1. The purpose of this license is to allow the Licensee to erect, at Licensee's cost, a water level recording site with a small dock to gather rainfall, stage and flows to be used to help determine the impacts of the Orange River. Licensee is granted access, by ingress and egress, to and from such unit through the

Licensors property.

2. Licensee may only erect such improvements on the area depicted in Exhibit "A," attached hereto.
3. This License is not assignable.
4. This License shall be effective on 6/28/04 and extend for an initial term of five (5) years, which at the expiration of such term may be renewable upon the written concurrence of both parties, for additional terms as deemed beneficial to the parties. This license may be revoked by the Licensor by giving the Licensee sixty (60) days written notice to remove the water monitoring equipment and dock from the premises.
5. Licensee will not use the property described in Exhibit "A" for any other purpose other than for those specified in this license.
6. Licensee will maintain the site in good condition during the term of this license and will be responsible for ensuring that it is securely locked when not in use. Licensor is not responsible for theft or damage to Licensee's Site or to the materials or property stored therein.
7. Licensee agrees to indemnify and hold harmless and defend the Licensor and its agents from and against any losses, claims, demands and actions brought or recoverable against it by reason of any act or omission by the

Licensors, its agents or employees for any loss or damage or injury resulting from Licensee's use of the premises.

Signed and sealed the date above written.

LICENSOR-LEE COUNTY

ATTEST:  
CHARLIE GREEN, CLERK OF COURTS

By: \_\_\_\_\_  
Deputy Clerk

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

APPROVED AS TO FORM BY:

Office of the County Attorney

LICENSEE-East County Water Control District

By: J. Nathan Stout (11/12/04)  
J. Nathan Stout, Chairman

Witness  
Printed Name: \_\_\_\_\_

Witness  
Printed Name: \_\_\_\_\_

STATE OF FLORIDA) ss:  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_, an individual, who [ ] is personally known to me or [ ] has produced \_\_\_\_\_ as identification and did (did not) take an oath.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Print Name)

My Commission Expires: