

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20050115-UTL**

1. REQUESTED MOTION:

ACTION REQUESTED:

Approve final acceptance, by Resolution, and recording of one (1) Utility Easement as a donation for an 8" diameter fire line serving Cypress Lake Country Club Maintenance Facility. This is a developer-contributed asset and the project is located along the east side of Winkler Road approximately 1 mile south of Cypress Lake Drive.

WHY ACTION IS NECESSARY: To provide water service and fire protection to this Golf Course Maintenance Facility.

WHAT ACTION ACCOMPLISHES: Places fire line into operation and complies with the Lee County Utilities Operations Manual.

2. DEPARTMENTAL CATEGORY: 10
COMMISSION DISTRICT #: 3

C10f

3. MEETING DATE:

02-22-2005

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: 2/3/05

7. BACKGROUND:

Fire lines do not require permission to construct by the Board, 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 have been completed. Record Drawings have been received. Engineer's Certification of Completion has been received---copy attached. Project Location Map---copy attached. The Warranty has been provided---copy attached. The Waiver of Lien has been provided---copy attached. Certification of Contributed Assets has been provided---copy attached. Sanitary sewer service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of Winkler Road.

Funds for recording fees are available in account number OD5360748700.504930.

SECTION 22 TOWNSHIP 45S RANGE 24E DISTRICT #3 COMMISSIONER JUDAH

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

(A) DEPARTMENT DIRECTOR	(B) PURCIL 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>2-7-05</i>	N/A Date: _____	N/A Date: _____	<i>Too.</i> T. Osterhout Date: <i>2/3</i>	<i>S. Coovert</i> S. Coovert Date: <i>2/3/05</i>	<i>PM</i> Date: <i>2/8/05</i>	<i>RD</i> Date: <i>2/9/05</i>	<i>OR</i> Date: <i>2/9/05</i>	<i>GC</i> Date: <i>2/9/05</i>	<i>J. Lavender</i> Date: <i>2/7/05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *2/16/05*
 Time: _____
 Forwarded to: _____

RECEIVED BY
 COUNTY ADMIN: *J. Lavender*
 Date: *2/16/05*
 COUNTY ADMIN
 FORWARDED TO: *J. Lavender*
 Date: *2/16/05*

RESOLUTION NO. _____

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

WHEREAS, it is the desire of "Cypress Lake Realty, Inc.", owner of record, to make a contribution to Lee County Utilities of water facilities (one 8" diameter fire line) serving **"CYPRESS LAKE COUNTRY CLUB MAINTENANCE FACILITY"**; 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 **\$15,165.60** 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 Hall: _____ (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

COPY

LETTER OF COMPLETION

DATE: October 8, 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 service(s) (BACKFLOW PREVENTOR)** located at
Cypress Lake Country Club Maintenance Facility
(Name of Development/Project)

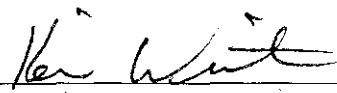
was designed by me and has been constructed in conformance with:
the approved plans and the approved specifications

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

Pressure Test(s) - Water Main

Very truly yours,

Johnson Engineering, Inc.
(Name of Corporation/Firm)

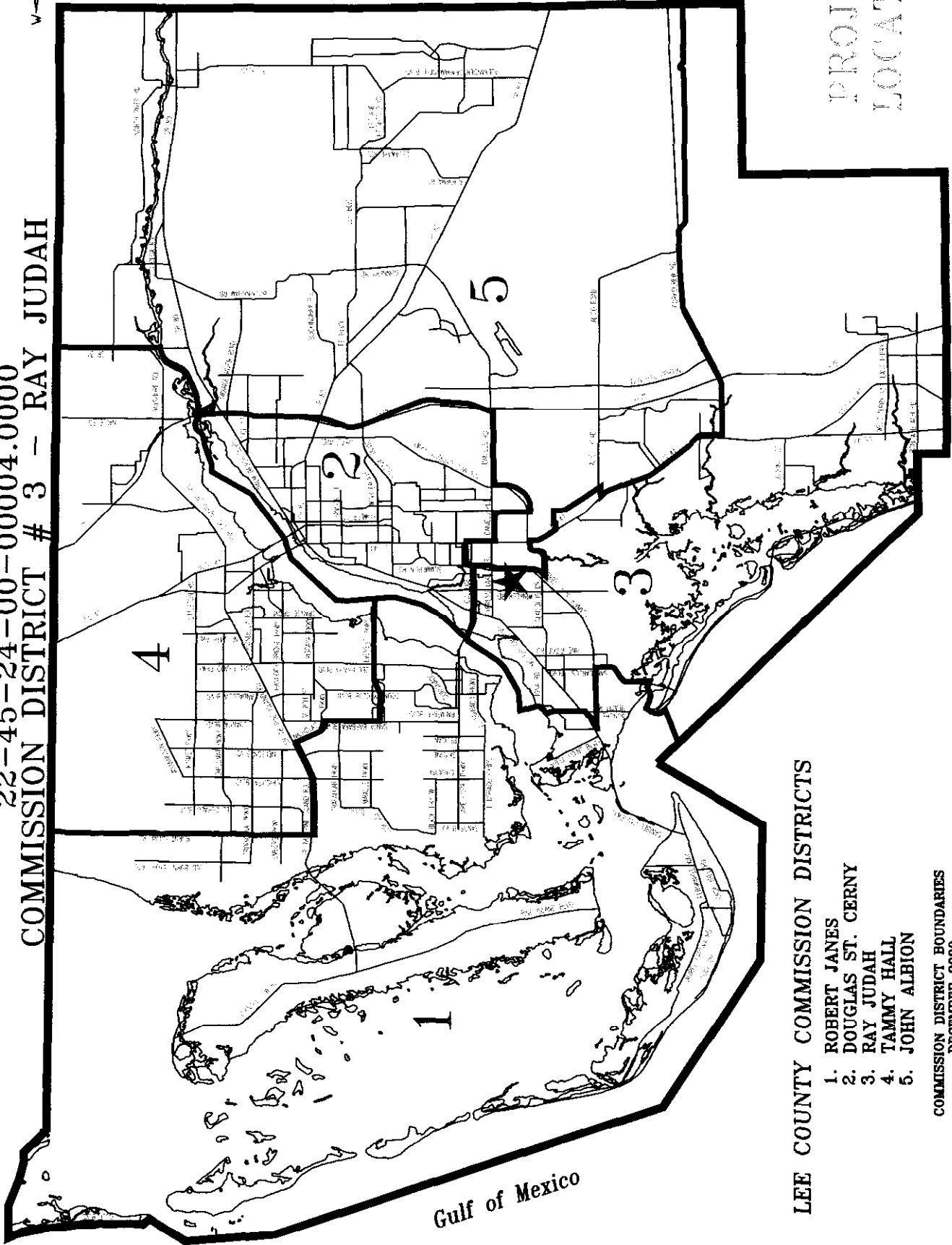
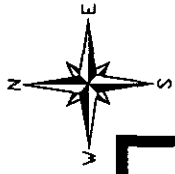


(Signature)

Project Engineer
(Title)

(Seal of Engineering Firm)

CYPRESS LAKE COUNTRY CLUB MAINTENANCE FACILITY
22-45-24-00-00004.0000
COMMISSION DISTRICT # 3 - RAY JUDAH



LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000

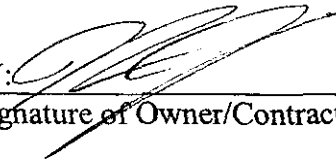
PROJECT
LOCATION

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of Cypress Lake Maintenance Facility to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Jensen Underground Utilities, Inc.
(Name of Owner/Contractor)

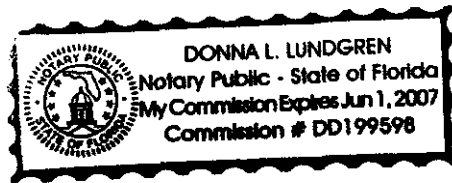
BY: 
(Signature of Owner/Contractor)

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10 th day of JUNE, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.


Notary Public Signature

Donna L. Lundgren
Printed Name of Notary Public



(Notary Seal & Commission Number)

**WAIVER AND RELEASE OF LIEN
UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of Fifteen Thousand One Hundred Sixty Five Dollars and 60 Cents(\$15,165.60) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to Cypress Lake Country Club on the job of Cypress Lake Maintenance Facility to the following described property:

Cypress Lake Maintenance Facility
(Name of Development/Project)

water distribution system
(Facilities Constructed)

6767 Winkler Road
(Location)

22-45-24-00-00004.0000
(Strap # or Section, Township & Range)

Dated on: November 23, 2004

By: [Signature]
(Signature of Authorized Representative)

Jensen Underground Utilities, Inc.
(Name of Firm or Corporation)

By: Kevin Jensen
(Print Name of Authorized Representative)

5585 Taylor Road
(Address of Firm or Corporation)

Title: President

Naples, FL 34109-
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-0060 Ext.

Fax#: (239)597-0061

STATE OF FL)
) SS:
COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 23 rd day of November, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.

[Signature]
(Notary Public Signature)

Donna L. Lundgren
(Printed Name of Notary Public)

(Notary Seal & Commission Number)



CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME: Cypress Lake Maintenance Facility

STRAP NUMBER: 22-45-24-00-00004.0000

LOCATION: 6767 Winkler Road

OWNER'S NAME: Cypress Lake Country Club

OWNER'S ADDRESS: 6767 Winkler Road

OWNER'S ADDRESS: Ft. Myers, FL 33919-

TYPE UTILITY SYSTEM: POTABLE WATER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system from the drop-down list provided.

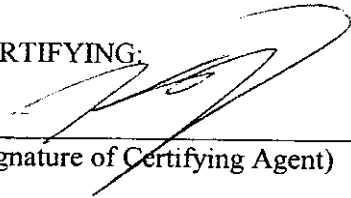
ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
SINGLE WATER SERVICE/COMPLETE	2"	1.0	EA	\$2,090.00	\$2,090.00
PIPE LINE UP TO AND INCL 1ST OS + Y VALVE	8"	1.0	EA	\$13,075.60	\$13,075.60
TOTAL					\$15,165.60

(If more space is required, use additional forms(s).)

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



(Signature of Certifying Agent)

Kevin Jensen, President

(Name & Title of Certifying Agent)

Jensen Underground Utilities, Inc.

(Name of Firm or Corporation)

5585 Taylor Road

(Address of Firm or Corporation)

Naples, FL 34109 -

STATE OF FL)

) SS:

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 18th day of November, 2004 by Kevin Jensen who is personally known to me - _____, and who did not take an oath.

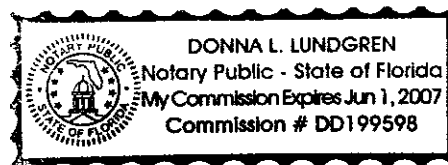

Notary Public Signature

Donna L. Lundgren

Printed Name of Notary Public

Notary Commission Number

(NOTARY SEAL)



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

Strap Number:

27-45-24-39-00000.00CE



THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this _____ day of _____
by and between _____ Owner, hereinafter referred to as GRANTOR(S), and
LEE COUNTY, a political sub-division of the State of Florida, hereinafter referred to as
GRANTEE.

CYPRESS LAKE COUNTRY CLUB VILLAS
CONDOMINIUM ASSOCIATION, INC.

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 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.

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. 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 heirs, 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 pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, 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(S), its heirs, 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 GRANTOR(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.

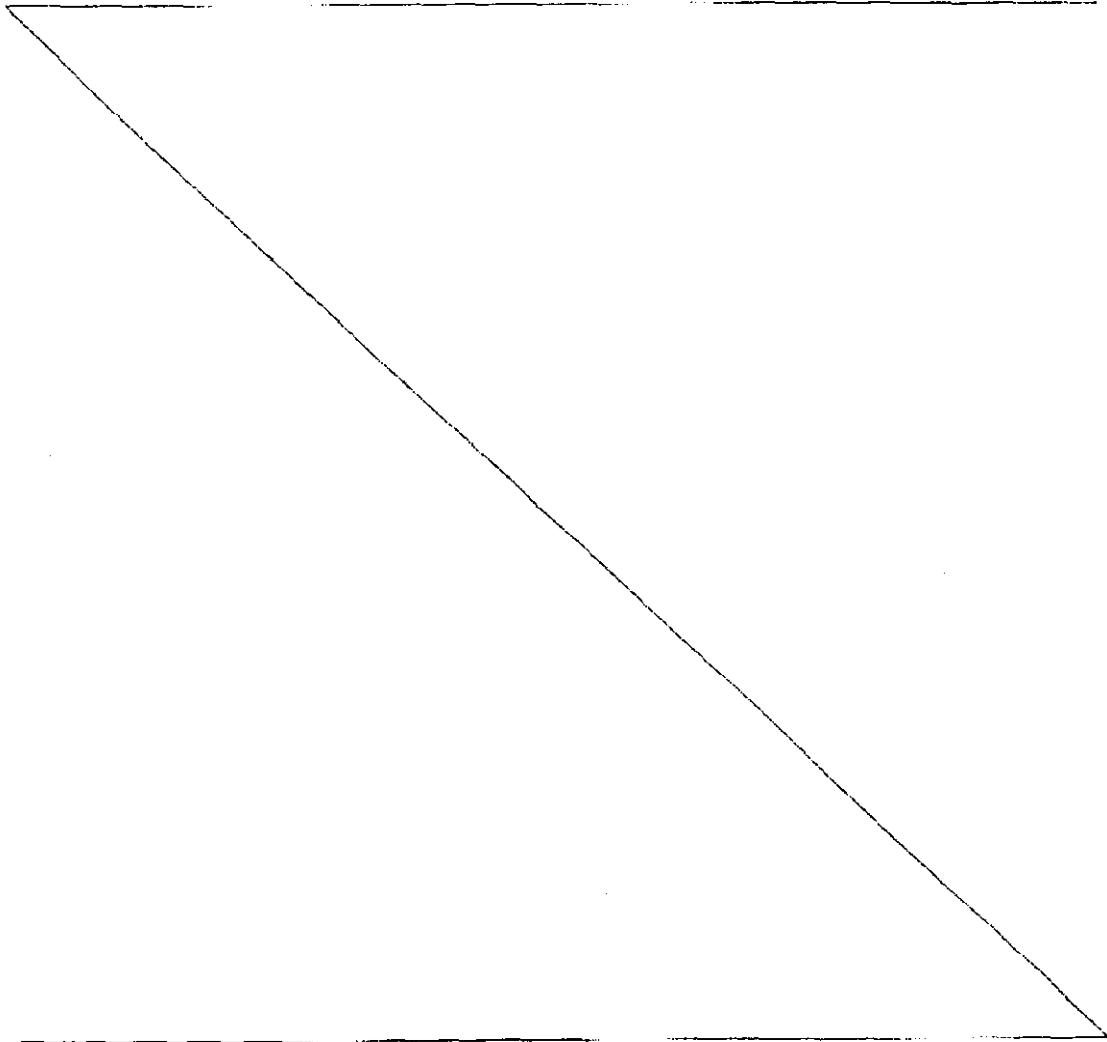
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment 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)



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

Margaret Zak

[1st Witness' Signature]

MARGARET ZAK

[Type or Print Name]

David B. Moul

[2nd Witness' Signature]

DAVID B. MOUL

[Type or Print Name]

CYPRESS LAKE COUNTRY CLUB VILLAS
CONDOMINIUM ASSOCIATION, INC.

BY:

James H. Van Cooney

[Signature Grantor's/Owner's]

JAMES H. VAN COONEY

[Type or Print Name]

PRESIDENT

[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 14 day of June 2004, by James H. Van Cooney who produced the following as identification James H. Van Cooney or is personally know to me, and who did/did not take an oath.

[stamp or seal]

Patricia Richardson
[Signature of Notary]

Patricia Richardson
[Typed or Printed Name]



Patricia Richardson
Commission # DD 025229
Expires June 27, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 20____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

APPROVED AS TO FORM

BY: _____
Office of the County Attorney



February 12, 2004

DESCRIPTION

**25 FT. X 40 FT. LEE COUNTY UTILITY EASEMENT
CYPRESS LAKE COUNTRY CLUB
SECTION 27, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

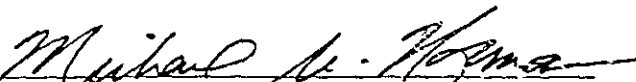
A tract or parcel of land lying in Section 27, Township 45 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

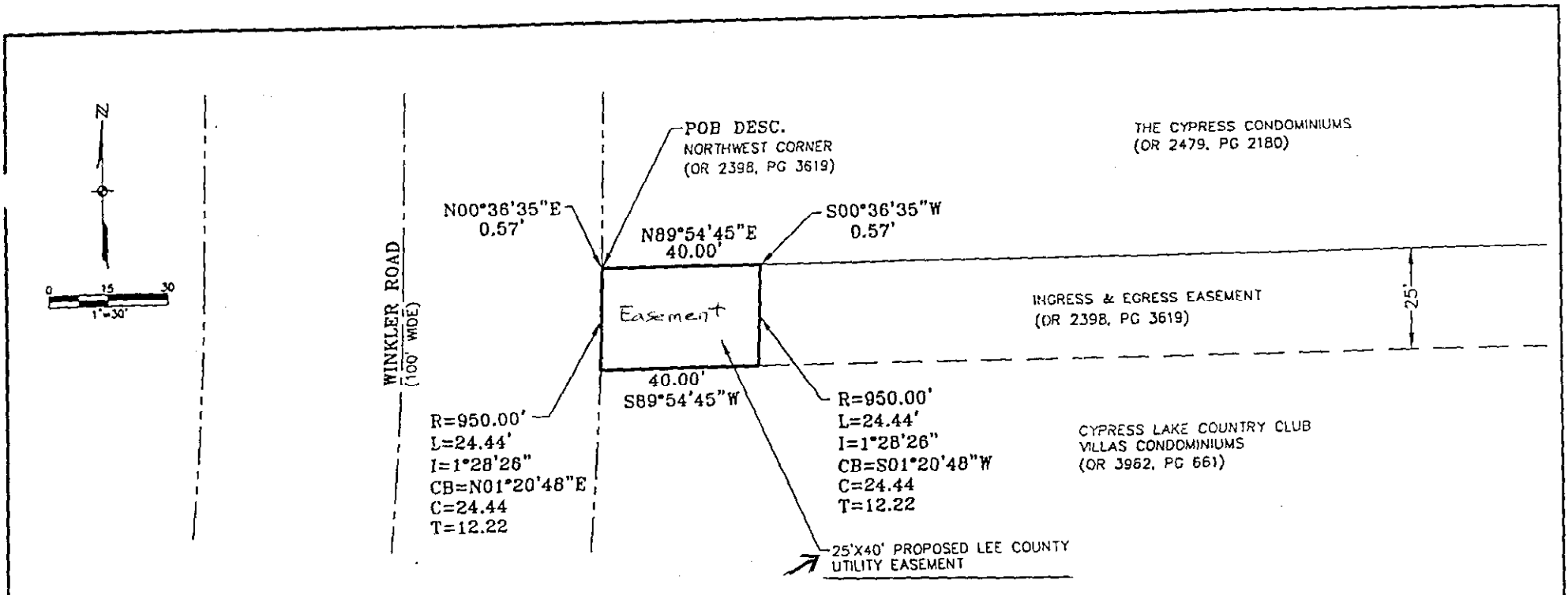
From the northwest corner of the lands as described in deed recorded in Official Record Book 2398 at Page 3619, Public Records of Lee County, Florida, run N 89° 54' 45" E along the north line of said lands for 40.00 feet; thence run S 00° 36' 35" W departing said north line for 0.57 feet to the beginning of a curve; thence run southwesterly along arc of said curve to right of radius 950.00 feet (delta 01° 28' 26') (chord bearing S 01° 20' 48" W) (chord 24.44 feet) for 24.44 feet to an intersection with the south line of the lands as described in said deed; thence run S 89° 54' 45" W for 40.00 feet to an intersection with the curved easterly right-of-way line of Winkler Road (100 feet wide); thence run northeasterly along said right-of-way line to the left of radius 950.00 feet (delta 01° 28' 26') (chord bearing N 01° 20' 48" E) (chord 24.44 feet) for 24.44 feet to a point of tangency; thence run N 00° 36' 35" E continuing along said right-of-way line and west line of said deed for 0.57 feet to the Point of Beginning.

Parcel contains 1,000 square feet, more or less.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on the north line of the lands as described in deed recorded in Official Record Book 2398 at Page 3619, Public Records of Lee County, Florida to bear N 89° 54' 45" E.


Michael W. Norman (for The Firm LB-542)
Professional Land Surveyor
Florida Certificate No. 4500



NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF OR 2398, PG 3619 TO BEAR N89°54'45"E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. OR = OFFICIAL RECORDS BOOK
7. PG = PAGE
8. DESCRIPTION ATTACHED.

THIS IS NOT A SURVEY

Michael W. Norman
 MICHAEL W. NORMAN (FOR THE FIRM CB-642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 4500
 DATE SIGNED: FEB 12 2004
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEE COUNTY UTILITY EASEMENT
 CYPRESS LAKE COUNTRY CLUB
 SECTION 27, TOWNSHIP 45 S., RANGE 24 E.
 LEE COUNTY, FLORIDA



2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (239) 334-0048
 FAX (239) 334-3661
 E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY
 DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
02/11/04	20023663	27-45-24	1"=30'	1 OF 1