

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

Blue Sheet No. 20040970

1. REQUESTED MOTION:

ACTION REQUESTED: Execute Assignment of Agreement Approving and Providing for Traffic Control Jurisdiction Over Certain Roads Within the Spanish Wells Community.

WHY ACTION IS NECESSARY: Lee County no longer exercises traffic control jurisdiction over municipal roads located in the incorporated areas of the City of Bonita Springs.

WHAT ACTION ACCOMPLISHES: Amends and assigns traffic control jurisdiction, and allows the Lee County Sheriff's Office to continue its traffic control enforcement for certain roads located in the Spanish Wells Subdivision.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12A

3. MEETING DATE:

08-17-2004

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:

Scott S. Covert

Assistant County Attorney

7. BACKGROUND:

The County and Lee County Sheriff's Office entered into an agreement with the Spanish Wells Community Association, Inc. with respect to governmental control, and Sheriff's patrol, of certain private roads within the Spanish Wells community pursuant to Florida Statutes 316.006. The agreement with the Spanish Wells Community Association, Inc. was executed on August 24, 1999.

On December 31, 1999 the City of Bonita Springs incorporated and began jurisdictional responsibility for municipal roads within its jurisdiction. As a result of incorporation the roads located in the Spanish Wells subdivision is part of the jurisdictional responsibility of the City of Bonita Springs.

ATTACHMENTS: (4) - Assignment of Agreement Approving and Providing for County Traffic Control Jurisdiction Over Certain Roads Within The Spanish Wells Community.

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>7/29/04</i> <i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> <i>7-3-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN:	<i>[Signature]</i>
	<i>7/29/04</i>
	<i>4:50 pm '04</i>
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
	<i>8/3/04</i>
	<i>11:45 am</i>

**ASSIGNMENT OF AGREEMENT APPROVING AND
PROVIDING FOR TRAFFIC CONTROL JURISDICTION OVER
CERTAIN ROADS WITHIN THE SPANISH WELLS COMMUNITY**

THIS ASSIGNMENT is made this ____ day of _____, 2004, of that certain agreement approving and providing for county traffic control jurisdiction over certain roads within the Spanish Wells Community, between the Lee County Board of County Commissioners, Lee County Sheriff's Office and Spanish Wells Community Association, Inc., entered into August 24, 1999, is hereby amended and assigned from Lee County, by and through the Board of County Commissioners to Bonita Springs, a municipal corporation of the State of Florida, acting by and through its City Council, collectively, the "parties" hereto.

WITNESSETH:

WHEREAS, Lee County, Spanish Wells Community Association and Lee County Sheriff's Office previously entered into an agreement to provide County traffic jurisdiction over certain roads within the Spanish Wells community on August 24, 1999; and

WHEREAS, after entering into this agreement, the City of Bonita Springs incorporated and began jurisdictional responsibility of municipal roads within its jurisdiction; and

WHEREAS, Florida Statutes §316.006(2)(b) authorizes municipalities to exercise jurisdiction over any private road or roads within its boundaries if the municipality and the party or parties owning and controlling such road or roads provide by written agreement for municipal traffic control jurisdiction over the road or roads encompassed by such agreement; and

WHEREAS, the Lee County Sheriff's Office continues to confirm that there is an enforcement need to provide traffic control enforcement over the roadways listed in the agreement, attached as Exhibit "A" hereto and incorporated herein; and

WHEREAS, the parties now desire to assign the agreement from Lee County Board of County Commissioners to the City of Bonita Springs, through its City Council.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and conditions herein set forth, the parties, intending to be legally bound, hereby agree to this assignment, as follows:

1. The recitals as set forth above, are incorporated into the terms of this agreement as if set out here in at length.

BSC-04-07-120

2. The parties agree to the assignment of the Agreement from the Lee County Board of County Commissioners to Bonita Springs City Council. The Agreement is attached as Exhibit "A", and is the subject matter of the Assignment.
3. All other terms of the agreement remain the same.
4. This agreement and any subsequent amendments thereto, may only be modified through a written agreement executed with the same formality as this agreement.
5. This agreement may be terminated by the City for its convenience by the adoption of a Resolution at a regular meeting providing for such termination. If a Resolution is adopted to terminate this agreement neither the City nor Lee County will have traffic control jurisdiction.
6. This agreement shall become effective on the date written above,

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

ATTEST:

CITY OF BONITA SPRINGS

By: _____

City Clerk

By: _____

Mayor Jay Arend

APPROVED AS TO LEGAL FORM:

City Attorney

ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

Deputy Clerk

By: _____

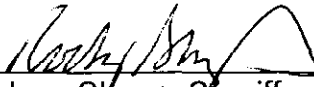
Chairman

APPROVED AS TO LEGAL FORM

By: _____

Lee County Attorney's Office

LEE COUNTY SHERIFF'S OFFICE



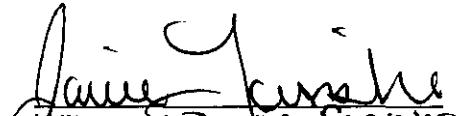
Rodney Shoap, Sheriff

APPROVED AS TO LEGAL FORM:

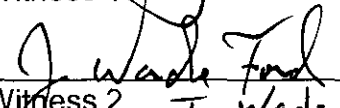


LCSC Attorney

ATTEST:

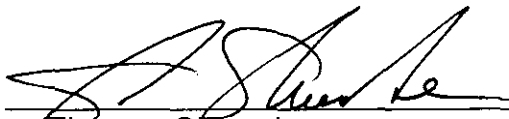


Witness 1 Julie Fesiska



Witness 2 J. Wade Ford

SPANISH WELLS COMMUNITY
ASSOCIATION, INC.

By: 

Thomas O'Rourke
President



July 23, 2004

Scott S. Covert, Esquire
Assistant County Attorney
Lee County Attorney's Office
Box 398
Fort Myers, FL 33902

*City of
Bonita Springs*

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BONITA SPRINGS, FL 34135
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www.cityofbonitasprings.org

Jay Arend
Mayor

Wayne P. Edsall
Councilman
District One

Alex Grantt
Councilman
District Two

R. Robert Wagner
Councilman
District Three

John Joyce
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

RE: Agreement for County Traffic Jurisdiction over Certain Roads
within Spanish Wells Communities

Dear Scott:

Enclosed are the four (4) originals of the assignment of the agreement referenced above, approved by Spanish Wells Communities Association, Lee County Sheriff's Office and City of Bonita Springs. After the agreement is approved by the Lee County Board of County Commissioners, kindly provide the City of Bonita Springs and the other parties with a fully executed agreement for our records.

As always, thank you for your assistance with this matter.

Sincerely,

Audrey E. Vance
City Attorney

AEV/
Enclosure

cc: Gary A. Price, City Manager
Daryl Walk, P.E., Public Works Manager
Dianne Lynn, City Clerk
David Owen, Chief Assistant Lee County Attorney
George Mitar, Legal Counsel, Lee County Sheriff's Office
Spanish Wells Homeowners Association, Unit 1, P.O. Box 219,
Bonita Springs FL 34133
(Above without enclosure)