

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020661

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Memorandum of Agreement in the amount of \$100,000 from the Florida Department of Environmental Protection to construct improvements to Lovers Key Roadside Park. Also approve Budget Amendment Resolution in the amount of \$100,000 and amend CIP for FY 01/02 - 05/06.

WHY ACTION IS NECESSARY: Board approval is required for Agreements and amendments to the CIP.

WHAT ACTION ACCOMPLISHES: Provides grant funds to be used for the construction of improvements at Lover's Key Roadside Park. The improvements include a playground, shelters, and restrooms.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #:

C2A

3. MEETING DATE:

06-25-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN.
- OTHER Grant

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT *Construction & Design*
- C. DIVISION
- BY: *Jim Lavender, Public Works Director*

7. BACKGROUND:

On June 1, 2001 the Tourist Development Council recommended funding \$305,000 from tourist taxes for the construction of picnic shelters, a playground, and restrooms along the east side of Estero Boulevard on Black Island.

On September 19, 2001, the Board of County Commissioners approved the Lovers Key Roadside Park project during the budget public hearings for FY 01/02.

On May 15, 2002, the Bonita Springs City Council approved contributing \$40,000 toward the construction of a turn lane.

The Department of Construction and Design has been able to secure funding of \$100,000 from the Florida Department of Environmental Protection to assist with constructing the improvements.

Funds will be available in account string: 22188430100.506540 - \$100,000;

Funds are available in account strings: 20188430101.506540 - \$305,000 and 20671330700.506540 - \$100,000

Attachments: Memorandum of Agreement
Budget Resolution

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
					OA	OM	RISK	GC	
<i>J. Lavender</i> 6-6-02	<i>[Signature]</i> 6/11/02		<i>[Signature]</i> 6/11/02	<i>[Signature]</i> 6/11/02	<i>[Signature]</i> 6-11-02	<i>[Signature]</i> 6/11/02	<i>[Signature]</i> 6/11/02	<i>[Signature]</i> 6-11-02	<i>J. Lavender</i> 6-6-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoActy
Date: *6/11/02*
Time: *11:15 am*
Forwarded To:
APM/110
6/11/02 2:00 PM

RECEIVED BY
COUNTY ADMIN.
6/11 2:15
COUNTY ADMIN.
FORWARDED TO:
6/12 4:00

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
MEMORANDUM OF AGREEMENT
LOVERS KEY ROADSIDE PARK
LOVERS KEY STATE PARK
LEE COUNTY, FLORIDA

This Memorandum of Agreement is made and entered into this _____ day of _____, 20____ by and between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, through its Division of Recreation and Parks, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, hereinafter referred to as the DEP and the LEE COUNTY, FLORIDA, whose address is 1500 Monroe Street, Fort Myers, Florida 33902-0398 hereinafter referred to as the COUNTY.

WITNESSETH

WHEREAS, the DEP and the COUNTY desire to construct improvements to the roadside park located on Estero Boulevard; and

WHEREAS, the COUNTY has retained Aim Engineering & Surveying, Inc. for design services and Lodge Construction for construction management services;

NOW THEREFORE, for and in consideration of the premises and the mutual benefits, and covenants herein contained, the parties agree as follows:

1. The DEP shall accomplish the following:
 - a. Reserve from FY 2001/02 \$100,000 to fund construction of Lovers Key Roadside Park to an extent that the \$100,000 will fund. All DEP funding must be expended prior to June 30, 2004.
 - b. Reserve the right to review all design and contract documents and review the construction of the project.
2. The COUNTY shall accomplish the following:
 - a. Provide design, construction and construction management for the project.
3. The DEP's project manager is J. Randy Smith, telephone 850/488-5372; the COUNTY's project manager is Bob Taylor, telephone 941/479-8306. All matters shall be directed to the project manager for appropriate action or disposition.
4. This Agreement shall begin upon execution and end at construction completion.
5. The DEP and the COUNTY agree to enter into good faith negotiations with respect to any amendment or changes to this Memorandum of Agreement that may be necessary to provide for continued cooperation for the success of the project. Any modifications to the Agreement shall be reduced to writing and duly signed by all parties hereto.

6. Pursuant to Section 216.2815, Florida Statutes, all records in conjunction with this Agreement shall be public record and shall be treated in the same manner as other public records under general law. This Agreement may be unilaterally canceled by the DEP for refusal by the COUNTY to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes in conjunction with this Agreement.
7. The DEP and COUNTY are responsible for all personal injury and property damage attributable to the negligent or wrongful acts of their representative officers, employees and agents. Nothing herein shall be construed as a waiver of sovereign immunity as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law or agreement providing limitation on claims.
8. Correspondence shall be addressed as follows:

To DEP: Florida Department of Environmental Protection
Division of Recreation and Parks
Bureau of Design and Recreation Services
3540 Thomasville Road
Tallahassee, Florida 32309
Attn: Bureau Chief

To COUNTY: Lee County
Division of Construction & Design
1500 Monroe Street
Fort Myers, Florida 33902-0398
941/479-8306

Consultant: Aim Engineering & Surveying, Inc.
Clayton R. Miller, P.E.
5300 Lee Boulevard
Lehigh Acres, Florida 33971
941/332-4569; 800/226-4569

Contractor: Lodge Construction
Mike Dunn
2161 McGregor Boulevard, Unit A
Fort Myers, Florida 33901
941/332-4371

9. The DEP may terminate this Agreement at any time in the event of the failure of the COUNTY to fulfill any of its obligations under this Memorandum of Agreement. Prior to termination, the DEP shall provide ten (10) calendar days written notice of its intent to terminate and shall provide the COUNTY an opportunity to consult with DEP regarding the reason(s) for termination.

IN WITNESS WHEREOF, the parties have caused these present to be duly executed, the day and year first above written.

COUNTY OF LEE, FLORIDA
By Its Board of COUNTY Commissioners

Witnesses:

Signature

Printed/Typed Name

Signature

Printed/Typed Name

By: _____
Chairman or authorized designee

(OFFICIAL SEAL)

Approved as to Form and Legality:

COUNTY ATTORNEY

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
DIVISION OF RECREATION AND PARKS

Witnesses:

Signature

Printed/Typed Name

Signature

Printed/Typed Name

By: _____
Director or authorized designee

Approved as to Form and Legality:

Jerome L. Johnson

DEP ATTORNEY

RESOLUTION

Amending the Budget of Capital Improvements-Fund 30100 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2001-2002.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Capital Improvements-Fund 30100 budget for \$100,000 of the unanticipated revenue from the FL Department of Environmental Protection and an appropriation of a like amount for construction costs and;

WHEREAS, the Capital Improvements-Fund 30100 budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES		
Prior Total:		\$86,858,131
Additions		
22188430100.334720.9002	FDEP Grants for Parks	100,000
Amended Total Estimated Revenues		\$86,958,131

APPROPRIATIONS		
Prior Total:		\$86,858,131
Additions		
22188430100.506540	Construction Improvements	100,000
Amended Total Appropriations		\$86,958,131

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Capital Improvements-Fund 30100 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YA
LEDGER TYPE BA