

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

Blue Sheet No. 20040884

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Interlocal Agreement between Lee County and the City of Cape Coral for the design, construction and maintenance of the new access ramp from Everest Parkway to Veteran's Memorial Parkway and the County's acceptance of the existing ramp connecting same; approve the acceptance of land necessary for the ramp's construction from the City of Cape Coral; approve the conveyance of County owned land adjacent to Veteran's Memorial Parkway to the City of Cape Coral, by way of a stormwater retention easement, if necessary for a proposed fire station; and authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

WHY ACTION IS NECESSARY: The Board must accept all real estate conveyances to Lee County.

WHAT ACTION ACCOMPLISHES: The conveyance of land for the right to construct the ramp to connect Everest Parkway to Veteran's Memorial Parkway.

2. DEPARTMENTAL CATEGORY:	06				3. MEETING DATE:
COMMISSION DISTRICT #	4	<i>C6C</i>			<i>08-03-2004</i>
4. AGENDA:	5. REQUIREMENT/PURPOSE: (Specify)			6. REQUESTOR OF INFORMATION:	
<input checked="" type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> STATUTE	125	A. COMMISSIONER		
<input type="checkbox"/> ADMINISTRATIVE	<input type="checkbox"/> ORDINANCE		B. DEPARTMENT <u>Independent</u>		
<input type="checkbox"/> APPEALS	<input type="checkbox"/> ADMIN. CODE		C. DIVISION <u>County Lands</u> <i>PC 7-8-04</i>		
<input type="checkbox"/> PUBLIC	<input type="checkbox"/> OTHER		BY: <u>Karen L.W. Forsyth, Director</u> <i>KLF</i>		
<input type="checkbox"/> WALK ON	Blue Sheet 20031149				
TIME REQUIRED:					

7. BACKGROUND: On October 27, 2003 the Board approved the construction of the ramp connecting Everest Parkway to Veteran's Memorial Parkway. The proposed Interlocal Agreement is for the County's acceptance of and the City's conveyance of land to construct the ramp upon. The Interlocal Agreement also calls for the conveyance, from the City to the County, of the existing ramp from Veteran's Parkway to Everest Parkway and the conveyance of a stormwater retention easement, if necessary, from the County to the City.

Costs to close will be approximately \$250.00.

Staff recommends the Board approve the requested motion

Account number: 20605830721.506540 – Veteran's Parkway Access - Everest

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
<i>K. Forsyth</i>			<i>DAD 7/15/04 7/17/04</i>	<i>John Rescue 7-17-04</i>	<i>OA 7-15-04</i>	<i>OM 7/20/04</i>	<i>Risk 7/16/04</i>	<i>GC 7/19/04</i>	<i>HS 7/20/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: *7/15/04*

Time: *2:35 PM*

Forwarded To:
*CC Admin
7/15/04 7:11*

RECEIVED BY
COUNTY ADMIN: *L*

7/15/04

CC Admin Sec

COUNTY ADMIN
FORWARDED TO: *R*

7/20/04

5PM

INTERLOCAL AGREEMENT

This Interlocal Agreement is made and entered into this ____ day of _____, 2004, by and between LEE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the CITY OF CAPE CORAL, FLORIDA, a Florida municipal corporation located within Lee County (hereinafter "CITY").

WHEREAS, pursuant to the powers and authority granted to the parties hereto under the constitution of the State of Florida and by statute, each has planned, separately and in cooperation with the other, an integrated road network; and

WHEREAS, in a cooperative effort between the parties to accomplish shared transportation objectives, certain interrelated capital transportation facilities known as the "Midpoint Bridge" (from (DeLeon Street in the City of Fort Myers to the Del Prado Interchange in the City of Cape Coral, the "East-West Corridor" [now known as the "Veterans Memorial Parkway"]) from the Del Prado Interchange west to the County Line including Burnt Store Road from Pine Island Road north to the County Line and Colonial Boulevard from DeLeon Street to Solomon Boulevard in the City of Fort Myers) (collectively, the "PROJECT") have been planned and have been or are being constructed; and

WHEREAS the CITY and the COUNTY entered into an Interlocal Agreement regarding their respective duties and responsibilities for the PROJECT; and

WHEREAS, the parties seek to continue their cooperative effort in the construction of an access ramp from Everest Parkway in the CITY to the eastbound lanes of Veterans Memorial Parkway.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. The Recitals as set forth above are incorporated into the terms of this Agreement as if set out herein at length.

2. CITY agrees to transfer, by Quitclaim deed, the property described as "Parcel C" which is depicted and described in Exhibit "B" which is attached hereto and incorporated herein by reference. Said property will be used by COUNTY for the construction of an access ramp from Everest Parkway in the CITY to the eastbound lanes of Veterans Memorial Parkway.

3. COUNTY will be responsible for the design and construction of the access ramp. COUNTY will use surplus toll revenues to fund the cost of the design and construction of the access ramp, in accordance with the provisions of the March 22, 1995 Lee County/City of Cape Coral East-West Corridor Interlocal Agreement and the subsequent amendments thereto.

4. COUNTY will be responsible for the maintenance of the access ramp.

5. COUNTY agrees that if requested by CITY, COUNTY will grant to CITY an easement, at no cost to CITY, over COUNTY's portion of the vacated canal right-of-way that is adjacent to Lots 13 through 19, and a portion of Lot 20, Block 1203, together with a portion of the Everest Canal right of way vacated by City of Cape Coral Resolution 13-01, dated March 29, 2001 and recorded in O.R. Book 3392 at Page 3101, all within Block 1203, Cape Coral Subdivision, Unit 19, according to Plat Book 13, Pages 121 through 135 of the Public Records of Lee County, Florida, for CITY to use as a stormwater

retention area when CITY constructs a fire station on CITY's property adjacent to and west of the exit ramp.

6. CITY agrees to transfer, by Quitclaim deed, to COUNTY the property described as "Parcel A" which is depicted and described in Exhibit "A" which is attached hereto and incorporated herein by reference. Said property is the property upon which the current exit ramp [extending from the south side of Veteran's Memorial Parkway (east of Del Prado Boulevard) to Everest Parkway] is located.

7. The conveyances by the City referenced in paragraphs 2 and 6 above are expressly subject to the adoption of an ordinance authorizing those conveyances.

8. In the event any one or more of the provisions contained in this Agreement is, for any reason, held invalid, illegal, or unenforceable in any respect, such invalidity or illegality or unenforceability will not affect any other provision hereof, and this Agreement will be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

9. This Agreement may be executed in counterparts, with each Agreement becoming a fully effective and binding document upon the parties once both parties have each executed this Interlocal Agreement by their duly authorized representatives.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date and year first above written.

ATTEST:

CITY OF CAPE CORAL

By: _____
Bonnie J. Vent, City Clerk

By: _____
Arnold E. Kempe, Mayor

APPROVED AS TO FORM:

By: _____
Marilyn W. Miller
Assistant City Attorney

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

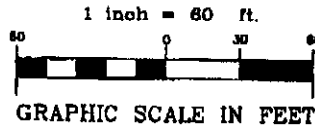
APPROVED AS TO FORM:

By: _____
Office of the County Attorney

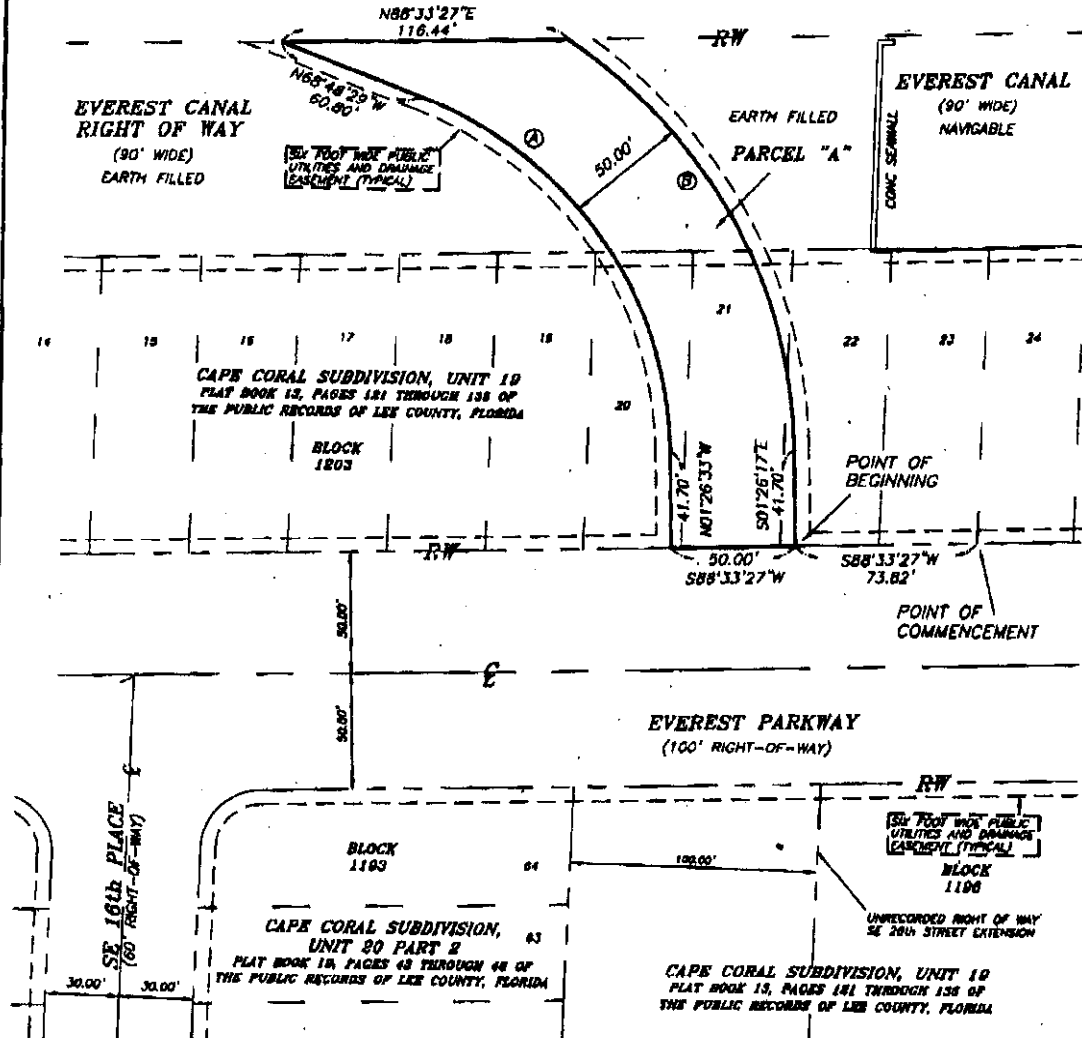
EXHIBIT "A"

Ⓐ Delta = 67°21'56"
 R = 162.30'
 L = 191.05'
 T = 109.30'
 C = 180.24'
 CB = N33°07'31"W

Ⓑ Delta = 54°40'43"
 R = 212.50'
 L = 202.79'
 T = 109.86'
 C = 193.18'
 CB = N28°46'35"W



VETERANS MEMORIAL PARKWAY LEE COUNTY RIGHT OF WAY



SURVEYOR'S NOTES

1. Bearing of Reference is the State Plane coordinate system, Florida West Zone.
2. Subject to easements, restrictions, and rights of way of record.
3. This is a description only, not a survey.

Drawn by: Tom Marshall
 November 22, 2000
 Checked By: Gerald P. Russell
 Page 1 of 2
 File: b1203-dsc01.dwg

CITY OF CAPE CORAL PUBLIC WORKS DEPARTMENT

1039 SE 9TH PLACE
 P.O. BOX 150027
 CAPE CORAL, FL 33915-0027
 TELEPHONE (941) 574-0700



PROJECT:
 A PORTION OF BLOCK 1203
 FOR RIGHT OF WAY

SHEET DESCRIPTION:
 SKETCH TO ACCOMPANY DESCRIPTION

Parcel "A"

LEGAL DESCRIPTION

A parcel of land, for right of way purposes, hereby designated Parcel "A", lying in Block 1203, CAPE CORAL SUBDIVISION, UNIT 19, as recorded in Plat Book 133, at pages 121 through 135, of the Public Records of Lee County, Florida, and being more particularly described as follows:

Commencing at the southwest corner of Lot 24, in said Block 1203; Thence S88°33'27"W, a distance of 73.82 feet, along the northerly right of way line of Everest Parkway in said Unit 19, to the Point of Beginning; Thence S88°33'27"W, a distance of 50.00 feet, still along said right of way line; Thence N01°26'33"W, a distance of 41.70 feet, leaving said right of way, to a point of curvature of a curve concave to the southwest, having a radius of 162.50; Thence northwesterly along said curve to the left, a distance of 191.06 feet, through a central angle of 67°21'56", said curve is subtended by a chord which bears N35°07'31"W, a distance of 180.24, to a point of tangency; Thence N68°48'29"W, a distance of 60.80 feet to the southerly right of way line of Veterans' Memorial Parkway; Thence N88°33'27"E, a distance of 116.44 feet along said right of way line, to a point on a curve, concave to the southwest, having a radius of 212.50 feet, to which a radial bears N33°52'44"E; Thence leaving said right of way line southeasterly along said curve to the right, a distance of 202.79 feet, through a central angle of 54°40'43", said curve is subtended by a chord which bears S28°46'55"E, a distance of 195.18 feet, to a point of tangency; Thence S01°26'17"E, a distance of 41.70 feet, to the Point of Beginning, said parcel containing 13,532 square feet, or 0.3107 acres.

TOGETHER with easements, six feet wide, for drainage and public utilities purposes, lying adjacent to the easterly and the westerly lines of the above described parcel, and being lengthened or shortened to terminate at the respective rights of way lines of Veterans' Memorial Parkway and Everest Parkway.


Gerald P. Russell, PSM

DATE: 11-29-00
FLORIDA CERTIFICATE No. 4374

Drawn by: Tom Marshall
November 22, 2000
Checked By: Gerald P. Russell

NOT VALID WITHOUT THE SIGNATURE, AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Page 2 of 2

File: b1203-dsc01.dwg

CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT

1039 SE 9TH PLACE
P.O. BOX 150027
CAPE CORAL, FL 33915-0027
TELEPHONE (941) 574-0700



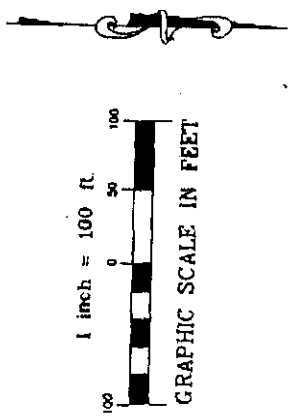
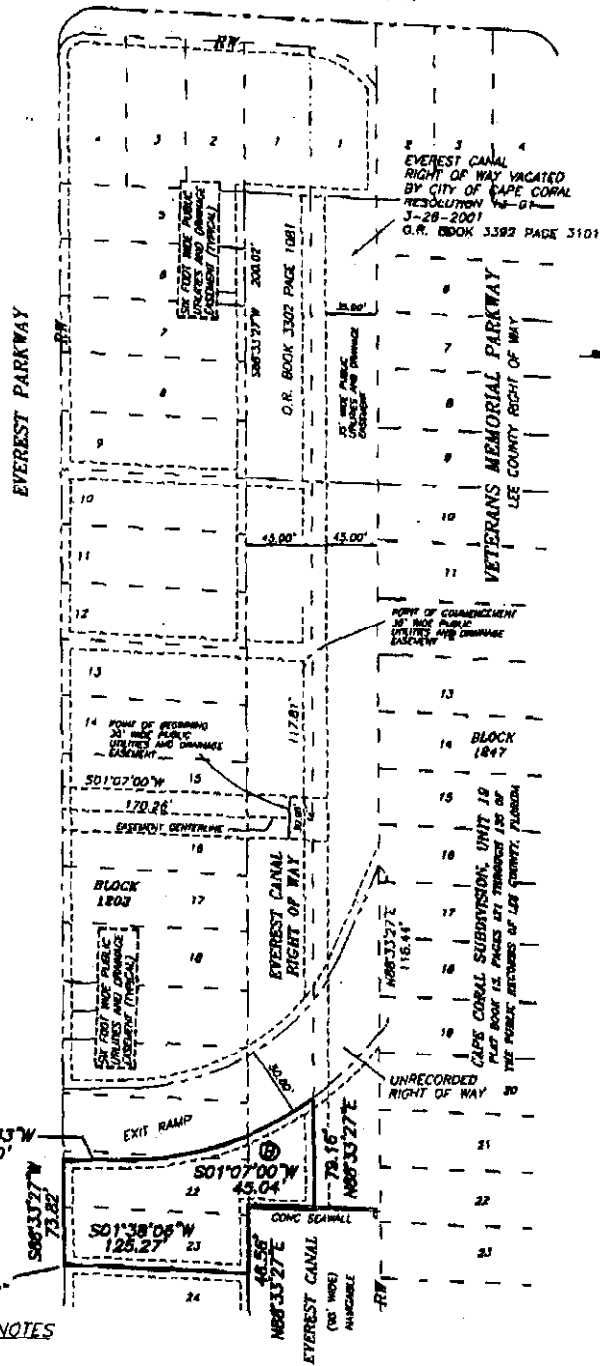
PROJECT:

A PORTION OF BLOCK 1203
FOR RIGHT OF WAY

SHEET DESCRIPTION:

SKETCH TO ACCOMPANY DESCRIPTION

EXHIBIT "B"
DEL PRADO BOULEVARD



PARCEL "C"
12994 sq ft
or 0.2983 Acres

POINT OF BEGINNING
PARCEL "C"

SURVEYOR'S NOTES

1. Bearing of reference is the State Plane coordinate system, Florida West Zone.
2. Subject to easements, restrictions, and rights of way of record.
3. This is a description only, not a survey.

① Delta = 37°10'05"
R = 212.50'
L = 137.83'
T = 71.45'
C = 133.45'
CB = N20°01'36"W

Drawn by: Tom Marshall
Checked by: Gerald P. Russell
June 16, 2004
Sheet 1 of 2
File: b1203-0212-2c.dwg

**CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT**

1015 CULTURAL PARK BLVD
P.O. BOX 150027
CAPE CORAL, FL 33915-0027
TELEPHONE (941) 574-0700



PROJECT:
**PROPOSED SITE OF FIRE STATION #3
BLOCK 1203**

SHEET DESCRIPTION:
SKETCH TO ACCOMPANY DESCRIPTION

Parcel "C"

LEGAL DESCRIPTION OF PROPOSED PARCEL "C"

A parcel of land hereby designated Parcel "C" being a portion of Lots 21, 22, and all of Lot 23, Block 1203, Cape Coral Subdivision, Unit 19, according to Plat Book 13, Pages 121 through 135 of the Public Records of Lee County, Florida, said parcel being more particularly bounded and described as follows: Commencing at the southeast corner of said Lot 23, being a point on the north right of way line of Everest Parkway, and the Point of Beginning; Thence S88°33'27"W a distance of 73.82 feet along said north right of way line to an intersection with the unrecorded east right of way line of an exit ramp from Veterans Memorial Parkway; Thence N01°26'33"W a distance of 41.70 feet along said east right of way line to a point of curvature of a curve concave to the southwest having a radius of 212.50 feet; Thence along said curve to the left a distance of 137.85 feet through a central angle of 37°10'05", said curve is subtended by a chord which bears N20°01'36"W a distance of 135.45 feet to an intersection with the centerline of the Everest Canal right of way vacated by City of Cape Coral Resolution 13-01, dated March 29, 2001 and recorded in O.R. Book 3392 at Page 3101; Thence N88°33'27"E a distance of 79.16 feet along said centerline of the vacated Everest Canal right of way to an intersection with the water face of an existing concrete seawall, and the easterly end of the vacated portion of Everest Canal; Thence S01°07'00"W a distance of 45.04 feet along said seawall to a point on the south right of way line of Everest Canal; Thence N88°33'27"E a distance of 46.56 feet along said south right of way line to the northeast corner of said Lot 23; Thence S01°38'06"W a distance of 125.27 feet along the east line of said Lot 23 to the southeast corner, and the Point of Beginning, said parcel containing 12,994 square feet, or 0.2983 acres, more or less.

Gerald P. Russell
Gerald P. Russell, PSM

DATE: 6-16-04
FLORIDA CERTIFICATE No. 4374

Drawn by: Tom Marshall
Checked by: Gerald P. Russell
June 16, 2004
Sheet 2 of 2
File: b1203-0212-2c.dwg

NOT VALID WITHOUT THE SIGNATURE, AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT

1015 CULTURAL PARK BLVD
P.O. BOX 150027
CAPE CORAL, FL 33915-0027
TELEPHONE (941) 574-0700



PROJECT:
PROPOSED SITE OF FIRE STATION #3
BLOCK 1203

SHEET DESCRIPTION:
SKETCH TO ACCOMPANY DESCRIPTION

Lee County Board of County Commissioners
Agenda Item Summary

DATE CRITICAL
Blue Sheet No. 20031149

1. **REQUESTED MOTION:**

114
ACTION REQUESTED: Approve configuration of new access onto Veterans Memorial Parkway (at a point about 775 feet to the east of Del Prado Boulevard) at SE 26th Street in the City of Cape Coral, Florida. The new access will be constructed in substantial conformity with the Board of County Commissioners' approval of September 23, 2003. **ALSO** approve amendment of the FY 04-08 Capital Improvement Program to add Project No. 6058 - Veterans Memorial Parkway Access/Everest Parkway; approve transfer from Reserves for \$520,000 to cover anticipated construction cost; **AND** direct staff to seek amendment of the Interlocal Agreement with the City of Cape Coral to fund this project from both the County's and City's share of surplus toll revenues.

WHY ACTION IS NECESSARY: Completes the Board of County Commissioners' approval of a new access onto Veterans Memorial Parkway where the final configuration had not yet been fully determined.

WHAT ACTION ACCOMPLISHES: Approves the configuration of a new access onto Veterans Memorial Parkway to be constructed in substantial conformity with the Board's approval of the access point on September 23, 2003..

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #4

C9B

3. **MEETING DATE:**

10-07-2003

4. **AGENDA:**

- CONSENT *114*
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:
10 Minutes

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

- STATUTE
- ORDINANCE
- ADMIN. CODE AC 11-10
- OTHER BOCC
Direction

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Public Works
- C. DIVISION Transportation
- BY: Scott M. Gilbertson, P.E.
Director

7. **BACKGROUND:**

114
On September 23, 2003, the Board approved a new access point onto Veterans Memorial Parkway at a point about 775 feet to the east of Del Prado Boulevard at SE 26th Street in the City of Cape Coral, Florida. However, the configuration of the new access had not yet been fully determined by the Lee County Department of Transportation (LCDOT). LCDOT is proposing the new access be constructed in substantial conformity with the configuration depicted on the attached sketch.

Transfer of funds, if subsequently approved, will come from: 20605830721.506540.

Attachment: Sketch of proposed configuration AND Request for Transfer of Funds.

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
<i>9/25/03</i> <i>[Signature]</i>	N/A	N/A	N/A	<i>John J. Macgovern</i> <i>9-25-03</i>	OA <i>9-24-03</i>	OM <i>9/25/03</i>	RISK <i>9/25/03</i>	GC <i>9/25/03</i>	<i>[Signature]</i> <i>9-25-03</i>

10. **COMMISSION ACTION:**

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

REC'D.
BY CO. ATTY.
9/25/03
8:30 AM
CO. ATTY.
FORWARDED TO:
[Signature]
9/25/03 8:30 AM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
9/25
8:40 am
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9/25/03
[Signature]

