

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

Blue Sheet No. 20050188

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an Addendum to Third Joint Supplemental Agreement between Lee County and the City of Bonita Springs Under its Master Transportation Agreement; Bonita Beach Road Widening; Traffic Signal at Downs Drive for the Bonita Beach Road Capital Improvement Project.

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

WHAT ACTION ACCOMPLISHES: Allows the Department of Transportation to proceed with Bonita Beach Road six-laning from Imperial Street to I-75, and resurfacing Bonita Beach Road from Vanderbilt Street to Imperial Street, to add additional Terms and conditions for the installation of an additional traffic signal light on Bonita Beach Road at Downs Drive, in addition to the County's presently planned signal light at Quinn Street.

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

C12B

3. MEETING DATE:

03-01-2005

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 County Attorney
- C. DIVISION General Services
- BY: _____
Andrea R. Fraser Laster, Acting
Chief Assistant County Attorney

7. BACKGROUND:

On September 19, 2000, Lee County and the City of Bonita Springs entered into the Master Transportation System Agreement for the financing, planning, design, construction and operation of the road system for transportation improvements within the Bonita Springs area. The Master Transportation System Agreement requires the City and the County to develop a separate project supplemental agreement for implementation of each project.

The City of Bonita Springs approved the Addendum to Third Joint Supplemental Agreement for the Traffic Signal at Downs Drive on February 2, 2005.

ATTACHMENTS: (3) Original Executed Supplemental Agreements

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>Rh...</i>	<i>2/9/05</i>	<i>2/10/05</i>	<i>2/10/05</i>	<i>2-10-05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
<i>2/9/05</i>
<i>12:30</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>2/10/05</i>
<i>4/05</i>

**ADDENDUM TO THIRD JOINT SUPPLEMENTAL
AGREEMENT
BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS
UNDER ITS MASTER TRANSPORTATION AGREEMENT;
BONITA BEACH ROAD WIDENING;
TRAFFIC SIGNAL AT DOWNS DRIVE**

THIS ADDENDUM TO THE THIRD JOINT SUPPLEMENTAL INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement", entered into on October 23, 2001, is made and entered into this ___ day of _____, 2005, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, hereinafter referred to as "County", and the **CITY OF BONITA SPRINGS**, a Florida municipal corporation, hereinafter referred to as "City", collectively, the "Parties" hereto.

WHEREAS, the respective governing bodies for the City of Bonita Springs and Lee County executed a Master Transportation System Agreement dated September 19, 2000, to jointly establish a Five-Year Road Improvement Plan requiring resources of both the County and the City; and,

WHEREAS, the Parties now desire to make this Addendum to the Agreement to the said Master Interlocal Agreement regarding widening Bonita Beach Road from four to six lanes from Imperial Street to I-75 (.7 miles), and resurfacing Bonita Beach Road from Vanderbilt Street to Imperial Street (3.5 miles), to add additional terms and conditions for the installation of an additional traffic signal light on Bonita Beach Road at Downs Drive, in addition to the County's presently planned signal light at Quinn Street.

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

1. The recitals as set forth above are found to be true and accurate and are incorporated into the terms of this Addendum to Agreement as if set out herein at length.
2. Pursuant to Section 3, Third Joint Supplemental Agreement to the said Master Interlocal Agreement, the City is requesting of the County during the Construction Phase, to install an additional traffic signal light on Bonita Beach Road at Downs Drive. The County agrees to install this traffic signal

BSC-05-02-26

light concurrent with the ongoing construction project pursuant to the following conditions:

- a. The additional traffic signal light at Downs Drive will be installed at no costs to the County.
 - b. The Parties agree that the traffic signal and associated median modifications at Downs Drive will be as shown on the attached Exhibit "A".
 - c. The City agrees that it will, upon execution of this Addendum to Agreement and within thirty (30) days of receipt of an invoice from the County, pay to the County, One Hundred Fifty Thousand Dollars (\$150,000.00) for the design, materials and installation of the light at Downs Drive. Any of the said amount not used by the County for the design, construction and installation of the additional signal will be returned to the City. Any additional funds required for the installation of the additional signal will be provided to the County upon receipt of a substantiated invoice.
3. In the event that Bonita Beach Road and its relevant intersections cannot meet level of service standards, the City at its sole expense, will pay the County all costs for the remediation for the loss of the level of service standard on Bonita Beach Road at Downs Drive.
- a. The County will be the entity to determine if the installation of the additional traffic signal light on Bonita Beach Road at Downs Drive created the loss of function. In the event the City disputes that it is unnecessary to remove the light, the Parties agree that resolution of any disagreement will be through the Florida Governmental Conflict Resolution Act, Florida Statutes §164.01 through 164.061. Any determination by the County to remove the additional traffic signal on Bonita Beach Road at Downs Drive will be based on sound engineering practices and road planning evidence, obtained by the County at its cost.

- b. The light should only be removed if the traffic signals are the intervening event creating the substantial failure of the loss of function for that road segment, based on Florida Administrative Code 9J-5.006, as may be amended from time to time.
5. Neither the County nor the City will be responsible for any claims, liabilities, lawsuits, or causes of action arising out of the actions or omissions of the other Party, its contractors, agents, or representatives with respect to either Party's performance under this Addendum.
6. This Addendum to Agreement constitutes the entire understanding between the Parties, as to this subject matter, and other than the Master Transportation System Agreement, or the Third Joint Supplemental Interlocal Agreement, any previous Agreements on the subject matter of this Agreement, whether written or oral, is superceded by this Agreement, to the extent of any conflict.
7. This Addendum to Agreement may be amended only by the concurrence of both Parties and executed with the same formalities as this Addendum.
8. This Addendum to Agreement shall become effective on the date as first written above. This Addendum to Agreement, and any subsequent Amendments thereto, shall be filed with the Clerk of the Circuit Court for Lee County.
9. All of the remaining terms in the Master Transportation System Agreement dated September 19, 2000, and the Third Joint Supplemental Agreement to the said Master Interlocal Agreement dated October 23, 2001, regarding widening Bonita Beach Road, remain as written and in full force and effect, except as revised by this Addendum, which terms shall control in the event of any conflict with respect to the subject matter as addressed herein.

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

ATTEST:

CITY OF BONITA SPRINGS

By: *Francine J. Lynn*
City Clerk

By: *James A. ...*
Mayor

APPROVED AS TO FORM:

By: *[Signature]*
City Attorney

ATTEST: CHARLIE GREEN
CLERK OF THE COURTS

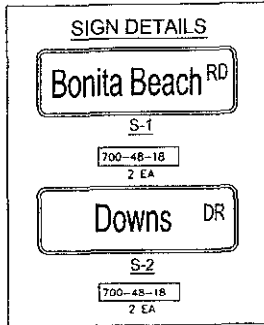
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney



CONTROLLER TIMINGS

MOVEMENT NO.	1	2	3	4	5	6	7	8
MIN. GREEN (INT.)	4	15	6	6	4	15	6	6
EXT. (PASS)	2	6	3	3	2	6	2	3
MAX. GRN. I	20	50	20	20	20	50	20	20
MAX. GRN. II	30	75	30	30	30	75	30	30
YELLOW CLR.	4.0	4.3	3.5	3.5	4.0	4.3	3.5	3.5
ALL RED CLR.	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
PED. WALK	7	7						
PED. CLR.	25	23						
RECALL	MIN	MIN						

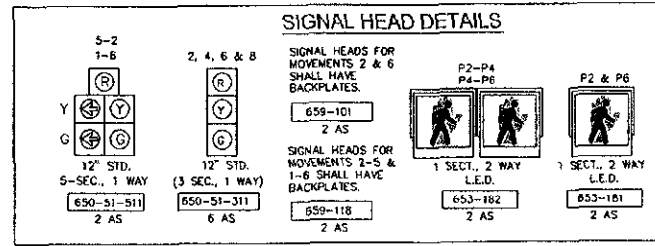
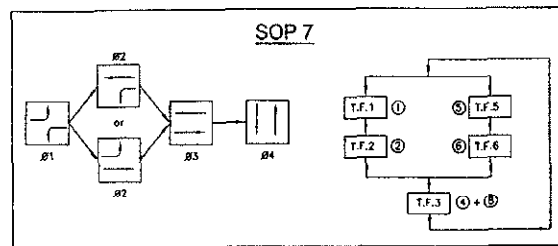
TIMINGS ARE INITIAL AND MAY REQUIRE FIELD ADJUSTMENT AS DIRECTED BY THE PROJECT ENGINEER. TIMINGS ARE FOR SOP 10

CAMERA / ZONES

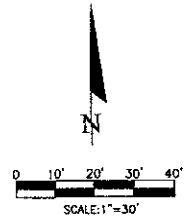
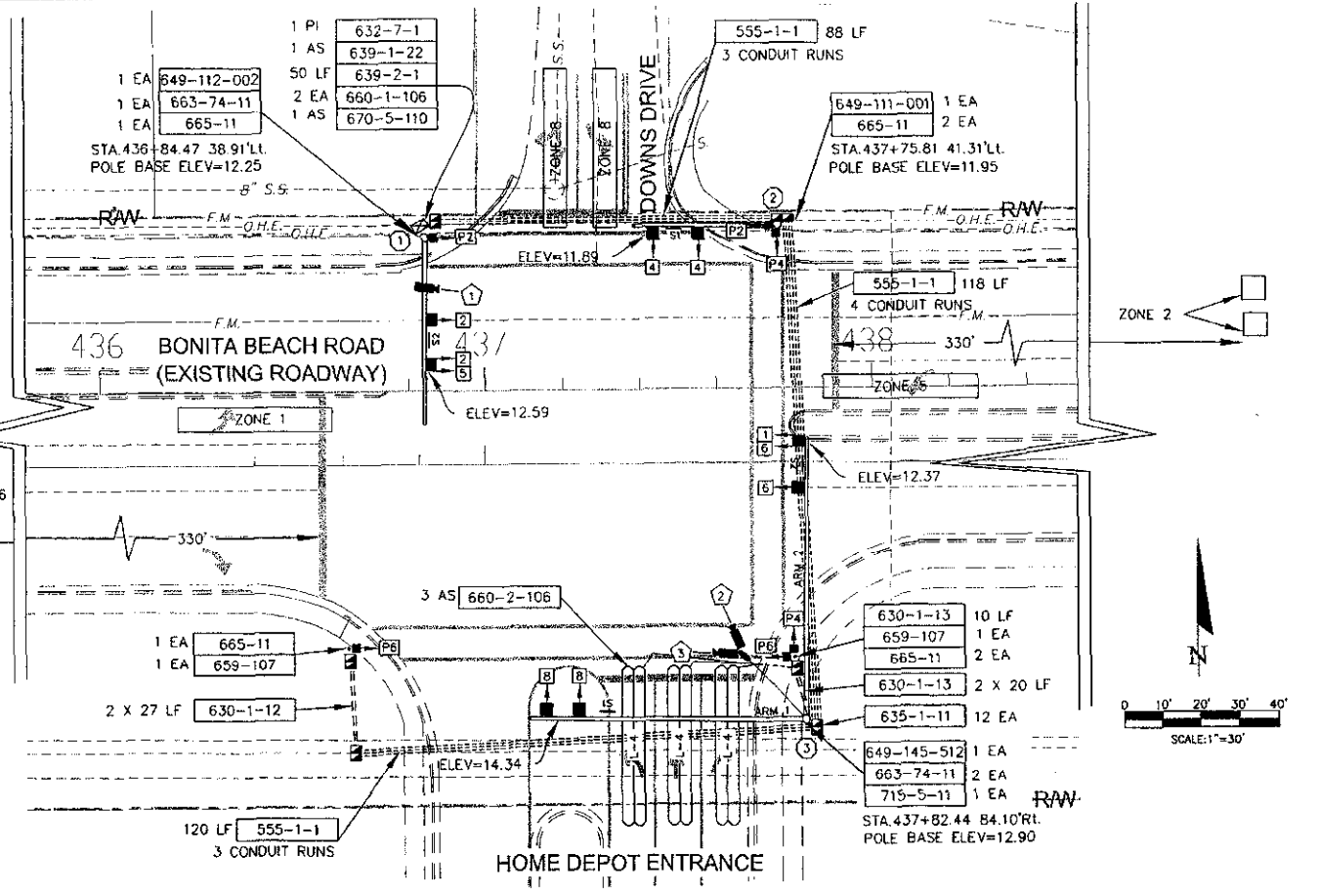
CAMERA NUMBER	CONNECT TO ZONE	CONNECT TO TIMING FUNCTION
1	2	2
1	5	5
2	8	3
3	1	1
3	8	6

LOOPS / DETECTORS

DETECTOR NUMBER	CHANNEL NUMBER	CONNECT TO LOOPS	CONNECT TO TIMING FUNCTION
1	1	L-4	3
1	2	L-4	3
2	1	L-4R	3
2	2		

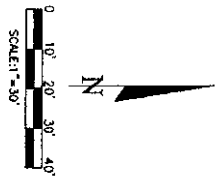
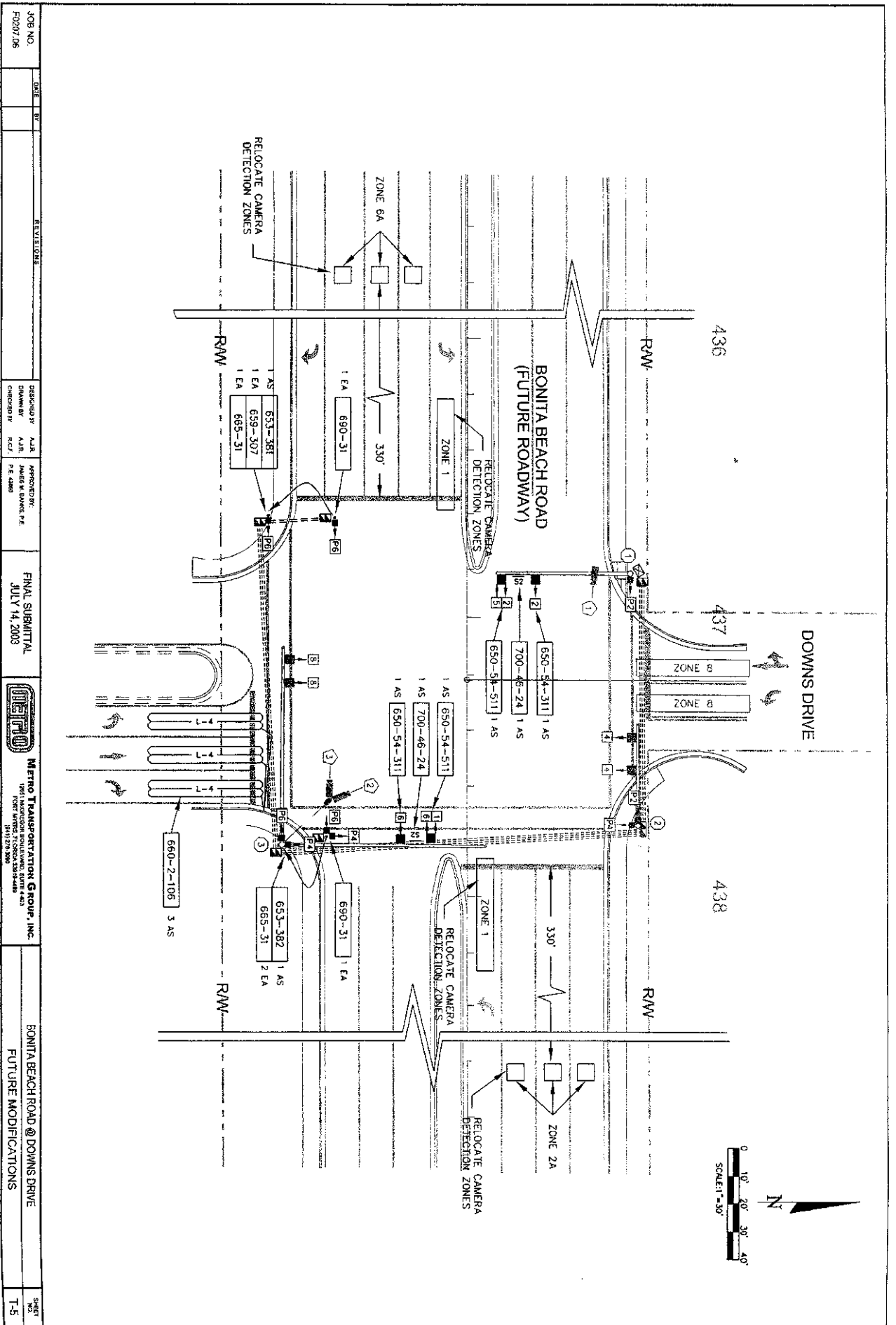


NOTES:
 1. MAJOR STREET IS BONITA BEACH ROAD. PHASE 3 (MOVEMENTS 2 & 6) AND MINOR STREET IS DOWNS DRIVE PHASE 4 (MOVEMENTS 4 AND 8).



JOB NO. F0207.06	DATE	BY	REVISIONS		DESIGNED BY A.J.R.	DRAWN BY A.J.R.	APPROVED BY JAMES M. BANKS, P.E. P.E. 4386	FINAL SUBMITTAL JULY 14, 2003		METRO TRANSPORTATION GROUP, INC. 12851 MCGREGOR BOULEVARD, SUITE 4-403 FORT MYERS, FLORIDA 33919-4489 (813) 278-2900	BONITA BEACH ROAD @ DOWNS DRIVE		SHEET NO. T-4
			SIGNALIZATION PLAN										

EXHIBIT "A"



JOB NO. F0207.06	DATE BY	REVISIONS	DESIGNED BY A.J.A. CHECKED BY R.C.F.	APPROVED BY JAMES M. BAKER, P.E. P.E. 42860	FINAL SUBMITTAL JULY 14, 2003	METRO METRO TRANSPORTATION GROUP, INC. 19611 REDWOOD BOULEVARD, SUITE 440 FREMONT, CA 94538 (916) 278-9000	BONITA BEACH ROAD @ DOWNS DRIVE FUTURE MODIFICATIONS	SHEET NO. T-5
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