

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

**Blue Sheet No. 20020939**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve an Interlocal Agreement with the City of Bonita Springs for the County to initiate the right-of-way acquisition for properties needed for the Three Oaks Parkway South Extension on behalf of the City for a not-to-exceed amount of \$1,000,000.00. Also, approve a Budget Amendment Resolution in the Transportation Capital Improvement Fund for unanticipated revenues and expenditures. Amend FY 02-06 Capital Improvement Program.

**WHY ACTION IS NECESSARY:** Board approval is required for entering into Interlocal Agreements and amendments to the Capital Improvement Program.

**WHAT ACTION ACCOMPLISHES:** Allows the County to assist the City of Bonita Springs with its highway system.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #** A12B

**3. MEETING DATE:**  
09-03-2002

**4. AGENDA:**

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
*(Specify)*

STATUTE

ORDINANCE

ADMIN. CODE

OTHER

**6. REQUESTOR OF INFORMATION:**

**A. COMMISSIONER** \_\_\_\_\_

**B. DEPARTMENT** County Attorney

**C. DIVISION** General Services

**BY:** Andrea R. Fraser  
Assistant County Attorney

**7. BACKGROUND:**

The City of Bonita Springs and Lee County executed a Master Transportation System Agreement dated September 19, 2000, to jointly establish a Five-Year Improvement Plan. The Parties are negotiating a Supplemental Agreement to the Master Interlocal Agreement to construct the Three Oaks Parkway South Extension and delineate responsibilities of the Parties. In the interim and to initiate the right-of-way acquisition for properties needed for Three Oaks Parkway South Extension and which are being offered for sale voluntarily.

Funds will be available as follows: 20404330709.506540

**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
N/A	N/A	N/A	N/A	<i>Andrea Fraser</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

2002-0939  
A  
4:25  
ADMIN.  
WARDED TO:  
8/22/02  
V. [Signature]

# RESOLUTION #

Amending the Budget of Transportation Capital Improvements-Bonita Springs-Fund 30709 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 Transportation Capital Improvements-Bonita Springs-Fund 30709 budget for \$1,000,000 of the unanticipated revenue from City of Bonita Springs and an appropriation of a like amount for construction costs and;

**WHEREAS**, the Transportation Capital Improvements-Bonita Springs-Fund 30709 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$0
Additions		
20404330709.337400.9007	Donation-City of Bonita Springs	1,000,000
Amended Total Estimated Revenues		\$1,000,000

## APPROPRIATIONS

Prior Total:		\$0
Additions		
20404330709.506540	Improvements Construction	1,000,000
Amended Total Appropriations		\$1,000,000

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Transportation Capital Improvements-Bonita Springs-Fund 30709 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

**JOINT SUPPLEMENTAL INTERLOCAL AGREEMENT  
BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS  
UNDER ITS MASTER TRANSPORTATION AGREEMENT:  
THREE OAKS PARKWAY SOUTH EXTENSION  
ACQUISITION ADVANCEMENT BY BONITA SPRINGS**

This **FOURTH JOINT SUPPLEMENTAL INTERLOCAL AGREEMENT**, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by and between the Lee County Board of County Commissioners, a political subdivision and Charter County of the State of Florida, hereinafter referred to as "County", and the City Council of Bonita Springs, a municipal corporation in the State of Florida, hereinafter referred to as "City".

**WHEREAS**, the respective governing bodies for Bonita Springs and Lee County executed a Master Transportation System Agreement dated September 19, 2000, to jointly establish a Five-Year Road Improvement Plan requiring resources of both the County and the City; and

**WHEREAS**, the Agreement contemplates the use of Supplemental Agreements to the said Master Interlocal Agreement for different stages of road work in Bonita Springs, the first being the Livingston/Imperial connection, four-lane extension from Collier County line to Bonita Beach Road; and

**WHEREAS**, the second Supplemental Agreement addressed the four laning of Imperial Street as a collector road from Bonita Beach Road to East Terry Street; and

**WHEREAS**, the third Supplemental Agreement involved the widening and resurfacing of Bonita Beach Road; and

**WHEREAS**, the parties are negotiating a Supplemental Agreement to the said Master Interlocal Agreement, to construct the Three Oaks Parkway South Extension, an arterial road from the intersection of Imperial Street and East Terry Street to the northern municipal corporate boundary, and delineate responsibilities of the respective parties; and

**WHEREAS**, in the interim, and to initiate the right-of-way acquisition for properties clearly needed for the Three Oaks Parkway South Extension and which are being offered for sale voluntarily, the parties agree that establishing an account will benefit the right-of-way acquisition until such time as the CITY and COUNTY finalize the Three Oaks Parkway South Extension construction Interlocal Agreement, anticipated to be approved by the parties sometime in fall 2002.

BSC-02-08-58

**Bonita Springs City Attorney**  
**Date: August 2, 2002**

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Now, therefore, in consideration of the above premises and other good and other valuable consideration, the receipt of which is hereby acknowledged, and further consideration of the mutual covenants hereinafter contained, it is agreed by the parties as follows:

1. COUNTY and CITY plan to participate in a JOINT PROJECT, the scope of which is generally identified in Exhibit A of the Master Transportation System Agreement as project 4043, the Three Oaks Parkway South Extension, an arterial road from the intersection of Imperial Street and East Terry Street to the northern municipal corporate boundary.
  - A) CITY agrees that it will, upon thirty (30) days from execution of this Interlocal Agreement, transfer one million (\$1,000,000) dollars to initiate the right-of-way acquisition for properties that will clearly be needed for the Three Oaks Parkway South Extension and which are being offered for sale voluntarily.
  - B) COUNTY and CITY agree that all funds transferred from the CITY to the COUNTY will be credited as a portion of the CITY's share of the proposed costs to construct the JOINT PROJECT, as specifically defined in the CIP project sheet attached as Exhibit A to the future Supplemental Agreement to the said Master Interlocal Agreement to construct the Three Oaks Parkway South Extension.
  - C) Should the JOINT PROJECT not commence for any reason, the CITY shall be entitled to any funds remaining in the account plus any interest earned.
2. The parties intend for this Agreement to merge into the Supplemental Agreement to the said Master Interlocal Agreement to construct the Three Oaks Parkway South Extension. In the event the parties are unable to agree to a Supplemental Agreement to the said Master Interlocal Agreement to construct the Three Oaks Parkway South Extension, any properties acquired will be owned by the COUNTY for use in this project. Should the COUNTY abandon the project, the COUNTY will transfer the deeds to the CITY of any properties acquired from the use of the City's one million (\$1,000,000.00) contribution.
3. Neither Lee County nor the City of Bonita Springs will be responsible for any claims, liabilities, lawsuits, or causes of action arising out of the other party, its contractors, agents, or representatives relating to this Agreement. This Agreement is Supplemental to the Master Transportation System Agreement referenced above. However, this Agreement constitutes the entire understanding between the parties, and

other than the Master Transportation System Agreement, any previous Agreements on the subject matter of this Agreement, whether written or oral, is superceded by this Agreement to the extent of any conflict.

4. This Agreement may be amended only by the concurrence of both parties and executed with the same formalities as this original Agreement.
5. All of the remaining terms in the Master Transportation System Agreement dated September 19, 2000, remain as written, and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers and their official seals affixed hereto, on the day and year as first written above.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

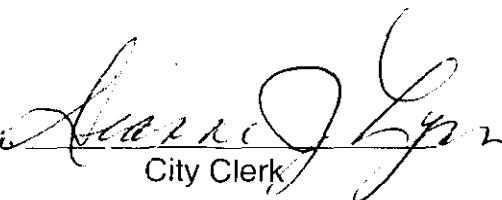
By: \_\_\_\_\_  
Chairman

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_  
Lee County Attorneys Office

Attest:

CITY OF BONITA SPRINGS

By:   
City Clerk

By:   
Mayor

APPROVED AS TO LEGAL FORM:

By:   
City Attorney