

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

Blue Sheet No. 20070633

1. ACTION REQUESTED/PURPOSE: Approve and authorize the Chairman to sign the attached amendment to the County Incentive Grant Program Agreement for Business 41 North from Littleton Road to US 41 with the Florida Department of Transportation. Also, approve budget transfer in the amount of \$191,190 from District 02 Impact Fee Reserves and amend the FY 2006/07 – 2009/10 CIP accordingly.

2. FUNDING SOURCE: Fund – Road Impact Fees District 05; Fund –Capital Projects; Project – Business 41 Littleton to US 41.

3. WHAT ACTION ACCOMPLISHES: Allows County to enter into an amendment to the CIGP Agreement with FDOT to provide an additional \$283,125 to the Business 41 North project. Provides funding for county staff to coordinate with FDOT on the project.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: 09

C9B

6. Meeting Date: MAY 01 2007

7. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

8. Requirement/Purpose: (specify)
 Statute
 Ordinance
 Admin. Code
 Other

9. Request Initiated:
Commissioner _____
Department Transportation
Division _____
By: Scott Gilbertson, Director

10. Background: Lee County committed to contribute \$1,400,000 to FDOT for the Design phase of Business 41 from Littleton to US 41 in FY 06/07. DOT staff submitted an application and was awarded a County Incentive Grant Program for 50% matching funds or \$700,000 in the 06/07 CIGP cycle. After Lee County provided FDOT with the \$700,000 match, FDOT advised that project costs had increased and additional funds would be needed from the County so FDOT can award the design contract.

In 2001 Lee County entered into a Locally Funded Agreement with FDOT to provide \$1.5 million for the right-of-way phase of Business 41 to the south from Marianna to Littleton. FDOT has completed the phase with \$283,125 leftover due to the County. DOT staff recommends that the County allow FDOT to transfer the \$283,125 to the design phase of Business 41 N, bringing the total local contribution to FDOT to \$983,125 instead of \$1,400,000 that had originally been committed before the County was awarded CIGP funds. Any principal or interest earned that is not spent will be used towards funding the construction phase.

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11. 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>Scott Gilbertson, Director</i> Date: 4/13/07				<i>[Signature]</i> 4/18/07	<i>elw</i> 4-18-07	<i>NR</i> 4/19/07	<i>[Signature]</i> 4/19/07	<i>[Signature]</i> 4/19/07	4/13/07 <i>[Signature]</i>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY	<i>FW</i>
COUNTY ADMIN:	<i>4-18-07</i>
	<i>9am</i>
COUNTY ADMIN FORWARDED TO:	<i>[Signature]</i>
	<i>4/19/07</i>
	<i>2:15pm</i>

Rec. by CoAtty	<i>[Signature]</i>
Date:	<i>4/17/07</i>
Time:	<i>11:33 Am</i>
Forwarded To:	<i>4/17/07</i>
	<i>4:45 pm</i>

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FDOT has no additional funds to commit to this project, their maximum contribution is \$700,000 in CIGP funds; execution of this amendment is required to proceed with the design.

A budget transfer in the amount of \$191,190 is also needed to provide funds for oversight and project coordination by County staff during the design phase.

Funds will be made available in the following account: 20402018802.506540

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Impact Fee-Rd-North FT. Myers/Alva DATE: 4/11/07 BATCH NO.: _____

FISCAL YEAR: 06/07 FUND NO.: 18802 DOC. TYPE: YB LEDGER TYPE: BA

TO: Capital Projects Transportation Capital Projects
 (Division Name) (Program Name)

NOTE: Please list the account number below in the following order:
 Business Unit (dept/div, program, fund, subfund); Object Account; Subsidiary; Subledger
 (Example: BB 5120100100.503450)

<u>Account Number</u>	<u>Object Name</u>	<u>DEBIT</u>
20506118802.506540	Improvement Construction	\$191,900 ¹⁹⁰ <i>skw</i>

TOTAL TO: \$191,900¹⁹⁰

FROM: Non-Departmental Reserves
 (Division Name) (Program Name)

<u>Account Number</u>	<u>Object Name</u>	<u>CREDIT</u>
GC5890118802.509910	Reserve for Contingencies	\$191,900 ¹⁹⁰ <i>skw</i>

TOTAL FROM: \$191,900¹⁹⁰

EXPLANATION: Transfer to cover project management time for Business 41 N.

_____ DIVISION DIRECTOR SIGNATURE/DATE	<u><i>[Signature]</i></u> <u>4/13/07</u> <i>skw</i> DEPARTMENT HEAD SIGNATURE/DATE
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DBO: APPROVAL <input checked="" type="checkbox"/> DENIAL <input type="checkbox"/>	<u><i>[Signature]</i></u> <u>4-19-07</u> OPS. ANALYST SIGNATURE DATE
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OPS. MGR.: APPROVAL <input type="checkbox"/> DENIAL <input type="checkbox"/>	_____ OPS. MGR. SIGNATURE DATE
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CO. MGR.: APPROVAL <input type="checkbox"/> DENIAL <input type="checkbox"/>	_____ CO. MANAGER SIGNATURE DATE
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BCC APPROVAL DATE: _____	_____ BCC CHAIRMAN SIGNATURE
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BA. NO. _____ AUTH CODE _____ TRANS DATE _____

**FIRST AMENDMENT TO
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
COUNTY INCENTIVE GRANT PROGRAM AGREEMENT**

CHAIRPERSON
BOARD OF COUNTY COMMISSIONERS

LEE COUNTY, FLORIDA

As of _____

This is the First Amendment to the County Incentive Grant Program Agreement dated December 4, 2006, between Lee County (hereinafter, "COUNTY") and the State of Florida Department of Transportation (hereinafter, "DEPARTMENT"), as in force immediately prior to the execution of this First Amendment:

- A. All expressions used herein, unless herein separately defined, shall have the same meaning herein as in the Agreement.
- B. 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.
- C. Paragraph 2 of the Agreement is deleted in its entirety and in its place is substituted the following:
 - 4. The COUNTY agrees to participate in the PROJECT in the amount of **NINE HUNDRED EIGHTY THREE THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$983,125.00)**. The additional **TWO HUNDRED EIGHTY THREE THOUSAND ONE HUNDRED TWENTY FIVE DOLLARS (\$283,125.00)** is to be transferred from funds remaining under **FM# 195754 1 4X 01 US 41 Business from Marianna to Littleton Road right-of-way project**, previously advanced and funded by the COUNTY, and re-programmed under **FM# 421116 1 32 01 US 41 Business from Littleton Road to US 41** to fund negotiated consultant design contract.
- D. Paragraph 4 of the Agreement is deleted in its entirety and in its place is substituted the following:
 - 4. Interest from the account is to be left in the account to cover future deficiencies or any additional costs incurred in excess of the total estimated cost of the Project. Any interest accrued or principal not expended for the Project will be utilized to assist in funding next phase of this project. Interest earnings will not be reimbursed to the COUNTY. All deposits shall be made to the Department of Financial Services, Revenue Processing and mailed to the Florida Department of Transportation for processing as follows:

Florida Department of Transportation
Office of the Comptroller
605 Suwannee Street
Mail Station 42B
Tallahassee, FL 32399
Attention: LFA Coordinator

ACKNOWLEDGED AND AGREED TO:

LEE COUNTY, FLORIDA

ATTEST

CLERK

(SEAL)

DATE

BY:

CHAIRMAN,
LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

PRINT NAME

DATE

LEE COUNTY LEGAL REVIEW:

BY:

DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

EXECUTIVE SECRETARY

(SEAL)

PRINT NAME

DATE

BY:

DISTRICT ONE SECRETARY
OR DESIGNEE

PRINT NAME

DATE

FLA. DEPT. OF TRANS. LEGAL REVIEW:

BY:

DATE