

1. Action Requested/Purpose: Consider approval of a Grant of Easement to North Fort Myers Utilities, Inc. (NFMU) for placement of a new sewer force main into a twenty-foot (20') wide strip of Lee County property located in North Fort Myers.

2. What Action Accomplishes: Grants an easement for utility purposes to NFMU.

3. Departmental Category:

C12C

4. Meeting Date:

03-15-2005

5. Agenda:

6. Requirement/Purpose (specify)

7. Request Initiated:

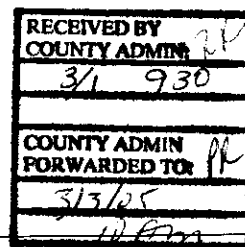
<input checked="" type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Statute	125.01	Commissioner	
	Administrative		Ordinance		Department	County Attorney
	Appeals		Admin. Code		Division	<i>[Signature]</i>
	Public		Other		By:	David M. Owen
	Walk-On					County Attorney

8. Background:

As part of an expansion to its wastewater utility system, NFMU is extending a line through property owned by the County and is requesting a utility easement for its extended wastewater line.

Affected County departments have provided their input for the easement document text and construction methodology.

Staff is recommending the grant of the easement.

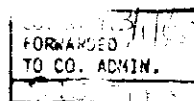


9. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
				<i>[Signature]</i> 3/1/05	Analyst	Risk	Grants	Mgr.	<i>[Signature]</i> 3-3-05
					<i>[Signature]</i> 3/1/05	<i>[Signature]</i> 3/1/05	<i>[Signature]</i> 3/1/05	<i>[Signature]</i> 3/1/05	

10. Commission Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Deferred	<input type="checkbox"/> Denied	<input type="checkbox"/> Other
-----------------------------------	-----------------------------------	---------------------------------	--------------------------------



LAW OFFICES
ROSE, SUNDSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
DAVID F. CHENTER
F. MARSHALL DIETERDING
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN I. WHARTON
ROBERT M. C. ROSE, OF COUNSEL
WAYNE L. SCHEFFELBERG, OF COUNSEL

(850) 877-6555
FAX (850) 656-4029
www.rsballoorneys.com

REPLY TO ALTAMONTE SPRINGS

CENTRAL FLORIDA OFFICE
600 S. NORTH LAKE BLVD., SUITE 160
ALTAMONTE SPRINGS, FLORIDA 32701-6177
(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD

February 28, 2005

VIA FACSIMILE

David Owen, Esquire
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902


RE: North Fort Myers Utility, Inc.
Our File No.: 16319.29

Dear David:

Thank you for your expeditious attention to NFMU's request for an easement. The \$2,000 compensation is acceptable to NFMU and we will accept your offer to record the Easement upon approval by the Board. Please let me know when you would like me to send you the compensation for the Easement.

Thank you again for your courtesies and cooperation in this matter.

Very truly yours,


MARTIN S. FRIEDMAN
For the Firm

MSF/mp

cc: Mr. A.A. Reeves, III (w/enclosure)
Mr. Jack Schenkman (w/o enclosures)
Dr. Joel H. Schenkman (w/o enclosures)
Dr. Michael H. Schenkman (w/o enclosures)

THIS INSTRUMENT PREPARED BY:
MARTIN S. FRIEDMAN, ESQUIRE
ROSE, SUNDBSTROM & BENTLEY, LLP
600 S. North Lake Boulevard, Suite 160
Altamonte Springs, FL 32701

GRANT OF EASEMENT

THIS GRANT OF EASEMENT is made and entered into this ____ day of _____, 2005, by and between LEE COUNTY, a political subdivision of the State of Florida ("Grantor"), whose address is Post Office Box 398, Fort Myers, Florida 33902 and NORTH FORT MYERS UTILITY, INC., a Florida corporation, ("Grantee"), whose address is Post Office Box 2547, Fort Myers, Florida 33902:

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, paid to and received by Grantor on or before the execution of this instrument, the receipt and sufficiency of which is hereby acknowledged, Grantor has granted, and by these presents does grant unto Grantee, its successors and assigns forever for the purpose hereinafter stated the following described easements situate, lying and being in the County of Lee, State of Florida to wit (hereinafter "Property"):

That 20-foot strip of property described and depicted on Exhibit "A."

1. Grantor hereby permanently grants, sets over, conveys and delivers to Grantee, its successors and assigns the right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect wastewater lines and all appurtenances thereto and all appurtenant equipment in, under, upon, over and across the Property with full right of ingress and egress through the Property for the accomplishment of the foregoing rights.

2. The Grant of Easement to Grantee shall be a reservation and condition running with the Property and shall be binding upon the successors and assigns of Grantor, and all purchasers of the Property and all those persons or entities acquiring right, title or interest in the Property by, through or under Grantor.

3. Grantee, by acceptance of this Grant of Easement, agrees that all easements and grants herein to be utilized in accordance with established generally accepted practices of the wastewater industry and all rules, regulations, ordinances, and laws established by governmental authorities having jurisdiction over such matters.

4. Grantor, for itself, its mortgagees, successors and assigns, and for all persons claiming by, through or under Grantor, specifically reserve the right of ingress and egress over the Property, including the right to pave the Property, use the same as a parking area, and place improvements thereon, including but not limited to roadways, driveways, sidewalks, underground conduits, pipes, mains, cables, wires and other structures, together with other reasonable rights of use, provided same do not materially and adversely affect the operation of the wastewater facilities and all appurtenances thereto, located within the Property.

5. Grantee, by acceptance of this Grant of Easement, covenants that in the event Grantee or Grantee's agents, employees, licensees, contractors, invitees, or guests, enters upon the Property which results in damage to any improvements, pavement, turf, sod, shrubbery or plants within the Property, Grantee, its successors or assigns, shall restore the Property or such improvements in at least as good condition prior to said permitted activities.

6. Should the wastewater line constructed by Grantee within the Property need to be relocated as a result of Grantor's extension of Littleton Road, such relocation shall be at Grantee's sole expense. If such relocation should occur, then Grantor shall provide Grantee, at no cost to Grantee, a substitute easement within which Grantee could relocate the wastewater line.

7. In the event of any litigation arising between the parties out of this Agreement, the prevailing party shall be entitled to attorney's fees and costs.

8. The foregoing Grant of Easement shall be for such period of time as Grantee, its successors and assigns, requires such rights, privileges and easements to provide wastewater service to the public. Should Grantee cease to use the Property for wastewater lines and appurtenant facilities, then this Easement shall revert to Grantor.

[NOTARY ATTESTATION ON NEXT PAGE]

IN WITNESS WHEREOF, the undersigned has executed this instrument this ___ day of _____, 2005.

WITNESSES:

LEE COUNTY, FLORIDA

Print Name: _____

Chairperson

Print Name: _____

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this ___ day of _____, 2005, by _____, as Chairperson of the Board of County Commissioners of Lee County, Florida, who is personally known to me or who has produced _____ as identification.

Notary Public - State of Florida at Large
Printed Name: _____
My Commission Expires: _____



GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
30930 OIL WELL RD., PUNTA GORDA, FL. 33955
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.
2112 SE. 11TH ST., CAPE CORAL, FL. 33990
(239) 458-2388 • FAX: (239) 574-3719

JULY 12, 2004
JOB NUMBER: 0418
FILE: 0418L07.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND BEING LYING IN THE SOUTHEAST QUARTER (SE 1/4) SECTION 26, TOWNSHIP 43 SOUTH, RANGE 24 EAST, OF LEE COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

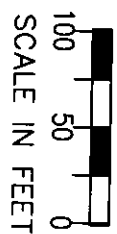
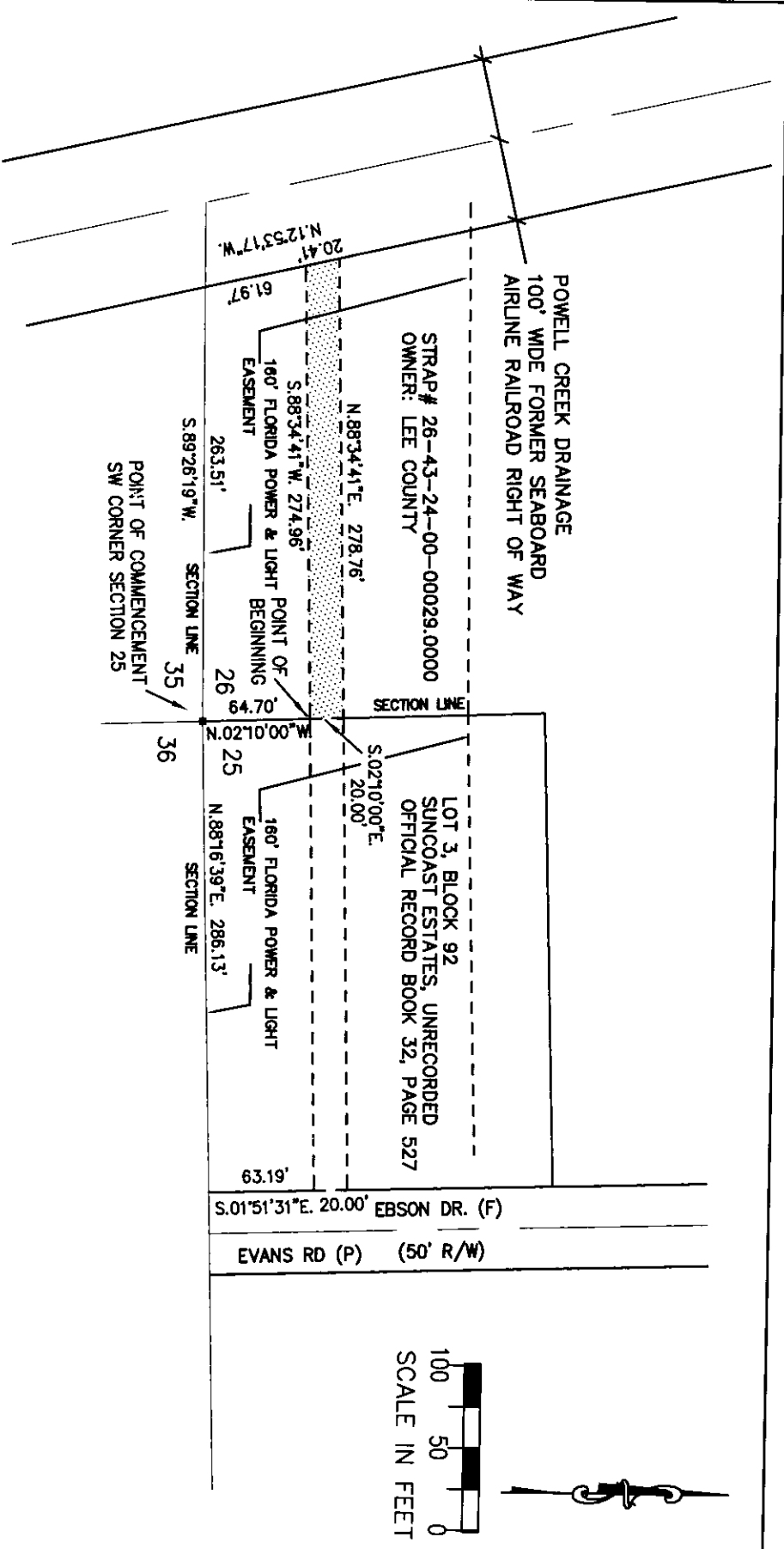
FROM THE POINT OF COMMENCEMENT BEING THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 24 EAST; THENCE N.02°10'00"W. FOR 64.70 FEET ALONG THE EAST LINE OF SECTION 26 TO THE POINT OF BEGINNING. THENCE S.88°34'41"W. FOR 274.96 FEET TO THE EASTERLY LINE OF POWELL CREEK DRAINAGE (100' WIDE FORMER AIRLINE RAILROAD RIGHT OF WAY); THENCE N.12°53'17"W. FOR 20.41 FEET ALONG THE EASTERLY LINE OF SAID RIGHT OF WAY; THENCE N.88°34'41"E. FOR 278.76 FEET TO THE EASTERLY LINE OF SAID SECTION 26; THENCE S.02°10'00"E. FOR 20.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED ON THE EAST LINE OF SECTION 26 BEING, N.02°10'00"W.

REFER TO 8 1/2" X 11" SKETCH.
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 07/22/04
TIM J. PUFAHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666



REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED, IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 08/30/09

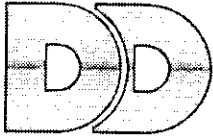
Tim J. Pufank
TIM J. PUFANK
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4886

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

SUBJECT TO EASEMENTS,
RESTRICTIONS, RESERVATIONS, AND
RIGHTS OF WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 26, BEING N.02°10'00"W

JOB 0418 L07	SKETCH OF DESCRIPTION (NOT A FIELD SURVEY) SECTION 26, TOWNSHIP 43 SOUTH RANGE 24 EAST LEE COUNTY, FLORIDA	DATE : 07/16/04 SCALE : 1" = 100' CADD : TP CHECK : TP FILE : 0418L07.DWG
	GULF SHORE SURVEYING, INC. LICENSED BUSINESS NO. 6729 LEE COUNTY: 2112 S.E. 11TH STREET CAPE CORAL, FL 33980 (239) 458-2388 CHARLOTTE COUNTY: 30930 OIL WELL ROAD PUNTA GORDA, FL 33955 (941) 639-7800	



DAVID DOUGLAS ASSOCIATES, INC.
ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS

November 18, 2004

David Owen, Chief Assistant County Attorney
Lee County
2115 Second Street, 6th Floor
P.O. Box 398
Fort Myers, FL 33902

Re: North Fort Myers Utilities Force Main Extension 03-0164

Dear Mr. Owen,

Enclosed, you will find a copy of each of the areas of concern that the County had, as it relates to the above referenced project. These revisions were a direct result of the coordination meeting that was held in your office November 16, 2004.

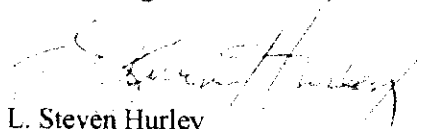
The following changes have been addressed:

- 1) An 18" HDPE-DR11 Casing Pipe will be installed in the Powell Creek area. A minimum shift to the east of 40' from the top of bank has also been incorporated in the design. This will allow for routine maintenance and future widening of the canal.
- 2) An 18" HDPE-DR11 Casing has been added in the Abel Canal area \pm sta 57+50 and the pipe has been lowered to a minimum of 36" deep. This will also allow for an installation of an additional drainage pipe and routine maintenance.

Since this project is out to bid, the drawings will be issued as an addendum as previously agreed to. Also, after the project is complete, a set of "As-Built" drawings will be issued to Brad Vance for his records.

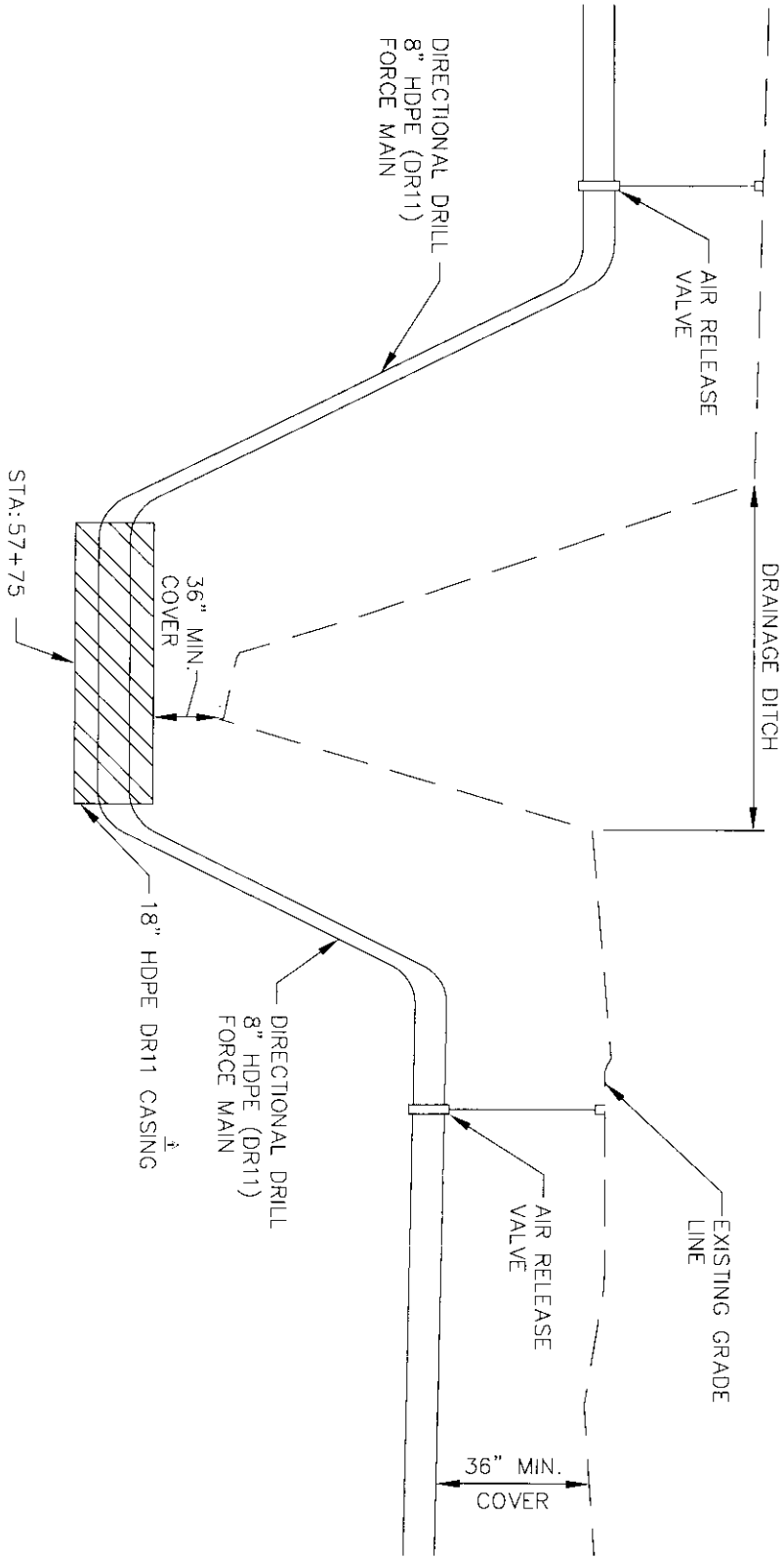
Finally, by way of separate cover, one set of plans is being sent to Scott Gilbertson as requested. At your earliest convenience, please review the enclosed documentation and if it is acceptable provide final approval, as it relates to the requested easement. Should you have any questions or comments please do not hesitate to contact me.

Sincerely,
David Douglas Associates, Inc.


L. Steven Hurley
Vice President of Operations

I:\Project Files\03-0164 - Reeves - Bayshore Force Main Extension\Lee County\03-0164_11-18-04 ltr to Owens.doc

2037 WEST FIRST STREET, FORT MYERS, FL. 33901 PH. (239) 337-3330 FAX. (239) 337-1236
E-MAIL: DDAI-ENGINEERS@EARTHLINK.NET



ADDENDUM 2
SCALE: 1" = 40'

ADDENDUM 2
FOR
NORTH FORT MYERS
FORCE MAIN EXTENSION
LEE COUNTY, FLORIDA



DDA ENGINEERS-PLANNERS, INC.

2037 West First Street, Fort Myers, Florida 33901
Ph. 239-337-3330, Fax 239-337-1236
E-mail: ddaengineers@earthlink.net
Florida Certification of Business #8786

OWNER / DEVELOPER
NORTH FORT MYERS UTILITIES
5660 BAYSHORE RD SUITE 36
N. FORT MYERS, FL
PH. (239) 543-1005
ATTN: A.A. REEVES
CONTACT: L. STEVEN PURLEY, PR. MGR.
(239) 337-3330



NO.	DATE	REVISION DESCRIPTION
1	11/17/04	ADDED CASING PER LCTY

Date: 11/17/04
Scale: 1" = 40'
Scribe: JAS. SIMONIN
Drawn: CWS
Checked: LSH
Title: 03244-Addendum 2
EXHIBIT
B
JOB #030104