

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

**Blue Sheet No. 20041455**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Grant a 10 foot perpetual electrical utility easement to Florida Power & Light Company, to serve the Airport Haul Reservoir Project No. 7105, pursuant to the terms and conditions as set forth in the Easement; authorize the Division of County Lands to handle all documentation necessary to complete this transaction; authorize payment of recording fees.

**WHY ACTION IS NECESSARY:** The Board must approve all real estate conveyances from Lee County.

**WHAT ACTION ACCOMPLISHES:** Grants an electrical utility easement required by FPL to provide electrical service to County property located at 16000 Airport Haul Road

**2. DEPARTMENTAL CATEGORY: 06**  
**COMMISSION DISTRICT #**

C6E

**3. MEETING DATE:** 11-16-2004

**4. AGENDA:**

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

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

- STATUTE FS 125
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Independent *[Signature]*
- C. DIVISION County Lands 11-1-04
- BY: Karen L.W. Forsyth, Director *[Signature]*

**7. BACKGROUND:**

**Negotiated for:** Lee County Utilities Division  
**Interest being granted:** 9,400.39 square feet of easement interest  
**Property Details:**  
**Address:** 16000 Airport Haul Road  
**STRAP No.:** 06-46-26-00-00001.0060  
**Purchase Details:**  
**Recording Fees** \$19.20  
**Staff Recommendation:** Staff recommends Board approve the requested motion.  
**Account:** 20710548712.506110  
**Attachments:** Location Map, Easement, Title Information

**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>SAD</i>	<i>[Signature]</i>	<table border="0" style="font-size: 0.8em;"> <tr> <td style="text-align: center;">OA</td> <td style="text-align: center;">OM</td> <td style="text-align: center;">Risk</td> <td style="text-align: center;">GC</td> </tr> <tr> <td style="text-align: center;"><i>[Signature]</i></td> <td style="text-align: center;"><i>[Signature]</i></td> <td style="text-align: center;"><i>[Signature]</i></td> <td style="text-align: center;"><i>[Signature]</i></td> </tr> </table>	OA	OM	Risk	GC	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	J. Lavender Date: 11.3.04
OA	OM	Risk	GC												
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>												

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: 11/3/04

Time: 4:10 PM

Forwarded To:

*[Signature]*

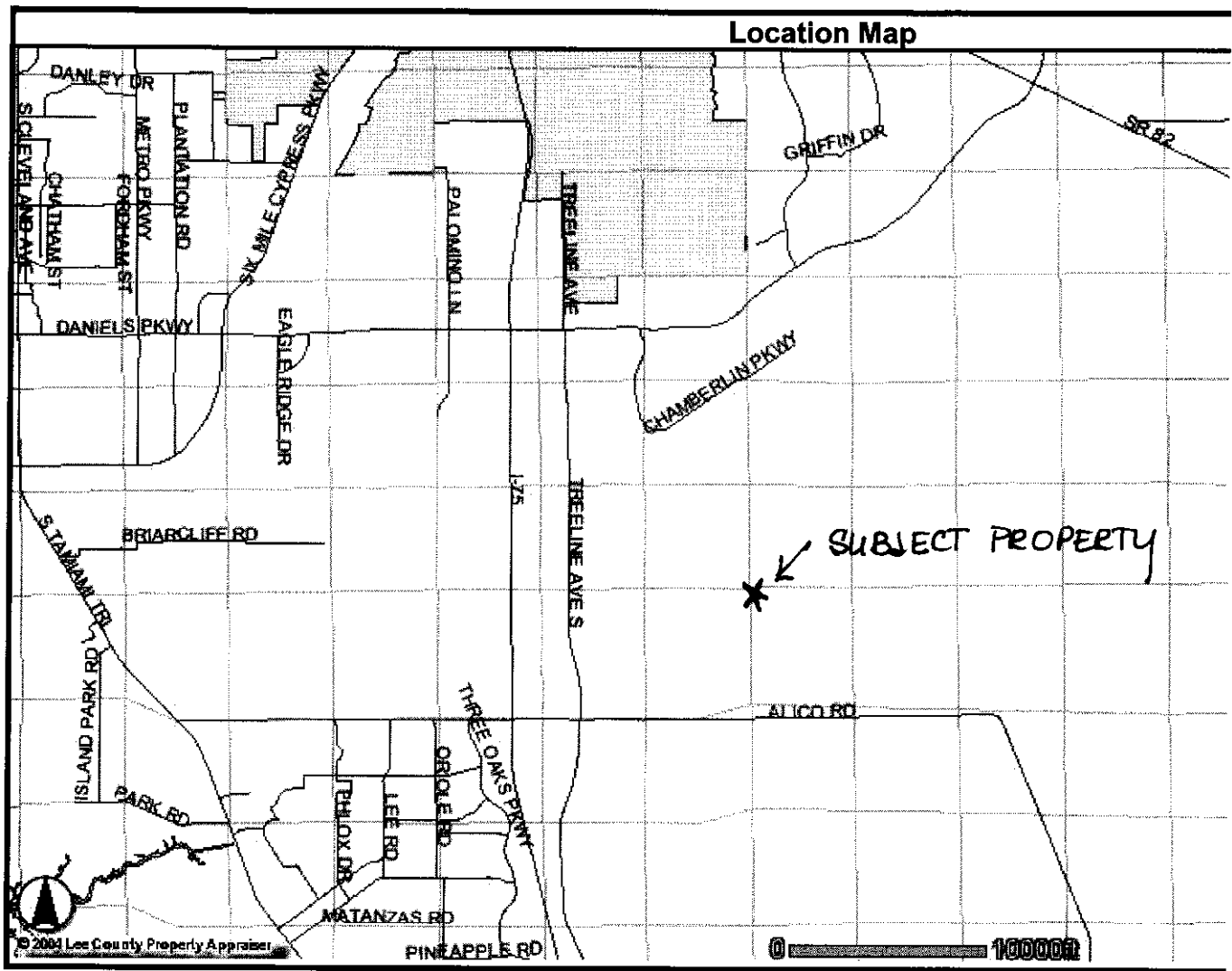
11/4/04

RECEIVED BY  
COUNTY ADMIN:

11/4/04

2:10 PM

COUNTY ADMIN  
FORWARDED TO:



Work Order No. WR 527396  
Sec. 6, Twp. 46S, Rge. 26E  
Parcel I.D. 06-46-26-00-00001.0060  
(Maintained By County Appraiser)

This Instrument Prepared By:  
Lee County Public Works/County Lands Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

## EASEMENT

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to **Florida Power & Light Company**, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement feet in width described as follows:

SEE EXHIBIT "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

**Florida Power & Light Company** 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 **Florida Power & Light Company** (Grantee), its licensees, agents successors, and assigns will be restored by **Florida Power & Light Company** to the condition in which it existed before the damage.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_,  
2004.

(OFFICIAL SEAL)

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

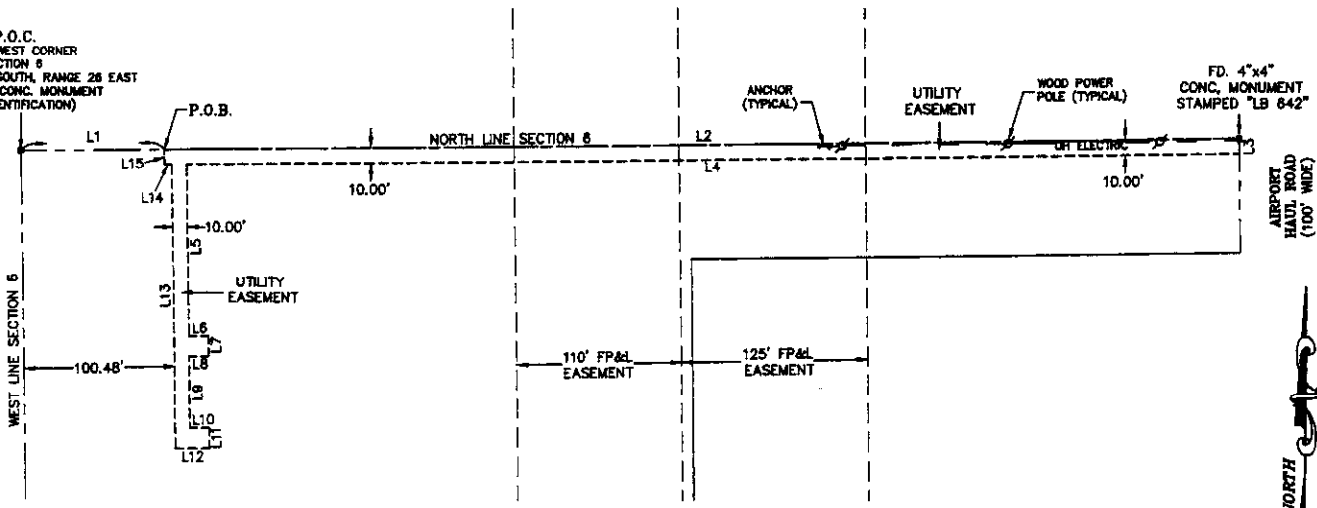
BY \_\_\_\_\_  
Deputy Clerk

BY \_\_\_\_\_  
Chairman

APPROVED AS TO LEGAL FORM:

BY \_\_\_\_\_  
Office of County Attorney

P.O.C.  
NORTHWEST CORNER  
SECTION 6  
TOWNSHIP 46 SOUTH, RANGE 28 EAST  
FD. 6"x6" CONC. MONUMENT  
(NO IDENTIFICATION)



LINE TABLE

LINE	BEARING	DISTANCE
L1	N.89°22'23" E.	95.48'
L2	N.89°22'23" E.	719.53'
L3	S.00°55'18" E.	10.00'
L4	S.89°22'23" W.	704.53'
L5	S.00°55'18" E.	112.49'
L6	N.89°04'42" E.	13.17'
L7	S.00°55'18" E.	13.17'
L8	S.89°04'42" W.	13.17'
L9	S.00°55'18" E.	47.00'
L10	N.89°04'42" E.	13.17'
L11	S.00°55'18" E.	13.17'
L12	S.89°04'42" W.	23.17'
L13	N.00°55'18" W.	185.87'
L14	S.89°22'23" W.	5.00'
L15	N.00°55'18" W.	10.00'

**LEGAL DESCRIPTION**

UTILITY EASEMENT  
VARIABLE WIDTH FOR  
"AIRPORT HAUL ROAD RESERVOIR"

COMMENCING AT A 6"x6" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 28 EAST; THENCE RUN ALONG THE NORTH LINE OF SAID SECTION 6 N 89°22'23" E A DISTANCE OF 95.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE N 89°22'23" E A DISTANCE OF 719.53 FEET TO A 4"x4" CONCRETE MONUMENT STAMPED "LB 642" MARKING THE APPARENT WESTERLY RIGHT-OF-WAY LINE OF AIRPORT HAUL ROAD (100' WIDE); THENCE DEPART SAID NORTH LINE AND RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE S 00°55'18" E A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN 10.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE S 89°22'23" W A DISTANCE OF 704.53 FEET TO A POINT; THENCE RUN S 00°55'18" E A DISTANCE OF 112.49 FEET; THENCE RUN N 89°04'42" E A DISTANCE OF 13.17 FEET; THENCE S 00°55'18" E A DISTANCE OF 13.17 FEET; THENCE RUN S 89°04'42" W A DISTANCE OF 13.17 FEET; THENCE RUN S 00°55'18" E A DISTANCE OF 47.00 FEET; THENCE RUN N 89°04'42" E A DISTANCE OF 13.17 FEET; THENCE RUN S 00°55'18" E A DISTANCE OF 13.17 FEET; THENCE RUN S 89°04'42" W A DISTANCE OF 23.17 FEET TO A POINT 100.48 FEET EAST OF (AS MEASURED PERPENDICULAR) THE WEST LINE OF SAID SECTION 6; THENCE RUN ALONG SAID LINE 100.48 FEET EAST OF AND PARALLEL TO SAID WEST LINE N 00°55'18" W A DISTANCE OF 185.87 FEET TO A POINT; THENCE RUN S 89°22'23" W A DISTANCE OF 5.00 FEET; THENCE RUN N 00°55'18" W A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,400.39 SQUARE FEET MORE OR LESS  
SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENT OF RECORD.

**I HEREBY CERTIFY TO:**

EARTHTECH CONSULTING, INC.  
BOARD OF LEE COUNTY COMMISSIONERS  
LEE COUNTY UTILITIES  
FLORIDA POWER & LIGHT, COMPANY

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JAMES D. BURCH  
PROFESSIONAL SURVEYOR AND MAPPER, NO. 5527

SKETCH & DESCRIPTION  
\*THIS IS NOT A SURVEY\*

DATE	
REVISIONS	
PREPARED FOR:	EARTHTECH CONSULTING, INC.
FILE:	4526-020
F.A./PAGE:	N/A
DATE:	OCTOBER 27, 2004
SCALE:	1" = 100'
LIBRARIAN:	

**B.S.M.**

BURCH SURVEYING & MAPPING INC.  
2233 MCKENNA BOULEVARD, FT. WALKER, FLORIDA 33607  
PHONE: (239)-337-1100 FAX: (239)-337-0173

# OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

## Schedule A

---

File No.: 850-10

Policy No.: SDC 480300

Amount \$275,000.00 ✓

1. Policy Date: April 1, 2003 @ 12:56 P.M. ✓



2. The Insured hereunder, in whom title to the fee simple estate is vested at the date hereof, is:

Lee County, a political subdivision of the State of Florida ✓

3. The land referred to in this policy is situated in the County of Lee, State of Florida, and is described as follows:

See Exhibit "A" Attached Hereto

Issued by:  
Gregg S. Truxton, Esquire  
Bolaños Truxton, PA  
12800 University Drive, Suite 340  
Fort Myers, Florida 33907  
(239) 437-5421

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# OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

## Schedule B

File Number 850-10

Policy Number: SDC 480300

This policy does not insure against loss or damage by reason of the following:

1. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
2. Easements or claims of easements not shown by the public records.
3. General or special taxes and/or assessments required to be paid in the year 2003 and subsequent years.
4. Lee County Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.
5. Any lien provided by chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.
6. Right of Way Agreement with Florida Power and Light Company recorded at Official Records Book 221, page 191, as modified by instrument recorded at Official Records Book 730, page 622 and Official Records Book 3442, page 1432.

Note: All references contained herein shall refer to the Public Records of Lee County, Florida.

End of Schedule B. ✓



# OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

File Number 850-10

Policy Number: SDC 480300

## EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, Lying in Section 6, Township 46 South, Range 26 East, Lee County, Florida, being further described as follows:

Beginning at the Northwest corner of said Section 6; thence N 89°22'23"E along the North line of said section for 815.01 feet to an intersection with the West line of a roadway and public utility right-of-way (100 feet wide) as described in Official Records Book 1398, at Page 2147 of the public records of Lee County, Florida; thence S 00°55'18"E along said West line parallel with and 815.00 feet East of (as measured on a perpendicular) the West line of said Section 6 for 75.00 feet; thence S 89°22'23"W parallel with and 75.00 feet South of (as measured on a perpendicular) the North line of said Section 6 for 367.50 feet; thence S 00°55'18"E parallel with and 447.50 feet East of (as measured on a perpendicular) the West line of said Section 6 for 625.01 feet; thence S 89°22'23"W parallel with and 700.00 feet South of (as measured on a perpendicular) the North line of said Section 6 for 447.51 feet to an intersection with the West line of said Section 6; thence N 00°55'18"W along said West line for 700.01 feet to the Point of Beginning.

Assumed North based on the North line of Section 6, Township 46 South, Range 26 East, as bearing N 89°22'23"E. ✓