

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

Blue Sheet No. 20040368

1. REQUESTED MOTION:

ACTION REQUESTED: Approve amendment to the Interlocal Agreement between Lee County and the City of Bonita Springs for the purpose of the City operating and maintaining the small boat access across Hickory Boulevard.

WHY ACTION IS NECESSARY: Interlocal Agreements must be approved by the Board of County Commissioners.

WHAT ACTION ACCOMPLISHES: Allows the City of Bonita Springs to maintain and improve Lee County's jurisdictional property at no additional cost to the County.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # A12A

3. MEETING DATE:
07-27-2004

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:

On December 2, 2003, the Board of County Commissioners approved an Interlocal Agreement between Lee County and the City of Bonita Springs allowing the City to enhance Beach Park North on Hickory Island by creating a small parking facility to provide additional parking on Bonita Beach. With the amendment to the Interlocal Agreement, the City wishes to also be responsible for operation and maintenance of the parcel of property (Bay Park North) located across Little Hickory Boulevard under terms similar to Bonita Park North.

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>	OA <i>[initials]</i>	OM <i>[initials]</i>	RISK <i>[initials]</i>	GC <i>[initials]</i>	<i>[Signature]</i> 6-29-04

10. COMMISSION ACTION:

_____ APPROVED
 _____ DENIED
 _____ DEFERRED
 _____ OTHER

CO. ATTY
FORWARDED
TO CO. ADMIN.
6/29/04
2:35 PM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
6/29/04
3:30 PM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
6/30/04
9 AM

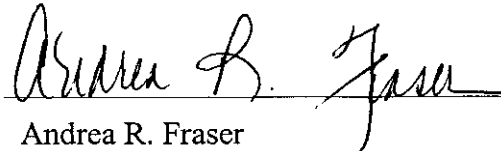
**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: March 24, 2004

TO: Randy Cerchie

DOT

FROM:



Andrea R. Fraser
Assistant County Attorney

**RE: AMENDMENT TO INTERLOCAL AGREEMENT - NORTH BEACH PARK ON
LITTLE HICKORY ISLAND; LEE COUNTY & THE CITY OF BONITA SPRINGS**

Randy;

Please find the above referenced Agreement attached for your review and comment, as we discussed earlier, as well as a copy of the bluesheet to bring this item to the Board for their consideration.

If you have any suggested changes, please advise at your earliest convenience.

Thanks.

ARF/dm

Attachments

xc: David M. Owen, Chief Assistant County Attorney



*City of
Bonita Springs*

9220 BONITA BEACH ROAD
SUITE 111
BONITA SPRINGS, FL 34135
TEL: (239) 390-1000
FAX: (239) 390-1004
www.cityofbonitasprings.org

Paul D. Pass
Mayor

Wayne P. Edsall
Councilman
District One

Jay Arend
Councilman
District Two

R. Robert Wagner
Councilman
District Three

John C. Warfield
Councilman
District Four

David T. Piper, Jr.
Councilman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

~
Gary A. Price
City Manager

Audrey E. Vance
City Attorney

March 9, 2004

Andrea R. Fraser, Esquire
Assistant County Attorney
Lee County Attorney's Office
P. O. Box 398
Fort Myers, Florida 33902-0398

RE: Interlocal Agreement: North Hickory Island Park

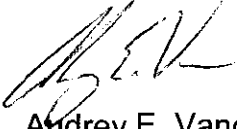
Dear Andrea:

Enclosed are three (3) originals of the Interlocal Agreement to amend the Interlocal Agreement relating to North Beach Park on Little Hickory Island to add the parcel across the street, tentatively called North Bay Park. The Interlocal Agreement was approved by Bonita Springs City Council on March 3, 2004.

Please schedule for approval by the Board of County Commissioners and return one fully executed agreement to the City Clerk for the City of Bonita Springs files.

Thank you for your assistance regarding this matter.

Very truly yours,


Audrey E. Vance
City Attorney

AEV/
Enclosure

cc: Councilman Bob Wagner, District No. 3
Gary A. Price, City Manager
Daryl Walk, Public Works Manager
Dianne J. Lynn, City Clerk
David M. Owen, Chief Assistant County Attorney
Scott Gilbertson, P.E., Lee DOT
Above with enclosure

2004 MAR 12 PM 1:35
RECEIVED BY
LEE CO. ATTORNEY

**FIRST AMENDMENT
TO INTERLOCAL AGREEMENT
BETWEEN
LEE COUNTY AND CITY OF BONITA SPRINGS
FOR BEACH AND BAY PARK NORTH ON HICKORY ISLAND**

This First Amendment to that certain Interlocal Agreement between Lee County and the City of Bonita Springs regarding Beach Park North on Hickory Island is made and entered in this 2nd day of December, 2003 is made this _____ of 2004, by and between the City of Bonita Springs, a municipal corporation of the State of Florida acting by and through its City Council, the governing body thereof, "City" and Lee County, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, "County", collectively, the "parties" hereto.

WITNESSETH:

WHEREAS, the parties previously entered into the Interlocal Agreement regarding Beach Park North on Hickory Island on December 2, 2003; and

WHEREAS, the parties now desire to amend the Interlocal Agreement to add the parcel of property ("Bay Park North") located across Little Hickory Boulevard as an additional park amenity with a boat ramp under the same terms as Beach Park North.

NOW, THEREFORE, in consideration of the foregoing, and of mutual covenants and conditions hereinafter set forth, the City and the County, intending to be legally bound, hereby agree to this First Amendment, as follows:

1. The recitals as set forth above are incorporated into the terms of this agreement as if set out herein at length.
2. Section One, Purpose, is hereby amended as follows:

It is the purpose and intent of this Agreement to define the terms and conditions for the City to operate and maintain the small parcel which is across the road from Public Beach Access Number 10 ("Beach Park North") and the small boat access across Hickory Boulevard ("Bay Park North"), both parcels located within the corporate limits of the City of Bonita Springs and utilized by both residents and visitors of Bonita Springs. The City of Bonita Springs will maintain the boat ramp at Bay Park North to allow accessibility by boaters to the Gulf of Mexico and Estero Bay.

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

3. Section Three, Management, Operation and Use of the Right-of-Way Property, is amended by adding Exhibit "B" for Bay Park North, describing the cost of construction, initial landscaping and maintenance of the enhanced level of services and by adding a

revised Exhibit "C" for Bay Park North, describing improvements to said property, in accordance with the plans and specifications approved by City and County

4. Section Four, Permits, is hereby amended as follows:

City will obtain all permitting necessary to create the beach and bay park improvements.

5. Section Five, Maintenance, is hereby amended as follows:

City agrees to maintain the beach and bay park improvements and enhanced level landscaping and other items of the improvements, which may include items incidental to landscaping, including and irrigation system and replacement of dead sod or plant materials. City agrees to keep the property free of hazards and obstructions.

6. Section Eight: Term of Interlocal Agreement, is hereby amended as follows:

This Interlocal Agreement shall be deemed effective as of December 1, 2003, with its execution by both parties, and will remain in full force and effect until September 30, 2053. The Agreement will continue in full force and effect unless at such time that the road is closed, abandoned, vacated, discontinued, or reconstructed, or for Bay Park North in the event that the land is necessary for the realignment of the existing bridge, or until the City receives the written notice of the County's termination of this Agreement after September 30, 2053.

7. All other terms of the Interlocal Agreement remain the same.

8. This Interlocal Agreement shall become effective on the date written above. This Agreement, and any subsequent Amendments thereto, shall be filed with the Clerk of the Circuit Court for Lee County.

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


Attest:

By:


City Clerk

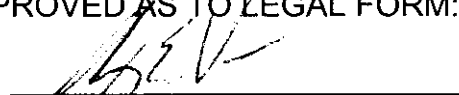
CITY OF BONITA SPRINGS

By:


Mayor Paul Pass

APPROVED AS TO LEGAL FORM:

By:


City Attorney

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

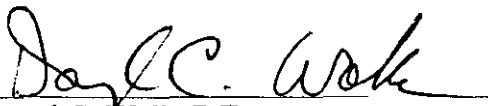
APPROVED AS TO LEGAL FORM:

By: _____
Lee County Attorney's Office

Memorandum
from the
City of Bonita Springs
Public Works Manager

Date: January 26, 2004

To: Dianne J. Lynn, City Clerk/Treasurer

From: 
Daryl C. Walk, P.E.
Public Works Manager

Re: Bay Park North

This project was recently initiated by the City Council, but had not been specifically listed in the City's 5-year CIP. In order to provide funding, you requested that I attempt to estimate the cost of engineering and construction. Please understand that the construction cost estimates are quite conceptual at this time, based only on verbal discussions, since "concept drawings" are not even available at this time.

The project involves site clearing and removal of exotic vegetation, reconstruction of an existing boat ramp, providing a paved drive and vehicle and boat trailer parking, sodding and landscaping, and an irrigation system.

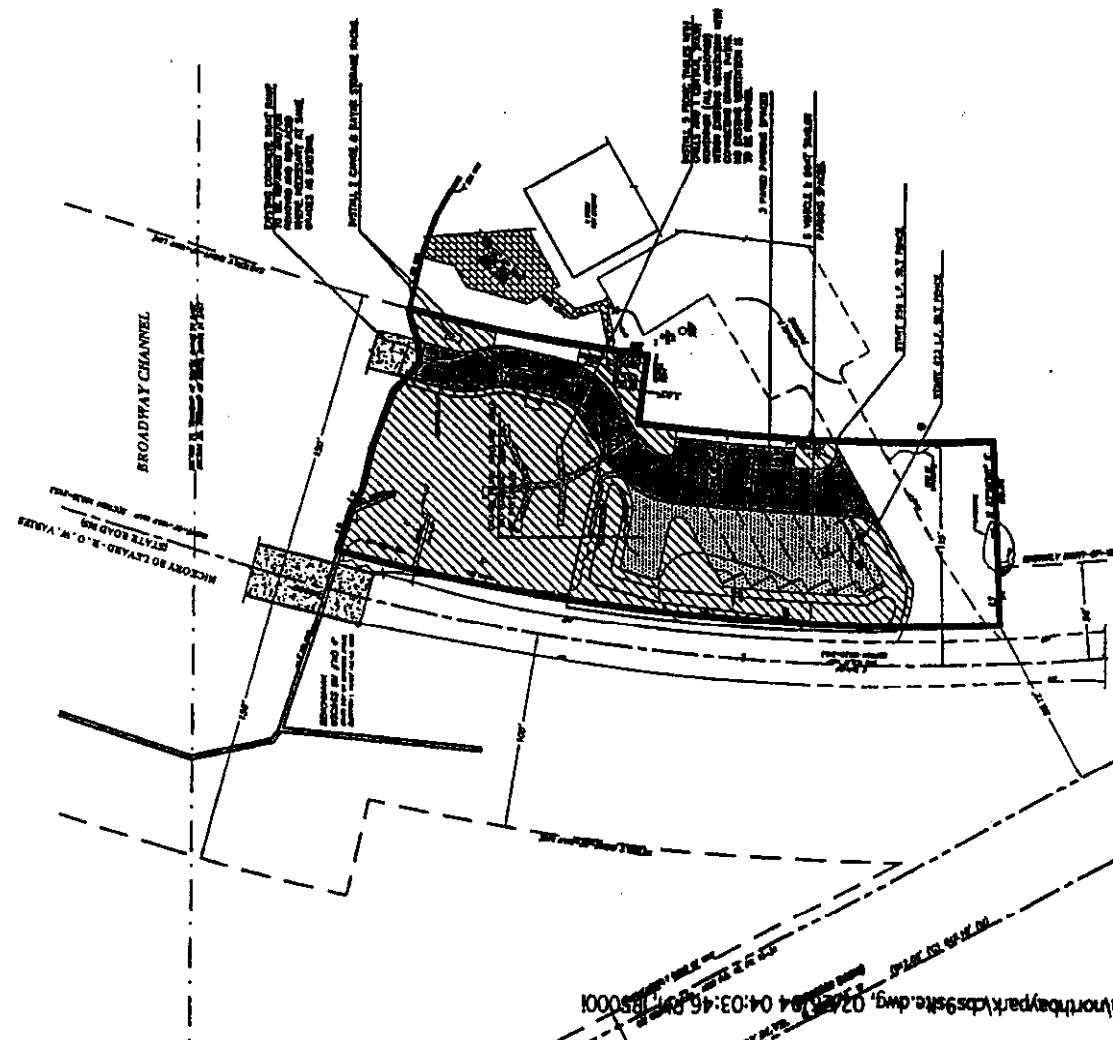
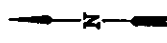
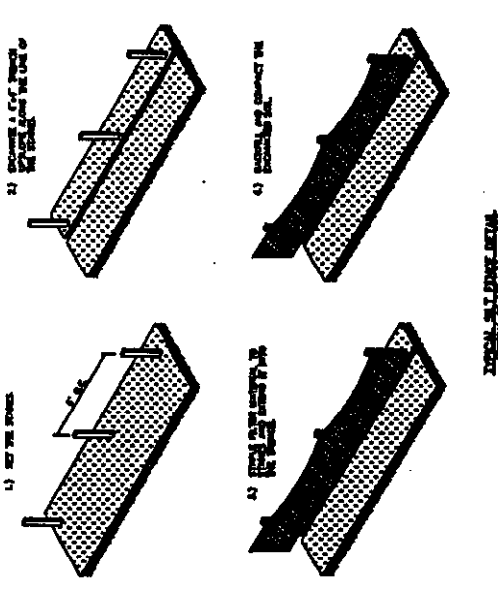
The costs are now estimated as follows:

<u>Surveying, Engineering, Permitting & Related</u> Q. Grady Minor has prepared a proposal for these services which will be considered by Council on 2/4/04	\$ 24,000
Clearing of Site, including debris & "exotic" vegetation	\$ 6,000
Construction of driveway, boat ramp, boat trailer/vehicle parking area, water retention facility, landscaping, sprinkler system, signage & misc.	\$100,000
Estimated Project Cost	\$130,000

If Council approves the engineering on February 4, 2004, I would estimate that the design work would be completed by May 1, 2004, with permitting completed by June 1, 2004. If we open bids on approximately June 1, conceivably construction might start July 1, with completion by approximately September 1, 2004. Again, the dates are somewhat "fluid" at this time, but I would expect final completion yet this fiscal year.

DCW/II

xc: Gary A. Price, City Manager
Lisa Roberson, Deputy Treasurer
Ken Hoffman, Community Project Coordinator
James Melton, Public Works Project Manager



G:\projects\Hydro\Northbaypark\site.dwg, 02/28/04 04:03:46, PLOT, 1/8\"/>

OWNER: CITY OF BAYTOWN, TX
 PROJECT: BAY PARK NORTH
 SHEET: SITE PLAN

CITY OF BAYTOWN, TX
 BAY PARK NORTH
 SITE PLAN

Q. CRADY MIRON AND ASSOCIATES, P.A.
 CIVIL ENGINEERS & LAND SURVEYORS - PLANNERS
 1100 N. W. 10th St.
 Ft. Lauderdale, FL 33304
 PHONE: (305) 581-1100
 FAX: (305) 581-1101

REVISION NO.	DATE	BY	DESCRIPTION

EXHIBIT
 CITY OF BAYTOWN, TX
 BAY PARK NORTH
 SITE PLAN

ENGINEER
 CRADY MIRON AND ASSOCIATES, P.A.
 CIVIL ENGINEERS & LAND SURVEYORS - PLANNERS
 1100 N. W. 10th St.
 Ft. Lauderdale, FL 33304
 PHONE: (305) 581-1100
 FAX: (305) 581-1101