

**MINUTES OF THE CORKSCREW ROAD SPECIAL  
ASSESSMENT (CRSA) ADVISORY COMMITTEE  
MEETING HELD ON AUGUST 13, 2008**

A meeting of the Corkscrew Road Special Assessment Advisory Committee was held on August 13<sup>th</sup>, 2008 at 2:00 PM at the Estero Community Park in Estero, Florida. Committee members in attendance were Chairman Michael Elgin (Miromar Development Corp), Jim Kurtz (Wildcat Run), Madelyn Isaacs (Grandeeza) and Jim Boesch (Stoneybrook). Also in attendance were Scott Coovert (Lee County Attorney's Office), Libby Walker (Lee County MSTBU), Don DeBerry (Lee County DOT), and Sarah Clarke (Lee County DOT).

**OLD BUSINESS:**

Approval of minutes: The minutes of the previous meeting which had been previously e-mailed were approved. Motion was made by Jim Boesch and Seconded by Jim Kurtz. Motion passed unanimously.

Update on financials: A financial report was distributed by Libby Walker and is provided under additional attachment. Request was made by Jim Kurtz that Libby Walker provide additional information regarding total funds (\$4,244,632) (Phase 2) received to date. Michael Elgin also requested provision of breakdown of which property has contributed the funds.

Update on CRSA Status & Road Widening: The staff and committee discussed the various discussions with the LCBOCC to gauge the receptiveness of the Commission to previous direction from the Advisory Committee. Direction was as follows. 1) approve the construction of earthwork component of the contract, the wildlife crossing and safety enhancements such as turn lanes and paved shoulders, and 2) continue to collect the current assessment but eliminate the second assessment to cover the projected shortfall thereby eliminating the extensions of the construction commencement deadline, currently September 6<sup>th</sup>, 2008.

The staff reported that the widening project will be discussed at a Public Hearing on August 26<sup>th</sup>, at which time the Board of County Commissioners (BOCC) will consider adoption of a Resolution that will effectively extend the CRSA Capital Road Improvement program so the bid for construction may be initiated when peak hour trips reach 1750, or within seven (7) years from the date of this adoption. The Resolution effectively provides an additional seven (7) years as the previous extension date of September 6, 2008 will soon expire. Staff distributed Blue Sheet No. 20080924 (attached) providing background and proposed Resolution being presented to the LCBOCC.

The Vice Chairman (Jim Boesch) is expected to speak at the August 26<sup>th</sup> meeting and present the following approved motion. The Chairman (Michael Elgin) deferred this responsibility due to his position on the project and previous Nye vote regarding proceeding with the roadway construction.

**Motion was made by Madelyn Isaacs and seconded by Jim Boesch, that the CRSA Advisory Committee requests the Lee County Board of County Commissioners (LCBOCC) provide staff direction to explore options #2 and #3 as provided on Blue Sheet 20080924 (attached). This will effectively permit the Advisory Committee with Staff Assistance to proceed with Design, Engineering, Permitting and Bidding of the Safety Enhancement Program for Corkscrew Road. Items listed on the Blue Sheet are as follows:**

**#2. Expend the existing collected funds on safety and permitted improvements and establish a trust fund for the balance of collections which occur in the future.**

**#3 Discuss elimination of the CRSA obligations beyond options #2, and the impacts of such action. MOTION PASSED UNANIMOUSLY.**

**NEW BUSINESS:**

Don DeBerry provided direction as to the next step in proceeding with the Safety enhancement Design and Engineering of the Roadway. A workshop to review enhancement priorities and budgets will be set after the LCBOCC Hearing on August 26<sup>th</sup> and which time the Advisory Committee anticipates the Commission to provide staff direction to assist in moving forward with the Safety Enhancement Planning.

**PUBLIC INPUT:**

None. No members of the public were present at the meeting.

**ADJOURNMENT:**

A motion for adjournment was made by Madelyn Isaacs and seconded by Jim Kurtz. It passed unanimously.



**CORKSCREW ROAD**  
Year 2008

Fund 10405

10/31/07 11/30/2007 12/31/07 01/31/08 02/29/08 03/31/08 04/30/08 05/31/08 06/30/08 7/31/08

Prior Year

Grand Total

Account Description	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8	Period 9	Period 10	YTD	GRAND TOTAL
Equity in Pooled Cash Total												\$ 4,392,936
<b>Revenues</b>												
Interest on Investments	\$ (11,852)	\$ 12,056	\$ 18,545	\$ 19,023	\$ 19,140	\$ 10,624	\$ 9,147	\$ 11,158	\$ 11,337	\$ 7,416	\$ 106,594	\$ 1,075,309
Corkscrew Princ/Revs	\$ 879	\$ 4,393		\$ 940	\$ 17,057	\$ 1,055			\$ 7,754	\$ 20,957	\$ 53,035	\$ 5,281,248
<b>TOTAL REVENUES</b>	<b>\$ (10,973)</b>	<b>\$ 16,449</b>	<b>\$ 18,545</b>	<b>\$ 19,964</b>	<b>\$ 36,197</b>	<b>\$ 11,679</b>	<b>\$ 9,147</b>	<b>\$ 11,158</b>	<b>\$ 19,090</b>	<b>\$ 28,373</b>	<b>\$ 159,629</b>	<b>\$ 6,356,557</b>
<b>Expenditures</b>												
Appraisals	\$ -											\$ 21,000
Advertising	\$ 542			\$ 271				\$ 271			\$ 1,085	\$ 3,981
Administrative	\$ 1,250	\$ 1,250	\$ 1,250	\$ 1,250	\$ 1,250	\$ 1,250	\$ 1,250	\$ 1,250	\$ 1,250	1,250	\$ 12,500	\$ 94,394
Other Professional Svcs	\$ 185	\$ 694		\$ 526	\$ 638	\$ 135	\$ 248	\$ 1,171			\$ 3,597	\$ 74,428
Printing, Binding & Copying	\$ -											\$ 1,098
Deputy Clerk Fees	158											\$ 158
Professional Services	1,128,103			\$ 600		\$ 235	\$ 350				\$ 2,094	\$ 1,130,197
Service of Process Fees			\$ 909					\$ 150	\$ 150	20	\$ 320	\$ 320
Land & Court Reg Dep								\$ 298	\$ 116,113		\$ 116,411	\$ 161,494
Permits, Licns & Other Fe												\$ 69,000
Project Management							\$ 857			4,595	\$ 5,451	\$ 187,907
Construction	\$ 7,251										\$ 7,251	\$ 219,645
<b>TOTAL EXPENDITURES</b>	<b>\$ 8,686</b>	<b>\$ 2,486</b>	<b>\$ 2,159</b>	<b>\$ 2,376</b>	<b>\$ 2,159</b>	<b>\$ 1,620</b>	<b>\$ 2,704</b>	<b>\$ 2,869</b>	<b>\$ 117,784</b>	<b>\$ 5,865</b>	<b>\$ 148,709</b>	<b>\$ 1,963,622</b>

Last updated: 8/11/08

<b>EQUITY IN CASH</b>	\$ 4,392,936
<b>ENCUMBRANCES REMAINING</b>	
Professional Services	\$ (89,542.72)
Other Prof Services	\$ (48,388)
Construction	\$ (7,874)
Administrative Costs	\$ (2,500)
<b>AVAILABLE CASH</b>	<b>\$ 4,244,632</b>
Collection Fees 98-08	\$ 75,468

**Lee County Board Of County Commissioners**

**Blue Sheet No. 20080924**

**Agenda Item Summary**

**1. ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing to approve amending Resolution 94-09-04 extending the time period for certain road improvements, seven (7) years or when peak hour trips reach 1750, whichever occurs first.

**2. FUNDING SOURCE:**

n/a

**3. WHAT ACTION ACCOMPLISHES:**

Provides additional time for consideration of alternative and/or additional options.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** <DeptCategory>

**6. Meeting Date:** 8/26/2008

**7. Agenda:**

Public 5:00

**8. Requirement/Purpose:** (specify)

- Statute
- Ordinance
- Admin Code
- Other

**9. Request Initiated**

**Commissioner:** All  
**Department:** PUBLIC RESOURCES  
**Division:** No Divisions  
**By:** Libby Walker

**10. Background:**

Resolution 94-09-04 provides for the widening of Corkscrew Road from Ben Hill Griffin to the subdivision known as Bella Terra (for many known as the Habitat). The resolution provided for the construction to be bid within seven (7) years of the date of the Resolution or when peak hour trips reach 1750, whichever occurs first. The Resolution provided for an extension of seven (7) years that will expire on September 6, 2008.

Approval of this amendment will extend the terms to bid the construction, seven (7) years to September, 2015, or when peak trips reach 1750, whichever occurs first.

Options previously discussed with the board include:

1. Establish a Trust fund to widen the road when the capacity improvement is justified.
2. Expend the existing collected funds on safety and permitted improvements and establish a trust fund for the balance of collections which will occur in the future.
3. Discuss elimination of the CRSA obligations beyond options 1 or 2 above, and the impacts of such action.
4. Extend the Resolution deadline for construction of the road to January, 2011.
5. Re-bid the project with a cap amount, i.e. an amount which the Board guarantees award of the project if bids come in lower than the cap. This amount would be paid for through a final (second) assessment, depending upon the bid. If the bid were \$6 million there would be no need for a second assessment. If the bid is \$13.9 million the second assessment would be approximately \$1,475.00 per single family home.
6. Another method for financing the project would be to levy a new assessment against all new residential unit purchasers within the CRSA to pay for the balance of the project funding. This would yield an assessment on the order of \$15,000.00-\$20,000.00 per new unit.
7. The original assessment was \$669.00 per single family home; the current assessment is \$969.22 per single family home. If no additional assessment adjustments are made, and collections continue, the CRSA account should contain approximately \$6,000,000.00 at build out. The board could choose to make up any portion of the amount the bids come in over this \$6 million amount, in order to award the project.

**11. Required Review:**

<Signature>	<Signature>	<Signature>	<Signature>	<Signature>	<Signature>
<Department>	<Department>	<Department>	<Department>	<Department>	<Department>
<Signature>	<Signature>	<Signature>	<Signature>	<Signature>	<Signature>
<Department>	<Department>	<Department>	<Department>	<Department>	<Department>

**12. Commission Action:**

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY RESOLUTION 94-09-04 RELATING TO THE CORKSCREW ROAD SERVICE AREA AND TIMING OF CONSTRUCTION OF IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Lee County (hereinafter the "Board") is the governing body in and for Lee County, a political subdivision and charter county of the state of Florida; and

WHEREAS, on June 6, 1990, the Board adopted Lee County Ordinance No. 90-30 creating the Corkscrew Road Special Improvement Unit; and

WHEREAS, the Corkscrew Road Service Area (hereinafter "CRSA") has been designated as a Privately Funded Infrastructure Overlay in The Lee Plan (1989); and

WHEREAS, the Board, on July 6, 1994, adopted Lee County Resolution No. 94-07-11 accepting The Corkscrew Road Service Area: Implementation of the Privately Funded Infrastructure Overlay Concept as the final detailed plan for the CRSA pursuant to The Lee Plan (1989); and

WHEREAS, the Board, on September 7, 1994, adopted Lee County Resolution No. 94-09-04 providing for the timing of construction for the CRSA Capital Road Improvements from Treeline Avenue (renamed as Ben Hill Griffin Parkway) to the Habitat (renamed as Bella Terra); and

WHEREAS, the Board now desires to extend the CRSA Capital Road Improvements project so that the bid for construction will be initiated when peak hour trips reach 1750, or within seven (7) additional years from the date of this Resolution, whichever first occurs.

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

**SECTION 1:        RECITALS**

The above recitals are hereby incorporated herein if set out further at length.

**SECTION 2:        AMENDMENT TO RESOLUTION 94-09-04**

Resolution 94-09-04 as previously adopted by the Board of County Commissioners is hereby amended as follows:

(Deletions are indicated by ~~strikethroughs~~, additions are indicated by underlining.)

10. Bi-annual Review. *This Resolution shall be evaluated bi-annually, from the date of its adoption. During the bi-annual review, the County shall evaluate any changed conditions relevant to the CRSA Capital Road Improvement Project, the cost of the CRSA Capital Road Improvement Project and the needed funding, and may adopt any modifications necessary to ensure the construction of the CRSA Capital Road Improvement Project consistent with controlling law. If prior to the date of the seventh anniversary of this Resolution and pursuant to this Section, peak hour trips have not exceeded 1750, the time for putting out bid construction of the CRSA Capital Road Improvement project pursuant to Section 7.d. shall be extended so that bid construction will be initiated when peak hour trips reach 1750, or within seven (7) additional years from*

*the date of that amendment, whichever first occurs. The bid for construction of the CRSA Capital Road Improvement project has not occurred within the seven (7) years extension period, September 6, 2008, and the peak hour trips have not exceeded 1750. The Board, by adoption of this Resolution at it's duly advertised public hearing, hereby extends the CRSA Capital Road Improvement program so the bid for construction may be initiated when peak hour trips reach 1750, or within seven (7) years from the date of this adopted Resolution, whichever first occurs.*

**SECTION 3: REPEAL OF CONFLICTING RESOLUTIONS**

All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4: RECORDING**

This Resolution upon its adoption will be recorded in the Official Records of Lee County, Florida.

**SECTION 5: SEVERABILITY**

The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 6: EFFECTIVE DATE**

This Resolution shall be effective immediately upon its passage by the Board of County Commissioners at a Regular Meeting.

Commissioner \_\_\_\_\_, made a motion to adopt the foregoing Resolution, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

ROBERT JANES	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANKLIN MANN	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

**ATTACHMENT**

**LEE COUNTY  
NOTICE OF INTENT TO ENACT A  
COUNTY RESOLUTION**

**TO WHOM IT MAY CONCERN:**

NOTICE IS HEREBY GIVEN that on Tuesday, the 26th day of August 2008, at 5:00 p.m. in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Resolution pursuant to Chapter 125, Florida Statutes. The title of the proposed County Resolution is as follows:

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY RESOLUTION 94-09-04 RELATING TO THE CORKSCREW ROAD SERVICE AREA AND TIMING OF CONSTRUCTION OF IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

Copies of this Notice and the proposed Resolution are on file in the Office of the Clerk of Circuit Court of Lee County, Florida, Minutes Department and the Office of Public Resources, both located in the Administration Building, 2115 Second Street, Fort Myers, Florida.

The Board of County Commissioners shall meet and receive the objections in writing of all interested persons at the public hearing referenced above. The special assessments made as a result of the confirmation of the preliminary assessment roll will be final and conclusive to each lot or parcel assessed unless proper steps have been initiated within 20 days in a court of competent jurisdiction to secure relief.

Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Resolution. If anyone decides to appeal a decision made by the Board, with respect to any matter considered at this meeting, a record of the proceeding would be needed for the appeal. Whoever appeals may need to insure that a verbatim record of the proceeding is made, which record must include the testimony and evidence upon which any such appeal is to be based.

The Resolution shall take effect immediately upon its adoption by the Board of County Commissioners at the public hearing.

If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public

Resources at 533-2737 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is pursuant to and in conformance with Section 125.66, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Charlie Green, Ex-Officio Clerk of  
the Board of County Commissioners  
of Lee County, Florida

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney

DISPLAY AD TO RUN:  
August 6th, 2008  
Ad Size: 2 x 5 Display  
Direct Voucher