

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

Blue Sheet No. 20060689-UTL

1. Action Requested/Purpose:

1) Approve construction of a water main and force main extensions serving a project named *Ben Hill Griffin Parkway Water and Force Main Extensions*; and, 2) Authorize Chairwoman, on behalf of the BOCC, to execute a cost-sharing agreement between Lee County Board of County Commissioners and SOUTHWEST FLORIDA EQUITIES CORPORATION for over-sizing improvements to the proposed water main. The developer has agreed to proceed with construction of the up-sized water main allowing reimbursement for a not-to-exceed amount of \$238,530.00 for the upsized portion of the water main extension. The force main will be constructed at the sole expense of the developer and contributed to Lee County upon completion of construction. This is a Developer Contributed asset project located along the east and west sides of Ben Hill Griffin Parkway from the intersection of Terminal Access Road and Ben Hill Griffin Parkway to approximately 1/2 mile south of Alico Road. This project will provide potable water service, fire protection and sanitary sewer service to future development along this corridor.

2. What Action Accomplishes:

Provides adequate utility infrastructure to support development along the subject corridor and complies with the Lee County Utilities Operations Manual.

3. Management Recommendation:

Approval.

4. Departmental Category: 10

CIOB

5. Meeting Date:

06-13-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose (specify)

- Statute
- Ordinance
- Admin. Code
- Other Approval

8. Request Initiated:

Commissioner _____
 Department Public Works
 Division Utilities
 By: [Signature] 5/25/06
 S. Ivan Velez, P.E., Acting Director

9. Background:

The Letter of Intent has been received.

The review fee has been paid.

The plans have been reviewed for conformance to the Lee County Utilities Operations Manual.

(CONT'D.)

SECTION 02 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER ALBION

10. Review for Scheduling

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager / P.W. Director |
|---|-------------------------|-----------------|---------------------------|--|-------------------------------|-------------------------------|-------------------------------|---|--------------------------------|
| | | | | | Analyst | Risk | Grants | Mgr. | |
| <u>[Signature]</u> J. Lavender Date: <u>5-26-06</u> | N/A Date: | N/A Date: | P.O. Date: <u>5/24</u> | <u>[Signature]</u> S. Coovert Date: <u>5/30/06</u> | <u>[Signature]</u> 5-30-06 | <u>[Signature]</u> 5/30/06 | <u>[Signature]</u> 5/30/06 | <u>[Signature]</u> J. Lavender Date: <u>5-26-06</u> | |

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: [Signature]
 5/30/06 2pm MF
 COUNTY ADMIN FORWARDED TO: [Signature]
[Signature] 11/7/06

Rec. by CoAtty
 Date: 5/30/06
 Time: 11:25 AM
 Forwarded to: [Signature]

Whereas, the Master Plan for the Department of Lee County Utilities' (Lee County) water mains in South Fort Myers indicates that Lee County Utilities will provide a transmission main, within the right-of-way of Ben Hill Griffin Parkway to provide service to the area between Alico Road and the recently constructed transmission main located on the south side of Terminal Access Road.

Southwest Florida Equities Corporation (SW Florida) had proposed to construct a 12" diameter water main with all related appurtenances along the east side of Ben Hill Griffin Parkway and County staff agreed that SW Florida only requires a 12" diameter main; however, due to the limited available area within the road right-of-way and to provide water service to other properties in the area, Lee County Utilities proposes to pay to upsize this 12" diameter water main to 16" diameter for a total estimated not to exceed cost of \$238,530.00.

SW Florida by this Agreement will proceed with the construction of a 16" diameter water main with Lee County reimbursing not-to-exceed \$238,530.00 is the calculated portion of the project, which is a Lee County capital cost not attributable to this development, (See attached Cost Estimate).

Lee County will reimburse SW Florida within sixty (60) days upon completion and final acceptance of the water main by the Board of County Commissioners and the submittal of a detailed invoice from SW Florida to Lee County, for the actual cost for over sizing the water main, not-to-exceed \$238,530.00. (Funds are available in CIP Account No. 20719348712.506510 – RSW Transmission Lines-Ben Hill-Treeline.)

The project is to construct 6707'± of 16" diameter water main; 750'± of 12" diameter water main; 4091' ± of 12" diameter force main; 3,347' ± of 10" diameter force main; 1,948' ± of 8" diameter force main and 679' ± of 6" diameter force main.

These main extensions are being permitted as dry lines; therefore, no connection fees are due at this time.

Project Location Map---copy attached.



AGREEMENT

LEE COUNTY CONTRACT NO. _____

This Agreement is made and entered into this ____ day of _____, 2006, between **SOUTHWEST FLORIDA EQUITIES CORPORATION, a Florida Corporation**, Developer, hereinafter referred to as SW FLORIDA and the **LEE COUNTY BOARD OF COUNTY COMMISSIONERS**, hereinafter referred to as "LEE COUNTY", collectively, "the Parties",

Whereas, LEE COUNTY currently has a regional water system known as the Lee County Utilities Water Distribution System; and,

Whereas, SW FLORIDA is desirous of connecting to said System to ensure the safe and efficient distribution of potable water; and,

Whereas, the Corkscrew Water Treatment Plant has sufficient capacity to treat the water to be distributed and,

Whereas, the Master Plan for the Department of Lee County Utilities' water mains in South Fort Myers indicates that Lee County Utilities will provide a water main, within the right-of-way of Ben Hill Griffin Parkway; and,

Whereas, Lee County Utilities is now recommending construction of a water main extension North of Alico Road along Ben Hill Griffin Parkway North to Terminal Access Road in order to provide potable water service to this area; and,

Whereas, SW FLORIDA agrees to construct said water main with reimbursement from Lee County Utilities for the upsizing from 12" to 16" in diameter which is expected not-to-exceed \$238,530; and,

Whereas, SW FLORIDA has proposed to construct approximately 6800± of 12" diameter water main with all related appurtenances along the east side of Ben Hill Griffin Parkway to the south side of Terminal Access Road; and,

Whereas, based on the anticipated flows of the project area, County staff agrees that SW FLORIDA only requires a 12" diameter main; however, to minimize the number of small diameter lines within the road rights-of-way and to provide water service to other properties in the area, Lee County Utilities proposes to pay to upsize 6,800' of this 12" diameter line to 16" diameter; and,

Whereas, Lee County Utilities' policy is to request that developers oversize certain utility mains under construction to accommodate anticipated flows at build-out of the area, with the County paying the oversizing costs by cash reimbursements; and,

Whereas, this "upsizing" policy is in accordance with the Lee County Utilities Operation Manual; and,

Whereas, Lee County Utilities proposes construction of an 16" main to handle flows at build-out; and,

Whereas, SW FLORIDA by this Agreement, will proceed with the construction of a 16" diameter water main with LEE COUNTY reimbursing not-to-exceed \$35.08 per linear foot for upsizing, and all related appurtenances. This not-to-exceed \$238,530 is the calculated portion of the project, which is a LEE COUNTY capital cost not attributable to this development, (See attached Cost Estimate).

NOW THEREFORE, it is hereby agreed between the Parties as follows:

1. The above recitations are incorporated herein and affirmed by the Parties as if set out further at length.
2. SW FLORIDA will construct a water main to Lee County Utilities' standards, which will connect SW FLORIDA to the existing Lee County Utilities Water Distribution System located on the north side of Alico Road.
3. The water main will be constructed in accordance with the plans prepared by Morris-Depew Associates, Inc., dated 12-08-05, which have been reviewed and approved by Lee County Utilities.
4. SW FLORIDA will be responsible for obtaining all required Department of Environmental Protection Permits and will ensure compliance with all of Lee County Utilities' standards.
5. Lee County Utilities will reimburse SW FLORIDA within sixty (60) days upon completion and final acceptance of the water main by the Board of County Commissioners and the submittal of a detailed invoice from SW FLORIDA to LEE COUNTY, for the actual cost for oversizing the water main, not-to-exceed \$238,530.
6. This Agreement shall be binding upon the parties hereto, their successors and assigns, and shall be construed according to the laws of the State of Florida.
7. This Agreement constitutes the entire understanding between the Parties, and supersedes any and all other prior understandings whether written or oral.
8. Should any portion of this Agreement be deemed invalid or unenforceable, it is the intent of the Parties that the remainder of the Agreement will remain in full force and effect.
9. Should any party be required to initiate or defend legal proceedings of any nature arising out of this Agreement, the prevailing party therein shall be entitled to an award of costs and a reasonable attorney's fee incurred at any administrative level, at trial, or on appeal.

10. Notices to either party should be sent as follows:

If To County:

Lee County Utilities
1500 Monroe Street
3rd Floor
Ft Myers, FL 33901-5500

If To Southwest Florida Equities Corporation:

Mr. Chris Bundschu
SW FLORIDA EQUITIES CORPORATION
6700-1 Daniels Parkway
Fort Myers, FL 33912

WHEREFORE, the Parties indicate their acceptance of the terms and conditions of this Agreement by the signatures of their duly authorized representatives, below:

[Signature]
Witness

[Signature]
Witness

Southwest Florida Equity Corporation
A Florida Corporation

By: [Signature]
President

Date: 4.5.06

STATE OF FLORIDA

COUNTY OF Lee

BEFORE ME personally appeared Chris Bundschu as President of Southwest Florida Equities Corporation, a Florida Corporation, known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before that he executed this said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 5th day of April 2006.

[Signature]
Notary Public

My Commission Expires: 4-28-07

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney



Opinion of Proable Cost - Ben Hill Griffin 16" and 12" Water Main Alternates

Prepared by: Ryan Shute, PE

16" Water Main Alternate

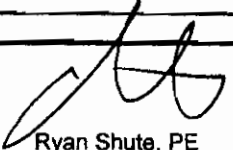
| Category | Description | Units | Unit Cost | Quantity | Amount |
|---|----------------------------|-------|--------------|----------|---------------------|
| Water Main | 16" DI Water Main (CL 250) | LF | \$ 75.00 | 6,800 | \$510,000.00 |
| Water Main | 16" 90 Bend | EA | \$ 1,000.00 | 1 | \$1,000.00 |
| Water Main | 16" 45 Bend | EA | \$ 1,000.00 | 58 | \$58,000.00 |
| Water Main | 16" 22.5 Bend | EA | \$ 1,000.00 | 12 | \$12,000.00 |
| Water Main | 16" X 12" Tee Fitting | EA | \$ 1,200.00 | 10 | \$12,000.00 |
| Water Main | 12" CAP | EA | \$ 350.00 | 10 | \$3,500.00 |
| Water Main | 36 x 16" Tee | EA | \$ 13,000.00 | 1 | \$13,000.00 |
| Water Main | 30" Steel Casing | LF | \$ 125.00 | 592 | \$74,000.00 |
| Water Main | 16" Gate Valve | EA | \$ 3,500.00 | 11 | \$38,500.00 |
| Water Main | 12" Gate Valves | EA | \$ 1,500.00 | 5 | \$7,500.00 |
| Total (16" Water Main Alternate) | | | | | \$729,500.00 |

12" Water Main Alternate

| | | | | | |
|---|-----------------------------|----|--------------|-------|---------------------|
| Water Main | 12" PVC Water Main (CL 150) | LF | \$ 44.00 | 6,430 | \$282,920.00 |
| Water Main | 12" DI Water Main (CL 250) | LF | \$ 60.00 | 370 | \$22,200.00 |
| Water Main | 12" 90 Bend | EA | \$ 850.00 | 1 | \$850.00 |
| Water Main | 12" 45 Bend | EA | \$ 850.00 | 58 | \$49,300.00 |
| Water Main | 12" 22.5 Bend | EA | \$ 850.00 | 12 | \$10,200.00 |
| Water Main | 12" X 12" Tee Fitting | EA | \$ 900.00 | 10 | \$9,000.00 |
| Water Main | 12" CAP | EA | \$ 350.00 | 10 | \$3,500.00 |
| Water Main | 12" x16 Reducer | EA | \$ 1,000.00 | 1 | \$1,000.00 |
| Water Main | 36 x 12" Tee | EA | \$ 13,000.00 | 1 | \$13,000.00 |
| Water Main | 24" Steel Casing | LF | \$ 125.00 | 600 | \$75,000.00 |
| Water Main | 12" Gate Valves | EA | \$ 1,500.00 | 16 | \$24,000.00 |
| Total (12" Water Main Alternate) | | | | | \$490,970.00 |

Cost Difference between 12" Water Main and 16" Water Main Alternates

\$238,530.00

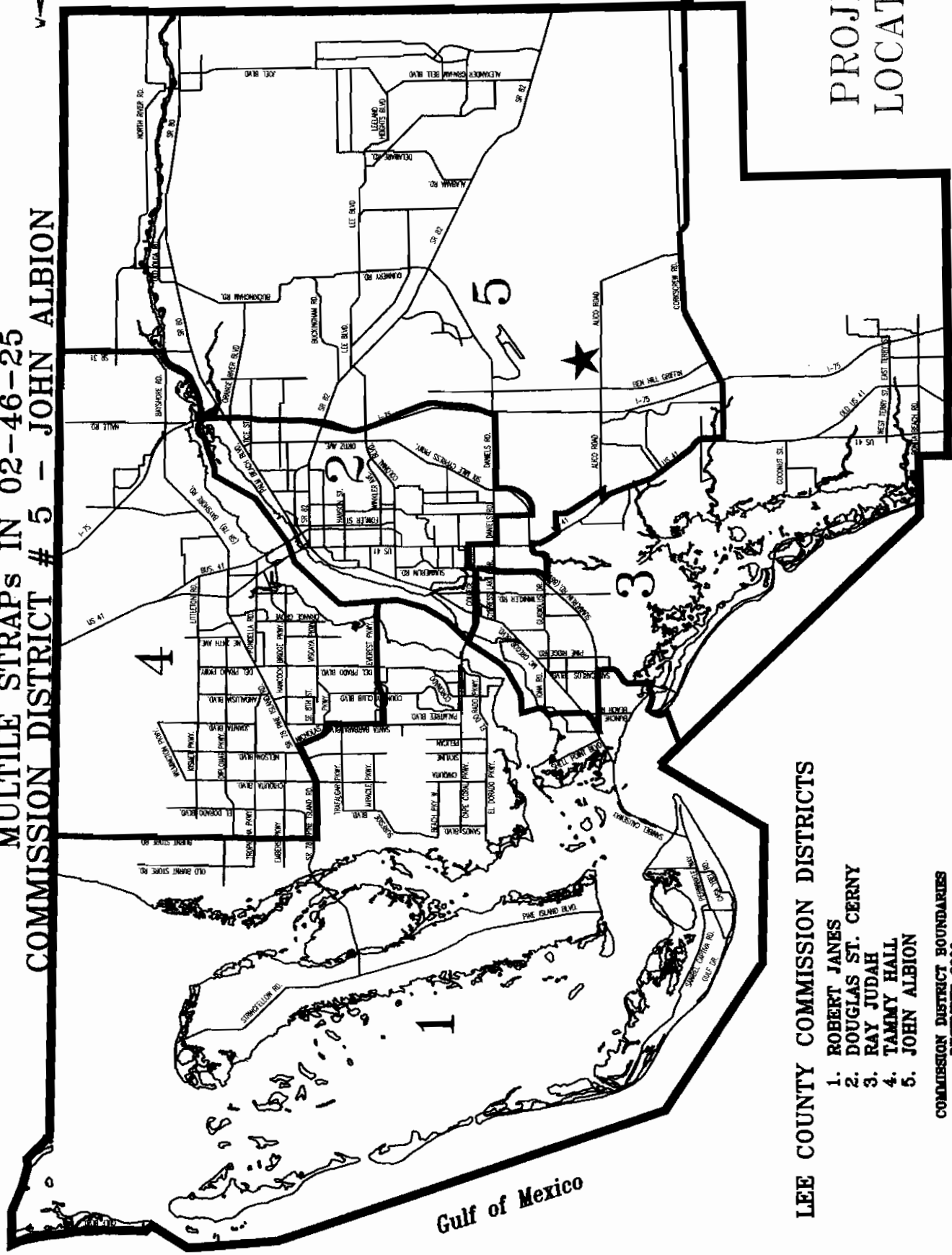
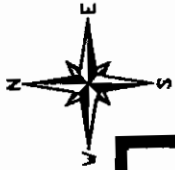

Ryan Shute, PE
FL 54597 CA 6532

5/9/06

COPY

PROJECT
LOCATION

BEN HILL GRIFFIN UTILITY EXPANSION
MULTILE STRAPS IN 02-46-25
COMMISSION DISTRICT # 5 - JOHN ALBION



LEE COUNTY COMMISSION DISTRICTS

- 1. ROBERT JANES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

COMMISSION DISTRICT BOUNDARIES
DECEMBER 2000