

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

Blue Sheet No. 20030762

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve Amendment to Interlocal Agreement between Lee County and the City of Cape Coral for the Chantry Canal Boat Ramp.

**WHY ACTION IS NECESSARY:** Amendment provides a time extension that will allow the City to move forward towards completion of the Chantry Canal Boat Ramp project without violating the original agreement.

**WHAT ACTION ACCOMPLISHES:** Requires the City to file for all permits needed by October 1, 2003. Requires the City to begin construction of project within 6 months of securing permits and complete project within 1 year of commencement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #: 1      08 -

*C8B*

**3. MEETING DATE:**

*07-08-2003*

**4. AGENDA:**

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

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

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER      Agreement

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT      Public Works
- C. DIVISION      Natural Resources
- BY: Roland Ottolini, P.E.

*[Signature]*

**7. BACKGROUND:** On May 15, 2000, Lee County and the City of Cape Coral signed an Interlocal Agreement for the construction of the Chantry Canal Boat Ramp. Through the Lee County Boating Improvement Program, Lee County awarded the City \$1,006,000.00 for the purchase of property along the Chantry Canal with the express purpose of building a boat ramp and associated amenities. The original Agreement required the City to complete permitting by May 15, 2003. They were unable to comply with this requirement due, in part, to the difficult permitting environment in Lee County waterways the last few years. Recent developments, the lifting of the AIP (Area of Inadequate Protection) by the US. Fish and Wildlife Service, may improve this situation. This Amendment will allow the City to initiate permitting, with Lee County as Co-applicants, by October 1, 2003. The Amendment also requires the City to begin construction of the project within 6 months of securing permits and have the project complete within 1 year of commencement. No additional funds required.

Attachments: 3 original copies of Amendment, already executed by City.

**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	
<i>[Signature]</i> 6-25-03	<i>[Signature]</i> 6-25-03	N/A		<i>[Signature]</i> 6-25-03	<i>[Signature]</i> 6/26/03	<i>[Signature]</i> 6/26/03	<i>[Signature]</i> 6/26/03	<i>[Signature]</i> 6-26-03	<i>[Signature]</i> 6-25-03

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
by CO. ATTY.  
*6/25/03*  
3:10 P.M.  
CO. ATTY.  
FORWARDED TO:  
*[Signature]*  
6-25-03

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
*6/25/03*  
4:30 PM  
COUNTY ADMIN.  
FORWARDED TO: *[Signature]*  
*6/26/03*  
3:30 PM

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN  
LEE COUNTY AND THE CITY OF CAPE CORAL  
FOR THE BOATING IMPROVEMENT PROGRAM  
PROJECT AGREEMENT FOR CHANTRY CANAL BOAT RAMP**

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 CAPE CORAL, 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 completion of a project known as Chantry Canal Boat Ramp on May 15, 2000; and

**WHEREAS**, the Parties now desire to amend the Interlocal Agreement to provide for an extension on the time period for obtaining all required state, federal and local permits from regulatory agencies; and

**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:

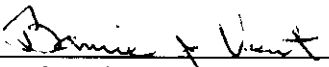
1. The recitals as set forth above are incorporated into the terms of the original agreement.
2. **SECTION NINE:** To be amended as follows: It shall be the responsibility of the City to obtain all required state, federal, and local permits, licenses, leases, easements, etc. from the relevant regulatory agencies, for the project. Lee County Division of Natural Resources will be consulted on all permitting issues and listed as a co-applicant on all permits. The City shall make application and file for all permits needed to construct the boat ramp and facility by no later than October 1, 2003.
3. **SECTION TWELVE:** The City agrees that the project will be operated and maintained in a satisfactory condition for public recreational boating purposes for a minimum of thirty (30) years from the date of project completion. In the event the elements listed in the application project narrative are no longer provided for public purposes during the time period as stated in this Paragraph 12, The City agrees to return to the County all funds tendered by the County for the Project or the County's pro rata share

(based on percentage of funds contributed by the County in FY 2000 for the purchase of the Project site) of any proceeds from the City's sale of the site, whichever is greater.

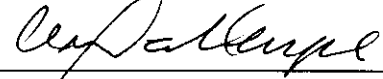
- 4. **SECTION TWENTY-ONE:** d. The City agrees to use due diligence in constructing the Chantry Canal Boat ramp and opening it for public use. The City shall file for permits by no later than October 1, 2003. Within six (6) months of obtaining all required permits, the City shall secure a contractor and begin construction of the Project. The Project construction will be completed within 1 year of commencement.
- 5. All other terms of the Interlocal Agreement remain the same.
- 6. 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.

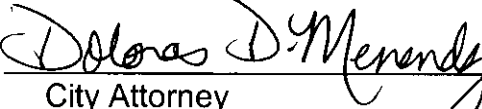
Attest:

By:   
City Clerk

**CITY OF CAPE CORAL**

By:   
Mayor

APPROVED AS TO LEGAL FORM:

By:   
City Attorney

ATTEST:

CHARLIE GREEN, CLERK

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

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

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

APPROVED AS TO LEGAL FORM:

By:  6/25/03  
Lee County Attorney's Office