

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

Blue Sheet No. 20020291

1. REQUESTED MOTION:

ACTION REQUESTED: Execute Florida Fish and Wildlife Conservation Commission (FWC), Florida Boating Improvement Program (FBIP) Grant Applications and supporting resolution requesting funds on behalf of the City of Cape Coral for the Phase II Design Effort for the Chiquita Boat Lock.

WHY ACTION IS NECESSARY: FWC procedures require that applications for FBIP projects be submitted by County governments.

WHAT ACTION ACCOMPLISHES: Requests grant funds to be used by City of Cape Coral to conduct research, studies, planning or engineering to determine the need for additional recreational boating access or improvements.

2. DEPARTMENTAL CATEGORY:

Natural Resources

C8A

3. MEETING DATE:

04-02-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER FWC requirement

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Public Works
- C. DIVISION Natural Resources
- BY: Roland Ottolini, Nat. Resources Director *R.O.*

BACKGROUND: The City of Cape Coral desires to apply for grant funding from the FWC to improve the Chiquita Boat Lock facilities. The FWC procedures require that all applications for FBIP grant funding be submitted through the County government. In the interest of intergovernmental cooperation and because improvements to this lock will benefit all Lee County boaters, the required applications and the supporting resolution have been prepared for BCC approval in order to be submitted to FWC by the deadline of 3 p.m., April 10, 2002. The grant request for the Phase II Chiquita Boat Lock is \$50,000. Project details are included in the attached applications.

The County's role is only administrative. The City has prepared the applications, and the City will implement the project and meet any grant requirements. An Interlocal Agreement is required in the grant application and is necessary prior to accepting any award from FWC to define the roles and responsibilities of each party.

Attachments: Chiquita Boat Lock Grant application, Proposed City of Cape Coral Resolution (scheduled for adoption by the City on 3/25/02) Lee County Resolution and Interlocal Agreement.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>R. Ottolini</i>	<i>N/A</i>	<i>N/A</i>		<i>[Signature]</i>	OA	OM	Risk	GC	<i>[Signature]</i>
					<i>3/20/02</i>	<i>3/20/02</i>	<i>3/20</i>	<i>3/20/02</i>	<i>3-21-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
by CO. ATTY.
3/19/02
4:35 PM
CO. ATTY.
FORWARDED TO:
[Signature]

RECEIVED BY
COUNTY ADMIN.
3/20 9:30
COUNTY ADMIN.
FORWARDED TO:
3/21 1:00



**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
FLORIDA BOATING IMPROVEMENT PROGRAM
GRANT APPLICATION**



FOR OFFICE USE ONLY		Grant Application Number:
Fiscal Year: 2002-2003	Date Received:	

Fill in all sections that apply - Leave all other sections blank

I - APPLICANT INFORMATION			
Applicant or Entity Name:		Federal Employment Id. No.: 59-1312996	
City of Cape Coral, Florida		Telephone No.:	Fax No.:
		(941) 574-0754	(941) 574-0732
		Suncom No.:	
		e-mail:	
		blane@capecoral.net	
Applicant Mailing Address:		City:	Zip Code:
P. O. Box 150027		Cape Coral, Florida	33915-0027
Project Manager Name:		Title:	
Bill Lane		Civil Engineer	

II - PROJECT LOCATION		Latitude: N 026° 32' 36 "	Longitude: W 082° 00' 32 "
Facility Name:	County:	Waterbody:	
Chiquita Boat Lock	Lee	South Spreader Waterway	
District Numbers			
US Congress: 14	State House: 25	State Senate: 74	County Commission: 1
Facility Street Address or Location:			
5800 Chiquita Boulevard South, Cape Coral, Florida			

III - PROJECT SUMMARY			
Type of Application:	<input type="checkbox"/> New (never considered before)	<input type="checkbox"/> Reconsideration	<input type="checkbox"/> Phased Continuation- Phase No.:
Type of Project:	<input type="checkbox"/> I- Recreational Channel Marking	<input type="checkbox"/> III- Aquatic Plant Control	
	<input type="checkbox"/> II- Public Launching Facilities	<input checked="" type="checkbox"/> IV- Other Local Boating Related Activities	
Grant Funds Requested \$50,000.00			
Project Description:			
Chiquita Boat Lock is located in southwest Cape Coral on the South Spreader Waterway, an inlet of the Caloosahatchee River Waterway. The lock provides access for county boaters to enjoy a wild area that leads to a spreader system. On its southern boundary lie mangroves and marshes. On its northern boundary is Cape Harbour, a newly developing waterfront residential community. Boaters enjoy fishing, wildlife, a beautiful sunset and the serenity of the water in this fast developing up-scale area of the City. Nearly 14,000 boats passed through Chiquita Boat Lock in 2001 and close to 25,000 boat openings were made (see graphs in Attachment H).			
Continued on Page 1A.			

Florida Fish and Wildlife Conservation Commission
Florida Boating Improvement Program Grant Application
Page 1A

City of Cape Coral

Project Description Continued

The project is being conducted in two phases. In Phase I, the City hired a consultant to develop the preliminary design of the project and to prepare a Preliminary Design Report (PDR) that will detail the background data, design criteria and assumptions, anticipated facility layout and dimensions, miscellaneous details, instrumentation and telemetry requirements, permitting issues, develop cost estimates, anticipated construction schedule(s) and funding alternatives. Fully funded by the City of Cape Coral, Phase I is scheduled to be completed by December 2002.

Under Phase II, for which this funding request is being made, the consultant will continue with the final design of the project, prepare detailed plans and specifications for the lock and control building, prepare conceptual drawings and performance specifications. Permits will also be obtained. Phase II will be completed within 12 months after the grant is awarded.

IV - GENERAL FACILITY INFORMATION

Type of Facility:

- Primitive
 Small (1 lane ramp)
 Medium (2 lane ramp)
 Large Regional (3+ lane ramp)
 Tie-up/Overnight/Moorage/Marina
 Other **Boat Lock**

Upland Ownership:

- Public- Fee Simple
 Public - Lease
 Number of Years Remaining in Lease

Name of Owner

City of Cape Coral, FloridaIs this facility open to the general public? Yes NoEstimate Percent (%) Use of Launching Facility: **N/A** Motorboats/Sailboats **N/A** Non-MotorboatsDay Use, Parking or Launch Fee Amount: \$ **To be determined by PDR** Tie-up/Overnight Moorage: \$ **None**

Names of adjacent boating facilities, public and private (ramps, tie-up facilities/marinas) within a 10-mile radius.

Name	Distance	Name	Distance
1 Cape Harbor Marina	1/2 mile	6	
2 Tarpon Point Marina	1 mile	7	
3 Cape Coral Yacht Basin	4 miles	8	
4		9	
5		10	

V - FACILITY COMPONENTS AND USE - EXISTING CONDITIONSNumber of Launch Lanes: **N/A**

- Asphalt Concrete Other

Length of Boarding Docks: **N/A** Ft

- Wood Aluminum Other

Type of Ramp:

- Condition: Poor Average Good

Type of Dock:

- Condition: Poor Average Good

Number of Boat Trailer Parking Spaces: **N/A**

- Asphalt Concrete Other

Length of Tie-up Dock or Moorage: **N/A** Ft or **N/A** Slip

- Asphalt Concrete Other

Type of Parking:

- Condition: Poor Average Good

Type:

- Slip Broadside
 Condition: Poor Average Good

Other Facility Attributes:

Pump out or Dump Station: Yes NoRestroom: Yes No

VI - PROJECT NEED

List Primary Need for Project:

- Safety
- Age-end of Useful Life
- Environmental Needs of the Area
- Other:
- High Demand by Users
- Recommended by FWC Staff
- Lack of In-house Capability

Known Public Support: (Name)

- Adjacent Land Owners **Realmark at Cape Harbor**
- Users Groups
- Neighborhood Assoc. **Southwest Cape Coral Homeowners Association, Cape Harbor at Cape Coral Homeowners Association**
- Local/State/Federal Government
- Legislature **Senator Burt Saunders**
- Other

Known Public Opposition: (Name)

- Adjacent Land Owners **None**
- Users Groups
- Neighborhood Assoc.
- Local/State/Federal Government
- Legislature
- Other

VII - PROJECT ENGINEERING AND CONSTRUCTION

Who is or will be completing project design/engineering?

- Applicant Own Staff
- Consulting Engineers
- N/A (Materials or Equipment Purchase)
- Other:

Level of engineering completed at time of application:

- None
- Conceptual (Master Plan Phase)
- Preliminary
- Final (Ready to Bid)

Has a preliminary or final engineer's cost estimate been developed for this project at time of application?

- Yes
- No

If yes, please attach a copy of detailed engineers cost estimate to application.

Preferred period of construction (based on user activity, weather and water level):

- Winter
- Spring
- Summer
- Fall
- Anytime of the Year

VIII - PROPOSED PROJECT COMPONENTS <i>Note: See Procedure Guide for definitions, Check all that apply</i>				
	Replacement	Expansion	New	Engineering/Planning
Recreational Channel Marking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Launching Facility (Boat Ramp)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic Plant Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Local Boating Related Activities:				
Boarding Dock	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transient Tie-up	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overnight Moorage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Access Road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Paved Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Non-Paved Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curbs, Signs, Markings and Lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fixed Pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vessel Waste Facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris Deflection Boom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dredging	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX - PROPERTY VALUE	
Size Acres: 0.5 acres	Assessed Value: \$N/A in R.O.W
Appraisal Completed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Current Zoning:

X - PROJECT COST - SOFT (NON CASH) FUNDS					
Cost Item	Project Type	Applicant	Other* (List in Page-6)	Do Not Use This Column	TOTAL
Administration	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$10,000.00	\$		\$10,000.00
In-kind Engineering	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$	\$		\$
In-kind Labor	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$	\$		\$
In-kind Materials	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$	\$		\$
In-kind Equipment	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$	\$		\$
In-kind Inspection	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$	\$		\$
Other:	Type I	\$	\$		\$
	Type II	\$	\$		\$
	Type III	\$	\$		\$
	Type IV	\$	\$		\$
Total Soft Funds		\$10,000.00	\$		\$10,000.00

XI - PROJECT COST - HARD (CASH) FUNDS

Cost Item	Project Type	Applicant	Other* (list Below)	FBIP Grant	TOTAL
Property Value	Type I	\$	\$	\$	\$
	Type II	\$	\$	\$	\$
	Type III	\$	\$	\$	\$
	Type IV	\$	\$	\$	\$
Consultant Master Plan	Type I	\$	\$	\$	\$
	Type II	\$	\$	\$	\$
	Type III	\$	\$	\$	\$
	Type IV	\$	\$	\$	\$
Consultant Engineering	Type I	\$	\$	\$	\$
	Type II	\$	\$	\$	\$
	Type III	\$	\$	\$	\$
	Type IV	\$ 86,770.00	\$ 25,000.00	\$ 50,000.00	\$ 161,770.00
Consultant Inspection	Type I	\$	\$	\$	\$
	Type II	\$	\$	\$	\$
	Type III	\$	\$	\$	\$
	Type IV	\$	\$	\$	\$
Construction	Type I	\$	\$	\$	\$
	Type II	\$	\$	\$	\$
	Type III	\$	\$	\$	\$
	Type IV	\$	\$	\$	\$
Other:	Type I	\$	\$	\$	\$
	Type II	\$	\$	\$	\$
	Type III	\$	\$	\$	\$
	Type IV	\$	\$	\$	\$
Total Hard Funds		\$ 86,770.00	\$ 25,000.00	\$ 50,000.00	\$ 161,770.00

TOTAL FUNDS	\$ 96,770.00	\$ 25,000.00	\$ 50,000.00	\$ 171,770.00
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***Other Source of Funds (Status)**

Federal State/Local Loan

Grant Name(s): **Ecosystem Management and Restoration Fund** Agency(ies): **Department of Environmental Protection**

Approval Status: Approved Pending Intend to Apply, Date:

XII - PERMITS <i>Note: Construction Projects Only.</i>	YES	NO
Has an application been submitted with the Florida Department of Environmental Protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
U.S. Army Corps of Engineers	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local and Others (If needed): City of Cape Coral, U.S. Coast Guard	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII- ENVIRONMENTAL ASSESSMENT	YES	NO
1. Will the project significantly or adversely affect the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, please explain key issues and describe any mitigation actions proposed.		
<p>All permits will be applied for and acquired within 12 months after the grant is awarded.</p>		

XIII - REQUIRED APPLICATION ATTACHMENTS CHECK LIST

<input checked="" type="checkbox"/>	1. An adopted Resolution, by the Governing Body, authorizing that the Project Manager has the authority to apply for and administer the grant on behalf of the applicant.
<input checked="" type="checkbox"/>	2. Boundary map of the project area. The map must provide a description and sketch of the project area boundaries, displaying known easements, and legally sufficient to identify the program area.
<input checked="" type="checkbox"/>	3. Site control documentation (e.g. deed, lease, results of title search, etc ...) for the project site. If the county is applying on behalf of a local body of government, then an inter-local agreement between the local body of government and the county must also be submitted.
<input checked="" type="checkbox"/>	4. Existing Condition Photographs sufficient to depict the physical characteristics of the project area.
<input checked="" type="checkbox"/>	5. Aerial Photographs marked with the approximate boundaries of the project site.
<input checked="" type="checkbox"/>	6. If applicable, an 8.5"x11" photocopy (project site vicinity only) of a current NOAA North American Datum 83 nautical chart (provide the NOAA chart name and number) indicating the precise location of the project site. NOAA charts may be obtained from: Distribution Branch (N/CG33), NOAA-National Ocean Service, 6501 Lafayette Avenue, Riverdale, Maryland 20737.
<input type="checkbox"/>	7. Photocopies of necessary project permit(s) or permit application(s).
<input checked="" type="checkbox"/>	8. Engineering Cost Estimate (if completed).
<input type="checkbox"/>	9. Preliminary Design/Engineering Plans (if completed).
<input checked="" type="checkbox"/>	10. Application transmittal cover letter (Identify priority rank with multiple applications).
<input checked="" type="checkbox"/>	11. One (1) original application.
<input checked="" type="checkbox"/>	12. Five (5) copies of the application.

APPLICANT SIGNATURE

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority including the necessary requisite property interests to undertake the proposed activities.

I also certify that the Applicants governing body is aware of and has authorized the Project Manager as the official representative of the Applicant to act in connection with this application and subsequent project as well as to provide additional information as may be required. By signature below the Applicant agrees to comply with all applicable federal, state, and local laws in conjunction with this proposal and resulting project so approved.

Print/Type Name

Title

Applicant Signature

Date

STATE OF FLORIDA, COUNTY OF (_____)

Personally appeared before me this _____ day of _____, 200____, _____, who subscribed and swore to the above instrument in my presence.

Notary Public Name: _____

My commission expires: _____

NOTE: Instruction and further information regarding this application and the Florida Boating Improvement Program can be found in the Florida Boating Improvement Program Procedure Guide or you may contact the Program Administrator, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, FL 32399-1600. Telephone (850) 487-3755.

COUNCILMEMBER STEVENS

03/13/02

03/21/02

RESOLUTION 17 - 02

A RESOLUTION OF THE CITY OF CAPE CORAL SUPPORTING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION'S FLORIDA BOATING IMPROVEMENT PROGRAM; APPROVING THE SUBMISSION OF A GRANT APPLICATION THROUGH THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, COUNTY ADMINISTRATION OFFICE REQUESTING \$50,000 IN GRANT FUNDS FOR PHASE II DESIGN EFFORTS FOR THE CHIQUITA PARALLEL BOAT LOCK; AUTHORIZING THE ALLOCATION OF MATCH FUNDS TO MATCH THE GRANT AND TO MAINTAIN THE PROJECT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LEE COUNTY BOARD OF COUNTY COMMISSIONERS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN ANY DOCUMENTS PERTAINING TO THE GRANT AWARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, these grant funds can be used to benefit the boating public through master planning, project engineering, development, new construction, expansion or rehabilitation of recreational channel marking, public launching facilities, aquatic plant control or other local boating-related activities, statewide on coastal and/or inland waters; and

WHEREAS, the City of Cape Coral Public Works Department desires to apply for \$50,000 in grant funds through the Lee County Board of County Commissioners for Phase II Design efforts including preparation of construction documents and permitting for the Chiquita parallel boat lock; and

WHEREAS, the availability of the parallel lock will benefit over 6,000 boaters in Cape Coral and improve access for some of the 40,000 boaters in Lee County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The City Council hereby supports the Florida Boating Improvement Program and authorizes the submission of the grant application in the amount of \$50,000 through the Lee County Board of County Commissioners, County Administration Office for Phase II Design efforts for Chiquita parallel boat lock.

Section 2. The total project cost is approximately \$171,770, of which \$25,000 in match funds is being provided by the Florida Department of Environmental Protection Ecosystem Management and Restoration Fund. The City Manager or his designee is authorized to allocate \$86,770 in cash and \$10,000 in in-kind services to match the grant and to allocate General Fund dollars to maintain the project.

Section 3. The City Council is committed to provide resources to operate and maintain the facility for a period of 20 years.

Section 4. The City Manager or his designee is hereby authorized to enter into an interlocal agreement with Lee County, accept the grant, if awarded, and to execute any documents pertaining to the grant.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption by the Cape Coral City Council.

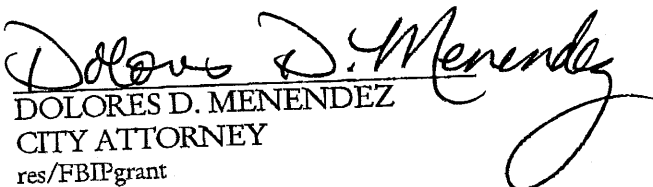
ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2002.

ARNOLD E. KEMPE, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2002.

BONNIE J. MAZURKIEWICZ
CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
res/FBIPgrant

A RESOLUTION BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS REQUESTING THAT THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION PROVIDE FUNDING THROUGH THE FLORIDA BOATING IMPROVEMENT PROGRAM TO FUND PHASE II DESIGN EFFORTS FOR THE CHIQUITA BOAT LOCK IN COOPERATION WITH THE CITY OF CAPE CORAL

WHEREAS, the Florida Fish and Wildlife Conservation Commission administers the Florida Boating Improvement Program to provide funds to local governments for the purpose of improving recreational boating, and

WHEREAS, the improvement of recreational boating facilities in Cape Coral will benefit over 6,000 boaters in Cape Coral and over 40,000 boaters in Lee County, and

WHEREAS, the Florida Boating Improvement Program can be used by municipal governments only when applications are submitted through the Board of County Commissioners, and

WHEREAS, the City of Cape Coral Parks and Recreation Department desires to apply for grant funds and has adopted resolutions seeking the assistance of Lee County in this effort, and will provide all resources necessary to operate and maintain the facilities for a minimum of twenty years, and

WHEREAS, Lee County desires to cooperate with the City of Cape Coral to provide improved recreational boating opportunities for all residents and visitors of Lee County,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF LEE OF THE STATE OF FLORIDA THAT:

Section 1. The County of Lee respectfully requests that the Florida Fish and Wildlife Conservation Commission grant \$50,000 for the Cape Coral Phase II Design efforts for the Chiquita Boat Lock.

Section 2. The County of Lee is authorized to submit these grant applications and to enter into Agreements with the Florida Fish and Wildlife Conservation Commission and the City of Cape Coral as necessary to implement these projects if grant funds are awarded.

Passed by the Board of County Commissioners of Lee County, Florida, this _____ day of _____, 2002 by a vote of _____ to _____; the motion was made by _____, seconded by _____ and upon being put to a vote, the vote was as follows:

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW W. COY _____
JOHN E. ALBION _____

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY,

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

BY: _____
ASST. COUNTY ATTORNEY

BOATING IMPROVEMENT INTERLOCAL AGREEMENT
FOR CHIQUITA BOAT LOCK

This Interlocal Agreement made and entered into this _____ day of _____ 2002, by and between LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, (hereinafter the "COUNTY") and the CITY OF CAPE CORAL, FLORIDA, a Florida municipal corporation, located within Lee County, (hereinafter the "CITY").

WHEREAS, the Florida Fish and Wildlife Conservation Commission ("Commission") pursuant to Section 206.606, Florida Statutes, is charged with providing funding for projects designed to serve the needs of recreational boating on waters within the State.

WHEREAS, the primary purpose of the program is to fund the direct costs of projects for recreational channel marking, public launching facilities, aquatic plant control and other local boating-related activities that are directly related and necessary to recreational boating. This program is known as the "Florida Boating Improvement Program."

WHEREAS, the Florida Boating Improvement Program is a grant program open to all county governments of the State of Florida. All other local bodies of government must apply through their county in order to be eligible for consideration.

WHEREAS, the County will be entering into an agreement (attached hereto as Exhibit 1) with the Florida Fish and Wildlife Conservation Commission for improvements to the Chiquita Boat Lock.

WHEREAS, the City desires to participate in the Florida Boating Improvement Program in order to receive \$50,000 in grant funds for the Phase II design phase for the Chiquita boat lock.

WHEREAS, the improvement to the facilities will benefit over 6, 000 boaters in Cape Coral who use the facility annually and over 40,000 boaters in Lee County.

WHEREAS, the County has agreed to act as the grant applicant for the City to provide improved recreational boating opportunities for all residents and visitors of Lee County.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereby agree as follows:

1. The City owns the property upon which the Chiquita Boat Lock is located.
2. The City will provide, for a term of not less than 20 years, any and all costs for ordinary and routine operations and maintenance of the Chiquita boat lock facilities.

This includes any and all personnel, equipment or service and supplies cost. If needed, the County will have access to the boat lock facility for purposes of construction and maintenance for not less than 20 years.

3. The City agrees to provide matching funds in the amount of \$111,770.00 in cash and \$10,000.00 in-kind services for the Phase II design effort for the Chiquita Boat Lock.

4. The City will provide matching funds for the construction of the facilities within one year of receipt of the grants.

5. The City agrees that, upon completion of the construction of the facilities, the City will timely submit appropriate requests for reimbursement from the County. The County shall reimburse the City for eligible project expenses. The County shall seek reimbursement from the Florida Fish and Wildlife Conservation Commission (FFWCC). Should the Florida Fish and Wildlife Conservation Commission fail to reimburse the County any portion of the funds that the County has paid out to the City, then the City shall return to the County any funds that were paid to the City pending reimbursement by the FFWCC.

6. The parties acknowledge that the grant funds must be used in one year or less.

7. The parties will maintain all required records, pursuant to the terms of the attached agreements.

8. The parties shall comply with all federal, state and local rules and regulations in providing services under this agreement. Furthermore, the parties will comply with the FFWCC Florida Boating Improvement Program Procedure Guide (attached as Exhibit 2).

9. In no case shall either party be liable to the other for either consequential or special damages of any kind whatsoever.

10. The parties will be liable for money damages in tort for any injuries to or losses of property, personal injury, or death caused by the negligent or wrongful act(s) or omissions(s) of any official or employee of the parties while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be held to be liable in accordance with the general laws of the State of Florida, subject to the limitations as set out in Section §768.28, Florida Statutes.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date and year first above written.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

ATTEST:
BY: _____
Bonnie Mazurkiewicz

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

APPROVED AS TO FORM:

BY:  _____
County Attorney

CITY OF CAPE CORAL

BY: _____
ARNOLD E. KEMPE, Mayor

LEGAL REVIEW:

BY: _____
Marilyn Miller, Acting City Attorney