

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

Blue Sheet No. 20031465

1. REQUESTED MOTION:

ACTION REQUESTED: Confirm and finalize the Board's September 16, 2003 decision with respect to the replacement of Span A of the County's "Sanibel Causeway" facilities with a fixed span, and consider the adoption of a Resolution declaring that Paragraph 5. of the County / Sanibel Interlocal Agreement, as amended on June 11, 2002, is null and void, pursuant to its terms.

WHY ACTION IS NECESSARY: Interlocal Agreement requirement prior to declaring Paragraph 5. null and void.

WHAT ACTION ACCOMPLISHES: Voids Paragraph 5. of June 11, 2002 County and Sanibel Interlocal Agreement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 1

A12B

3. MEETING DATE:

12-16-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Interlocal
- Agmt.

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** County Attorney
- C. DIVISION** General Services
- BY:** David M. Owen
Chief Assistant County Attorney



7. BACKGROUND:

On June 11, 2002, Lee County and Sanibel amended its Interlocal Agreement relating to the County's "Sanibel Bridges Causeway and Toll Facilities" to include a new, revised Paragraph 5., which conformed to the then-agreed upon improvements to the Bridges and Causeway per the June 26, 2001 PD&E Study. Paragraph 5. of the Interlocal Agreement provided for changes in circumstances for the project and for the County's ability to nullify Paragraph 5. due to circumstances beyond the lawful, reasonable control of the County.

(BACKGROUND CONTINUED - 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
N/A	N/A	N/A	N/A	<i>[Signature]</i> 12/4/03	OA	OM	RISK	GC	<i>[Signature]</i> 12.5.03
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: *RK*
12/5/03
030 am 5/1
COUNTY ADMIN
FORWARDED TO: *PK*
12/5/03
11:15 AM

CO. ATT. NO. 12/5/03
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TO CO. ADMIN.
[Signature]

BACKGROUND (Continued)

In May, 2003, the County through its DOT, received a "Final Memorandum - Structural Condition of Bridge A" for the Sanibel Transportation Facility from PBS&J, its consulting engineers, which re-evaluated the condition of the Bascule Bridge and recommended its replacement.

On September 9, 2003, the County through its DOT, received a "Draft Environmental Assessment" for the Sanibel Causeway Improvements from PBS&J, which recommended the replacement of Span A with a fixed span bridge for the following reasons: "...structural and functional obsolescence, scour concerns, construction cost, life cycle costs and traffic operations."

On September 16, 2003, at its regular meeting through Agenda Item Walk-On Item #1, the Board took two actions relative to the improvements to the County's "Sanibel Causeway and Bridges": **a)** authorized the issuance of County Revenue Bonds in the amount of \$55.4 million for construction, **b)** preliminarily approved the recommendation for Span A as contained in the September 9, 2003 PBS&J "Draft Environmental Assessment", recommending a fixed span bridge to replace the Bascule Span A, and **c)** authorized and directed the Chairman to formally notify the City of Sanibel with respect to the Board's decisions concerning the May, 2003 revisions to the original June, 2001 PD&E Study by PBS&J.

Pursuant to the terms of Paragraph 5. of the June 11, 2002 Interlocal Agreement, the County has provided ninety (90) days notice to the City of its proposed actions (the September 16, 2003 letter from Commissioner Judah [then Chairman] to Mayor Steve Brown), and the County has conferred with the City of Sanibel in joint session on October 30, 2003, and at the staff level on September 16, 2003, October 21, 2003, November 13, 2003, November 18, 2003 and December 3, 2003 to discuss financial and design issues for the entire Sanibel Transportation Corridor. Staff "progress" meetings on the Bridges' replacement were held on October 6, 2003, November 3, 2003 and December 1, 2003, with Sanibel representatives in attendance.

The Board may now consider the adoption of a County Resolution declaring Paragraph 5. of the June 11, 2002 Interlocal null and void, with the Board's basis for the decision as articulated in the Resolution.

Staff recommends Board approval, adoption and execution of the proposed Resolution.