

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

Blue Sheet No. 20030716

1. REQUESTED MOTION: Approve Amendment to Locally Funded Agreement with FDOT to increase funds to advance the Design for improvements to US 41 from Corkscrew to San Carlos Boulevard, and approve authorizing resolution for Chairman to execute agreements. Also, approve transfer from Gas Tax Reserves and amend FY03-07 Capital Improvement Program in the amount of \$532,767.00 *BND*

WHY ACTION IS NECESSARY: Requires BOCC approval for agreements and amendments to CIP.

WHAT ACTION ACCOMPLISHES: Allows FDOT to continue with six-lane design of the last four-lane segment of south US 41 two years earlier than scheduled.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C9A

3. MEETING DATE:

07-08-2003

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

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

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

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

BY: Scott M. Gilbertson

7. BACKGROUND: FDOT and Lee County entered into a locally funded agreement December 3, 2002 for Lee County to advance \$1,700,000 for the total estimated cost of the design for six-lane improvements to US 41 from Corkscrew Road to San Carlos Boulevard. Final consultant negotiations by FDOT reflect a total design cost of \$2,232,767. Therefore FDOT requests Lee County and the Department enter into an amendment to the original locally funded agreement for an additional deposit from Lee County in the amount of \$532,767.

Approve transfer from Gas Tax Reserves in the amount of \$532,767.

Funds will be available in 20409130700.506540

8. MANAGEMENT RECOMMENDATIONS: Approve the agreement.

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>6/17/03</i>	<i>6/18</i>	NA	<i>BP</i>	<i>Andrea</i>	OA <i>6/19/03</i>	OM <i>6/19/03</i>	Risk <i>6/19/03</i>	GC <i>6/19/03</i>	<i>6-18-03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

6-19-03
SP
6-19-03

RECV. by CO. ATTY. 12:10PM 6/19/03
CO. ATTY 6/19/03
FORWARDED TO: Budget

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Transportation Capital Imp Fund DATE: 06/12/03 BATCH NO.: _____

FISCAL YEAR: 02-03 FUND NO.: 30700 DOC. TYPE: YB LEDGER TYPE: BA

TO: Capital Projects Transportation Capital Projects
 (Division Name) (Program Name)

NOTE: Please list the account number below in the following order:
 Business Unit (dept/div, program, fund, subfund); Object Account; Subsidiary; Subledger
 (Example: BB 5120100100.503450)

<u>Account Number</u>	<u>Object Name</u>	<u>DEBIT</u>
20409130700.506540	Improvement Construction	\$532,767

TOTAL TO: \$532,767

FROM: Non-Departmental Reserves
 (Division Name) (Program Name)

<u>Account Number</u>	<u>Object Name</u>	<u>CREDIT</u>
GC5890130700.509930	Reserves for Future Capital	\$532,767

TOTAL FROM: \$532,767

EXPLANATION: Transfer to design of US 41 from Corkscrew Rd. To San Carlos Blvd.

 DIVISION DIRECTOR SIGNATURE/DATE

[Signature] 6/17/03
 DEPARTMENT HEAD SIGNATURE/DATE

DBO: APPROVAL DENIAL

[Signature] 6/17/03
 OPS. ANALYST SIGNATURE DATE

OPS. MGR.: APPROVAL DENIAL

[Signature] 6/19/03
 OPS. MGR. SIGNATURE DATE

CO. MGR.: APPROVAL DENIAL

 CO. MANAGER SIGNATURE DATE

BCC APPROVAL DATE: _____

 BCC CHAIRMAN SIGNATURE

BA. NO. _____ AUTH CODE _____ TRANS DATE _____

LEE COUNTY RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING LEE COUNTY
TO ENTER INTO AN AMENDMENT TO A
LOCALLY FUNDED AGREEMENT
WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION**

THIS IS A RESOLUTION of the Board Of County Commissioners. Lee County, Florida, a political subdivision of the State, authorizing the execution of an Amendment to a Locally Funded Agreement with the Florida Department Of Transportation.

WHEREAS, Lee County, Florida, has the statutory authority to enter into an Agreement with the Florida Department Of Transportation in accordance with Section 338.251, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, That:

1. The Amendment to Locally Funded Agreement for US 41 from Corkscrew Road to San Carlos Boulevard (design) is hereby approved.
2. The Chairman of, and the Clerk to the Board of Lee County Commissioners are hereby authorized to execute said Agreement.
3. The Clerk of the Circuit Court is hereby authorized and directed to transmit one (1) certified copy of this Resolution to the Florida Department of Transportation along with the executed Agreements.

DONE AND ADOPTED with a quorum present and voting on this ____ day of _____, 2003.

ATTEST: CHARLIE GREEN

BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY,
FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

FM NO: 195765-1-32-01
COUNTY: LEE

**AMENDMENT TO LOCALLY FUNDED AGREEMENT
BETWEEN THE
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
LEE COUNTY
FOR DESIGN OF US 41 FROM
CORKSCREW ROAD TO SAN CARLOS BOULEVARD**

This is an Amendment to Agreement ("Amendment") by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT" and LEE COUNTY, FLORIDA, hereinafter referred to as the "COUNTY".

WITNESSETH

WHEREAS, the DEPARTMENT previously entered into an Agreement dated December 13, 2002 (the "Agreement") for the design phase of US 41 from Corkscrew Road to San Carlos Boulevard in Lee County under FM Number 195765-1-32-01, (the "PROJECT"); and

WHEREAS, the COUNTY and the DEPARTMENT desire to amend the Agreement according to the terms set forth in this Amendment; and

WHEREAS, except as set forth herein, all terms of the Agreement shall remain in full force and effect; and

WHEREAS, the COUNTY by Resolution No. _____, dated the ___ day of _____, 2003, a copy of which is attached hereto and made a part hereof, has authorized the Chairperson of the Board of County Commissioners to enter into this Amendment.

NOW THEREFORE, in consideration of the mutual benefits to be derived from joint participation in the Agreement as amended herein, the parties agree to amend the Agreement as follows:

1. Paragraph 1 of the Agreement is deleted in its entirety and in its place shall be substituted the following:

The COUNTY agrees to advance funds to the DEPARTMENT for the total estimated cost of the design phase of US 41 from Corkscrew Road to San Carlos Boulevard (the PROJECT), in the amount of TWO MILLION TWO HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED SIXTY-SEVEN AND 00/100 DOLLARS (\$2,232,767.00). The COUNTY has already deposited the amount of ONE MILLION SEVEN HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,700,000.00). The COUNTY shall deposit the additional amount of FIVE HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED SIXTY-SEVEN AND 00/100 DOLLARS (\$532,767.00).

This additional amount shall be deposited by the COUNTY, within fifteen (15) days of execution of this Agreement, in an interest bearing escrow account in the name of the Florida Department of Transportation with the Department of Financial Services and in accordance with the terms and conditions of the Memorandum of Agreement executed by the DEPARTMENT, the COUNTY and the Department of Insurance and by this reference made a part of this Agreement as though fully set forth herein. All references to the Florida Department of Insurance in the Memorandum of Agreement shall hereafter refer to the Florida Department of Financial Services. Interest from the account shall be left in the account to cover future deficiencies. All deposits shall be made to the Department of Financial Services and mailed to the Florida Department of Transportation for processing as follows:

Florida Department of Transportation
Office of the Comptroller
3717 Apalachee Parkway
Mail Station 24
Tallahassee, FL 32311
Attention: LFA Section

Failure of the COUNTY to deposit said amount within the time frame specified above shall be grounds for termination of this Agreement.

2. The terms of this Amendment are hereby incorporated into the Agreement as if fully set forth therein. Except as expressly set forth in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the COUNTY has caused this Amendment to be executed in its behalf this ___ day of _____, 2003, by the Chairperson of the Board of Commissioners, authorized to enter into and execute same by Resolution Number _____ of the Board on the ___ day of _____, 2003, and the DEPARTMENT has executed this Amendment through its District Secretary for District One, Florida Department of Transportation, this ___ day of _____, 2003.

BOARD OF COMMISSIONERS
LEE COUNTY, FLORIDA

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
CHAIRPERSON

By: _____
DISTRICT SECRETARY

ATTEST:

ATTEST:

By: _____ (Seal)
CLERK

By: _____
EXECUTIVE SECRETARY

Legal Review:

By: _____
DISTRICT LEGAL COUNSEL