

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

Blue Sheet No. 20051578

1. ACTION REQUESTED/PURPOSE: Approve an Amendment to the Addendum to the Third Joint Supplemental Agreement between Lee County and the City of Bonita Springs under its Master Transportation Agreement related to the traffic signal installation at Bonita Beach Road and Downs Drive.

2. WHAT ACTION ACCOMPLISHES: Allows County to enter into a modification of an existing Interlocal Agreement with the City of Bonita Springs outlining the terms and conditions for installation of a traffic signal by other parties on a County-maintained road.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 9 **C9B** **5. Meeting Date:** 11-15-2005

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: Commissioner _____ Department <u>Transportation</u> Division _____ By: <u>Scott M. Gilbertson</u> Director
	<input type="checkbox"/> Statute	_____	
	<input type="checkbox"/> Ordinance	_____	
	<input type="checkbox"/> Admin. Code	_____	
	<input checked="" type="checkbox"/> Other	_____	

9. Background:
On October 23, 2001, Lee County executed the Third Joint Supplemental Agreement to the Master Transportation System Agreement regarding the widening and resurfacing of Bonita Beach Road. An Addendum to that Joint Supplemental Agreement that called for the County to install a traffic signal at Downs Drive was executed on March 1, 2005. That Addendum is now proposed to be revised to indicate that the City will be responsible for installation of the traffic signal, either by itself or by Home Depot. The City Council approved the revisions to the Addendum (attached) at its October 5, 2005 meeting.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>Umm 11/3/05</i>				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>S. Gilbertson</i> S. Gilbertson Date <i>11/3/05</i>	<i>[Signature]</i>	NA		<i>[Signature]</i> 10/2/05	<i>KKH/r</i>	<i>[Signature]</i>	<i>[Signature]</i> 11/3/05	<i>[Signature]</i> 11/3/05	<i>[Signature]</i> Lavender date 11-1-05

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11-2-05
9:21
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11-3-05
4:45 PM

Rec. by CoAtty
Date: 11/1/05
Time: 4:30pm
Forwarded To:
Co. Mgr.
11-2-05

**AMENDMENT TO
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 AMENDMENT TO THE ADDENDUM TO THE THIRD JOINT SUPPLEMENTAL INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement", entered into on March 1, 2005, 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 entered into an Addendum to the to the Third Joint Supplemental Interlocal 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; and,

WHEREAS, the Parties now desire to amend the Addendum to the to the Third Joint Supplemental Interlocal Agreement to specify that the City of Bonita Springs will be responsible for the installation of the additional traffic signal light on Bonita Beach Road at Downs Drive.

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 Amendment to the 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 will have the additional traffic signal light on Bonita Beach Road at Downs Drive installed after County determines the construction to be substantially complete. The City will have this traffic signal light installed by either itself or Home Depot ~~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 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. Lee County will be the maintaining entity for the signal once completed.
- d. City of Bonita Springs and/or Home Depot agree to provide any easements necessary for the continued maintenance of the signal.
- e. ~~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.~~

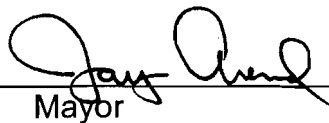
3. All of the remaining terms in the March 1, 2005 Addendum to the to the Third Joint Supplemental Interlocal Agreement to the said Master Interlocal Agreement regarding widening Bonita Beach Road, remain as written, and in full force and effect.
4. All of the remaining terms in the Master Transportation System Agreement dated September 19, 2000, as amended, 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.
5. 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.

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.

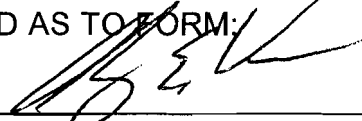
ATTEST:

By: 
City Clerk

CITY OF BONITA SPRINGS

By: 
Mayor

APPROVED AS TO FORM:

By: 
City Attorney

ATTEST: CHARLIE GREEN
CLERK OF THE COURTS

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney