

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

Blue Sheet No. 20040891

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve Amendment No. 4 to Agreement No. C-10866, South Lee County Watershed Study – Implementation of Recommendations, between the South Florida Water Management District and Lee County thereby extending the contract through September 30, 2004 and revising the Statement of Work. This agreement is more commonly referred to as No-Rails Bridge Removal - Orr Road.

**WHY ACTION IS NECESSARY:** All agreements and amendments thereto require approval by the Board of County Commissioners.

**WHAT ACTION ACCOMPLISHES:** Provides for contract extension through September 30, 2004.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #: 3 08

*C8B*

**3. MEETING DATE:**

*01-27-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Agreement

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Public Works
- C. DIVISION Natural Resources
- BY: Roland E. Ottolini, P.E.

*[Signature]*

**7. BACKGROUND:**

On August 24, 1999, Agreement No. C-10866 was approved by the Board of County Commissioners. The scope of the agreement provided for removal of the No-Rails Bridge and small upstream bridge as well as construction of alternate methods of ingress and egress. Obtaining the necessary easement and access rights has delayed the project. Due to the estimated cost of paving the road, the Statement of Work has been revised to construct an alternate ingress/egress route for District property and adjacent property owners for use when the bridge is removed. No other work, including bridge removal, will be undertaken as part of this agreement.

Amendments No. 1, 2 and 3 extended the contract and were approved by the Board of County Commissioners on September 26, 2000, September 11, 2001 and September 10, 2002 respectively. No additional funding is required for this amendment. (Project 203045, Orr Road Bridge).

Attachment: Two (2) Originals, Amendment No. 4 to Agreement No. C-10866.

**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	
<i>[Signature]</i> 7-12-04	<i>[Signature]</i>	N/A	<i>EAD</i> 7/13/04	<i>[Signature]</i> 7/13/04	<i>[Signature]</i> 7/13/04	<i>[Signature]</i> 7/14/04	<i>ws</i> 7/14/04	<i>[Signature]</i> 7/13/04	<i>[Signature]</i> 7-12-04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *7/13/04*  
Time: *2:45 PM*  
Forwarded To:  
*[Signature]*  
*7/13/04*

RECEIVED BY  
COUNTY ADMIN:  
*7/13/04*  
*4:30pm*  
COUNTY ADMIN  
FORWARDED TO:  
*[Signature]*  
*7/14/04*



# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT**

**C-10866-A4**

**AMENDMENT NO. 4**

**TO AGREEMENT NO. C-10866**

**BETWEEN THE**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**AND**

**LEE COUNTY**

This **AMENDMENT NO. 4**, entered into on \_\_\_\_\_, to that **AGREEMENT** dated September 30, 1999, as amended on September 30, 2000 (A1), September 28, 2001 (A2), and October 7, 2002 (A3) between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County (**COUNTY**).

## **WITNESSETH THAT:**

WHEREAS, the **AGREEMENT** may be amended with the prior written approval of the parties; and

WHEREAS, the parties wish to amend the contract to modify the statement of work, amend the Deliverable and Payment Schedule and extend the period of performance; and

WHEREAS, the Governing Board of the **DISTRICT**, at its August 12, 2004 meeting, approved entering into this **AMENDMENT NO. 4** with the **COUNTY**;

NOW THEREFORE, the **DISTRICT** and the **COUNTY**, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. The expiration date of the **AGREEMENT** is hereby extended by Six (6) Months, extending the **AGREEMENT** term to September 30, 2004. Regardless of the actual date of execution, this **AMENDMENT NO. 4** shall be effective as of March 31, 2004.
2. The Statement of Work is revised and replaced in its entirety with Exhibit "C4", attached and made a part of this **AMENDMENT NO. 4**.



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

3. The Deliverable and Payment Schedule is also revised in accordance with Exhibit "D4", attached and made a part of this AMENDMENT NO. 4.
4. This AMENDMENT NO. 4 shall be at no additional cost to the DISTRICT.
5. All other terms and conditions of the AGREEMENT, as amended, remain unchanged.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this AMENDMENT NO. 4 on the date first written above.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
BY ITS GOVERNING BOARD**

By: \_\_\_\_\_  
**Frank Hayden, Procurement Director**

SEWMD PROCUREMENT APPROVED

By: *Marilyn Avery*  
Date: *June 28, 2004*

**LEE COUNTY**

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

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

## Exhibit "C4" Statement of Work

### 1.0 Introduction

During the summer of 1995, much of Lee County became inundated with floodwaters for extended periods of time. The southern part of the county evacuated almost 1000 residents from the Bonita Springs area and lasted for a period of approximately six weeks. Following this event, in early October 1995, Hurricane Opal added an additional six to seven inch rainfall to this already saturated watershed.

Historical sheet flow was north to south. When the region's ground became saturated with summer rainfall, water traveled overland blending watersheds as the flow continued in a southerly direction. Now as stormwater conveys from the middle of Lee County (an overall basin of approximately 180 square miles) the rivers and creeks have not been maintained so that water can be released at different locations along the route. The water continues to all flow south and stacks up in the Imperial river watershed area, thence the extensive flooded area with evacuations.

In 1991 and 1992 the Lee County Surface Water Management Master Plan recommended that these rivers and creeks be cleaned and snagged of fallen debris and exotic vegetation and that adequate rights-of-way or easements along the entire channel length be obtained. These recommendations have not been completed. Compounding this recommendation lies with the ownership of the land adjacent and underlying the rivers, creeks and channels. All the land necessary to perform maintenance is in private ownership. Because there has not been any maintenance of these rivers, creeks and channels they have become grown over with grasses and exotic vegetation.

Part of the Imperial River was cleaned and snagged in 1995; the rest was cleaned and snagged with Federal Emergency Funds in 1998. Phase I of the Estero River Clean & Snag was completed in December 1997. Phase II of the Estero River and phase I of Halfway Creek Clean & Snag are presently underway.

### 2.0 Scope of Work

This project shall involve the construction of an alternate ingress/egress route for District property and adjacent property owners for use when the no-rails bridge is removed.

### 3.0 Work Breakdown Structure

The County, working with property owners, shall construct an alternate ingress/egress route to District property.

### 4.0 Location of the Project

This project shall be performed in the Imperial River/Kehl Canal area east of I-75 to Bonita Grand Road.

**Exhibit "D4"**  
**Deliverable and Payment Schedule**

At the completion of construction of the alternate ingress/egress route, the County may invoice the District. The County shall provide adequate supporting cost documentation as described in Article 3.2 of the Agreement, including copies of invoices paid by the County. Payment shall not exceed \$300,000.00

Payment shall be made upon acceptance and approval by the District of the Deliverable, based upon receipt of adequate supporting cost documentation.