

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

Blue Sheet No. 20050301

1. Action Requested/Purpose:

Approve Amendment to County Incentive Grant Program Agreement with FDOT to change the project limits from Three Oaks Ext. North. of Alico to Daniels Pkwy. (4053) to Three Oaks Widening from Corkscrew Rd. to Alico Rd. (4081), and approve authorizing resolution for Chairman to execute agreements. Also, approve budget transfer and amend FY04/05 -08/09 Capital Improvement Program.

2. What Action Accomplishes: Allows FDOT to shift our funding to more immediate projects.

3. Departmental Category: 09

4. Meeting Date:

03-22-2005

5. Agenda:

6. Requirement/Purpose (specify)

7. Request Initiated:

C9E

- Consent
- Administrative
- Appeals
- Public
- Walk-On

- Statute
- Ordinance
- Admin. Code
- Other

Commissioner _____
 Department Transportation
 Division _____
 By: Scott Gilbertson, Director

8. Background:

FDOT and Lee County entered into a County Incentive Grant Program Agreement February 21, 2001 for FDOT to provide 35% funding for the construction phase of the four-lane extension of Three Oaks Parkway from north of Alico Road to Daniels Parkway, up to a maximum of \$2,730,000.00. This CIGP agreement has since been amended twice because of delays in the project caused by alignment, permitting, and funding issues. The construction phase for Three Oaks Ext. North is currently programmed in FY 07/08, and may be pushed back further in the upcoming CIP update. FDOT was concerned about continually carrying over the FY01/02 CIGP funds, and suggested shifting the funding to a more immediate project. The Three Oaks Widening is budgeted this current fiscal year and is expected to start construction by this fall. It also is a project that was previously deemed eligible for CIGP funding before that program funding dried up. The change in the project boundaries in the CIGP agreement will shift the \$2,730,000 in CIGP funding (which is provided on a reimbursement basis) to the Three Oaks Widening project.

9. 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>3/10/05</i>	<i>[Signature]</i>	<i>N/A</i>	<i>PAO 3/10/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>3/10/05</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i> <i>3.2.05</i>

10. Commission Action

Approved **Deferred** **Denied**

Rec. by CoAtty
 Date: *3/10/05*
 Time: *8:00*
 Forwarded to:
 Co. Adm.
3/10/05

RECEIVED BY
 COUNTY ADMIN
3/10/05
 COUNTY ADMIN
 FORWARDED TO:
3/10/05
T.L.S. cm

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

FM No.: 41000815401

County: LEE

CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

As of _____

Gentlemen:

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 County Incentive Grant Program Agreement dated February 21, 2001 between Lee County and the State of Florida Department of Transportation as amended by a First Amendment thereto dated August 15, 2001, and as amended by a Second Amendment thereto dated April 11, 2002, as in force immediately prior to the execution of this amendment (the "Agreement"):

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

2. The unnumbered fourth and fifth "WHEREAS" paragraphs contained in the recitals of the Agreement are deleted in their entirety and in their place are substituted the following:

"WHEREAS, the DEPARTMENT is willing to provide the COUNTY with financial assistance under Financial Project No. 410008 1 54 01 for the extension of Three Oaks Parkway from Corkscrew Road to Alico Road, hereinafter referred to as the "PROJECT," in accordance with Section 339.2817, Florida Statutes; and

WHEREAS, the COUNTY by Resolution No. _____ dated the ___ of _____, 2005, a copy of which is attached hereto and made a part hereof, has authorized the Chairman of its Board of County Commissioners to enter into this Agreement."

3. Paragraph 1A is deleted in its entirety and in its place is substituted the following:

“The COUNTY shall furnish the services with which to construct the PROJECT. Said PROJECT consists of: Three Oaks Extension from Corkscrew Road to Alico Road, as further described in Exhibit “A,” attached hereto and made a part hereof.”

4. Exhibit “A” is deleted in its entirety and in its place is substituted the following:

“The proposed project is the four-lane widening of the existing portion of Three Oaks Parkway, from Corkscrew Road to Alico Road (see attached map). This is a critical part of a larger planned corridor that parallels I-75, with 4-lane extensions north of Alico Road and south of Corkscrew Road programmed for construction.”

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 _____
Chairman

By _____
District Secretary

ATTEST: CHARLIE GREEN

ATTEST:

By _____ (SEAL)
Clerk of Circuit Court

By _____ (SEAL)
Executive Secretary

APPROVED AS TO FORM:

LEGAL REVIEW:

By _____
Assistant County Attorney

By _____
District Legal Counsel

EXHIBIT A

The proposed project is the four-lane widening of the existing portion of Three Oaks Parkway, from Corkscrew Road to Alico Road (see attached map). This is a critical part of a larger planned corridor that parallels I-75, with 4-lane extensions north of Alico Road and south of Corkscrew Road programmed for construction.