

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

Blue Sheet No. 20031468

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve amendment to the Interlocal Agreement between Lee County and the City of Fort Myers for the granting of funds for Edison Home Renovations. Authorize Commissioner's signature on the amended Interlocal Agreement.

**WHY ACTION IS NECESSARY:** Board of County Commissioners' approval is required to amend the agreement with the City of Fort Myers for the granting of funds for the Edison Home Renovations.

**WHAT ACTION ACCOMPLISHES:** Finalizes the Amended Interlocal Agreement with the City of Fort Myers.

<b>2. DEPARTMENTAL CATEGORY:</b> COMMISSION DISTRICT # <u>A12B</u>	<b>3. MEETING DATE:</b> <u>01-06-2004</u>
---	--

<b>4. AGENDA:</b>	<b>5. REQUIREMENT/PURPOSE:</b> (Specify)	<b>6. REQUESTOR OF INFORMATION:</b>
<input type="checkbox"/> CONSENT	<input type="checkbox"/> STATUTE	<b>A. COMMISSIONER</b>
<input checked="" type="checkbox"/> ADMINISTRATIVE	<input type="checkbox"/> ORDINANCE	<b>B. DEPARTMENT</b> <u>County Attorney</u>
<input type="checkbox"/> APPEALS	<input type="checkbox"/> ADMIN. CODE	<b>C. DIVISION</b>
<input type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OTHER	<b>BY:</b> <u>Kristie Kroslack</u>
<input type="checkbox"/> WALK ON	<input type="checkbox"/> Agreement	<u>Assistant County Attorney</u>
<b>TIME REQUIRED:</b>		

**7. BACKGROUND:**  
On October 28, 2003, the Board of County Commissioners executed an Interlocal Agreement with the City of Fort Myers for grant funding of up to \$500,000.00 per year, for a total amount of \$1.5 million over a three (3) fiscal year period, for repairs and renovations to the historic Edison Estate.

On that date, the Board of County Commissioners requested the execution of an Addendum by the City which provides additional assurances that future project estate revenues will not be used for any other unrelated City purpose.

- Continued on Page 2 -

**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	
N/A	N/A	N/A	N/A	<i>[Signature]</i> 12/8/03	<i>[Signature]</i> 12/9/03	<i>[Signature]</i> 12/9/03	<i>[Signature]</i> 12/8/03	<i>[Signature]</i> 12-9-03	<i>[Signature]</i> 12-9-03

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
12/8/03

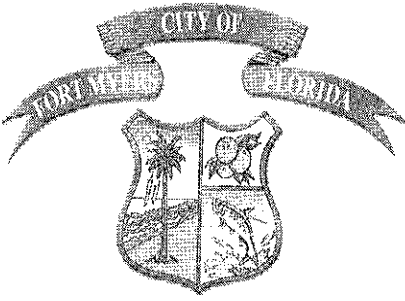
RECEIVED BY COUNTY ADMIN: <i>RK</i>
<u>12/8/03</u>
<u>1:30 pm SLT</u>
COUNTY ADMIN FORWARDED TO: <i>DS</i>
<u>12/10/03</u>

On December 1, 2003, the City of Fort Myers approved and executed the attached Amendment to the Interlocal Agreement, which provides the requested assurances to the Board. Specifically,

- (A) That all revenues generated from the Thomas Edison and Henry Ford Winter Estates ("Estates") will be segregated from other City funds or revenues and such Estates' revenues will only be used for the upkeep, maintenance, operation or restoration of the Estates.
- (B) The City agrees that this requirement on the segregation of the Estates revenue from other City funds continues for so long as the Estates are in existence. This City requirement shall extend beyond and exceed any stated term of the Interlocal Agreement and may be enforced by the County accordingly.
- (C) The failure of the City to comply with the above requirements shall be considered cause for breach and/or for immediate termination of the Interlocal Agreement. Upon such breach and/or termination, the City shall repay the County the sum of any County grant funds received by it for the restoration of the Estates.

In order to finalize the Amended Interlocal Agreement, it is necessary for the Board to approve the amendment.

Attachments: Amended Interlocal Agreement (3).



# CITY OF FORT MYERS, FLORIDA

CITY CLERK'S OFFICE  
PO DRAWER 2217  
FORT MYERS, FL 33902  
239-332-6740 TEL  
239-461-2650 FAX  
WWW.CITYFTMYERS.COM

December 5, 2003

HAND DELIVERED

Kris Kroslack, Esq.  
Lee County Attorney's Office  
Post Office Box 398  
Fort Myers, Florida 33902

Dear Ms. Kroslack:

Enclosed herewith are three originals of the First Amendment to the Interlocal Agreement between Lee County and the City of Fort Myers to provide funding for the Edison Estate. The First Amendment, approved by City Council at its regular meeting held on December 1, 2003, provides that all revenues generated from the Thomas Edison and Henry Ford Winter Estates will be segregated from other City funds or revenues.

Please have all originals signed by the Chairman of the Board of Lee County Commissioners, retain two originals for your file and return one original to the City Clerk's Office.

Yours truly,

**CITY OF FORT MYERS**

*Marie Adams*

Marie Adams, CMC  
City Clerk

MA:mf

Enclosure

2003 DEC -5 PM 2:03  
RECEIVED BY  
LEE CO. ATTORNEY

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN  
LEE COUNTY AND THE CITY OF FORT MYERS FOR THE GRANTING  
OF FUNDS FOR EDISON HOME RENOVATIONS**

THIS AMENDMENT to the Interlocal Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by and between LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and the CITY OF FORT MYERS, a municipal corporation of the State of Florida, hereinafter referred to as the "City."

**WITNESSETH:**

**WHEREAS**, the County, pursuant to 161.25, Florida Statutes, has the authority to enter into agreements for the contracting of certain shared powers, obligations and duties; and

**WHEREAS**, the Parties previously entered into an Interlocal Agreement for the restoration of the Edison/Ford Estates on October 28, 2003; and

**WHEREAS**, Section 8(B) of the Agreement required the City to provide certain assurances on the future management of the Thomas Edison and Henry Ford Winter Estates' ("Estates") revenues and finances; and

**WHEREAS**, the Parties now desire to amend the Interlocal Agreement to provide for clarification and assurances of the management of Edison/Ford Estates and the segregation of future revenues so that revenues derived from the Estates or gained for the Estates are used solely for the benefit of the Estates.

**NOW, THEREFORE**, in consideration of the foregoing, and of mutual covenants and conditions hereinafter set forth, the City and the County, intending to be legally bound, hereby agree to this First Amendment, as follows:

1. The recitals as set forth above are incorporated into the terms of the original agreement.
2. **SECTION EIGHT: (B) Obligations of the City -**
  - (i) All revenues generated from the Thomas Edison and Henry Ford Winter Estates ("Estates") will be segregated from other City funds or revenues and such Estates' revenues will only be used for the

upkeep, maintenance, operation or restoration of the Estates.

- (ii) The City agrees that this requirement on the segregation of the Estates revenue from other City funds continues for so long as the Estates are in existence. This City requirement shall extend beyond and exceed any stated term of the Interlocal Agreement and may be enforced by the County accordingly.
  - (iii) The failure of the City to comply with the requirements of this section shall be considered cause for breach and/or for immediate termination of the Interlocal Agreement. Upon such breach and/or termination, the City shall repay the County the sum of any County grant funds received by it for the restoration of the Estates. This obligation of the City shall remain in full force and effect even though the County's funding payments have been fully provided and the project work completed by the City and all other provisions of the Interlocal Agreement complied with.
3. All other terms of the Interlocal Agreement remain the same.
  4. This Amended Interlocal Agreement shall become effective on the date written above. This Agreement, and any subsequent Amendments thereto, shall be filed with the Clerk of the Circuit Court for Lee County.

**IN WITNESS WHEREOF**, the parties hereto have caused these presence to be executed by their duly authorized officers and their official seals hereto affixed, on the day and year as first written above.

ATTEST:

By: Marie Adams  
City Clerk

**CITY OF FORT MYERS**

By: Jim Humphrey  
Mayor

APPROVED AS TO LEGAL FORM:

By: D. M. Gignot  
Asst. City Attorney

ATTEST:

CHARLIE GREEN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

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

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
Lee County Attorney's Office