

This Instrument Prepared By:

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

Projects: Fiesta Village WWTP RM Upgrade
Summerlin Road Force Main Replacement
Portion of STRAP No.: 08-46-24-00-00001.0410

PERPETUAL PUBLIC UTILITY EASEMENT

THIS Perpetual Public Utility Easement to Lee County ("*Easement*") is given this 7th day of December 2021, by JMAXX, LLC, a Florida limited liability company, whose mailing address is 3301 SE 22nd Place, Cape Coral, FL 33904 (hereinafter the "*GRANTOR*"), to LEE COUNTY, a political sub-division of the State of Florida, whose mailing address is P. O. Box 398, Fort Myers, FL 33902 (hereinafter the "*COUNTY*").

WITNESSETH:

1. For and in consideration of the sum of TEN and xx/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the COUNTY a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in *Exhibit "A"*, attached hereto and incorporated herein by reference (hereinafter the "*Easement Area*").

2. Lee County is granted the right, privilege, and authority to construct, replace, renew, extend (but not outside the Easement Area) and maintain an underground wastewater collection and/or reuse water distribution system, together with, but not limited to, all necessary valves and appurtenances, to be located under, across and through the Easement Area, together with the additional right, privilege and authority to remove, replace, and repair 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 within the Easement Area.

3. The to-be-constructed pipes within the Easement Area will not be limited to any particular diameter size or type. The total area of this Easement Area is reserved

for and limited to 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 shall not be constructed on or placed within this Easement Area at any time, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by the COUNTY will remain in the COUNTY.

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 real property herein described, GRANTOR covenants that they are lawfully seized and possessed of the real property rights described herein within the Easement Area in attached Exhibit "A", have good and lawful right and power to sell and convey it, and that the property is free of liens and encumbrances, except as herein stated, and accordingly, GRANTOR will forever defend the right, title and terms of this Easement and the quiet possession thereof by the COUNTY against all claims and demands of such parties claiming by, through or under GRANTOR.

7. The COUNTY 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 COUNTY 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.

9. By acceptance of this Easement, the COUNTY assumes no responsibility for ownership or maintenance of any associated roads. This Easement is strictly for utility purposes and is limited thereto.

10. This Easement will be binding upon the GRANTOR their successors in interest and any assigns.

(Balance of Page Left Intentionally Blank)

IN WITNESS WHEREOF, the GRANTOR has caused this document intending to be bound as of the date and year first above written.

JMAXX, LLC, a Florida limited liability company

[Handwritten Signature]

[1st Witness' Signature]

Joyce Starbrough

[Type or Print Name]

Corrine Collins

[2nd Witness' Signature]

CORRINE COLLINS

[Type or Print Name]

BY:

Janice Albion

[Signature Grantor's/Owner's]

Janice Albion

[Type or Print Signatory's Name]

Manager

[Signatory's Title]

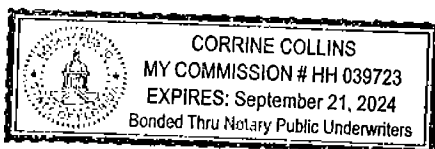
STATE OF FLORIDA

COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1 day of Feb, 2022, by Janice Albion, as the Manager of JMAXX, LLC, a Florida Limited Liability Company, who is personally known to me or who produced the following as identification:

DRIVER LICENSE

[stamp or seal]




Corrine Collins

[Signature of Notary]

[Typed or Printed Name]

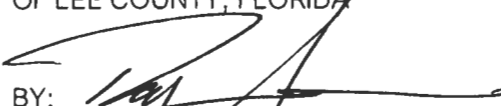
Approved and accepted for and on behalf of Lee County, Florida, this 7th day of December, 2021 .

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L. Pendergrass, Chair
RAY SANDERSON VICE CHAIR

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office

Attachment: Exhibit "A" – Legal Description/Sketch of the Easement Area



E.F. Gaines Surveying Services, Inc.
 5235 Ramsey Way, Suite 10
 Fort Myers, Florida 33907
 (P) 239-418-0126: (W) EFGaines.com

LEGAL DESCRIPTION
Safety Street Utility Easement

Located in Section 8, Township 46 South, Range 24 East, Lee County, Florida

All that part of Section 8, Township 46 South, Range 24 East, Lee County, Florida being more particularly described as follows;

BEGINNING at the northeast corner of Lot 4, of a subdivision named Storgard, according to the plat thereof as recorded in Plat Book 73, Page 82, Public Records of Lee County, Florida also being a point on the west line of Safety Street per Official Record Book 837, Page 822, Public Records of Lee County, Florida; thence along the west line of said Safety Street N.01°41'40"W. for 14.81; thence continue along the westerly line of Safety Street northerly and northwesterly 21.68 feet along the arc of a circular curve concave to the southwest, having a radius of 25.00 feet, through a central angle of 49°40'47" and being subtended by a chord which bears N.26°32'04"W. for 21.00 feet to a point of reverse curvature; thence continue along said westerly line northwesterly and northerly 58.03 feet along the arc of a circular curve concave to the northeast, having a radius of 60.00 feet, through a central angle of 55°25'08" and being subtended by a chord which bears N.23°39'53"W. for 55.80 feet to the southerly right-of-way line of Summerlin Road and a point on a non-tangential curve; thence along said southerly right-of-way line northeasterly 115.30 feet along a non-tangential curve concave to the northwest, having a radius of 2979.79 feet, through a central angle of 2°13'01" and being subtended by a chord which bears N.77°56'48"E. for 115.29 feet to a point on a non-tangential curve and the easterly line of aforementioned Safety Street; thence along said easterly line of Safety Street southeasterly, southerly and southwesterly 79.73 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 60.00 feet, through a central angle of 76°08'13" and being subtended by a chord which bears S.09°55'01"W. for 73.99 feet to a point of reverse curvature; thence continue along said easterly line southwesterly and southerly 21.68 feet along the arc of a circular curve concave to the southeast, having a radius of 25.00 feet, through a central angle of 49°40'47" and being subtended by a chord which bears S.23°08'44"W. for 21.00 feet; thence continue along the east line of Safety Street S.01°41'40"E. for 34.81 feet; thence S.88°18'20"W. for 60.00 feet to the west side of said Safety Street; thence along said west side of Safety Street N.01°41'40"W. for 20.00 feet to the **POINT OF BEGINNING** of the parcel herein described;

Containing 10160 square feet, more or less;

Bearings are based on the west line of Safety Street being N.01°41'40"W.

Prepared by:

E.F. Gaines Surveying Services, Inc.
 Florida License No. LB7165

Elizabeth F. Gaines P.S.M. Digitally signed by Elizabeth F. Gaines
 4576 State of Florida P.S.M. 4576 State of Florida
 Date: 2021.03.01 15:22:17 -05'00'

Elizabeth F. Gaines, PSM
 Florida License No. LS4576

Reference: Sketch 0832-002

NOTES:

- Distances are in feet and decimals thereof. Bearings are based on the west line of Safety Street being N.01°41'40"E.
- This is a sketch to accompany a legal description. This is not a Boundary Survey.
- Lands shown hereon are subject to easements, restrictions, reservations and rights-of-way (recorded, unrecorded, written and unwritten). This surveyor has not performed nor been provided with a title search for this project area

PROPOSED UTILITY EASEMENT (10160.5± SF)

R=2979.79'
L=115.30'
D=2°13'01"
N77°56'48"E 115.29'

R=60.00'
L=79.73'
D=76°08'13"
S9°55'01"W 73.99'

R=25.00'
L=21.68'
D=49°40'47"
S23°08'44"W 21.00'

R=60.00'
L=58.03'
D=55°25'08"
N23°39'53"W 55.80'

R=25.00'
L=21.68'
D=49°40'47"
N26°32'04"W 21.00'

N1°41'40"W 14.81'

POINT OF BEGINNING
NE CORNER OF LOT 4, STORGARD
(P.B. 73, PG. 82)

FRONTAGE ROAD

N1°41'40"W 20.00'

LOT 4 STORGARD
(P.B. 73, PG. 82)

STRAP NO.:
08-46-24-02-00000.0040
L.C.I.N.: 2012000183152

LOT 5 STORGARD
(P.B. 73, PG. 82)

SAFETY STREET
60' ROAD EASEMENT
(O.R. 837, PG. 822)
NOTE: THE DESCRIPTION OF THE CIRCULAR AREA AT THE NORTH END OF THIS EASEMENT/PARCEL IS AMBIGUOUS AS WRITTEN IN DEED. IT IS SHOWN HEREON IN IT'S MOST LOCALLY ACCEPTED CONFIGURATION.

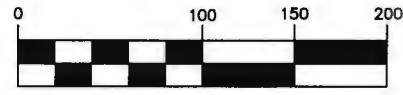
OWNER: FAST TRAX ENTERTAINMENT LLC
STRAP NO. 08-46-24-00-00001.0260
L.C.I.N.: 2020000161047

OWNER: JMAXX LLC
STRAP NO. 08-46-24-00-00001.0410
L.C.I.N.: 2010000284426

U.E. (FOR WATERLINE)
O.R. 3138, PG. 886



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

LEGEND

- R/W = RIGHT-OF-WAY
- L.C.I.N. = LEE COUNTY INSTRUMENT NO.
- O.R. = OFFICIAL RECORD BOOK
- P.B. = PLAT BOOK

FIESTA VILLAGE WWTP-FORT MYERS BEACH WWTP PIPELINE ROUTE 2 - SAFETY STREET UE		Issue Date: 3/1/2021
This is a sketch to accompany a legal description (see attached) of a proposed Utility Easement located in Section 8, Township 46 south, Range 24 East, Lee County, Florida.		Field Date: N/A
		Checked: EFG
Elizabeth F. Gaines P.S.M. Digitally signed by Elizabeth F. Gaines P.S.M. 4576 State of Florida 4576 State of Florida Date: 2021.03.01 15:23:00 -05'00'		Drawn: KLG
		Field: N/A
Elizabeth F. Gaines, PSM Florida License No. LS4576		Scale: 1" = 100'
		Project No.: 0832
Not Valid without the signature and raised seal or Adobe electronic signature of Elizabeth F. Gaines, PSM shown above		CAD File: 0832-002
		Sheet No. 1 of 1



E.F. Gaines Surveying Services, Inc.
FL License No. LB7165
5235 Ramsey Way, Suite 10
Fort Myers, Florida 33907
Phone: 239-418-0126
Fax: 239-418-0127
Web: EFGaines.com

PRIORITY

MEMORANDUM
FROM
COUNTY LANDS

DATE: January 10, 2022

TO: Laurel Chick
Internal Services Manager
County Administration

FROM: 
Leah Chin
Property Acquisition Assistant

RE: Temporary Construction Easement Agreement and Perpetual Public Utility Easement for Fiesta Village WWTP RM Upgrade

On December 7, 2021, in accordance with County Lands Consent Agenda Item No. 11, the Lee County Board of County Commissioners authorized County staff to handle and accept all documentation to complete the acquisition of a temporary construction easement agreement and a perpetual public utility easement for the Fiesta Village WWTP Reuse Main Upgrade Project No. 0616.

Pursuant to the above Board Action, please find the attached easements your signature:

The easement agreements will be executed by the Grantor, JMAXX, LLC, at closing.

For your convenience, we have attached a copy of the Agenda Item Report

COUNTY ATTORNEY:

Please approve the easement instruments and affix your signature in the spaces provided. Upon approval, please forward the easement instrument to Commissioner Pendergrass's Office.

COMMISSIONER PENDERGRASS:

Please sign the agreements where indicated on the signatory pages, then forward them to the Minutes Department.

MINUTES DEPARTMENT:

Please affix the Clerks seal and signature where indicated on the signatory pages.

PLEASE CALL LEAH CHIN AT EXT. 38380 WHEN DOCUMENT IS READY FOR PICKUP.

Thank you.

AGENDA ITEM REPORT

DATE: December 7, 2021
DEPARTMENT: County Lands
REQUESTER: Robert Clemens
TITLE: Approve Easement Purchases for Fiesta Village Reuse Main & Summerlin Rd. Force Main Projects

I. MOTION REQUESTED

- A) Approve Easement Purchase Agreement with JMAXX, LLC, for the purchase of a Perpetual Utility Easement (+/- .23 acres) and a Temporary Construction Easement (+/- .53 acres), in the amount of \$30,000, for the Fiesta Village Reuse Main and Summerlin Road FM Replacement Projects, pursuant to the terms and conditions of the Agreement;
- B) Authorize Chair, on behalf of the Board, to execute the Easement Purchase Agreement and Perpetual Utility Easement and the Temporary Construction Easement;
- C) Authorize payment of necessary fees and costs to close the transaction, and
- D) Authorize Department of County Lands to handle and accept all documentation necessary to complete this transaction.

II. ITEM SUMMARY

Approves the purchase of a Perpetual Utility Easement (+/- .23 acres) and a Temporary Construction Easement (+/- .53 acres), in the amount of \$30,000, for the Fiesta Village Reuse Main and Summerlin Road Force Main Replacement Projects. The easement is from a portion of the property known as Safety Street, Fort Myers, Florida south of Summerlin Road also known as Strap Number 08-46-24-00-00001.0410.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

B) Policy Issues

C) BoCC Goals

D) Analysis

The Lee County Utilities Projects includes design and construction of a reuse main to send more reuse water to the Fort Myers Beach WWTP reuse distribution system and design and construction of a new force main along Summerlin Road. By increasing the system capacity, we can better utilize the auxiliary irrigation water source and optimize disposal of WWTP effluent. The force main project will replace an aging force main with numerous breaks.

Grantor: JMAXX, LLC, a Florida limited liability company
 Site Address: a portion of the property known as Safety Street, Fort Myers, Florida south of Summerlin Road
 Part of STRAP No.: 08-46-24-00-00001.0410
 Purchase Price: \$30,000

Estimated Closing Costs: \$850 (Includes closing fee, title insurance, documentary stamps and recording fees for final easements)

The subject easement was not appraised. The purchase price is based upon a voluntary resolution and avoidance of acquisition costs, which would have exceeded that amount.

There have been no sale transactions for this property in the last 5 years.

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	\$30,850
B)	Is this item approved in the current budget?	Yes
C)	Is this a revenue or expense item?	Expense
D)	Is this Discretionary or Mandatory?	Discretionary
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Utilities Capital Improvement Program: Utilities	

	Project: Fiesta Village RM Upgrade & Summerlin Rd 20" FM Replacement Account Strings: 20061648730, 20065348730	
G)	Fund Type?	Enterprise
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

Description	Upload Date	Type
<u>Easement Purchase Agreement</u>	11/8/2021	Agreement
<u>Perpetual Utility Easement</u>	11/8/2021	Agreement
<u>Temporary Construction Easement</u>	11/8/2021	Agreement
<u>Title Research Memorandum</u>	11/8/2021	Backup Material
<u>Location Maps</u>	11/8/2021	Backup Material
<u>120721R-C-11-Easement Purchase Agreement</u>	12/10/2021	Agreement
<u>120721R-C-11-Partially Executed Temporary Construction Easement Agreement</u>	12/10/2021	Agreement
<u>120721R-C-11-Partially Executed Perpetual Utility Easement</u>	12/13/2021	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
County Lands	Clemens, Robert	Approved	11/17/2021 - 11:44 AM
County Lands	Keyes, Pamela	Approved	11/17/2021 - 3:12 PM
Budget Services	Guttery, Angela	Approved	11/18/2021 - 1:28 PM
Budget Services	Winton, Peter	Approved	11/18/2021 - 2:23 PM
County Attorney	Halverson, David	Approved	11/27/2021 - 4:30 PM
County Manager	Mora, Marc	Approved	11/29/2021 - 4:37 PM