

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

Blue Sheet No. 20050150

1. REQUESTED MOTION:

ACTION REQUESTED: Approve and execute an easement to Lee County Electric Coop (LCEC) for the Lee/Hendry Landfill Phase 2 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 Lee/Hendry Landfill Phase 2 Project property.

2. DEPARTMENTAL CATEGORY: 06	3. MEETING DATE: 2-22-05
COMMISSION DISTRICT # 1, 2, 3, 4 & 5 <i>Clej</i>	
4. AGENDA:	5. REQUIREMENT/PURPOSE: (Specify)
<input checked="" type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> STATUTE F.S.125
<input type="checkbox"/> ADMINISTRATIVE	<input type="checkbox"/> ORDINANCE
<input type="checkbox"/> APPEALS	<input type="checkbox"/> ADMIN. CODE
<input type="checkbox"/> PUBLIC	<input type="checkbox"/> OTHER
<input type="checkbox"/> WALK ON	
TIME REQUIRED:	
6. REQUESTOR OF INFORMATION:	
A. COMMISSIONER	
B. DEPARTMENT Independent	
C. DIVISION County Lands <i>KL</i>	
BY: Karen L. W. Forsyth, Director <i>KLF</i>	

7. BACKGROUND:

The Division of County Lands received a request from Solid Waste for execution of an easement in favor of LCEC for access to the Lee/Hendry Landfill Phase 2 parcel, across the property identified as Section 16, Township 45 South, Range 28 East, Hendry County, Florida.

The proposed sixteen-foot wide easement will allow construction of a power line extension to the landfill parcel. LCEC does not require the easement to be recorded, only signed by the BOCC, as it will be superceded by a utility easement with survey description attached once the utility has completed construction onsite at the landfill.

There are no costs for this easement.

The CIP number is 200924.

Staff Recommendation: Staff recommends Board approve requested motion.

Attachments: Easement

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>6/11/05 2/10/05</i>				
<i>K Forsyth</i>			<i>DAD SFIR</i>	<i>[Signature]</i>	QA	OM	Risk	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>2-16-05</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: _____
Time: _____
Forwarded To: _____

RECEIVED BY
COUNTY ADMIN:
2/19/05
COUNTY ADMIN
FORWARDED TO: *[Signature]*
2/16/05
[Signature]

This document prepared by:
Division of County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Lee/Hendry Landfill Phase 2 Project No. 200924

STRAP No. All of Section 16, Township 45 South,
Range 28 East, Hendry County, Florida

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Lee County, a political subdivision of the State of Florida as Grantor, whose address is P.O. Box 398, Fort Myers, FL 33902, in consideration of the sum of one dollar and other valuable considerations, a receipt of which is hereby acknowledged, does hereby grant to Lee County Electric Cooperative, Inc. a Florida corporation, whose post office address is Post Office Box 3455, North Fort Myers, Florida, 33918, and to its successors and assigns (the term "assigns" meaning any person, firm, or corporation owning by way of assignment all rights under this Agreement or a portion of such rights, with the Grantee or its other assigns retaining and exercising the other rights), a perpetual easement for a right-of-way to be used for the construction, operation, and maintenance of one or more overhead and underground electric transmission and distribution lines, including, but not limited to, wires, poles, cables, conduits, anchors, guys, and roads, trails, and equipment associated therewith, attachments and appurtenant equipment for fiber optic telecommunications and television purposes (all of the foregoing hereinafter referred to as "facilities"), over, under, in, on, upon and across the lands of the Grantor situated in the County of Hendry and State of Florida and being more particularly described as follows:

Section 16, Township 45 South, Range 28 East, Hendry County, Florida.

The foregoing easement shall be a strip of land sixteen (16) feet in width, the centerline of which shall be a line drawn between poles or along a buried cable, together with the right and privilege from time to time to reconstruct, inspect, alter, improve, enlarge, add to, change the voltage, as well as the nature or physical characteristics of, replace, remove, or relocate such facilities or any part of them upon, across, over, or under the right-of-way described above with all rights and privileges necessary or convenient for the full enjoyment or the use thereof for the purposes described herein, including, but not limited to, the right to trim, spray, cut and keep clear all trees and undergrowth and other obstructions within said right-of-way and on lands of Grantor adjoining said right-of-way that may interfere with the proper construction, operation, and maintenance of such facilities or any part of them, the right to mark the location of any underground facilities by above-ground markers and other suitable markers, and the right of ingress and egress for personnel and equipment of Grantee, its contractors, agents, successors, or assigns, over the adjoining lands of the Grantor, for the purpose of exercising and enjoying the rights granted by this easement and any or all of the rights granted hereunder.

By the execution and delivery hereof, Grantor so expressly agrees that no portion of the right-of-way shall be excavated, altered, obstructed, improved, surfaced, or paved without the prior written permission of the Grantee, or its successors, or assigns, and no building, well, irrigation system, drainage system, structure, obstruction or improvement (including any improvements for recreational activities) shall be located, constructed, maintained, or operated over, under, upon, or across said right-of-way by the Grantor, or the heirs, personal representatives, successors or assigns of Grantor.

By execution hereof, Grantor covenants that it has the right to convey this easement and that the Grantee and its successors and assigns shall have quiet and peaceful possession, use and enjoyment of this easement and the rights granted hereby.

IN WITNESS WHEREOF, the Grantor has executed this Agreement
this ____ day of _____ 20____ .

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney