

LEE COUNTY RESOLUTION NO. 24-04-06

**A RESOLUTION AUTHORIZING LEE COUNTY TO ENTER INTO A THREE PARTY ESCROW AGREEMENT AND 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 a Three Party Escrow Agreement and a Locally Funded Agreement with the Florida Department of Transportation.

**WHEREAS**, Lee County, Florida, has the statutory authority to enter into this Supplemental Agreement and a Locally Funded with the Florida Department of Transportation in accordance with Section 339.12, Florida Statutes.

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

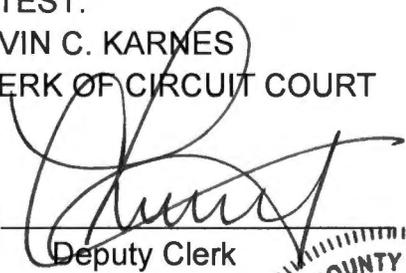
1. The Agreements for Burnt Store Road from Van Buren Parkway to Charlotte County line are hereby approved.
2. The Chair or Vice Chair of the Board of County Commissioners of Lee County, Florida, or designee per Lee County Administrative Code 1-3 are hereby authorized to execute said Agreement.
3. The 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.

Commissioner  Ruane  made a motion to adopt the foregoing resolution, seconded by Commissioner  Hamman . The vote was as follows:

KEVIN RUANE	<u> Aye </u>
CECIL L PENDERGRASS	<u> Aye </u>
RAY SANDELLI	<u> Aye </u>
BRIAN HAMMAN	<u> Aye </u>
MIKE GREENWELL	<u> Aye </u>

DULY PASSED AND ADOPTED this  2nd  day of  April , 2024.

ATTEST:  
KEVIN C. KARMES  
CLERK OF CIRCUIT COURT

By:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

By:   
Office of the Lee County Attorney

**AGENDA ITEM REPORT**

**DATE:** April 2, 2024  
**DEPARTMENT:** Transportation  
**REQUESTER:** Randy Cerchie  
**TITLE:** Approve FDOT Funding Agreement for Burnt Store Road North

**I. MOTION REQUESTED**

- A) Approve and authorize the Chair to execute the attached Agreement and Resolution with the Florida Department of Transportation for funding of Burnt Store Road North in the amount of \$2,500,000.
- B) Approve the creation of CIP Project #200802, approve Transfer of Funds from Project #204088 in Fund #30721 in the amount of \$3,500,000 and amend the FY 2023/24 CIP accordingly.

**II. ITEM SUMMARY**

Execute an agreement with the Florida Department of Transportation (FDOT) in which the County will contribute \$2,500,000 to the design phase of Burnt Store Road North. The Project Development & Environmental Study to include design up to 30% is being funded and managed by FDOT. FDOT has agreed to continue the design to 60% with creation of a design/build criteria package if the County will contribute \$2,500,000 to the project. The County will be responsible for acquisition of right-of-way for the project and this action includes establishing a \$1,000,000 budget to begin the ROW phase. Funding for this is available in County's Burnt Store widening project and will be transferred to the newly create project for Burnt Store North.

**III. BACKGROUND AND IMPLICATIONS OF ACTION**

A) Board Action and Other History

The Florida Department of Transportation began a Project Development and Environment (PD&E) Study in January 2020 along approximately 5.7 of Burnt Store Road from Van Buren Parkway to just north of the Charlotte County Line. The study is evaluating alternatives to widen this segment of Burnt Store Road from a two-lane undivided roadway to a four-lane divided roadway and expandable to six lanes in the future when need arises. FDOT has agreed to modify the PD&E contract to include advancing design plans to 60% and development of a design-build criteria package that can be provided to the County for completion of the project.

This action will approve County funding for the next phase of design to 60% in the amount of \$2,500,000. Also included in this action is funding of \$1,00,000 to begin right-of-way purchases that will be handled by the County.

B) Policy Issues

C) BoCC Goals

D) Analysis

Funding for construction has not been identified yet. The County and State will partner to apply for Federal and State grant opportunities.

E) Options

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	\$3,500,000
B)	Is this item approved in the current budget?	Yes
C)	Is this a revenue or expense item?	Expense
D)	Is this Discretionary or Mandatory?	Discretionary

E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	Yes
F)	Fund: Surplus Cape Coral Program: Capital Projects Project: Burnt Store North Account Strings: 20080230721	
G)	Fund Type?	Enterprise
H)	Comments:	

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

**VII. FOLLOW UP**

**ATTACHMENTS:**

Description	Upload Date	Type
436928-2 Locally Funded Agreement Between FDOT and Lee County	3/18/2024	Agreement
436928-2 Three Party Escrow Agreement	3/18/2024	Agreement
Resolution	3/18/2024	Resolution
Budget Transfer	3/22/2024	Transfer of Funds

**REVIEWERS:**

Department	Reviewer	Action	Date
Transportation	Cerchie, Randy	Approved	3/22/2024 - 10:45 AM
Budget Services	Guttery, Angela	Approved	3/22/2024 - 12:04 PM
Budget Services	Winton, Peter	Approved	3/22/2024 - 1:16 PM
County Attorney	Adams, Joseph	Approved	3/25/2024 - 9:37 AM
County Manager	Hamer, David	Approved	3/25/2024 - 3:24 PM