

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

Blue Sheet No. 20070666

1. ACTION REQUESTED/PURPOSE: Approve and execute a utility easement to Florida Power and Light Company for the Justice Center. Authorize Division of County Lands to handle all documentation necessary to complete the transaction.

2. FUNDING SOURCE: Fund: Capital Improvement Fund Program: Capital Projects; Project: Justice Center Expansion

3. WHAT ACTION ACCOMPLISHES: Provides an easement for electric service to the Justice Center.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: 06 **6. Meeting Date:** MAY 08 2007

| | | | |
|--|---|----------|---|
| 7. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On | 8. Requirement/Purpose: (specify) | | 9. Request Initiated: Commissioner _____ Department _____ Independent Division _____ County Lands By: <u>Karen Forsyth, Director</u> |
| | <input checked="" type="checkbox"/> Statute | F.S. 125 | |
| | <input type="checkbox"/> Ordinance | _____ | |
| | <input type="checkbox"/> Admin. Code | _____ | |
| | <input type="checkbox"/> Other | _____ | |

10. Background:

The Division of County Lands received a request from Public Works for execution and recording of an easement in favor of Florida Power and Light Company across a portion of the Justice Center property, identified as STRAP Number 13-44-24-P4-00410.0010.

The proposed ten-foot wide easement will allow construction, operation and maintenance of electrical utility facilities and appurtenant equipment in providing service to the Justice Center facility.

Cost to record the easement plus documentary stamps will be approximately \$35.

Staff Recommendation: Staff recommends that the Board approve the action requested.

Account: 20864630100

Attachments: Original Easement, legal description and sketch of proposed easement area, property location map.

11. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/ P.W. Director |
|---------------------|-------------------------|-----------------|-----------------|--------------------------------------|---|-------------------|--------------------------|--|--------------------------------------|
| <i>K. Forsyth</i> | | | <i>BAD 4/24</i> | <i>[Signature]</i> <i>4-25-07</i> | Analyst <i>[Signature]</i> <i>4-26-07</i> | Risk <i>NA</i> | Grants <i>4/26/07</i> | Mgr. <i>[Signature]</i> <i>4-26-07</i> | <i>[Signature]</i> <i>4-24-07</i> |

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
4/26/07 @ 8:55 mp.

COUNTY ADMIN FORWARDED TO:
4 mp.
26/07 70 PR

Rec. by CoAtty
Date: *4/25/07*
Time: *1:25pm*
Forwarded To: *Admin*
3:42 4/25/07

Work Order No. 2495317
Sec. 13 , Twp.44 S, Rge. 24E
Parcel I.D. P4-00410.0010
(Maintained By County Appraiser)

This Instrument Prepared By:
Lee County/County Lands Division
P.O. Box 398
Fort Myers, FL 33902-0398

EASEMENT

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to **Florida Power & Light Company**, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement ten (10) feet in width described as follows:

SEE EXHIBITS "A-1 & "A-2"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property. Grantee has the right and authority to remove and dispose of dirt, rocks and vegetation within the easement area.

Florida Power & Light Company will indemnify **Lee County, a political subdivision of the State of Florida**, against any liability resulting from the permitted uses in this easement. Any damage to the Grantor's property or improvements thereon as the result of **Florida Power & Light Company** (Grantee), its licensees, agents successors, and assigns will be restored by **Florida Power & Light Company** to the condition in which it existed before the damage.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____,
20 ____.

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

BY _____
Deputy Clerk

BY _____
Chairman

APPROVED AS TO LEGAL FORM:

BY _____
Office of County Attorney

TKW
CONSULTING ENGINEERS, INC.
ENVIROMENTAL * CIVIL * STRUCTUAL * SURVEY
5621 BANNER DRIVE, FORT MYERS, FL 33912,
TEL: 239.278.1992, WEBSITE: WWW.tkwonline.com

EXHIBIT "A-1"
LEGAL DESCRIPTION
LEE COUNTY JUSTICE CENTER PROPERTY
10' WIDE F.P.L. UTILITY EASEMENT

A 10 FOOT WIDE STRIP OF LAND LYING IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF FORT MYERS, LEE COUNTY, FLORIDA, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF FORT MYERS, LEE COUNTY, FLORIDA; THENCE RUN NORTH 01°04'05" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, FOR A DISTANCE OF 58.00 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY LINE OF DR. MARTIN LUTHER KING JR. BOULEVARD (S.R. 82), A 50 FOOT WIDE RIGHT-OF-WAY; THENCE RUN NORTH 89°09'40" EAST, ALONG SAID WESTERLY PROLONGATION, FOR A DISTANCE OF 76.17 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DR. MARTIN LUTHER KING JR. BOULEVARD AND THE EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET (RIGHT-OF-WAY VARIES) THE SAME BEING THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 366.50 FEET, THROUGH A CENTRAL ANGLE OF 17°36'19", SUBTENDED BY A CHORD OF 112.17 FEET AT A BEARING OF NORTH 30°31'36" EAST, FOR A DISTANCE OF 112.61 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 50°40'15" EAST FOR A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING** OF THE 10 FOOT WIDE STRIP OF LAND HEREIN DESCRIBED AND THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHEASTERLY; THENCE RUN NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 361.50 FEET, THROUGH A CENTRAL ANGLE OF 00°27'47", SUBTENDED BY A CHORD OF 2.92 FEET AT A BEARING OF NORTH 39°33'39" EAST FOR A DISTANCE OF 2.92 FEET TO THE END OF SAID CURVE; THENCE RUN NORTH 45°06'00" EAST FOR A DISTANCE OF 48.99 FEET; THENCE RUN NORTH 47°41'37" EAST FOR A DISTANCE OF 218.50 FEET TO THE **POINT OF TERMINUS**; CONTAINING 294 SQUARE FEET, OR 0.007 ACRE, MORE OR LESS.

BEARINGS SHOWN HEREIN REFER TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF FORT MYERS, LEE COUNTY, FLORIDA, AS BEING NORTH 01°04'05" WEST.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.

THE SIDELINES OF THE 10 FOOT WIDE STRIP OF LAND HEREIN DESCRIBED ARE TO BE LENGTHENED OR SHORTENED PERPENDICULAR TO THE POINT OF BEGINNING AND PERPENDICULAR TO THE POINT OF TERMINUS OF THE CENTERLINE HEREIN DESCRIBED.

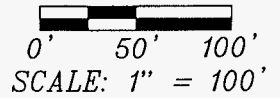
TKW CONSULTING ENGINEERS, INC.



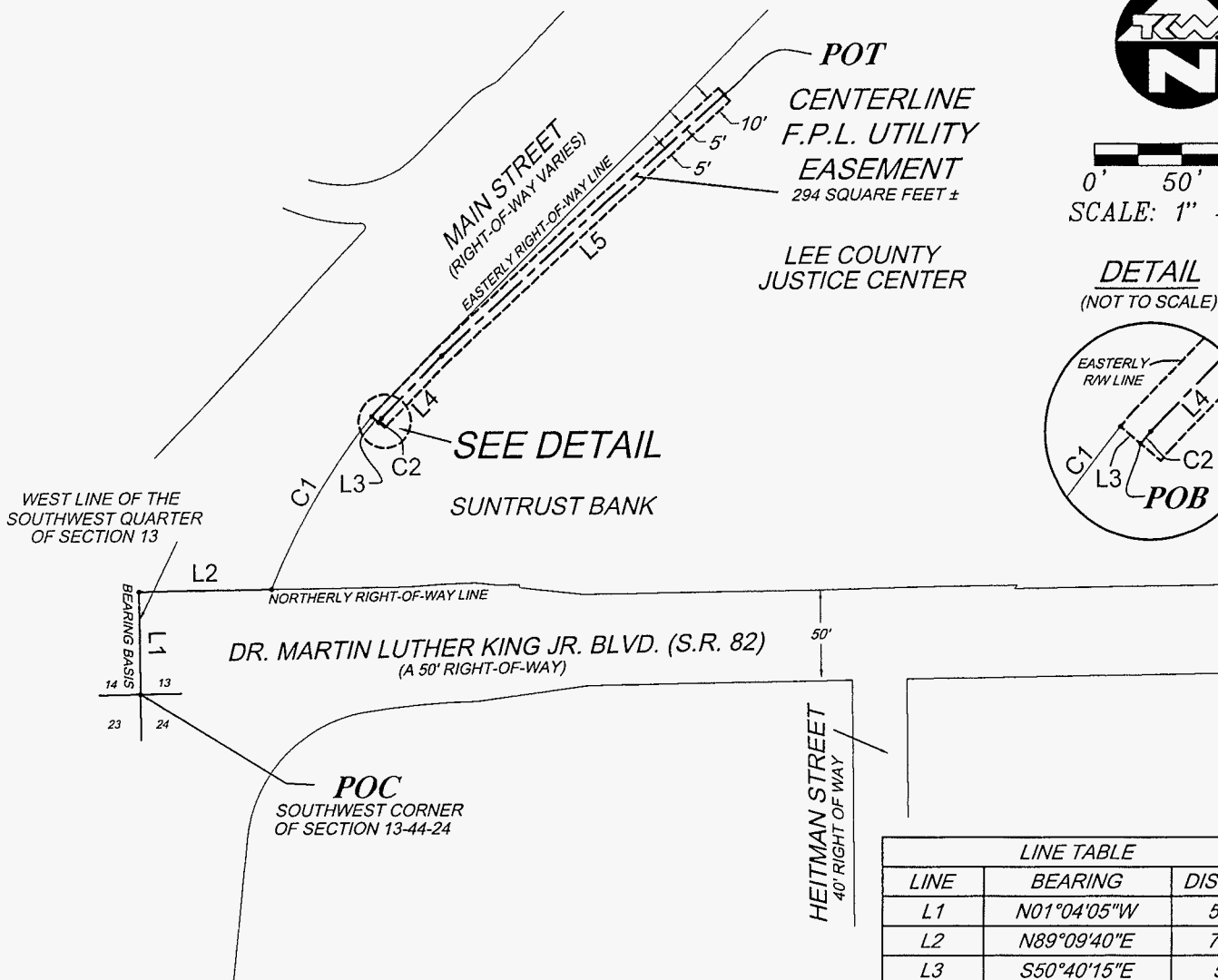
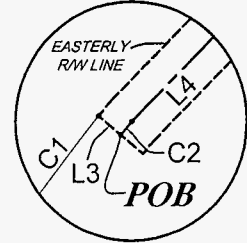
ERIC V. SANDOVAL
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5223

DATE 3-29-07

EXHIBIT "A-2"



DETAIL
(NOT TO SCALE)



| CURVE TABLE | | | | | |
|-------------|---------|-----------|---------|---------|---------------|
| CURVE | RADIUS | DELTA | LENGTH | CHORD | CHORD BEARING |
| C1 | 366.50' | 17°36'19" | 112.61' | 112.17' | N30°31'36"E |
| C2 | 361.50' | 00°27'47" | 2.92' | 2.92' | N39°33'39"E |

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N01°04'05"W | 58.00' |
| L2 | N89°09'40"E | 76.17' |
| L3 | S50°40'15"E | 5.00' |
| L4 | N45°06'00"E | 48.99' |
| L5 | N47°41'37"E | 218.50' |

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS
- S.R. STATE ROAD
- BLVD. BOULEVARD
- F.P.L. FLORIDA POWER AND LIGHT COMPANY

RECEIVED

APR 02 2007

Centex Construction

*** THIS IS NOT A SURVEY ***

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

| | | |
|---|------------------------|--------------|
| DRAWN BY: REG | PROJECT: 04718.02 | SHEET 2 OF 2 |
| SKETCH TO ACCOMPANY LEGAL DESCRIPTION | | |
| LEE COUNTY JUSTICE CENTER 10 FOOT WIDE F.P.L. UTILITY EASEMENT SECTION 13, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA | | |
| DATE: MARCH 2007 | DRAWING: 04718.00-ELEC | |

Lee County Justice Center

