

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

Blue Sheet No. 20051130

1. ACTION REQUESTED/PURPOSE: Approve and authorize the Chairman to sign the attached amendment to the County Incentive Grant Program for Business 41 from Marianna Ave. to north of Littleton Road with the Florida Department of Transportation. Also, approve budget amendment resolution in the amount of \$87,368 and amend the FY 2004/05 – 2008/09 CIP accordingly.

2. WHAT ACTION ACCOMPLISHES: Allows County to receive an additional \$87,368 for signalization costs at Pine Island and US Business 41.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 9 C9A		5. Meeting Date: 09-06-2005
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)	
	Statute _____	
	Ordinance _____	
	Admin. Code _____	
	<input checked="" type="checkbox"/> Other _____	
		8. Request Initiated: Commissioner _____ Department <u>Transportation</u> Division _____ By: <u>Scott Gilbertson</u>

9. Background:

On April 26, 2005, Lee County Commissioners approved Change Order No. 5 to APAC-Southeast for \$72,747 for signalization costs at the intersection of Pine Island and US Business 41 with the understanding that FDOT would be funding the project 100% on a reimbursement basis once funds were appropriated from the State Legislature in State Fiscal Year 2006. FDOT has budgeted \$87,368 for the signalization and will allow the County to use the additional funds (\$14,621) for other construction costs associated with the Business 41 project. Budget was originally established within the project for \$72,747 for the signalizations costs and now needs to be increased to recognize the additional \$14,621 that FDOT will be reimbursing the County.

Funds will be made available in 22402030700.506540.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>S. Gilbertson</i> Date: _____		NA	\$70 8/11	<i>[Signature]</i> 8/15/05	<i>[Signature]</i> 8/18/05	<i>[Signature]</i> 8/22/05	<i>[Signature]</i> 8/22/05	<i>[Signature]</i> 8/23/05	<i>[Signature]</i> Date 8-11-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
 8-15-05
 Ham
 5/24/05
 J. J. P.

REC'D. 8/15/05
 by CO. ATTY.
 S. S. COFF
 CO. ATTY.
 FORWARDED TO:
 CO. DIR.
 8-15-05

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 \$87,368 of the unanticipated revenue from the Florida DOT 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:		\$86,381,366
Additions		
22402030700.334490.9003	DOT – Florida DOT	87,368
Amended Total Estimated Revenues		\$86,468,734

APPROPRIATIONS		
Prior Total:		\$86,381,366
Additions		
22402030700.506540	Improvement Construction	87,368
20402030700.506540	Improvement Construction	(72,747)
GC5890130700.509930	Reserve-Future Capital Outlay	72,747
Amended Total Appropriations		\$86,468,734

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 _____, 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

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
THIRD AMENDMENT TO AGREEMENT**

FM No.: 19575415401
County: LEE

CHAIRPERSON
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

As of _____

When signed by Lee County and the State of Florida Department of Transportation in the places provided below, the following shall constitute a Third Amendment to that certain Agreement dated August 17, 2001, between Lee County and the State of Florida Department of Transportation, as amended by a First Amendment thereto dated May 5, 2003, and by a Second Amendment thereto dated June 30, 2003, as in force immediately prior to the execution of this Third Amendment:

1. All expressions used herein, unless herein separately defined, shall have the same meaning herein as in the Agreement.

3. Paragraph 3A of the Agreement is deleted in its entirety and in its place is substituted the following:

“The DEPARTMENT agrees to a maximum participation in the amount of THREE MILLION TWO HUNDRED TWELVE THOUSAND AND THREE HUNDRED SIXTY EIGHT DOLLARS (\$3,212,368.00). The COUNTY agrees to bear all expenses in excess of the DEPARTMENT’S participation.”

Except as expressly or by necessary implication modified hereby, all provisions of the Agreement shall remain in full force and effect in accordance with their terms but in the event of any inconsistency(ies) between the provisions of the Agreement and the provisions hereof, the latter shall prevail.

**ACKNOWLEDGED AND AGREED TO:
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA**

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By _____
Chairperson

By _____
District Secretary or Designee

ATTEST:

ATTEST:

By _____ (SEAL)
Clerk

By _____ (SEAL)
Executive Secretary

LEGAL REVIEW:

By _____
District Legal Counsel