

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve a Joint Supplemental Interlocal Agreement between Bonita Springs and Lee County under its Master Transportation System Agreement for the East Terry Street Debt Service Payments. Also, approve budget amendment resolution in the amount of \$290,998.00.

2. WHAT ACTION ACCOMPLISHES: Allows County to enter into Interlocal Agreement with the City of Bonita Springs to accept debt service payments from the City of Bonita Springs for improvements made to East Terry Street.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 9 *C9C* **5. Meeting Date:** *08-30-2005*

6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated:	
	<input type="checkbox"/> Statute	<input type="checkbox"/>	Commissioner _____	
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>	Department <u>Transportation</u>	
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>	Division _____	
	<input checked="" type="checkbox"/> Other	<input type="checkbox"/>	By: <u>Scott M. Gilbertson</u>	

9. Background:

In accordance with the Master Transportation System Agreement between Lee County and the City of Bonita Springs, the City is responsible for the final four debt service payments on the Series 2003 Bonds that were issued to pay for the improvements to East Terry Street. This Agreement specifies the City's commitment to make payments to the County not less than three business days prior to October 1, as follows:

FY 05/06	\$290,998.00
FY 06/07	\$291,439.00
FY 07/08	\$290,938.00
FY 08/09	\$290,722.00

Funds will be deposited in the following account: GB5419022561.369900.9041 and placed into Reserves.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
<i>S. Gilbertson</i> Date: <i>8/11/05</i>	<i>8/11/05</i>	NA		<i>8/12/05</i>	<i>8/15/05</i>	<i>MP 8-15-05</i>	<i>8/15/05</i>	<i>J. Lender</i> Date: <i>8-9-05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNCIL MEMBER
8-15-05
3:16 am
COUNCIL MEMBER
8/15/05
11:17

REC'D
by CO. ATTY.
8-30-05
CO. ATTY.
FORWARDED TO:
Co. Mgr.
8-31-05

RESOLUTION

Amending the Road Improvement Revenue Bonds, Fund 22561, to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2004-2005.

WHEREAS, in compliance with Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Road Improvement Revenue Bonds, Fund 22561, for \$290,998 of the unanticipated revenue from reimbursement – City of Bonita Springs, and an appropriation of a like amount for Reserves expenditures and;

WHEREAS, the Road Improvement Revenue Bonds, Fund 22561 shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES

Prior Total:		\$4,526,929
Additions		
GB5419022561.369900.9041	Reimbursement – City of Bonita Springs	<u>290,998</u>
Amended Total Estimated Revenues		\$4,817,927

APPROPRIATIONS

Prior Total:		\$4,526,929
Additions		
GC5890122561.509910	Reserve for Contingencies	<u>290,998</u>
Amended Total Appropriations		\$4,817,927

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Road Improvement Revenue Bonds, Fund 22561, 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

**JOINT SUPPLEMENTAL INTERLOCAL AGREEMENT
BETWEEN LEE COUNTY AND THE CITY OF BONITA SPRINGS
UNDER ITS MASTER TRANSPORTATION AGREEMENT:
EAST TERRY STREET DEBT SERVICE PAYMENTS**

This **FIFTH JOINT SUPPLEMENTAL INTERLOCAL AGREEMENT**, is made and entered into this _____ day of _____, 2005 by and between Lee County, a political subdivision charter county of the State of Florida, hereinafter referred to as "COUNTY", and the City of Bonita Springs, a municipal corporation in the State of Florida, hereinafter referred to as "CITY".

WHEREAS, the respective governing bodies for 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 Agreement contemplates the use of Supplemental Agreements to the said Master Interlocal Agreement for different stages of road work in Bonita Springs, the first being the Livingston/Imperial connection, four-lane extension from Collier County line to Bonita Beach Road; and

WHEREAS, the Second Supplemental Agreement addressed the four laning of Imperial Street as a collector road from Bonita Beach Road to East Terry Street; and

WHEREAS, the Third Supplemental Agreement involved the widening of Bonita Beach Road between Imperial Street and I-75 and resurfacing between Vanderbilt Drive and Imperial Street; and

WHEREAS, the Fourth Supplemental Agreement addressed the construction of the Three Oaks Parkway Extension South from East Terry Street to The Brooks; and

WHEREAS, the Master Transportation System Agreement identified that the COUNTY was using a portion of impact fee revenues collected in the Bonita Springs area prior to incorporation to pay the debt service for a bond that was used to improve East Terry Street (which is now a CITY street), and the CITY agreed to pay the debt service payments beginning in Fiscal Year 2005/2006; and

WHEREAS, the Parties desire to enter into a Fifth Supplemental Agreement to the said Master Transportation System Agreement, to specify the CITY's commitment to pay the debt service for that portion of the Series 1993 Road Improvement Bond (as refinanced in 2003) used to improve East Terry Street, beginning in FY 2005-2006 and for the three (3) remaining years through payoff in FY 2008-2009;

BSC-05-08-170

Date: August 3, 2005

Page 1 of 3

NOW THEREFORE, in consideration of the above premises and other good and other valuable consideration, the receipt of which is hereby acknowledged, and further consideration of the mutual covenants hereinafter contained, it is agreed by the Parties as follows:

1. In order for the COUNTY to make the required debt service payments by October 1st of each year, the CITY agrees to pay Lee County via wire at least three (3) business days prior to the debt service due date of October 1st of each year to the COUNTY a portion of the debt service due for the COUNTY's Series 2003 Road Improvement Refunding Revenue Bonds, beginning September 27, 2005, in the following amounts by year:

FY 05/06	\$290,998.00
FY 06/07	\$291,439.00
FY 07/08	\$290,938.00
FY 08/09	\$290,722.00

2. The COUNTY will be responsible for the balance of debt service payments due on the Series 2003 Road Improvement Refunding Revenue Bonds during those years.
3. Neither Lee County nor the City of Bonita Springs will be responsible for any claims, liabilities, lawsuits, or causes of action arising out of the other party, its contractors, agents, or representatives with respect to either party's performance under this agreement.
4. This Agreement is Supplemental to the Master Transportation System Agreement referenced above. However, this Agreement constitutes the entire understanding between the parties as to the subject matter, and other than the Master Transportation System 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.
5. This Agreement may be amended only by the concurrence of both parties and executed with the same formalities as this original Agreement.
6. All of the remaining terms in the Master Transportation System Agreement dated September 19, 2000, remain as written, and in full force and effect.

IN 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:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

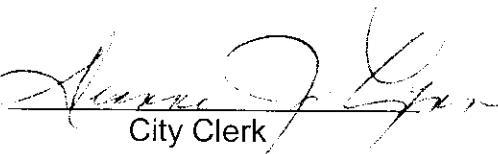
By: _____
Chairman

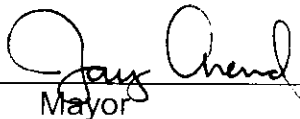
APPROVED AS TO LEGAL FORM

By: _____
Lee County Attorneys Office

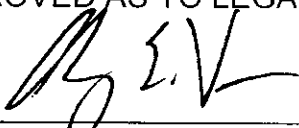
Attest:

CITY OF BONITA SPRINGS

By: 
City Clerk

By: 
Mayor

APPROVED AS TO LEGAL FORM:

By: 
City Attorney