

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020569

1. REQUESTED MOTION:

ACTION REQUESTED:

Execute Amendment No. 2 to Agreement No. C-9824- A2 between the South Florida Water Management District and Lee County Board of County Commissioners for the Gator Slough, Phase II & III Improvements.

WHY ACTION IS NECESSARY:

Amendment to change scope of contract requires Board approval.

WHAT ACTION ACCOMPLISHES:

Provides for land purchases and defines amended scope of the project.

2. DEPARTMENTAL CATEGORY 08 Nat. Res.
COMMISSION DISTRICT #: 1 & 4

C8B

3. MEETING DATE:

06-04-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- TIME REQUIRED: _____

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE _____
- ORDINANCE _____
- ADMIN. CODE _____
- OTHER Agreement _____

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER: _____
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Environmental Services/Nat. Resources
- BY: Roland Ottolini, Nat. Res. Director

DATE: *5/16/02*

7. BACKGROUND:

On February 2, 1999 Lee County entered into an agreement with the South Florida Water Management District for \$300,000 for Channel Improvements from U.S. 41 easterly to Conservation 2020 Site 134. (a.k.a. Little Ranches) The present agreement expires September 22, 2003.

The attached Amendment No. 2 authorizes land purchase with South Florida Water Management District funds and amends the scope of the project.

No additional funding required.

Attachments

◆◆◆

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

DEPARTMENT DIRECTOR	PURCHASING OR CONTRACTS	HUMAN RESOURCES	COUNTY ATTORNEY	OTHER	COUNTY ADMINISTRATION				COUNTY MANAGER
					OA	OM	Risk	CC	
<i>J. Lavender</i> Date: <i>5-16-02</i>	<i>[Signature]</i> Date: <i>5/17</i>	N/A	<i>[Signature]</i> Date: <i>5/20/02</i>		<i>[Signature]</i> <i>5/21-02</i>	<i>[Signature]</i> <i>5/22/02</i>	<i>[Signature]</i> <i>5/23</i>	<i>[Signature]</i> <i>5/21-02</i>	<i>J. Lavender</i> Date: <i>5-16-02</i>

10. COMMISSION ACTION:

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

Rec. by CoAtty
 Date: *5/17/02*
 Time: *11:50AM*
 Forwarded To:
ACM/D 905A
5/20/02

RECEIVED BY
 COUNTY ADMIN. *PMC*
5/20/02 9:10am
 PM
5/23 8:30



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

ADM 28-06

May 10, 2002

Mr. Roland Ottolini
Lee County
1500 Monroe Street
Ft Myers, FL 33902

**Subject: Contract No. C-9824-A2
Gator Slough Improvements Phase II ~~III~~**

Dear Mr. Ottolini:

Enclosed are two (2) copies of the subject amendment. Please have them signed by an individual with signature authority on behalf of your organization, and return both copies to my attention. Do not date the documents; a fully signed and dated amendment will be returned to you upon execution by the District.

Kindly return the executed documents within **ten (10) business days** of receipt. Please include documentation to demonstrate official delegation of signature authority on behalf of your firm up to the contract monetary limits.

Note that this amendment is not binding on the parties until it is approved by the appropriate level of authority within the District and executed by both parties.

Your cooperation and timely response will be greatly appreciated. Should there be any questions, please contact me at (561) 682-6757.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Ryan".

Patrick Ryan
Contract Specialist
Procurement Department

/DLK
Enclosure

c: w/ attachment
Jacqueline Rippe, 4720

LEE COUNTY DIV. OF
NATURAL RESOURCES

MAY 15 2002

RECEIVED

GOVERNING BOARD

Trudi K. Williams, *Chair*
Lennart E. Lindahl, *Vice-Chair*
Pamela Brooks-Thomas

Michael Collins
Hugh M. English
Gerardo B. Fernández

Patrick J. Gleason, Ph.D., P.G.
Nicolás J. Gutiérrez, Jr., Esq.
Harkley R. Thornton

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

ORIGINAL



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AMENDMENT**

C-9824-A2

AMENDMENT NO. 2

TO AGREEMENT NO. C-9824

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

LEE COUNTY, FLORIDA

This **AMENDMENT NO. 2**, entered into on _____, to that **AGREEMENT** dated September 22, 1999, as amended on September 13, 2001 between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County, Florida (**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 **AGREEMENT** in order to allow for the acquisition of 16.61 acres of land for the construction of storm water conveyance and amend the Statement of Work;

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. This **AMENDMENT NO. 2** shall be at no additional cost to the **DISTRICT**.
2. The Special Provisions, attached as Exhibit "A" to the **AGREEMENT**, is hereby amended as set forth in Exhibit "A2", attached hereto and made a part of this **AMENDMENT NO. 2**.
3. The Statement of Work, attached as Exhibit "C" to the **AGREEMENT**, is hereby amended by revising Paragraph numbers 2.0, 3.0 and 4.0 as set forth in Exhibit "C2", attached hereto and made an integral part of this **AMENDMENT NO. 2**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

4. Exhibit "M2", Legal descriptions of 16.61 acres of land to be purchased with District funds and maps are attached hereto and made a part of the **AMENDMENT NO. 2**.
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. 2** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED

By: Patrick M. Ryan
Date: 5/10/02 NRW
5/10/02

LEE COUNTY, FLORIDA

By: _____

Title: _____

EXHIBIT "A2"

SPECIAL PROVISIONS

Article 2.4 is hereby amended as follows:

"The **COUNTY** hereby agrees that it shall use other sources of funding for all work associated with the design and permitting aspects of the Statement of Work, attached hereto as Exhibit "C2". The **DISTRICT** agrees that **DISTRICT** funds may be used for the purchase of 16.61 acres of land, as described in the attached Exhibit "M2" for the purpose of construction of a stormwater conveyance to the existing Gator Slough. **DISTRICT** funds shall only be used for the land acquisition, capital or infrastructure costs which are required to complete the construction activities contained in Exhibit "C2" for Gator Slough improvements, Phase II and III."

EXHIBIT "C2"
STATEMENT OF WORK
GATOR SLOUGH IMPROVEMENTS PHASE I AND II

1.0 INTRODUCTION

The Gator Slough watershed encompasses approximately 55 square miles. This watershed runs from Matlacha Pass in Lee County, northeasterly, to the vicinity of Tuckers Grade in the Cecil Webb Wildlife Management Area in Charlotte County. A study of this watershed was completed in June 1991.

Concern has been expressed that the large volume of runoff entering Matlacha Pass is having detrimental effects on the vegetative and aquatic life. This concern, coupled with the ongoing emphasis on region-wide water conservation, indicates that methods to either divert or store excess flows should be considered.

In 1991 a study of this watershed was completed with recommendations to improve the conveyance and management of the water from the upper reaches of this watershed to the outfall. Phase I of this project was started in 1997. The first phase captures the excessive in the Gator Slough system and prevents its runoff into the Matlacha Pass preserve area. This is accomplished by diverting the water to the City of Cape Coral's fresh water canal system. This fresh water increases the supply of water for the City's dual water irrigation system and thus reduces the loss of water and the impact on the estuary's ecosystem. The project increases the storage capacity of the canal system, while the use of the dual water irrigation system reduces the draw down of the lower aquifers for residential irrigation uses.

The restrictions in the Gator Slough Canal have caused tail water conditions that have resulted in extended periods of flooding in the reaches upstream of US 41. The District has been working with representatives of the Florida Game and Freshwater Fish Commission for the past 8 to 10 years seeking solutions to decrease the long term ponding within the Cecil Webb / Babcock Wildlife Management Area. Phase II and III of this project is to continue to improve the conveyance of water from the upper reaches of this watershed to the Phase I project area that will divert this water to be stored and used at a later time.

Much of this long-term ponding is the result of downstream development pinching what was a wide historical flood plain into an unplanned connection of swales. The total project is to remove the down stream constrictions, divert stormwater flows into the City of Cape Coral Canal System and utilize the energy of local landowners to improve the unplanned swales by connecting flow ways across privately owned lands. These landowners are impacted in the same manner as the Wildlife Management Area.

2.0 SCOPE OF WORK

Phase II (FY 2002) of this project shall consist of maintenance to the existing channel from US 41 easterly to the east end of Tara Woods mobile home park approximately 4,400 linear feet. The channel shall be excavated to the neat lines of the permitted cross section. See Exhibit "M2" attached hereto and made a part of this Amendment No. 2.

~~Phase II~~
Phase ~~II~~ (FY 2003) of this project shall consist of constructing a permissible stormwater conveyance from the east end of Tara Woods mobile home park easterly to the abandoned railroad grade approximately 5,700 linear feet.

The County shall be responsible for all site restoration and transportation of debris to appropriate disposal sites.

3.0 WORK BREAKDOWN STRUCTURE

PHASE II

- Task 1 The County shall mobilize equipment sufficient to perform the work required hereunder.
- Task 2 The County shall obtain appropriate permits and approvals and shall select a site for the disposal of spoil and vegetation obtained from work required hereunder. Any excess materials shall not be deposited within the canal right-of-way and shall not constrict the canal conveyance.
- Task 3 The County shall acquire temporary easements if needed.
- Task 4 The County shall excavate approximately 4,400 linear feet of channel to the neat lines of the previously permitted cross sections.
- Task 5 The County shall stabilize the side slopes of the excavated channel.
- Task 6 The County shall provide engineering certification of project completion.
- Task 7 A site inspection shall be performed by the District's Project Manager.

PHASE III

- Task 1 The County shall mobilize equipment sufficient to perform the work required hereunder.
- Task 2 The County shall obtain appropriate permits and approvals and shall select a site for the disposal of spoil and vegetation obtained from work required hereunder. Any excess materials shall not be deposited within the canal right-of-way and shall not constrict the canal conveyance.

- Task 3 The County shall acquire temporary easements if needed.
- Task 4 The County shall excavate approximately 5,700 linear feet of a permissible stormwater conveyance. The County shall provide the District Project Manager with monthly written updates. The County shall include in the monthly updates the percent of completion and costs incurred to date on the project.
- Task 5 The County shall stabilize the side slopes of the excavated channel.
- Task 6 The County shall provide engineering certification of project completion.
- Task 7 A site inspection shall be performed by the District's Project Manager.

4.0 LOCATION OF THE PROJECT

Phase II of this project shall be performed at Gator Slough from US 41 to the easterly boundary of Tara Woods mobile home park approximately 4,400 linear feet.

Phase III of this project shall be performed at Gator Slough from the eastern boundary of Tara Woods mobile home park to the old abandoned railroad grade approximately 5,700 linear feet.

5.0 DELIVERABLES

This project will have a single deliverable for each phase: The certification by an engineer authorized on behalf of Lee County to certify that the current Phase of the project is completed.

EXHIBIT "M2"

DESCRIPTION FOR PARCEL "1"

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 1.05 acres more or less.

Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543; thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; thence continue N.89°56'08"W. for 3771.88 feet to a point 4744.83 feet East of the Easterly Right-of-Way of U.S. 41 (Tamiami Trail) and the POINT OF BEGINNING.

From said Point of Beginning continue N.89°56'08"W. for 345.72 feet; thence N.0°03'52"E. for 2078.14 feet to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida; thence run S.89°56'08"E. along said Southerly line for 345.72 feet; thence run S.0°03'52"W. for 2078.14 feet to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 1.05 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

DESCRIPTION FOR PARCEL "2"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 5.16 acres more or less.

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; thence continue N.89°56'08"W. for 2043.30 feet to a point 6473.41 feet East of the Easterly Right-of-Way of U.S. 41 (Tamiami Trail) and the POINT OF BEGINNING.

From said Point of Beginning continue N.89°56'08"W. for 1728.58 feet; thence N.0°03'52"E. for 2078.14 feet to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 1728.58 feet; thence run S.0°03'52"W. for 2078.14 feet to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 5.16 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

DESCRIPTION FOR PARCEL "3"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 6.08 acres more or less.

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

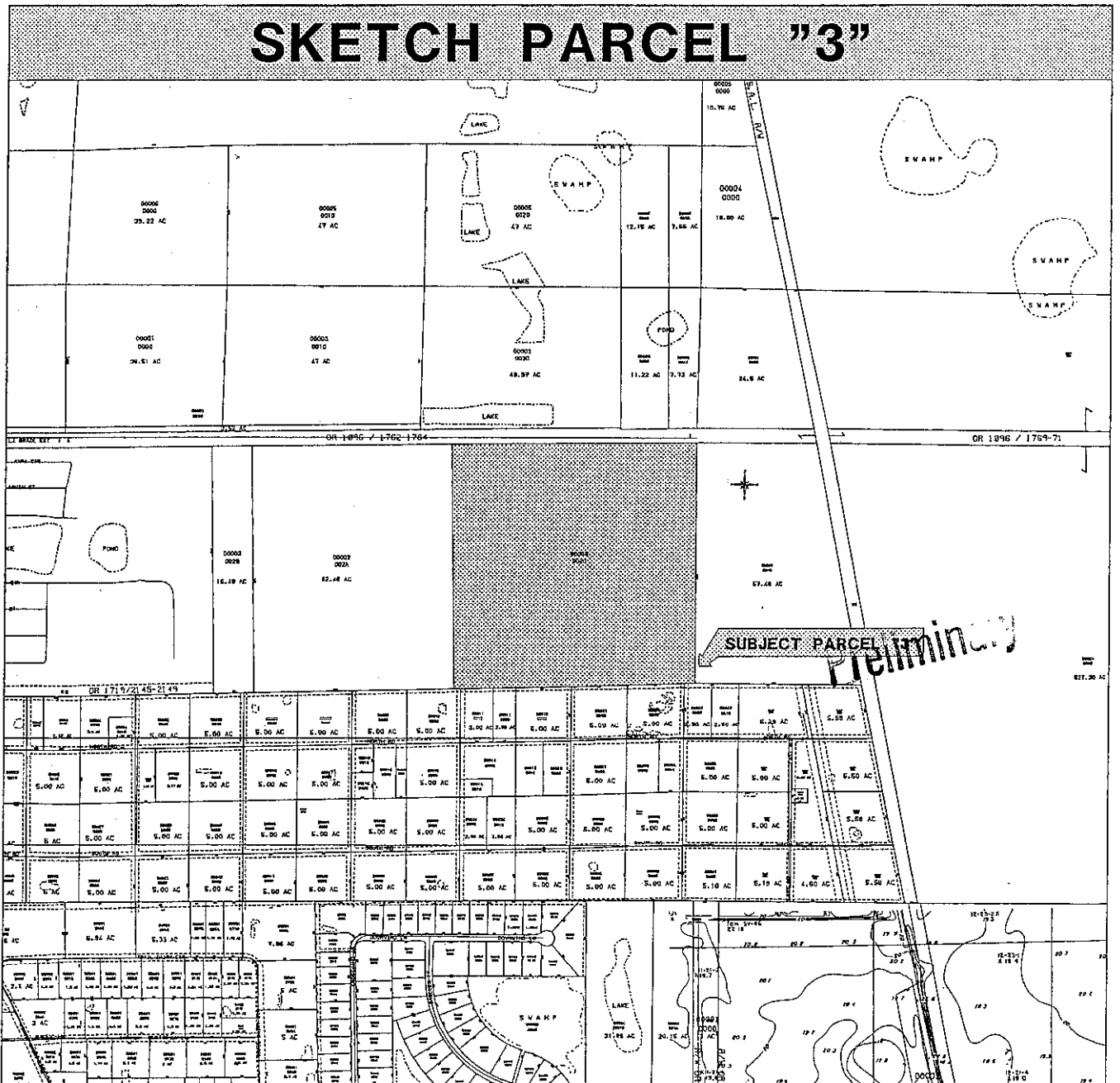
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; to the POINT OF BEGINNING.

From said Point of Beginning continue on the same course, more or less, 2040 feet, more or less, to the Southeast corner of a parcel described in Official Records Book 2425 at Pages 0844-846, Public Records, Lee County Florida, thence northerly along the east line of said parcel 2078 feet, more or less to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 2075 feet, more or less to East line of Section 10, Township 43 South, Range 24 East; thence southerly 2100 feet, more or less, to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 6.08 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

Preliminary



DESCRIPTION FOR PARCEL "4"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 4.32 acres more or less.

A tract or parcel of land lying in Section 11, Township 43 South, Range 24 East, Lee County, Florida described as follows:

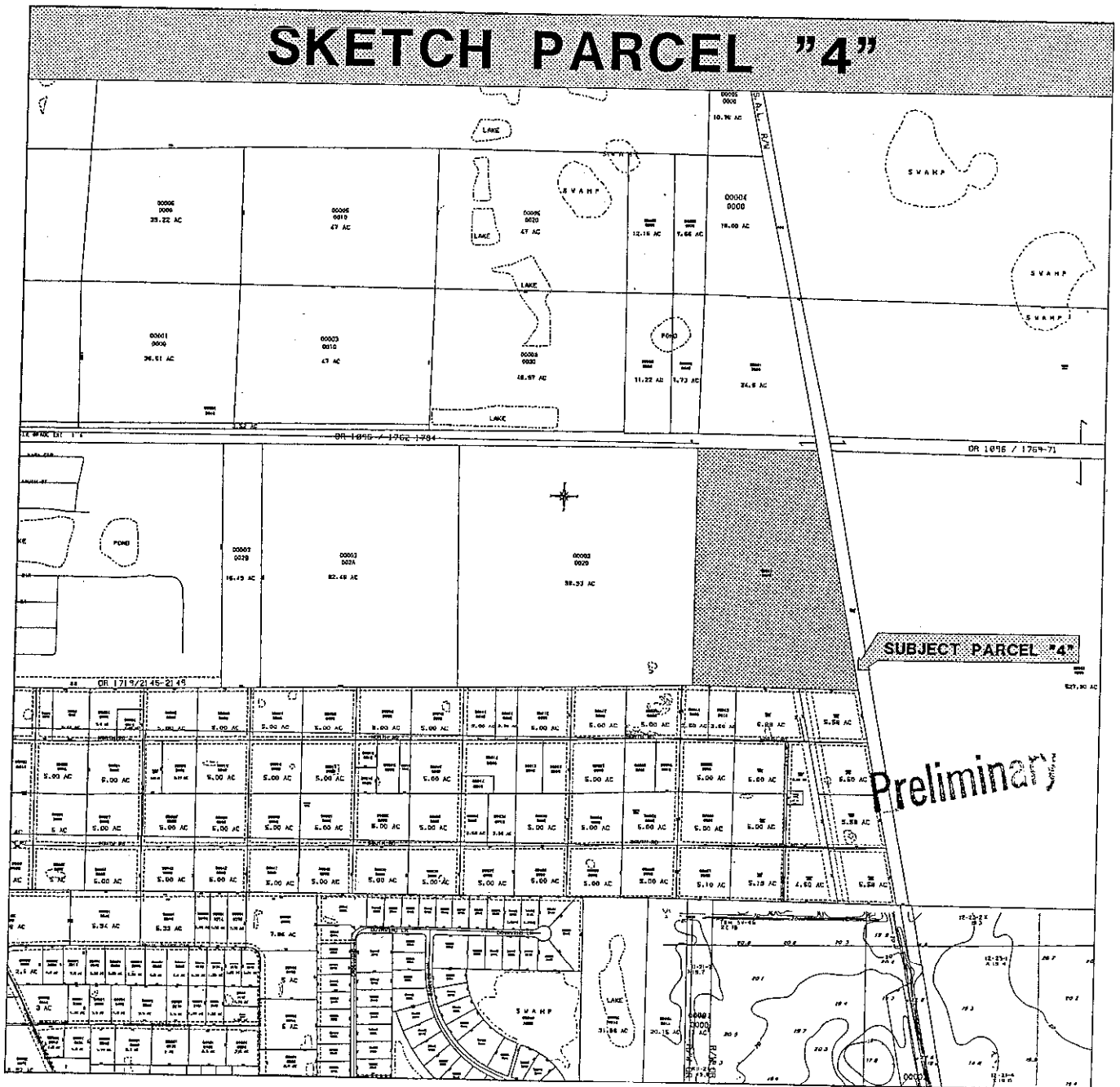
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; to the POINT OF BEGINNING.

From said Point of Beginning run N.89°56'08"W. for 1450 feet more or less to the East line of Section 10, Township 43 South, Range 24 East; thence northerly along the easterly line of said section for 2100 feet more or less, to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 1010 feet, more or less, to the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543, thence Southeasterly along said SAL Railroad Right-of-Way to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 4.32 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

SKETCH PARCEL "4"





SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

ADM 28-06

May 10, 2002

Mr. Roland Ottolini
Lee County
1500 Monroe Street
Ft Myers, FL 33902

**Subject: Contract No. C-9824-A2
Gator Slough Improvements Phase II ~~II~~ III**

Dear Mr. Ottolini:

Enclosed are two (2) copies of the subject amendment. Please have them signed by an individual with signature authority on behalf of your organization, and return both copies to my attention. Do not date the documents; a fully signed and dated amendment will be returned to you upon execution by the District.

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Note that this amendment is not binding on the parties until it is approved by the appropriate level of authority within the District and executed by both parties.

Your cooperation and timely response will be greatly appreciated. Should there be any questions, please contact me at (561) 682-6757.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Ryan".

Patrick Ryan
Contract Specialist
Procurement Department

/DLK
Enclosure

c: w/ attachment
Jacqueline Rippe, 4720

**LEE COUNTY DIV. OF
NATURAL RESOURCES**

MAY 15 2002

RECEIVED

GOVERNING BOARD

Trudi K. Williams, *Chair*
Lennart E. Lindahl, *Vice-Chair*
Pamela Brooks-Thomas

Michael Collins
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Harkley R. Thornton

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

ORIGINAL



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AMENDMENT**

C-9824-A2

AMENDMENT NO. 2

TO AGREEMENT NO. C-9824

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

LEE COUNTY, FLORIDA

This **AMENDMENT NO. 2**, entered into on _____, to that **AGREEMENT** dated September 22, 1999, as amended on September 13, 2001 between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County, Florida (**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 **AGREEMENT** in order to allow for the acquisition of 16.61 acres of land for the construction of storm water conveyance and amend the Statement of Work;

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. This **AMENDMENT NO. 2** shall be at no additional cost to the **DISTRICT**.
2. The Special Provisions, attached as Exhibit "A" to the **AGREEMENT**, is hereby amended as set forth in Exhibit "A2", attached hereto and made a part of this **AMENDMENT NO. 2**.
3. The Statement of Work, attached as Exhibit "C" to the **AGREEMENT**, is hereby amended by revising Paragraph numbers 2.0, 3.0 and 4.0 as set forth in Exhibit "C2", attached hereto and made an integral part of this **AMENDMENT NO. 2**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

4. Exhibit "M2", Legal descriptions of 16.61 acres of land to be purchased with District funds and maps are attached hereto and made a part of the **AMENDMENT NO. 2**.
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. 2** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED

By: Patrick M. Ryan

Date: 5/10/02 NEM
5/10/02

LEE COUNTY, FLORIDA

By: _____

Title: _____

EXHIBIT "A2"

SPECIAL PROVISIONS

Article 2.4 is hereby amended as follows:

"The **COUNTY** hereby agrees that it shall use other sources of funding for all work associated with the design and permitting aspects of the Statement of Work, attached hereto as Exhibit "C2". The **DISTRICT** agrees that **DISTRICT** funds may be used for the purchase of 16.61 acres of land, as described in the attached Exhibit "M2" for the purpose of construction of a stormwater conveyance to the existing Gator Slough. **DISTRICT** funds shall only be used for the land acquisition, capital or infrastructure costs which are required to complete the construction activities contained in Exhibit "C2" for Gator Slough improvements, Phase II and III."

EXHIBIT "C2"
STATEMENT OF WORK
GATOR SLOUGH IMPROVEMENTS PHASE I AND II

1.0 INTRODUCTION

The Gator Slough watershed encompasses approximately 55 square miles. This watershed runs from Matlacha Pass in Lee County, northeasterly, to the vicinity of Tuckers Grade in the Cecil Webb Wildlife Management Area in Charlotte County. A study of this watershed was completed in June 1991.

Concern has been expressed that the large volume of runoff entering Matlacha Pass is having detrimental effects on the vegetative and aquatic life. This concern, coupled with the ongoing emphasis on region-wide water conservation, indicates that methods to either divert or store excess flows should be considered.

In 1991 a study of this watershed was completed with recommendations to improve the conveyance and management of the water from the upper reaches of this watershed to the outfall. Phase I of this project was started in 1997. The first phase captures the excessive in the Gator Slough system and prevents its runoff into the Matlacha Pass preserve area. This is accomplished by diverting the water to the City of Cape Coral's fresh water canal system. This fresh water increases the supply of water for the City's dual water irrigation system and thus reduces the loss of water and the impact on the estuary's ecosystem. The project increases the storage capacity of the canal system, while the use of the dual water irrigation system reduces the draw down of the lower aquifers for residential irrigation uses.

The restrictions in the Gator Slough Canal have caused tail water conditions that have resulted in extended periods of flooding in the reaches upstream of US 41. The District has been working with representatives of the Florida Game and Freshwater Fish Commission for the past 8 to 10 years seeking solutions to decrease the long term ponding within the Cecil Webb / Babcock Wildlife Management Area. Phase II and III of this project is to continue to improve the conveyance of water from the upper reaches of this watershed to the Phase I project area that will divert this water to be stored and used at a later time.

Much of this long-term ponding is the result of downstream development pinching what was a wide historical flood plain into an unplanned connection of swales. The total project is to remove the down stream constrictions, divert stormwater flows into the City of Cape Coral Canal System and utilize the energy of local landowners to improve the unplanned swales by connecting flow ways across privately owned lands. These landowners are impacted in the same manner as the Wildlife Management Area.

2.0 SCOPE OF WORK

Phase II (FY 2002) of this project shall consist of maintenance to the existing channel from US 41 easterly to the east end of Tara Woods mobile home park approximately 4,400 linear feet. The channel shall be excavated to the neat lines of the permitted cross section. See Exhibit "M2" attached hereto and made a part of this Amendment No. 2.

~~Phase II~~^{III} (FY 2003) of this project shall consist of constructing a permissible stormwater conveyance from the east end of Tara Woods mobile home park easterly to the abandoned railroad grade approximately 5,700 linear feet.

The County shall be responsible for all site restoration and transportation of debris to appropriate disposal sites.

3.0 WORK BREAKDOWN STRUCTURE

PHASE II

- Task 1 The County shall mobilize equipment sufficient to perform the work required hereunder.
- Task 2 The County shall obtain appropriate permits and approvals and shall select a site for the disposal of spoil and vegetation obtained from work required hereunder. Any excess materials shall not be deposited within the canal right-of-way and shall not constrict the canal conveyance.
- Task 3 The County shall acquire temporary easements if needed.
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- Task 5 The County shall stabilize the side slopes of the excavated channel.
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PHASE III

- Task 1 The County shall mobilize equipment sufficient to perform the work required hereunder.
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4.0 LOCATION OF THE PROJECT

Phase II of this project shall be performed at Gator Slough from US 41 to the easterly boundary of Tara Woods mobile home park approximately 4,400 linear feet.

Phase III of this project shall be performed at Gator Slough from the eastern boundary of Tara Woods mobile home park to the old abandoned railroad grade approximately 5,700 linear feet.

5.0 DELIVERABLES

This project will have a single deliverable for each phase: The certification by an engineer authorized on behalf of Lee County to certify that the current Phase of the project is completed.

EXHIBIT "M2"

DESCRIPTION FOR PARCEL "1"

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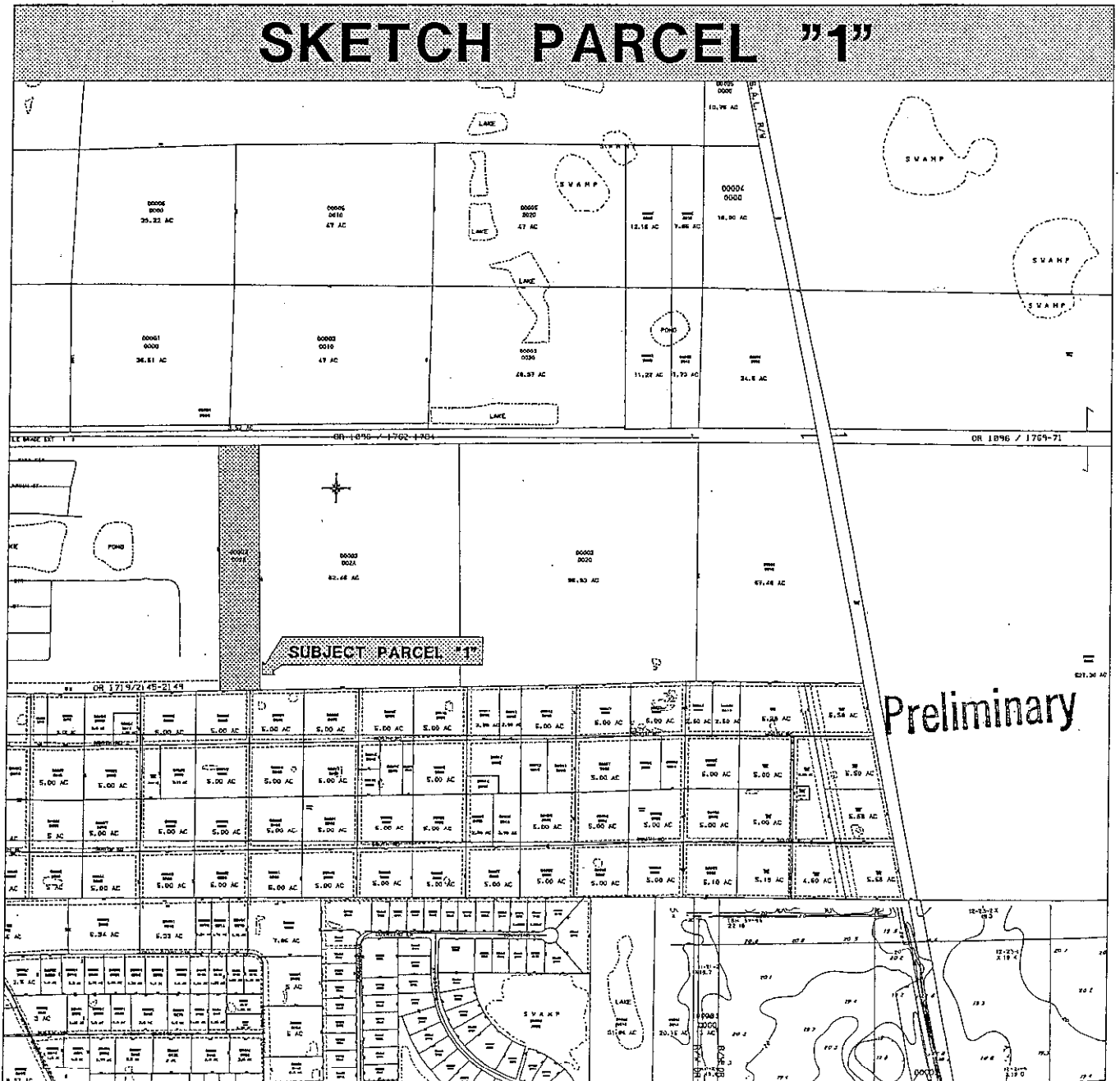
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543; thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; thence continue N.89°56'08"W. for 3771.88 feet to a point 4744.83 feet East of the Easterly Right-of-Way of U.S. 41 (Tamiami Trail) and the POINT OF BEGINNING.

From said Point of Beginning continue N.89°56'08"W. for 345.72 feet; thence N.0°03'52"E. for 2078.14 feet to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida; thence run S.89°56'08"E. along said Southerly line for 345.72 feet; thence run S.0°03'52"W. for 2078.14 feet to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 1.05 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

SKETCH PARCEL "1"



DESCRIPTION FOR PARCEL "2"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 5.16 acres more or less.

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

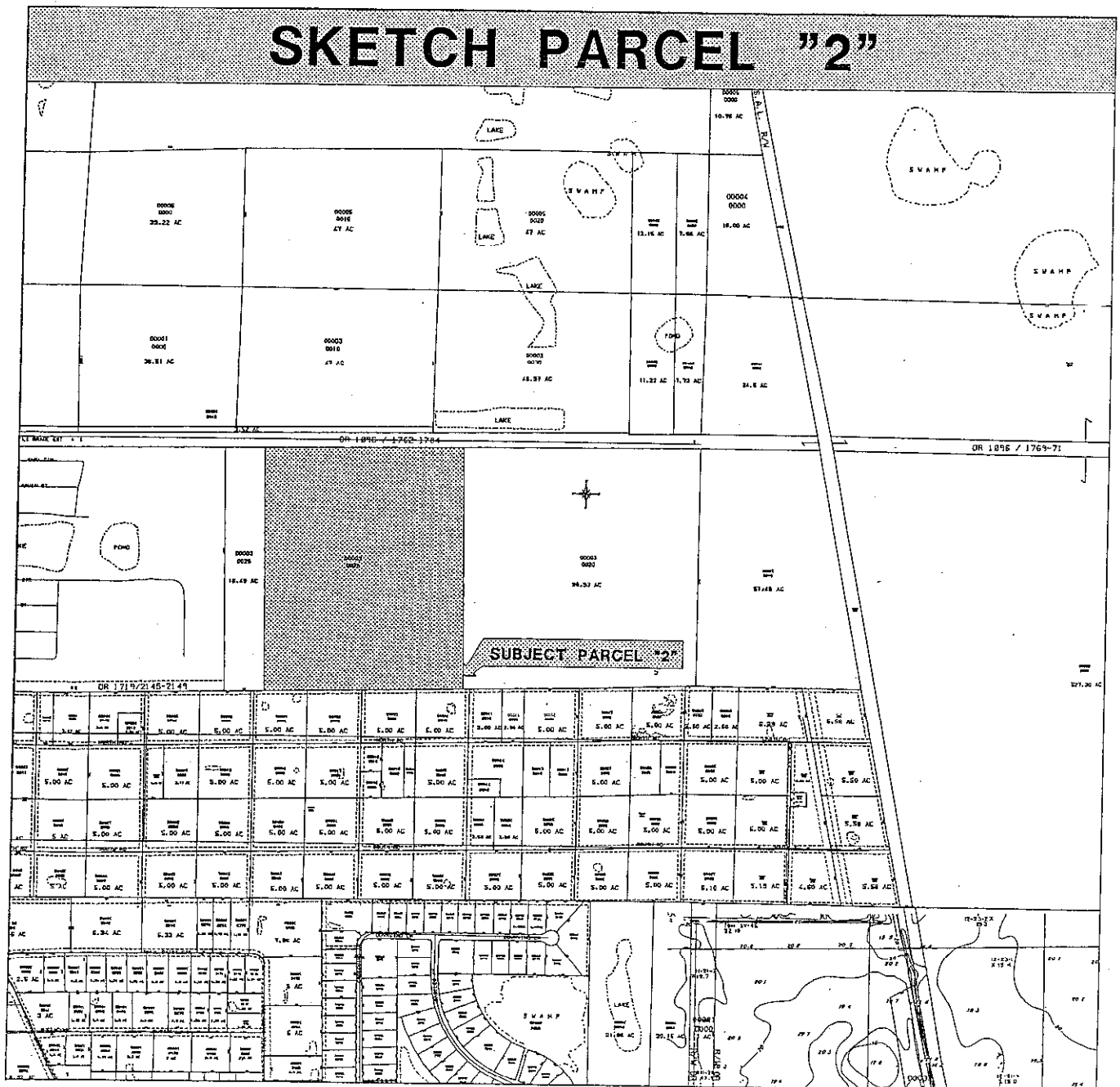
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; thence continue N.89°56'08"W. for 2043.30 feet to a point 6473.41 feet East of the Easterly Right-of-Way of U.S. 41 (Tamiami Trail) and the POINT OF BEGINNING.

From said Point of Beginning continue N.89°56'08"W. for 1728.58 feet; thence N.0°03'52"E. for 2078.14 feet to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 1728.58 feet; thence run S.0°03'52"W. for 2078.14 feet to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 5.16 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

Preliminary



DESCRIPTION FOR PARCEL "3"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 6.08 acres more or less.

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

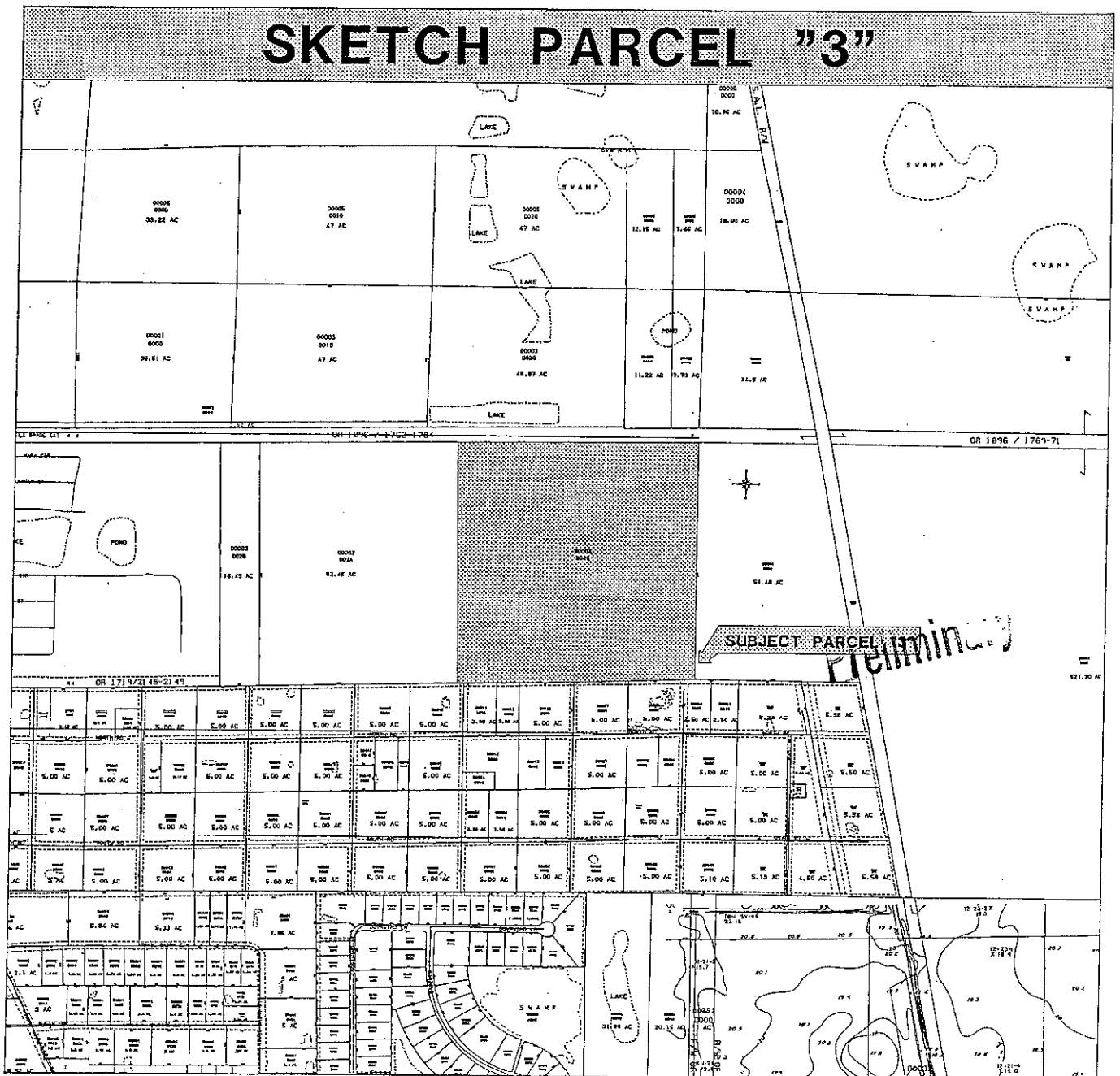
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; to the POINT OF BEGINNING.

From said Point of Beginning continue on the same course, more or less, 2040 feet, more or less, to the Southeast corner of a parcel described in Official Records Book 2425 at Pages 0844-846, Public Records, Lee County Florida, thence northerly along the east line of said parcel 2078 feet, more or less to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 2075 feet, more or less to East line of Section 10, Township 43 South, Range 24 East; thence southerly 2100 feet, more or less, to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 6.08 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

Preliminary



DESCRIPTION FOR PARCEL "4"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 4.32 acres more or less.

A tract or parcel of land lying in Section 11, Township 43 South, Range 24 East, Lee County, Florida described as follows:

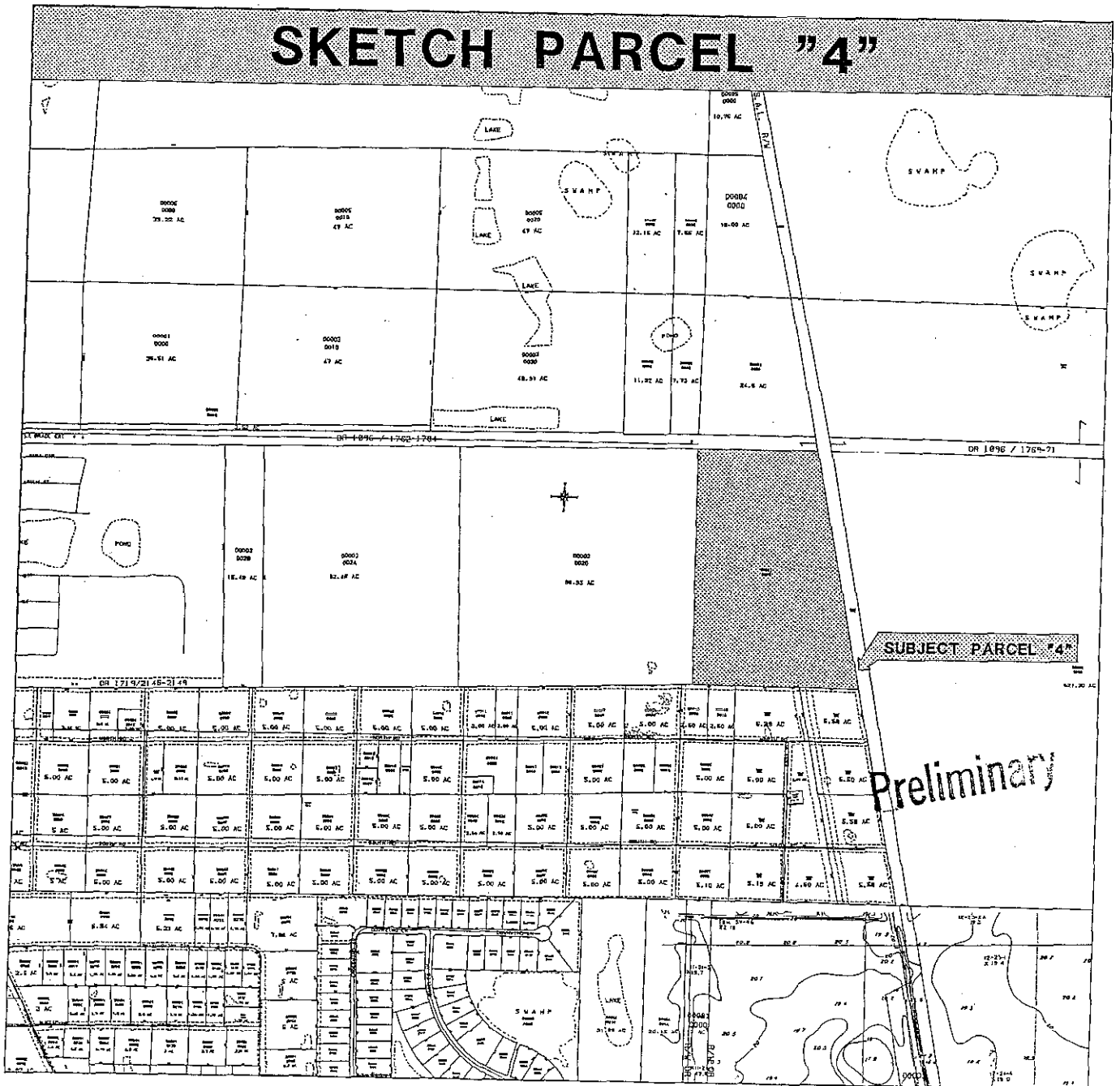
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; to the POINT OF BEGINNING.

From said Point of Beginning run N.89°56'08"W. for 1450 feet more or less to the East line of Section 10, Township 43 South, Range 24 East; thence northerly along the easterly line of said section for 2100 feet more or less, to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 1010 feet, more or less, to the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543, thence Southeasterly along said SAL Railroad Right-of-Way to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 4.32 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

SKETCH PARCEL "4"



Preliminary

ORIGINAL



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
AMENDMENT**

C-9824-A2

AMENDMENT NO. 2

TO AGREEMENT NO. C-9824

BETWEEN THE

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

LEE COUNTY, FLORIDA

This **AMENDMENT NO. 2**, entered into on _____, to that **AGREEMENT** dated September 22, 1999, as amended on September 13, 2001 between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County, Florida (**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 **AGREEMENT** in order to allow for the acquisition of 16.61 acres of land for the construction of storm water conveyance and amend the Statement of Work;

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. This **AMENDMENT NO. 2** shall be at no additional cost to the **DISTRICT**.
2. The Special Provisions, attached as Exhibit "A" to the **AGREEMENT**, is hereby amended as set forth in Exhibit "A2", attached hereto and made a part of this **AMENDMENT NO. 2**.
3. The Statement of Work, attached as Exhibit "C" to the **AGREEMENT**, is hereby amended by revising Paragraph numbers 2.0, 3.0 and 4.0 as set forth in Exhibit "C2", attached hereto and made an integral part of this **AMENDMENT NO. 2**.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

4. Exhibit "M2", Legal descriptions of 16.61 acres of land to be purchased with District funds and maps are attached hereto and made a part of the **AMENDMENT NO. 2**.
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. 2** on the date first written above.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: _____

Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED

By: _____

Patrick M. Ryan

Date: _____

5/10/02

*MEM
5/10/02*

LEE COUNTY, FLORIDA

By: _____

Title: _____

EXHIBIT "A2"

SPECIAL PROVISIONS

Article 2.4 is hereby amended as follows:

"The **COUNTY** hereby agrees that it shall use other sources of funding for all work associated with the design and permitting aspects of the Statement of Work, attached hereto as Exhibit "C2". The **DISTRICT** agrees that **DISTRICT** funds may be used for the purchase of 16.61 acres of land, as described in the attached Exhibit "M2" for the purpose of construction of a stormwater conveyance to the existing Gator Slough. **DISTRICT** funds shall only be used for the land acquisition, capital or infrastructure costs which are required to complete the construction activities contained in Exhibit "C2" for Gator Slough improvements, Phase II and III."

EXHIBIT "C2"
STATEMENT OF WORK
GATOR SLOUGH IMPROVEMENTS PHASE I AND II

1.0 INTRODUCTION

The Gator Slough watershed encompasses approximately 55 square miles. This watershed runs from Matlacha Pass in Lee County, northeasterly, to the vicinity of Tuckers Grade in the Cecil Webb Wildlife Management Area in Charlotte County. A study of this watershed was completed in June 1991.

Concern has been expressed that the large volume of runoff entering Matlacha Pass is having detrimental effects on the vegetative and aquatic life. This concern, coupled with the ongoing emphasis on region-wide water conservation, indicates that methods to either divert or store excess flows should be considered.

In 1991 a study of this watershed was completed with recommendations to improve the conveyance and management of the water from the upper reaches of this watershed to the outfall. Phase I of this project was started in 1997. The first phase captures the excessive in the Gator Slough system and prevents its runoff into the Matlacha Pass preserve area. This is accomplished by diverting the water to the City of Cape Coral's fresh water canal system. This fresh water increases the supply of water for the City's dual water irrigation system and thus reduces the loss of water and the impact on the estuary's ecosystem. The project increases the storage capacity of the canal system, while the use of the dual water irrigation system reduces the draw down of the lower aquifers for residential irrigation uses.

The restrictions in the Gator Slough Canal have caused tail water conditions that have resulted in extended periods of flooding in the reaches upstream of US 41. The District has been working with representatives of the Florida Game and Freshwater Fish Commission for the past 8 to 10 years seeking solutions to decrease the long term ponding within the Cecil Webb / Babcock Wildlife Management Area. Phase II and III of this project is to continue to improve the conveyance of water from the upper reaches of this watershed to the Phase I project area that will divert this water to be stored and used at a later time.

Much of this long-term ponding is the result of downstream development pinching what was a wide historical flood plain into an unplanned connection of swales. The total project is to remove the down stream constrictions, divert stormwater flows into the City of Cape Coral Canal System and utilize the energy of local landowners to improve the unplanned swales by connecting flow ways across privately owned lands. These landowners are impacted in the same manner as the Wildlife Management Area.

2.0 SCOPE OF WORK

Phase II (FY 2002) of this project shall consist of maintenance to the existing channel from US 41 easterly to the east end of Tara Woods mobile home park approximately 4,400 linear feet. The channel shall be excavated to the neat lines of the permitted cross section. See Exhibit "M2" attached hereto and made a part of this Amendment No. 2.

~~Phase II~~^{III} (FY 2003) of this project shall consist of constructing a permissible stormwater conveyance from the east end of Tara Woods mobile home park easterly to the abandoned railroad grade approximately 5,700 linear feet.

The County shall be responsible for all site restoration and transportation of debris to appropriate disposal sites.

3.0 WORK BREAKDOWN STRUCTURE

PHASE II

- Task 1 The County shall mobilize equipment sufficient to perform the work required hereunder.
- Task 2 The County shall obtain appropriate permits and approvals and shall select a site for the disposal of spoil and vegetation obtained from work required hereunder. Any excess materials shall not be deposited within the canal right-of-way and shall not constrict the canal conveyance.
- Task 3 The County shall acquire temporary easements if needed.
- Task 4 The County shall excavate approximately 4,400 linear feet of channel to the neat lines of the previously permitted cross sections.
- Task 5 The County shall stabilize the side slopes of the excavated channel.
- Task 6 The County shall provide engineering certification of project completion.
- Task 7 A site inspection shall be performed by the District's Project Manager.

PHASE III

- Task 1 The County shall mobilize equipment sufficient to perform the work required hereunder.
- Task 2 The County shall obtain appropriate permits and approvals and shall select a site for the disposal of spoil and vegetation obtained from work required hereunder. Any excess materials shall not be deposited within the canal right-of-way and shall not constrict the canal conveyance.

- Task 3 The County shall acquire temporary easements if needed.
- Task 4 The County shall excavate approximately 5,700 linear feet of a permissible stormwater conveyance. The County shall provide the District Project Manager with monthly written updates. The County shall include in the monthly updates the percent of completion and costs incurred to date on the project.
- Task 5 The County shall stabilize the side slopes of the excavated channel.
- Task 6 The County shall provide engineering certification of project completion.
- Task 7 A site inspection shall be performed by the District's Project Manager.

4.0 LOCATION OF THE PROJECT

Phase II of this project shall be performed at Gator Slough from US 41 to the easterly boundary of Tara Woods mobile home park approximately 4,400 linear feet.

Phase III of this project shall be performed at Gator Slough from the eastern boundary of Tara Woods mobile home park to the old abandoned railroad grade approximately 5,700 linear feet.

5.0 DELIVERABLES

This project will have a single deliverable for each phase: The certification by an engineer authorized on behalf of Lee County to certify that the current Phase of the project is completed.

EXHIBIT "M2"

DESCRIPTION FOR PARCEL "1"

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 1.05 acres more or less.

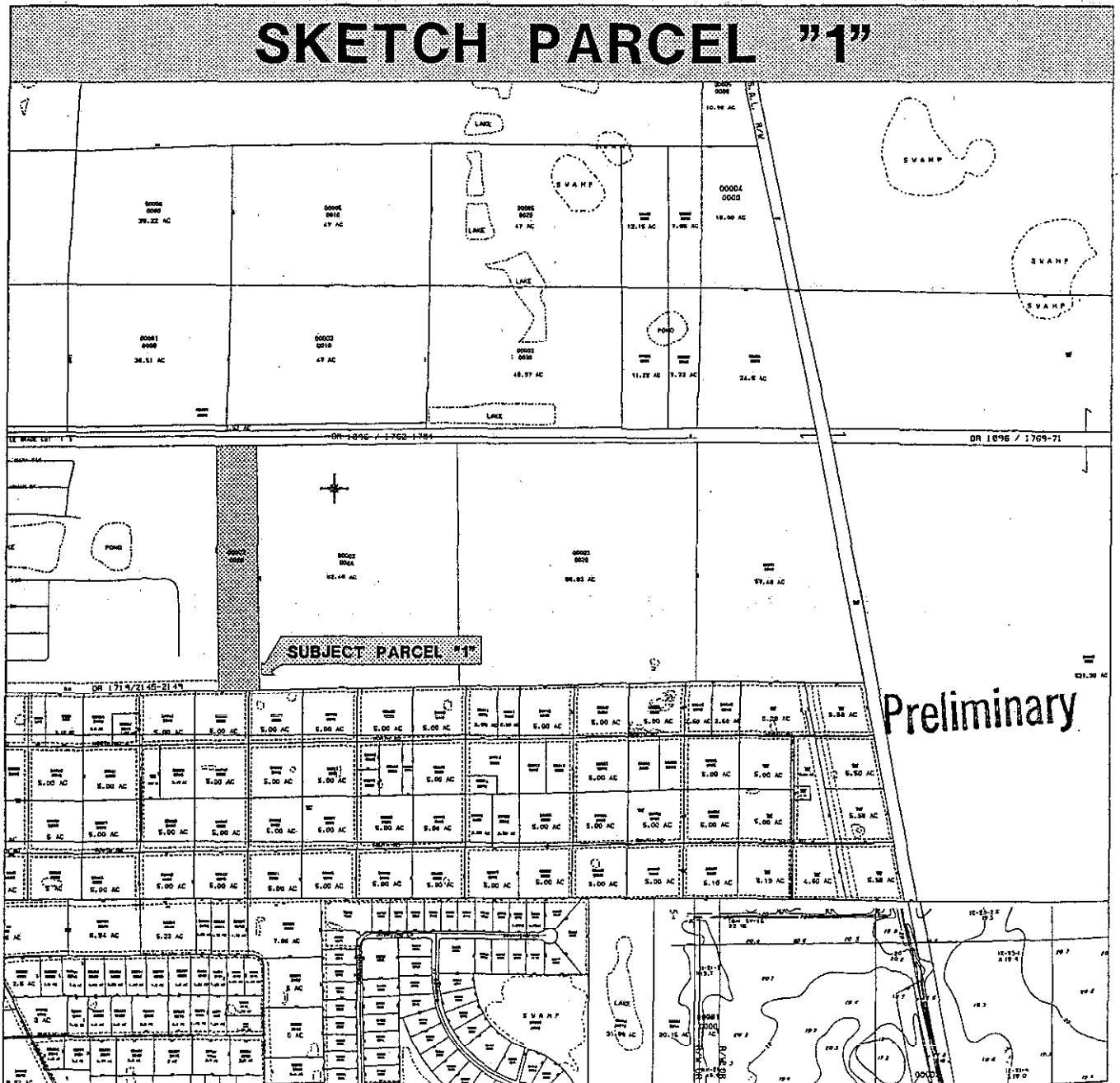
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543; thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; thence continue N.89°56'08"W. for 3771.88 feet to a point 4744.83 feet East of the Easterly Right-of-Way of U.S. 41 (Tamiami Trail) and the POINT OF BEGINNING.

From said Point of Beginning continue N.89°56'08"W. for 345.72 feet; thence N.0°03'52"E. for 2078.14 feet to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida; thence run S.89°56'08"E. along said Southerly line for 345.72 feet; thence run S.0°03'52"W. for 2078.14 feet to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 1.05 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

SKETCH PARCEL "1"



DESCRIPTION FOR PARCEL "2"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 5.16 acres more or less.

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

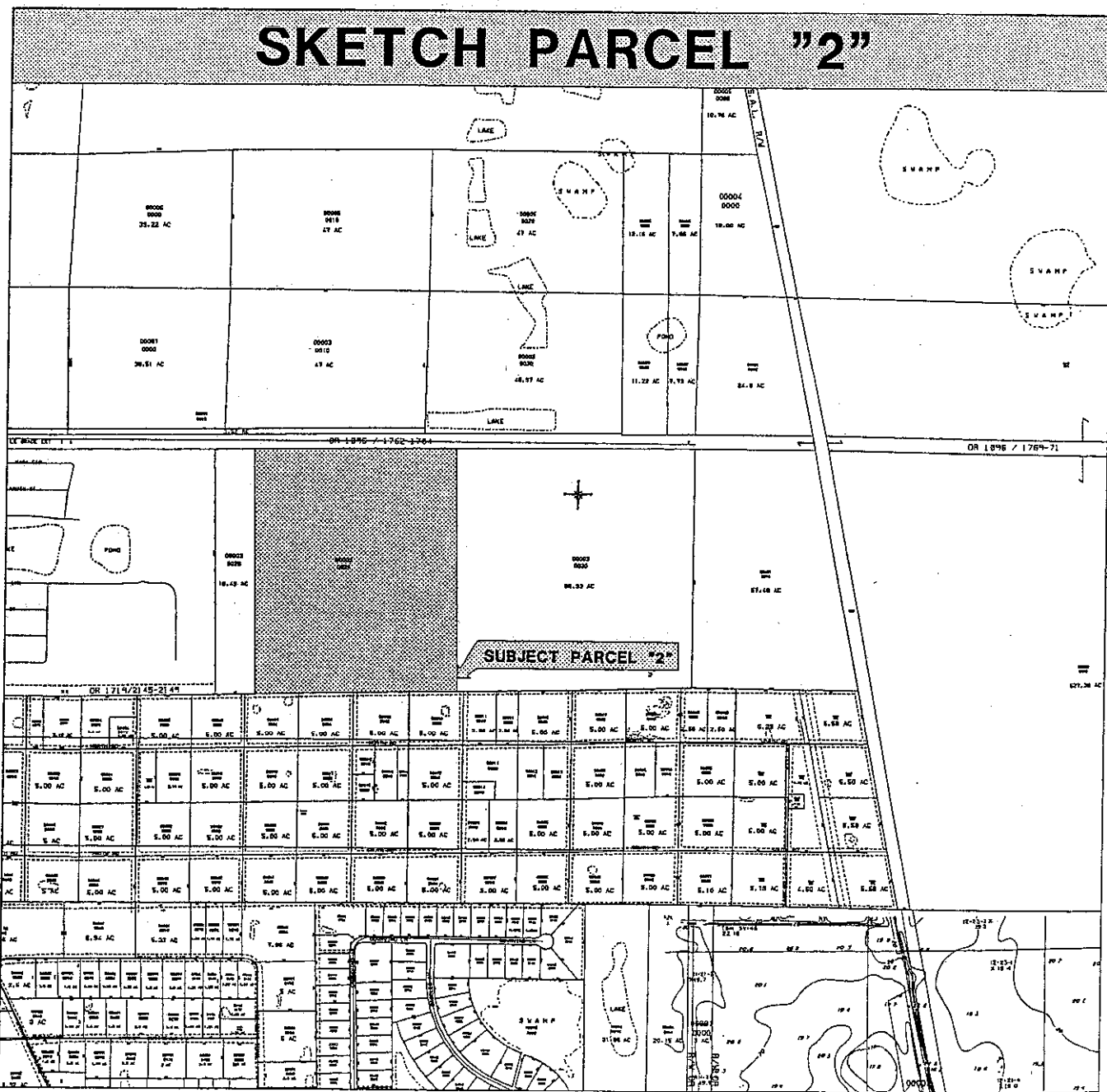
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; thence continue N.89°56'08"W. for 2043.30 feet to a point 6473.41 feet East of the Easterly Right-of-Way of U.S. 41 (Tamiami Trail) and the POINT OF BEGINNING.

From said Point of Beginning continue N.89°56'08"W. for 1728.58 feet; thence N.0°03'52"E. for 2078.14 feet to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 1728.58 feet; thence run S.0°03'52"W. for 2078.14 feet to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 5.16 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

Preliminary



DESCRIPTION FOR PARCEL "3"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 6.08 acres more or less.

A tract or parcel of land lying in Section 10, Township 43 South, Range 24 East, Lee County, Florida described as follows:

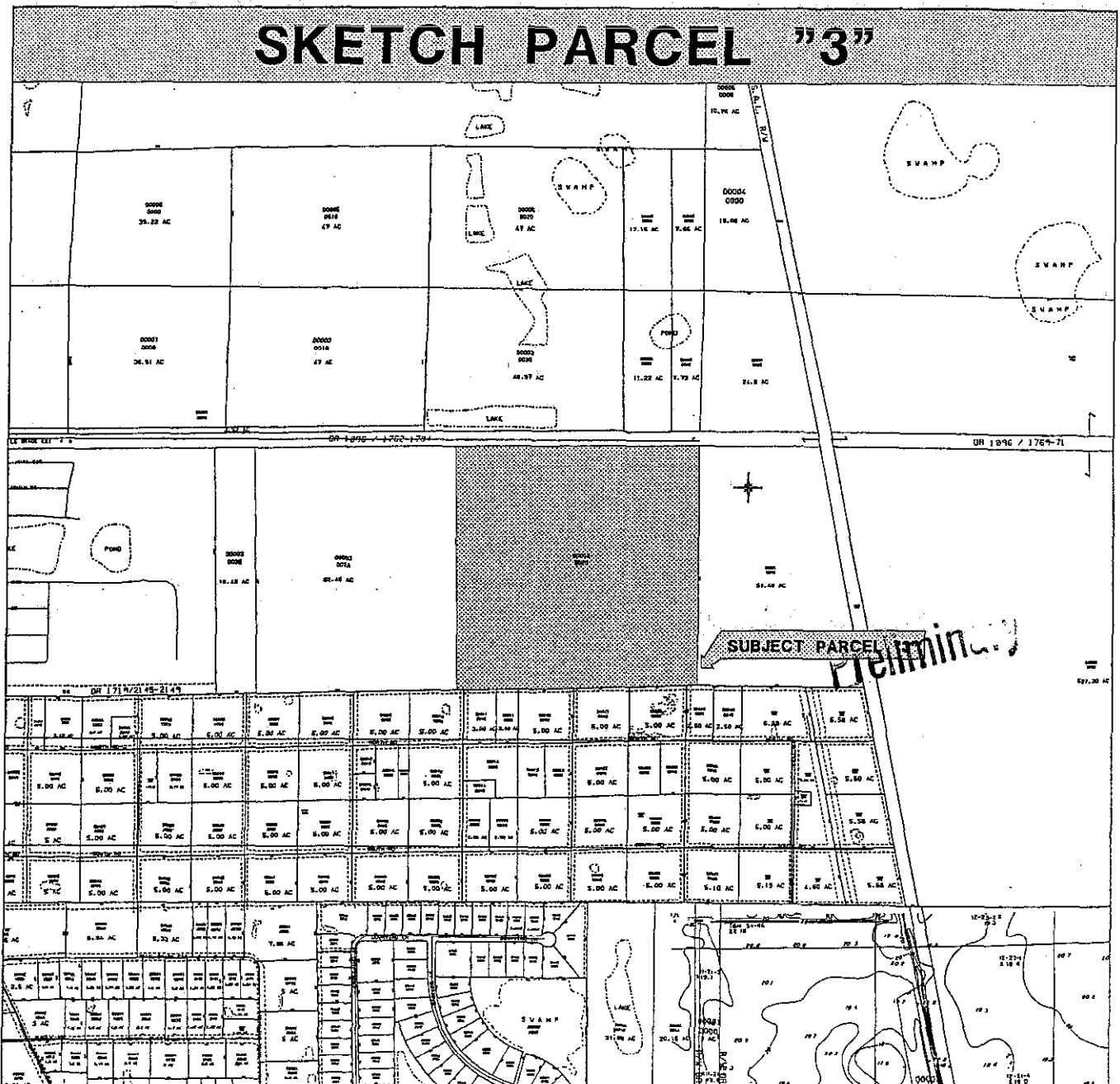
Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; thence run N.89°56'08"W. for 1450 feet to the East line of Section 10, Township 43 South, Range 24 East; to the POINT OF BEGINNING.

From said Point of Beginning continue on the same course, more or less, 2040 feet, more or less, to the Southeast corner of a parcel described in Official Records Book 2425 at Pages 0844-846, Public Records, Lee County Florida, thence northerly along the east line of said parcel 2078 feet, more or less to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 2075 feet, more or less to East line of Section 10, Township 43 South, Range 24 East; thence southerly 2100 feet, more or less, to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 6.08 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

Preliminary



DESCRIPTION FOR PARCEL "4"

The SOUTHERLY 130 feet of the following described parcel as measured at right angles, containing 4.32 acres more or less.

A tract or parcel of land lying in Section 11, Township 43 South, Range 24 East, Lee County, Florida described as follows:

Begin at the intersection of the Southerly line of Section 11, Township 43 South, Range 24 East and the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543 thence run N.11°10'41"W. along said Westerly Right-of-Way for 1939.30 feet; to the POINT OF BEGINNING.

From said Point of Beginning run N.89°56'08"W. for 1450 feet more or less to the East line of Section 10, Township 43 South, Range 24 East; thence northerly along the easterly line of said section for 2100 feet more or less, to the Southerly line of a 125 foot wide roadway described in Official Records Book 1096 at Pages 1762 through 1791 of the Public Records of Lee County, Florida, thence run S.89°56'08"E. along said Southerly line for 1010 feet, more or less, to the Westerly line of the former SAL Railroad Right-of-Way recorded in Deed Book 98 at Pages 542-543, thence Southeasterly along said SAL Railroad Right-of-Way to the Point of Beginning.

The SOUTHERLY 130 feet of said parcel containing 4.32 acres more or less.

Bearings used herein are based on the Southerly line of the 125 foot roadway to be N.89°56'08"W.

