

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

Blue Sheet No. 20061598

1. ACTION REQUESTED/PURPOSE:

Accept for maintenance a portion of Jobe Road from Palomino Lane west 300 fee (+/-). The maintenance acceptance is pursuant to AC 11-7. The road was constructed through LDO2003-00434. Approve the issuance of impact fee credits in the amount of \$ 153,533.65.

2. WHAT ACTION ACCOMPLISHES:

Provides formal notification to the public that the County is responsible for maintenance of the specific portion of the road. Provides for the issuance of Impact Fee Credits.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 09 Transportation

C9B

5. Meeting Date: 2/6/07

6. Agenda:

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

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code 11-7
- Other

8. Request Initiated:

Commissioner Judah
 Department Transportation
 Division Engineering Svcs.
 By: Scott M. Gilbertson

Background:

Jobe Road is an access Road constructed pursuant to the access road location map along the Daniels Road Corridor west of Palomino. Jobe Road was constructed by a private developer who obtained an Administrative Deviation as to right-of-way width, and the understanding that the drainage maintenance will be provided by adjacent development owners.

All documentation consistent with Administrative Code 11-7 has been received and approved by DOT. Drainage agreements have been executed and will be recorded concurrently with the Board's approval of the maintenance. DOT will not be maintaining the drainage.

Request Board approval of the issuance of Impact Fee Credits in the amount of \$153,533.65.

(Continued on Page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgt.	
<i>Amelia Davis</i>	N/A	N/A	N/A	<i>DMC 1/22/07</i>	<i>RK 1/23</i>	<i>WV 1-23-07</i>	<i>1/23/07</i>	<i>1/23/07</i>	<i>Jacob 12-1-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
 1/23 10:20 AM
 23 to RK
 COUNTY ADMIN FORWARDED TO:
 1/24 5:00 PM
 24 to RR

Rec. by CoAtty
 Date: 2/2/07
 Time: 11:03 AM
 Forwarded To: ADMIN
 1/23/07 9:20

Bluesheet #20061598

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Subject: Jobe Road Maintenance Acceptance

The Board is requested to accept the Warranty Deed and Perpetual Drainage and Access Easement to accommodate the storm water runoff from Jobe Road in a companion bluesheet. The road impact fee anticipated from the right-of-way is \$111,375.00, or a total of \$264,908.65 in credits for right-of-way and construction.

Feb 01 06 02:34p

AMSOUTH**AmSouth Bank**
International Department
315 Deaderick Street/7th Floor
Nashville, Tennessee 37237 USA(888) 338-9552
Telex: 6823023
S.W.I.F.T.: AMSBUS44

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 79531658
ISSUANCE DATE: JANUARY 12, 2006
EXPIRY DATE: JANUARY 12, 2008
AMOUNT: \$4,377.29

BENEFICIARY:
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY FLORIDA
1500 MONROE STREET
FORT MYERS, FL 33901

APPLICANT:
PARKER MANAGEMENT FLORIDA, LLC
ON BEHALF OF PDI, LLC
JOBE ROAD MAINTENANCE ACCEPTANCE
DO #LDO2003-00434
9001 DANIELS PARKWAY
FORT MYERS, FL 33912

WE HEREBY AUTHORIZE YOU TO DRAW ON AMSOUTH BANK UP TO BUT NOT EXCEEDING THE AGGREGATE AMOUNT OF \$4,377.29 (FOUR THOUSAND THREE HUNDRED SEVENTY SEVEN AND 29/100 UNITED STATES DOLLARS) FOR THE ACCOUNT OF PARKER MANAGEMENT FLORIDA, LLC ON BEHALF OF PDI, LLC. FUNDS ARE AVAILABLE BY BENEFICIARY'S DRAFTS AT SIGHT DRAWN ON AMSOUTH BANK AND ACCOMPANIED BY:

A STATEMENT PURPORTEDLY SIGNED BY AN AUTHORIZED SIGNER OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ("LEE COUNTY") THAT, "THE DRAWING IS DUE TO A DEFAULT IN THE PERFORMANCE BY PDI, LLC IN THEIR OBLIGATION TO PROTECT LEE COUNTY AGAINST ANY DEFECTS RESULTING FROM ANY FAULTY MATERIALS OR WORKMANSHIP FOR A PERIOD OF TWO (2) YEARS FROM DATE OF ISSUANCE, JANUARY 12, 2006 ON THE COVERED IMPROVEMENTS, THOSE BEING THE ROAD AND DRAINAGE SYSTEMS IN THE DEVELOPMENT ORDER NO. LDO 2003-00434 WHICH HAVE BEEN COMPLETED IN SUBSTANTIAL ACCORDANCE WITH THE PLANS SUBMITTED TO LEE COUNTY FOR SAID IMPROVEMENTS."

LEE COUNTY SHALL NOTIFY PDI, LLC OF ANY DEFECTS RESULTING FROM FAULTY MATERIALS OR WORKMANSHIP AND SHALL ALLOW PDI, LLC FORTY FIVE (45) DAYS TO CURE ANY SUCH DEFECTS. SHOULD PDI, LLC, FAIL TO CORRECT ANY SUCH DEFECTS THEN LEE COUNTY MAY DRAW UPON THE LETTER OF CREDIT UP TO ITS FULL AMOUNT TO COVER THE COSTS INCURRED.

PARTIAL DRAWINGS ARE PERMITTED.

DRAFTS DRAWN UNDER THIS CREDIT MUST BEAR THE CLAUSE: "DRAWN ON AMSOUTH BANK LETTER OF CREDIT NUMBER 79531658 DATED JANUARY 12, 2006" AND MUST BE ENDORSED ON THE REVERSE.

DOCUMENTS MAY BE PRESENTED TO AMSOUTH BANK, 4851 TAMiami TRAIL NORTH SUITE 201, NAPLES, FLORIDA 34103 ATTN: TOM FINLAY OR SANDY VAN HORN (TEL: 239-434-1104) AND MUST BE IMMEDIATELY FORWARDED BY OVERNIGHT COURIER TO AMSOUTH BANK, 315 DEADERICK

Feb 01 06 02:34p

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International Department
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Nashville, Tennessee 37237 USA

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DATED: JANUARY 12, 2006
OUR REF: 79531658

STREET, INTERNATIONAL DEPARTMENT 7TH FLOOR, NASHVILLE, TN 37237.

WE HEREBY UNDERTAKE TO HONOR YOUR SIGHT DRAFT IN ACCORDANCE WITH YOUR INSTRUCTIONS WHEN DOCUMENTS ARE PRESENTED IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT AND WHEN PRESENTED AS SET FORTH IN THE PREVIOUS PARAGRAPH ON OR BEFORE THE EXPIRY DATE.

DIRECT ANY COMMUNICATIONS REGARDING THIS LETTER OF CREDIT TO OUR INTERNATIONAL DEPARTMENT, NASHVILLE, TN., PHONE 615-770-4235.

THIS LETTER OF CREDIT SETS FORTH IN FULL THE TERMS OF OUR UNDERTAKING, AND SUCH UNDERTAKING SHALL NOT IN ANY WAY BE MODIFIED, AMENDED OR AMPLIFIED BY REFERENCE TO ANY DOCUMENTS, INSTRUMENTS OR AGREEMENTS REFERRED TO HEREIN OR IN WHICH THIS LETTER OF CREDIT IS REFERRED TO OR TO WHICH THIS LETTER OF CREDIT RELATES, AND ANY SUCH REFERENCE SHALL NOT BE DEEMED TO INCORPORATE HEREIN BY REFERENCE ANY DOCUMENT, INSTRUMENT OR AGREEMENT.

YOU ARE TO NOTIFY US WHEN:

- (A) THE PAYMENT, OBLIGATION OR PERFORMANCE REQUIRED HAS BEEN TIMELY MADE AND THE CREDIT MAY BE RELEASED, OR
- (B) PDI, LLC HAS FAILED TO PERFORM OR IS IN DEFAULT OF THEIR OBLIGATIONS AS DESCRIBED.

THIS LETTER OF CREDIT WILL BE CONSIDERED CANCELLED UPON RECEIPT BY US OF THE ORIGINAL LETTER OF CREDIT OR UPON ANY PRESENT OR FUTURE EXPIRATION DATE HEREUNDER, WHICHEVER SHALL OCCUR FIRST.

EXCEPT SO FAR AS OTHERWISE EXPRESSLY STATED HEREIN, THIS LETTER OF CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS, 1993 REVISION, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500, AND TO THE PROVISIONS OF FLORIDA LAW. IF A CONFLICT BETWEEN THE UCP AND FLORIDA LAW SHOULD ARISE, FLORIDA LAW SHALL PREVAIL. IF A CONFLICT BETWEEN THE LAWS OF ANOTHER STATE OR COUNTRY AND FLORIDA LAW SHOULD ARISE, FLORIDA LAW SHALL PREVAIL.

WE HEREBY ENGAGE WITH YOU THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED.

Shirley S. Smith, VP

AMSOUTH BANK
AUTHORIZED SIGNATURE

ITEM NO.	DESCRIPTION OF WORK	UNIT	QUANTITY	UNIT COST	TOTAL
	STORM SEWER				
10	Valley Gutter Inlet	EA	2	\$1,890.00	\$3,780.00
	ROADWAY				
11	12" Sub Subgrade	SY	1195	\$2.63	\$3,142.85
12	8" Limerock Base	SY	960	\$7.88	\$7,564.80
13	1 1/2" Type III Asphalt (One Lift)	SY	960	\$8.40	\$8,064.00
14	Type F Curb	LF	590	\$12.60	\$7,434.00
15	3' Valley Gutter	LF	120	\$18.90	\$2,268.00
16	Flume w/ Rip Rap	EA	2	\$630.00	\$1,260.00
17	Guardrail	LF	113	\$46.46	\$5,249.98
18	Bahia Sod	SF	3620	\$0.29	\$1,049.80
19	Signage & Striping	LS	1	\$1,470.00	\$1,470.00
20	Guardrail End Treatments	EA	2	\$1,250.00	\$2,500.00
					\$43,783.43