

Town of Fort Myers Beach  
Agenda Item Summary

Blue Sheet Number: 2013-043

**1. Requested Motion:** Motion to authorize the Mayor to execute a letter offering to transfer ownership of two portable restrooms owned by the Town to Lee County Parks and Recreation for use at Crescent Beach Family Park and to execute a Bill of Sale for the two restrooms.

**Meeting Date:** 4/15/13

**Why the action is necessary:** Town Council must authorize the transfer of property to other local governments.

**What the action accomplishes:** Authorizes the Mayor to execute the letter offering to transfer ownership of the two restrooms to Lee County Parks and Recreation and to execute a Bill of Sale for those restrooms

**2. Agenda:**

Consent  
 Administrative

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff  
 Town Attorney

**5. Background:** A few years ago the Town purchased portable restrooms for use at Town beach accesses and was reimbursed for that purchase with TDC funds. Two of those restrooms were loaned by the Town to Lee County Parks and Recreation to be used at Crescent Beach Family Park. Town staff, as a result of discussions with Lee County Parks and Recreation, is recommending that ownership of those two restrooms be transferred to Lee County Parks and Recreation for use at Crescent Beach Family Park. The transfer is subject to Lee County Board of County Commissioners formally accepting the offer to transfer. A draft letter and Bill of Sale is attached.

**6. Alternative Action:** Decline to authorize execution of the letter and Bill of Sale.

**7. Management Recommendations:** Approve execution of the letter and Bill of Sale

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other



# Town of Fort Myers Beach

*Alan Mandel*  
Mayor

*Joe Kosinski*  
Vice Mayor

*Dan Andre*  
Council Member

*Jo List*  
Council Member

*Bob Raymond*  
Council Member

April 15, 2013

Cecil L. Pendergrass, Chairman  
Lee County Board of County Commissioners  
P.O. Box 398  
Fort Myers, FL 33901

RE: Donation and Transfer of Ownership of Two (2) Portable Restrooms

Dear Chairman Pendergrass,

The Town Council of the Town of Fort Myers Beach, Florida, has approved the donation and transfer to Lee County (specifically Lee County Parks and Recreation Department) of two (2) single portable restroom units currently owned by the Town of Fort Myers Beach and located at Crescent Beach Family Park. The Town is donating these units, "AS IS" with no warranty, to Lee County Parks and Recreation specifically for public use at Crescent Beach Family Park and requests that Lee County maintain these units at that location for use by the public. The approximate total fair market value of these two units is \$54,670.00.

A formal Bill of Sale for these units is enclosed. Once the Board of County Commissioners has formally accepted these units, please execute the Bill of Sale in the space provided and return a copy to the Town for our records.

If you have any questions concerning the foregoing, please do not hesitate to contact me.

Sincerely,

Alan Mandel  
Mayor

Enclosure  
cc: Terry Stewart, Town Manager

**BILL OF SALE**

1. Sale and Transfer of Portable Restrooms. For good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the TOWN OF FORT MYERS BEACH, a Florida municipal corporation (“Seller”), hereby sells, transfers, assigns, conveys, grants and delivers to LEE COUNTY, a political subdivision of the State of Florida (“Purchaser”), “AS IS” with no warranty, all of Seller's right, title and interest in and to two (2) portable ADA single portable restroom units more particularly described in the invoice that is attached hereto and incorporated herein by reference as Exhibit “A.”

2. Further Actions. Seller covenants and agrees to warrant and defend the sale, transfer, assignment, conveyance, grant and delivery of the portable restroom units hereby made against all persons whomsoever, to take all steps reasonably necessary to establish the record of Purchaser's title to the portable restroom units and, at the request of Purchaser, to execute and deliver further instruments of transfer and assignment and take such other action as Purchaser may reasonably request to more effectively transfer and assign to and vest in Purchaser each of the portable restroom units, all at the sole cost and expense of Seller.

Seller has executed this Bill of Sale effective as of \_\_\_\_\_, 2013.

TOWN OF FORT MYERS BEACH  
a Florida municipal corporation

By: \_\_\_\_\_

ACKNOWLEDGED AND AGREED:

LEE COUNTY, FLORIDA  
a Florida municipal corporation

By: \_\_\_\_\_

# Exhibit "A"

## Wells Cargo COG

P.O. Box 310  
75 County Road 3303  
DeKalb, Texas 75559

PHONE (903) 667-0264 FAX (903) 667-2515

Invoice

Invoice #: 00011965

TOWN OF  
FORT MYERS BEACH

20-2060225

AUG 16 2010

**Bill To:**

Town of Fort Myers Beach  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

**Ship To:**

Town of Fort Myers Beach  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

RECEIVED BY

**Evelyn Wicks**

SALESPERSON		YOUR NO.	SHIP VIA	COLPPD	SHIP DATE	TERMS	DATE	PG.	
Brian DePriest		10-100	Pull			Net 30	6/25/2010	1	
QTY.	ITEM NO.	DESCRIPTION			PRICE	UNIT	DISC %	EXTENDED	TX.
1	TW12ADA	ADA single			\$26,000.00			\$26,000.00	
1	MDADA	ADA Module							
1	WC002	Onboard Water System 115 gal				1			
1	WC003	LED Waste Tank Level Indicator				1			
1	WC007	5600 BTU Heater/9,000 BTU A/C				1			
1	WC000	No Waste Tank Commercial Low-Flo Toilets, 1/4" High Pressure Freshwater Line, Plumbing Modifications w/3" lines for Direct Sewer Connect			\$910.00	1		\$910.00	
1	OOOO	Removable Tongue Assembly			\$425.00			\$425.00	
1	TW12ADA	ADA single			\$26,000.00			\$26,000.00	
1	MDADA	ADA Module							
1	WC002	Onboard Water System 115 gal				1			
1	WC003	LED Waste Tank Level Indicator				1			
1	WC007	5600 BTU Heater/9,000 BTU A/C				1			
1	WC000	No Waste Tank, Commercial Low-Flo Toilets, 1/4" High Pressure Freshwater Line, Plumbing Modifications w/ 3" lines for Direct Sewer Connect			\$910.00	1		\$910.00	
1	WC000	Removable Tongue Assembly			\$425.00	1		\$425.00	
1	TW20ADA	ComfortElite ADA+2			\$35,000.00	1		\$35,000.00	
<p><b>Please sign in acceptance of this invoice, it's terms, and all the above components. Fax copy back to (903) 667-2515</b></p> <p><b>Signature</b> _____ / /</p> <p><b>CC#</b> _____ /</p> <p><b>Name on card</b> _____</p> <p><b>Terms: This deposit is non-refundable and balance is due by wire transfere or cashiers check before unit leaves Elkhart</b></p>						<p>SALE AMOUNT</p> <p><b>FOB Elkhart Indiana</b></p> <p>FREIGHT</p> <p>SALES TAX</p> <p>TOTAL</p> <p>Deposit</p>			
						BALANCE DUE			

Thank You! All invoices not paid in 30 days are subject to a 2% monthly finance charge

# Wells Cargo COG

P.O. Box 310  
75 County Road 3303  
DeKalb, Texas 75559

PHONE (903) 667-0264 FAX (903) 667-2515

## Invoice

Invoice #: 00011965

20-2060225

### Bill To:

Town of Fort Myers Beach  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

### Ship To:

Town of Fort Myers Beach  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

Evelyn Wicks

SALESPERSON	YOUR NO.	SHIP VIA	COLPPD	SHIP DATE	TERMS	DATE	PG.
Brian DePriest	10-100	Pull			Net 30	6/25/2010	2
QTY.	ITEM NO.	DESCRIPTION	PRICE	UNIT	DISC %	EXTENDED	TX.
1	MD1	Unisex/Female					
1	MD2	Male Module					
1	MDADA	ADA Module					
1	WC002	Onboard Water System 115 gal		1			
1	WC003	LED Waste Tank Level Indicator		1			
1	WC007	5600 BTU Heater/9,000 BTU A/C		1			
1	WC000	Removable Tongue Assembly	\$425.00	1		\$425.00	
1	WC000	No Waste Tank, Commercial Low-Flo Toilets, 1/4" High Pressure Freshwater Line, Plumbing Modifications w/3" lines for Direct Sewer Connect Delivery 30 working days ARO Purchase Order Approval Payment Net no later than 30 days after delivery	\$2,730.00	1		\$2,730.00	
<p><b>Please sign in acceptance of this invoice, it's terms, and all the above components. Fax copy back to (903) 667-2515</b></p> <p>Signature _____ / /</p> <p>CC# _____ /</p> <p>Name on card _____</p> <p><b>Terms: This deposit is non-refundable and balance is due by wire transfe or cashiers check before unit leaves Elkhart</b></p>				<p>SALE AMOUNT \$92,825.00</p> <p><b>FOB Elkhart Indiana</b></p> <p>FREIGHT \$6,099.00</p> <p>SALES TAX \$0.00</p> <p>TOTAL \$98,924.00</p> <p>Deposit \$0.00</p>		<p>BALANCE DUE <u>\$98,924.00</u></p>	

9/9/10  
PAID  
APPROVED TO PAY C Lusk 9/8/10  
CHECK # 20698 DATE 9/10/10  
ACCT. # 13 000 541 5432 98,924.00  
8/25

Thank You! All invoices not paid in 30 days are subject to a 2% monthly finance charge