

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

Blue Sheet No. 20021349

1. REQUESTED MOTION:

ACTION REQUESTED: Authorize release of approximately 25% of road impact fee credits owed to Long Bay (Bonita Bay Group) for initial 2-lane construction of Livingston/Imperial Connection.

WHY ACTION IS NECESSARY: Board authorization necessary to proceed in different manner than specified in executed agreement.

WHAT ACTION ACCOMPLISHES: Releases portion of credits due to Long Bay for their use until full 4-lane construction can be completed and costs fully documented and road maintenance acceptance procedure completed, consistent with requirements of existing agreement.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3**

A9A

3. MEETING DATE:

12-03-2002

4. AGENDA:

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

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

- STATUTE
- ORDINANCE
- ADMIN.
- CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Transportation
- C. DIVISION Administration

BY: Scott M. Gilbertson, P.E.

7. BACKGROUND:

On September 8, 1998, Lee County executed an agreement with Long Bay Partners, LLC (a division of Bonita Bay Group) calling for the County to be responsible for the design and right-of-way acquisition of the initial 2 lanes of the Livingston/Imperial Connection from the Collier County line to Bonita Beach Road. Long Bay was to be responsible for the construction phase, for which they would receive road impact fee credits.

(CONTINUED ON NEXT PAGE)

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>11/17/02</i> <i>[Signature]</i>	<i>NA</i>	<i>NA</i>		<i>Andrea</i> <i>[Signature]</i>	OA <i>[Signature]</i> <i>11-18-02</i>	OM <i>[Signature]</i> <i>11/20/02</i>	Risk <i>[Signature]</i> <i>11/20/02</i>	GC <i>[Signature]</i> <i>11/20/02</i>	<i>[Signature]</i> <i>11-19-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. <i>RK</i>
<i>11-19-02</i>
<i>2:30</i>
COUNTY ADMIN.
FORWARDED TO:
<i>11/20 5:00</i>

<i>11/19/02</i>
<i>2:20 PM</i>
<i>11/19/02</i>
FORWARDED TO: <i>Budget</i>
<i>2:25 PM</i>

7. **BACKGROUND:** (CONTINUED) – #20021349

On July 24, 2001, the Board executed an amendment to the agreement with Long Bay, which gave the County the option of utilizing Long Bay's construction and construction inspection contractors to proceed with an additional 2 lanes for the corridor. This allowed the County to take advantage of a state County Incentive Grant Program award for 35% of the total 4-lane construction cost, estimated at \$1,131,900. At the time of the amendment, the 2-lane construction was underway by Long Bay, which has since been completed and is open to traffic. The County exercised its option and utilized the same contractors and rolled right into the 4-lane construction. The 4-lane construction should be essentially complete by the end of the year, but only 2 lanes will be open until Collier County completes its 4-lane construction up to the County line in March.

The agreement as executed states that Long Bay will be entitled to the road impact fee credits only after the road maintenance acceptance procedures have been satisfied and the County has accepted the road for maintenance. The agreement also requires that all the administrative requirements for issuing road impact fee credits be satisfied. Clearly, the agreement as structured envisioned the 2-lane improvements being completed and accepted by the County, and credits granted, before moving on to the 4-laning. However, it did not happen that way – the construction was essentially continuous. Long Bay was willing to wait until the 4-laning was completed to proceed with the road maintenance acceptance procedures and claim their credits, but the 4-laning has taken somewhat longer than envisioned due to circumstances beyond Long Bay's control, such as delays in final right-of-way acquisition and moving utilities. Long Bay is requesting that a portion (25%) of the credits due them for the 2-lane construction be released now for their use, with the balance to be issued when the 4-lane construction is complete and the procedures contemplated in the agreement are satisfied.

Staff has received an initial engineer's certified estimate of the 2-lane construction costs, which totals approximately \$1,146,000. While the road maintenance acceptance procedures contemplated in the agreement have not yet been satisfied, the 2-lane road work is completed and the traveling public is using it. Therefore, DOT staff is comfortable recommending an early release to Long Bay of 25% of the estimated road impact fee credits due, or \$286,500.