

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

Blue Sheet No. 20041543

1. REQUESTED MOTION:

ACTION REQUESTED: Approve and execute a utility easement to FPL for the Estero Community Park Project. Authorize Division of County Lands to handle all documentation necessary to complete the transaction.

WHY ACTION IS NECESSARY: The Board must approve conveying an easement across County-owned property.

WHAT ACTION ACCOMPLISHES: Provides an easement for electric service to the Estero Community Park.

2. DEPARTMENTAL CATEGORY: 06
COMMISSION DISTRICT # 3 *CLD*

3. MEETING DATE: *12-07-2004*

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE F.S.125

ORDINANCE

ADMIN. CODE

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT Independent

C. DIVISION County Lands *ARC*

BY: Karen L. W. Forsyth, Director *KLW*

7. BACKGROUND:

The Division of County Lands received a request from Construction & Design for execution and recording of an easement in favor of FPL across a portion of the Estero Community Park property, identified as STRAP Number 34-46-25-01-0000C.017A.

The proposed ten-foot wide easement will allow construction, operation and maintenance of overhead and underground electric utility facilities including wires, poles, guys, cables, conduits and appurtenant equipment in providing service to the park facility.

Cost to record the easement plus documentary stamps will be approximately \$75.00.

The CIP number is 201999.

Staff Recommendation: Staff recommends Board approve requested motion.

Attachments: Copy of Easement, sketch of proposed easement area, legal description of proposed easement area, property location map.

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>JAD 11/19/04</i>	<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	Risk <i>[Signature]</i>	GC <i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED**
- DENIED**
- DEFERRED**
- OTHER**

Rec. by CoAtty
Date: *11/19/04*
Time: *10:50*

Forwarded To:
[Signature]
11/19/04 4:25 pm

RECEIVED BY
COUNTY ADMIN:
11/19/04
4:25 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11-22-04
9 AM

Work Order No. 1087640
Sec. 34 , Twp. 46S, Rge. 25E
Parcel I.D. 34-46-25-01-0000C.017A
(Maintained By County Appraiser)

This Instrument Prepared By and return to:
Lee County/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 ten-feet in width described as follows:

An FPL Company easement more particularly described on Exhibit A attached hereto and made a part hereof. Said easement prepared by TKW Consulting Engineers, Inc., dated 10-27-04.

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 _____, 20 ____.

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

LEGAL DESCRIPTION

FLORIDA POWER AND LIGHT COMPANY 10 FOOT WIDE UTILITY EASEMENT AT ESTERO COMMUNITY PARK

A 10 FOOT WIDE STRIP OF LAND LOCATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING 5.0 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ALSO DESCRIBED AS LOT 33, BLOCK 'C', FLORIDA GULF LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH $89^{\circ}57'41''$ WEST, ALONG THE NORTH LINE OF SAID LOT 33, FOR A DISTANCE OF 292.40 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED CENTERLINE; THENCE RUN SOUTH $01^{\circ}06'19''$ EAST FOR A DISTANCE OF 120.63 FEET TO A POINT HEREINAFTER REFERED TO AS **POINT "A"**; THENCE RUN NORTH $66^{\circ}20'47''$ WEST FOR A DISTANCE OF 112.56 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE SOUTH, WHOSE RADIUS POINT BEARS SOUTH $23^{\circ}40'23''$ WEST, A DISTANCE OF 235.00 FEET THEREFROM; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 235.00 FEET, THROUGH A CENTRAL ANGLE OF $26^{\circ}11'07''$, SUBTENDED BY A CHORD OF 106.47 FEET AT A BEARING OF NORTH $79^{\circ}25'11''$ WEST, FOR AN ARC LENGTH OF 107.40 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, THROUGH A CENTRAL ANGLE OF $08^{\circ}16'53''$, SUBTENDED BY A CHORD OF 28.88 FEET AT A BEARING OF NORTH $88^{\circ}22'18''$ WEST, FOR AN ARC LENGTH OF 28.91 FEET TO THE END OF SAID CURVE; THENCE RUN NORTH $84^{\circ}13'51''$ WEST FOR A DISTANCE OF 115.30 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE SOUTH, WHOSE RADIUS POINT BEARS SOUTH $06^{\circ}27'39''$ WEST, A DISTANCE OF 104.00 FEET THEREFROM; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 104.00 FEET, THROUGH A CENTRAL ANGLE OF $11^{\circ}10'19''$, SUBTENDED BY A CHORD OF 20.25 FEET AT A BEARING OF NORTH $89^{\circ}06'01''$ WEST, FOR AN ARC LENGTH OF 20.28 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH $85^{\circ}05'54''$ WEST FOR A DISTANCE OF 133.19 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE

1 OF 5

10/27/2004

V:\04538.00 ESTERO COMMUNITY PARK\FPL LEGAL2.doc



SOUTH, WHOSE RADIUS POINT BEARS SOUTH 01°09'39" EAST, A DISTANCE OF 463.56 FEET THEREFROM; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 463.56 FEET, THROUGH A CENTRAL ANGLE OF 20°40'11", SUBTENDED BY A CHORD OF 166.32 FEET AT A BEARING OF SOUTH 78°30'15" WEST, FOR AN ARC LENGTH OF 167.23 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 65°06'36" WEST FOR A DISTANCE OF 91.78 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE SOUTHEAST, WHOSE RADIUS POINT BEARS SOUTH 25°09'23" EAST, A DISTANCE OF 314.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 314.00 FEET, THROUGH A CENTRAL ANGLE OF 35°52'24", SUBTENDED BY A CHORD OF 193.40 FEET AT A BEARING OF SOUTH 46°54'24" WEST, FOR AN ARC LENGTH OF 196.60 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 34°27'38" WEST FOR A DISTANCE OF 86.42 FEET; THENCE RUN SOUTH 40°54'09" EAST, FOR A DISTANCE OF 209.61 FEET; THENCE RUN SOUTH 49°05'51" WEST FOR A DISTANCE OF 15.00 FEET; THENCE RUN SOUTH 89°59'29" WEST FOR A DISTANCE OF 164.75 FEET; THENCE RUN SOUTH 00°00'33" EAST FOR A DISTANCE OF 156.79 FEET; THENCE RUN SOUTH 17°16'22" WEST FOR A DISTANCE OF 213.09 FEET TO THE END OF THE HEREIN DESCRIBED CENTERLINE.

AND

BEGIN AT THE AFORESAID POINT "A"; THENCE RUN SOUTH 66°20'47" EAST FOR A DISTANCE OF 25.11 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE SOUTHWEST, WHOSE RADIUS POINT BEARS SOUTH 24°48'28" WEST, A DISTANCE OF 526.54 FEET THEREFROM; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 526.54 FEET, THROUGH A CENTRAL ANGLE OF 07°41'14", SUBTENDED BY A CHORD OF 70.59 FEET AT A BEARING OF SOUTH 61°20'56" EAST, FOR AN ARC LENGTH OF 70.64 FEET TO THE END OF SAID CURVE; THENCE RUN NORTH 32°57'16" EAST FOR A DISTANCE OF 24.25 FEET; THENCE RUN SOUTH 54°48'11" EAST FOR A DISTANCE OF 112.98 FEET; THENCE RUN SOUTH 36°43'42" WEST FOR A DISTANCE OF 24.58 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE WEST, WHOSE RADIUS POINT BEARS SOUTH 37°42'14" WEST, A DISTANCE OF 219.30 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 219.30 FEET, THROUGH A CENTRAL ANGLE OF 64°47'45", SUBTENDED BY A CHORD OF 235.00 FEET AT A BEARING OF SOUTH 19°53'54" EAST, FOR AN ARC LENGTH OF 248.01 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 12°36'23" WEST FOR A DISTANCE OF 103.79 FEET; THENCE RUN SOUTH 77°23'37" EAST FOR A DISTANCE OF 16.92 FEET; THENCE RUN SOUTH 12°36'23" WEST



environmental • civil • structural

FOR A DISTANCE OF 112.84 FEET, THENCE RUN SOUTH 47°19'21" WEST FOR A DISTANCE OF 163.71 FEET TO THE END OF THE HEREIN DESCRIBED CENTERLINE.

BEARINGS REFER TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 89°57'41" WEST.

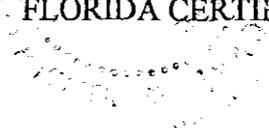
SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.

THE SIDELINES OF THIS 10.0 FOOT WIDE EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO CREATE CORNERS AND TERMINATE PERPENDICULAR TO THE ENDS OF THE HEREIN DESCRIBED CENTERLINE.

TKW CONSULTING ENGINEERS, INC.

DATE 10-27-04

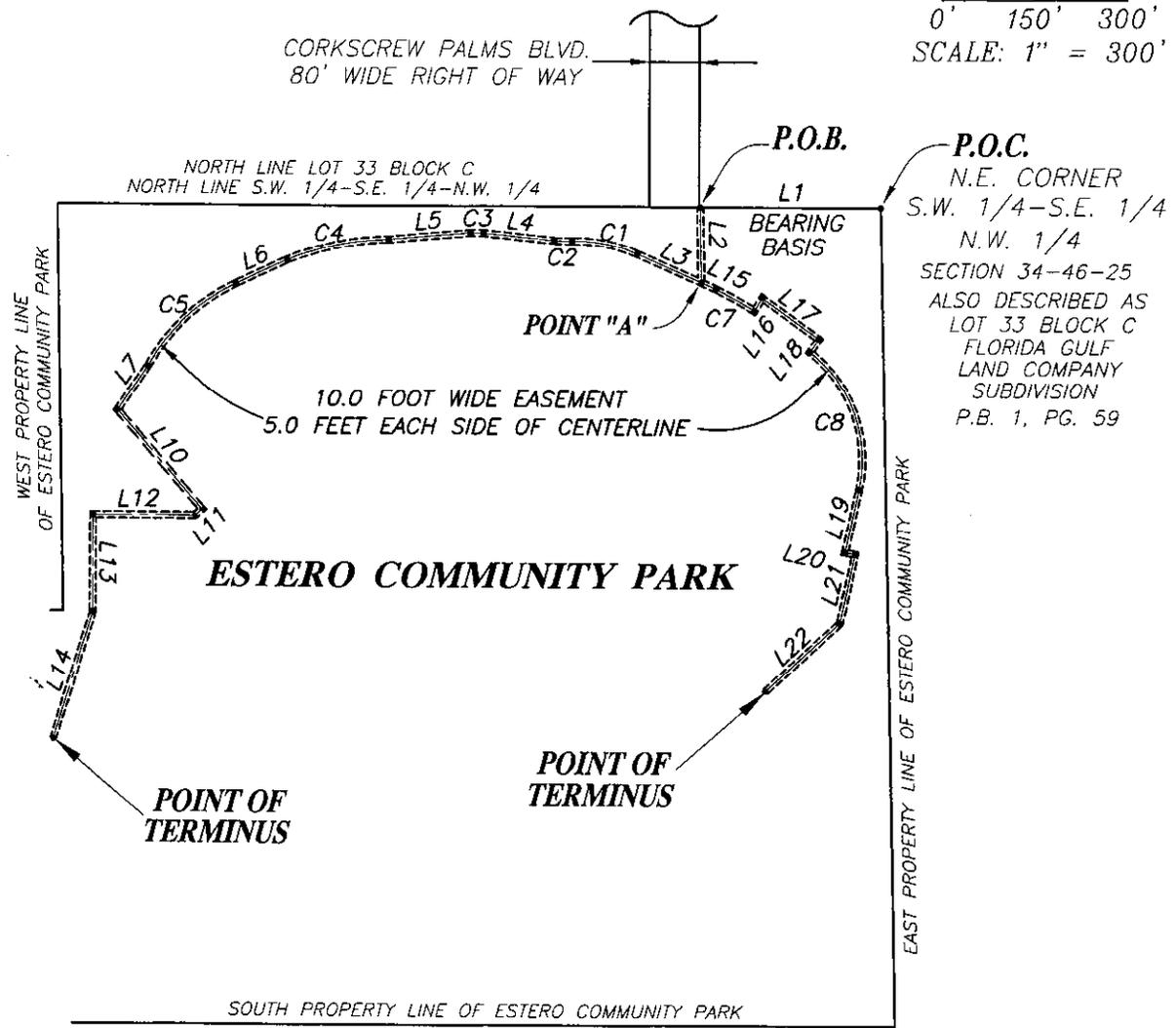
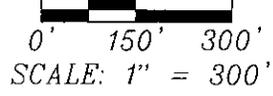
ERIC V. SANDOVAL
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223



CONSULTING ENGINEERS, INC.



**FLORIDA POWER AND LIGHT COMPANY
10 FOOT WIDE UTILITY EASEMENT
AT ESTERO COMMUNITY PARK**



P.O.C.
N.E. CORNER
S.W. 1/4-S.E. 1/4
N.W. 1/4
SECTION 34-46-25
ALSO DESCRIBED AS
LOT 33 BLOCK C
FLORIDA GULF
LAND COMPANY
SUBDIVISION
P.B. 1, PG. 59

1. BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S. 89°57'41" W.
2. SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
4. SEE SHEET 5 OF 5 FOR LINE AND CURVE TABLE.

LEGEND
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.B. PLAT BOOK
PG. PAGE

*** THIS IS NOT A SURVEY ***

environmental * civil * structural * survey
5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 * FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: CDB	JOB NO.: 04538.00	SHEET 4 OF 5
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
FLORIDA POWER AND LIGHT COMPANY 10 FOOT WIDE UTILITY EASEMENT AT ESTERO COMMUNITY PARK LOCATED IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA		
DATE: OCTOBER 27, 2004	DRAWING: 04538FPL2.DWG	

**FLORIDA POWER AND LIGHT COMPANY
10 FOOT WIDE UTILITY EASEMENT
AT ESTERO COMMUNITY PARK**

**EXHIBIT "A"
PG. 5 OF 5**

DIMENSION SHEET

LINE TABLE		
LINE	BEARING	DISTAMCE
L1	S89°57'41"W	292.40'
L2	S01°06'19"E	120.63'
L3	N66°20'47"W	112.56'
L4	N84°13'51"W	115.30'
L5	S85°05'54"W	133.19'
L6	S65°06'36"W	91.78'
L7	S34°27'38"W	86.42'
L10	S40°54'09"E	209.61'
L11	S49°05'51"W	15.00'
L12	S89°59'29"W	164.75'
L13	S00°00'33"E	156.79'
L14	S17°16'22"W	213.09'
L15	S66°20'47"E	25.11'
L16	N32°57'16"E	24.25'
L17	S54°48'11"E	112.98'
L18	S36°43'42"W	24.58'
L19	S12°36'23"W	103.79'
L20	S77°23'37"E	16.92'
L21	S12°36'23"W	112.84'
L22	S47°19'21"W	163.71'

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	235.00'	26°11'07"	107.40'	106.47'	N79°25'11"W
C2	200.00'	8°16'53"	28.91'	28.88'	N88°22'18"W
C3	104.00'	11°10'19"	20.28'	20.25'	N89°06'01"W
C4	463.56'	20°40'11"	167.23'	166.32'	S78°30'15"W
C5	314.00'	35°52'24"	196.60'	193.40'	S46°54'24"W
C7	526.54'	7°41'14"	70.64'	70.59'	S61°20'56"E
C8	219.30'	64°47'45"	248.01'	235.00'	S19°53'54"E

*** THIS IS NOT A SURVEY ***



TKW
CONSULTING ENGINEERS, INC.
environmental * civil * structural * survey
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Fort Myers, Florida 33912
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DRAWN BY: CDB JOB NO.: 04538.00 SHEET 5 OF 5

LINE AND CURVE TABLE SHEET

FLORIDA POWER AND LIGHT COMPANY
10 FOOT WIDE UTILITY EASEMENT
AT ESTERO COMMUNITY PARK
LOCATED IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DATE: OCTOBER 27, 2004 DRAWING: 04538FPL2.DWG