

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

Blue Sheet No. 20060012-UTL

1. Action Requested/Purpose:

The recording of one (1) additional utility easement necessary for the recently accepted water main extension constructed to provide potable water service and fire protection to the *Apostolic Christian Church*, an existing place of worship. This is a Developer contributed asset project located on the northwest corner of Trail Dairy Circle and Rustic Lane.

2. What Action Accomplishes:

To ensure that Lee County Utilities personnel have proper access to all facilities to be owned and maintained by Lee County as required in the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10 -

CIOB

5. Meeting Date:

02-14-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose (specify)

- Statute
 - Ordinance
 - Admin. Code
 - Other
- Approval**

8. Request Initiated:

Commissioner
Department Public Works
Division Utilities
By: Rick Diaz, P.E., Utilities Director
1/26/06

9. Background:

The Board approved Final Acceptance of this project on 11/01/05, Blue Sheet #20051428. After the project was accepted by the Board, field personnel attempted to install the water meter, however, the service was found to be under water and inaccessible. It was determined that the service should be relocated for better accessibility for meter readers and maintenance personnel. The meter was extended further into the property which required an additional utility easement.

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

SECTION 16 TOWNSHIP 43S RANGE 24 E DISTRICT # 4 COMMISSIONER HALL

10. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager / P.W. Director
					Analyst	Risk	Grants	
<i>J. Lavender</i> Date: <i>1-27-06</i>	N/A	N/A	<i>P.O.</i> T. Osterhout Date: <i>1/26</i>	<i>S. Coovert</i> Date: <i>1/30/06</i>	<i>Analyst</i> <i>1/30/06</i>	<i>Risk</i> <i>1/30/06</i>	<i>Mgr.</i> <i>1/30/06</i>	<i>J. Lavender</i> Date: <i>1-27-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
<i>1-27-06</i>
<i>4:21</i>
COUNTY ADMIN FORWARDED TO:
<i>2/2/06</i>
<i>10:15 AM</i>

Rec. by CoAtty
Date: <i>1/27/06</i>
Time: <i>3:30pm</i>
Forwarded To: <i>1/27/06 3:30pm</i>

TO: RECORDERS OFFICE

PLEASE PUT MY NAME ON THE ATTENTION LINE:

Sue Gullidge

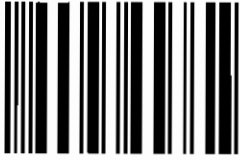
**CHARGE TO: LEE COUNTY UTILITIES -
LCU 500283**

ACCOUNT NO. OD5360748700.504930

PROJECT NAME: APOSTOLIC CHRISTIAN CHURCH

BLUE SHEET NO. 20060012-UTL

THANK YOU.



FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300
 DR-219
 R. 07/98

Enter numbers as shown below.

If typing, enter numbers as shown below.

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) → **0 1 2 3 4 5 6 7 8 9 0123456789 16432400000020090**

2. Mark (x) all that apply
 Multi-parcel transaction? → Transaction is a split or cutout from another parcel? → Property was improved with building(s) at time of sale/transfer? →
BS 20060012 EASEMENT: APOSTOLIC CHRISTIAN CHURCH

3. Grantor (Seller):
 Last First MI Corporate Name (if applicable)
126 SW 57TH ST CAPE CORAL FL 33914

Mailing Address City State Zip Code Phone No.
RICK DIAZ, P.E. UTIL. DIRECTOR FOR LEE CO. BD. OF CO. COMMISSIONERS

4. Grantee (Buyer):
 Last First MI Corporate Name (if applicable)
P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181

Mailing Address City State Zip Code Phone No.

5. Date of Sale/Transfer
 Month Day Year Sale/Transfer Price Property Located In County Code
2 14 2006 \$ \$10 . 00 46

6. Type of Document Contract/Agreement for Deed Other 7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: YES NO
 Warranty Deed Quit Claim Deed (Round to the nearest dollar.) \$ **. 00**

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage. YES NO

9. Was the sale/transfer financed? YES NO If "Yes", please indicate type or types of financing:
 Conventional Seller Provided Agreement or Contract for Deed Other

10. Property Type: Residential Commercial Industrial Agricultural Institutional/Miscellaneous Government Vacant Acreage Timeshare
 Mark (x) all that apply

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES NO \$ **. 00**

12. Amount of Documentary Stamp Tax \$ **0.70**

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? YES NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/she has any knowledge.
 Signature of Grantor or Grantee or Agent _____ Date **1/26/06**

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
<p>This copy to Department of Revenue</p> <p>O. R. Book and Page Number and File Number</p> <p>Date Recorded</p> <p>Month Day Year</p>	

This copy to Department of Revenue

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

Strap Number(s):
16-43-24-00-00002.0090

LCU 500283

THIS SPACE RESERVED FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE is made and entered into this ___ day of _____ by and between Apostolic Christian Church, 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" and Exhibit "B", 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.

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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.

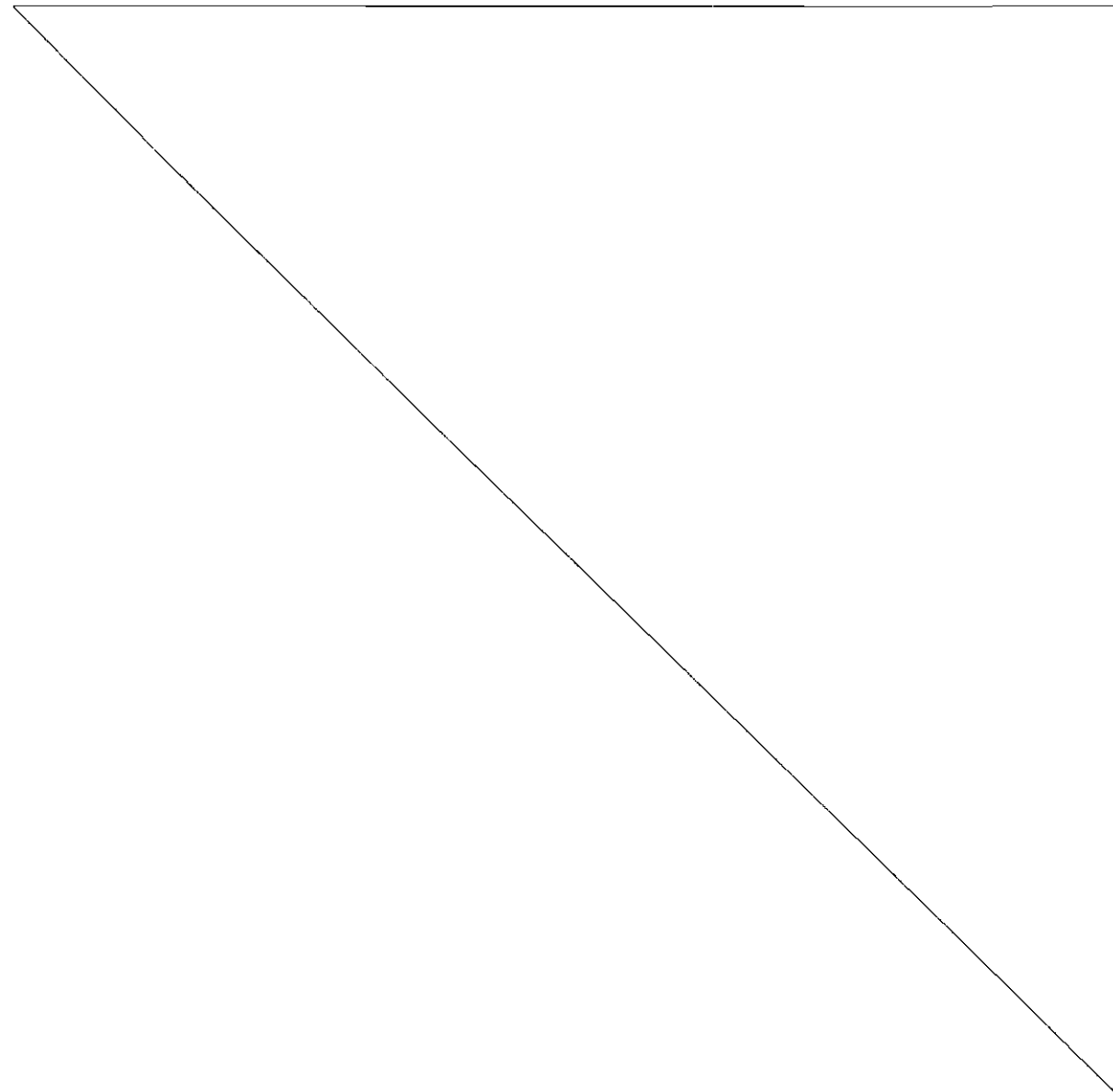
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment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

Jennifer Thomas
[1st Witness' Signature]

Jennifer Thomas
[Type or Print Name]

Carmalita Dowling
[2nd Witness' Signature]

CARMALITA DOWLING
[Type or Print Name]

BY: Wm. Masters
[Signature Grantor's/Owner's]

Wm. Masters
[Type or Print Name]

Trustee
[Title]

STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 14th day of Nov 2005, by William Masters who produced the following as identification FL Div. M236-936-47-416-0 or is personally known to me, and who did/did not take an oath.

[stamp or seal]

Injaviette Ramire
[Signature of Notary]

[Typed or Printed Name]



Injaviette Ramire
Commission #DD37002
Expires: Nov 08, 2008
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: _____
TAMMARA HALL, CHAIRWOMAN

APPROVED AS TO FORM

BY: _____
Office of the County Attorney

EXHIBIT "A"

APOSTOLIC CHURCH
UTILITY EASEMENT DESCRIPTION
FOR
LEE COUNTY UTILITIES

COMMENCING AT THE NW CORNER OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE S. 00D 16' 58" E. FOR 500.00 FEET; THENCE S. 89D 43' 02"W. FOR 491.12 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 115D 50' 12" FOR AN ARC LENGTH OF 202.17 FEET TO THE POINT OF TANGENCY; THENCE S. 26D 07' 10" E. FOR 343.55 THENCE S. 89D 33' 51"W FOR 33.54 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE S. 89D 33' 51" W. FOR 11.10'; THENCE S. 26D 07' 10" E. FOR 29.81 FEET; THENCE N. 63D 52' 50" E. FOR 10.00 FEET; THENCE N. 26D 07' 10: W. FOR 25.00 FEET TO THE POINT OF BEGINNING.

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

11000 Metro Parkway, Suite 30
Fort Myers, Florida 33912 - 239-936-5222

JOB APOSTOLIC CHURCH WATER MAIN

ADDRESS N.F.T. MYERS

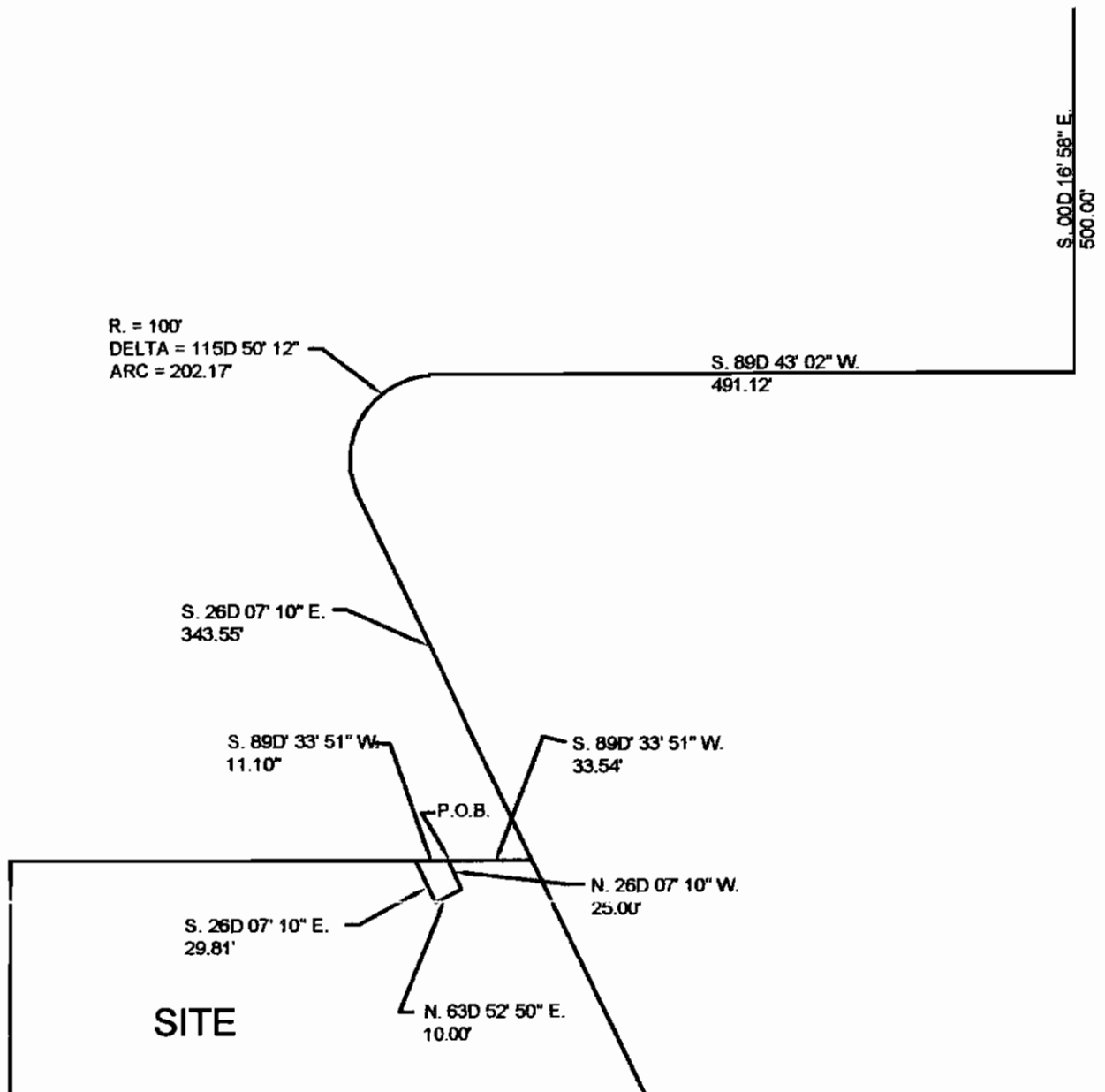
SHEET NO. EASEMENT DESCRIPTION

DATE 11/09/05

CHECKED BY JDO

SCALE OR DESCRIPTION N.T.S.

NW CORNER
SECTION 18
T. 43 S.
R. 24 E.



PROPERTY DATA FOR PARCEL 16-43-24-00-00002.0090
TAX YEAR 2005

Parcel data is available for the following tax years:
[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
| [Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2005 ROLL.

PROPERTY DETAILS

OWNER OF RECORD

APOSTOLIC
CHRISTIAN
CHURCH
126 SW 57TH ST
CAPE CORAL FL
33914

SITE ADDRESS

2801 RUSTIC LN
NORTH FORT
MYERS FL 33917

LEGAL DESCRIPTION

PARL IN NE 1/4
E OF TAMIAMI
TRAIL DESC
IN OR 1630 PG
210 + 215

[[VIEWER](#)] [TAX MAP](#) [[PRINT](#)]



IMAGE OF STRUCTURE



Photo Date: October of 2004

[[PICTOMETRY](#)]

TAXING DISTRICT

030 - W/LY N FT MYERS/N FT MYERS FIRE

DOR CODE

71 - CHURCHES, TEMPLES

PROPERTY VALUES (TAX ROLL 2005)
[[NEW! HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

JUST	393,290	HOMESTEAD	0	UNITS OF MEASURE	AC
ASSESSED	393,290	AGRICULTURAL	0	NUMBER OF UNITS	4.92
ASSESSED SOH	393,290	WIDOW	0	FRONTAGE	0
TAXABLE	0	WIDOWER	0	DEPTH	0
BUILDING	287,220	DISABILITY	0	BEDROOMS	0

LAND	106,070 WHOLLY	393,290 BATHROOMS	9
BUILDING FEATURES	3,010 SOH DIFFERENCE	0 TOTAL BUILDING SQFT	5,662
LAND FEATURES	32,270	YEAR IMPROVED	1984
		HISTORIC DISTRICT	No

SALES/TRANSACTIONS

SALE PRICE	DATE	OR NUMBER	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
0	6/1/1984	<u>1734/3759</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)	V
25,700	4/1/1982	<u>1729/539</u>	03	Disqualified (Interest Sales / Court Docs / Government)	V

PARCEL NUMBERING HISTORY

CREATION DATE - 1/1/1983

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
16-43-24-00-00002.0000	Combined (With another parcel-Delete Occurs)	Unspecified

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
005 - Service Area 5	C - Commercial Category	B	5,428	86.14

ELEVATION INFORMATION

STORM SURGE CATEGORY	RATE CODE	FLOOD INSURANCE (FIRM FAQ)			DATE
		COMMUNITY	PANEL	VERSION	
Category 4/5	X	125124	0200	C	031594

[Show]

APPRAISAL DETAILS

TRIM (*proposed tax*) Notices are available for the following tax years:
 [[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]