

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

Blue Sheet No. 20040028

1. REQUESTED MOTION:

ACTION REQUESTED: Amend the FY 03-08 CIP budget for the Three Oaks South project (#4043) to incorporate funds recently paid by the Simon Suncoast/Coconut Point DRI and advance the construction phase one year. Also, approve budget amendment in the Transportation Capital Improvement Fund.

WHY ACTION IS NECESSARY: Board approval required for CIP amendments.

WHAT ACTION ACCOMPLISHES: Applies the DRI funds in an appropriate manner, frees up County gas tax revenues for other CIP needs, and advances the project construction phase one year from FY 05/06 to FY 04/05.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #3**

C9C

3. MEETING DATE:

02-03-2004

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 Transportation
- C. DIVISION _____

BY: Scott Gilbertson, Director

7. BACKGROUND:

The Coconut Point Development of Regional Impact (DRI), formerly known as Simon Suncoast, is required to pay \$14,770,000 in 2002 dollars as mitigation for its impacts on area roads. The DRI Development Order provided an option for the developer to pay his obligation up front in two installments in order to obtain concurrency vesting, with the first payment of \$6,270,000 due by December 31, 2003. This option required the execution of a Development Agreement, which is still being negotiated, but the developer went ahead and made the first payment by the deadline to preserve his rights. Under agreement with the City of Bonita Springs, the County is forwarding \$2,184,000 to the City to address impacts from the DRI on Old 41, leaving \$4,086,000 for the County to allocate.

(CONTINUED ON NEXT PAGE)

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>2/12/04</i> <i>[Signature]</i>	NA	NA	<i>[Signature]</i>	<i>[Signature]</i> 1-14-04	OA <i>[Signature]</i> 1-15-04	OM <i>[Signature]</i> 1/16/04	Risk <i>[Signature]</i> 1/15/04	GC <i>[Signature]</i> 1-15-04	<i>[Signature]</i> 1-13-04

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: *1/14/04*
Time: *3:15 PM*
FORWARDED TO:
County Admin
1-14-04 4:00pm

RECEIVED BY
COUNTY ADMIN
1/14/04
3:55pm SGT
COUNTY ADMIN
FORWARDED TO: *[Signature]*
1/20/04
5pm.

7. BACKGROUND: (CONTINUED) - #20040028

The DRI Development Order requires that the money be spent toward improving the roads significantly and adversely impacted by the DRI, or relievers to those roadways. Two road segments that are projected to be impacted by the DRI, US 41 from Bonita Beach Road to Coconut Road and Old 41 from Rosemary Drive to US 41, would be relieved by the Three Oaks South project from East Terry Street to The Brooks, so it would be appropriate to apply the DRI's funds to the Three Oaks South project.

The Three Oaks South project (#4043) totals \$29,455,000, with the City of Bonita Springs contributing \$12,535,000 (43%). The design/permitting phase and voluntary right-of-way acquisition are currently underway. The construction phase was budgeted in FY 2005/2006 in anticipation of the length of time it would take to complete the design/permitting and right-of-way acquisition phases. So far, those phases seem to be progressing very well, so it may be possible to proceed with the construction phase earlier than 2005/2006 if that progress continues, but the funding would have to be available. The construction phase totals \$14,743,000, with \$3,782,000 coming from the City, \$2,800,000 coming from the County's District 8 road impact fee revenues, and \$8,161,000 coming from the County's local option gas taxes.

The application of the \$4,086,000 from the Coconut Point DRI payment toward the construction phase would free up a like amount in County gas tax revenues, which could be applied to other CIP priorities. With the DRI funding provided in the current fiscal year (2003/2004), the remaining \$10,657,000 to complete the construction phase could be moved forward to FY 2004/2005 without jeopardizing other projects in the CIP. The total dollar amounts for the project remain unchanged. The proposed budget shift means the funding would not be a limitation if significant progress continues to be made on the design/permitting and right-of-way acquisition phases and the construction phase is ready to go earlier than previously thought. The City has assured staff that they are prepared and willing to advance their portion of the funding. A comparison of the current project budget and the proposed revisions is provided as Attachment A.

RESOLUTION

Amending the Budget of Transportation Capital Improvements-Fund 30700 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2003-2004.

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-Fund 30700 budget for \$4,086,000 of the unanticipated revenue from Coconut Point DRI Fees and an appropriation of a like amount for construction costs and;

WHEREAS, the Transportation Capital Improvements-Fund 30700 budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES		
Prior Total:		\$64,605,078
Additions		
20404330700.363249.9001	DRI Fees – Coconut Point	4,086,000
Amended Total Estimated Revenues		\$68,691,078

APPROPRIATIONS		
Prior Total:		\$64,605,078
Additions		
20404330700.506540	Improvements Construction	4,086,000
Amended Total Appropriations		\$68,691,078

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Transportation Capital Improvements-Fund 30700 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 _____, 2004.

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

PROPOSED REVISIONS TO FY 03/04-07/08 TRANSPORTATION CIP
 THREE OAKS SOUTH PROJECT (#4043)
 (Shading identifies changes)

ATTACHMENT A

	FUND SOURCE	FY 98-02 PRIOR EXP.	CURRENT BUDGET FY 02/03	CIP BUDGET FY 03/04	CIP BUDGET FY 04/05	CIP BUDGET FY 05/06	CIP BUDGET FY 06/07	CIP BUDGET FY 07/08	CIP BUDGET FY 03/04-07/08	CIP BUDGET YEARS 6-10	TOTAL PROJECTED COST
CURRENT	204043	THREE OAKS PWKY EXTENSION, SOUTH									
		CITY	1,000,000	889,000	6,864,000		3,782,000 **		10,646,000	0	12,535,000
		IF DIST 8	3,368,000	5,321,000			2,800,000 **		2,800,000	0	11,489,000
		LOGT					8,161,000 **		8,161,000	0	8,161,000
		AD VAL.					997,000		997,000	0	997,000
		Total	4,368,000 *	6,210,000	6,864,000	0	14,743,000 **	997,000	22,604,000	0	33,182,000 *
REVISION	204043	THREE OAKS PWKY EXTENSION, SOUTH									
		CITY	1,000,000	889,000	6,864,000		3,782,000 **		10,646,000	0	12,535,000
		IF DIST 8	3,368,000	5,321,000			2,800,000 **		2,800,000	0	11,489,000
		LOGT					4,075,000 **		4,075,000	0	4,075,000
		DEV CONT			4,086,000 **				4,086,000	0	4,086,000
		AD VAL.					997,000		997,000	0	997,000
		Total	4,368,000 *	6,210,000	10,950,000	10,557,000 **	997,000	0	22,604,000	0	33,182,000 *

* \$3,727,000 of prior year expenditures for Old 41 improvements and FTE corridor study, so actual total cost for Three Oaks South DES/ROW/CST is \$29,455,000.

** Funding for construction phase.