

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

**Blue Sheet No. 20050055**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve release of Performance Bond #DOS96128500D, Reflection Lakes (Flow-way) posted on October 12, 2001 in the amount of \$40,884.00 by Engle Homes/Southwest Florida, Inc., and accept responsibility for permanent annual maintenance of the littoral area of the flow-way. Accept \$11,200.00 from Engle Homes for maintenance of the littoral areas of the flow-way during 2005. Approve budget amendment in the amount of \$11,200.00 and amend the Surface Water Management FY 04/05 Operating Budget accordingly.

**WHY ACTION IS NECESSARY:** Board approval is required to release the Performance Bond, accept the permanent annual maintenance of the Developer owned portion of littoral areas of flow-way, and budget amendments.

**WHAT ACTION ACCOMPLISHES:** Releases the Performance Bond posted on October 12, 2001, provides for funding of required exotic plant removal and maintenance of flow-way for FY04/05, and transfers responsibility for permanent annual maintenance of the littoral area of the flow-way to Lee County.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #: C-W 08

*C8A*

**3. MEETING DATE:**

*02-01-2005*

**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 Public Works
- C. DIVISION Natural Resources
- BY: Roland E. Ottolini, P.E.

*[Signature]*

**7. BACKGROUND:**

By agreement dated April 17, 1997, Lee County and Cypress Lakes Corporation ("Developer"), n/k/a Engle Homes, agreed to construct the Lee County Lakes Water Quality Project in exchange for park impact fee credits. The flow-way was constructed and park impact fee credits were issued. In conjunction with the construction of the flow-way, the Developer posted a three (3) year performance bond for \$40,884.00 to ensure the required maintenance and control of exotic vegetation at the location. The performance bond was posted by the Developer on October 12, 2001 and is due for release if the County is satisfied with the maintenance performed to date. On November 4, 2004, the South Florida Water Management District (SFWMD) inspected the flow-way and found such maintenance in compliance with the special conditions of their permit.

In addition, Engle Homes is requesting that Lee County accept the Developer owned littoral portions of the flow way for annual maintenance. The Developer will pay \$11,200.00 for one (1) year of maintenance, and thereafter such maintenance would be County funded.

- Continued on Page Two -

**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
					OA	OM	Risk	GC	
<i>[Signature]</i> 1-18-05	N/A	N/A	N/A	<i>[Signature]</i> 1/18/05	<i>[Signature]</i> 1/19/05	<i>[Signature]</i> 1/19/05	<i>[Signature]</i> 1/19/05	<i>[Signature]</i> 1-18-05	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *1-18-05*  
Time: *3:40*  
Forwarded To: \_\_\_\_\_

RECEIVED BY  
COUNTY ADMIN  
*1/18/05*  
*4:40 PM SGT*  
COUNTY ADMIN  
FORWARDED TO  
*1/19/05*  
*[Signature]*

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Subject: Reflection Lakes Flow-Way

Because the developer has met the maintenance requirements associated with the bond and has received approval of the site conditions by the SFWMD, County staff recommends release of the maintenance surety bond being held. Staff also recommends acceptance of the littoral areas for maintenance due to their importance to the system for water quality treatment. Waters treated by the system enter into Lakes Park; Hendry Creek, an Outstanding Florida Waterway; and Estero Bay, Florida's First Aquatic Preserve.

The SFWMD will issue an operating permit for the site (flow-way lakes). If Lee County assumes maintenance, the District will include the County as a maintenance entity. The Home Owners Association will continue to be responsible (by permit) for overall maintenance. There will be no reporting requirements or further such obligations required of the County.

Revenues will be deposited in Account No. OC5379014600.343700.9004, Management Fee – Reflection Lakes.

Expenses will be tracked in Account No. OC5379014600.503490.414, Other Contracted Services – Reflection Lakes.

# RESOLUTION #

Amending the Fund 14600 Surfacewater Mgmt. budget 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 Fund 14600 Surfacewater Mgmt. budget for \$11,200 of the unanticipated revenue from an agreement with Engle Homes and an appropriation of a like amount into an expenditure and;

**WHEREAS**, the Fund 14600 Surfacewater Mgmt. budget shall be amended to include the following amounts which were previously not included.

<b>ESTIMATED REVENUES</b>		
Prior Total:		\$5,625,048
Additions		
OC5379014600.343700.9004	Management Fee-Reflection Lakes	\$11,200
Amended Total Estimated Revenues		\$5,636,248

<b>APPROPRIATIONS</b>		
Prior Total:		\$5,625,048
Additions		
OC5379014600.503490.414	Other Contracted Svs.-Reflection Lks	\$11,200
Amended Total Appropriations		\$5,636,248

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Fund 14600 Surfacewater Mgmt. 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 \_\_\_\_\_, 2005.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIRMAN

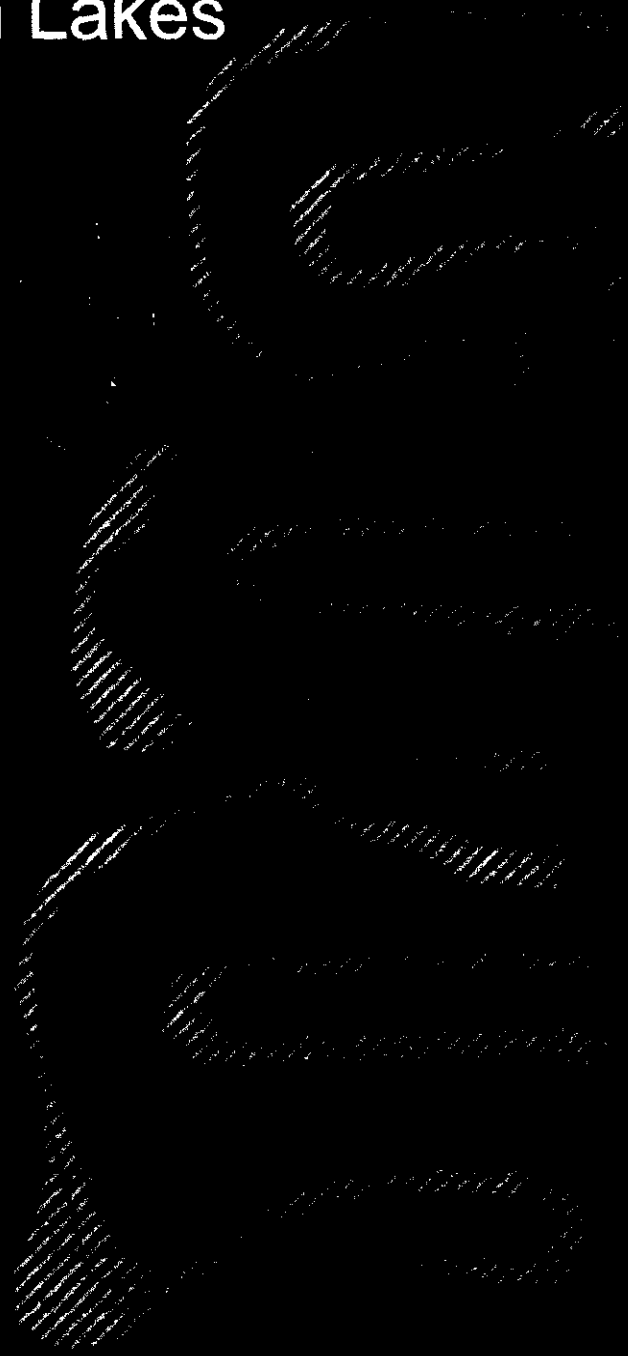
APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

DOC TYPE YA  
LEDGER TYPE BA

# Approximate location of Littoral Zones of the Reflection Lakes Flow-way

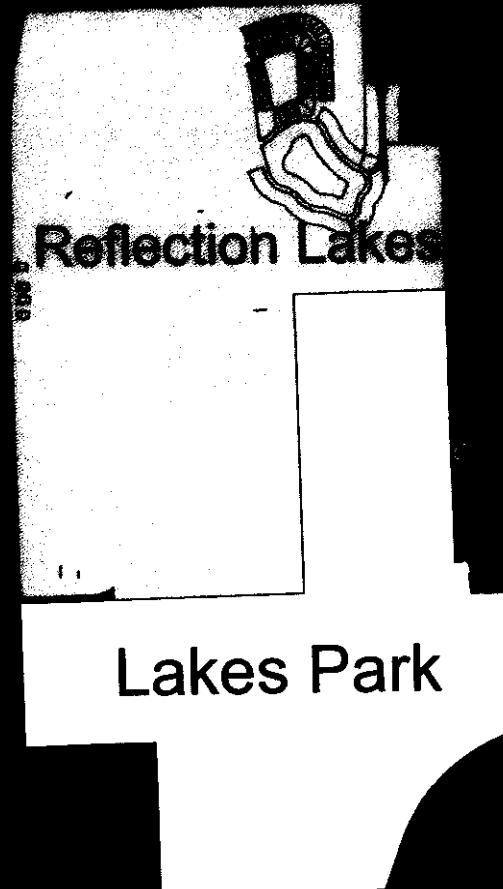
Reflection Lakes



Lakes Park

# Reflection Lakes Location

Cypress Lake Drive



Gladiolus Drive