

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

Blue Sheet No. 20040931

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Consider and approve a Second Amendment to the Interlocal Agreement between Lee County and the City of Bonita Springs regarding ownership, jurisdiction, operation and maintenance of certain roads.

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

**WHAT ACTION ACCOMPLISHES:** Extends the Interlocal Agreement between the County and the City of Bonita Springs until September 30, 2009.

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

*A12A*

**3. MEETING DATE:**

*08-24-2004*

**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 September 19, 2000, Lee County and the City of Bonita Springs entered into an Interlocal Agreement relating to the ownership, jurisdiction, operation and maintenance of certain roads. The Interlocal Agreement was then amended to extend the term of services from September 30, 2001 until September 30, 2004. At the present time, the City of Bonita Springs would like to extend the terms of the amended Interlocal Agreement with Lee County for an additional five (5) years, to September 30, 2009.

**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	<i>N/A</i>	<i>Andrea Fraser</i>	<i>App 8/12/04</i>	OA	OM	RISK	GC	<i>[Signature]</i>
						<i>8/12/04</i>	<i>8/12/04</i>	<i>8/12/04</i>	<i>8/12/04</i>	

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

CO. ATTY. *7/21/04*  
FORWARDED  
TO CO. ADMIN.  
*10:35am*

RECEIVED BY  
COUNTY ADMIN. *RA*  
*7/21/04*  
*11:48am SGT*  
COUNTY ADMIN  
FORWARDED TO: *PH*  
*8/12/04*  
*4pm*

**SECOND AMENDMENT TO INTERLOCAL  
BETWEEN LEE COUNTY AND CITY OF BONITA SPRINGS  
REGARDING OWNERSHIP, JURISDICTION, OPERATION  
AND MAINTENANCE OF CERTAIN ROADS**

This Second Amendment to that certain Interlocal Agreement, entered into on September 19, 2000, is made this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between LEE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter "COUNTY") and the CITY OF BONITA SPRINGS, FLORIDA, a Florida municipal corporation located within Lee County; (hereinafter "CITY"), collectively the "Parties" hereto.

WITNESSETH:

WHEREAS, both the COUNTY and CITY are duly empowered pursuant to Florida Statutes, in particular Section 163.01, Florida Statutes, to enter into interlocal agreements for the contracting of certain shared powers, obligations and duties; and

WHEREAS, the Parties entered into the Interlocal Agreement relating to ownership, jurisdiction, operation, and maintenance of certain roads on September 19, 2000; and

WHEREAS, the Parties previously amended said prior Interlocal Agreement to extend the term for services in Section VI., from September 30, 2001, for a term of three years to September 30, 2004; and

WHEREAS, the Parties now desire to amend said prior Interlocal Agreement to extend the term for services in Section VI for an additional five (5) years.

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 to the relating to ownership, jurisdiction, operation, and maintenance of certain road 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 Six is hereby amended as follows, with underlined language being an addition to previously adopted text and deleted language being shown by struck-through type.

#### **SECTION VI: TERM OF AGREEMENT FOR SERVICES**

With the exception of Section III. above, this Interlocal Agreement with respect to the contemplated services to be provided by the COUNTY shall begin on October 1, 2004~~1~~ and end on September 30, 2009~~4~~, for a term of five ~~three~~ years unless renewed or amended by the Parties hereto with the same formalities as this Agreement.

3. Nothing contained within this Interlocal Agreement will be construed so as to determine jurisdictional maintenance of any of the new roads constructed as joint projects within the City Limits. The parties agree that any new road's jurisdictional maintenance shall be determined by the applicable Joint Supplemental Interlocal Agreement between Lee County and the City of Bonita Springs under its Master Transportation Agreement.

4. Acceptance. This 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 have caused these presence to be executed by their duly authorized officers and their official seals hereto affixed the day and year first above written.

ATTEST:

CITY OF BONITA SPRINGS

By: *Siamese J. Egan*  
City Clerk

By: *Robert Wagner, Vice Mayor*  
Mayor

APPROVED AS TO FORM:

By: *[Signature]*  
City Attorney

ATTEST  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney