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

Blue Sheet No. 20051062-UTL

5. Meeting Date:

1. Action Requested/Purpose:

Approve final acceptance by Resolution and recording of one (1) utility easement as a donation of a fire hydrant serving *Pizzeria Uno* to provide fire protection to the recently constructed commercial building. This is a Developer Contributed asset project located on the northwest corner of Daniel Parkway and I-75.

2. What Action Accomplishes:

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Lee County Utilities requests that the (County	Manager	r's office recommend approval of this item.
4. Departmental Category: 10			5 Mosting Dates

4. Departing	entai Categor	ry: 10	CI	06		5. Me	eeting Da		2005
6. Agenda: 7. Requiremen			nt/Purpose	e (specify)	8. Re	quest Ini	tiated:		
X Cons	ent		Statut	te		Comn	nissioner	_/\/\	
Adm	inistrative		—— Ordin	ance	<u> </u>	i	1 1 1 1		Public Works
Appe			Admi	n. Code		Divisi			Utilities
Publi	-		X Other	. –	Approval	By:		4	7 24 01
Walk	i-On			_		_	Rick Dig	z, P/E., U	Utilities Director
9. Background: Fire hydrants 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 has been completed. 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. 100% of the connection fees have been paid. Potable water and Sanitary Sewer service is provided by Lee County Utilities via existing infrastructure located within the right-of-way of Marketplace Road. Funds are available for recording fees in account number OD5360748700.504930. SECTION 22 TOWNSHIP 45S RANGE 25E DISTRICT #2 COMMISSIONER ST. CERNY					ual. Frastructure located				
10. Review for		<u> </u>	-	1					
Department Director	Purchasing or Contracts	Hum. Res.	Other	County Attorney		_ CYM			County Manager / P.W. Director
Mult Lavender Date: 8.1.05	N/A	N/A	T. Osterhout Date:	S. Coovert Date:	Analyst R.M. 8/2/05	Risk LX	Grants	Mgr.	Januelle J. Javender Date: 8.1.05
	nission Action Approved Deferred Denied Other	n:		RECEIVED I COUNTY AT B - 2-05 11-30 COUNTY AT FORWARDS	OMIN:	,	RECVO. A by CO. A CO. ATTY FORWARDED	70:	
S-\ENGR\W P\BLUE SHEE	TS\PIZZERIA UNO-FA-FI	I-FL-MMM B	S 20051062 DOC-7/28/05	1 12 AM	$\mathbb{Z}^{I_{2}}$				

LETTER OF COMPLETION

DATE: 6/13/2005

Department of Lee County Utilities Division of Engineering Post Office Box 398 Fort Myers, FL 33902

Gentlemen:

This is to certify that the water distribution

located at

General Manager.

Pizza Uno

(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:

Bacteriological Test Pressure Test(s) - Water Main

Very truly yours,

EMD Group of SW Florida LLC (Pizzeria Uno)

(Owner or Name of Corporation/Firm)

(Signature)

Community Engineering Services, Inc.

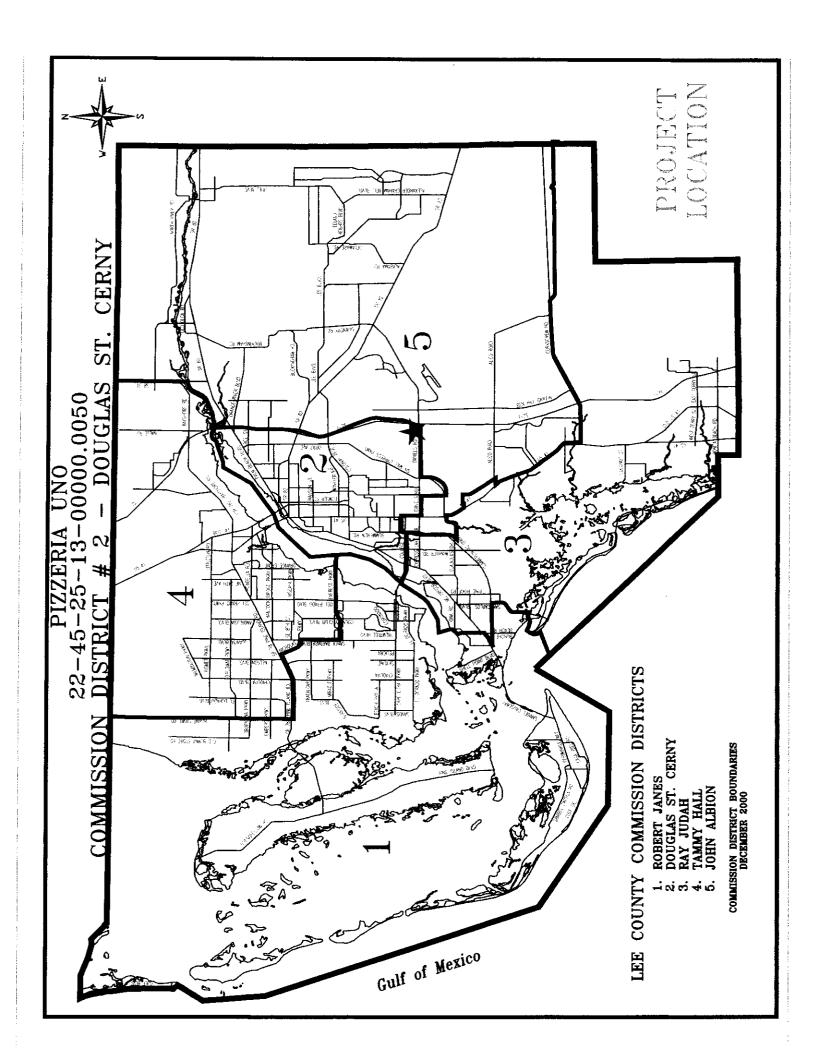
Henry J. Hardman, P.E., Project Engineer - 56099

(Name and Title)

(Seal of Engineering Firm) 6/13/05

s - Letter of Completion - Revised 2004)

T-ENG-Pazeria Use DGE LorS/DOCI MENTS/LCU/Letter of Completion - form doc



WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the <u>water system</u> of <u>Pizzeria Uno</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.

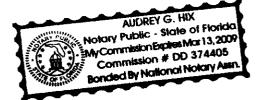
	Haskins Inc.	
	(Contractor/Company Name)	
	Joel Chambers, Operations Manager	
	(Authorized Representative, Title) BY:	, , , ,
	(Signature)	
STATE OF <u>FL</u>)) SS:		
COUNTY OF Lee)		

The foregoing instrument was signed and acknowledged before me this <u>8 th</u> day of <u>July</u>, 20<u>05</u> by <u>Joel Chambers</u> who is personally known to me - <u>na</u>, and who did not take an oath.

Notary Public Signature

Audrey Hix

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

Ten Thousand Fourty Dollars & No Cents(\$10,040.00) hereby waivers and releases its lien and right to
claim a lien for labor, services, or materials furnished to EMD Group of SW Florida LLC on the job of

Pizzeria Uno, Daniels Galleria East Lot 5 to the following described property:

Pizzeria Uno (Name of Development/Project)	water distribution system (Facilities Constructed)			
Daniels Rd. & 1-75 (Location)	22-45-25-13.00000.0050 (Strap # or Section, Township & Range)			
Dated on: July 8, 2005				
By: Car Charles	Haskins Inc.			
(Signature of Authorized Representative)	(Name of Firm or Corporation)			
By: Joel Chambers	10956 Enterprise Ave.			
(Print Name of Authorized Representative)	(Address of Firm or Corporation)			
Title: Operations Manager	Bonita Springs, FL 34135-			
	(City, State & Zip Of Firm Or Corporation)			
Phone #: (239)947-1846 Ext.	Fax#: (239)947-3857			
STATE OF <u>FL</u>)) SS:				
COUNTY OF Lee)				
The foregoing instrument was signed and acknowledged before me this <u>8 th</u> day of <u>July 2005</u> by <u>Joel Chambers</u> who is personally known to me - <u>na</u> , and who did not take an oath.				

AUDREY G. HIX

Notary Public - State of Florida

My Commission # DD 374405

Bonded By National Notary Assn.

(Notary Seal & Commission Number)

(Notary Public Signature)

Audrey Hix (Printed Name of Notary Public)

LEE COUNTY

CERTIFICATION OF CONTRIBUTORY ASSETS

PROJECT NAME:	Pizzeria Uno, Daniels Galleria Lot 5	
STRAP NUMBER:	22 , 45 , 25-13-00000.0050	
LOCATION:	Daniels Rd. & I-75	
OWNER'S NAME: (as she	nown on Deed) EMD Group of SW Florida LLC	
OWNER'S ADDRESS:	PO Box 617	
OWNER'S ADDRESS:	LaFavette Hill Pa 19444-	

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.

<u>ITEM</u>	SIZE	QUANTIT	UNIT	UNIT COST	TOTAL
PVC C-900 DR-14		19.0	1.5	\$55.00	\$990.00
	6"	18.0	LF		\$3,200.00
FIRE HYDRANT ASSEMBLY		1.0	EA	\$3,200.00	\$2,500.00
TAPPING SLEEVE W/VALVE	6"	1.0	EA	\$2,500.00	\$850.00
GATE VALVE	6"	1.0	EA	\$850.00	
SINGLE WATER SERVICE/COMPLETE	2"	1.0	EA	\$2,500.00	\$2,500.00
		<u> </u>			
		<u> </u>			
Total Transfer of the Control of the		L			
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ጥ ለጥል ፤					\$10.040.00
If more space is required, use additional for		<u> </u>			\$10,040.00

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

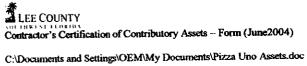
LEE COUNTY

Contractor's Certification of Contributory Assets - Form (June 2004)

C:\Documents and Settings\OEM\My Documents\Pizza Uno Assets.doc

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:
	21/3/2//
	X Continue Agent
	(Signature of Certifying Agent)
	Joel Chambers
	(Name & Title of Certifying Agent)
	Haskins, Inc.
	(Name of Firm or Corporation)
	10956 Enterprise Avenue
	(Address of Firm or Corporation)
	Bonita Springs, FL 34135 -
STATE OF	
) SS:	
COUNTY OF Lee)	
TTL. Committee in terms out was signed and	acknowledged before me this 8 th day of July, 2005 by Joel
Chambers who has produced the following	ng as identification - na, and who did not take an oath.
Charles Williams	
$\Omega = \mu \omega L$	
_ Audrey D. Hick	
Notary Public Signature	
Audrey Hix	
Printed Name of Notary Public	
N. A.	(NOTARY SEAL)
Notary Commission Number	(HOTTHET DELEA)
	AUDREY G. HIX Notary Public - State of Florida
	A STATE OF THE PARTY OF THE PAR
.*	Commission # DD 374405 Ronded By National Notary Assn.



Date Recorded

Month

Day

Year

FLORIDA DEPARTMENT OF REVENUE RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

FDOR10240300 DR-219

Ш			numbers as shown be			wen bolow	
		0 1 2 3 4	4 5 6 7 8		nter numbers as sho	wil below.	
1.	Parcel Identification Number (If Parcel ID not available	0 1 2 3 2	+ 3 0 1 0	9	123456789		•
	please call County Property Appraiser's Office) →		2245	2513000000	050		
2	Mark (x) all Multi-parcel	*** ****	Transaction is a sp	olit	Property wa		
	that apply transaction?	→	or cutout from _ another parcel?	→	with building of sale/trans		
3.	Grantor (Seller):	ASEMENT DONA	TION BY:	EMD GRO	OUP OF SW	FLORIDA,	LLC
-	Last	First	MI		orporate Name (if a	pplicable)	
	PO BOX 61'			ILL PA	19444)	
	Mailing Addre		City . DIRECTOR	State	Zip Code I	Phone No.	TONERS
4.	Grantee (Buyer): KICK DIA	First	MI		orporate Name (if a		
	P. O. BOX 3		FT. MYERS	FL	33902	23947981	81
_	Mailing Addre	ess	City	State	Zip Code	Phone No.	
5.		•	Sale/Transfer Price		• Property	<u> </u>	
	and the second s	005	\$10		J U Located In	Lee	
	Month Day	Year (Roi	und to the nearest dol	lar.)			, .
6.	Type of Document Contract for Deed	ct/Agreement X Other		rtgages on the prope	rty? If "Yes",	YES	/ 🗶 NO
	Warranty Quit Cla	-		mortgage balance:			0.0
	Deed Deed	21111	(Round to the neare	est dollar.)	7	ý	. 0 0
8.	To the best of your knowledge, such as: Forced sale by court ord	were there unusual circu	umstances or condition	ns to the sale/transfe	r Deed2 Mineral righ	ite?	/ ••
	Sale of a partial or undivided inter	rest? Related to seller by	g r bistress sale r fille r blood or marriage.	delects: Corrective	Deed : Milheral righ	YES	/ 🗶 NO
9.	Was the sale/transfer financed? \	YES / 🗡 NO	If "Yes", please indica	ate type or types of fi	nancing:		
	0		Agreement or				
	Conventional S	Seller Provided	Contract for Dee	~ =	r		
10.	Property Type: Residential (Commercial Industrial		stitutional/ scellaneous Gover	nment Vacant	Acreage Ti	meshare
	Mark (x) all	- Indahia	, ignountarian	30,00	X	7.070 u go 71	
	that apply				<u></u>		
11.	To the best of your knowledge,	was personal property	YES / >	K _{NO} \$			Cents
	included in the sale/transfer? If "Ye				•	<u>.</u> 9	. 0 0
12.	amount attributable to the person. Amount of Documentary Stamp Ta		e nearest dollar.)	→ \$			70
				\	•	5	• /
13.	If no tax is due in number 12, is de		1 M	1		YES	/ NO
	under cenatios of the luncher than the taxpaver it sines us:				strongeroert. Ade	unders by spineri	tak syttäkki L
ı	Signature of Grantor or Grant		R		(_{late} 7/28/05	
	orania. DA Nobel e e 2 1 4 8 milionia in 1988.			ng the third special		1 1	
	Subseque Art (Ag Stockholm Cornell)	Tanger (Kojas and Oglask) die	/_				
	To be completed by the	Clerk of the Circuit	Court's Office		Clerks Da	te Stamp	
	This copy to Property	Appraiser					
C	D. R. Book						
_	and						
۲a	ige Number						
Fi	andile Number						
' '				1			1

RESOLUTION	NO.
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RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF DEVELOPER CONTRIBUTED ASSETS IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of "EMD Group of SW Florida, LLC", owner of record, to make a contribution to Lee County Utilities of <u>water</u> facilities (one fire hydrant) serving **"PIZZERIA UNO"**; 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 \$10,040.00 is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

moved for its adoption. The motion	ffered by Commissioner who on was seconded by Commissioner out to a vote, the vote was as follows:
and, upon being p	out to a vote, the vote was as follows:
Commissioner Janes:	(1)
Commissioner St. Cerny	<i>y</i> :(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

TO: LEE COUN	TY FINANCE DEPARTMENT		
FROM: UTILI	TIES ENGINEERING	V#111463	
(Department)		BS 20051062-UTL	
SUE G	ULLEDGE		
A. AUTHORIZATION	N:		
office to incur expen	ttal authorizes the UTIL. ENGINEERING ses for filing/record against:		
	N/A PIZZERIA UNO project.		
ORIGINAL EASEMEN	360748700.504930 NT TO MINUTES AFTER RECORDING, E GULLEDGE, UTL.	SVE GULLERGE 7-28-05	Letar Signature Authorization
B. SERVICE RECEIVE RECORDING		V FLORIDA, LLC	
O. R. COPIES	S		•
PLAT COPIES	s		
CASE # INDE	X FEE		
DESCRIPTION OF SE	RECORDING RECORDING		
AMOUNT OF FEE INC	CURRED \$		
(date)	(DEPUTY CLERK)	
	THIS FORM GOES TO CASHIER WITH REGU	(CUSTOMER) (DEPT.) LAR RECEIPT ATTACHED	
C. INVOICE INFORMAT	TION: (FOR CLERK'S DEPARTMENT ONLY)		
ENTERED			
CUST. #	F00000		
PLEASE REMIT TO:	Clerk's Accounting P.O. BOX 2396		

FORT MYERS, FLORIDA 33902-2396

This Instrument Prepared By: Lee County Utilities 1500 Monroe Street - 3 rd Floor Fort Myers, Florida 33901	
Strap Number:	
22-45-25-13-00000.0050	
	THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ____ day of ____ 20<u>05</u>, by and between <u>EMD Group of SW Florida LLC</u>, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political sub-division of the State of Florida, hereinafter referred to as GRANTEE.

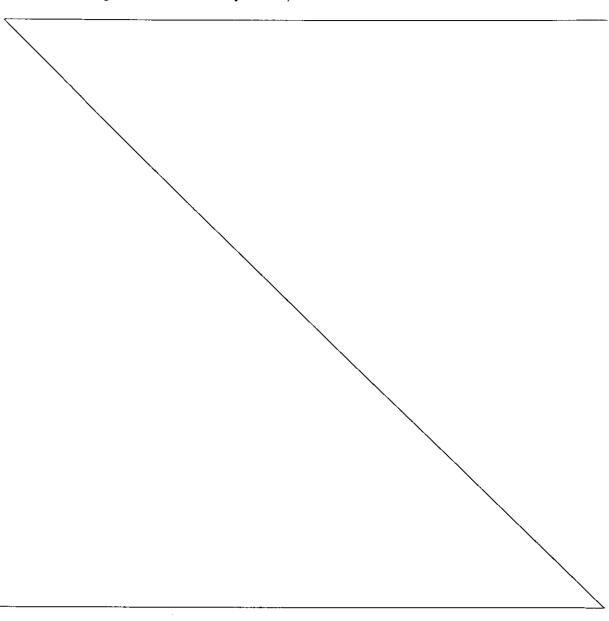
WITNESSETH:

- 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.

- By acceptance of this easement, the GRANTEE assumes no 9. responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.
- This easement will be binding upon the parties hereto, their successors 10. 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. BY: [1st Witness' Signaturé] [Signature Grantor's/Owner's] Steven Edward De Leo [Type of Print Name] [Type or Print Name] [Title] [Type or Print Name] STATE OF FLORIDA COUNTY OF LEE The foregoing instrument was signed and acknowledged before me this 11th day of July 2005, by Edward De Leo who produced the following as identification or is personally know to me, and who did/did not take an oath. [stamp or seal] [Signature of Notary] Commission #DD179350 Expires: Feb 07, 2007 NANCY SCOTT Bonded Thru Atlantic Bonding Co., Inc. [Typed or Printed Name]

Approved and accepted for and or	behalf of Lee County, Florida, this
day of	
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

SKETCH OF DESCRIPTION LANDS IN SEC.22. TWP.455... RNG. 25E. (NOT A SURVEY)

EXHIBIT "A"

DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 22. TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 5, DANIELS GALLERIA EAST AS RECORDED IN PLAT BOOK 73 AT PAGES 9-10 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 325.00 FEET TO WHICH CENTER POINT BEARS N32'49'23'W; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14'48'35'. AN ARC DISTANCE OF 84.01 FEET TO THE CENTERLINE OF A 10 FOOT WIDE UTILITY EASEMENT AT THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING THENCE 572'49'00'E A DISTANCE OF 23.09 FEET THE POINT OF TERMINATION OF SAID UTILITY EASEMENT.

CONTAINING 231.1 SQUARE FEET, MORE OR LESS.

SHEET 1 OF 2 SEE SHEET 2 OF 2 FOR SKETCH



community engineering services, inc. civil engineering surveying project management EB-0006613 LB-6572

EB-0006613 LB-6572 8991 Daniels Center Drive, Suite 103 Fort Myers, Florida 33912 Telephone (239) 936-9777 Fax (239) 936-0064

PROJECT NO: 05-210

