Lee County Board of County Commissioners Agenda Item Summary

Blue Sheet No. 20050756-UTL

1. Action Requested/Purpose:

Approve final acceptance, by Resolution and recording of one (1) utility easement as a donation of one 2" diameter master meter assembly to provide disposal of effluent water at *A Gator Septic*, a recently constructed privately owned and maintained wastewater treatment facility. This is a Developer Contributed asset project located on the south side of Mainline Parkway approximately 815' east of Gator Road and 1/3 mile north of Alico Road.

2. What Action Accomplishes:

Allows for disposal of treated wastewater and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

S'ENGRIW PIBLUE SHEETSIA GATOR SEPTIC - EFFLUENT METER - FA - TAK 20050756.DOC-5

Lee County	Utilities req	uests that tl	he County Ma	anager's off	fice recon				•	
4. Departi	mental Categ		C11				eting Dat	-14-	2005	
6. Agenda	:	7.	Requiremen	t/Purpose	(specify)	8. Req	uest Init	iated:		
X Co	nsent		Statute	•		Comm	issioner	/\		
	nsent ministrative					Depart		H/\sqrt{r}	Public Works	
Appeals			Ordinance Admin. Code				n	/ , \	Utilities,	
Public			X Other		pproval	$=\frac{\mathbf{B}\mathbf{y}}{\mathbf{B}\mathbf{y}}$:	,,,,	$\mathcal{U} \rightarrow$	\$ 26/05	
	ılk-On				PP-		Rick Diez, F. E., U			
9. Background: Single service connections do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided. An Industrial Wastewater Treatment Permit has been issued. The installation has been inspected for conformance to the Lee County Utilities Operations manual. Record drawings have been received. Engineer's Certification of Completion has been provided—copy attached. Project Location Map—copy attached. Warranty has been provided—copy attached. Waiver of Lien has been provided—copy attached. Certification of Contributed Assets has been provided—copy attached. Potable water service is provided by Lee County Utilities via existing infrastructure located within the Mainline Parkway right-of-way. Funds are available for recording fees in account number OD5360748700.504930. SECTION 05 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER ALBION										
Department	v for Schedu Purchasing	Human	Other	County		Budget	Serviges		County Manager /	
Director	or Contracts	Resources		Attorney		ann	n 6/2		P.W. Director	
Lavender Date: 5-37-05	N/A	N/A	T. Osterhout Date: 5/24	S. Coovert Date:	Analyst P. M 6 / 1 / 0 4	Risk	Grants M u	Mgr.	J. Lavender Date: 5.77.05	
11. Co	mmission Ac									
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FLORIDA DEPARTMENT OF REVENUE RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

FDOR10240300 DR-219

		(PLEASE	READI	NSTR	RUCTI	ONS B	FORE (COMPLETIN	G)	THEFT	R. 07/98
		Use black in		••••		shown b			r numbers as s	shown below.	
1.	Parcel Identification Number (If Parcel ID not available	0 1 2	2 3	4 5	6	7 8	9	01	2345678	9	I
	please call County Property Appraiser's Office)					0546	2504	0000001	5A		
2.	Mark (x) all Multi-parcel transaction?	→ <u> </u>		or	cutout	ion is a s from parcel?	plit → _		with build of sale/tra		
3.	Grantor (Seller):	EASEMENT		TIO	N B		MT			A GATOR	SEPTIC
	Last 971 MICHIGAN	IAVE	First		NAP	N LES	il .	FL Cor	porate Name (i 34103	r applicable)	
	Mailing Add					ity	 	State	Zip Code	Phone No.	
4.	Grantee (Buyer): RICK DIA	AZ, P.E.	UTI	L. D	IREC	TOR				CO. COMMI	SSIONERS
	Last P. O. BOX 3	398	First	ਸ'	r. 1	MYERS		Cor FL	porate Name (i 33902	if applicable) (2394798	21.81
_	Mailing Add					ity	,	State	Zip Code	Phone No.	,101
5.	Date of Sale/Transfer			Sale	/Trans	fer Price			·		
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6.	•	act/Agreement	X Othe	er				on the property se balance:	/? If "Yes",	YES _	_ / 🗶 NO
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8.	To the best of your knowledge such as: Forced sale by court or Sale of a partial or undivided inte	rder? Foreciosu	re pendir	ıg? Dis	tress	Sale? Titl			eed? Mineral r	ights? YES	/ x _{NO}
9.	Was the sale/transfer financed?	YES /	× NC		•		ate type	or types of fina	incing:		
	Conventional	Seller Provided	;		•	nent or ct for De	ed '	Other			
10.	Property Type: Residential Mark (x) all	Commercial	Industrial	ı Aç	gricultu		nstitutiona iscellaneo		ment Vacan	t Acreage	Timeshare
	that apply						<u> </u>		_	:	: Cents
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	If no tax is due in number 12, is o		m Docur	nentar	v Stam	n Tayı)	1 02(6) Florida	") a Statutes?	YES	
13.	Under penalties of perjury, i	·					V V			<u>-</u> .	
1	than the taxpayer, his/her d	eclaration is bas	sed on al	Linforn	nation	of which	he/her na	is any knowled	ige.	,	5/05
L	Signature of Grantor or Gra	* -				_^				_ Date	/
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Date Recorded

Month

Day

Year

Parcel Identification Number (If Parcel ID not available

FLORIDA DEPARTMENT OF REVENUE

RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

(PLEASE READ INSTRUCTIONS BEFORE COMPLETING)

Enter numbers as shown below. If typing, enter numbers as shown below.

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FDOR10240300

DR-219

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_	.		g Address		77M T T		City	EOD	State		Zip Code		hone No.	IISSIONERS	_
4.	Grantee (Buyer)): Last	DIAZ, F		UTIL.	DIK	MI	FOR	LEE (plicable)	IISSIONERS	_
	P.		OX 398	·		FT.	MYERS		FL		33902		23947	98181	
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10.	Property Type: Mark (x) all that apply	Residen	tial Commei	rcial Inc	lustrial	Agricul		titutional/ cellaneou		ernmer	nt Vac		Acreage	Timeshare	
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RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF DEVELOPER CONTRIBUTED ASSETS IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of "MT Three, Inc.", owners of record, to make a contribution to Lee County Utilities of <u>sewer</u> facilities (one 2" diameter master meter assembly for effluent water), serving **"A GATOR SEPTIC"**; 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 **\$4,854.55** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was of	fered by Commissioner	
who moved for its adoption. The m	notion was seconded by Commissioner	
follows:	ing put to a vote, the vote was a	13
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:	

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY



. James P. Elliott, P.E., President

1334 Lafayette Street Cape Coral, FL 33904 (239) 549-2345 Fax (239) 549-6779

January 7, 2005

Lee County Utilities Division of Engineering P. O. Box 398 Fort Myers, FL 33902

Re:

LETTER OF COMPLETION

Gentlemen:

This is to certify that the water distribution and/or sewage collection system(s) located in Section 5, T46S, R25E, connection of the septage treatment facility for A Gator Septic Septage Treatment Facility were designed by me and have been constructed in conformance with:

through the flow meter	
	erved the following successful tests of the facili- orce main from the septage treatment facility
☑ the approved specifications	☐ the revised specifications, attached
	and
☐ the approved plans	☒ the revised plans, attached

Very truly yours,

SOURCE, INC.

James P. Elliott, P. E.

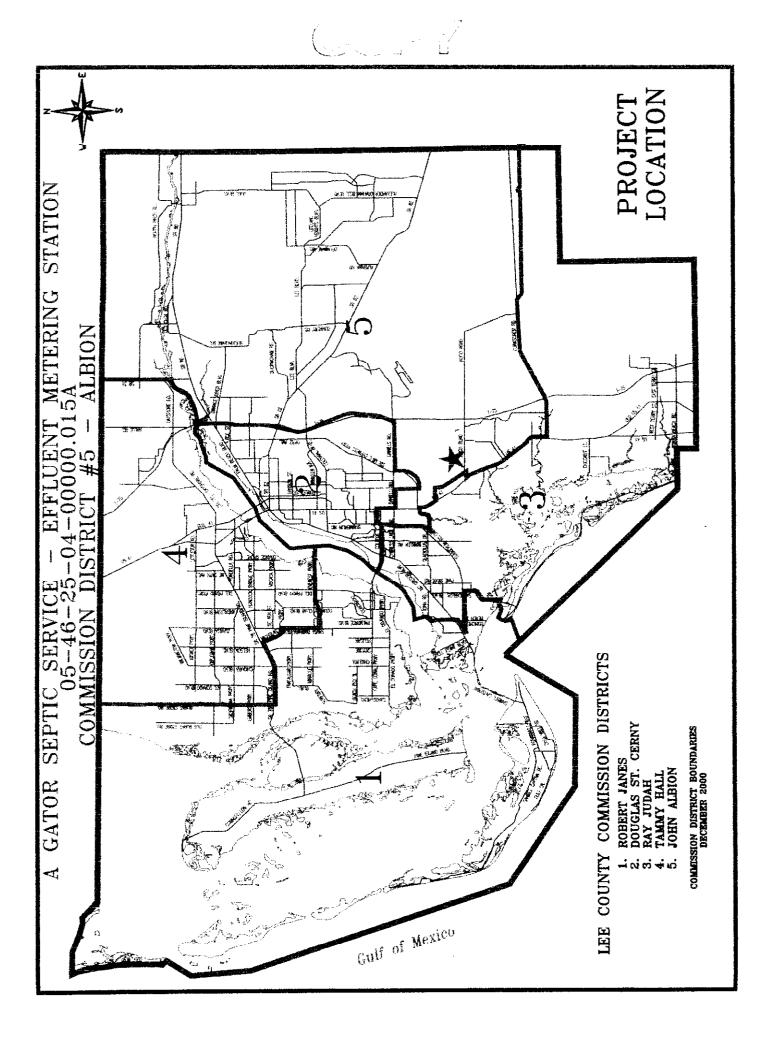
President

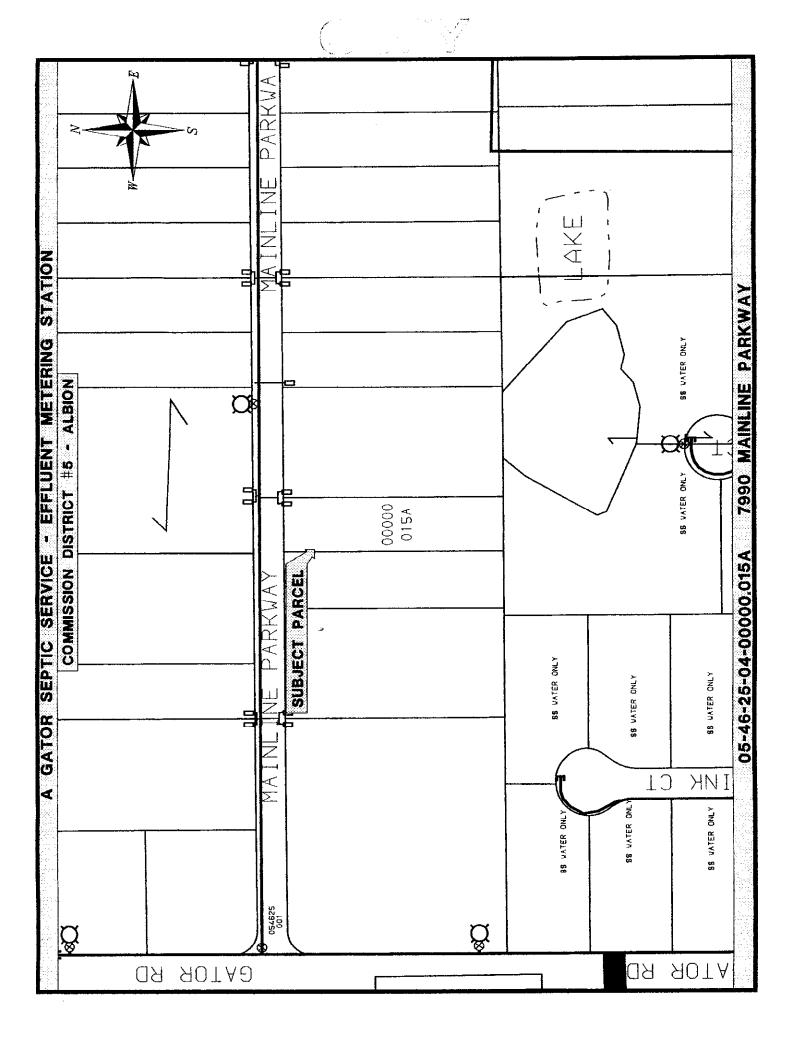
FI Reg. #21022

JPE/kac

(SEAL)









THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the <u>sewer system</u> of <u>MT Three, Inc. dba A Gator Septic Service, Inc.</u> 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.

MT Three, Inc. dba A Gator Septic Service, Inc.
(Name of Owner/Contractor)

(Signature of Owner/Contractor)

STATE OF FL) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this <u>24 th</u> day of <u>MAR</u>, 2005 by <u>David Lee</u> who has produced the following as identification - <u>known to me</u>, and who did not take an oath.

otary Public Signature

Martin E. Owens

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 Four Thousand Eight Hundred Fifty Four and 45/100 Dollars (\$4,854.45) hereby waivers and releases its lien and right to claim a lien for labor, services, or materials furnished to MT Three, Inc. dba A Gator Septic Service, Inc. on the job of installing meter assembly and connection to gravity sewer system to the following described property:

MT Three, Inc. dba A Gator Septic Service, Inc. Connection LCU Sewer Sys (Name of Development/Project)	to (Facilities Constructed)
7990 Mainline Parkway, Fort Myers, Florida 33912 (Location)	05-46-25-04-00000-015A (Strap # or Section, Township & Range)
Dated on March 23, 2005 By:	Dave Lincoln Contracting Inc.
(Signature of Authorized Representative)	(Name of Firm or Corporation)
By: David Lincoln	2061 Oaks Boulevard
(Print Name of Authorized Representative)	(Address of Firm or Corporation)
Title: President and Owner	Naples, FL 34119-
	(City, State & Zip Of Firm Or Corporation)
Phone #: (239)598-4203 Ext.	Fax#: (239)598-2877
STATE OF <u>FL</u>)) SS:	
COUNTY OF Collier)	
The foregoing instrument was signed and acknowledged be David Lincoln who is personally known to me, a	efore me this 23 rd day of March, 2005 by and who did not take an oath.
Carlos David Lee My Commission DD052853 Expires August 28, 2005 (Notary Publ	LOS DAINT LEE ic Signature)

(Notary Seal & Commission Number)

<u>Carlos David Lee</u> (Printed Name of Notary Public)

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME:	A Gator Septic Septage Treatment Facilities Connection to Sewer System
STRAP NUMBER:	05-46-25-04-00000.015A
LOCATION:	7990 Mainline Parkway, Fort Myers, Florida 33912
OWNER'S NAME: (as shown	on Deed) MT Three, Inc. Parent Corporation to A Gator Septic Service
OWNER'S ADDRESS:	7990 Mainline Parkway, Fort Myers, Florida 33912
OWNER'S ADDRESS:	· -

TYPE UTILITY SYSTEM: <u>Connection</u> to LCU Sewer System (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
2 inch ABB Magnetic Flow Meter	2 inch	one	1	2400.65	\$2400.65
Metering Assembly Piping	2 inch	lump Sum	1	2453.80	\$2453.80
Connection to LCU sewer system w/CO	4 inch	lump Sum	1	none	none
					
					,
			···		
TOTAL				4854.55	\$4854.55

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



RECEIVED MAR 2 8 2005

- · · · · · · · · · · · · · · · · · · ·	aterial and services described above are a true and accurate e system being contributed to Lee County and corresponds with the
	CERTIFYING:
	(Signature of Certifying Agent)
	David Lincoln, President and Owner (Name & Title of Certifying Agent)
	David Lincoln Contracting Inc. (Name of Firm or Corporation)
	2061 Oaks Boulevard (Address of Firm or Corporation)
	Naples, FL 34119 -
STATE OF	
	own to me, and who did not take an oath.
CARIOS DANCES Notary Public Signature	<u>=</u>
Carlos David Lee Printed Name of Notary Public	Carlos David Lee My Commission DD052853 Expires August 26, 2005
Notary Commission Number	(NOTARY SEAL)

Strap Number(s): 05-46-25-04-00000-015A

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ______ day of ______ 20 \(\sigma \) by and between MT Three, Inc. dba A Gator Septic Service, Inc., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, hereinafter referred to as GRANTEE.

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.

Lindey Owling	BY:	DUIG	EE
[1 st Witness' Signature]	•	[Signature Grantor's	s/Owner's]
Lyndsey Dowling	_	David Lee	
[Type or Print Name]		[Type or Print Name	<u>=</u>]
Jan Telederm	_	Vice President, Treas	urer, Owner
[2 nd Witness' Signature]		[Title]	
Darrin Schramm	_		
[Type or Print Name]			
STATE OF FLORIDA COUNTY OF <u>Lce</u>			
The foregoing instrument was day of March 2005, by David Lee	•	_	
Persono 1/4 Cnown Come	villo pioui	or is persona	
and who did/did not take an oath.			

MY COMMISSION # DD 082330 EXPIRES: February 6, 2006 1-800-3-NOTARY FL NOTARY Service & Bonding, Inc.

{Signature of Motar√]

Martin E. Owens II

[Typed or Printed Name]

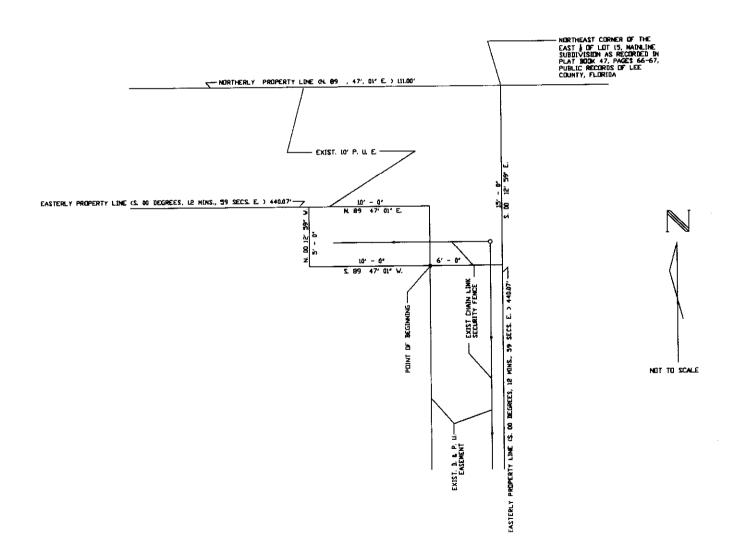
Approved and accepted for and or	behalf of Lee County, Florida, this
day of, 20	·
ATTEST:	BOARD OF COUNTY COMMISSIONERS
CHARLIE GREEN, CLERK	OF LEE COUNTY, FLORIDA
BY:	BY:
Deputy Clerk	Chairman
	APPROVED AS TO FORM
	BY:
	Office of the County Attorney

Utility Easement Description Owned by A. Gator Septic Lying in Section 5, Township 46 South, Range 25 East Lee County, Florida

A land parcel 10' - 0" long by 5' - 0" wide situated in the East ½ of Lot 15, Mainline Industrial Park, a subdivision recorded in Plat Book 47 at pages 66 - 67, Public Records of Lee County, Florida, and further described as follows:

Beginning at the Northeast corner of the East ½ of Lot 15, Mainline Industrial Park; thence S. 00° 12' 59" E. Along the easterly property line of said Lot 15 for 15.00'; thence S. 89° 47' 01" W. For 6.00' and the Point of Beginning of the herein described utility easement; thence continue at S. 89° 47' 01" E. for 10.00'; thence N. 00° 12' 59" W. for 5.00'; thence N. 89° 47' 01" E. for 10.00; thence S. 00° 12' 59" E. for 5.00 to the Point of Beginning.





TO: LEE COUN	TY FINANCE DEPARTMENT		
FROM: UTILITI	ES ENGINEERING	V#111463	
(Department)		BS 20050756	
A. AUTHORIZATION: This transmittal authorizes the Office to incur expenses for filing/record against: Purchase Order # for A GATOR SEPTIC Project. ACCOUNT NO. OD5360748700.504930 ORIGINAL EASEMENT TO MINUTES AFTER RECORDING, WITH COPY TO SUE GULLEDGE, UTILITIES			
		C _ project. THREE, INC. D/B/A A GATOR S	SEPTIC Lledge Signature Authorization
B. SERVICE RECEIVE			
O. R. COPIE	s		
E PLAT COPIE	ES		
CASE # IND	EX FEE		
DESCRIPTION OF SERVICERECORDING			
AMOUNT OF FEE IN	ICURRED \$		
(da	te)	(DEPUTY CLERK)	
	THIS FORM GOES TO CASHIER	(CUSTOMER) (DEPT.) WITH REGULAR RECEIPT ATTACHED	
C. INVOICE INFORMA	ATION: (FOR CLERK'S DEPARTMENT ON	NLY)	
ENTERED			
CUST. #	500283		
INV. #			
PLEASE REMIT TO:	Clerk's Accounting P.O. BOX 2396		

FORT MYERS, FLORIDA 33902-2396