

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

Blue Sheet No. 20040758

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Interlocal Agreement between Lee County and the School Board of Lee County providing for the sharing in the financing of the construction of a sidewalk on Pine Island Road, between Matlacha Isles and S.W. 35th Place.

WHY ACTION IS NECESSARY: The Board of County Commissioners must approve all Interlocal Agreements entered into by the County.

WHAT ACTION ACCOMPLISHES: Clarifies the Parties' respective responsibilities for funding the construction of the sidewalk.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12A

3. MEETING DATE:

06-22-2004

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 County Attorney
- C. DIVISION General Services
- BY: Andrea R. Fraser
Assistant County Attorney

7. BACKGROUND:

A representative of the School Board of Lee County requested the installation of a sidewalk on Pine Island Road, between Matlacha Isles and S.W. 35th Place, in order to protect children boarding the school bus at that location. After discussion, the Parties agreed to enter into an Interlocal Agreement that formalizes their responsibilities.

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>[Signature]</i>	<i>CCM</i>	<i>6/16/04</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: *[Signature]*
6/16/04
4:10 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
6-20-04
1:30 pm

CO. ATTY
FORWARDED *7/8/04*
TO CO. ADMIN.
3:05 pm

APPROVED

JUN 01 2004

**INTERLOCAL AGREEMENT BETWEEN
LEE COUNTY AND THE SCHOOL BOARD OF LEE COUNTY
FOR FUNDING THE CONSTRUCTION OF A SIDEWALK ON
PINE ISLAND ROAD BETWEEN MATLACHA ISLES AND S.W. 35TH PLACE**

THIS INTERLOCAL AGREEMENT is entered into and effective on the last day affixed hereto, between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof ("County"), and the **SCHOOL BOARD OF LEE COUNTY**, a part of the state system of public education of the State of Florida, existing under the laws of the State of Florida ("Board"), collectively, the "Parties".

WITNESSETH THAT:

WHEREAS, the County is a political subdivision and charter county of the State of Florida, governed by Chapter 125, Florida Statutes, and given those powers and responsibilities enumerated therein, including the power to enter into contracts with public agencies, private corporations or other persons for the benefit of the County; and,

WHEREAS, the Board is a part of the state system of public education; and,

WHEREAS, both the County and the Board are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, Florida Statutes, to enter into Interlocal Agreements for the sharing of certain governmental powers and obligations; and,

WHEREAS, the Parties desire to reduce to writing their respective responsibilities of the Parties for funding the construction of a sidewalk on Pine Island Road between Matlacha Isles

and S.W. 35th Place; and,

WHEREAS, the Parties have reached an agreement regarding financing the construction of the sidewalk on Pine Island Road between Matlacha Isles and S.W. 35th Place based on the best interest of the public health, safety and welfare, and desire this Interlocal Agreement to be in writing set forth herein; and,

WHEREAS, the Parties' governing boards have authorized entering into this Interlocal Agreement.

NOW THEREFORE, the Board and the County agree to the following terms and conditions hereinafter set forth, the Parties intending to be legally bound, hereby agree as follows:

SECTION I **PURPOSE**

It is the purpose and intent of this Interlocal Agreement to define the terms and conditions under which the Board and the County will provide funding herein described for the construction of a sidewalk on Pine Island Road between Matlacha Isles and S.W. 35th Place (the "Project").

All terms and conditions of this Interlocal Agreement shall be interpreted in a manner consistent with, and in furtherance of, the purpose as set forth above.

SECTION II **SCOPE OF SERVICES**

The County will be responsible for engineering, surveying, bidding, inspecting and testing the Project. The sidewalk shall, and will meet and equal the standards, requirements, design and construction of sidewalks at the County level of service suitable for County ownership and perpetual maintenance.

The Board will be responsible for paying fifty percent (50%) of the cost of the

construction.

SECTION III COMPENSATION

It is expressly agreed and understood that the cost of the construction of the Project is estimated at \$34,000.00, for a total, not-to-exceed percentage of fifty percent (50%) each of the total cost, including any overage. No other funds, nor the full faith and credit of the Parties is pledged for the construction improvement of the Project.

SECTION IV ASSIGNMENT

No assignment, delegation, transfer, or novation of this Interlocal Agreement or any part thereof shall be made, unless approved in writing by the Board and the County.

SECTION V AMENDMENT

This Interlocal Agreement may only be amended in writing and duly executed by the Board and the County with the same formalities as this Interlocal Agreement.

SECTION VI CONSTRUCTION

This Interlocal Agreement shall be governed by, and construed in accordance with the laws of the State of Florida.

SECTION VII LIABILITY

The Parties agree that by execution of this Interlocal Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for by Florida Statutes.

SECTION VIII SEVERABILITY

If any provision of this Interlocal Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Interlocal Agreement shall

nevertheless be in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed this day of June , 2004, for the purposes herein expressed.

SCHOOL BOARD OF LEE COUNTY

 Keith H. Moon
Witness

By: James Browder
James Browder, Superintendent

 Mary Ann Seary
Witness

APPROVED AS TO FORM:

APPROVED
JUNE 10 2004
K. MARTIN

By: Keith Martin
Keith Martin, Esq., Counsel

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney