

Lee County Board Of County Commissioners

Blue Sheet No. 20061171

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve Temporary Construction Easement Agreement, parcel 101TCE, and the acquisition of a Grant of Perpetual Utility Easement, parcel 101UE, Gateway Waste Water Treatment Plant Forcemain Project No. 7000. Authorize payment of costs to close and the Division of County Lands to handle and accept all documentation necessary to complete transaction.

2. WHAT ACTION ACCOMPLISHES: Acquisition of easements for expansion of the Gateway Waste Water Treatment Plant Forcemain.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 6 **C6B** **5. Meeting Date:** **SEP 26 2006**

6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated:	
	<input checked="" type="checkbox"/> Statute	125	Commissioner	
	<input type="checkbox"/> Ordinance		Department	
	<input type="checkbox"/> Admin. Code		Division	
	<input checked="" type="checkbox"/> Other	BS20060929	By: Karen L.W. Forsyth, Director	

9. Background:
Negotiated for: Utilities Division

Interest to Acquire: Utility Easement (± 425 sq. ft.) and Temporary Construction Easement (± 535 sq. ft.)

Property Details:

Owner: Gateway Services Community Development District
Address: Daniels Parkway, Fort Myers (This property does not have an assigned street address).
STRAP No.: 17-45-26-08-00CA4.0000

Purchase Price: The easement interests are being conveyed at no cost to Lee County.

Costs to Close: Estimated to be \$100

Appraisal Information: The subject property was not appraised.

Staff Recommendation: Staff recommends the Board approve the Action Requested.

Account: Funds are available in Account No. 20700048713.506110

Attachments: Temporary Construction Easement Agreement (Original), Grant of Utility Easement (Copy), Title Data, Location Map

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
K. Forsyth	N/A	N/A	BDD 9/12 D. 9/12	Robert Spake	Analyst 9-14-06	Risk 9/14/06	Grants 9/14/06	Mgr. 9/14/06	AS Samsel

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
9/13/06 4:05
COUNTY ADMIN FORWARDED TO:
9/15/06 8:30 AM

Rec. by CoAtty
Date: 9/13/06
Time: 11:00 AM
Forwarded To: Admin.
9/13/06 3:00 PM

06 SEP 13 PM 3:14
COUNTY ADMINISTRATION

Lee County
County Lands
Post Office Box 398
Fort Myers, Florida 33902-0398

Project: Airport Regional Sewer/7000
STRAP No.: 17-45-26-08-00CA4.0000
Parcel No.: 101TCE

This Space for Recording

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 20__, between GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT, a community development district organized and established under the Laws of the State of Florida, whose post office address is 13240 Commerce Lakes Drive, Fort Myers, Florida 33913, hereinafter referred to as GRANTOR, and LEE COUNTY, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902, hereinafter referred to as GRANTEE.

W I T N E S S E T H :

THAT the GRANTOR is the owner of the lands described in Exhibit "A" and as such has the power to grant the GRANTEE an interest in such lands.

THAT the GRANTOR, for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto the GRANTEE, permission to enter upon the following described lands, as described in Exhibit "A", (attached hereto and incorporated herein), for the purpose of ingress and egress to the Regional Airport Sewer Project 7000 where it abuts the above described property, by workmen, machinery and vehicles; and then restoring the said property and thereby connecting all new construction resulting from the project to that existing prior to construction.

THE construction period is expected to last for six (6) contiguous months commencing upon written notification by Lee County Utilities Division and ending six months following said notification. All rights granted to the GRANTEE by this Agreement shall terminate prior to July 1, 2009, or upon completion of the six-month work period contemplated by this Agreement, whichever occurs first, unless extended by a written agreement between the parties.

GRANTEE will restore the property described above to a safe and aesthetic condition, as such existed prior to construction. GRANTEE will grade the lands to match the new construction at no cost to GRANTOR. The completed work shall include, but not be limited to, restoring or replacing sod, mailboxes, driveways, sprinkler systems, and landscaping.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Attest:
BY: [Signature]
BILL KNLOBITZ, QPS, MGR
Print Name and Title

AS TO GRANTOR:

GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT, a community development district organized and established under the Laws of the State of Florida

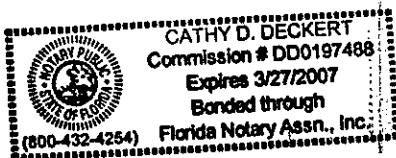
By: [Signature]
PETE DORAGH
Print Name and Title

STATE OF FLORIDA
COUNTY OF FLORIDA

The foregoing instrument was acknowledged before me this 31st day of August, 2006 by Pete Doragh, Chairman
(Print Names and Titles)
of Gateway Services Community Development District, a development district organized and established under the Laws of the State of Florida, on behalf of the District. He/She is personally known to me or has produced _____ as identification.

SEAL

[Signature]
Signature of Notary Public
Cathy D Deckert
Print Name of Notary Public



AS TO GRANTEE:

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

ATTEST:
Charlie Green, Clerk

By: _____
Deputy Clerk

By: _____
Chairwoman or Vice Chairman

Date: _____

Approved As to Form:

Office of County Attorney

Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION

LEE COUNTY UTILITIES

10 FOOT TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN SOUTH 01°00'08" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 33.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 01°00'08" EAST FOR A DISTANCE OF 16.64 FEET; THENCE RUN NORTH 37°57'04" WEST FOR A DISTANCE OF 63.01 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN NORTH 89°34'10" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 12.61 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; CONTAINING 0.012 ACRE, MORE OR LESS.

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO EAST LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST AS BEING S 01°00'08" E.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval 11-21-05
 SIGNATURE DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5223

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

** THIS IS NOT A SURVEY **

TKW
CONSULTING ENGINEERS, INC.
 environmental * civil * structural * survey
 5621 Banner Drive
 Fort Myers, Florida 33912
 (239) 278-1992 FAX (239) 278-0922
 E-MAIL tkw@tkwonline.com
 Certification # 734

DRAWN BY: J.P. JOB NO.: 03929.01 SHEET 1 OF 2

LEGAL DESCRIPTION

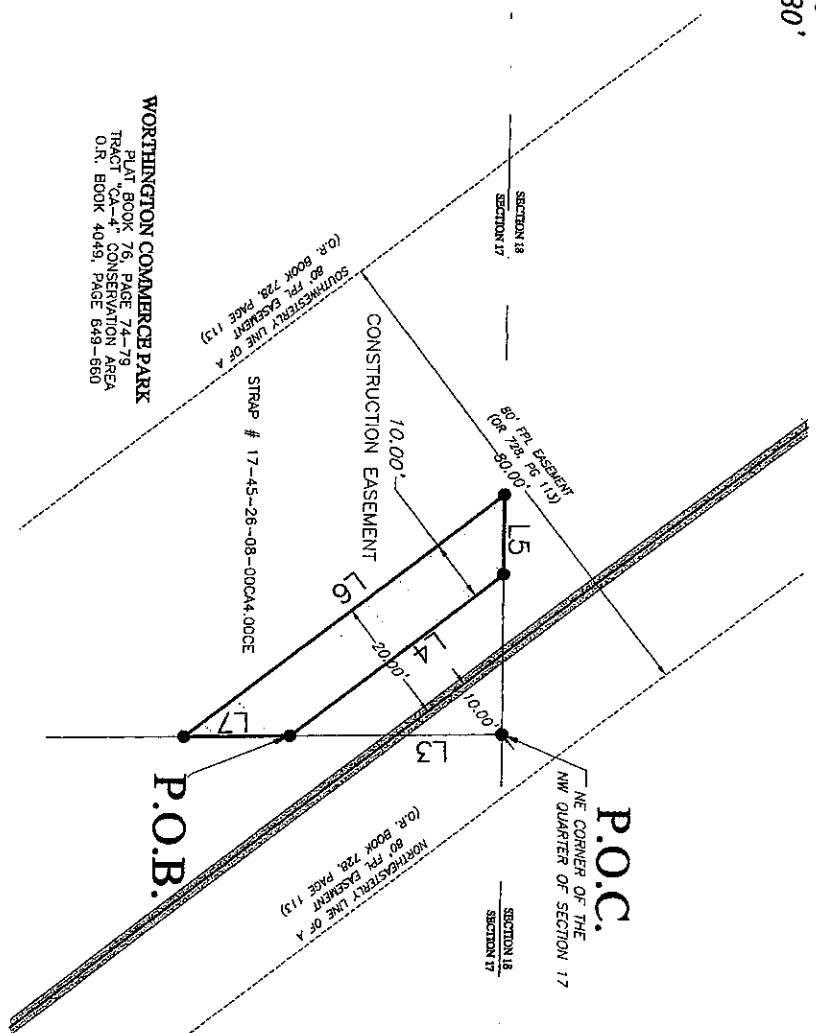
LEE COUNTY UTILITIES
A 10 FOOT TEMPORARY CONSTRUCTION EASEMENT
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: NOVEMBER 2005 DRAWING: 03929GATEWAYFM



0' 15' 30'
SCALE: 1" = 30'

10 FOOT TEMPORARY CONSTRUCTION EASEMENT



WORTHINGTON COMMERCE PARK
PLAT BOOK 76, PAGE 74-79
TRACT "CA-4" CONSERVATION AREA
O.R. BOOK 4049, PAGE 649-660

STRAP # 17-45-26-08-0004.000E
SOUTHWESTERLY LINE OF A
80' FE. EASEMENT
(O.R. BOOK 722, PAGE 113)

P.O.C.
NE CORNER OF THE
NW QUARTER OF SECTION 17
NORTHEASTERLY LINE OF A
80' FE. EASEMENT
(O.R. BOOK 722, PAGE 113)

LINE	LENGTH	BEARING
L3	33.34'	S01°00'08"E
L4	42.03'	S37°57'04"E
L5	12.61'	N89°34'10"E
L6	63.01'	N37°57'04"W
L7	16.64'	S01°00'08"E

Exhibit "A"

Page 2 of 2

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
O.R. OFFICIAL RECORD BOOK
PG. PAGE
R.O.W. RIGHT OF WAY
F.P.L. FLORIDA POWER AND LIGHT



environmental * civil * structural * survey
5621 BASTINEZ DRIVE
FORT MYERS, FLORIDA 33912
(239) 278-1992 FAX (239) 278-0922
E-MAIL: lee@cei.com
Certification # 754

* THIS IS NOT A SURVEY *

DRAWN BY: J.P. JOB NO.: 03929.01 SHEET 2 OF 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEE COUNTY UTILITIES
10 FOOT TEMPORARY CONSTRUCTION EASEMENT
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

DATE: NOVEMBER 2005 DRAWING: 03929GATWYATW

This instrument Prepared by:
COUNTY LANDS DIVISION
P.O. Box 398
Fort Myers, FL 33902-0398
Parcel: 101UE/ Gateway Services CDD
Project: 7000/Regional Airport Wastewater
STRAP No.: 17-45-26-08-00CA4.0000

COPY

ORIGINAL DOCUMENTS RETAINED IN
COUNTY LANDS FILES FOR HANDLING
UPON BOARD ACCEPTANCE.

THIS SPACE FOR RECORDING

GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT

This INDENTURE, made and entered into this 31st day of August, 2006, between **GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT**, a community development district organized and established under the laws of the State of Florida, Owner, whose address is 13240 Commerce Lakes Drive, Fort Myers, Florida 33913, hereinafter "Grantor", and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-0398, hereinafter "Grantee":

WITNESSETH

1. For and in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants and transfers to the Grantee, its successors and assigns, the use of a perpetual, non-exclusive, public utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A" attached.
2. Grantee, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and authority to construct, replace, renew, extend and maintain public utility facilities, to include: sewer transmission and collection systems with all appurtenances thereto, to be located on, under, above, across, through and within 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 facilities within said easement, and to trim and remove roots, trees, shrubs, bushes and plants and remove fences or any other improvements which may affect the operation of the public utility facilities or Grantee's use of the easement.
3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other similar facilities for providing public utility service to this and any adjacent properties.
4. The Grantor will reserve the total area of this public utility easement for the public utility lines, mains, or other appurtenant utility facilities and for any landscaping (excluding trees), or similar type uses. The Grantor, or its heirs, successors or assigns will not construct or place any structures, in conflict with the Grantee's intended use of the easement, upon or within the easement at any time, present or future.
5. Title to any public utility facilities constructed hereunder will remain in the Grantee, Grantee's successors, appointees and/or assigns, or the public utility providing the service.
6. Subject to any 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, Grantors covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to convey it, and that the property is free and clear of all liens and encumbrances, except as recorded in the Public Records, and accordingly, Grantors will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against all claims and demands of all other entities.

- 7. Grantor, its heirs, successors or assigns, will indemnify and hold the Grantee harmless for any consequential damages to structures subsequently constructed by Grantor in violation of paragraph 4, 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.
- 8. Grantee will have a 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 above-described easement will be restored by the County or the particular utility providing service, to the condition in which it existed prior to the damage.
- 9. Grantee will be responsible for obtaining the necessary approvals from permitting agencies, for construction of facilities within the conservation easement encumbering the property.
- 10. THIS AGREEMENT will be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the OWNER, has caused this document to be signed on the date first above written.

Attest:

BY: Bill Knight, OPS MGR
(Print Name and Title)

COPY

GATEWAY SERVICES COMMUNITY DEVELOPMENT DISTRICT, a community development district organized and established Under the laws of the State of Florida

By:

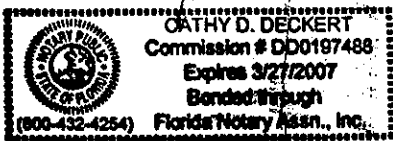
PETE DORAGH
(Print Name and Title)

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 31st day of August, 2006, by Pete Doragh, Chairman of Gateway Services Community Development District, a (name of officers or agents, title of officers or agents)

community development district organized and established under the laws of the State of Florida, on behalf of the District. He/she is personally known to me or has produced _____ as identification. (type of identification)



Cathy D. Deckert
(Signature of Notary Public)
(Name typed, printed or stamped)
(Title or Rank) Assistant Secretary
(Serial Number, if any)

Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION

LEE COUNTY UTILITIES 20 FOOT WIDE UTILITY EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN SOUTH 01°00'08" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 33.34 FEET; THENCE RUN NORTH 37°57'04" WEST FOR A DISTANCE OF 42.03 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE RUN NORTH 89°34'10" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, FOR A DISTANCE OF 25.27 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; CONTAINING 0.070 ACRES, MORE OR LESS.

COPY

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO EAST LINE OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST AS BEING S 01°00'08" E.
- 2.) SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

Eric V. Sandoval 8-23-05

SIGNATURE

DATE SIGNED:

ERIC V. SANDOVAL (FOR THE FIRM - LB-734)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223

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

** THIS IS NOT A SURVEY **

TKW
CONSULTING ENGINEERS, INC.
environmental * civil * structural * survey

5621 Banner Drive
Fort Myers, Florida 33912
(239) 278-1992 FAX (239) 278-0922
E-MAIL tkw@tkwonline.com
Certification # 734

DRAWN BY: J.P. JOB NO.: 03929.01 SHEET 1 OF 2

LEGAL DESCRIPTION

*LEE COUNTY UTILITIES
A 20 FOOT WIDE UTILITY EASEMENT
SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA*

DATE: AUGUST 2005

DRAWING: 03929GATEWAYFM

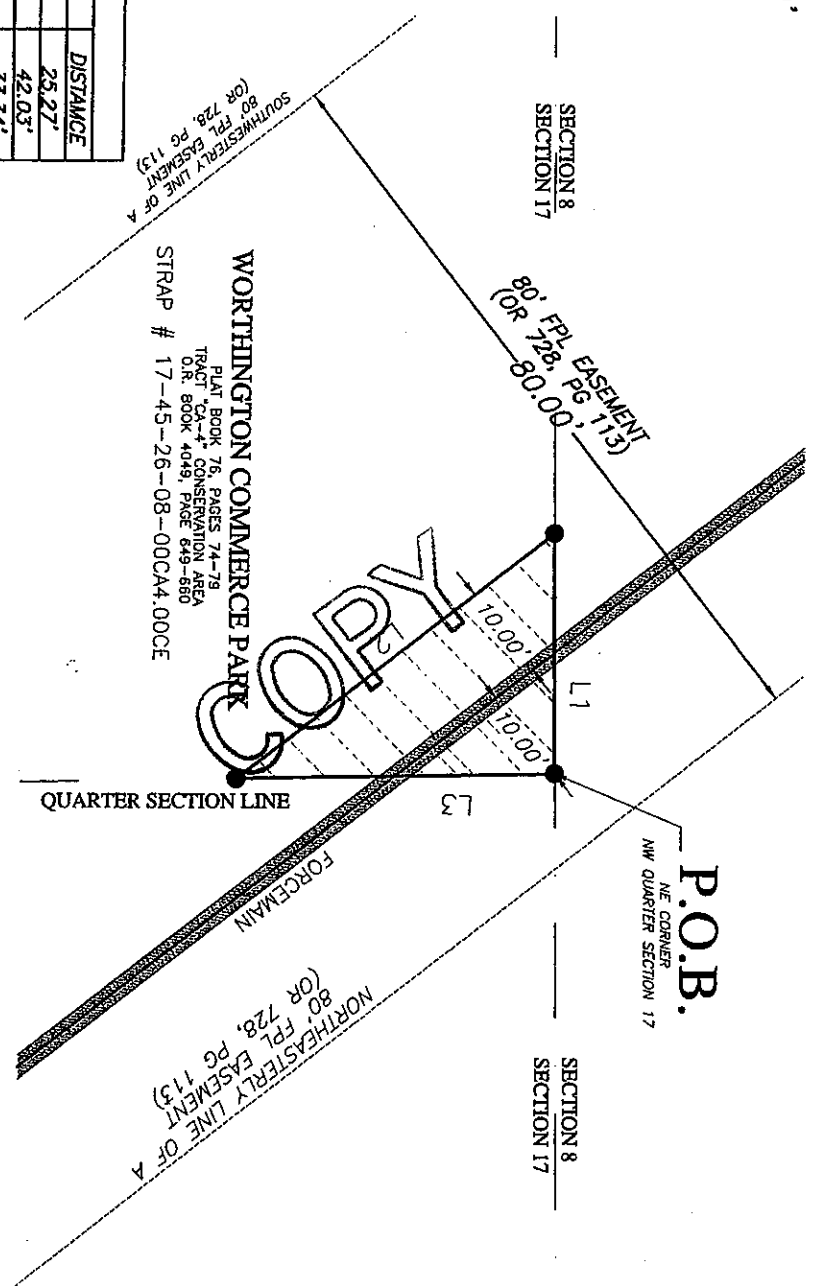


20 FOOT WIDE UTILITY EASEMENT

0' 10' 20'
SCALE: 1" = 20'

Exhibit "A"
Page 2 of 2

LINE	BEARING	DISTANCE
L1	N89°34'10"E	25.27'
L2	N37°57'04"W	42.03'
L3	S01°00'08"E	33.34'



P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
O.R. OFFICIAL RECORD BOOK
PG. PAGE
R.O.W. RIGHT OF WAY
F.P.L. FLORIDA POWER AND LIGHT

CONSULTING ENGINEERS, INC.
environmental * civil * structural * survey

5821 Brentford 33512
Fort Myers, FL 33902
(339) 279-1892 FAX (339) 270-0922
E-MAIL: kw@tkwonline.com
Certification # 734

* THIS IS NOT A SURVEY *

DRAWN BY: J.P.	JOB NO.: 03929.01	SHEET 2 OF 2
SKETCH TO ACCOMPANY LEGAL DESCRIPTION		
LEE COUNTY UTILITIES A PORTION OF SECTION 17, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA		
DATE: AUGUST 2005	DRAWING: 03929GATEWAYFM	


Division of County Lands**Updated Ownership and Easement Search**

Search No. 17-45-26-08-00CA4.00CE

Date: September 1, 2006

Parcel: 101

Project: Regional Airport Sewer System, Project 7000

To: J. Keith Gomez
Property Acquisition AgentFrom: Shelia A. Bedwell, CLS
Property Acquisition Assistant 

STRAP: 17-45-26-08-00CA4.00CE

Effective Date: August 28, 2006, at 5:00 p.m.

Subject Property: Tract CA-4 of Worthington Commerce Park, according to the map or plat thereof recorded in Plat Book 76, Pages 74-79 of the Public Records of Lee County, Florida.

Title to the subject property is vested in the following:

Gateway Services Community Development District

By that certain instrument dated January 25, 2006, recorded March 23, 2006, as Instrument number 2006000121356, Public Records of Lee County, Florida.

Easements:

1. Right of Way Agreements to Florida Power & Light Company, recorded in Official Record Book 258, Page 378 and Official Record Book 728, Page 113, Public Records of Lee County, Florida. *Consent*
2. Easements to Florida Power & Light Company, recorded in Official Record Book 1606, Pages 1275 and 1281, Public Records of Lee County, Florida. *Consent*
3. Deed of Conservation Easement to South Florida Water Management District, recorded in Official Record Book 4049, Page 649, Public Records of Lee County, Florida. *Consent*
4. Declaration of General Protective Covenants, Conditions and Restrictions of Worthington Commerce Park, recorded in Official Record Book 4084, Page 4584, Public Records of Lee County, Florida.
5. Resolution of the Board of Supervisors of the Gateway Services Community Development District, recorded in Official Record Book 4785, Page 4143, Public Records of Lee County, Florida. *Acquire Interest, Trusts and Responsibility*
6. Environmental Resource Permit Notices by South Florida Water Management District, recorded as Instrument 2005000028643 and Instrument number 2005000092691, Public Records of Lee County, Florida.

NOTE (1): Notice of Adoption of the Ninth Development Order Amendment to the Gateway DRI, recorded in Official Record Book 3798, Page 2456, Public Records of Lee County, Florida.

Division of County Lands

Updated Ownership and Easement Search

Search No. 17-45-26-08-00CA4.00CE

Date: September 1, 2006

Parcel: 101

Project: Regional Airport Sewer System, Project 7000

NOTE (2): Subject parcel is dedicated to Gateway Services Community Development District on Plat recorded in Plat Book 76, Pages 74-79, Public Records of Lee County, Florida. Said dedication also contains the following language:

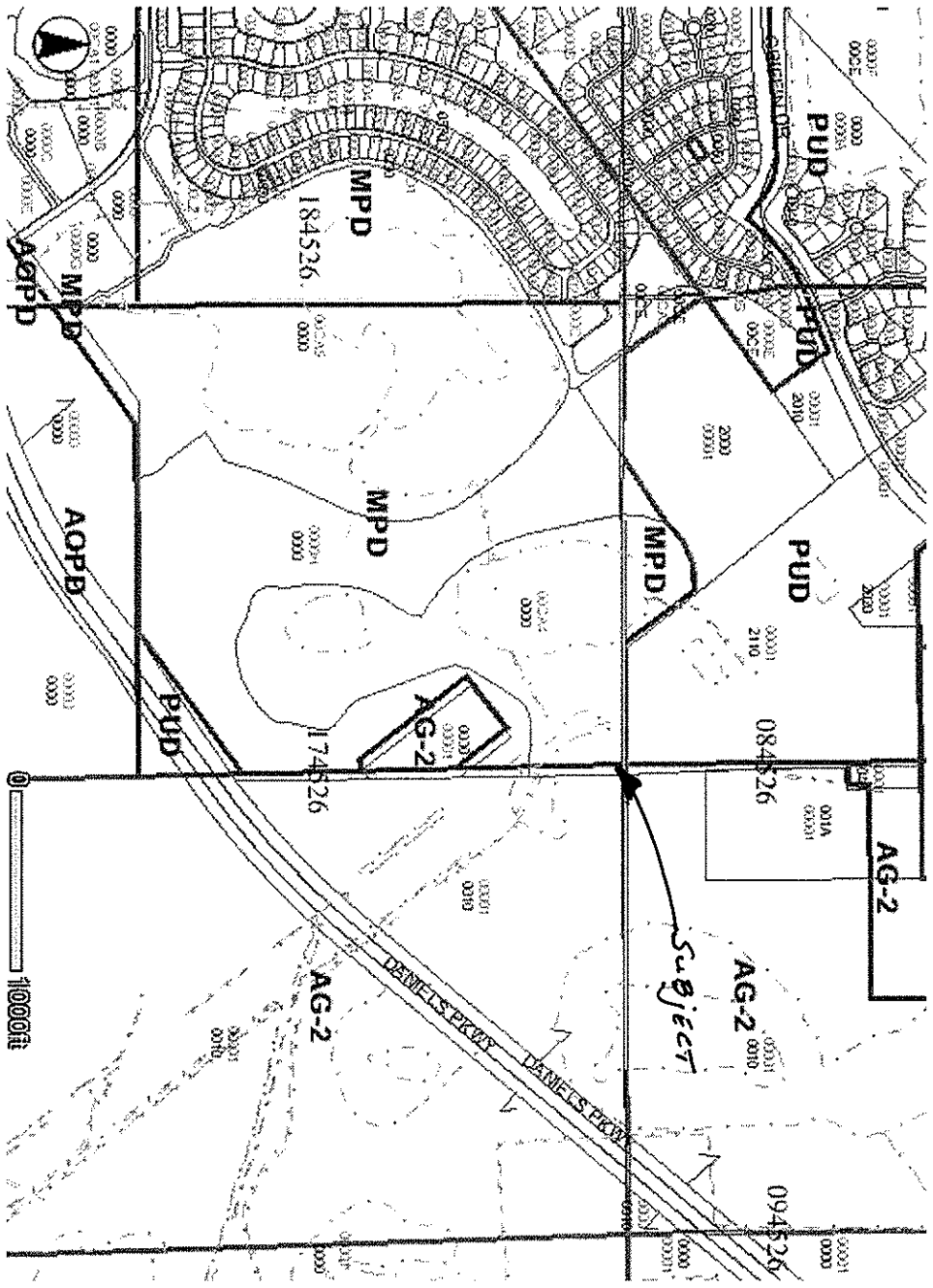
All conservation area tracts CA-1 through CA-5, as common areas, and may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to, construction or placing of buildings on or above the ground; dumping or replacing of soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation – with the exception of exotic/nuisance vegetation removal; excavation, dredging or removal of soil material; diking or fencing; any other activities detrimental to drainage; flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

Tax Status: No taxes are assessed to this parcel.

(The end user of this report is responsible for verifying tax and/or assessment information.)

The Division of County Lands has made a diligent search of the Public Record. However, this report contains no guarantees or warranty as to its accuracy.

Lee County Map



Legend

- Block
- Lot
- Condo Block
- Condo Lot
- Condo Building
- Parcels
- Parcel Hooks
- Hydro Features
- Road Center Line
- Township Range Lines
- Township Range Labels
- Section Lines
- Zoning - County
- City Limits
- Barrel Storage
- Capo Canal
- For-Myles
- Shrine
- Town of For-Myles Beach