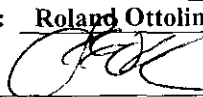


1. REQUESTED MOTION:

**ACTION REQUESTED:** Amend interlocal agreement between the City of Cape Coral and Lee County for Matlacha Isles Dredging Project to authorize additional funds in the amount of \$106,000.00 to be paid to the City of Cape Coral. The new total amount is \$132,600.00. Funds are available.

**WHY ACTION IS NECESSARY:** Dredging project exceeded time and material estimates due to unforeseen field conditions. Original amount falls short of appropriate amount of compensation due to the City of Cape Coral under the interlocal agreement.

**WHAT ACTION ACCOMPLISHES:** Compensates the City of Cape Coral at the previously agreed to amount per cubic yard, with the adjustment for the additional material removed.

2. <b>DEPARTMENTAL CATEGORY:</b> <b>COMMISSION DISTRICT #:</b>	8 1	C8D	3. <b>MEETING DATE:</b>	06-29-2004
4. <b>AGENDA:</b>	5. <b>REQUIREMENT/PURPOSE:</b> (Specify)		6. <b>REQUESTOR OF INFORMATION:</b>	
<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> STATUTE		A. <b>COMMISSIONER</b> _____	
<input type="checkbox"/> ADMINISTRATIVE	<input type="checkbox"/> ORDINANCE		B. <b>DEPARTMENT</b> _____	
<input type="checkbox"/> APPEALS	<input type="checkbox"/> ADMIN. CODE		C. <b>DIVISION</b> Natural Resources	
<input type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OTHER		BY: Roland Ottolini	
<input type="checkbox"/> WALK ON	_____			
<input type="checkbox"/> TIME REQUIRED:	_____		_____	

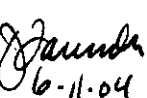
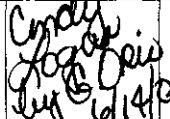


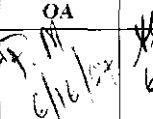
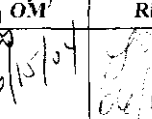
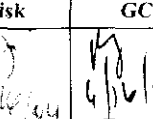
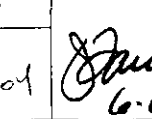
7. **BACKGROUND:** The City of Cape Coral and Lee County share the waterway in and around Matlacha Isles. Over the past several years, the County has documented shoaling in the waterway and the need to remove material to restore safe navigation. Under an interlocal agreement signed on July 8, 2003 (Blue Sheet # 20030771), the City of Cape Coral commenced dredging with the assistance of County staff.

The original agreement was based upon removal of an estimated 2,000 cubic yards of material at \$13.00 per cubic yard for a not to exceed amount of \$26,000.00. From the time that the original surveys were conducted, several factors altered the system in question. The most significant of these was the failure of a patch in the spreader canal, which added significant amounts of material to the project area. This breach in the spreader canal also altered the flow of the system, creating extremely high flows, extending the amount of time needed to complete dredging in the original footprint. Such a large amount of material was moved that an emergency expansion of the project was necessary. At the end of the project, the total amount of dredge material came to approximately 10,200 yards. At \$13.00 per cubic yard, the total compensation due to the City of Cape Coral for completion of the project was \$132,600.00.

Funds are available in the WCIND funding Navigation Improvement Project Account #20307930100.

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
 6-11-04	 6/14/04	N/A	 6/11/04	 6/15/04	 6/16/04	 6/15/04	 6/16/04	 6/16/04

10. COMMISSION ACTION:

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: 6/15/04  
Time: 1:55 PM  
Forwarded To: Co. Admin.  
6/15/04

RECEIVED BY  
COUNTY ADMIN: PM  
6/15/04  
2:45 PM SGT  
COUNTY ADMIN  
FORWARDED TO: PR  
6-16-04  
2 PM

**AMENDMENT TO SECOND INTERLOCAL AGREEMENT  
FOR MATLACHA ISLES DREDGING PROJECT**

THIS AMENDMENT to the Second Interlocal Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and the CITY OF CAPE CORAL, a municipal corporation of the State of Florida, hereinafter referred to as the "City".

**WITNESSETH:**

**WHEREAS**, the County, pursuant to 161.25, Florida Statutes, has the authority to enter into agreements for the contracting of certain shared powers, obligations and duties; and

**WHEREAS**, the Parties previously entered into an Interlocal Agreement for the dredging and removal of sediment material to restore navigation in the Matlacha Isles access canal on April 30, 2002 and a Second Interlocal Agreement on July 8, 2003; and

**WHEREAS**, Section 4(B) of the Amended Agreement required the County to reimburse the City at a rate of \$13.00 per cubic yard not to exceed 2,000 yards of sediment material; and

**WHEREAS**, the Parties now desire to amend the Second Agreement to provide reimbursement of 10,200 yards of sediment material.

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

1. The recitals as set forth above are incorporated into the terms of the original agreement.
2. **SECTION FOUR: (B) Cost Allocation**
  - B. The County agrees to reimburse the City at a rate of \$13.00 per cubic yard of material removed, which includes the cost of construction of the two containment cells, mobilization and demobilization and

dredging. However, the total reimbursable yardage shall not exceed 10,200 cubic yards

- 3. All other terms of the Second Interlocal Agreement remain the same.
- 4. This Amendment shall become effective on the date written above. This Amendment, 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 presence to be executed by their duly authorized officers and their official seals hereto affixed, on the day and year as first written above.

ATTEST:

**CITY OF CAPE CORAL**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
City Attorney

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 Attorney's Office