

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

Blue Sheet No. 20030240

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve and authorize execution and recording of an Agreement between the Riverwalk Cove Condominium Association, Inc. ("Riverwalk Cove"), the Lee County Sheriff and the County for the County's exercising of County jurisdiction over certain roads within Riverwalk Cove for traffic control purposes.

**WHY ACTION IS NECESSARY:** Agreements involving the County's exercise of jurisdictional control over roadways must be approved and executed by the Board of County commissioners pursuant to Florida Statute.

**WHAT ACTION ACCOMPLISHES:** Memorializes a three-party Agreement for the County's exercise of jurisdictional control over certain private roads for traffic control purposes by the Sheriff.

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

*C12A*

**3. MEETING DATE:**

*03-11-2003*

**4. AGENDA:**

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

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

- STATUTE 316.006 F.S.
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: *Scott S. Coover*  
Scott S. Coover  
Assistant County Attorney

**7. BACKGROUND:**

**November 5, 2002:** The County was approached by representatives of the Riverwalk Cove Condominium Association, Inc. with respect to governmental control, and Sheriff's patrol, of certain private roads within Riverwalk Cove, pursuant to authority granted by Florida law. County representatives and Sheriff's representatives have examined the Riverwalk Coves proposal, find that it is acceptable, and have embodied same in a three-party Interlocal Agreement, which is attached for Board of County Commissioners' consideration.

**February 17, 2003:** Final Agreement has been reached by and among Riverwalk Cove, the Sheriff and County staff with respect to terms and conditions for the County to exercise its jurisdiction over certain private roads within Riverwalk Cove for the Sheriff to patrol same pursuant to Section 316.006(3)(b), Florida Statutes.

(CONTINUED on PAGE 2)

**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>5/ hour 2/21/03</i>	<i>OA 2/21/03</i>	<i>OM 2/24/03</i>	<i>RISK 2/24/03</i>	<i>GC 2-26-03</i>	<i>2-26-03</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. <i>RAK</i>
<i>3-21-03 4:45</i>
COUNTY ADMIN. FORWARDED TO: <i>OS</i>
<i>2/26/03</i>

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**Page No.: 2**

**Subject: Riverwalk Cove Condominium**

**7. BACKGROUND:**

(Continued from Page 1)

The agreed upon conditions within the Interlocal Agreement meet all statutory requirements.

There is no cost to the County under the Interlocal Agreement terms.

Also, the County will be named as an additional insured on all liability insurance policies relating to the Association's ownership, construction and operations and repairs to its roads.

The Interlocal Agreement contemplates normal Sheriff's patrol of the Association's streets with provisions for any additional services requested by Riverwalk Cove to be contracted for by separate Agreement(s).

Administrative and legal staff recommend entering into the Interlocal Agreement with the Riverwalk Cove Condominium Association, Inc. and the Sheriff for the Sheriff's traffic patrol of the designated roads within Riverwalk Cove.

This Agreement is identical to the recent, prior Agreements entered into between the County, the Sheriff, the Bonita Bay Community Association and the Spanish Wells Community Association.

**ATTACHMENT:**

Four (4) original Agreements Approving and Providing for County Traffic Control Jurisdiction Over Certain Roads Within Riverwalk Cove Condominium.

**AGREEMENT APPROVING AND PROVIDING FOR COUNTY TRAFFIC CONTROL  
JURISDICTION OVER CERTAIN ROADS WITHIN  
RIVERWALK COVE CONDOMINIUM**

This Agreement is made and entered this \_\_\_\_\_ day of \_\_\_\_\_ 2003 by and among, Riverwalk Cove Condominium Association, Inc., Hereinafter referred to as "Association") with a mailing address of C/O Capital Properties Group, Inc. 3364 Cleveland Avenue, Ft. Myers, FL 33901, and Lee County, by and through the Board of County Commissioners (hereinafter referred to as "County"), collectively, "The Parties" hereto.

**WITNESSETH**

WHEREAS, all streets and roads within Riverwalk Cove Condominium are private roads, neither owned nor maintained by Lee County; and

WHEREAS, the Association has requested that the Lee County Sheriff's Department patrol the following private roadways and exercises jurisdiction in the enforcement of state and county traffic laws over said private roadways listed on Exhibit "A" attached hereto and incorporated herein; and,

WHEREAS, the roads exhibited in Exhibit "A" have been dedicated to the Association and are currently operated and controlled by the Association; and

WHEREAS, Section, 316.006(3)(b), Florida Statutes, authorizes a county to exercise jurisdiction over any private road or roads located within the unincorporated area within its boundaries if the county and the party or parties owning and controlling such road or roads provide by written agreement for county traffic control jurisdiction over the road or roads encompassed by such agreement; and

WHEREAS, the Lee County Sheriff's Department, confirms that there is an enforcement need and has agreed to provide traffic control enforcement upon the roadways listed in Exhibit "A", and

WHEREAS, Lee County, through the Lee County Transportation and Engineering Department, reviewed this issue and recommends approval subject to compliance with the attached Subdivision Sign Maintenance Plan, set forth in Exhibit "B", attached hereto and incorporated herein; and

WHEREAS, The Board of County Commissioners has reviewed this agreement and determines that it is in the interest of the public's health, safety and welfare to enter into this agreement pursuant to section 316.006(3)(b), Florida Statutes,

NOW THEREFORE, in consideration of the premises and the terms and conditions provided herein, the Parties agree as follows:

1. The recitals and exhibits stated in reference herein above are hereby restated and are made a part of this Agreement.
2. Lee County, through its Board of County Commissioners, does hereby determine and hereby exercises its jurisdiction over the private roads listed on Exhibit "A", attached hereto and incorporated herein pursuant to this agreement which is pursuant to Section 316.006 (3)(b), Florida Statutes. Pursuant to Section 316.006(3)(b)(2), Florida Statutes, the Sheriff hereby expressly waives the statutory requirement concerning the effective date of this Agreement relating to the beginning of the next County fiscal year, and agrees that the effective date of this Agreement is as provided herein.
3. The Sheriff shall as of the date January 1, 2003, and thereafter, include as a part of its normal duties patrol and enforcement of all county and state traffic control regulations and laws on and over the roads described in Exhibit "A" within Riverwalk Cove Condominium.
4. The parties recognize that the roads in Exhibit "A" within Riverwalk Cove Condominium are not public roads and are neither County owned nor County maintained and the responsibilities for construction, maintenance and repair, including frontage along the roadside do not legally exist with and are not hereby contractually imposed upon Lee County or the Sheriff. Sign maintenance repair and adequacy along the roads is the sole responsibility of the Association and its designee. The Association as set forth in Exhibit "B" attached hereto and incorporated herein shall implement a maintenance program.
5. Lee County and the Sheriff shall be included as "an additional insured" on all the liability insurance policies of the Association, which relate to ownership, construction, maintenance or repair of the Association's road and appurtenances.
6. The parties agree and understand that this Agreement is being made for the Sheriff to provide normal duties, patrol and enforcement at the same level of service provided to other residential subdivisions with public roads. The Parties hereby agree that for any additional or special services requested by the Association, that the Association shall enter into separate agreements for such services and any charge for the special services will be on a case by case basis depending upon the time, manner and number of deputies required to perform the additional service(s).
7. This Agreement may only be modified through a written document executed with same formality as this Agreement. However, the County for its convenience may terminate this Agreement, by adoption of resolution at a regular meeting providing for such termination.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement, the Board of County Commissioners approved this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, and the Sheriff approved this Agreement on the 17<sup>th</sup> day of Feb., 2003.

ATTEST:  
CHARLIE GREEN, Clerk

BOARD OF COUNTY COMMISSIONERS OF  
LEE COUNTY FLORIDA

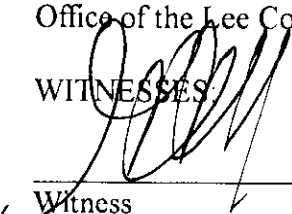
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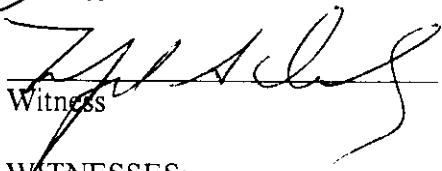
By: \_\_\_\_\_

Approved as to form and legal sufficiency:

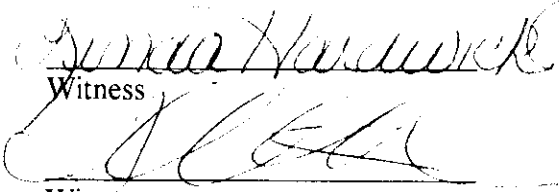
Office of the Lee County Attorney

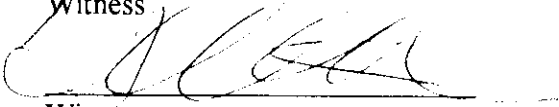
WITNESSES:

  
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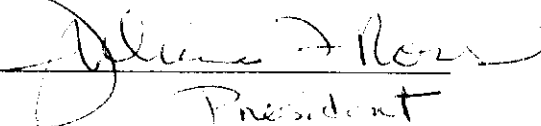
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Witness

LEE COUNTY SHERIFF'S DEPARTMENT

  
\_\_\_\_\_

RIVERWALK COVE CONDOMINIUM  
ASSOCIATION, INC.

  
\_\_\_\_\_  
President

**EXHIBIT "A"**

Roads within Riverwalk Cove Condominium:

Albacore Lane  
Grouper Court  
Harbour Cay Boulevard  
Bluefish Court  
Sunfish Court  
Harbour Club Road  
Whiting Court

## **EXHIBIT "B"**

All sign repairs, maintenance and installation will be by the Association. Signs will be maintained by the Association in compliance with manual of Traffic Control Devices (MACTD) and applicable Florida Statutes, to include but not limited to:

1. Warning signs shall have black lettering on yellow background.
2. All traffic signs shall be installed at least 5 feet in height as measured from the bottom of the sign to the level portion of the roadway.