

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

**Blue Sheet No. 20070322**

**1. ACTION REQUESTED/PURPOSE:** Approve the resolution authorizing the DOT Director to execute the attached Utility Termination Agreement with the Florida Department of Transportation for roadway lighting of US 41/SR 45 from South of Devonwood Drive to South of Daniels Parkway.

**2. FUNDING SOURCE:** No funds required

**3. WHAT ACTION ACCOMPLISHES:** Executes the Termination Agreement with the Florida Department of Transportation for lighting along US 41/SR45 from South of Devonwood Drive to South of Daniels Parkway.

**4. MANAGEMENT RECOMMENDATION:** Approve

<b>5. Departmental Category:</b> 09 <span style="font-size: 2em; margin-left: 50px;">C9E</span>		<b>6. Meeting Date:</b> MAR 13 2007
<b>7. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>8. Requirement/Purpose: (specify)</b> Statute _____ Ordinance _____ Admin. Code _____ Other _____	<b>9. Request Initiated:</b> Commissioner _____ Department Transportation Division _____ By: Scott M. Gilbertson, Director

**10. Background:**

In January of 2006 Lee County and FDOT entered into a Roadway Lighting System Maintenance Agreement in which Lee County would be responsible for maintenance and electricity costs, estimated at \$23,092 per year for lighting along US 41/SR 45 from South of Devonwood Drive to South of Daniels Parkway. The FDOT has pulled this project and will not be installing the lighting within the Five-Year Work Program. This change by FDOT requires a termination agreement with the County to delete the project. Initially this project qualified for FDOT Safety monies but was removed from the priority list because project costs escalated and the project no longer meets the cost/benefit ratio required by FDOT for safety funds.

**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.	
 Scott M. Gilbertson Date: 2/27/07				 Andrea Fraser Date: 3/1/07	Analyst: RL 3/1	Risk: MK 3/1/07	Grants: RK for RG 3-1-07	Mgr.: MK 3/1/07	 Amanda Date: 3-1-07

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:

3/1 2:40 PM

COUNTY ADMIN FORWARDED TO:

3-1-07 @ 4:34 PM

Rec. by CoAtty

Date: 3/1/07

Time: 1:15 PM

Forwarded to: 3/1/07 2:30 PM

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING LEE COUNTY TO ENTER INTO A  
TERMINATION AGREEMENT FOR ROADWAY LIGHTING WITH THE  
FLORIDA DEPARTMENT OF TRANSPORTATION**

This is a Resolution of the Board of County Commissioners, Lee County, Florida, a political subdivision of the State, authorizing the execution of a Termination Agreement with the Florida Department of Transportation.

**WHEREAS**, the State of Florida Department of Transportation has requested that this Termination Agreement be executed for US 41/State Road 45,

**AND WHEREAS**, the Board of County Commissioners hereby gives authorization for the Director of the Department of Transportation to execute said Termination Agreement on behalf of the County

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that** the DOT Director is hereby authorized and directed to make, execute and deliver to the State of Florida Department of Transportation a Termination Agreement for the Roadway Lighting of said US 41/State Road 45 from South of Devonwood Drive to South of Daniels Parkway.

**BE IT FURTHER RESOLVED** that this Resolution be forwarded to the State of Florida Department of Transportation at Tallahassee, Florida.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

FRANK MANN \_\_\_\_\_  
BOB JANES \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_

TAMMY HALL \_\_\_\_\_

BRIAN BIGELOW \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of County Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**UTILITY TERMINATION AGREEMENT**

FPID NO.	ROADWAY ID	SR	COUNTY	PAR NO	FAP
415572-1-52-01	12010	45/US41	Lee	n/a	n/a

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the FDOT, and LEE COUNTY, hereinafter referred to as UTILITY, an organization organized and existing under the laws of The State of Florida, with its principal place of business in Fort Myers \_\_\_\_\_, County of Lee \_\_\_\_\_, State of \_\_\_\_\_ Florida.

WITNESSETH:

WHEREAS, the FDOT and the UTILITY heretofore on the 26 day of January, 2006, entered into an Agreement whereby the UTILITY agreed to perform certain services for the FDOT under State Job No. 415572-1-52-01,

AND WHEREAS, the parties hereto are now desirous of terminating said Agreement,

NOW, THEREFORE, in consideration of the mutual undertakings as herein set forth, the parties hereto agree as follows:

1. That the UTILITY and the FDOT hereby agree to the cancellation and termination of said agreement and each of the parties hereby releases and discharges the other from any further claims or demands thereunder.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers, and their official seals hereto affixed, the day and year first above written.

UTILITY:  
BY: \_\_\_\_\_  
(Title: \_\_\_\_\_)

(SEAL)

ATTEST(s): \_\_\_\_\_  
(Title: \_\_\_\_\_)

FDOT Approved as to Form, Legality and Execution

BY: \_\_\_\_\_  
Attorney

BY: \_\_\_\_\_  
District Utility Engineer

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(Title: \_\_\_\_\_)

(SEAL)

ATTEST(s): \_\_\_\_\_  
(Title: \_\_\_\_\_)