

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

Blue Sheet No. 20041265

1. REQUESTED MOTION: Approve budget amendment resolution to accept funding in the amount of \$117,300 from private parties for installation of a traffic signal at College Parkway and Riverwalk Blvd. and amend FY 04/05 – 08/09 Capital Improvement Program Budget Accordingly.

WHY ACTION IS NECESSARY:

Requires Board of County Commissioners approval to amend CIP, and for budget resolutions.

WHAT ACTION ACCOMPLISHES:

Allows the County to receive compensation for the installation of the traffic signal at College Parkway and Riverwalk Park Boulevard.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C9A

3. MEETING DATE:

10-26-2004

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 M. Gilbertson, P. E.
Director

7. BACKGROUND:

The Lee County Department of Transportation is constructing the new traffic signal at College Parkway and Riverwalk Park Boulevard, as part of an Agreement with private parties that access College Parkway, at this intersection. DOT respectfully request the Board accept payment for the installation of a traffic signal at the intersection of College Parkway and Riverwalk Park Boulevard, in the amount of \$117,300, from private parties that access College Parkway, at this intersection. The private parties that have agreed to the provision of this understanding, and are contributing monies toward this project are listed as: #1 Canterbury School, \$51,736. #2 Park Center, \$18,414. #3 Whiskey Creek Development, \$4,457. #4. Bimini Bay, \$8,914. #5 SW FL Heart Group, \$7,178. #6 Fort Myers Neurosurgical Partnership, \$4,222. #7 Riverwalk Orthopedic Partnership, \$8,022. #8 P.A. Properties, \$5,067. #9 D & D Investments, \$2,956. #10 Dr. Joseph Mazza, Jr., \$1,267. #11 Jacobs Properties Limited Partnership, \$5,067., for the total payment of \$117,300. The attached letter provides details of the understanding between the County and these parties.

Funds should be posted upon appropriation as follows: 20606530700.506540

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>10/8/04</i> <i>[Signature]</i>			<i>PAO</i> <i>10/12/04</i>	<i>[Signature]</i>	<i>MM</i> <i>10/13/04</i>	<i>OM</i> <i>10/13/04</i>	<i>Risk</i> <i>10/21/04</i>	<i>GC</i> <i>10/12/04</i>	<i>[Signature]</i> <i>10-12-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *10/12/04*
Time: *2:00*
Forwarded To:
Admin
10/12/04

RECEIVED BY
COUNTY ADMIN: *[Signature]*
COUNTY ADMIN
FORWARDED TO: *[Signature]*
10/13/04
SPM

RESOLUTION

Amending the Budget of Transportation Capital Improvements-Fund 30700 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2004-2005.

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 \$117,300 of the unanticipated revenue from various private donors 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:		\$85,863,583
Additions		
20606530700.366900.9200	Donation – Riverwalk Signal	117,300
Amended Total Estimated Revenues		\$85,980,883

APPROPRIATIONS

Prior Total:		\$85,863,583
Additions		
20606530700.506540	Improvement Construction	117,300
Amended Total Appropriations		\$85,980,883

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

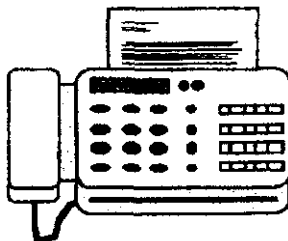
APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YA
LEDGER TYPE BA

FAX TRANSMISSION

SEP 29 2004



To: Steve Jansen

Fax Number: 694-1332

Date: September 29, 2004

Number of pages including this cover page: 15

From: Rick Starace

**Canterbury School
8141 College Parkway
Fort Myers, FL 33919**

Phone: 239-481-4323

Fax: 239-481-8339

rstarace@canterburyfortmyers.org

MESSAGE:

Steve --

Attached are copies of the originals that were mailed to Diane Stanton today with checks that total \$117,300.00.

If you have any questions please feel free to call me.

Thanks again for your help with this matter - it is greatly appreciated.

Rick Starace

Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
Installation of a Traffic Signal
March 15, 2004

The purpose of this Memorandum of Understanding is to state the mutual understandings between Lee County and the Parties (see Exhibit A) regarding the project to install a traffic signal at the intersection of College Parkway and Riverwalk Boulevard/Waterford Circle. As the need for a traffic signal at this location is justified by traffic generated by the developments accessing this intersection by two private roadways to the north and south, the funding responsibility for the design and construction lays solely with the private groups or interests in the adjacent developments. Lee County will not provide funding for either the design or the construction of a traffic signal. Lee County will be responsible for the perpetual operation and maintenance of the traffic signal once it is constructed.

It is mutually understood that Lee County Department of Transportation (LeeDOT) through its Traffic Section will install the traffic signal designed by David Plummer & Associates for the intersection of College Parkway and Riverwalk Boulevard/Waterford Circle. The Parties, referenced in the attached Exhibit A, will provide the necessary funds to fully compensate LeeDOT for the material, equipment, and labor for construction of the signal.

Furthermore, it is understood that:

1. The LeeDOT estimates the cost of the Project to be One Hundred Seventeen Thousand Three Hundred Dollars (\$117,300) for the labor, equipment, hardware and materials necessary to complete the Project.
2. The Parties in Exhibit A agree to pay the LeeDOT the full amount of the estimate prior to the start of construction.
3. The LeeDOT, at its sole discretion, will determine when, after completion of the Project, to activate the traffic signal. At no time will the traffic signal be activated sooner than completion.
4. The LeeDOT agrees to provide inspection and administrative services to determine completion of the Project.
5. Upon completion of the Project, it is agreed and understood that the traffic signal facility will be owned and its operation controlled by LeeDOT.

If this correctly represents our mutual understanding, please return the signed original with the attached Exhibit A to our offices.

Agreed to on behalf of the Lee County Department of Transportation

By: _____ Date: _____

Scott M. Gilbertson
DOT Director

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Exhibit A
Private Groups or Parties Involved in Funding

The private parties that have agreed to the provision of this memorandum of understanding and are contributing monies toward this project are listed below. Attached to this Exhibit are individual sheets for each party with the signature of the individual authorized to enter into this agreement on behalf of the party.

Party #1:	Canterbury School 8141 College Parkway Fort Myers, Florida 33919 Amount of Commitment:	\$51,736.00
Party #2	Park Center c/o Park Central LLC 3364 Cleveland Avenue Fort Myers, Florida 33901 Amount of Commitment:	\$18,414.00
Party #3:	Whiskey Creek Development 997 N. Collier Boulevard, Suite G Marco Island, Florida 34145 Amount of Commitment:	\$4,457.00
Party #4:	Bimini Bay 20725 S. W. 46 th Avenue Newberry, Florida 32669 Amount of Commitment:	\$8,914.00
Party #5:	SW FL Heart Group 8540 College Parkway Fort Myers, Florida 33919 Amount of Commitment:	\$7,178.00
Party #6:	Fort Myers Neurosurgical Partnership 12700 Creekside Lane, #101 Fort Myers, Florida 33919 Amount of Commitment:	\$4,222.00
Party #7:	Riverwalk Orthopaedic Partnership 8350 Riverwalk Park Boulevard, #1 Fort Myers, Florida 33919 Amount of Commitment:	\$8,022.00
Party #8:	P. A. Properties 3663 Bee Ridge Road Sarasota, Florida 34233 Amount of Commitment:	\$5,067.00

Exhibit A - Page 2
Private Groups or Parties Involved in Funding

The private parties that have agreed to the provision of this memorandum of understanding and are contributing monies toward this project are listed below. Attached to this Exhibit are individual sheets for each party with the signature of the individual authorized to enter into this agreement on behalf of the party.

Party #9:	D & D Investments 42 Barkley Circle, #3 Fort Myers, Florida 33907 Amount of Commitment:	\$2,956.00
Party #10:	Dr. Joseph Mazza, Jr. 15520 Kinross Circle Fort Myers, Florida 33912 Amount of Commitment:	\$1,267.00
Party #11:	Jacobs Properties Limited Partnership c/o Barron Collier Commercial 2600 Golden Gate Parkway, #200 Naples, Florida 34105 Amount of Commitment:	\$5,067.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Canterbury School.

By: Patricia S Borden
Signature

Date: 8-4-04

Name: PATRICIA S. BORDEN
Printed

Title: President

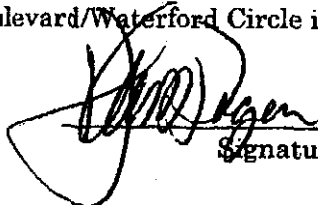
Amount of Commitment: \$51,736.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Park Center.

By:



Signature

Date:

7/2/04

Name:

KENNETH D. RAGER
Printed

Title:

MANAGER

Amount of Commitment: \$18,414.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 16, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Jacobs Properties Limited Partnership.

By: Ellyn Jacobs Pooley
Signature

Date: 6/23/04

Name: ELLYN JACOBS POOLEY
Printed

Title: Partner

Amount of Commitment: \$5,067.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of D & D Investments.

By: 
Signature

Date: 6.21.04

Name: ROBERT D'ANDREA
Printed

Title: Vice President

Amount of Commitment: \$2,956.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Bimini Bay.

By: 
Signature

Date: 6/28/04

Name: Stefan M. Davis
Printed

Title: V.P. of General Partner

Amount of Commitment: \$8,914.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Whiskey Creek Developments.

By: Whiskey Creek Developments, Inc

By:

James M. Reynolds
Signature

Date:

July 2, 2004

Name:

JAMES M. REYNOLDS
Printed

Title:

PRESIDENT

Amount of Commitment: \$4,457.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of SW FL Heart Group.

By: 
Signature

Date: 7/6/04

Name: MICHAEL D. DANZIG
Printed


Title: VICE PRESIDENT

Amount of Commitment: \$7,178.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of P. A. Properties.

By:  Date: 7-4-04
Signature

Name: P.A. Properties, LLC
Printed

Title: P.A. Properties, LLC

Amount of Commitment: \$5,067.00

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Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Fort Myers Neurosurgical Partnership.

By:

Robert O'Grady

Signature

Date:

8/10/4

Name:

Robert O'Grady

Printed

Title:

Vice-President

Amount of Commitment: \$4,222.00

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Riverwalk Orthopaedic Partnership.

By: 
Signature

Date: 9/28/04

Name: David Heligman
Printed

Title: partner - Riverwalk orthopaedic partnership

Amount of Commitment: \$8,022.00

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PAGE 05

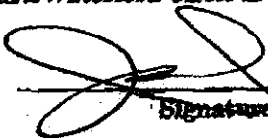
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: 239 481 8339

15 / 15

**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Dr. Joseph Mazza, Jr.

By: 
Signature

Date: 9/27/04

Name: JOSEPH MAZZA M.D.
Printed

Title: PRESIDENT.

Amount of Commitment: \$1,267.00

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PAGE 05

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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Dr. Joseph Mazza, Jr.

By: 
Signature

Date: 9/27/04

Name: JOSEPH MAZZA M.D.
Printed

Title: PRESIDENT.

Amount of Commitment: \$1,267.00

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PAGE 05

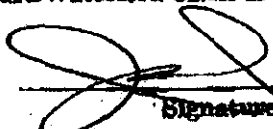
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**Attachment to Exhibit A of the Memorandum of Understanding
College Parkway and Riverwalk Boulevard/Waterford Circle
- Installation of a Traffic Signal**

The provisions shown in the Memorandum of Understanding, dated March 15, 2004, regarding the installation of a traffic signal at College Parkway and Riverwalk Boulevard/Waterford Circle is agreed to on behalf of Dr. Joseph Mazza, Jr.

By: 
Signature

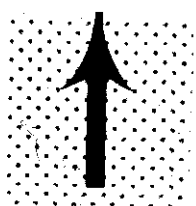
Date: 9/27/04

Name: JOSEPH MAZZA M.D.
Printed

Title: PRESIDENT.

Amount of Commitment: \$1,267.00

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**SIGN
HERE**