

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

**Blue Sheet No. 20050803**

**1. ACTION REQUESTED/PURPOSE:** Approve stipulation of parties agreement between Lee County and FDOT regarding the Alico Rail Crossings on FDOT portion of Alico Road. Authorize Chairman to sign agreement.

**2. WHAT ACTION ACCOMPLISHES:** Provides three party agreement between FDOT, SGLR and Lee County to the reconfiguration of the rail crossings associated with the relocation of Alico as part of the FDOT Metro Extension project.

**3. MANAGEMENT RECOMMENDATION:** Management recommends approval.

**4. Departmental Category:** 09

*C9C*

**5. Meeting Date:** *06-28-2005*

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals  
 Public  
 Walk-On

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

**8. Request Initiated:**  
 Commissioner \_\_\_\_\_  
 Department Transportation  
 Division \_\_\_\_\_  
 By: Scott M. Gilbertson

**9. Background:**

The Florida Department of Transportation, in association with its Metro Extension project, is realigning Alico Road as well as reconfiguring the rail crossings along Alico. The new configuration will consist of one mainline crossing. The existing configuration consists of one mainline crossing as well as one spur crossing. This agreement documents the details of that relocation and elimination.

**10. 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>[Signature]</i>		NA		<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i> 6-9-05

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
 6/13/05  
 9:36 AM  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*  
*[Signature]*

Rec. by CoAtty  
 Date: 6-10-05  
 Time: 2:25  
 Forwarded To:  
 6/10/05 Co.  
 4:45 pm mgr.

**STIPULATION OF PARTIES FOR THE OPENING OF A  
HIGHWAY-RAIL GRADE CROSSING AT STATE ROAD 739 / ALICO ROAD,  
AND CLOSURE OF TWO HIGHWAY-RAIL GRADE CROSSINGS  
ON ALICO ROAD,  
LEE COUNTY**

Lee County, hereinafter referred to as "COUNTY;" Seminole Gulf Railway, Inc. as General Partner of Seminole Gulf Railway L.P., hereinafter referred to as "RAILROAD;" and Florida Department of Transportation, hereinafter referred to as "DEPARTMENT;" by and through their undersigned representatives hereby file this Stipulation of Parties as follows:

1. The DEPARTMENT has filed applications to open a public highway-rail grade crossing and close two public highway-rail grade crossings, pursuant to Section 335.141(1), Florida Statutes. Copies of the applications are attached hereto and made a part hereof as EXHIBIT "A."
2. The proposed new crossing will be located over a rail line on land that the RAILROAD has leased from CSX Transportation, Inc., at railroad mile post AX 975.68. The location of said crossing, identified as SR 739 / Alico Road, is as set forth on the plans attached hereto and made a part hereof as EXHIBIT "B."
3. The proposed highway-rail grade closures are located on Alico Road at railroad mile posts AX 975.78 (Crossing Number 623488 P) and Spur 975.69 (Crossing Number 621409 U).
4. The rail track at the proposed opening location is classed as Main Line with one train per week. The maximum train speed as of the date of this Stipulation is 10 miles per hour.
5. SR 739 / Alico Road is to be constructed by the DEPARTMENT as a five-lane arterial roadway.
6. The DEPARTMENT shall enter into a license agreement, hereinafter referred to as "AGREEMENT" with the RAILROAD, a copy of which is attached hereto and made a part hereof as EXHIBIT "C," to construct and maintain a highway grade crossing surface, in accordance with the DEPARTMENT's Standard Index No. 560, and to install and maintain automatic highway-railroad

grade crossing traffic control devices Type IV, Class III, (Cantilever Flashing Lights and Gates), in accordance with the DEPARTMENT's Standard Index No. 17882. When fully executed, the RAILROAD will provide the DEPARTMENT with the FDOT/AAR National Grade Crossing Number.

7. The DEPARTMENT, at the DEPARTMENT's expense, will remove at the crossings to be closed, Crossing Numbers 623488 P and 621409 U, the railroad grade crossing surface and roadway pavement as directed by the roadway plans. Removal may include but not be limited to pavement, lighting, cross drains, signs, etc.

8. The DEPARTMENT, at the DEPARTMENT's expense, will restore the RAILROAD's right of way to remove evidence of both crossings. Restoration may include but not be limited to the addition of fencing, natural vegetation, etc. The DEPARTMENT shall notify the COUNTY and RAILROAD a minimum of seventy-two (72) hours notice prior to the start of any closure work.

9. All work by the DEPARTMENT shall be consistent with current Manual of Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials (AASHTO) Policy, and the DEPARTMENT's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida's Green Book).

10. The DEPARTMENT authorizes the opening of the new SR 739 / Alico Road crossing as evidenced by the execution of this Stipulation.

11. This Stipulation has been executed by all parties having an interest in this matter, and further, all parties waive hearing rights provided by Chapter 120, Florida Statutes, and request the DEPARTMENT to issue authority in accordance with Section 335.141(1), Florida Statutes, and Rule 14-57.012, Florida Administrative Code, with this Stipulation of Parties.

**(THIS CONCLUDES THE BODY OF THIS STIPULATION OF PARTIES)**

**SEMINOLE GULF RAILWAY, INC. - RAILROAD**

By: \_\_\_\_\_  
(Authorized Signature)

Printed Name: \_\_\_\_\_

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

**LEE COUNTY – COUNTY**

By: \_\_\_\_\_  
(Authorized Signature)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Authorized Official)

Date: \_\_\_\_\_

**STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
State Public Transportation Administrator

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION  
LEGAL REVIEW**

By: \_\_\_\_\_  
Attorney, FDOT

Date: \_\_\_\_\_