

**ADMINISTRATIVE CODE**  
**BOARD OF COUNTY COMMISSIONERS**

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| <b>CATEGORY:</b><br>UTILITIES/REFUSE  | <b>CODE NUMBER:</b><br>AC-10-5                 |
| <b>TITLE:</b><br>ADMINISTRATIVE PROCEDURES FOR APPROVAL TO CONSTRUCT, AND ACCEPTANCE OF, DEVELOPER CONTRIBUTED ASSETS | <b>ADOPTED: 12/3/13</b>                        |
|   | <b>AMENDED:</b>                                |
|   | <b>ORIGINATING DEPARTMENT:</b><br>PUBLIC WORKS |

**A. PURPOSE/SCOPE**

The purpose of this Administrative Code is to provide the procedures for administrative approval and acceptance of Developer Contributed Assets. When the following procedures and conditions are met, the County will authorize the construction and final acceptance of a Developer Contributed Asset for County ownership and maintenance purposes. This Administrative Code is not intended to create a County obligation to accept a Developer Contributed Asset by virtue of a Developer’s compliance with these regulations. The decision to accept a Developer Contributed Asset in accordance with this Code remains discretionary with the County.

**B. LIMITATION**

Administrative approval authorized under this Code may be granted only after compliance with the requirements provided herein. If Lee County Utilities, including the County Attorney’s Office, determines that a Developer’s request fails to meet or substantively deviates from, these requirements, then the request for County acceptance of the Developer Contributed Asset must be presented to the Board of County Commissioners (BOCC) at a regularly scheduled Board meeting.

**C. AUTHORITY**

**1. APPROVAL TO CONSTRUCT A DEVELOPER CONTRIBUTED ASSET BY COUNTY MANAGER**

The Utilities Director is authorized to issue an Approval to Construct a Developer Contributed Asset in accordance with the Lee County Utilities' Design Manual ("Design Manual") if the Developer can demonstrate compliance with this Administrative Code.

**2. ACCEPTANCE OF DEVELOPER CONTRIBUTED ASSET BY THE CHAIRMAN OF THE BOARD**

The County Manager (or designee) is hereby authorized to accept a Constructed Developer Contributed Asset for County ownership and maintenance, along with all required easements or deeds needed to effectuate the transfer and maintenance of the Developer Contributed Asset if the Developer can demonstrate compliance with this Administrative Code. The County Manager is hereby authorized to execute the necessary documentation and forms to accomplish the transfer of ownership and maintenance of the Developer Contributed Asset consistent with the approved forms attached hereto as composite Exhibit "A."

**D. PROCEDURE**

A Developer Contributed Asset proposed for County acceptance must comply with the procedures and requirements set forth in the Design Manual. In addition, the following must occur:

**1. APPROVAL TO CONSTRUCT**

LCU will review completed Approval to Construct Submittal Packages for compliance with the Design Manual standards. If the Package complies with the criteria in the Design Manual, the Approval to Construct Package will be authorized to construct by the Utilities Director.

- a. The following items are exempt from Approval to Construct requirements even though they may require Lee County Department of Health and/or Florida Department of Environmental Protection permits:

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- Single potable water services
- Fire hydrants
- Fire lines
- Water main relocations
- Single Sewer Services
- Single Force Main Connections for Private Lift Stations
- Force Main Relocations

b. Approval to Construct a Developer Contributed Asset is valid for one-year. If construction has not begun within one-year, new approvals must be requested and must meet LCU standards in effect at that time.

After review of the Approval to Construct Package, the Utilities Director may require the request to be presented to the Board for approval. If so required, the request will be presented to the Board as soon as practical.

**2. ACCEPTANCE OF ASSET:**

Upon completion of construction of the approved Developer Contributed Asset, the Developer must submit a Final Acceptance Package that includes applicable fees, the documents identified in the LCU Final Submittal Checklist provided to the Engineer of Record, and a satisfactory final inspection report for review.

Once LCU has completed review of the Final Acceptance Package and found it to be in compliance with the Design Manual, LCU will forward the appropriate documentation to the County Attorney's Office, and the County Manager (or Designee) for final review and a determination of compliance with this Code. The County Attorney's Office and the County Manager (or Designee) will authorize the Final Acceptance Package.

**All Developer Contributed Assets must be constructed in accordance with local, state, and federal laws, including all conditions of approval of development permits and development orders issued for construction of the asset. If the County determines that the applicable regulations have not been satisfied or the asset has not been constructed in accordance with County regulations, acceptance of the Developer Contributed Asset may be denied or revoked.**

**AC-10-5 (Continued)**

**E. FORMS**

The administrative authorization granted pursuant to this Code is limited to the acceptance and execution of the County's approved forms attached hereto as Exhibit "A." Non-substantive modifications to the approved forms are permitted. Substantive changes to these forms may not be approved administratively. If substantive changes are requested, the Developer Contributed Asset request must be presented to, and approved by, the Board at a regularly scheduled Board meeting.

EXHIBIT A  
APPROVED FORMS FOR DEVELOPER CONTRIBUTED ASSETS

Final Acceptance Documents

Letter of Completion

Certification of Contributory Assets - Potable Water / Fire

Certification of Contributory Assets - Sanitary Sewer

Certification of Contributory Assets - Lift Station

Certification of Contributory Assets - Reclaimed Water

Waiver and Release of Lien

Warranty

Perpetual Public Utility Easement Grant (1 Owner)

Rebatable Agreement Form

Remote Televiewing Form

Other Documents/Forms

Reuse Agreement - Easement Obtained Previously - Update 09-26-12

Reuse Agreement - Easement Required - Update 09-26-12

Reuse Agreement - Within R-O-W - Update 09-26-12