

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20041523-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Authorize the chairman, on behalf of the BOCC, to execute and approve the recording of an Amendment to the "Agreement for the Delivery and Use of Reclaimed Effluent Water" to the Lexington Country Club, Lee County Contract No. 881112, reflecting the name change of the owner to *Lexington Communities Association, Inc.*

WHY ACTION IS NECESSARY:

The original agreement was with Stoneybrook, A Florida Partnership that was amended in 1995 to reflect a new owner, Worthington Communities, Inc. *Lexington Community Association, Inc.* has become the current record titleholder of the property being served with reclaimed water. Since the agreement runs with the land, the name change must be properly filed with the official records of Lee County, by recording an amended agreement.

WHAT ACTION ACCOMPLISHES:

Transfers the terms of the agreement to the new name of *Lexington Community Association, Inc.*

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 5

C10H

3. MEETING DATE: *12-14-2004*

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

- (Specify)*
- STATUTE _____
 - ORDINANCE _____
 - ADMIN. CODE _____
 - OTHER *Name Change*

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: *11/22/04*

7. BACKGROUND:

On 6-29-87 Lee County entered into an agreement with Stoneybrook, a Florida Partnership, providing for the use of reclaimed effluent water on-site from the Fort Myers Beach Wastewater Treatment Plant.

On 4-10-91 the agreement was amended (Amendment No.1) in order to modify the location of a pipeline.

On 4-5-95 the agreement was amended (Amendment No. 2) reflect a new owner, Worthington Communities, Inc.

This Amendment No. 3 to the "Agreement for the Delivery and Use of Reclaimed Effluent Water" is being initiated to reflect a change in ownership of the property being served with reclaimed water, from Worthington Communities, Inc. to *Lexington Community Association, Inc.*

Attachments: 3 Originals

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: <i>11-22-04</i>		N/A		<i>S. Coovert</i> Date: <i>11-22-04</i>	<i>R.M.</i> <i>11/28/04</i>	<i>11/29/04</i>	<i>11/29/04</i>	<i>11/29/04</i>	<i>J. Lavender</i> Date: <i>11-22-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *11/23/04*
 Time: *1:45*

Forwarded To:
Co. Admin

RECEIVED BY
 COUNTY ADMIN:
11/29/04
8:50 AM
 COUNTY ADMIN
 FORWARDED TO:
 COUNTY ADMIN
 RECEIVED BY

**AMENDMENT NO. 3
TO THE AGREEMENT FOR
"THE DELIVERY AND USE OF RECLAIMED EFFLUENT WATER"
LEE COUNTY CONTRACT NO. C881112**

WHEREAS, WORTHINGTON COMMUNITIES, INC. BECAME A PARTY TO THE AGREEMENT ENTERED INTO BETWEEN STONEYBROOK AND LEE COUNTY (LEE COUNTY CONTRACT NO. C881112) DATED JUNE 29, 1987 BY REASON OF BEING A SUCCESSOR OF ALL RIGHT, TITLE AND INTEREST TO THE PROPERTY KNOWN AS LEXINGTON COUNTRY CLUB; AND

WHEREAS, THE AGREEMENT NO. C881112 STATES: "IN EFFECT THIS AGREEMENT SHALL RUN WITH THE LAND AND AS SUCH SHALL BE PROPERLY FILED WITH THE PROPERTY RECORDS OF LEE COUNTY, FLORIDA; AND

WHEREAS, THE AGREEMENT NO. C881112 WAS DULY RECORDED IN THE PROPERTY OF RECORDS OF LEE COUNTY AT OR2681, PAGE 1485 THROUGH 1503; AND

WHEREAS, LEXINGTON COMMUNITY ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION BECAME A SUCCESSOR OF ALL RIGHT, TITLE AND INTEREST IN AND TO THE PROPERTY KNOWN AS LEXINGTON COUNTRY CLUB BY VIRTUE OF A QUIT CLAIM DEED RECORDED AT OR BK 03337 PAGES 4357 THROUGH 4431.

NOW THEREFORE, in consideration of the foregoing, it is the intent of **LEXINGTON COMMUNITY ASSOCIATION, INC.** (hereinafter referred to as "LCA") and **LEE COUNTY**, a political subdivision of the State of Florida (hereinafter referred to as "County") to make this amendment No. 3 to the Agreement No. C881112 in order to agree as follows:

1. By execution of this Amendment, the undersigned parties confirm and hereby accept all the terms, conditions and obligations set forth in the Agreement No. C881112 and the first and second amendments thereto, and each party agrees to be bound by the terms of the Agreement, as previously amended, from the date of execution hereof through the term thereof.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ____ day of _____, 2004.

Witnesses:

Bob Huff
Claire Atkinson

LEXINGTON COMMUNITY ASSOCIATION, INC.

By: *Richard G. Geib*
Richard G. Geib

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY

Attest:

By: _____
Chairman

Charlie Green
Clerk of Courts

By: _____
Deputy Clerk

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