

Mayor

Joe Coviello

Council Members

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Dave Stokes

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Blvd.
Cape Coral, FL

City Manager

John Szerlag

City Attorney

Dolores Menendez

City Auditor

Andrea R. Butola

City Clerk

Rebecca van Deutekom

AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL CITY COUNCIL

March 19, 2018

4:30 PM

Council Chambers

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

VIDEO

1. MEETING CALLED TO ORDER

A. MAYOR COVIELLO

2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER STOKES

3. PLEDGE OF ALLEGIANCE

A. WILLOW RITCH - DIPLOMAT ELEMENTARY

4. ROLL CALL

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA,
COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS

5. CHANGES TO AGENDA/ADOPTION OF AGENDA

6. RECOGNITIONS/ACHIEVEMENTS

A. NONE

7. APPROVAL OF MINUTES

- A. Special Meeting - February 20, 2018
- B. Regular Meeting - March 5, 2018

8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual.

B. CONSENT AGENDA

- (1) Resolution 12-18 Award ITB-PW18-11CV Local Road Resurfacing FY2018 to Community Asphalt Corporation of Ft. Myers, FL, for the asphaltic paving of local roads (approximately 55 miles in South Cape Coral) as the lowest responsive, responsible bidder, in the amount of \$5,410,123 with a 5% city controlled contingency of \$270,507 for a total of \$5,680,630 and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$5,680,630; (General Fund)
- (2) Resolution 13-18 Award ITB-PW18-12CV Major Road Resurfacing FY2018 to Community Asphalt Corporation of Ft. Myers, FL, for the asphaltic paving of major roads throughout Cape Coral, as the lowest responsive, responsible bidder, in the amount of \$1,945,475 with a 5% city controlled contingency of \$97,274 for a total of \$2,042,749, and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$2,042,749; (General Fund)
- (3) Resolution 54-18 Award ITB-PW18-08/CV Police Headquarters Building Repainting to Crazy Horse Enterprises Inc., d.b.a. Vic's Painting & Reconstruction of Fort Myers FL, as the lowest responsive responsible bidder to repaint the Police Headquarters Building in the amount of \$68,000 with a 20% city controlled contingency of \$13,600 for a total of \$81,600, and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$81,600; (General Fund)
- (4) Resolution 71-18 Approves Agreement CON-PW17-62/GM Florida Shared-Use Non-Motorized Sun Trail to Vanasse Hangen Brustlin, Inc.(VHB) to perform professional design services for the Sun Trail located along Van Buren Parkway/Burnt Store Road/Kismet Parkway from Burnt Store Road to Del Prado Boulevard (6.5 miles), in which the intended firm was ranked #1 by the Selection Advisory Committee and the ranking approved by Council on October 16, 2017 via Resolution 173-17, which allowed the City Manager to enter in negotiation; and authorize the City Manager or Designee to execute the agreement for \$1,095,590 with a 10% City Controlled contingency for additional professional design services of \$109,559 for a total project cost of \$1,205,149; Department: Public Works; Estimated Dollar Value: \$1,205,149; (FDOT Grant)
- (5) WITHDRAWN - Letters to Gov. Rick Scott requesting support

for HB 3075-Cape Coral Reservoir and Pipeline Appropriations Project. Dollar Value: \$1,115,000 and HB 5001 (HB 3079) supporting Cape Coral Police Department Public Safety Mobile Command Center Vehicle Appropriations Project. Dollar Value: \$176,250

C. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual.

D. PERSONNEL ACTIONS

(1) NONE

E. PETITIONS TO COUNCIL

(1) NONE

F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

(1) NONE

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

(1) Resolution 44-18 (VP 17-0012*) Public Hearing

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of Vincennes Canal Right-of-Way and the underlying public utility and drainage easement located adjacent to Lots 64-65, Block 57, Unit 6, Part 3; providing for the vacation of plat for a portion of the public utility and drainage easement associated with Lots 64-65, Block 57, Unit 6, Part 3; property located at 4959 Vincennes Street. (Applicant: Stephen & Maryanne Blanford) Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations subject to the conditions set forth in VP HEX Recommendation 9-2017.

City Management Recommendation: City Management recommends approval of the vacation requests, with conditions.

(2) Ordinance 22-18 (ZA 17-0012*) Public Hearing

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Official Zoning District Map by rezoning property located at 2120 Trafalgar Parkway from Residential Development (RD) to Institutional (I) zone. (Applicant: Lee County School Board)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.
City Management Recommendation: City Management recommends approval.

(3) Ordinance 23-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance authorizing and directing the Mayor and the City Clerk to enter into a lease agreement with Beattie Development Corporation and Andros Property Investment, LLC, for the lease of property owned by the City of Cape Coral located at 4406 Chiquita Boulevard South to be used solely for parking for a model home located at 4402 Chiquita Boulevard South. (Applicant: Beattie Development Corporation and Andros Property Investment, LLC.)

(4) Ordinance 21-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 3, Alcoholic Beverages, Section 3-2, Hours of Operation of the Code of Ordinances to extend hours of operation for regulated establishments for consumption on premises only in the South Cape Downtown District. (Applicant: Brought forward by Councilmember Carioscia.)

B. Introductions

(1) Resolution 52-18 (VP 17-0008*) Set Public Hearing Date for April 2, 2018

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a street right-of-way and the underlying public utility and drainage easement being a part of Mikado Court, located between Lots 29-31 and Lot 32, Block 31, Cape Coral Unit 1, Part 2; providing for the vacation of plat for a portion of the public utility and drainage easements associated with Lots 29-31 and Lot 32, Block 31, Cape Coral Unit 1, Part 21; property located at 5352 Mikado Court and 5346 Mikado Court. (Applicant: Life's a Vacation, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation Order 7-2017.

City Management Recommendation: City Management recommends approval.

(2) Ordinance 19-18 (LU 17-0009) Set Public Hearing Date for April 2, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Mixed Use (MX) to Low Density Residential II (LDR II) land use for property located at 3321 & 3305 Old Burnt Store Road.

(Applicants: Kevin, Gayle, Michael & Karen McGrath)

Planning & Zoning Recommendation: At their March 7, 2018

meeting the Planning and Zoning Commission voted (7-0) to recommend Ordinance 19-18 (LU17-0009)
City Management Recommendation: City Management recommends approval.

10. UNFINISHED BUSINESS

- A. Water Quality - Update
- B. Follow Up Items for Council

11. NEW BUSINESS

- A. NONE

12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

14. TIME AND PLACE OF FUTURE MEETINGS

- A. A Strategic Planning Meeting of the Cape Coral City Council is Scheduled for Tuesday, March 20, 2018 at 9:30 a.m. in the Police Department, 3rd Floor Training Conference Room, 1100 Cultural Park Boulevard, Cape Coral, FL
- B. A Committee of the Whole Meeting is Scheduled for Monday, March 26, 2018 at 4:30 p.m. in Council Chambers

15. MOTION TO ADJOURN

**GENERAL RULES AND PROCEDURES REGARDING
THE CAPE CORAL CITY COUNCIL AGENDA**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state or local law.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up

documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Thursday prior to the Council Meeting.

***PUBLIC HEARINGS**
DEPARTMENT OF COMMUNITY DEVELOPMENT CASES

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.
3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.
5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record

includes the testimony and evidence upon which the appeal is to be based.

Item Number:	7.A.
Meeting Date:	3/19/2018
Item Type:	APPROVAL OF MINUTES

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Special Meeting - February 20, 2018

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

Special Meeting - February 20, 2018

PREPARED BY:

Kimberly
Bruns Division- Managerial Department- City Clerk's
Department

SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns
Assistant City Clerk
1-239-242-3243

ATTACHMENTS:

Description	Type
▢ Special Meeting - February 20, 2018	Backup Material

MINUTES FOR THE SPECIAL MEETING OF THE CAPE CORAL CITY COUNCIL

February 20, 2018

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:30 p.m.

Moment of Silence

Pledge of Allegiance

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stout, Stokes, and Williams were present.

CITIZENS INPUT TIME

Bill Johnson, Jr., CCCIA Executive Director, appeared in support of Resolution 45-18 and requested that City Council consider approval of this Resolution.

Barbara Lentz appeared to discuss an outflow pipe in her backyard. She discussed the failure of her seawall and an estimate received of over \$50,000 to replace the wall and restore the landscaping which would be damaged in the process. Neither homeowner's insurance or FEMA offered to help. The less expensive option to concrete panels came too late.

Robert Renshaw commended Council for their leadership in reviewing additional information to review this topic.

Norm Broder appeared to discuss the funds the City receives and that the City should assist in the seawall damage. He reviewed a quote received prior to the hurricane for \$13,000 for a seawall repair that is now estimated at \$35,000. He mentioned the options he has seen in Fort Myers.

Susan Beckham appeared to discuss quotes on a 600 linear feet repair needed for her seawalls. She requested clear direction on types of product and possible funding from the City to help with needed repairs.

Charlie Myers appeared to discuss various website studies he sent to Council about concrete and the environmental impacts to marine life and the biodiversity decreases with the use of concrete. It changes the pH of the water around the concrete seawalls. He reviewed studies on CMI (Coastal and Marine Infrastructures); they are less diverse and commonly dominated by nuisance and invasive species. He was in favor of the vinyl option, with the strongest being corrugated.

Chuck Fedora appeared to review the effects of Irma in reference to his seawall. Residents are looking for repair alternatives. He reviewed corrugated seawalls in North Fort Myers. Corrugation is an option that would not cost \$50,000. Please consider anything that is structurally sound.

Jerry Dubin appeared to address the seawalls in the City of Cape Coral in general. The storm effects may be much worse with future storms. He suggested that the City Council be proactive for the future to look at what they can do and how they can do it.

Councilmember Carioscia requested the City Manager address why Punta Gorda, Port Charlotte, and some other communities are getting reimbursed from FEMA and what is the difference between our town and their towns.

City Manager Szerlag responded that his knowledge was limited and asked staff to add to what he had to say. He believed in those political jurisdictions that he mentioned that

the seawalls per se are owned by those areas. Therefore, they are part of the infrastructure like the streets. That is why there are assessments so that when there is damage there would be an assessment pool to draw from. He agreed with the gentleman that we need to address the future of how we handle seawalls. If there were to be an assessment, he would talk with staff first. There would have to be a depreciation schedule whereby if someone had an average life of a seawall that is 50 years with a home that is five years old and someone else has a home that is 40 years old with a seawall, there would have to be a graduated assessment because the risk for having an older home with a seawall is much greater for that replacement. He would like to see what that assessment would look like and share it with City Council for their consideration and also talk to a rate consultant as well.

Councilmember Carioscia questioned could we not look at those towns who own the seawalls and were reimbursed to set up some kind of system where we could buy back for a dollar each seawall in the City as long as FEMA is going to be there to reimburse us in the long run. Why would this not be something we would want to contemplate?

City Manager Szerlag stated he would be happy to look at that as an option, but again if you were to buy every home's seawall for one dollar and FEMA did not come through and the average home value for repair or replacement could be \$50,000, we would not have the money to cut a check for that amount. Everything essentially boils down to what check would the City of Cape Coral have to write for all the citizens to benefit people that have a seawall. He mentioned he has a seawall as well and would be one of them. He would be happy to look into that and report back to Council.

Mayor Coviello shared information in reference to Punta Gorda's seawalls after speaking to their Mayor about their reimbursement from FEMA. One of the issues is how long will it take to get the money, and the other issue is that they are on the hook to fix all the seawalls. The program has not been in place for very long. The risk we run from a City standpoint is that once you put that program in, do we assess everyone a large amount in the beginning? If a major hurricane hit, would the City have enough funds to fix all the seawalls? Punta Gorda is responsible to repair those seawalls, and they may be short on funds to repair them all. This is something Cape Coral can look into. He was in favor if we can find a way to support all of the seawalls in the City. The question becomes if you assess an amount, what happens if you have an immediate failure? Where does the money come from to make those repairs while you're waiting for possible FEMA reimbursement?

City Manager Szerlag reviewed the importance of contacting the homeowner's insurance policy companies to have them supply a rider to protect homeowners.

Councilmember Gunter stated one young lady mentioned the PACE program and maybe she can get with the City Manager or staff after the meeting. He did look into that last week. His understanding was that the City was trying to determine a provider to be able to even utilize the PACE program. The PACE program was probably a last resort but at least it is a tool that a homeowner can use. We needed to exhaust every effort possible to come up with a program that we can utilize. His understanding was that there were four providers, and only one of the four would even allow the seawalls. The conditions that they gave to even utilize them was not very favorable. That was his understanding why the City was looking at that even further. It was a program that we have to look at and try to implement to help the residents.

Mayor Coviello inquired if the SBA/FEMA Loans were still available or were they time lined out?

City Manager Szerlag stated it was his understanding there was a Small Business Association loan that was one percent. He stated our Finance Director had a handle on that. (She was not in the audience.)

Mayor Coviello stated that was a much better alternative than the PACE program if you could get that through FEMA. It's a Small Business Association loan, and their rates are very good.

City Manager Szerlag stated if the resident wants to give me her name and number, he will have the Finance Director call her.

BUSINESS

Alternative Forms of Seawall Construction (Advanced by Mayor Coviello)

Mayor Coviello explained that this special meeting was called to allow the Council the opportunity to receive additional information concerning alternative types of seawall products and discuss whether this information affects the Council's decision to approve Resolution 45-18 to include only one alternative design types. Council did not have all of the information that they needed. He noted at the last meeting Council approved the Resolution with one type of vinyl seawall which was the flat type. This is being revisited for more information as well as cost.

City Manager Szerlag reviewed two Resolution versions that were distributed to Council. There is a concern when a repair is needed only at the lot line. There could be two alternatives to give the same look at the lot line if only portions have to be replaced and there is a screen by a boat dock.

Public Works Director Clinghan reviewed a slide titled Seawalls, Opinion of Probable Construction Cost per LF (1) 2/16/2018.

Discussion held in reference to access for the repair or replacement having direct impact on the cost.

Councilmember Gunter visited job site locations throughout Lee County that were doing the vinyl corrugated panel and the flat panel. Last week he felt Council did not receive enough information to make an informed decision. He was thankful that the Mayor called for the Special Meeting to revisit. He met with marine contractors, manufacturers, and distributors to try to come up with as much information as possible. Everyone he spoke with agreed that the vinyl products have to be installed properly, and they indicated a 20-25% cost savings with the corrugated product.

Councilmember Nelson inquired why did Council have to determine the aesthetics.

City Manager Szerlag explained that when the topic was brought to his attention, the Public Works Director could have approved the item without Council. There are so many canals which could exist for 40 to 50 years. Even though the Director could approve deviations that were structurally sound, he wanted Council to know what was going on and the aesthetic decision. Without Council's decision, he expressed concern that in the future after permits would be issued, they may then question the product. After the meeting, he assigned staff to determine the cost savings.

Councilmember Nelson reviewed a meeting in the past about the aesthetics topic. Moving forward, she hoped for all information at the time of decisions to not require a secondary meeting. She stated was she not an engineer, but questioned if this will this be a long-term option for the City with the vinyl decision.

City Manager Szerlag stated that Council was advised that there was a value in doing the alternate repairs. He noted staff will be mindful in the future to have specificity and cost differentials. He added the homeowner was not only dealing with costs for seawalls, but also for screens and landscaping.

Discussion held regarding:

- Being mindful in the future

- Vinyl is a viable long-term solution
- This Resolution is approving the vinyl forms with concrete and rebar.
- Establish Engineering Design Standards with minimum criteria
- Requirement for the individual site-specific to have a professional structural engineer to design that situation and also certify it after the fact

Councilmember Stout explained that once she learned the cost would be lower for the corrugated product, the decision should be revisited. She shared experiences with her own property repairs for her seawall. Talk to your insurance company about seawall coverage. She supported changing the vote from last week.

Councilmember Stokes reviewed a cost savings of 20-25% was substantial, and he was glad it was being discussed.

Councilmember Nelson moved, seconded by Councilmember Stokes to reconsider Resolution 45-18, as voted upon at the February 12, 2018 meeting.

Council polled as follows: Gunter, Nelson, Stokes, Stout, Williams, Carioscia, Cosden, and Coviello voted "aye." Eight "ayes." Motion carried 8-0.

City Clerk van Deutekom read into the record the motion as it was voted on at the February 12, 2018. ***The motion was to approve Resolution 45-18 as amended to strike the corrugated vinyl sheeting section out of the Resolution.***

City Attorney Menendez clarified that the motion was before Council again. If Council no longer agreed with that amended vote, now was the time to vote no. She noted that if Council voted yes on this, then Council would be re-adopting the motion that Council previously adopted on February 12, 2018. If the vote is no and it passes, then Council will have an opportunity to explore other choices.

Council re-polled as follows: Gunter, Nelson, Stokes, Stout, Williams, Carioscia, Cosden, and Coviello voted "nay." Eight "nays." Motion failed 0-8.

City Manager Szerlag explained the alternate version of Resolution 45-18 that was given to Council, with the following amendment: In the alternative Resolution from management's original Resolution in Section 1 after the words submitted to the Department of Community Development, we added: *"In the event that an existing seawall is in place on a portion of a building site, any repairs for a portion of the seawall located within the lot lines must be of the same material as the original seawall, unless the segment of seawall needed to be replaced is screened by an existing dock or would be screened by a planned dock for which an application for a permit to build the dock has been submitted contemporaneously with the seawall repair permit."*

Councilmember Cosden moved, seconded by Councilmember Gunter to approve Resolution 45-18.

City Attorney Menendez requested confirmation of the motion. Was it to remain as it was on February 12th or was it including the amendment that the City Manager has just read into the record?

Councilmember Cosden amended the motion, seconded by Councilmember Gunter to approve Resolution 45-18, including the amendment that the City Manager read into the record.

Discussion held in reference to repairs, access, and cast in place.

Director Clinghan explained the repair for two concrete panels that have failed which depends on the circumstances of that individual's site.

Building Official Beckman explained circumstances where it depended on what type of repair such as a wall damaged or blown out to the point where you cannot do it with the vinyl, you would have to bring in whatever it takes to do the concrete panel.

Brent Stokes, Stokes Marine, appeared to discuss concerns about section repairs. Vinyl is cheaper based on the access and site-specific conditions, but if you tell the resident to repair the entire 80 feet for vinyl to be an option, 80 feet of vinyl is still going to be more expensive than 30 feet of concrete. When intending to save the resident money, you increase the cost if you require the entire seawall be vinyl.

Discussion held in reference to the following:

- Public Works will revisit these scenarios individually.
- Access from land versus barge
- Costs involved based on access

Councilmember Cosden inquired about the late receipt of the alternate Resolution.

City Manager Szerlag explained management made a recommendation based on value, it was cheaper to pass the Resolution. It was not passed. Then, they looked at how much of a savings was involved. Research was completed to determine aesthetics based on cost. The request for the alternate Resolution came from two Councilmembers. He explained the following:

- If you are more concerned about price, pass the initial Resolution.
- If you are more concerned about looks, pass the alternate Resolution.

Mr. Stokes, Stokes Engineering, replied that he does not advocate stand-alone vinyl. He mentioned shoring up. Often only half of the seawall failed. Reinforcement before rainy season could prevent future failure. This would result in one vinyl panel in front of each 5-foot concrete section.

This is a test 01:22:59 Real time and pouring concrete to reinforce as a composite pile. This process has been successful in the County. Limiting the repairs takes away from completing this. You can prevent failures with a reinforced repair at a lesser cost. Vinyl and concrete installed evenly will save seawalls.

Councilmember Williams stated he was not in support of the alternative Resolution. He was in support of the original Resolution. Over time, the area will look the same. Let's fix the problem. Repairs will be affected by supporting the alternative Resolution.

Joe Mazurkiewicz, Government Affairs Director, Southwest Florida Marine Industries Association, reviewed the concept of considering things based on 80' by 125' lots, but there are many other sizes. Anything larger than the standard would cost more. There are alternative fixes that are preventative in nature. He cautioned Council about the prices. There is no experience with Truline smooth seawalls, but there are dozens of corrugated vinyl seawalls.

City Attorney Menendez explained that Council does not need to address the structural issue. That is the responsibility of the Public Works Director or DCD Director's determination that what is being proposed is equivalent to the Engineering Design Standards. If they do not find the alternative acceptable as a deviation structurally, staff would deny it, and the owner could appeal. Staff will only approve structurally stable repairs. Council is facing two alternatives: corrugated or the flat sided vinyl. These have been found to be structurally equivalent. What staff is seeking from Council is that there is concurrence that they aesthetically approve them.

Councilmember Gunter reviewed sending pictures to all of Council for review. He spoke with homeowners in the neighborhood. They expressed concerns with the mixture of the looks as it resembles a band aid. If one side fails, typically the other side will fail in the future. Keep in mind the owner that needs to make the repair, but also consider the resident that views the seawall from across the canal.

Councilmember Stout was in favor of supporting the original Resolution not the alternative Resolution.

Mayor Coviello stated he was leaning toward the initial Resolution.

Councilmember Stokes stated he was in favor of the original amendment.

Councilmember Cosden withdrew her motion. Second agreed.

Councilmember Gunter moved, seconded by Councilmember Williams to approve Resolution 45-18, in its original form.

Council polled as follows: Gunter, Nelson, Stokes, Stout, Williams, Carioscia, Cosden, and Coviello voted "aye." Eight "ayes." Motion carried 8-0.

TIME AND PLACE OF FUTURE MEETINGS

CANCELED - A Committee of the Whole Meeting was scheduled for Monday, February 26, 2018 at 4:30 p.m. in Council Chambers.

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, March 5, 2018 at 4:30 p.m. in Council Chambers.

Councilmember Carioscia announced that the Friends of Wildlife has invited the public to the Annual Burrowing Owl Festival on Saturday, February 24, 2018 at Rotary Park.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 5:51 p.m.

Submitted by,

Rebecca van Deutekom, MMC
City Clerk

Item Number:	7.B.
Meeting Date:	3/19/2018
Item Type:	APPROVAL OF MINUTES

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Regular Meeting - March 5, 2018

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

Regular Meeting - March 5, 2018

PREPARED BY:

Kimberly
Bruns Division- Managerial Department- City Clerk's
Department

SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns
Assistant City Clerk
1-239-242-3243

ATTACHMENTS:

Description	Type
▢ Regular Meeting - March 5, 2018	Backup Material

**MINUTES FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL**

March 5, 2018

Council Chambers

4:30 p.m.

Meeting called to order by Mayor Coviello at 4:30 p.m.

Invocation/Moment of Silence – Councilmember Nelson

Pledge of Allegiance – Katie Williams, Trafalgar Elementary

Roll Call: Mayor Coviello, Council Members Carioscia, Cosden, Gunter, Nelson, Stokes, Stout, and Williams were present.

CHANGES TO AGENDA/ADOPTION OF AGENDA

Mayor Coviello requested to move item 11(B), Resolution 53-18, to directly after Citizen's Input.

Mayor Coviello welcomed several members of international canoe and kayak teams from Switzerland, Sweden, Denmark, Hong Kong, Singapore, Canada, Finland, and Germany. They are here in Cape Coral to train while their home waters are under ice. These Olympic and world class athletes come here to train every year and spend time mentoring our young paddlers of the South Florida Canoe Kayak Club.

Councilmember Cosden moved, seconded by Councilmember Stokes to approve the agenda, as amended, to move item 11(B) immediately following 8(C).

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

RECOGNITIONS/ACHIEVEMENTS

None.

APPROVAL OF MINUTES

Regular Meeting – February 5, 2018

Councilmember Stokes moved, seconded by Councilmember Nelson to approve the minutes for the February 5, 2018 regular meeting as presented. Voice Poll: All "ayes." Motion carried.

Regular Meeting – February 12, 2018

Councilmember Williams moved, seconded by Councilmember Cosden to approve the minutes for the February 12, 2018 regular meeting as presented. Voice Poll: All "ayes." Motion carried.

BUSINESS

PUBLIC COMMENT - CONSENT AGENDA

No speakers.

CONSENT AGENDA

City Manager Szerlag pulled Item 8B(11) for discussion.

- 1) Resolution 24-18 Approve the piggyback with the State of Florida Department of Management Services contract number DMS-10/11-008C awarded to Verizon Wireless for Mobile Communication Services (voice calling, broadband, push-to-talk, SMS and MMS messaging, Aircard, smartphone and tablet/iPad data, etc.) at a discount based on the State of Florida negotiated rates, not to exceed budgetary limits and authorize the City Manager or Designee to execute the purchase orders and any related documents; Department: Citywide; Estimated Annual Dollar Value: \$275,000; (General Fund)
- 2) Resolution 34-18 Approve Memorandum of Understanding for Government Entity Access to Driver and Vehicle Information Database System (DAVID) between the City of Cape Coral o/b/o the Code Compliance Division and the Florida Department of Highway Safety and Motor Vehicles; Department: DCD/Code Compliance Division; Dollar Value: N/A; (Fund: N/A)
- 3) Resolution 46-18 Award RFP-CM17-74/MC to Farnham & Associates d.b.a. HD PR Group, for Professional Marketing Services, at the unit prices stated in the contract at an estimated annual cost of \$195,000 not to exceed budgetary limits and authorize the City Manager or Designee to execute the contract, amendments, renewals and all required documents; Under this contract, the vendor will provide, among other activities; ad, video and collateral development, media buying, web site maintenance, newsletter development, eBlasts, and social media activities related to business recruitment/retention, tourism, image and outreach for EDO; Department: Economic Development Office; Estimated Annual Dollar Value: \$195,000; (General Fund)
- 4) Resolution 47-18 A Resolution requesting authorization to extend payment up to \$5,000 in reimbursable relocation expenses as allowed in section 2-37.3 of the City of Cape Coral Code of Ordinances to the selected candidate for the Environmental Resources Manager position within the Public Works Department; Funding for the Public Works Department; Dollar Value: maximum of \$5,000; (General Fund)
- 5) Resolution 48-18 Approval of a Local Agency Program Agreement between the Florida Department of Transportation and the City of Cape Coral for the construction of sidewalks on the north and south side of Trafalgar Parkway from SW 16th Court to SW 22nd Court, and on SW 20th Avenue/Nott Road from Trafalgar Parkway to SW Pine Island Road.; Department: Public Works; Dollar Value: N/A (Fund: N/A - FDOT Grant \$729,412)
- 6) Resolution 49-18 Post Project Maintenance Agreement between Florida Department of Transportation (FDOT) and City of Cape Coral; FDOT is constructing sidewalks on the east side of Chiquita Boulevard from Tropicana Parkway to NW 11th Street and on the south side of NW 11th Street from Chiquita Parkway to NW 16th Street. Per Maintenance Agreement, the City will maintain the above referenced sidewalks upon their completion; Department: Public Works; Dollar Value: N/A; (Fund: N/A - FDOT Grant \$396,209 for sidewalk construction)
- 7) Resolution 50-18 Approve an increase to the City-Controlled Contingency in the amount of \$305,463 for various Median Landscape Purchase Orders. For the Greenscape Median Project, an increase of \$260,000 to the following vendors: Brent's Lawn and Tree Service, Inc. PO#44725 (Area 2, 5, 10, 14, 16); Superior Landscaping & Lawn Service, Inc. PO#44578 & PO#44722 (Area 11, 12, subsection B/C/D of 13, 19, 1, 4, 7, 15, 17, 18); John Fideli Landscapes, LLC PO#44724 (Area 6, 20, 21,). For Area 9 and Area 3 Quoted Project, an increase of \$40,000 to John Fideli Landscape, LLC PO#44389 & PO#44393; For Area 8 Quoted Project, an increase of \$5,463 to Tony's Lawn & Landscaping,

Inc.(PO#45640); And Approve a waiver For Area 9 and Area 3 Quoted Project, to John Fideli PO#44389 & PO#44393 to add the contingency in which the original contract was for \$49,900 and this increase will exceed the procurement threshold.; And Authorize the City Manager or Designee to execute the change orders to the existing purchase orders. The additional contingency is to cover expenses for repair and replacement of vegetation due to traffic accidents, hurricane, and to enhance intersection sight distance; Department: Public Works; Dollar Amount \$305,463; (General Fund)

- 8) Resolution 56-18 Approve the Contract Amendment and Sole Source Purchase with Superior, LLC, for a software upgrade for TRAKiT which is used for building permits, inspections, land tracking, business licenses and more; And authorize the City Manager or Designee to execute the contract, amendment, renewals and any other related documents; Department: Information Technology/Department of Community Development; Estimated Dollar Value: \$283,720; (Building Reserves)
- 9) Resolution 59-18 Approval of and authorization for the Mayor to execute the Subordination of City Utility Interests agreement, in a portion of the City's 25 foot wide public utility easement, between the City of Cape Coral and the State of Florida Department of Transportation (FDOT) over a portion of 2200 NE Pine Island Road (aka a portion of Strap #: 05-44-24-C3-01601.0000) in order to construct a turn lane into the proposed development project at this location; Department: Financial Services / Real Estate Division; Dollar Value: No Costs to City
- 10) Resolution 60-18 Approve Subrecipient Agreements between the City of Cape Coral and Cape Coral Housing Development Corporation; Department: Community Development; Dollar Value: \$675,355; (Local Housing Trust Fund)
- 11) Item pulled by City Manager Szerlag
- 12) Waiver of Conflict of Interest for the Law Firm of Henderson Franklin; Department: City Attorney; Dollar Value: N/A; (Fund: N/A)

Councilmember Stout moved, seconded by Councilmember Gunter to approve items 8(B)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (12), as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

11) Resolution 62-18 A Resolution ratifying the Memorandum of Agreement between B.P Limited Liability Company and the City of Cape Coral providing for additional fresh water deliveries from the Southwest Aggregates Reservoir located at 16450 Tamiami Trail in Punta Gorda; Department: Utilities; Dollar Value: \$2.2M; (Fund: Water & Sewer)

City Manager Szerlag announced that he pulled this item to share good news. He commended Utilities Director Pearson and Principal Engineer Sorrels for their negotiation efforts to purchase reservoir water for the next two years. He thanked Mr. Richard Neslund, owner/manager of BP that owns the reservoir on U.S. 41, and his staff for the agreement negotiations. Staff recommended approval of Item 8B(11).

Councilmember Williams inquired as to the water needs this year.

Director Pearson responded that the peak demands have dropped. We are 79 inches in all of the canals better than last year. Residents are conserving water, and we are in better shape than we were. In the current dry season, we may see the canals drop in March and April until rainy season. The goal with this agreement is to avoid the canal drop in future years.

Discussion held in reference to permitting, and the \$15,000 a month charge assessed during the rainy season from June through October, for the next two years should not exceed \$75,000.

City Manager Szerlag explained the pipeline legislation that would still need approval from the Governor.

Councilmember Gunter moved, seconded by Councilmember Stout to approve item 8(B)(11), as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

CITIZENS INPUT TIME

Bob Mauck appeared to discuss his disapproval of the extended bar hours proposal. He expressed surprise at seeing the topic up for discussion again. He voiced his concern for both highway safety and criminal safety to workers and residents.

David Urich, Life Member, Responsible Growth Management Coalition, Inc., appeared in favor of Resolution 53-18.

Resident appeared to discuss a topic addressed recently about changing an ordinance to allow lettering on vehicles. The ordinance protects residents in residential neighborhoods from looking like commercial areas.

Dan Sheppard appeared to thank and commend the elected officials and the public for the conduct at Council meetings since the new Council took office. During campaigning, medians had been brought up several times. There are road blocks to be addressed where businesses can adopt medians for beautification.

Brad Williams, Cape Coral Discount Boat Rentals, appeared to discuss small rental boats. His business has been harmed since Thursday the 1st when the Harbormaster sent him a cease and desist order for the use of the rental spot at 5918 Driftwood Parkway, the long dock from the Boathouse to the swimming pool. He reviewed the parking problem in the area for swimmers and expressed that it is not based on impacts from the rental companies, but about the Boathouse parking of employees. Can a stay on this order occur?

Vince Biasella, All Around Boat Rentals, continued the discussion of the long dock parking. He stated that no financial transactions occur at the Yacht Club, renters do not park around the pool, and block access to the swimming pool. He took pictures of people that park around the pool and has found that it is employees or patrons of the BoatHouse. The cease and desist was immediate, and he has had to cancel reservations with tourists. He asked for a reprieve to meet half way.

Lynn Desoma, Dixie Roadhouse, appeared to discuss the South Cape extended bar hours. She would not be available for the public hearing on March 19th so is speaking today. She was in favor of extending the bar hours to 3:00 a.m., even 4:00 a.m. if possible. She discussed future growth in the area with the direction for the economic boost. She requested that the Mayor and Council vote in favor of the extended bar hours.

Lou Navarra appeared to discuss the Golf Course property and asked the Council sell the other golf course to pay for the renovation of the old one. He requested that the vacation rentals topic be readdressed. He will be in contact with Councilmember Stokes about dumpsters on City property. He reviewed the presence of dilapidated wood fences and impact fees for Lee County students.

Jerry Owens appeared in reference to signage on trucks. There is a van on Cape Coral Parkway that shows bold lettering. He would prefer staff and Council concentrate on other matters besides bar hours.

Joyce Easton appeared in concern with extended bar hours as a temporary topic; she wondered why the City would be absorbing the bill so that bar owners can make more money. As a temporary thing, there has been a lack of revenue. She mentioned the Streetscape project detours as a reason. Wait until after the Streetscape finishes so that a new problem would not be created.

Councilmember Carioscia shared information on the topic of the Yacht Club boat parking. He requested the City Manager step in to mediate this topic.

City Manager Szerlag stated he would get with our Interim Parks and Recreation Director, City Attorney, as well as DCD to address this matter.

Councilmember Stokes responded in reference to the cost for officers as a result for the extended bar hours. He invited the public to attend the March 26th Committee of the Whole meeting for the discussion about commercial vehicle parking. He reviewed the purchase negotiations for the Old Golf Course property. He also mentioned businesses working on beautification of medians; he requested the City Manager send him an email on how we can make this happen.

Councilmember Stout announced that we should be helping businesses and not putting up road blocks to harm businesses in reference to the parking at the Yacht Club.

Councilmember Gunter agreed that the City should work with businesses to come up with a solution for the boat parking at the Yacht Club. He was in favor of businesses contributing money for the enhancement of medians. He explained that the City should be responsible for the maintenance of these improved medians and would like a program developed. Future discussion topics will be coming up about parking and vacation rentals. He was in favor of Committee of the Whole meetings. Several complaints have been received about a van on Cape Coral Parkway, but based on zoning, the van is legally parked.

Mayor Coviello reviewed that enforcement for parking discussion was upcoming.

DCD Director Cautiono discussed the van parking was allowed as it is in a commercially zoned property.

PERSONNEL ACTIONS

None.

PETITIONS TO COUNCIL

None.

APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

None.

Resolution 53-18 A Resolution endorsing the Modified Southern Alternative option as the preferred alignment for the Littleton/Kismet Realignment Project

Planning Manager Zambrano reviewed the purpose of Resolution 53-18. She presented the following slide:

- Professional Services: Littleton/Kismet Realignment

She introduced the following individuals: Randy Cerchie, Lee County DOT Director; Vince Miller, Lee County Project Manager; Erik Fleming, Project Manager, AIM Engineering, Inc.; Sarah Clarke from AIM Engineering, and Trish Lassiter, LCEC. Staff recommended approval for this to appear at the Board of County Commissioners meeting on March 20, 2018; if approved, they will move forward.

Erik Fleming from AIM Engineering reviewed the following slides:

- Project Location (2 slides)
- History – Previous Alignment (2 slides)
- History – ROW acquired by City of Cape Coral
- History – New Project
- History – (2 slides)
- Realignment Study (12 slides)

Mayor Coviello inquired about the total cost versus the City's cost. He requested an explanation of the cost.

Mr. Fleming stated based upon where the blue line is drawn, everything over to NE 24th, that would be the 50/50 break between the City and the County. Based on new costs estimates, it would be in the 30% range for the project where Lee County will pay for the roundabout portion as well as the 50% portion from the blue line to NE 24th.

Discussion held in reference to cost.

Planning Manager Zambrano explained that the budget would be adjusted for the item. The County is giving the City \$500,000 for the incentive of repaving Pelican, south of Cape Coral Parkway; that is also bundled in the agreement.

Councilmember Williams moved, seconded by Councilmember Stokes to approve Resolution 53-18, as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

ORDINANCES/RESOLUTIONS

PUBLIC HEARINGS

Ordinance 50-17 (LU 17-0007) Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Rural (a Lee County designation) to Pine Island Road District (PIRD) land use for property described as Lots 23 & 24 of Tract One of an Unrecorded Map lying in Section 17, Township 44 South, Range 23 East, Lee County, Florida; property is located at 2915 SW Pine Island Road. (Applicant: Day One, LLC)

Planning & Zoning Commission Recommendation: At the October 4, 2017 meeting, Planning & Zoning Commission/Local Planning Agency voted (6-0) to recommend approval of Ordinance 50-17 (LU17-0007).

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

Planning Team Coordinator Daltry reviewed the purpose of Ordinance 50-17. He presented the following slides:

- Ordinance 50-17 LU 17-0007
- LU 17-0007, applicant, location, urban services area, request
- Site
- Subject Parcel
- Current Zoning Map
- Current Future Land Use Map

- Proposed Future Land Use Map
- Background
- Regional Plan Analysis
- Considerations – Comprehensive Plan
- Considerations – Comprehensive Plan (continued)
- Considerations – Comprehensive Plan (continued)
- Recommendation
- No Correspondence
- Proposed Zoning Map

Public Hearing opened.

Brian Smith, Ensite, Inc., appeared as representative of Day One, LLC. He expressed appreciation for staff's report and was eager to have the case approved by City Council.

Public Hearing closed.

Councilmember Stout moved, seconded by Councilmember Stokes to adopt Ordinance 50-17, as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 51-17 (ZA 17-0007*) Public Hearing

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance amending the City of Cape Coral Official Zoning District Map of all Property within the limits of the City of Cape Coral by rezoning Property described as Lots 23 & 24 of Tract One of an unrecorded map lying in Section 17, Township 44 South, Range 23 East, Lee County, Florida, as more particularly described herein, from AG-2 (A LEE COUNTY DESIGNATION) to Corridor (CORR) Zone with the Commerce Park Overlay (cpo); property is located at 2915 SW Pine Island Road; Providing Severability and an effective date. (Applicant: Day One, LLC)

Hearing Examiner Recommendation: Hearing Examiner recommends approval of the application for rezoning contingent upon the prior annexation of this property by the City of Cape Coral and prior amendment of the Future Land Use Map to an appropriate classification for the CPO zoning designation.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance and administered the oath.

Planning Team Coordinator Daltry reviewed the purpose of Ordinance 51-17. He presented the following slides:

- Ordinance 51-17 ZA 17-0007
- ZA 17-0007, applicant, location, urban services area, request
- Site
- Subject Parcel
- Current Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Background
- Considerations – Comprehensive Plan
- Considerations – Comprehensive Plan (continued)
- Considerations – Comprehensive Plan (continued)
- Recommendation
- No Correspondence
- Proposed Zoning Map

Public Hearing opened.

Brian Smith, Ensite, Inc., appeared as representative of Day One, LLC. He expressed appreciation for the previous unanimous vote and was available for any questions.

Public Hearing closed.

Councilmember Williams moved, seconded by Councilmember Gunter to adopt Ordinance 51-17, as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 63-17 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends the City of Cape Coral Personnel Rules and Regulations. (Applicant: Brought forward by City Management.)

City Clerk van Deutekom read the title of the Ordinance.

Human Resources Director Sonogo reviewed the purpose of Ordinance 63-17. She presented the following slides:

- Leave Buyback Costs – Managerial/Confidential Employees

Finance Director Bateman reviewed the impact on the budget and explained in future years there would be future decreases based on people banking more hours.

Public Hearing opened.

No speakers.

Public Hearing closed.

Councilmember Stokes moved, seconded by Councilmember Gunter to adopt Ordinance 63-17, as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 17-18 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 12, Offenses and Miscellaneous Provisions, Article I, General Provisions, by creating Section 12-8, Retail Gas Pump Security Measures, to establish security measure requirements for owners and operators of retail gas pumps. (Applicant: Brought forward by City Management.)

City Clerk van Deutekom read the title of the Ordinance.

Chief of Police Newlan reviewed the purpose of Ordinance 17-18. He presented the following slides:

- Trends: Financial Crimes and Fraud
- Trends: Financial Crimes and Fraud (continued)
- Skimmers in Cape Coral
- Skimmers in Cape Coral (continued - 16 skimming devices found in Cape Coral in the last 13 months)
- Ordinance 17-18
- Ordinance 17-18 (continued)
- Questions

He explained that approximately 23 gas stations in Cape Coral have the older pump mechanism. These stations have been advised of the upcoming Ordinance for consideration and discussed training for the addition of locks.

Discussion held in reference to advancing technology.

Councilmember Stokes expressed support for the Ordinance.

Public Hearing opened.

Chris Gilpin, CEO, Signal Vault, Sanford, FL, stated he was trained by the Attorney General's Office on identifying theft and computer crime and a Board Member of the Florida Technology Council as well as a Shark Tank inventor (2015). He appeared to review inherent problems with the Ordinance. To completely protect residents, they should go inside to pay. He reviewed the red seal on the pumps, which is available online for purchase. From 2016 to 2017, the number of skimmers found in Florida has tripled. He has been working on a solution for Gas Pump Century which is a solution to this crime which alerts the managers and employees the moment the skimmer is installed. He appeared today to offer a system that would help residents.

Discussion held in reference to the following:

- Mr. Gilpin stated gas stations would need to purchase one for each pump.
- He stated an installation fee would be approximately \$100-\$250 per pump, as well as \$50-\$100 monthly equipment rental and monitoring fee that goes along with the system.
- He also noted that an alarm would sound inside the store; a sticker would be displayed saying it is protected by Gas Pump Century.
- Vacuums and tire air inflators have not been included in Mr. Gilpin's product.
- Chief of Police Newlan stated the cost of locking system would depend on the lock they choose; 4 locks at Home Depot would cost \$40.
- Mr. Gilpin stated he was the only one who had this system.

City Manager Szerlag recommended approving the Ordinance and have staff from the Police Department and Procurement to investigate other inventive services that are available to residents.

Discussion held regarding costs for the Signal Vault system.

Councilmember Gunter moved, seconded by Councilmember Stokes to adopt Ordinance 17-18, as presented.

Councilmember Nelson challenged the Signal Vault entrepreneur to complete a comparison from other cities before and after skimmers were located.

Discussion held in reference to businesses affected and security measures put in place by owners.

Public Hearing closed.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

Ordinance 20-18 (PDP 17-0004*) Public Hearing

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving a Planned Development Project entitled "Cape Coral Animal Shelter" for property located at 325 SW 2nd Avenue; rezoning the subject property from the Single-Family Residential (R-1A) to the Institutional (INST) zone; granting a special exception for an Animal Shelter use in the Institutional zone; granting deviations from

the Land Use and Development Regulations, Section 5.2, Landscaping; granting Development Plan approval. (Applicant: Cape Coral Animal Shelter Corporation)
Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms, conditions, and modification set forth in PDP HEX Recommendation Order 1-2018.

City Management Recommendation: City Management recommends approval of Ordinance 20-18.

City Clerk van Deutekom read the title of the Ordinance and administered the oath.

Planning Team Coordinator Struve reviewed the purpose of Ordinance 20-18. He presented the following slides:

- Ordinance 20-18 (PDP17-0004)
- Project Location; Aerial Map; Subject Parcel Map
- Requests
- Photos from North, South, East and West of the site
- Development Plan
- Current Zoning Map; Future Land Use Map
- Proposed Zoning (INST); Future Land Use (unchanged)
- Rezone from R-1A to INST
- SE for an Animal Shelter Use
- SE For an Animal Shelter Use with conditions
- Deviations to LUDR, Section 5.2
- Analysis

Planning Manager Pederson discussed the following slide:

- Deviation #1. Minimum planting requirements for a Buffer "E"

Planning Team Coordinator Struve continued with the following:

- Deviation #2. Minimum number of trees required for a site
- Recommendations and Correspondence (One letter in opposition)

Public Hearing opened.

Joe Mazurkiewicz, BJM Consulting, Inc., appeared on behalf of the owner (City of Cape Coral) and applicant (Cape Coral Animal Shelter). He commended staff for the presentation; they concurred with the special exception conditions. This gives them the ability to be a good neighbor. In reference to the landscape deviation requests, he added the property is completely surrounded by property owned by the City of Cape Coral with the exception of about 200 feet on the front to the west of the property where there is Parks and Recreation zoned as R-1. R-1 is compatible zoning with Parks and Recreation open space, but not reflective of the use. The Code that requires the buffer is contemplating R-1 with single family homes. The initial fee and upkeep fee of the additional buffer would be costly. He requested that Council approve the Ordinance as presented and was available for questions.

Public Hearing closed.

Councilmember Williams moved, seconded by Councilmember Cosden to adopt Ordinance 20-18, as presented in the Development Order.

Discussion held in reference to the need for buffers for the dogs; only buffering where the residential area is located; berm installation.

City Attorney Menendez reviewed that the PDP is written to reflect the deviations to the landscaping as requested by the Animal Shelter. Planning Manager Pederson concurred.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted "aye." Eight "ayes." Motion carried 8-0.

INTRODUCTIONS

Ordinance 21-18 Set Public Hearing Date for March 19, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

The ordinance amends Chapter 3, Alcoholic Beverages, Section 3-2, Hours of Operation of the Code of Ordinances to extend hours of operation for regulated establishments for consumption on premises only in the South Cape Downtown District. (Applicant: Brought forward by Councilmember Carioscia.)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for March 19, 2018 in Council Chambers.

Councilmember Williams left the dais at 6:25 p.m. and returned at 6:26 p.m.

Ordinance 22-18 (ZA 17-0012*) Set Public Hearing Date for March 19, 2018

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Official Zoning District Map by rezoning property located at 2120 Trafalgar Parkway from Residential Development (RD) to Institutional (I) zone. (Applicant: Lee County School Board)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval.

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for March 19, 2018 in Council Chambers.

Planning Team Coordinator Daltry stated he was available for any questions.

Ordinance 23-18 Set Public Hearing Date for March 19, 2018

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance authorizing and directing the Mayor and the City Clerk to enter into a lease agreement with Beattie Development Corporation and Andros Property Investment, LLC, for the lease of property owned by the City of Cape Coral located at 4406 Chiquita Boulevard South to be used solely for parking for a model home located at 4402 Chiquita Boulevard South. (Applicant: Beattie Development Corporation and Andros Property Investment, LLC.)

City Clerk van Deutekom read the title of the Ordinance.

The public hearing was scheduled for March 19, 2018 in Council Chambers.

Property Broker Andrews stated she was available for any questions.

Resolution 44-18 (VP 17-0012*) Set Public Hearing Date for March 19, 2018.

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE RESOLUTION ACCOMPLISHES:

A resolution providing for the vacation of plat for a portion of Vincennes Canal Right-of-Way and the underlying public utility and drainage easement located adjacent to Lots 64-65, Block 57, Unit 6, Part 3; providing for the vacation of plat for a portion of the public utility and drainage easement associated with Lots 64-65, Block 57, Unit 6, Part 3; property located at 4959 Vincennes Street. (Applicant: Stephen & Maryanne Blanford)

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations subject to the conditions set forth in VP HEX Recommendation 9-2017.

City Management Recommendation: City Management recommends approval of the vacation requests, with conditions.

City Clerk van Deutekom read the title of the Resolution.

The public hearing was scheduled for March 19, 2018 in Council Chambers.

Planner Team Coordinator Struve stated he was available for any questions.

UNFINISHED BUSINESS

Water Quality – Update

Public Works Director Clinghan reviewed the memo provided to Council and gave the most current update on Lake Okeechobee.

Follow Up Items Requested by Council

Follow up items requested by Council include the following:

- List of City-Owned vacant lots (in three categories: what we may use, what we will not use, and what we might use and can sell) – Finance Director Bateman to finalize by Friday.
- LCEC update – City Manager to provide a memo; his preference would be to wait until May for a meeting.

NEW BUSINESS

Resolution 51-18 A Resolution in opposition of CS/Senate Bill 1400 and 1640 (Brought forward by Mayor Coviello)

Mayor Coviello reviewed the purpose of Resolution 51-18. He brought this forward regarding the loss of Home Rule. He requested a motion in order to send a letter that would rebut that particular bill.

Councilmember Williams moved, seconded by Councilmember Nelson to approve Resolution 51-18, as presented.

Council polled as follows: Nelson, Stokes, Stout, Williams, Carioscia, Cosden, Coviello, and Gunter voted “aye.” Eight “ayes.” Motion carried 8-0.

Resolution 53-18 A Resolution endorsing the Modified Southern Alternative option as the preferred alignment for the Littleton/Kismet Realignment Project
Item was moved to directly after Citizen's Input

REPORTS OF THE MAYOR AND COUNCIL MEMBERS

Councilmember Nelson – Topics: Congratulated nominees for the Annual Generous Cape Reception coming up in the spring; attended People of the Year Awards sponsored by the News Press and congratulated winners; will attend Saturday fund raiser for the Animal Shelter at Wicked Dolphin.

Councilmember Stokes – Topics: Speaker at the Do the Right Thing, commended Police Department for holding it; speaker at the Republican Women of Cape Coral Federated; attended Iwo Jima ceremony; Cape Coral Police Department Volunteer Appreciation Lunch; Market Watch; for the record our children in Cape Coral are the most important people in the City, glad to hear that we are looking at security procedures at the Charter Schools, willing to commit some City funds to keeping kids safe.

Councilmember Stout – Topics: Discussed suggestions for Chapter 26, held off regarding an investigation as to what the cost would be if the City managed the Charter Schools like another department, there was a meeting set for the Charter School on 3/28 but it was canceled, this meeting must occur prior to coming to Council.

Mayor Coviello reviewed the need to discuss security procedures in a closed venue.

City Attorney Menendez explained it depends on the nature of what is being discussed and how it relates to the facility.

Councilmember Williams – Topics: Attended Police Volunteer Luncheon, Volunteer of the Year – congratulated Jerry Owens; attended the News Press People of the Year program; last Saturday was Movie Night at Jim Jeffers Park, put on by the Parks and Recreation Department in conjunction with the Youth Council to benefit Blessings in a Backpack; upcoming Youth Council meeting is this Friday; and this Thursday at Cultural Park Theatre is the Mayor's Scholarship Fundraiser.

Councilmember Carioscia – Topic: No report.

Councilmember Cosden – Topics: Attended MPO Executive Committee meeting; SWFL Regional Planning Council meeting; read to students at Gulf Elementary for Read Across America Week; Transportation Disadvantaged Local Coordinating Board (which she chairs); going to Washington, D.C. for the National League of Cities; kudos to the Cape Coral Police Department for how the Oasis Elementary child situation was handled; need Shade Meeting to discuss security at our Charter Schools and possibly get a presentation from the district on district schools.

City Attorney Menendez stated this will be looked into and she will get back to Council.

Councilmember Gunter – Topics: Security for children in the schools is top priority; guest speaker at Beach Parkway HOA Luncheon; Savona HOA meeting; attended Cape Coral Chamber of Commerce Leadership fundraising event; and attended the Art Studio Grand Opening Event.

Mayor Coviello – Topics: Wednesday, February 14th attended CTAC; Thursday, February 15th attended the 40th Anniversary for the celebration of Keiser University; Friday, February 16th attended the MPO Meeting; Saturday, February 17th Guest Speaker at Cape Coral Democratic Club; Sunday, February 18th went to Eco Park for the commemoration and flag raising on Iwo Jima; also attended the Police Volunteer Luncheon on Wednesday, February 21st; Read Across America Event at Trafalgar; Saturday, February 24th Burrowing Owl Festival; Tuesday, February 27th attended the Market Watch event; Wednesday, February 28th attended the 25th Anniversary celebration for Cape Coral Technical College; Met with Cape Coral Chamber of Commerce Government Affairs Committee that same day; Saturday, March 3rd Art League re-opening; Attended the Bocce Ball Picnic and Tournament; upcoming Mayor Scholarship Fund Theatre night at Cultural Park Theatre; Friday, March 9th lunch with Sandoval HOA; Saturday, March 10th Guest Speaker for the Military Officers Association of America; Tuesday, March 13th Guest Speaker at REIS (Real Estate Investment Society) Monthly Luncheon.

REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

City Attorney – Topic: No Report

City Manager – Topic: Sent letter to Superintendent Collins specifying the scope of work that she, as well as Council and the School Board, can expect before this month is over.

Councilmember Stokes added that he was in agreement about the Shade Meeting regarding security measures, possibly to be on the same day as a COW.

Councilmember Stout added the following to her reports: Attended Keiser University 25th Anniversary; Police Volunteer Luncheon; need for a parking garage; will attend Theatre Night; speaker at Sandoval, and at the Military Officers Association on Saturday.

TIME AND PLACE OF FUTURE MEETINGS

A Regular Meeting of the Cape Coral City Council was scheduled for Monday, March 19, 2018 at 4:30 p.m. in Council Chambers.

MOTION TO ADJOURN

There being no further business, the meeting adjourned at 6:48 p.m.

Submitted by,

Rebecca van Deutekom, MMC
City Clerk

Item Number: B.(1)
Meeting Date: 3/19/2018
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Resolution 12-18 Award ITB-PW18-11CV Local Road Resurfacing FY2018 to Community Asphalt Corporation of Ft. Myers, FL, for the asphaltic paving of local roads (approximately 55 miles in South Cape Coral) as the lowest responsive, responsible bidder, in the amount of \$5,410,123 with a 5% city controlled contingency of \$270,507 for a total of \$5,680,630 and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$5,680,630; (General Fund)

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan?

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

1. The FY2018 Local Road Resurfacing is for the paving (asphaltic concrete resurfacing of local roads) of approximately 55 miles in South Cape Coral.
2. On November 15, 2017, Invitation to Bid #ITB-PW18-11CV was issued for the FY2018 Local Road resurfacing and seventeen (17) vendors obtained the Bid.
3. On December 20, 2017, five (5) responses were received from, in alphabetical order: Ajax Paving Industries of Florida, LLC of North Venice, FL., Bonness Inc. of Naples, FL, Community Asphalt Corporation of Ft Myers, FL., and Pavement Maintenance of Fort Myers, FL, and Preferred Materials, Inc. of Tampa, FL.
4. After evaluation, Public Works recommends awarding a contract to Community Asphalt Corporation as the lowest responsive responsible bidder meeting the requirements and specifications outlined in the bid documents.
5. The lowest responsive responsible bidder, Community Asphalt, offered a reduced unit price for item #14, Manhole Cover Adjustment. The reduction did not change the bidder's

standing. The offer was accepted following the Cape Coral Code of Ordinance, Article VII, Section 2-144(a) (8) (c) which states that "Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the lowest responsive responsible bidder after bid opening, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specification or conditions contained in the invitation for bids or alter the determination of which vendor is to be awarded the bid or portion thereof".

6. If approved, the contract is to be completed in 120 days for a contract amount of \$5,410,122.72 with a 5% city controlled contingency of \$270,506.14 for a total of \$5,680,628.86
7. The Department is requesting a 5% City Controlled Contingency. The expenditure of the contingency, if any, will be subject to approval of specific change orders by the Project manager, if justified, upon identified needs with an appropriate scope and cost to address specific needs.
8. This is a budgeted item.
9. Funding information: Funding for the total Project including contingency- (Government Capital Projects/General Fund)
 - Business Unit #3010915.663101 (Public Works Department/Road Resurfacing) \$4,788,273 for resurfacing plus 5% City Controlled Contingency of \$239,414 for a total of **\$5,027,687**
 - Business Unit #130125.653101 (Road Curbs and Gutters, and Maintenance) \$26,500 for Traffic Loops and RPMS plus 5% City Controlled Contingency of \$1325 for a total of **\$27,825**
 - Business Unit #4050076.662601 (Utilities Department/Operating Materials) \$595,350 for Manhole & Valve Adjustments plus 5% City Controlled Contingency of \$29,768 for a total of **\$625,118**

LEGAL REVIEW:

Contract reviewed by Legal

EXHIBITS:

Department Recommendation Memo
Resolution 12-18
Bid Tabulation ITB-PW18-11CV

PREPARED BY:

Wanda Division- Procurement Department- Finance
Roop

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director

ATTACHMENTS:

Description	Type
□ Department Recommendation Memo	Backup Material
□ Resolution 12-18	Resolution
□ Bid Tabulation ITB-PW18-11CV	Backup Material

MEMORANDUM

CITY OF CAPE CORAL PUBLIC WORKS DEPARTMENT

TO: John Szerlag, City Manager
Victoria Bateman, Financial Services Director
Wanda Roop, Procurement Manager

FROM: Paul Clinghan, Public Works Director *PRC*
Stephanie Smith, Design & Construction Manager *SH*

DATE: February 27, 2017

SUBJECT: FY 2018 – Local Road Resurfacing Bid Recommendation

BACKGROUND:

FY 2018 Local Road Resurfacing - Asphaltic concrete resurfacing of local roads, approximately 55 miles in South Cape Coral. A location map of the FY 2018 Local Roads is attached.

The FY 2018 budget includes \$6.5 million for local and major road resurfacing. There is an additional \$2.0 million remaining from previous years' budgets.

RECOMMENDATION:

An Invitation to Bid was advertised and the five bids submitted were opened on December 20, 2017. The Public Works Department recommends awarding the FY 2018 Local Road Resurfacing contract to Community Asphalt Corp., the apparent lowest responsive responsible bidder. The contract includes a substantial completion time frame of 120 days after notice to proceed.

Staff recommends awarding the contract for the submitted bid of \$4,788,273 for paving, \$26,500 for replacement of traffic loops and installation of reflective pavement markers (RPMs), and \$595,350 for utility adjustments. Therefore, the total amount to be awarded to Community Asphalt Corp. is \$5,410,123. The total contract price including a 5% City controlled contingency of \$270,507 is \$5,680,630.

FUND AVAILABILITY:

Public Works Department

Road, Curbs, and Gutters for Asphalt Concrete Resurfacing Business Unit 3010915.663101: \$4,788,273 plus a 5% City controlled contingency of \$239,414 for a total of **\$5,027,687.**

Road, Curbs, and Gutters Maintenance for Traffic Loops and RPMS Business Unit 130125.653101: \$26,500 plus a 5% City controlled contingency of \$1,325 for a total of **\$27,825.**

Utilities Department

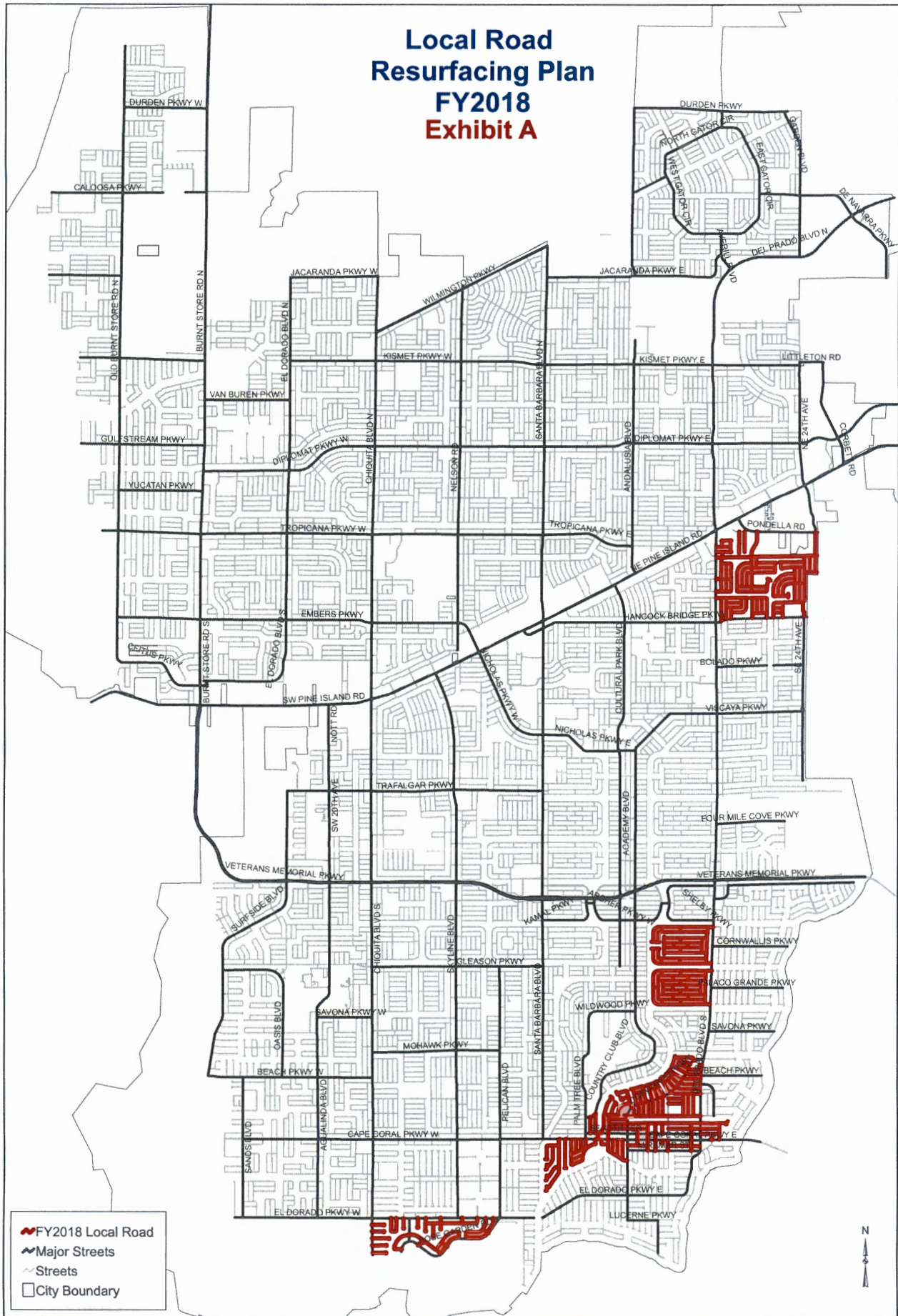
Other Operating Materials & Supplies for Manhole & Valve Adjustments Business Unit
4050076.662601: \$595,350 plus a 5% City controlled contingency of \$29,768 for a total
of **\$625,118**.

Total Project Valuation: **\$5,680,630**.

PC/SS/mr

Attachment: FY2018 Local Road Resurfacing Plan

Local Road Resurfacing Plan FY2018 Exhibit A



Identification of roads to be paved in each year is subject to construction costs, funding availability and other factors.



Roads may be added or changed at the City's discretion.

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Public Works with any questions regarding this map. 8/9/17 S. Feldman for M. Royale


**OFFICIAL BID TABULATION
FY 2018 Local Road Resurfacing**

Item #	Item Description	Quantity	Unit	Unit Price	Extended Price
1	Mobilization	1	LS	\$ 93,500.00	\$ 93,500.00
2	Maintenance of Traffic	1	LS	\$ 119,702.72	\$ 119,702.72
3	Herbicide	1	LS	\$ 27,800.00	\$ 27,800.00
4	Milling Existing Asphalt Pavement (0"-2" Avg Depth)	456,000	SY	\$ 1.42	\$ 647,520.00
5	Structural Repair	2,000	SY	\$ 59.35	\$ 118,700.00
6	Superpave SP-9.5 Asphalt Overlay	45,000	TN	\$ 74.80	\$ 3,366,000.00
7	Asphalt Testing	1	LS	\$ 53,800.00	\$ 53,800.00
8	Sod	500	SY	\$ 5.50	\$ 2,750.00
9	Striping - Paint	1	LS	\$ 242,000.00	\$ 242,000.00
10	Striping - Thermoplastic	1	LS	\$ 116,500.00	\$ 116,500.00
11	RPM'S	1	LS	\$ 18,000.00	\$ 18,000.00
12	Traffic Loops (6x40)	5	EA	\$ 1,700.00	\$ 8,500.00
13	Valve Box Cover Adjustment	629	EA	\$ 550.00	\$ 345,950.00
14	Manhole Cover Adjustment	215	EA	\$ 1,160.00	\$ 249,400.00
TOTAL					\$ 5,410,122.72

It is the sole responsibility of the contractor to field verify all quantities prior to bidding. Any discrepancies found are the Contractor's responsibility to address. Please note under General Conditions, Section 1.5.1 in reference to question submittal requirements. Formulas are not guaranteed for accuracy. It is the responsibility of the Proposer to verify the correctness of the formulas. Also, if using this form as part of your submitted RFP, Proposers MUST still submit the signed official proposal form, stating Pricing attached.

By Signing you assume all risk regarding the quantities in your bid. You also agree to maintain the above Bid Price on all road segments.

Submitted by:

Signature: 

Name Printed: Manuel Aguiar

Title: Vice President

Company: Community Asphalt Corp.

Date: 2/27/2018

THIS PAGE MUST BE COMPLETED AND SIGNED BY AN AUTHORIZED SIGNER AND RETURNED AS PART OF YOUR BID.

RESOLUTION 12 – 18

A RESOLUTION OF THE CITY OF CAPE CORAL AWARDING A BID FOR LOCAL ROAD RESURFACING FY2018 TO COMMUNITY ASPHALT CORPORATION; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT DOCUMENTS BY THE CITY MANAGER OR HIS DESIGNEE; PROVIDING FOR APPROVAL OF A CONTINGENCY AMOUNT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 15, 2017, INVITATION TO BID ITB-PW18-11CV was issued for Local Road Resurfacing FY2018 for asphaltic concrete paving of approximately 55 miles of local roads in south Cape Coral; and

WHEREAS, having received five bids, the City Manager recommends the award of the bid to Community Asphalt Corporation as the lowest qualified responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid, in the amount of \$5,410,123, subject to a City-controlled contingency amount not to exceed five (5) percent.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the bid for Local Road Resurfacing FY2018 to Community Asphalt Corporation in the amount of \$5,410,123, subject to a City-controlled contingency amount not to exceed five (5) percent.

Section 2. The City Council hereby approves Contract CON-PW18-11CV between the City of Cape Coral and Community Asphalt Corporation for Local Road Resurfacing FY2018, and authorizes the City Manager or his designee to execute the Contract. A copy of the Contract is attached hereto as Exhibit 1.

Section 3. The City Council hereby authorizes the City Manager or the City Manager's designee to enter into change orders for work required for the alternate bid and any work other than as contemplated in the contract documents with an appropriate scope and cost to address those needs, subject to payment of a City-controlled contingency amount not to exceed five (5) percent of the total amount of the contract.

Section 4. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
res/Bid Award-Local Road-Community Asphalt

**City of Cape Coral
Local Road Resurfacing FY2018
Contract # CON-PW18-11CV**

THIS CONTRACT is made this _____ day of _____, 2018 by and between the **CITY OF CAPE CORAL, FLORIDA**, hereinafter called "**CITY**", and **COMMUNITY ASPHALT CORPORATION**, located at 16560 Mass Court, Fort Myers, Florida 33912, doing business as a corporation, hereinafter called "**CONTRACTOR**".

WITNESSETH: For and in **consideration of the payments** and agreements mentioned hereinafter:

1. The **CONTRACTOR will provide** Local Road Resurfacing for FY2018 in accordance with the Contract Documents.
2. The **CONTRACTOR will furnish** all of the material, supplies, tools, equipment, labor and other services necessary for the completion of the services described in the Contract Documents. Time is of the essence in the performance of this Contract.
3. The **CONTRACTOR will commence** work as required by the **CONTRACT DOCUMENTS** within 10 calendar days after the receipt of the written Notice to Proceed.
4. The **CONTRACTOR agrees** to perform all of the **WORK** described in the **CONTRACT DOCUMENTS** for a total price of Five Million, Four Hundred Ten Thousand, One Hundred Twenty-Two Dollars and Seventy-Two Cents (\$5,410,122.72) as listed in Exhibit A during the term of the contract.
5. The **term** of the contract to be awarded as a result of this bid shall be for one hundred-twenty (120) days.
6. This Contract **may be terminated** by the CITY for its convenience upon thirty (30) days prior written notice to the **CONTRACTOR**. In the event of termination, the **CONTRACTOR** shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this Contract. Such amount shall be paid by the CITY after inspection of the work to determine the extent of performance under this Contract, whether completed or in progress.
7. The Term "**Contract Documents**" shall include this Contract, Addenda, Contractor's Bid except when it conflicts with any other contractual provision, the Notice to Proceed, Certificates, and the Bid Package number ITB-PW18-11CV prepared and issued by the City. In the event of conflict between any provision of any other document referenced herein as part of the contract and this Contract, the terms of this Contract shall control.
8. **Assignment:** This Contract may not be assigned except with the written consent of the CITY, and if so assigned, shall extend and be binding upon the successors and assigns of the **CONTRACTOR**.
9. **Disclosure:** The **CONTRACTOR** warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the **CONTRACTOR** to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the **CONTRACTOR**, any fee, commission, percentage, gift, or other compensation contingent upon or resulting from the award or making of the Contract.

**City of Cape Coral
Local Road Resurfacing FY2018
Contract # CON-PW18-11CV**

10. **Administration of Contract:** The Public Works Director, or his representative, shall administer this Contract for the CITY.
11. **Governing Law:** The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, each party shall be responsible for its own reasonable costs and attorney's fees.
12. **Amendments:** No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by the parties.
13. **Payments:** CITY shall make payment and CONTRACTOR shall be in receipt of all sums properly invoiced within thirty (30) days of the City's receipt of such invoice unless, within a fifteen (15) day period, CITY notifies CONTRACTOR in writing of its objection to the amount of such invoice, together with CITY'S determination of the proper amount of such invoice. CITY shall pay any undisputed portion of such invoice within such thirty (30) day period. If CITY shall give such notice to the CONTRACTOR within such fifteen (15) day period, such dispute over the proper amount of such invoice shall be resolved, and after final resolution of such dispute, CITY shall promptly pay the CONTRACTOR the amount so determined, less any amounts previously paid by CITY with respect to such invoice. In the event it is determined that CITY has overpaid such invoice, the CONTRACTOR shall promptly refund to the CITY the amount of such overpayment.
14. **Contractor's Representations:** In order to induce CITY to enter into the Contract CONTRACTOR makes the following representations:
- CONTRACTOR has been familiarized with the Contract Documents and the nature and extent of the work required to be performed, locality, local conditions, and Federal, State, and Local laws, ordinances, rules and regulations that in any manner may affect costs, progress or performance of the work.
- CONTRACTOR has made or caused to be made examinations, investigations and tests and studies as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.
- CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents. CONTRACTOR has given CITY written notice of all conflicts, errors or discrepancies that have been discovered in the CONTRACT DOCUMENTS and the written resolution thereof by CITY is acceptable to CONTRACTOR.
15. **Indemnity:** To the extent permitted by law (F.S. 768.28), the CONTRACTOR shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to

**City of Cape Coral
Local Road Resurfacing FY2018
Contract # CON-PW18-11CV**

the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the CONTRACTOR and any persons employed or utilized by CONTRACTOR in the performance of this Contract.

16. **Damage Liability:** The awarded CONTRACTOR shall be responsible for all claims filed for damage to private property, windows, screen enclosures, real estate signs, etc. Additionally, the CONTRACTOR shall be responsible for damage to all public property or utility property, fire hydrants, catch basins, guy wires telephone pedestals, etc. Copies of all damage claims shall be submitted to the Procurement Division.
17. **Invalid Provision:** The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
18. **Project Records:** The CONTRACTOR shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting methods, and the CITY reserves the right to determine the record-keeping method in the event of non-conformity. These records shall be maintained for five (5) years after final payment has been made and shall be readily available to CITY personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

The City intends to reuse all plans at some future time, in accordance with Section 287.055(11), Florida Statutes. There shall be no public notice requirement or utilization of the selection process when the city reuses the plans.

19. **Insurance:** Unless otherwise specified, CONTRACTOR shall, at its own expense, carry and maintain the following minimum insurance coverage, as well as any insurance coverage required by law:
- 1. Worker's Compensation:
 - a. State Statutory
 - b. Applicable Federal (e.g., Longshoremen's) Statutory
 - c. Employer's Liability \$1,000,000 Per Accident
 - 2. Comprehensive General Liability (including Premises and/or -Operations; Independent Contractors' and Products and/or Completed Operations; Broad Form Property Damage and XCU Coverage):
 - a. Combined single limits for bodily injury and property damage:
 - \$3,000,000 Per Occurrence
 - \$3,000,000 Annual Aggregate
 - b. Products and Completed Operations to be maintained for one year after final payment.
 - 3. Contractual Liability:
 - a. Bodily Injury \$3,000,000 Per Occurrence
 - b. Property Damage \$3,000,000 Per Occurrence
\$3,000,000 Annual Aggregate

**City of Cape Coral
Local Road Resurfacing FY2018
Contract # CON-PW18-11CV**

- | | | |
|--------------------------|-----------------|---|
| 4. Automobile Liability: | | |
| a. | Bodily Injury | \$3,000,000 Each Person
\$3,000,000 Per Occurrence |
| b. | Property Damage | \$3,000,000 Per Occurrence |

CONTRACTOR shall require its subcontractors to provide for such benefits and carry and maintain the foregoing types of insurance at no expense to CITY. CITY shall be named as an "Additional Insured" under the CONTRACTOR'S General Liability Insurance Policy with respect to the services performed by the CONTRACTOR or by the CITY.

Prior to commencing any Work under this Agreement, CONTRACTOR shall submit to CITY a certificate or certificates of insurance evidencing that such benefits have been provided, and that such insurance is being carried and maintained. Such certificates shall stipulate that the insurance will not be cancelled or materially changed without thirty (30) days prior written notice by certified mail to CITY, and shall also specify the date such benefits and insurance expire. CONTRACTOR agrees that such benefits shall be provided and such insurance carried and maintained until the Work has been completed and accepted by CITY.

Such benefits and such coverage as are required herein, or in any other document to be considered a part hereof, shall not be deemed to limit Contractor's liability under this Agreement.

The City shall be named as "Additional Insured" and the contract number (CON-PW17-43GM) shall be listed under the comment section.

20. **Unauthorized Aliens:** The employment of unauthorized aliens by any Contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of any contract resulting from this solicitation. This applies to any sub-contractors used by the Contractor as well.
21. **Public Construction Bond:** Any Contractor entering into a contract for the construction of a public building or public work, or for any repairs upon a building or public work shall, before commencing work, execute, deliver to the City of Cape Coral, and record in the public records of Lee County, Florida, a public construction bond issued by a surety authorized to do business in the State of Florida. The amount of the bond shall be 100% of the contract amount.
22. **Public Records:** Pursuant to Florida Statute §287.058 (1) (c), this contract may be unilaterally cancelled by the City if the Consultant, refuses to allow public access to all documents, papers, letters, or other material made or received by the Consultant in conjunction with this contract, unless the records are exempt from disclosure.
23. **Entire Agreement:** This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

City of Cape Coral
Local Road Resurfacing FY2018
Contract # CON-PW18-11CV

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, by their duly authorized officials this Contract in one counterpart which shall be deemed an original on the date last signed as below written:

(CITY SEAL)
ATTEST:

Signature

Rebecca van Deutekom
Name

City Clerk
Title

CITY:

City of Cape Coral, Florida

Signature

A. John Szerlag
Name

City Manager
Title

Date

CITY LEGAL REVIEW:

for Dolores Menendez
City Attorney

Date

3-2-2018

WITNESS CONTRACTOR:

Signature:

Typed Name: ANDREA TIGLIER

Title:

ASST. SECRETARY

CONTRACTOR:

Community Asphalt Corporation
Company

Signature

Typed Name:

Title

Date

MANUEL AZUAR
VICE-PRESIDENT

3/2/2018

EXHIBIT A

**OFFICIAL BID TABULATION
FY 2018 Local Road Resurfacing**

Item #	Item Description	Quantity	Unit	Unit Price	Extended Price
1	Mobilization	1	LS	\$ 93,500.00	\$ 93,500.00
2	Maintenance of Traffic	1	LS	\$ 119,702.72	\$ 119,702.72
3	Herbicide	1	LS	\$ 27,800.00	\$ 27,800.00
4	Milling Existing Asphalt Pavement (0"-2" Avg Depth)	456,000	SY	\$ 1.42	\$ 647,520.00
5	Structural Repair	2,000	SY	\$ 59.35	\$ 118,700.00
6	Superpave SP-9.5 Asphalt Overlay	45,000	TN	\$ 74.80	\$ 3,366,000.00
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TOTAL					\$ 5,410,122.72

It is the sole responsibility of the contractor to field verify all quantities prior to bidding. Any discrepancies found are the Contractor's responsibility to address. Please note under General Conditions, Section 1.5.1 in reference to question submittal requirements. Formulas are not guaranteed for accuracy. It is the responsibility of the Proposer to verify the correctness of the formulas. Also, if using this form as part of your submitted RFP, Proposers MUST still submit the signed official proposal form, stating Pricing attached.

By Signing you assume all risk regarding the quantities in your bid. You also agree to maintain the above Bid Price on all road segments.

Submitted by:

Signature: 

Name Printed: Manuel Aguiar

Title: Vice President

Company: Community Asphalt Corp.

Date: 2/27/2018

THIS PAGE MUST BE COMPLETED AND SIGNED BY AN AUTHORIZED SIGNER AND RETURNED AS PART OF YOUR BID.

OFFICIAL BID TABULATION
FY 2018 Local Road Resurfacing
ITB-PW18-11CV

					AJAX PAVING Industries of Florida, LLC North Venice, Florida		BONNESS Incorporated Naples, Florida		COMMUNITY ASPHALT Corporation Fort Myers, Florida		PAVEMENT MAINTENANCE, LLC Fort Myers, Florida		PREFERRED MATERIALS Incorporated Tampa, Florida	
Item #	Item Description	Quantity	Unit		Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Mobilization	1	LS		\$ 400,000.00	\$ 400,000.00	\$ 225,160.05	\$ 225,160.05	\$ 93,500.00	\$ 93,500.00	\$ 250,000.00	\$ 250,000.00	\$ 417,755.00	\$ 417,755.00
2	Maintenance of Traffic	1	LS		\$ 180,000.00	\$ 180,000.00	\$ 86,322.82	\$ 86,322.82	\$ 119,702.72	\$ 119,702.72	\$ 150,000.00	\$ 150,000.00	\$ 170,000.00	\$ 170,000.00
3	Herbicide	1	LS		\$ 42,935.00	\$ 42,935.00	\$ 44,733.88	\$ 44,733.88	\$ 27,800.00	\$ 27,800.00	\$ 25,000.00	\$ 25,000.00	\$ 23,776.49	\$ 23,776.49
4	Milling Existing Asphalt Pavement (0"-2" Avg Depth)	456,000	SY		\$ 1.25	\$ 570,000.00	\$ 2.85	\$ 1,299,600.00	\$ 1.42	\$ 647,520.00	\$ 1.10	\$ 501,600.00	\$ 1.60	\$ 729,600.00
5	Structural Repair	2,000	SY		\$ 85.45	\$ 170,900.00	\$ 60.28	\$ 120,560.00	\$ 59.35	\$ 118,700.00	\$ 55.00	\$ 110,000.00	\$ 62.00	\$ 124,000.00
6	Superpave SP-9.5 Asphalt Overlay	45,000	TN		\$ 89.80	\$ 4,041,000.00	\$ 92.83	\$ 4,177,350.00	\$ 74.80	\$ 3,366,000.00	\$ 79.00	\$ 3,555,000.00	\$ 87.00	\$ 3,915,000.00
7	Asphalt Testing	1	LS		\$ 39,000.00	\$ 39,000.00	\$ 27,474.00	\$ 27,474.00	\$ 53,800.00	\$ 53,800.00	\$ 100,000.00	\$ 100,000.00	\$ 40,045.00	\$ 40,045.00
8	Sod	500	SY		\$ 3.25	\$ 1,625.00	\$ 4.45	\$ 2,225.00	\$ 5.50	\$ 2,750.00	\$ 5.00	\$ 2,500.00	\$ 10.43	\$ 5,215.00
9	Striping - Paint	1	LS		\$ 236,100.00	\$ 236,100.00	\$ 280,102.43	\$ 280,102.43	\$ 242,000.00	\$ 242,000.00	\$ 225,500.00	\$ 225,500.00	\$ 225,000.00	\$ 225,000.00
10	Striping - Thermoplastic	1	LS		\$ 115,000.00	\$ 115,000.00	\$ 134,946.90	\$ 134,946.90	\$ 116,500.00	\$ 116,500.00	\$ 116,705.00	\$ 116,705.00	\$ 107,500.00	\$ 107,500.00
11	RPM'S	1	LS		\$ 18,000.00	\$ 18,000.00	\$ 21,004.89	\$ 21,004.89	\$ 18,000.00	\$ 18,000.00	\$ 18,165.00	\$ 18,165.00	\$ 17,221.28	\$ 17,221.28
12	Traffic Loops (6x40)	5	EA		\$ 1,670.00	\$ 8,350.00	\$ 3,052.67	\$ 15,263.35	\$ 1,700.00	\$ 8,500.00	\$ 1,694.00	\$ 8,470.00	\$ 2,000.00	\$ 10,000.00
13	Valve Box Cover Adjustment	629	EA		\$ 325.00	\$ 204,425.00	\$ 113.41	\$ 71,334.89	\$ 550.00	\$ 345,950.00	\$ 550.00	\$ 345,950.00	\$ 524.00	\$ 329,596.00
14	Manhole Cover Adjustment	215	EA		\$ 595.00	\$ 127,925.00	\$ 819.04	\$ 176,093.60	\$ 1,160.00	\$ 249,400.00	\$ 1,375.00	\$ 295,625.00	\$ 1,150.00	\$ 247,250.00
					TOTAL	\$ 6,155,260.00	TOTAL	\$ 6,682,171.81	TOTAL	\$ 5,410,122.72	TOTAL	\$ 5,704,515.00	TOTAL	\$ 6,361,958.77

Note:
Community Asphalt reduced Item #14 - Manhole Cover Adjustment from \$1,450 to \$1,160. There was a change from \$311,750 to \$249,400
Bid change from \$5,472,472.72 to \$5,410,122.72 - which did not change the Lowest Responsive Responsible bidder standing
Allowed per Code of Ordinance, Section 2-144 (a) (8) (c)

Item Number: B.(2)
Meeting Date: 3/19/2018
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Resolution 13-18 Award ITB-PW18-12CV Major Road Resurfacing FY2018 to Community Asphalt Corporation of Ft. Myers, FL, for the asphaltic paving of major roads throughout Cape Coral, as the lowest responsive, responsible bidder, in the amount of \$1,945,475 with a 5% city controlled contingency of \$97,274 for a total of \$2,042,749, and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$2,042,749; (General Fund)

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? Yes

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

1. The FY2018 Major Road Resurfacing is for the paving (asphaltic concrete resurfacing of major roads) of major roads throughout Cape Coral.
2. On November 15, 2017, the City issued an Invitation to Bid, #ITB-PW18-12CV for the FY2018 Major Road Resurfacing and fifteen (15) vendors obtained the Bid.
3. On December 20, 2017, three (3) responses were received from, in alphabetical order: Ajax Paving Industries of Florida, LLC of North Venice, FL., Community Asphalt Corporation of Ft Myers, FL., and Preferred Materials, Inc. of Tampa, FL.
4. After evaluation, Public Works Department recommends awarding a contract to Community Asphalt Corporation as the lowest responsive responsible bidder meeting the requirements and specifications outlined in the bid documents.
5. The lowest responsive responsible bidder, Community Asphalt, offered a reduced unit price for item #14, Manhole Cover Adjustment. The reduction did not change the bidder's standing. The offer was accepted following the Cape Coral Code of Ordinance, Article VII,

Section 2-144(a) (8) (c) which states that “Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the lowest responsive responsible bidder after bid opening, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specification or conditions contained in the invitation for bids or alter the determination of which vendor is to be awarded the bid or portion thereof”.

6. If approved, the contract is to be completed in 180 days for a contract amount of \$1,945,474.74 with a 5% city controlled contingency of \$97,273.74 for a total of \$2,042,748.48.
7. The Project Manager is requesting a City Controlled Contingency: The expenditure of contingency, if any, will be subject to approval of specific change orders by City's Project Manager, if justified, upon identified needs with an appropriate scope and cost to address specific needs.
8. This is a budgeted item.
9. Funding information: Funding for the total Project including contingency - Government Capital Projects/General Fund
 - Business Unit #3010915.663101 (Public Works Department/Road Resurfacing) \$1,673,425 for resurfacing plus 5% City Controlled Contingency of \$83,671 for a total of **\$1,757,096**
 - Business Unit #130125.653101 (Road Curbs and Gutters, and Maintenance) \$ 26,550 for Traffic Loops and RPMS plus 5% City Controlled Contingency of \$ 1,328 for a total of \$ **27,878**
 - Business Unit #4050076.662601 (Utilities Department/Operating Materials) \$ 245,500 for Manhole & Valve adjustments plus a 5% City Controlled Contingency of \$12,275 for a total of \$ **257,775**

LEGAL REVIEW:

Contract reviewed by Legal

EXHIBITS:

Department Recommendation Memo
Resolution 13-18
Bid Tabulation ITB-PW18-12CV

PREPARED BY:

Wanda Division- Procurement Department- Finance
Roop

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director

ATTACHMENTS:

Description	Type
▣ Department Recommendation Memo	Backup Material
▣ Resolution 13-18	Resolution
▣ Bid Tabulation ITB-PW18-12CV	Backup Material

MEMORANDUM

CITY OF CAPE CORAL PUBLIC WORKS DEPARTMENT

TO: John Szerlag, City Manager
Victoria Bateman, Financial Services Director
Wanda Roop, Procurement Manager

FROM: Paul Clinghan, Public Works Director *SJS for PC*
Stephanie Smith, Design & Construction Manager *SJS*

DATE: March 5, 2018

SUBJECT: FY 2018 – Major Road Resurfacing Bid Recommendation

BACKGROUND:

FY 2018 Major Road Resurfacing - Asphaltic concrete resurfacing of major roads, approximately 15 miles in north and south Cape Coral. A location map of the FY 2018 Major Roads is attached.

The FY 2018 budget includes \$6.5 million for local and major road resurfacing. There is an additional \$2.0 million remaining from previous years' budgets.

RECOMMENDATION:

An Invitation to Bid was advertised and the three bids submitted were opened on December 20, 2017. The Public Works Department recommends awarding the FY 2018 Major Road Resurfacing contract to Community Asphalt Corp., the apparent lowest responsive responsible bidder. The contract includes a substantial completion time frame of 120 days after notice to proceed.

Staff recommends awarding the contract for the submitted bid of \$1,673,425 for paving, \$26,550 for replacement of traffic loops and installation of reflective pavement markers (RPMs), and \$245,500 for utility adjustments. Therefore, the total amount to be awarded to Community Asphalt Corp. is \$1,945,475. The total contract price including a 5% City controlled contingency of \$97,274 is \$2,042,749.

FUND AVAILABILITY:

Public Works Department

Road, Curbs, and Gutters for Asphalt Concrete Resurfacing: Business Unit 3010915.663101: \$1,673,425 plus a 5% City controlled contingency of \$83,671 for a total of **\$1,757,096.**

Road, Curbs, and Gutters Maintenance for Traffic Loops and RPMS: Business Unit 130125.653101: \$26,550 plus a 5% City controlled contingency of \$1,328 for a total of **\$27,878.**

Utilities Department

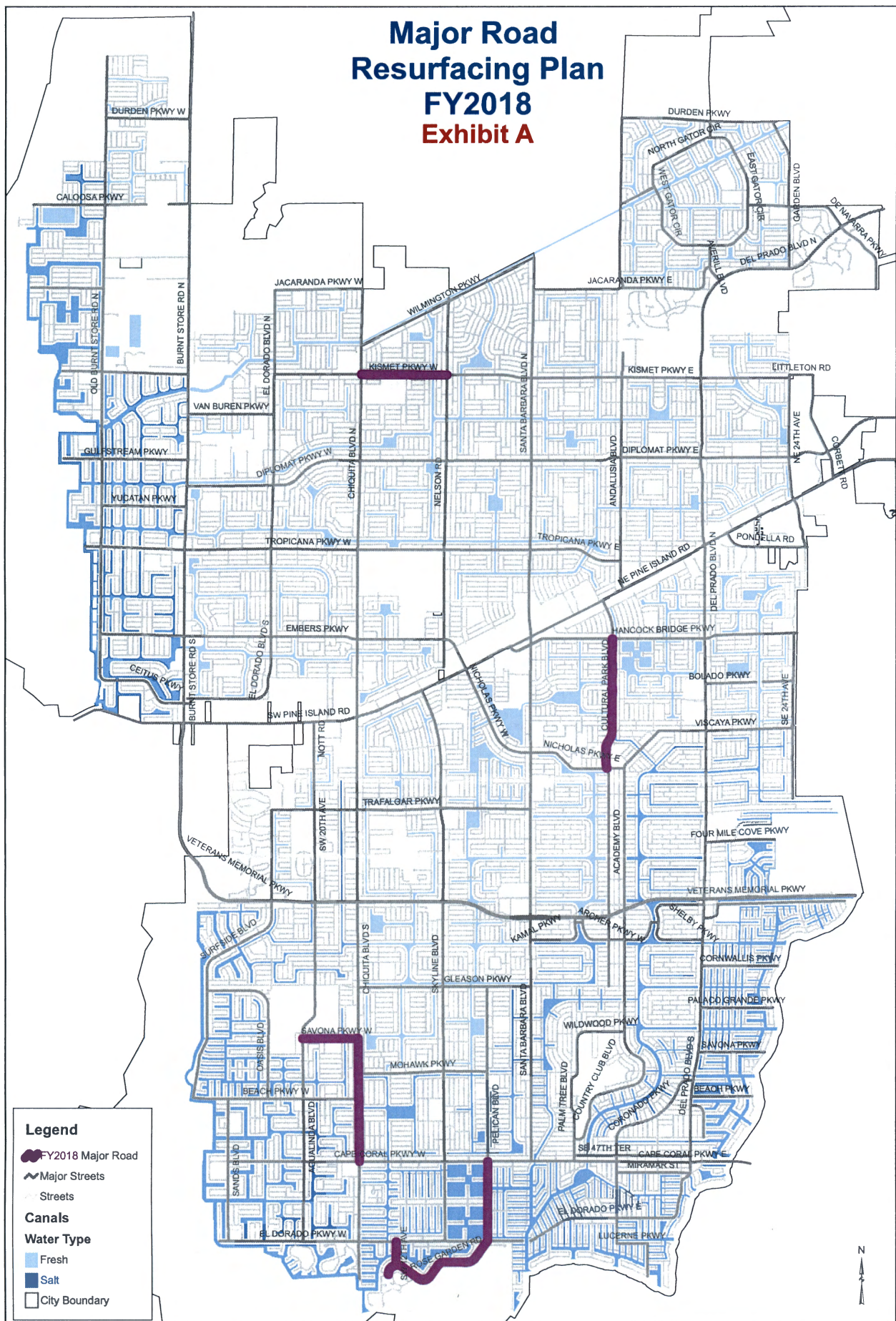
Other Operating Materials & Supplies for Manhole & Valve Adjustments: Business Unit 4050076.662601: \$245,500 plus a 5% City controlled contingency of \$12,275 for a total of **\$257,775**.

Total Project Valuation: **\$2,042,749**.

PC/SS/mr

Attachment: FY2018 Major Road Resurfacing Plan

Major Road Resurfacing Plan FY2018 Exhibit A



Legend

- FY2018 Major Road
- Major Streets
- Streets
- Canals
- Water Type
 - Fresh
 - Salt
- City Boundary

Identification of roads to be paved in each year is subject to construction costs, funding availability and other factors.

Roads may be added or changed at the City's discretion.

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may result due to the improper use of the information presented on this map. This map is not intended for construction, navigation or engineering calculations. Please contact the Department of Public Works with any questions regarding this map. 8917 S. Feldman for M. Royals



OFFICIAL BID TABULATION
FY 2018 Major Road Resurfacing

Item #	Item Description	Quantity	Unit	Unit Price	Extended Price
1	Mobilization	1	LS	\$ 41,000.00	\$ 41,000.00
2	Maintenance of Traffic	1	LS	\$ 52,174.74	\$ 52,174.74
3	Herbicide	1	LS	\$ 15,000.00	\$ 15,000.00
4	Milling Existing Asphalt Pavement (0"-2" Avg Depth)	185,000	SY	\$ 1.40	\$ 259,000.00
5	Structural Repair	2,000	SY	\$ 58.25	\$ 116,500.00
6	Superpave SP-9.5 Asphalt Overlay	12,000	TN	\$ 75.00	\$ 900,000.00
7	Asphalt Testing	1	LS	\$ 14,500.00	\$ 14,500.00
8	Sod	500	SY	\$ 5.50	\$ 2,750.00
9	Striping - Paint	1	LS	\$ 109,000.00	\$ 109,000.00
10	Striping - Thermoplastic	1	LS	\$ 163,500.00	\$ 163,500.00
11	RPM'S	1	LS	\$ 21,300.00	\$ 21,300.00
12	Traffic Loops (6x40)	3	EA	\$ 1,750.00	\$ 5,250.00
13	Valve Box Cover Adjustment	250	EA	\$ 750.00	\$ 187,500.00
14	Manhole Cover Adjustment	50	EA	\$ 1,160.00	\$ 58,000.00
TOTAL					\$ 1,945,474.74

It is the sole responsibility of the contractor to field verify all quantities prior to bidding. Any discrepancies found are the Contractor's responsibility to address. Please note under General Conditions, Section 1.5.1 in reference to question submittal requirements. Formulas are not guaranteed for accuracy. It is the responsibility of the Proposer to verify the correctness of the formulas. Also, if using this form as part of your submitted RFP, Proposers MUST still submit the signed official proposal form, stating Pricing attached.

By Signing you assume all risk regarding the quantities in your bid. You also agree to maintain the above Bid Price on all road segments.

Submitted by:

Signature: 

Name Printed: Manuel Aguir

Title: Vice President

Company: Community Asphalt Corp.

Date: 2/27/2018

THIS PAGE MUST BE COMPLETED AND SIGNED BY AN AUTHORIZED SIGNER AND RETURNED AS PART OF YOUR BID.

RESOLUTION 13 – 18

A RESOLUTION OF THE CITY OF CAPE CORAL AWARDING A BID FOR MAJOR ROAD RESURFACING FY2018 TO COMMUNITY ASPHALT CORPORATION; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT DOCUMENTS BY THE CITY MANAGER OR HIS DESIGNEE; PROVIDING FOR APPROVAL OF A CONTINGENCY AMOUNT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 15, 2017, INVITATION TO BID ITB-PW18-12CV was issued for Major Road Resurfacing FY2018 for asphaltic concrete paving of approximately 15 miles of major roads in north and south Cape Coral; and

WHEREAS, having received three bids, the City Manager recommends the award of the bid to Community Asphalt Corporation as the lowest qualified responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid, in the amount of \$1,945,475, subject to a City-controlled contingency amount not to exceed five (5) percent.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the bid for Major Road Resurfacing FY2018 to Community Asphalt Corporation in the amount of \$1,945,475, subject to a City-controlled contingency amount not to exceed five (5) percent.

Section 2. The City Council hereby approves Contract CON-PW18-12CV between the City of Cape Coral and Community Asphalt Corporation for Major Road Resurfacing FY2018 and authorizes the City Manager or his designee to execute the Contract. A copy of the Contract is attached hereto as Exhibit A.

Section 3. The City Council hereby authorizes the City Manager or the City Manager's designee to enter into change orders for work required for the alternate bids and any work other than as contemplated in the contract documents with an appropriate scope and cost to address those needs, subject to payment of a City-controlled contingency amount not to exceed five (5) percent of the total amount of the contract.

Section 4. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
res/Bid Award-Major Road-Community Asphalt

City of Cape Coral
Major Road Resurfacing FY2018
Contract# CON-PW18-12CV

THIS CONTRACT is made this _____ day of _____, 2018 by and between the **CITY OF CAPE CORAL, FLORIDA**, hereinafter called "**CITY**", and **COMMUNITY ASPHALT CORPORATION**, located at 16560 Mass Court, Fort Myers, Florida 33912, doing business as a corporation, hereinafter called "**CONTRACTOR**".

WITNESSETH: For and in **consideration of the payments** and agreements mentioned hereinafter:

1. The **CONTRACTOR will provide** Major Road Resurfacing for FY2018 in accordance with the Contract Documents.
2. The **CONTRACTOR will furnish** all of the material, supplies, tools, equipment, labor and other services necessary for the completion of the services described in the Contract Documents. Time is of the essence in the performance of this Contract.
3. The **CONTRACTOR will commence** work as required by the **CONTRACT DOCUMENTS** within 10 calendar days after the receipt of the written Notice to Proceed.
4. The **CONTRACTOR agrees** to perform all of the **WORK** described in the **CONTRACT DOCUMENTS** for a total price of One Million, Nine Hundred Forty-Five Thousand, Four Hundred Seventy-Four Dollars and Seventy-Four Cents (\$1,945,474.74) as listed in Exhibit A during the term of the contract.
5. The **term** of the contract to be awarded as a result of this bid shall be for one hundred-twenty (120) days.
6. This Contract **may be terminated** by the CITY for its convenience upon thirty (30) days prior written notice to the **CONTRACTOR**. In the event of termination, the **CONTRACTOR** shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this Contract. Such amount shall be paid by the CITY after inspection of the work to determine the extent of performance under this Contract, whether completed or in progress.
7. The Term "**Contract Documents**" shall include this Contract, Addenda, Contractor's Bid except when it conflicts with any other contractual provision, the Notice to Proceed, Certificates, and the Bid Package number ITB-PW18-12CV prepared and issued by the City. In the event of conflict between any provision of any other document referenced herein as part of the contract and this Contract, the terms of this Contract shall control.
8. **Assignment:** This Contract may not be assigned except with the written consent of the CITY, and if so assigned, shall extend and be binding upon the successors and assigns of the **CONTRACTOR**.
9. **Disclosure:** The **CONTRACTOR** warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the **CONTRACTOR** to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee

City of Cape Coral
Major Road Resurfacing FY2018
Contract# CON-PW18-12CV

working solely for the CONTRACTOR, any fee, commission, percentage, gift, or other compensation contingent upon or resulting from the award or making of the Contract.

10. **Administration of Contract:** The Public Works Director, or his representative, shall administer this Contract for the CITY.
11. **Governing Law:** The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, each party shall be responsible for its own reasonable costs and attorney's fees.
12. **Amendments:** No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by the parties.
13. **Payments:** CITY shall make payment and CONTRACTOR shall be in receipt of all sums properly invoiced within thirty (30) days of the City's receipt of such invoice unless, within a fifteen (15) day period, CITY notifies CONTRACTOR in writing of its objection to the amount of such invoice, together with CITY'S determination of the proper amount of such invoice. CITY shall pay any undisputed portion of such invoice within such thirty (30) day period. If CITY shall give such notice to the CONTRACTOR within such fifteen (15) day period, such dispute over the proper amount of such invoice shall be resolved, and after final resolution of such dispute, CITY shall promptly pay the CONTRACTOR the amount so determined, less any amounts previously paid by CITY with respect to such invoice. In the event it is determined that CITY has overpaid such invoice, the CONTRACTOR shall promptly refund to the CITY the amount of such overpayment.
14. **Contractor's Representations:** In order to induce CITY to enter into the Contract CONTRACTOR makes the following representations:

CONTRACTOR has been familiarized with the Contract Documents and the nature and extent of the work required to be performed, locality, local conditions, and Federal, State, and Local laws, ordinances, rules and regulations that in any manner may affect costs, progress or performance of the work.

CONTRACTOR has made or caused to be made examinations, investigations and tests and studies as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.

CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents. CONTRACTOR has given CITY written notice of all conflicts, errors or discrepancies that have been discovered in the CONTRACT DOCUMENTS and the written resolution thereof by CITY is acceptable to CONTRACTOR.

City of Cape Coral
Major Road Resurfacing FY2018
Contract# CON-PW18-12CV

15. **Indemnity:** To the extent permitted by law (F.S. 768.28), the CONTRACTOR shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the CONTRACTOR and any persons employed or utilized by CONTRACTOR in the performance of this Contract.
16. **Damage Liability:** The awarded CONTRACTOR shall be responsible for all claims filed for damage to private property, windows, screen enclosures, real estate signs, etc. Additionally, the CONTRACTOR shall be responsible for damage to all public property or utility property, fire hydrants, catch basins, guy wires telephone pedestals, etc. Copies of all damage claims shall be submitted to the Procurement Division.
17. **Invalid Provision:** The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
18. **Project Records:** The CONTRACTOR shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting methods, and the CITY reserves the right to determine the record-keeping method in the event of non-conformity. These records shall be maintained for five (5) years after final payment has been made and shall be readily available to CITY personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

The City intends to reuse all plans at some future time, in accordance with Section 287.055(11), Florida Statutes. There shall be no public notice requirement or utilization of the selection process when the city reuses the plans.

19. **Insurance:** Unless otherwise specified, CONTRACTOR shall, at its own expense, carry and maintain the following minimum insurance coverage, as well as any insurance coverage required by law:
1. Worker's Compensation:
 - a. State Statutory
 - b. Applicable Federal (e.g., Longshoremen's) Statutory
 - c. Employer's Liability \$1,000,000 Per Accident
 2. Comprehensive General Liability (including Premises and/or -Operations; Independent Contractors' and Products and/or Completed Operations; Broad Form Property Damage and XCU Coverage):
 - a. Combined single limits for bodily injury and property damage:
\$3,000,000 Per Occurrence
\$3,000,000 Annual Aggregate
 - b. Products and Completed Operations to be maintained for one year after final payment.

City of Cape Coral
Major Road Resurfacing FY2018
Contract# CON-PW18-12CV

- 3. Contractual Liability:
 - a. Bodily Injury \$3,000,000 Per Occurrence
 - b. Property Damage \$3,000,000 Per Occurrence
\$3,000,000 Annual Aggregate

- 4. Automobile Liability:
 - a. Bodily Injury \$3,000,000 Each Person
\$3,000,000 Per Occurrence
 - b. Property Damage \$3,000,000 Per Occurrence

CONTRACTOR shall require its subcontractors to provide for such benefits and carry and maintain the foregoing types of insurance at no expense to CITY. CITY shall be named as an "Additional Insured" under the CONTRACTOR'S General Liability Insurance Policy with respect to the services performed by the CONTRACTOR or by the CITY.

Prior to commencing any Work under this Agreement, CONTRACTOR shall submit to CITY a certificate or certificates of insurance evidencing that such benefits have been provided, and that such insurance is being carried and maintained. Such certificates shall stipulate that the insurance will not be cancelled or materially changed without thirty (30) days prior written notice by certified mail to CITY, and shall also specify the date such benefits and insurance expire. CONTRACTOR agrees that such benefits shall be provided and such insurance carried and maintained until the Work has been completed and accepted by CITY.

Such benefits and such coverage as are required herein, or in any other document to be considered a part hereof, shall not be deemed to limit Contractor's liability under this Agreement.

The City shall be named as "Additional Insured" and the contract number (CON-PW17-42GM) shall be listed under the comment section.

- 20. **Unauthorized Aliens:** The employment of unauthorized aliens by any Contractor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of any contract resulting from this solicitation. This applies to any sub-contractors used by the Contractor as well.

- 21. **Public Construction Bond:** Any Contractor entering into a contract for the construction of a public building or public work, or for any repairs upon a building or public work shall, before commencing work, execute, deliver to the City of Cape Coral, and record in the public records of Lee County, Florida, a public construction bond issued by a surety authorized to do business in the State of Florida. The amount of the bond shall be 100% of the contract amount.

- 22. **Public Records:** Pursuant to Florida Statute §287.058 (1) (c), this contract may be unilaterally cancelled by the City if the Consultant, refuses to allow public access to all documents, papers, letters, or other material made or received by the Consultant in conjunction with this contract, unless the records are exempt from disclosure.

**City of Cape Coral
Major Road Resurfacing FY2018
Contract# CON-PW18-12CV**

23. **Entire Agreement:** This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, by their duly authorized officials this Contract in one counterpart which shall be deemed an original on the date last signed as below written:

(CITY SEAL)

ATTEST:

Signature

Rebecca van Deutekom

Name

City Clerk

Title

CITY:

City of Cape Coral, Florida

Signature

A. John Szerlag


Name

City Manager

Title

Date

CITY LEGAL REVIEW:

 3-2-2018
f. Dolores Menendez Date
City Attorney

WITNESS CONTRACTOR:


Signature:

Typed Name: ANDREA TREVES

Title: ASST SECRETARY

CONTRACTOR:

Community Asphalt Corporation

Company



Signature

Typed Name: MANUEL AGUIAR

Title: VICE-PRESIDENT

3/2/2018
Date

EXHIBIT A**OFFICIAL BID TABULATION
FY 2018 Major Road Resurfacing**

Item #	Item Description	Quantity	Unit	Unit Price	Extended Price
1	Mobilization	1	LS	\$ 41,000.00	\$ 41,000.00
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By Signing you assume all risk regarding the quantities in your bid. You also agree to maintain the above Bid Price on all road segments.

Submitted by:

Signature: 

Name Printed: Manuel Aguilar

Title: Vice President

Company: Community Asphalt Corp.

Date: 2/27/2018

THIS PAGE MUST BE COMPLETED AND SIGNED BY AN AUTHORIZED SIGNER AND RETURNED AS PART OF YOUR BID.

OFFICIAL BID TABULATION
FY 2018 Major Road Resurfacing
ITB-PW18-12CV

					AJAX PAVING Industries of Florida, LLC North Venice, Florida		COMMUNITY ASPHALT Corporation Fort Myers, Florida		PREFERRED MATERIALS Incorporated Tampa, Florida	
Item #	Item Description	Quantity	Unit		Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	Mobilization	1	LS		\$ 80,000.00	\$ 80,000.00	\$ 41,000.00	\$ 41,000.00	\$ 188,000.00	\$ 188,000.00
2	Maintenance of Traffic	1	LS		\$ 60,000.00	\$ 60,000.00	\$ 52,174.74	\$ 52,174.74	\$ 59,933.00	\$ 59,933.00
3	Herbicide	1	LS		\$ 17,050.00	\$ 17,050.00	\$ 15,000.00	\$ 15,000.00	\$ 12,800.00	\$ 12,800.00
4	Milling Existing Asphalt Pavement (0"-2" Avg Depth)	185,000	SY		\$ 1.40	\$ 259,000.00	\$ 1.40	\$ 259,000.00	\$ 1.38	\$ 255,300.00
5	Structural Repair	2,000	SY		\$ 76.60	\$ 153,200.00	\$ 58.25	\$ 116,500.00	\$ 62.44	\$ 124,880.00
6	Superpave SP-9.5 Asphalt Overlay	12,000	TN		\$ 87.80	\$ 1,053,600.00	\$ 75.00	\$ 900,000.00	\$ 92.90	\$ 1,114,800.00
7	Asphalt Testing	1	LS		\$ 9,200.00	\$ 9,200.00	\$ 14,500.00	\$ 14,500.00	\$ 20,510.00	\$ 20,510.00
8	Sod	500	SY		\$ 3.25	\$ 1,625.00	\$ 5.50	\$ 2,750.00	\$ 6.26	\$ 3,130.00
9	Striping - Paint	1	LS		\$ 107,400.00	\$ 107,400.00	\$ 109,000.00	\$ 109,000.00	\$ 130,000.00	\$ 130,000.00
10	Striping - Thermoplastic	1	LS		\$ 160,000.00	\$ 160,000.00	\$ 163,500.00	\$ 163,500.00	\$ 150,000.00	\$ 150,000.00
11	RPM'S	1	LS		\$ 21,000.00	\$ 21,000.00	\$ 21,300.00	\$ 21,300.00	\$ 20,000.00	\$ 20,000.00
12	Traffic Loops (6x40)	3	EA		\$ 1,720.00	\$ 5,160.00	\$ 1,750.00	\$ 5,250.00	\$ 1,950.00	\$ 5,850.00
13	Valve Box Cover Adjustment	250	EA		\$ 325.00	\$ 81,250.00	\$ 750.00	\$ 187,500.00	\$ 655.00	\$ 163,750.00
14	Manhole Cover Adjustment	50	EA		\$ 595.00	\$ 29,750.00	\$ 1,160.00	\$ 58,000.00	\$ 1,822.00	\$ 91,100.00
					TOTAL	\$ 2,038,235.00	TOTAL	\$ 1,945,474.74	TOTAL	\$ 2,340,053.00

Note:

Community Asphalt reduced Item #14 - Manhole Cover Adjustment from \$1,750 to \$1,160. There was a change from \$87,500 to \$58,000

Bid change from \$1,974,974.74 to \$1,945,474.74 - which did not change the Lowest Responsive Responsible bidder standing

Allowed per Code of Ordinance, Section 2-144 (a) (8) (c)

Item Number: B.(3)
Meeting Date: 3/19/2018
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Resolution 54-18 Award ITB-PW18-08/CV Police Headquarters Building Repainting to Crazy Horse Enterprises Inc., d.b.a. Vic's Painting & Reconstruction of Fort Myers FL, as the lowest responsive responsible bidder to repaint the Police Headquarters Building in the amount of \$68,000 with a 20% city controlled contingency of \$13,600 for a total of \$81,600, and authorize the City Manager or Designee to execute the contract; Department: Public Works; Dollar Value: \$81,600; (General Fund)

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

1. On January 17, 2018, Procurement issued bid # PW18-08/CV Police Headquarters Building Repainting to prepare and paint all exterior surfaces of the City of Cape Coral Police Headquarters building.
2. The City of Cape Coral Police Headquarters Complex was constructed in 2008. Over the past ten years the harsh effects of Florida's weather have caused the painted surfaces to fade, spall and crack. As part of the City's due diligence in preserving their physical assets on a preventative maintenance level versus a corrective maintenance one, it has become necessary to prepare and repaint the outer surfaces of the complex.
3. On February 15, 2018, six (6) responses were received from, in alphabetical order: Disaster Restoration Squad, Inc. of Fort Myers, FL, Hein Brothers, LLC. of Fort Myers, FL, Performance Painting Contractors, Inc. of Tampa, FL, Tri Tec Painting & Waterproofing of Fort Myers, FL, Vic's Painting & Reconstruction of Fort Myers, FL and Worth Contracting, Inc of Jacksonville FL.
4. After evaluation, Public Works recommends awarding a contract to Crazy Horse Enterprises Inc., d.b.a. Vic's Painting & Reconstruction as the lowest responsive responsible bidder meeting the requirements and specifications outlined in the bid documents.

5. If approved, the contract is to be completed in 60 days from the Notice of Commencement for a contract amount of \$68,000 with a 20% City controlled contingency of \$13,600 for a total of \$81,600.
6. The Project Manager is requesting a City Controlled Contingency: The expenditure of contingency, if any, will be subject to approval of specific change orders by City's Project Manager, if justified, upon identified needs with an appropriate scope and cost to address specific needs.
7. This Item is a budgeted item.
8. Funding: Account No:121101.646103. (Police Dept. Building Maintenance)

LEGAL REVIEW:

Contract reviewed by Legal

EXHIBITS:

Department Recommendation Memo
Resolution 54-18
Bid Tabulation ITB-PW18-08/CV

PREPARED BY:

Wanda Division- Procurement Department- Finance
Roop

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan

ATTACHMENTS:

Description	Type
▣ Department Recommendation Memo	Backup Material
▣ Resolution 54-18	Resolution
▣ Bid Tabulation ITB-PW18-08/CV	Backup Material

MEMORANDUM

**CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT**

TO: John Szerlag, City Manager
Victoria Bateman, Financial Services Director
Wanda Roop, Procurement Manager

FROM: David Newlan, Chief of Police *DN*
Paul Clinghan, Public Works Director *PAC*
Mark Ridenour, Facilities/Projects Manager *WR*

DATE: March 7, 2018

SUBJECT: Police HQ Painting – Bid Recommendation

Background

The Cape Coral Police HQ Complex was constructed in 2008. Over the past ten years the harsh effects of Florida's sun and the rain have caused the painted surfaces of the complex to fade, spall, and crack. As part of the City's due diligence in preserving their physical assets on a preventative maintenance level, versus on a corrective maintenance one: it has become necessary to repair and repaint the outer surfaces of the complex. With requisite funding in place in Fiscal Year 2018, this project was sent to Procurement for formal bids.

Recommendation

The Procurement Division advertised this project, via the formal bidding process. Multiple bids were received, and the one submitted by Vic's Painting and Reconstruction, was selected as the lowest qualified one. Their bid of \$68,000.00 is within budget, and justified for this scope of work.

Vic's Painting has not performed work for the City of Cape Coral in the past, so a check of their references and site visits of their recent projects was performed. The results of our investigations were satisfactory, and they seem more than capable of performing the specified work to the level of quality the City expects.

Staff recommends City Council approval. Once granted, staff respectfully requests a purchase order be issued to Vic's Painting, per their base bid of \$68,000.00 along with a 20% City controlled contingency of \$13,600.00; for a total award of \$81,600.00.

Police HQ Painting — Bid Recommendation
March 7, 2018
Page 2 of 2

If you have any questions, please contact Chris Camp at (x4468).

Fund Availability

Business Unit/Account String: 121101.646103

Amount: \$122,000

PC/CC:ha

C: Lisa Barnes, Deputy Police Chief
Chris Camp, Principal Engineer
Trina Chamness, Contract Administrator
Mark Milkovich, Procurement Specialist

RESOLUTION 54 – 18

A RESOLUTION OF THE CITY OF CAPE CORAL AWARDING A BID FOR POLICE HEADQUARTERS BUILDING REPAINTING TO CRAZY HORSE ENTERPRISES, INC., D.B.A. VIC'S PAINTING & RECONSTRUCTION; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT DOCUMENTS BY THE CITY MANAGER OR HIS DESIGNEE; PROVIDING FOR APPROVAL OF A CONTINGENCY AMOUNT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 17, 2018, INVITATION TO BID ITB-PW18-08/CV was issued for Police Headquarters Building Repainting; and

WHEREAS, having received six bids, the City Manager recommends the award of the bid to Crazy Horse Enterprises, Inc. d.b.a. Vic's Painting & Reconstruction as the lowest qualified responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid, in the amount of \$68,000, subject to a City-controlled contingency amount not to exceed twenty (20) percent.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby awards the bid for Police Headquarters Building Repainting to Crazy Horse Enterprises, Inc. d.b.a. Vic's Painting & Reconstruction in the amount of \$68,000, subject to a City-controlled contingency amount not to exceed twenty (20) percent.

Section 2. The City Council hereby approves Contract CON-PW18-08CV between the City of Cape Coral and Crazy Horse Enterprises, Inc. d.b.a. Vic's Painting & Reconstruction for Police Headquarters Building Repainting, and authorizes the City Manager or his designee to execute the Contract. A copy of the Contract is attached hereto as Exhibit 1.

Section 3. The City Council hereby authorizes the City Manager or the City Manager's designee to enter into change orders for work required for the alternate bid and any work other than as contemplated in the contract documents with an appropriate scope and cost to address those needs, subject to payment of a City-controlled contingency amount not to exceed twenty (20) percent of the total amount of the contract.

Section 4. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCLA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
res/Bid Award-Crazy Horse Enterprises

City of Cape Coral
POLICE HEADQUARTERS BUILDING REPAINTING
Contract CON-PW18-08CV

THIS CONTRACT is made this _____ day of _____, 2018 by and between the CITY OF CAPE CORAL, FLORIDA, hereinafter called "CITY", and Crazy Horse Enterprises, Inc. d.b.a. Vic's Painting & Reconstruction, located at 17000 Alico Commerce Ct., Fort Myers, FL 33967 hereinafter called "CONTRACTOR".

WITNESSETH: For and in **consideration of the payments** and agreements mentioned hereinafter:

1. The CONTRACTOR **will provide** City of Cape Coral Police Headquarters Building Repainting in accordance with the Contract Documents.
2. The CONTRACTOR **will furnish** all of the material, supplies, tools, equipment, labor and other services necessary for the completion of the services described in the Contract Documents. Time is of the essence in the performance of this Contract.
3. The CONTRACTOR **will commence** work as required by the CONTRACT DOCUMENTS within the time frame specified within the PO of receipt of the written Notice to Proceed and will completed as specified within the PO.
4. The CONTRACTOR **agrees** to perform all of the WORK described in the CONTRACT DOCUMENTS for the prices listed on the CONTRACTOR'S Official Bid Proposal Form during the term of the contract more specifically EXHIBIT A, attached as submitted.
5. The **term** of this contract is ninety (90) days from Notice of Commencement to Project Completion. Extensions will be made upon mutual agreement.
6. This Contract **may be terminated** by the CITY for its convenience upon thirty (30) days prior written notice to the CONTRACTOR. In the event of termination, the CONTRACTOR shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this Contract. Such amount shall be paid by the CITY after inspection of the work to determine the extent of performance under this Contract, whether completed or in progress.
7. The Term "**Contract Documents**" shall include this Contract, addenda, Contractor's Bid except when it conflicts with any other contractual provision, the Notice to Proceed, Certificates, and the Bid Package prepared and issued by the City. In the event of conflict between any provision of any other document referenced herein as part of the contract and this Contract, the terms of this Contract shall control.
8. **Assignment:** This Contract may not be assigned except with the written consent of the CITY, and if so assigned, shall extend and be binding upon the successors and assigns of the CONTRACTOR.
9. **Disclosure:** The CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the CONTRACTOR, any fee, commission, percentage, gift, or other compensation contingent upon or resulting from the award or making of the Contract.
10. **Administration of Contract:** The Publics Works Director, or his representative, shall administer this Contract for the CITY.

City of Cape Coral
POLICE HEADQUARTERS BUILDING REPAINTING
Contract CON-PW18-08CV

11. **Governing Law:** The validity, construction and effect of this Contract shall be governed by the laws of the State of Florida. All claim and/or dispute resolution under this Agreement, whether by mediation, arbitration, litigation, or other method of dispute resolution, shall take place in Lee County, Florida. More specifically, any litigation between the parties to this Agreement shall be conducted in the Twentieth Judicial Circuit, in and for Lee County, Florida. In the event of any litigation arising out of this Contract, the prevailing party shall be entitled to recover from the non-prevailing party reasonable costs and attorney's fees.
12. **Amendments:** No Amendments or variation of the terms or conditions of this Contract shall be valid unless in writing and signed by the parties.
13. **Payments:** CITY shall make payment and CONTRACTOR shall be in receipt of all sums properly invoiced within thirty (30) days of the City's receipt of such invoice unless, within a fifteen (15) day period, CITY notifies CONTRACTOR in writing of its objection to the amount of such invoice, together with CITY'S determination of the proper amount of such invoice. CITY shall pay any undisputed portion of such invoice within such thirty (30) day period. If CITY shall give such notice to the CONTRACTOR within such fifteen (15) day period, such dispute over the proper amount of such invoice shall be resolved, and after final resolution of such dispute, CITY shall promptly pay the CONTRACTOR the amount so determined, less any amounts previously paid by CITY with respect to such invoice. In the event it is determined that CITY has overpaid such invoice, the CONTRACTOR shall promptly refund to the CITY the amount of such overpayment.
14. **Contractor's Representations:** In order to induce CITY to enter into the Contract CONTRACTOR makes the following representations:
- CONTRACTOR has been familiarized with the Contract Documents and the nature and extent of the work required to be performed, locality, local conditions, and Federal, State, and Local laws, ordinances, rules and regulations that in any manner may affect costs, progress or performance of the work.
- CONTRACTOR has made or caused to be made examinations, investigations and tests and studies as deemed necessary for the performance of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by CONTRACTOR for such purposes.
- CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents. CONTRACTOR has given CITY written notice of all conflicts, errors or discrepancies that have been discovered in the CONTRACT DOCUMENTS and the written resolution thereof by CITY is acceptable to CONTRACTOR.
15. **Indemnity:** To the extent permitted by law (F.S. 768.28), the CONTRACTOR shall indemnify and hold harmless the CITY, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the CONTRACTOR and any persons employed or utilized by CONTRACTOR in the performance of this Contract.
16. **Damage Liability:** The awarded CONTRACTOR shall be responsible for all claims filed for damage to private property, windows, screen enclosures, real estate signs, etc. Additionally, the CONTRACTOR shall be responsible for damage to all public property or utility property, fire hydrants, catch basins, guy wires telephone pedestals, etc. Copies of all damage claims shall be submitted to the Procurement Division.

City of Cape Coral
POLICE HEADQUARTERS BUILDING REPAINTING
Contract CON-PW18-08CV

17. **Invalid Provision:** The invalidity or unenforceability of any particular provision of this Contract shall not affect the other provisions hereof, and the Contract shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
18. **Record Keeping:** The Contractor shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting principles, and the City of Cape Coral reserves the right to determine the record-keeping method in the event of non-conformity. If a Public Construction Bond is required records shall be maintained for ten (10) years, after final payment has been made, and shall be readily available to City personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

Records of the CONTRACTOR'S personnel, sub-consultants, and the costs pertaining to the Project shall be kept in accordance with generally accepted accounting practices.

CONTRACTOR shall keep full and detailed accounts and financial records pertaining to the provision of services for the City. Prior to commencing work, Vendor shall review with and obtain the City's approval of the accounting procedures and records to be utilized by the Vendor on the Project. Vendor shall preserve the aforementioned Project records for a period of ten (10) years after final payment, or for such longer period as may be required by law.

19. **Public Records:** Pursuant to Florida Statute §287.058 (1) (c), this contract may be unilaterally cancelled by the City if the Consultant, refuses to allow public access to all documents, papers, letters, or other material made or received by the Consultant in conjunction with this contract, unless the records are exempt from disclosure.
20. **Insurance:** Unless otherwise specified, CONTRACTOR shall, at its own expense, carry and maintain the following minimum insurance coverage, as well as any insurance coverage required by law:
- a. Worker's Compensation Insurance with limits that comply with statutory requirements and Employer's Liability Insurance with a lower limit of \$1,000,000 per occurrence, including, without limitation, coverage for Occupational Diseases, to provide for the payment of benefits to its employees employed on or in connection with the Work covered by this Agreement and/or to their dependents.
 - b. Broad Form Commercial General Liability Insurance (on an occurrence basis), with a minimum combined single limit for Bodily Injury, including Death of \$1,000,000 per occurrence and for Property Damage of at least \$1,000,000 per occurrence.
 - c. Business Auto Liability Insurance with minimum Bodily Injury and Death Limit per accident of \$1,000,000 and a minimum Property Damage Limit per accident of \$1,000,000.
 - d. CONTRACTOR shall require its subcontractors to provide for such benefits and carry and maintain the foregoing types of insurance at no expense to CITY. CITY shall be named as an "Additional Insured" under the CONTRACTOR'S General Liability Insurance Policy with respect to the services performed by the CONTRACTOR or by the OWNER.

City of Cape Coral
POLICE HEADQUARTERS BUILDING REPAINTING
Contract CON-PW18-08CV

- e. Prior to commencing any Work under this Agreement, CONTRACTOR shall submit to CITY a certificate or certificates of insurance evidencing that such benefits have been provided, and that such insurance is being carried and maintained. Such certificates shall stipulate that the insurance will not be cancelled or materially changed without thirty (30) days prior written notice by certified mail to CITY, and shall also specify the date such benefits and insurance expire. FIRM agrees that such benefits shall be provided and such insurance carried and maintained until the Work has been completed and accepted by CITY.
 - f. Such benefits and such coverage as are required herein, or in any other document to be considered a part hereof, shall not be deemed to limit Firm's liability under this Agreement.
21. **Unauthorized Aliens:** The employment of unauthorized aliens by any CONTRACTOR is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the CONTRACTOR knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of any contract resulting from this solicitation. This applies to any sub-contractors used by the CONTRACTOR as well.
22. **Licenses and Permits:** CONTRACTOR shall maintain and submit copies of all Licenses and Permits required to complete the assigned project to the City.
23. **Entire Agreement:** This Contract constitutes the entire and exclusive agreement between the parties and supersedes any and all prior communications, discussions, negotiations, understandings, or agreements, whether written or verbal.

City of Cape Coral
POLICE HEADQUARTERS BUILDING REPAINTING
Contract CON-PW18-08CV

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed, by their duly authorized officials this Contract in one counterpart which shall be deemed an original on the date last signed as below written:

(CITY SEAL)
ATTEST:

Signature
Rebecca van Deutekom

Name

City Clerk

Title

CITY:

City of Cape Coral, Florida

Signature
A. John Szerlag

Name

City Manager

Title

Date

CITY LEGAL REVIEW:

ML 2/27/18
for Dolores Menendez Date
City Attorney

WITNESS CONTRACTOR:

Signature: Ida Perez
Typed Name: Ida Perez
Title: Office Manager

CONTRACTOR:

Vic's Painting & Reconstruction
Company Name
Victor J. Hein
Signature
Victor J. Hein
Typed Name:
President/Owner
Title
February 27, 2018
Date

**CITY OF CAPE CORAL
OFFICIAL BID PROPOSAL
PAGE 1 of 3**

BID NUMBER: ITB-PW18-08/CV **DATE** February 14, 2018

BID TITLE: Police Headquarters Building Repainting

The Undersigned having read, reviewed and accepted the terms, conditions, and specifications issued by The City of Cape Coral and having inspected the work area and conditions affecting and governing same, hereby proposes to provide all equipment, tools, and supplies and to perform all labor necessary for the work as specified and described for the price listed below.

The Undersigned declares that the statements and representations made in this proposal are true in every respect and that the said proposal is in all respects fair and made without collusion or fraud, and that no member of the City Council or any other agent or employee of the City, directly or indirectly, is interested in this bid proposal or in any profits expected to accrue therefrom.

The Undersigned acknowledges receipt of the following addenda, and the cost, if any, of such revisions has been included in the price of the bid.

Addendum #: 1 Date: February 1, 2018
Addendum #: _____ Date: _____

Prices shall be effective for one hundred and twenty (120) days from bid opening date, and thereafter if accepted by the city for the term designated in this bid.

All Inclusive Project Fixed Price Lump Sum: \$ 68,000.00

Estimated Time To Complete: 60 Days

If awarded a contract on the basis of this bid, the Contractor will commence work as required by the Contract Documents as stipulated in the Notice to Proceed, and complete all work by the date determined in the contract below.

Vic's Painting & Reconstruction
Company Name

17000 Alico Commerce Court
Address

Fort Myers, Florida
City, State, Zip Code

239-694-3131

Phone Number

Victor J. Hein
Signature

Victor J. Hein
Name (Printed)

February 14, 2018
Date

239-694-3131

Fax Number

**CITY OF CAPE CORAL
OFFICIAL BID PROPOSAL
PAGE 2 of 3**

Bidder must demonstrate the ability to perform contracts of this size.

PROVIDE THREE COMMERCIAL REFERENCES:

1.

<u>Dunes</u>	<u>Arell Harris</u>
<u>Company Name</u>	<u>Contact Person</u>
<u>310 Dunes Boulevard, Cottage 5</u>	<u>239-593-8060</u>
<u>Mailing Address</u>	<u>Phone Number</u>
	<u>1/18/18</u>
<u>City, State, Zip Code</u>	<u>Most Recent Date of Service</u>
<u>Naples, Florida 34110</u>	

Painting and renovations

Brief Description of Service

2.

<u>Company Name</u>	<u>Contact Person</u>
<u>Germain Arena</u>	<u>Scott Bryant</u>
<u>Mailing Address</u>	<u>Phone Number</u>
<u>11000 Everglades Parkway</u>	<u>239-462-6625</u>
<u>City, State, Zip Code</u>	<u>Most Recent Date of Service</u>
<u>Estero, Florida 33928</u>	<u>8/17/17</u>

Power wash, paint, sealant and stucco repair

Brief Description of Service

3.

<u>Company Name</u>	<u>Contact Person</u>
<u>Ida Baker High School</u>	<u>Michael Scott</u>
<u>Mailing Address</u>	<u>Phone Number</u>
<u>2855 Colonial Blvd</u>	<u>239-823-4161</u>
<u>City, State, Zip Code</u>	<u>Most Recent Date of Service</u>
<u>Fort Myers, Florida</u>	<u>12/31/17</u>

Power wash, paint, sealant and stucco repair

Brief Description of Service

**CITY OF CAPE CORAL
OFFICIAL BID PROPOSAL
PAGE 3 of 3**

List of Existing Equipment:

N/A

PRICE SCHEDULE - SUBMITTED BY

COMPANY NAME

END OF SECTION



City of Cape Coral
POLICE HEADQUARTERS BUILDING REPAINTING:
ITB-PW18-08/CV

Bid Opening Date: 2/15/18

BIDDER'S NAME & ADDRESS (alphabetical order)	FIXED PRICE
Disaster Restoration Squad, Inc 5683 Corporation Circle Ft Myers, FL 33905	\$93,000.00
Hein Brothers, LLC. 13721 Jetport Commerce Pkwy Ft Myers, FL 33913	\$97,685.00
Performance Painting Contractors, Inc. 3910 US 301 Tampa, FL	\$106,000.00
Tri Tec Painting & Waterproofing 5751-3 Halifax Ave Ft Myers, FL 33912	\$91,500.00
Vic's Painting & Reconstruction 17000 Alico Commerce Ct Ft Myers, FL 33967	\$68,000.00
Worth Contracting, Inc. 2112 Jernigan Road Jacksonville, FL 32207	\$134,400.00

Item Number: B.(4)
Meeting Date: 3/19/2018
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Resolution 71-18 Approves Agreement CON-PW17-62/GM Florida Shared-Use Non-Motorized Sun Trail to Vanasse Hangen Brustlin, Inc.(VHB) to perform professional design services for the Sun Trail located along Van Buren Parkway/Burnt Store Road/Kismet Parkway from Burnt Store Road to Del Prado Boulevard (6.5 miles), in which the intended firm was ranked #1 by the Selection Advisory Committee and the ranking approved by Council on October 16, 2017 via Resolution 173-17, which allowed the City Manager to enter in negotiation; and authorize the City Manager or Designee to execute the agreement for \$1,095,590 with a 10% City Controlled contingency for additional professional design services of \$109,559 for a total project cost of \$1,205,149; Department: Public Works; Estimated Dollar Value: \$1,205,149; (FDOT Grant)

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan?

ELEMENT E: INCREASE QUALITY OF LIFE FOR OUR CITIZENS BY DELIVERING PROGRAMS AND SERVICES THAT FOSTER A SAFE COMMUNITY

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

1. On June 7, 2017, the City issued a Request for Proposals seeking professional design services for the Florida Shared-Use Nonmotorized Sun Trail in Cape Coral for trail located along Van Buren Parkway/Burnt Store Road/Kismet Parkway from Burnt Store Road to Del Prado Boulevard – 6.5 miles
2. On July 6, 2017, the City received proposals from seven (7) firms who responded in alphabetical order: AIM Engineering and Surveying, Inc.; Cardno, Inc.; CPH Inc.; David Douglas and Associates, Inc.; Jacobs Engineering, Inc.; Johnson Engineering, Inc.; Vanasse Hangen Brustlin, Inc. (VHB).
3. Proposals were evaluated based on City of Cape Coral, Code of Ordinance Article VII: Purchase and Sale of Real and Personal Property Section 2-144 (h)(3)(d) Consultant's Competitive Negotiation Act.

4. On September 26, 2017, the Selection Advisory Committee (SAC) interviewed the three (3) firms recommended by the evaluation committee. The SAC ranked the firms in the following order: #1 Vanasse Hangen Brustlin, Inc. #2 Johnson Engineering, Inc.; #3 CPH, Inc.
5. On October 16, 2017 via Resolution 173-17 Council approved the ranking which authorized staff to begin contract negotiations with the #1 ranked firm.
6. This is a FDOT Local Agency Program (LAP) Grant, Financial Project No 440236-1-34-01, Contract No G0K23 funded project through the State of Florida with no cost to the City. Council approved receipt of the grant on February 6, 2017 via Resolution 16-17.
7. Florida Department of Transportation approval of the ranking and contract with the #1 Ranked Firm (VHB) is a requirement of the LAP grant. The approvals were given by FDOT.
8. If approved, the contract is for \$1,095,590, with a request for an additional 10% City Controlled Contingency for additional professional design services of \$109,559 for a total project cost of \$1,205,149.
9. The Department Director is requesting a City Controlled Contingency for additional professional engineering services, if needed: The Expenditure of Contingency, if any, will be subject to approval of specific change order by the Project Manager, if justified, upon identified needs with an appropriate scope and cost to address the specific needs.
10. This is a budgeted item.
11. Funding: Business Unit 3011530 Non-Motorized Bike Path Kismet (FDOT- Local Agency Program (LAP) Grant)

LEGAL REVIEW:

Contract reviewed by Legal

EXHIBITS:

Department Recommendation Memo
Resolution 71-18

PREPARED BY:

Wanda Division- Procurement Department- Finance
Roop

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director

ATTACHMENTS:

Description	Type
□ Department Recommendation	Backup Material
□ Resolution 71-18	Resolution

MEMORANDUM

CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT

TO: John Szerlag, City Manager
Victoria Bateman, Finance Director
Wanda Roop, Procurement Manager

FROM: Paul Clinghan, Public Works Director *PRC*
Persides Zambrano, Permitting and Planning Manager *PS*
Stephanie Smith, Design and Construction Manager *SS*

DATE: March 8, 2018

SUBJECT: Professional Design Services for Florida Shared-Use Nonmotorized
(SUN) Trail – Bid Recommendation

BACKGROUND: The City of Cape Coral and the Florida Department of Transportation (FDOT) entered an agreement through the Local Agency Program (LAP) for a \$1,778,100. grant to complete Professional Design Services for the Florida Shared-Use Nonmotorized (SUN) Trail along Van Buren Parkway/Burnt Store Road/Kismet Parkway from Burnt Store Road to Del Prado Boulevard (a total of 6.5 miles).

RECOMMENDATION: On June 7, 2017, the City issued a Request for Proposal RFP-PW17-62GM seeking qualified firms to provide Professional Design Services for this SUN Trail project. Seven (7) firms responded to the Request for Proposal. Proposals were evaluated based on the City of Cape Coral, Code of Ordinance Article VII: Purchase and Sale of Real and Personal Property Section 2-144 (h)(3)(d) Consultant's Competitive Negotiation Act, and the executed LAP agreement between the City and the FDOT.

On September 26, 2017, the Selection Advisory Committee (SAC) interviewed the top three (3) firms recommended by the evaluation committee and ranked Vanasse Hangen Brustlin, Inc. (VHB) of Tampa, Florida first. On October 16, 2017, Council approved the rankings and directed staff to begin contract negotiation with the first ranked firm (VHB). Staff completed negotiations with VHB and recommends awarding the contract for the negotiated Not-To-Exceed (NTE) amount of \$1,095,590. Staff is requesting a 10% City controlled contingency of \$109,559 for a total contract price of \$1,205,149. As a requirement of the grant, FDOT reviewed and approved the negotiated contract.

FUND AVAILABILITY: This project is funded through a state grant as an FDOT Local Agency Program project and the City will pay VHB and then obtain reimbursement from FDOT monthly.

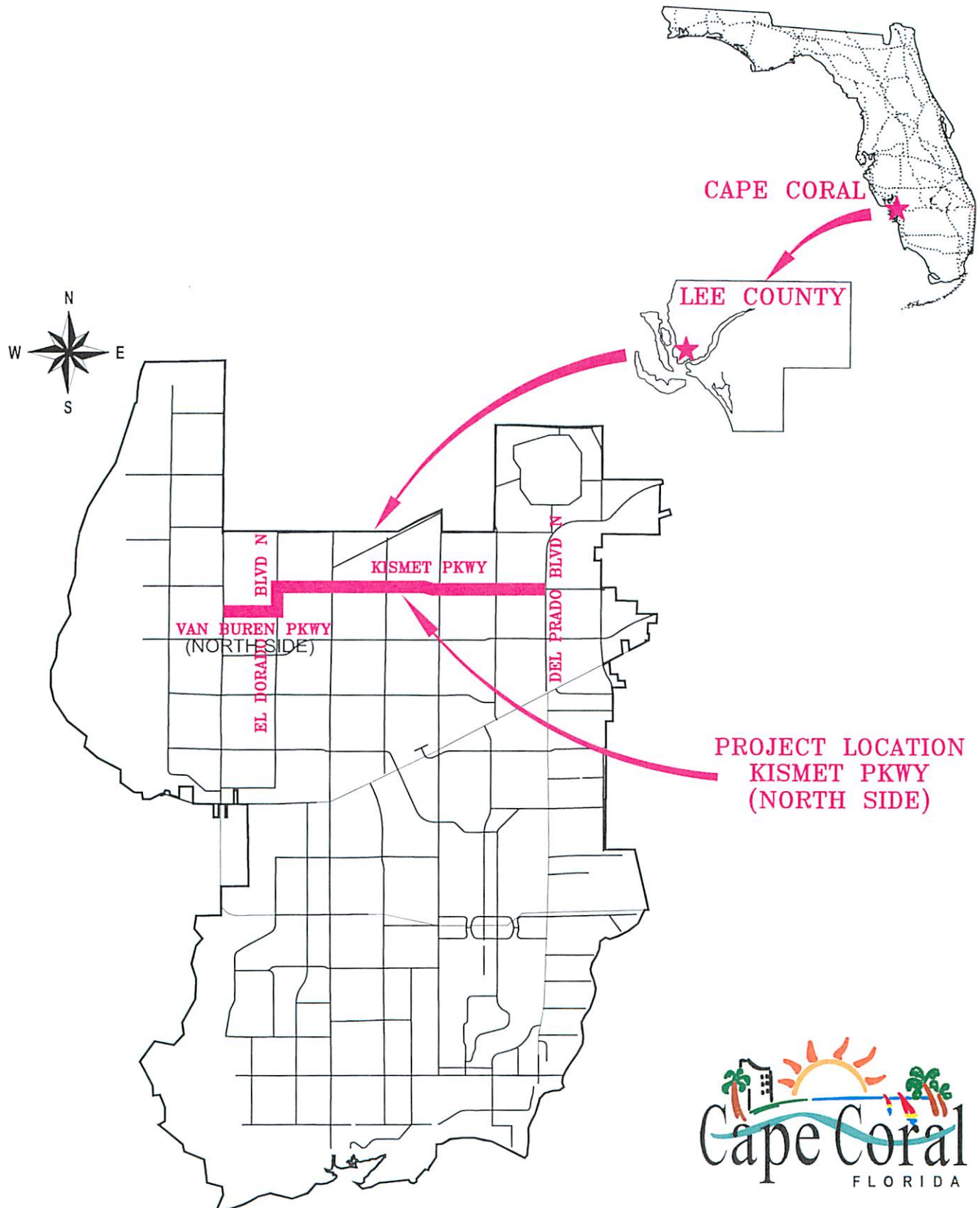
Business unit 3011530.663101: For expense purposes, VHB invoices monthly not to exceed \$1,205,149.

Business unit 3011530.531490: For revenue purposes from FDOT through grant reimbursements for actual expenditures.

Total Project Valuation: \$1,205,149

Attachment: Project Location Map

STATE OF FLORIDA SUN TRAIL PROGRAM
CITY OF CAPE CORAL APPLICATION
KISMET PKWY. / EL DORADO BLVD. / VAN BUREN PKWY.
PROPOSED 12' MULTI-USE TRAIL



RESOLUTION 71 - 18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, APPROVING AGREEMENT CON-PW17-62GM FOR PROFESSIONAL DESIGN SERVICES FOR THE FLORIDA SHARED-USE NON-MOTORIZED SUN TRAIL BETWEEN THE CITY OF CAPE CORAL AND VANASSE HANGEN BRUSTLIN, INC.; PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT BY THE CITY MANAGER OR HIS DESIGNEE; PROVIDING FOR APPROVAL OF A CONTINGENCY AMOUNT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 7, 2017, the City issued Request for Proposal RFP-PW17-62GM for Professional Design Services for the Florida Shared-Use Nonmotorized Trail Network; and

WHEREAS, the City received seven (7) proposals; and

WHEREAS, the evaluation team evaluated the proposals based on the criteria set forth in the City of Cape Coral Code of Ordinances, Section 2-144(h), Consultants' Competitive Negotiation Act, and recommended that the top three (3) firms be forwarded to the Selection Advisory Committee (SAC) for presentations; and

WHEREAS, on September 26, 2017, the SAC interviewed the firms and ranked the firms as follows: Vanasse Hangen Brustlin, Inc., ranked #1; Johnson Engineering, Inc., ranked #2; and CPH, Inc., ranked #3; and

WHEREAS, based on the SAC ranking, which was approved by City Council on October 16, 2017, staff began negotiations with Vanasse Hangen Brustlin, Inc.; and

WHEREAS, on February 6, 2017, City Council approved the Florida Shared-Use Nonmotorized Trail Grant Agreement between the City of Cape Coral and the State of Florida Department of Transportation (FDOT), which provides the terms for FDOT's participation in and funding of the project; and

WHEREAS, FDOT has approved the ranking and the contract with Vanasse Hangen Brustlin, Inc., as required by the Grant Agreement; and

WHEREAS, based on the negotiations, the City Manager recommends the approval of Agreement CON-PW17-62GM between the City of Cape Coral and Vanasse Hangen Brustlin, Inc., in the amount of \$1,095,590, subject to a City-controlled contingency amount not to exceed ten (10) percent of the total amount of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The City Council hereby approves Agreement CON-PW17-62GM between the City of Cape Coral and Vanasse Hangen Brustlin, Inc., for Professional Design Services for the Florida Shared-Use Nonmotorized Trail Network in the amount of \$1,095,590, subject to a City-controlled contingency amount not to exceed ten (10) percent of the total amount of the contract, and authorizes the City Manager or his designee to execute Agreement CON-PW17-62GM. A copy of the Agreement is attached hereto as Exhibit 1.

Section 2. The City Council hereby authorizes the City Manager or the City Manager's designee to enter into change orders for work required other than as contemplated in the contract documents with an appropriate scope and cost to address those needs, subject to payment of a City-controlled contingency amount not to exceed ten (10) percent of the total amount of the contract.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


COVIELLO
GUNTER
CARIOSCIA
STOUT

NELSON
STOKES
WILLIAMS
COSDEN

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY

res/Approve Contract-Vanasse Hangen Brustlin

CITY OF CAPE CORAL

PROFESSIONAL SERVICES

AGREEMENT

for

FLORIDA SHARED-USE
NON-MOTORIZED

SUN TRAIL

CON-PW17-62GM



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Exhibit L	Drug Free Workplace
Exhibit M	Truth-In Negotiations
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Exhibit O	Conflict of Interest

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2018, by and between the City of Cape Coral, Florida, a municipal corporation of the State of Florida, hereinafter referred to as the "City" and Vanasse Hangen Brustlin, Inc., (VHB), located at 101 Walnut Street, Watertown, Massachusetts 02472, registered as a Foreign Profit Corporation, authorized to transact business in the State of Florida, hereinafter referred to as "Consultant."

WITNESSETH:

WHEREAS, the City is a municipality providing to its citizens a comprehensive range of municipal services including general government, public safety, community development, public works, planning, utilities, and parks and recreation; and

WHEREAS, the City desires to contract with the Consultant to provide Professional Design Services for Florida Shared Use Non-Motorized Sun-trail (Sun Trail). The Consultant shall include all work necessary for the complete design, permitting and assistance with bidding and construction administration services of the project per the Scope of Professional Services as shown in Exhibit "A".

WHEREAS, the Consultant hereby certifies that it has been granted and possesses valid, current licenses to do business in the State of Florida, Lee County, Florida and the City of Cape Coral, issued by the respective agencies responsible for regulating and licensing the professional services to be provided and performed by the Consultant pursuant to this Agreement; and

WHEREAS, Consultant has reviewed the professional services required pursuant to this Agreement and is qualified, willing and able to provide and perform all such services in accordance with the provisions, conditions and terms hereinafter set forth; and

WHEREAS, the selection and engagement of the Consultant has been made by the City in accordance with the provisions of the Consultant's Competitive Negotiation Act, Section 287.055, Florida Statutes, and in accordance with the provisions of all City procurement standards.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Consultant, intending to be legally bound, covenant and agree as follows:

ARTICLE 1 RECITALS

The recitals set forth above are true and correct and are incorporated herein by reference.

ARTICLE 2 DEFINITIONS

- 2.1 City: The term "CITY" shall mean the City of Cape Coral
- 2.2 Consultant: The term "Consultant" shall mean Vanasse Hangen Brustlin, Inc. (VHB), a Foreign Profit Corporation.

- 2.3 Contract Documents: The term "Contract Documents" shall mean this Agreement, the City's Request for Proposals for the Project ("RFP"), the Consultant's responses and submissions to the RFP, and all addenda, drawings, schedules, plans, exhibits and specifications prepared and/or adopted by Consultant and its subconsultants.
- 2.4 Work: The term "Work" shall mean everything expressly or implicitly required to be furnished or done for the design of a fully, constructible, operational and functioning Project, including but not limited to, that work described in Exhibit "A" - Scope of Professional Services attached hereto.
- 2.5 Construction: The term "Construction" shall mean everything expressly or implicitly required to construct a fully operational and functioning Project.
- 2.6 Project: The term "Project" shall mean the Professional Design Services for Florida Shared Use Non-Motorized Sun Trail ("Project") situated in the Northern part of the City.

ARTICLE 3
SCOPE OF BASIC
PROFESSIONAL SERVICES

Consultant hereby agrees to provide and perform the professional services required and necessary to complete the services and Work as set forth in Exhibit "A," entitled Scope of Professional Services as indicated in said exhibit which is attached hereto and made a part of this Agreement ("Professional Services"). Consultant shall be responsible for providing and performing all services, work, equipment, material, personnel, supplies, facilities, transportation and administrative support that are necessary and required to complete all of the tasks and work set forth in the Scope of Professional Services attached hereto as Exhibit "A."

ARTICLE 4
CONTRACT
MODIFICATIONS

The City reserves the right to make any contract modifications it so desires, including but not limited to the deletion or removal of specific tasks or activities from the Scope of the Work to be performed hereunder. All contract modifications shall be performed in accordance with the terms and conditions of this Agreement. No extra Work shall be performed unless ordered in writing by the City and upon the terms agreed to in advance by the City.

ARTICLE 5
ADDITIONAL
PROFESSIONAL SERVICES

The City may, without invalidating this Agreement, require that Consultant perform professional services ("Additional Professional Services") in addition to those identified as Professional Services in this Agreement. If the Consultant believes a professional service to be beyond those included in the Professional Services, Consultant shall notify the City in writing, and obtain the City's written authorization to proceed with such service as an Additional Professional Service for such service to be considered an Additional Professional Service. These Additional Professional Services shall be provided by the

Consultant if directed and authorized in advance, in writing, by the City and if Consultant is reasonably qualified to provide the services. Additional Professional Services shall be performed under and governed by the terms and provisions of this Agreement. The City shall pay Consultant for all Additional Professional Services directed and authorized in writing and in advance by the City, except that the City shall not be obligated to pay for any such Additional Professional Services or any other services which result from or are caused by Consultant's breach of its obligations under this Agreement.

Furthermore, and notwithstanding the foregoing and the City's right to require performance of Additional Professional Services under this Agreement, the City may desire to enter into subsequent agreement(s) with Consultant for Consultant to provide further construction bidding services and inspection services. In such event, the City and Consultant will negotiate and endeavor to enter into subsequent agreement(s) for the furnishing of such further services.

ARTICLE 6 **TIME FOR** **PERFORMANCE**

- 6.1 Following the execution of this Agreement by both parties and after Consultant has complied with the insurance requirements set forth herein, the City shall issue to Consultant a written notice to proceed. Following the issuance of such a written notice to proceed, Consultant shall commence Work within 14 calendar days and shall carry on all services and work in a timely and diligent manner to complete the professional services for the work, including permitting approval, providing stamped and signed approved plans within 12 months from the notice to proceed date given by the City. The bidding and construction administrative services will continue under this agreement for subsequent construction phases for the Sun Trail project based on available funds and City approvals of the construction services. The bidding and construction administrative services are shown in the Scope of Professional Services, Exhibit "A" (Tasks 15-16).
- 6.2 Should Consultant be obstructed or delayed in the prosecution or completion of its obligations under this Agreement as a result of causes beyond the control of Consultant, or its sub consultants and/or subcontractors and not due to their fault or neglect, Consultant shall notify the City, in writing, within five (5) calendar days after the commencement of such delay stating the cause(s) thereof and requesting an extension of Consultant's time of performance. Upon receipt of Consultant's request for an extension of time, the City shall grant the extension if the City, in its sole discretion, determines that the delay(s) encountered by Consultant or its sub consultant(s) and/or subcontractor(s), is due to unforeseen causes and not attributable to their fault or neglect.
- 6.3 Consultant shall be required as a condition of this Agreement to prepare and submit to the City, Consultant's Work schedule. The Consultant's Design Work Schedule shall set forth in an understandable fashion the schedule for all of the various phases and/or tasks required to perform and complete all of the services set forth as described in Exhibit "C" – Consultant's Design Work Schedule. The Consultant's Work schedule of planned and actual Work progress shall be updated and submitted by Consultant to the City no later than the tenth day of each month, commencing with the issuance of the Notice to Proceed.
- 6.4 Consultant's services shall be performed as expeditiously as is consistent with professional skill and care in the orderly progress of the Project. Consultant represents to the City that it shall deliver its services in accordance with the Consultant's Design Work Schedule for key tasks/milestones

established for the Project which is attached hereto as Exhibit "C" and shall appropriately adjust the delivery of its services if necessary and approved by the City, as the Project proceeds. Consultant acknowledges that time is of the essence with respect to the delivery of its services hereunder and that the time limits set forth in the City's schedule shall not, except for a written determination by the City that reasonable cause exists for the schedule to be exceeded by Consultant.

- 6.5 NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY CONSULTANT SHALL NOT BE ENTITLED TO RECOVER ANY MONETARY DAMAGES IT MAY SUSTAIN AS A RESULT OF ANY DELAY CAUSED BY THE CITY, ANY SEPARATE DESIGN PROFESSIONAL EMPLOYED BY THE CITY, CONSULTANT OR ANY OTHER CAUSES WHATSOEVER. CONSULTANT FURTHER AGREES THAT IT SHALL MAKE NO CLAIM FOR COMPENSATION FOR SUCH DELAYS AND WILL ACCEPT IN FULL SATISFACTION FOR SUCH DELAYS ANY EXTENSIONS OF TIME WHICH ARE GRANTED TO IT BY THE CITY.

ARTICLE 7 **QUALITY CONTROL**

- 7.0 Consultant shall develop and employ a comprehensive quality control program designed to protect the City from patent or latent defects in any Work related to the Project or in Construction Work performed at the Project by third parties. At a minimum, Consultant will follow guidelines listed in the Consultant's most recent quality control and/or practices manual, and any subsequent revisions or updates, provided such guidelines do not conflict with any of the Contract Documents.

ARTICLE 8 **CONSULTANT'S PERSONNEL**

- 8.1 Licensing. Consultant agrees to obtain and maintain throughout the period this Agreement is in effect, all such licenses as are required to do business in the State of Florida, Lee County, Florida and the City of Cape Coral, including but not limited to, licenses required by the respective state boards and other governmental agencies responsible for regulating and licensing the professional services provided and performed by Consultant pursuant to this Agreement. Consultant is required to notify City within 5 calendar days of any pending, or newly initiated, disciplinary or other actions imposed on Consultant or its sub consultants by any regulatory or licensing authority.
- 8.2 Qualified Personnel. Consultant agrees when the services to be provided and performed related to a professional service(s) which, under Florida Statutes, requires a license, certificate of authorization or other form of legal entitlement to practice such services, to employ and/or retain only qualified personnel to be in responsible charge of all Basic Professional Services and Additional Professional Services to be provided pursuant to this Agreement.
- 8.3 Consultant's Project Manager. Consultant agrees to employ and designate in writing, a qualified, and if required by law, a licensed professional to serve as the Consultant's Project Manager. Consultant's Project Manager shall be authorized and responsible to act on behalf of Consultant with respect to directing, coordinating and administering all aspects of the services to be provided and performed under this Agreement. Consultant's Project Manager shall have full authority to bind and obligate Consultant on any matters arising under this Agreement unless substitute arrangements have been furnished and agreed to with the City in writing. Consultant agrees that the Project Manager shall devote whatever time is required to satisfactorily direct, supervise

and manage the services provided and performed by Consultant throughout the entire period this Agreement is in effect. During the term of the Project, Consultant's Project Manager shall neither have nor undertake any other assignment or engagement on behalf of Consultant other than serving as Project Manager in connection with the Project, if such assignment interferes with the abilities of Project Manager to complete the work on this assignment or unless otherwise agreed in advance by the City. The person selected to serve as Consultant's Project Manager shall be subject to the prior approval and acceptance of the City.

- 8.4 Removal of Personnel. Consultant agrees, within ten (10) calendar days of receipt of a written request from the City, to promptly remove and replace the Consultant's Project Manager or any other personnel employed or retained by Consultant or any personnel of a sub consultant or subcontractor engaged by Consultant to provide and/or perform services and or Work pursuant to the requirements of this Agreement, who the City shall request in writing to be removed, which request may be made by the City with or without cause.

ARTICLE 9

SUBCONSULTANTS

AND SUBCONTRACTORS

- 9.1 Definition. A subconsultant or subcontractor is a person or organization who has a direct contract with Consultant to perform any part of the Work associated with the Project. Nothing contained in this Agreement shall create any type of contractual relationship between the City and any subcontractor and/or subconsultant.
- 9.2 Consultant's Selection of Subcontractors and Subconsultants. Consultant, within 14 calendar days after execution of this Agreement, shall furnish, in writing to the City, the names of persons or entities proposed to be subconsultants and/or subcontractors on the Project (referred to in this paragraph as "subconsultants"), along with copies of proposals and contracts between Consultant and such subconsultant(s). The City shall promptly reply to Consultant in writing whether or not the City, after due investigation, has reasonable objections to any such proposed person or entity. Failure of the City to reply within fourteen (14) days after its receipt of such information shall constitute notice of no reasonable objection. All sub consultants shall be duly licensed pursuant to any applicable requirements and regulations of the State of Florida. Consultant shall use its best efforts to propose and retain subconsultants appropriately qualified, locally based (Cape Coral - Fort Myers-Lee County, Florida) and/or minority owned and operated Consultants with experience in the Lee County area. Consultant shall not, without reasonable cause and after obtaining the approval of the City (which approval shall not be unreasonably withheld) change a sub consultant or its role which has been previously selected and approved by the City. Consultant shall be responsible to the City for the damages to the extent caused by the negligent acts or omissions of, or services provided by or through its sub consultants. The City's review, approval or rejection of proposed sub consultants or their respective proposals or contracts will not relieve Consultant of its responsibilities under this Agreement, or for the actions or omissions of such sub consultants.
- 9.3 Sub contractual Relations. By an appropriate written agreement, Consultant shall require each subcontractor or subconsultant, to the extent of the Work to be performed by the subcontractor or subconsultant, to be bound to Consultant by the terms of this Agreement and to assume toward Consultant all obligations and responsibilities which Consultant, by this Agreement, assumes towards the City. Consultant shall make available to each proposed subcontractor or subconsultant prior to the execution of any such agreement, a copy of this Agreement.

- 9.4 Responsibilities for Acts and Omissions. Consultant shall be responsible to the City for the acts and omissions of its employees and agents and its subcontractors and/or subconsultants, their agents and employees, and all other persons performing any Work or supplying any service under a contract with Consultant.

ARTICLE 10 **COOPERATION WITH** **PROJECT PARTICIPANTS**

- 10.1 Consultant shall cooperate with the City, and others working on the Project in order to avoid interference, inconvenience or damage. To aid in avoiding conflicts, Consultant, without additional charge or compensation, shall make all reasonable modifications in its services or the scheduling of its services as may be directed by the City. Consultant agrees that it has become familiar with the Project, and accepts responsibility for all necessary coordination of its services with the work of other parties working on the Project or any adjacent projects affected thereby.
- 10.2 Consultant will assume primary coordination of its Work with the work of others. As part of said service, Consultant shall be primarily responsible for the coordination and compilation of all design documents pertaining to the Project.
- 10.3 In the event of a dispute between Consultant and others working on the Project, Consultant and the others working on the project shall present their dispute to the City, who shall make a decision with respect to the matter in dispute. Consultant agrees to proceed with the furnishing of its services in accordance with any decision which is rendered by the City.

ARTICLE 11 **COMPENSATION**

Contract Price. The City shall pay to the Consultant in full and complete satisfaction for all design services, surveying, bidding and construction administration services, structural analysis, materials, labor, transportation and equipment furnished by the Consultant, and their sub-consultant(s) under the terms of this Agreement for the not to exceed sum of \$1,095,590 as shown in - Exhibit "B" – Compensation Schedule of Values (summary of fees) and shown in Exhibit "F" – Total Fee Schedules with detailed spreadsheet of billable hours and tasks associated with consultant personnel for all work to be performed. Any additional work required by the City will be negotiated and will utilize the negotiated hourly rates Exhibit "D" – Personnel Billable Hourly Rates contained in this agreement.

- 11.1 Basic Compensation. Subject to the Not to Exceed Price and the satisfaction of the conditions precedent set forth in paragraph 11.3 below, and in exchange for the proper performance of the Basic Professional Services, Consultant shall be compensated on an hourly basis in conformity with the Personnel Billable Hourly Rates - Exhibit "D", wherein such rates are fixed for the duration of this contract. Exhibit "D" shall set forth the name of the identity of each individual performing services on the Project for which compensation shall be paid to Consultant by the City together with the corresponding billable rate for each individual. The City shall not be liable to Consultant for payment of services performed by any individual not identified on Exhibit "D" absent written approval by the City prior to the individual performing services. The billable rate for each individual who is an employee of the Consultant is based upon actual hourly rate of compensation paid by Consultant to the employee as set forth in Exhibit "D" times the agreed upon multiplier. Notwithstanding the

foregoing or any provision of Exhibit "D", the Consultant shall not be entitled to recover any mark-up on services furnished by Consultant's subcontractors or other third parties provided.

- 11.2 Schedule of Values. The Consultant billing shall be based on the Compensation Schedule of Values, Exhibit "B" establishing a separate estimated amount for each Task of the Consultant's work. In no event shall the Consultant be entitled to receive compensation in excess of the amount ascribed to any particular task unless otherwise previously approved by the City in writing. The not to exceed amounts set include not only the fees to the Consultant for its services to be performed but also any third-party costs associated with a Task. Reimbursable Expenses incurred by Consultant are defined in Exhibit "E".
- 11.3 Applications for Payment. The Consultant shall deliver to the City an Application for Payment reflecting the tasks completed (listed in Exhibit B, Compensation/Schedule of Values) which shall be approved in writing. Provided the Application for Payment is received not later than the last day of the month, the City shall make payment to the Consultant not later than the last day of the following month. With each Application for Payment, the Consultant shall submit such evidence as may be necessary, in the opinion of the City, to demonstrate the work performed during such month and the percentage of completion of each category of the Work. In no event shall the cost of the Work exceed the Contract Price referred to in Article 11 above.
- 11.4 Certification and Release Documentation. In each Application for Payment, the Consultant shall certify that:
- There are no known bond claims outstanding at the date of this application, that all due and payable bills with respect to the Work have been paid to date or shall be paid from the proceeds of this Application for Payment, and that there is no known basis for the filing of any bond claims on account of the Work, and that all work has been performed in strict conformity with the requirements of the Contract Documents and that the Consultant is unaware of any defective work.
- Concurrent with each Application for Payment, the Consultant shall execute and furnish waiver of claims through the effective date of the previous Application for Payment.
- 11.5 Joint Checks and or Direct Payments. The City reserves the right to issue joint checks to the Consultant and its subcontractors and materialmen, or, to make direct payments to the Consultant's subcontractors or materialmen, if, in the City's sole judgment, it is necessary to do so in order to ensure payment to the aforesaid parties. The amounts of said joint or direct checks shall be deducted from the Contract Price.
- 11.6 Final Payment. Provided that the Consultant has fully performed its obligations hereunder, final payment, including retainage amounts, shall be made by the City to the Consultant on or about thirty (30) days following final performance of all Work and the Consultant's submittal of a final Application for Payment therefore and final Affidavit. In this regard, it is further agreed that the final Application for Payment shall not be made until the Consultant has fully and finally completed all tasks, and delivers to the City a complete release of all claims arising or which could arise out of this Agreement. The acceptance of final payment by the Consultant shall constitute a waiver of all claims by the Consultant except those previously made in writing and identified by the Consultant as unsettled at the time of the final Application for Payment.

- 11.7 Payment is Not Acceptance. The payment of any Application for Payment by the City, including the final Application for Payment does not constitute approval of, or acceptance of that portion of the Work to which such payment relates nor shall such payment relieve the Consultant of its obligations nor constitute a waiver of any claim which the City may then have or thereafter discover.
- 11.8 Payments Withheld. The City may decline to pay an application for payment submitted by Consultant, in whole or in part, to the extent reasonably necessary to protect the City if:
- Consultant is not entitled to payment in the amount specified in the application for payment;
 - Consultant is in default of its obligations hereunder;
 - Appropriate backup data and documentation required by the City is not submitted with the application for payment;
 - The application for payment is not otherwise appropriately substantiated;
 - Any known or alleged, willful, wanton or negligent act, error or omission of Consultant which gives rise to a claim by the City or by some other party against the City; or
 - Any other reason the City is permitted to withhold payment under any other provision of this Agreement.
- 11.9 Interest. In the event of a bona fide dispute by the City for any sums for which payment has been requested, no interest shall be due on such disputed sums until the dispute is resolved, provided that all undisputed sums shall have been paid in due course.
- 11.10 Compensation for Additional Professional Services. For Additional Professional Services of Consultant directed and authorized in writing and in advance by the City, as described in Article 5, the City shall pay to Consultant a Not to Exceed Amount, as mutually agreed upon in writing by the parties which shall be the sole and exclusive compensation payable to Consultant in connection with the performance of such Additional Professional Services.

ARTICLE 12 **INSURANCE**

Consultant shall, at all times during the performance of this Agreement, provide and maintain the following types of insurance protecting the interests of the City and Consultant with coverages and limits of liability not less than those set forth below:

- Workers Compensation Insurance. Consultant shall maintain worker's compensation insurance, insuring its liability under the Workers Compensation and Occupational Disease Laws of the State of Florida, with limits of liability not less than the minimum statutory limits imposed by applicable State and Federal laws. The worker's compensation insurance policy must include employer's liability with a minimum limit of \$1,000,000.00 for each accident.
- Comprehensive General Liability Insurance. Consultant shall maintain comprehensive general liability insurance which shall be written on an "occurrence" basis and afford the following coverages:

- Premises – operation
- Explosion, collapse and underground property damage (XCU)
- Products/completed operations
- Blanket contractual liability
- Personal injury
- Advertising injury
- Premises medical payments
- Property damage
- Additional insureds - employees and temporary workers
- Newly acquired organizations
- Property damage liability
- Independent contractors
- The commercial general liability insurance to be maintained by Consultant must include products and completed operations, and contractual liability. The City shall be named as an additional, named insured on the comprehensive general liability policy. The limits of liability associated with Consultant's comprehensive general liability policy shall not be less than the following:

\$1,000,000.00	each occurrence
\$2,000,000.00	aggregate

- Notwithstanding anything contained herein to the contrary, the coverages under the comprehensive general liability policy to be furnished by Consultant must be afforded on a policy form no more restrictive than the last edition of the commercial general liability policy filed by the Insurance Services Office.
- Vehicular Liability Insurance. Consultant shall maintain business vehicular liability insurance covering all owned, non-owned, and hired vehicles used in connection with the Work to be provided hereunder with combined minimum limits of \$1,000,000.00 single limit for bodily injury and property damage per occurrence/aggregate.
- Excess Liability Insurance. Consultant shall maintain excess liability insurance in an amount not less than \$5,000,000 combined single limit bodily/property damage, in excess of the general liability insurance described above.
- Professional Liability Insurance. Consultant shall maintain professional liability insurance with a minimum level of liability coverage of not less than \$2,000,000.00 per occurrence/\$2,000,000.00 in aggregate insuring the City against losses arising out of the delivery of professional services by Consultant and its subconsultants. Consultant shall also ensure that each of its subconsultants shall maintain professional liability insurance with minimum limits of liability coverage not less than \$2,000,000.00 per occurrence/\$2,000,000.00 in aggregate insuring the City against losses arising out of the provision of professional services by each in connection with the Project. The deductibles associated with the professional liability insurance policies to be furnished by Consultant and its subconsultants shall not exceed \$100,000.00 per claim. Consultant shall provide to the City certificates reflecting the City as a certificate holder with respect to the professional liability insurance policies maintained by Consultant and subconsultants.

- Property Insurance. It is Consultant's responsibility to carry its own property insurance including insurance on equipment that will not become an integral part of the Project.
- Certificate of Insurance. Prior to performing any services hereunder, Consultant shall file with the City a certificate of insurance in a form acceptable to the City. The certificate of insurance shall reflect the City as an additional named insured on Consultant's comprehensive general liability, excess liability, and business vehicular liability policies. In addition, the City shall be reflected as the certificate holder with respect to Consultant's professional liability and worker's compensation insurance. The certificate of insurance furnished by Consultant shall contain a provision that the coverages afforded under the policy described thereon will not be cancelled until at least thirty (30) days prior written notice has been given to the City. **Also, the Certificate of Insurance shall state in the Description of Operations section "RFP-PW17-62 GM Professional Design Services for Sun Trail."**
- Ratings of Companies. All companies issuing the policies provided for herein shall be licensed or approved by the Department of Insurance, State of Florida, and shall have a financial rating no lower than II and a policy holder surplus rating no lower than (A) as listed in A.M. Best TK Rating Guide, current edition or interim report. Companies with ratings lower than those specified herein will be acceptable only upon the written consent of the City.
- Primary Coverage. The insurance required hereunder is primary and direct and shall apply to any loss prior to any insurance coverage carried by the City or any other party.
- Extent of Coverages. The insurance coverages referred to above are set forth in full in their respective policy forms. The foregoing descriptions of such policies are not intended to be complete or to limit any provision of the actual policies and should said description be narrower than the coverages afforded under the actual policies of insurance, the provisions of the actual policies of insurance shall govern.
- Waiver of Subrogation. Consultant's insurance policies shall be endorsed to provide that the insurers waive their rights of subrogation against the City and also to provide that the policies afford primary coverage over any other applicable insurance coverage.
- Subconsultant Insurance Requirements. Except as otherwise specified herein, Consultant shall require that all subconsultants and subcontractors performing Work on the Project to maintain the same coverages and policy limits as Consultant is required to furnish hereunder. An insurance provision, including waivers of subrogation, identical to the provisions of Article 12 of this Agreement shall be included by Consultant in each written subcontract or subconsultant agreement issued by it in conjunction with the Project.

ARTICLE 13 **INDEMNIFICATION**

In consideration of the first One Hundred and No/100 Dollars (\$100.00) to be paid hereunder and to the fullest extent permitted by law, Consultant agrees to indemnify and hold harmless the City and its agents, servants and employees, from and against any and all claims, costs, expenses, damages, or liability (including reasonable attorneys' fees and costs of defense) caused by, attributable to, arising out of, or resulting from Consultant's negligence, recklessness, or intentional

wrongful conduct in the performance of professional services under this Agreement and those of its subconsultants, agents and employees. Consultant is not obligated to indemnify the City in any manner whatsoever for the City's own negligence. Consultant's monetary limitation under this indemnity provision shall be limited to the sum of One Million and No/100 Dollars (\$1,000,000.00). The parties agree that the foregoing sum bears a reasonable relationship to this Agreement. This indemnity provision shall be considered a material part of the specifications governing Consultant's performance under this Agreement. This indemnity provision is intended to comply with Florida laws on indemnity and, specifically, to comply with Florida Statute Sections §725.06 and §725.08, and is to be interpreted in such a manner as to be enforceable.

It is specifically agreed between the Parties executing the Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof, a third-party beneficiary under the Agreement, or to authorize anyone not a party to the Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of the Agreement. The Recipient guarantees the payment of all just claims for materials, supplies, tools, or labor and other just claims against the Recipient or any subcontractor, in connection with the Agreement. Additionally, the Recipient agrees to include the following indemnification in all contracts with contractors/subcontractors and consultants/subconsultants who perform work in connection with the Agreement:

"To the fullest extent permitted by law, the Recipient's contractor/consultant shall indemnify and hold harmless the Recipient and the State of Florida, Department of Transportation, including the Department's officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the contractor/consultant and persons employed or utilized by the contractor/consultant in the performance of the Agreement.

This indemnification shall survive the termination of the Agreement. Nothing contained in this paragraph is intended to nor shall it constitute a waiver of the State of Florida and the Recipient's sovereign immunity."

ARTICLE 14 **DRAFTING FORMATS** **AND STANDARDS**

In performing professional services hereunder, Consultant shall review and incorporate the City's drafting formats and office drafting standards into any drawings and specifications generated in connection with the provisions of this Agreement.

ARTICLE 15 **COPYRIGHTS** **AND LICENSES**

All drawings, sepias, electronic media and specifications prepared in connection with the Project shall remain the property of the City and Consultant shall not be entitled to a repeat design fee or any other compensation should the City elect to utilize said drawings, sepias, electronic media and specifications in connection with additional alterations or remodeling or additions to the Project to which said design documents originally pertain. Consultant hereby assigns to the City any and all right, title, and interest it may possess in the design documents and materials produced

in connection with this Agreement, including but not limited to, all statutory and common law copyrights it possesses in said documents and materials. The future use of said materials shall be at the sole discretion of the City. The City agrees to hold Consultant harmless from any claims based upon the future use of said materials in connection with any purpose other than the Project or future maintenance or support of the Project.

ARTICLE 16 **PERMITS**

Consultant will be responsible for preparing and submitting all required applications and other supportive information necessary to assist the City in obtaining all reviews, approvals and permits, with respect to the Consultant's design, the Existing Design, drawings and specifications required by any governmental body having authority over the Project. Consultant will be similarly responsible for preparing and submitting all required specifications and other supportive information necessary to assist the City in obtaining any renewals and/or extensions of reviews, approvals or permits that may be required while this Agreement is in effect. The City shall, at Consultant's request, assist in obtaining required signatures and provide Consultant with all information known to be available to the City so as to assist the Consultant in the preparation and submittal of any original, renewal or extension of required reviews, approvals or permits.

ARTICLE 17 **CITY'S RESPONSIBILITIES**

- 17.1 The City's Representative. The City shall designate a Project Representative who shall be fully acquainted with the Project and shall define the lines of City authority to approve changes in the Project. He or she shall render decisions promptly and furnish information expeditiously.
- 17.2 Lines of Authority. The City shall establish and maintain lines of authority for its personnel and shall provide this definition to the Consultant and all other affected parties.
- 17.3 Existing Design. The City shall provide to Consultant all design documentation in its possession pertaining to the Project.
- 17.4 Funding. The City shall furnish reasonable evidence satisfactory to Consultant that sufficient funds will be available and committed for the cost of the Project.
- 17.5 Project Fault or Defect. If the City becomes aware of any fault or defect in the Project, or in the specifications or drawings for the Project, it shall give prompt written notice thereof to Consultant.

ARTICLE 18 **CONSULTANT'S** **REPRESENTATIONS**

In order to induce the City to enter into this Agreement, Consultant makes the following express representations :

- 18.1 Consultant has reviewed and confirmed that the basis and approach taken by the City in its Project planning represents sound programming and provides an adequate basis for the performance of Consultant's services hereunder.

- 18.2 Consultant has familiarized itself with the Scope of Work and the nature and extent of the Work to be performed, local conditions, and federal, state and local laws, ordinances, rules and regulations that in any manner affect costs, progress or performance of the work.
- 18.3 Consultant represents that the Work can be performed within the time frames contemplated in the Consultant's Design Work Schedule, a copy of which is attached hereto as Exhibit "C."
- 18.4 Consultant has reviewed the Scope of Work and has provided the City with written notice of all conflicts, errors or discrepancies it has discovered in the Scope of Work and the cost to the City of addressing such conflicts, errors or discrepancies.
- 18.5 Consultant has familiarized itself with the nature and the extent of the proposed Project contemplated under the City's program and local field conditions and affirmatively represents that no field conditions are known to exist which would have a cost or scheduling impact on the Project.

ARTICLE 19
ACCURACY, TECHNICAL
SUFFICIENCY OF SERVICES
PROVIDED BY CONSULTANT

- 19.1 Notwithstanding anything contained herein to the contrary, it is understood and agreed between the parties that the City is not examining any data, surveys, studies, designs, specifications, calculations, plans, drawings, or any other documents furnished hereunder by Consultant for accuracy and technical sufficiency, and is not under any obligation to inspect the Project. Furthermore, it is understood and agreed between the parties that neither the review, approval, nor acceptance by the City of data, surveys, studies, designs, specifications, calculations, plans, drawings, or any other documents furnished hereunder by Consultant shall in any way relieve Consultant of responsibility for the adequacy, completeness, and accuracy of its work, and in no event shall the City's review, approval, acceptance of or payment for such services be construed to operate as a waiver of any of the City's rights under this Agreement or of any cause of action it may have, arising out of the performance of this Agreement.
- 19.2 Consultant further acknowledges that it, alone, is responsible for the accuracy, completeness, and technical sufficiency of all Work performed under this Agreement, and that the information contained in the City's Request for Proposals and Project descriptions does not relieve, release, or in any way whatsoever diminish the Consultant's ultimate responsibility for the accuracy, completeness, and technical sufficiency of the Project and any work performed hereunder.
- 19.3 Consultant agrees to be responsible for the professional quality, technical adequacy and accuracy, timely completion, adoption and coordination of all data, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents, photographs, reports, memoranda, other documents and instruments and other services, work and materials performed, provided and/or furnished by Consultant or by any subconsultant retained or engaged by Consultant pursuant to this Agreement. Consultant shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in such data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents and instruments, and other services or materials resulting from the negligent act, errors or omissions or any intentional misconduct of Consultant or any subconsultants engaged by Consultant.

ARTICLE 20
TERMINATION OR SUSPENSION
OF AGREEMENT

- 20.1 The City reserves the right to terminate this Agreement without cause and without regard to fault or breach upon ten (10) calendar days written notice to Consultant, effective immediately, unless otherwise provided in said notice. In the event of a termination for the City's convenience, the Consultant shall only be due those sums which are due for Work performed as of the date of termination. Upon Consultant's receipt of such payment, the parties shall have no further obligation hereunder. It is understood and agreed that no fee or other compensation or payment shall be due and payable to Consultant for unperformed Work associated with this Agreement.
- 20.2 If the City fails to make payment on conforming or non-disputed invoices when due for Consultant's services and expenses, Consultant may, upon ten (10) calendar days written notice to the City, suspend performance of services under this Agreement. Unless payment in full is received by Consultant within ten (10) calendar days from the date of the notice, the suspension shall take effect without further notice. In the event of a suspension of services, Consultant shall have no liability to the City for delay or damages caused the City because of such suspension of services. Should the City fail to satisfy the payment due Consultant within sixty (60) calendar days from the date the payment was originally due, Consultant shall be entitled to terminate this Agreement for cause. If Consultant fails to perform the services described herein or fails to respond with responsible promptness to the City, the City, without waiving the City's right to terminate as a result thereof, may suspend performance of the City's obligations under this Agreement (including, but not limited to, the City's obligation to make payment) on ten (10) calendar days written notice to Consultant.
- 20.3 Notwithstanding anything contained herein to the contrary, the City shall be entitled to terminate this Agreement for cause should Consultant fail to perform the services contemplated herein, perform any of its obligations hereunder, or otherwise fail to respond with reasonable promptness to the requests of the City. In the event of such a termination for cause, the City shall be entitled to recover from Consultant such additional costs as it incurs in procuring performance of Consultant's remaining obligations hereunder. If the City terminates this Agreement hereunder and it is determined, for any reason, that sufficient ground did not exist for the City to terminate this Agreement hereunder, the Consultant as its sole and exclusive remedy shall be entitled to and due only those sums which are due for Work performed as of the date of termination as if the termination were for no fault or breach.

ARTICLE 21
SPECIAL PROVISIONS

- 21.1 Consultant accepts the relationship of trust and confidence established between it and the City by this Agreement.
- 21.2 Consultant warrants that it has not employed or retained any company or person, other than an employee working solely for Consultant, to solicit or secure this Agreement and that it has not paid any person, company, corporation, individual or Consultant, other than a bona fide employee working solely for Consultant any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement.
- 21.3 Any person or affiliate who has been placed on the Convicted Vendor List following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract or subcontract with a public

entity, for construction or repair of a public building or public work, may not submit bids or leases of real property to a public entity, may not be awarded or perform any Work a contractor, supplier, subcontractor, or Consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY 2 for a period of thirty-six (36) months from the date of being placed on the Convicted Vendors List. Consultant agrees not to use any subconsultants whose names appear on the Convicted Vendors List.

- 21.4 Consultant represents to the City that it is experienced in design and that it will perform its services under this Agreement in a skillful and competent manner.
- 21.5 Consultant represents that it presently has no interest and shall acquire no interest either direct or indirect, which would conflict in any manner with the performance of services required hereunder. Consultant further agrees that no person having any such interest shall be employed or engaged by Consultant for said performance. If Consultant, for itself or on behalf of its subconsultants, is about to engage in representing another client, which it in good faith believes would result in a conflict of interest with the Work being performed by Consultant or such subconsultant under this Agreement, then it will promptly bring such potential conflict of interest to the City's attention, in writing. The City will advise Consultant in writing, within ten (10) calendar days as to the period of time required by the City to determine if such a conflict of interest exists. If the City determines there is a conflict of interest, Consultant or such subconsultant shall decline the representation upon written notice by the City. If the City determines that there is not such a conflict of interest, then the City shall give its written consent to such representation.
- 21.6 If Consultant or subconsultant accepts such a representation without obtaining the City's prior written consent, and if the City subsequently determines that there is a conflict of interest between such representation and the Work being performed by Consultant or such subconsultant under this Agreement, then Consultant or such subconsultant agrees to promptly terminate such representation. Consultant shall require each of its subconsultants to comply with the provisions of this section. Should Consultant fail to advise or notify the City as provided herein above, of representation which could, or does, result in a conflict of interest, or should Consultant fail to discontinue such representation, the City may consider such failure a justifiable cause to terminate this Agreement.
- 21.7 Consultant agrees to maintain the business ethics expected by the City. In that regard, Consultant shall:
- 21.7.1 During the course of pursuing contracts with owner and while performing contract work in accordance with this agreement, Consultant agrees to maintain business ethics standards aimed at avoiding any impropriety or conflict of interest which could be construed to have an adverse impact on the Owner's best interests. Consultant shall take reasonable actions to prevent any conditions which could result in a conflict with the City's best interests. These obligations shall apply to the activities of Consultant's employees, agents, subconsultants, material suppliers (or their representatives) should not make or cause to be made any cash payments, commissions, employment, gifts, entertainment, free travel, loans, free work, substantially discounted work, or any other considerations to the City's representatives, employees or their relatives. Consultant's employees, agents, or subcontractors (or their relatives) should not receive any cash payments, commissions, employment, gifts entertainment, free travel, loans, free work, or substantially discounted work or any other considerations from contractors, representatives of contractors, subcontractors, representatives of subcontractors,

or material suppliers or any other individuals, organizations, or businesses receiving funds in connection with the Project. Consultant agrees to notify the City within 48 hours of any instance where the Consultant becomes aware of a failure to comply with these provisions. The email address to report any concerns related to any possible violations is krose@capecoral.net. Upon request of the City, Consultant agrees to provide a certified Management Representation Letter executed by selected Consultant representatives in a form agreeable to City stating that they are not aware of any situations violating the business ethics expectations outlines above or any similar potential conflict of interest situations. Consultant agrees to include this clause in all contracts with sub-consultants and suppliers receiving more than \$25,000 in funds in connections with the City's project. Consultant shall permit interviews of employees, reviews and audits of accounting or other records by City representative(s) to evaluate compliance with the business ethics standards. Such reviews and audits will encompass all dealings and activities of Consultant's employees, agents, representatives, vendors, sub-consultants, and other third parties paid by Consultant in their relations with the City's current or former employees or employee relatives. This provision survives the expiration of this Agreement. Consultant agrees to implement a program requiring their employees sign acknowledgements that they have read and understand City's business ethics expectations and the related obligation outlined in this contract.

- 21.7.2 Consultant, subconsultants, subcontractors, and other entities connected with this Project shall permit interviews of employees, reviews and audits of accounting or other records by authorized City representative(s) to evaluate compliance with the business ethics expectations stated in this article. Such reviews and audits will encompass all dealings and activities of Consultant's employees, agents, representatives, vendors, subconsultants, subcontractors, and other third parties paid by Consultant in their relations with the City's current or former employees or employee relatives.
- 21.7.3 Consultant, subconsultants, subcontractors and other entities connected with this Project agree to implement a program requiring their key employees in any connection with this Project sign acknowledgments that they have read and understand the City's Business Ethics Expectations and related obligations outlined in this article.
- 21.7.4 Consultant, by execution of this Agreement, represents that it possesses that degree of care, learning, skill, ability and is properly licensed and qualified to perform the Basic Professional Services and any Additional Professional Services (as directed and approved in Article 3 hereof) and that it and its subconsultants and/or subcontractors will undertake to use the degree of skill and care of performance of obligations under this Agreement, which are utilized by professionals in the same field performing the same or similar services under the same or similar circumstances for similar infrastructure projects. Consultant acknowledges that all professional services provided under this Agreement will meet or exceed the requirements of this Agreement, including without limitation, the standard of care required by this Agreement; that any design documents prepared by Consultant with respect to the Project will meet or exceed the City's Project requirements as specified in this Agreement or otherwise provided by the City to Consultant. Consultant agrees to use the services of competent, qualified

personnel, and, when required by law, properly licensed subconsultants and other professionals for the execution of its services. Consultant will use commercially reasonable efforts and skill to endeavor to protect the interests of the City and the City's residents at all times.

- 21.7.5 The Consultant agrees to comply with Florida Statute §20.055(5) and to incorporate in all subcontracts the obligation to comply with Florida Statute §20.055(5).

ARTICLE 22 **RECORD KEEPING**

The CONTRACTOR shall maintain auditable records concerning the procurement adequate to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with generally accepted accounting methods, and the CITY reserves the right to determine the record-keeping method in the event of non-conformity. These records shall be maintained for five (5) years after final payment has been made and shall be readily available to CITY personnel with reasonable notice, and to other persons in accordance with the Florida Public Disclosure Statutes.

The City intends to reuse all plans at some future time, in accordance with Florida Statute §287.055(11). There shall be no public notice requirement or utilization of the selection process when the city reuses the plans.

Pursuant to Florida Statute §287.058 (1)(c), this contract may be unilaterally cancelled by the City if the Consultant, refuses to allow public access to all documents, papers, letters, or other material made or received by the Consultant in conjunction with this contract, unless the records are exempt from disclosure.

ARTICLE 23 **RIGHT OF AUDIT** **EXAMINATION OF RECORDS**

Records for all contracts, specifically including but not limited to Not to Exceed subcontracts (i.e. fixed price or stipulated sum contracts, unit price, costs plus or time & material contracts with or without a guaranteed maximum (or not-to-exceed amounts) shall upon seven (7) calendar days written notice from the City shall be open to inspection and subject to audit, scanning, and/or reproduction during normal business working hours. Such audits may be performed by any City representative or any outside representative engaged by the City for the purpose of examining such records. Such records must be complete and made available at Consultant's offices located in Lee County, Florida. The City or its designee may conduct such audits or inspections throughout the term of this Agreement and for a period of four (4) years after final payment or longer if required by law. The City's representatives may (without limitation) conduct verifications such as counting employees at the construction site, witnessing the distribution of payroll, verifying information and amounts through interviews and written confirmations with Consultant's employees, field and agency labor, subcontractors and vendors.

- 23.1 Consultant's "records" as referred to in this Agreement shall include any and all information, materials, and data of every kind and character, including without limitation, records, books, papers, documents, subscriptions, recordings, agreements, purchase orders, leases, contracts, commitments, arrangements, notes, daily diaries, superintendent reports,

drawings, receipts, vouchers and memoranda, and any and all other agreements, sources of information and matters that may in the City's judgment have any bearing on or pertain to any matters, rights, duties or obligations under or covered by any contract document. Such records shall include (hard copy, as well as computer readable data if it can be made available), written policies and procedures; time sheets, payroll registers, payroll records; cancelled payroll checks, subcontract files (including proposals of successful and unsuccessful bidders, bid recaps, negotiation notes, etc.); original bid estimates; estimating worksheets; correspondence; change order files (including documentation covering negotiated settlements); back charge logs and supporting documentation; invoices and related payment documentation; general ledger, information detailing cash and trade discounts earned, insurance rebates and dividends; and any other Consultant records which may have a bearing on matters of interest to the City in connection with the Consultant's dealings with the City (all foregoing hereinafter referred to as "records") to the extent necessary to adequately permit evaluation and verification of any and all of the following:

- 23.1.1 Compliance with contract requirements for deliverables;
- 23.1.2 Compliance with approved plans and specifications;
- 23.1.3 Compliance with the City's business ethics expectations;
- 23.1.4 Compliance with contract provisions regarding the pricing of change orders;
- 23.1.5 Accuracy of Consultant's representations regarding the pricing of invoices; And
- 23.1.6 Accuracy of Consultant representations related to claims submitted by Consultant or any of its payees.

- 23.2 Consultant shall require all payees (examples of payees include subconsultants, subcontractors, material suppliers, insurance carriers, etc.) to comply with the provisions of this article by including the requirements hereof in a written contract agreement between Consultant and payee. Consultant will ensure that all payees (including those entering into lump sum contracts) have the same right to audit provisions contained in this Agreement.
- 23.3 Owner authorized representative(s) shall have reasonable access to Consultant's facilities, shall be allowed to interview all current or former employees to discuss matters pertinent to the performance of this Agreement and shall be provided adequate and appropriate workspace, in order to conduct audits in compliance with this article.
- 23.4 If an audit inspection or examination in accordance with this article discloses overpricing or overcharges to the City (of any nature) by Consultant and/or Consultant's subcontractors and/or subconsultants the City shall be entitled to adjustment and reimbursement or recovery in the amount of such overpricing or overcharging. If the amount of the overpricing or overcharging is determined to be in excess of One Hundred Thousand and No/100 Dollars (\$100,000.00), in addition to adjusting for the overcharges, the reasonable actual cost of the City's audit shall be reimbursed to the City by Consultant. Any adjustments and/or payments which must be made as a result of any

such audit or inspection of Consultant's invoices and/or record shall be made within a reasonable amount of time (not to exceed forty- five (45) calendar days) from presentation of the City's findings to Consultant. This provision shall survive the expiration of this Agreement.

- 23.5 In addition to the normal paperwork documentation Consultant typically furnishes to the City, in order to facilitate efficient use of the City's resources when reviewing and/or auditing Consultant's billings and related reimbursable cost records, Consultant agrees to furnish (upon request) the following types of information in the specified computer (PC) readable file format(s):

Type of Record	PC Readable File Format
Monthly Job Cost Detail	.pdf and Excel
Detailed job Cost History To Date	.pdf and Excel
Monthly Labor Distribution detail (if not already separately detailed in the Job Cost Detail)	.pdf and Excel
Total Job to date Labor Distrubution detail (if not already included in the detailed Job Cost History to date)	.pdf and Excel
Employee Timesheets documenting time worked by all individuals who charge reimbursable time to the project	.pdf
Weely Task Reports listing names and hours and tasks of personnel who worked on Project	.pdf
Weekly Project Manager Reports	.pdf
Detailed Subcontractor/Subconsultant Status Reports (showing original subcontract value, approved subcontract change orders, subcontractor invoices, payment to subcontractors, etc.	.pdf and Excel
Copies of Executed Subcontracts with all Subcontractors	.pdf
Copies of all executed change orders issued to Subcontractors	.pdf
Copies of all documentation supporting all reimbursable job costs (subcontractor payment applications, vendor invoices, internal cost charges, etc.)	.pdf

ARTICLE 24 **CLAIMS AND DISPUTES**

- 24.1 Prior to the filing of any litigation by the City or Consultant against the other (and, except as described below, as a precondition to any such filing), the City and Consultant shall engage in pre-suit non-binding mediation. Such mediation may be requested by either party, at any time, and shall be conducted the same as if such mediation were ordered by a Florida Circuit Court (i.e., in accordance with, and subject to, all of the laws and rules applicable to court- ordered mediation). Such mediation shall be conducted within a reasonable period of time after the same is requested in writing by either party. If the parties are unable to agree upon the selection of a mediator, either party may petition or request that the Circuit Court in Lee County, Florida (or the Mediation Coordinator for the Courts of Lee County, Florida) appoint a mediator. A mediator who is so appointed may only be challenged for cause, and not peremptorily. While the request for and the conducting of such a mediation may be a precondition to the filing of a civil action, in the event either party is in jeopardy of losing its right to sue (e.g., the statute of limitations is about to expire), then suit may be filed before a mediation is conducted provided that mediation is requested before, or simultaneously with the filing of such suit, and is conducted before the named defendant in the suit is required to respond to the complaint. If the scheduling of the mediation requires,

the plaintiff in the suit shall grant the defendant an appropriate extension of time to respond to the complaint so as to permit the mediation to be conducted before the defendant must so respond. The mediation contemplated hereunder shall be conducted, unless otherwise agreed by the parties, in Lee County, Florida. The parties shall bear the mediator's fee and any filing fees associated with the mediation equally.

- 24.2 The City and Consultant agree that any litigation between them arising out of, resulting from, or relating to this Agreement or the Project shall be held in a state court of competent jurisdiction in Lee County, Florida.

ARTICLE 25

DAMAGE TO PROPERTY

Consultant shall be responsible for all claims filed for damage to private property owned by third parties as well as all damage to public property relating in any fashion whatsoever to Consultant's performance of Work hereunder. The Consultant will work cooperatively with the City in establishing a damage claim program acceptable to the City for processing and satisfying property damage which arises during the Project.

ARTICLE 26

EQUAL EMPLOYMENT OPPORTUNITY

During the term of the Agreement, Consultant agrees it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin. Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age or national origin. Consultant shall comply with all aspects of the Americans with Disabilities Act ("ADA") during the performance of this Agreement.

ARTICLE 27

PROPRIETARY INFORMATION

Except as otherwise provided in this Agreement, Consultant agrees not to divulge, furnish, or make available to any third parties, Consultant or organization, without the City's prior written consent, or unless instant to the proper performance of Consultant's obligations hereunder, or in the course of any judicial or legislative proceeding where such information has been properly subpoenaed, any nonpublic information concerning services to be rendered by Consultant or any of its subconsultants or subcontractors under this Agreement.

ARTICLE 28

COMPLIANCE WITH IMMIGRATION LAWS

The City will not intentionally award contracts to any party who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324 A(e) Section 274 A(e) of the Immigration and Nationality Act ("INA"). The

City may consider the employment by Consultant of unauthorized aliens to be a violation of Section 274 A(e) of the INA. Such violation by Consultant of the employment provisions contained in Section 274 A(e) of the INA shall be grounds for unilateral termination of this Agreement by the City. Consultant affirmatively represents to the City that it is fully compliant with all applicable immigration laws, including but not limited to, the 1986 Immigration Act and subsequent amendments.

ARTICLE 29
OBSERVANCE OF LAWS, RULES,
REGULATIONS, CODES AND ORDINANCES

Consultant shall observe and at all times fully comply with any and all applicable laws, rules, regulations, codes and ordinances of any federal, state or local government agency or regulatory body which in any manner affect or apply to the Work or Consultant's performance hereunder. Consultant shall require all of its agents, representatives, employees and subconsultants to observe and comply with the said laws, rules, regulations, codes and ordinances.

ARTICLE 30
PUBLICITY

Publicity and public announcements pertaining to the Project shall be approved by the City in writing prior to release.

ARTICLE 31
MISCELLANEOUS

- 31.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
- 31.2 Compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387) will be the responsibility of all parties working under this agreement (including sub-consultants), and the liability resulting from non-compliance with these regulations, will require reimbursement to the City of Cape Coral and the Florida Department of Transportation from any loss, as a result thereof. VHB and their sub-consultants are responsible for securing any applicable permits.
- 31.3 Utilization of the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by VHB and their sub-consultants is a requirement during the term of this agreement.
- 31.4 No modification, waiver, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing, signed by the parties against whom the enforcement of such modification, waiver, amendment, discharge, or change is sought.
- 31.5 Nothing contained in this Agreement shall create a contractual relationship or cause of action in favor of a third party against either the City or Consultant.

- 31.6 This Agreement and the Exhibits attached hereto constitute the entire Agreement between the parties relating to the transactions contemplated hereby and all prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged herein.
- 31.7 This Agreement shall be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument.
- 31.8 All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular, or plural as the identity of the person(s) or entity may require.
- 31.9 In the event of any conflict between the terms of this Agreement and any other Contract Documents including Specifications for the Project, the provisions of this Agreement shall govern and control.
- 31.10 If any provision or any portion of any provision of this Agreement or the application of any such provision or portion thereof to any person or circumstance shall be held invalid or unenforceable, the remaining portion of such provision and the remaining provisions of this Agreement, or the application of such provision held invalid, or unenforceable to persons or circumstances other than those to which it has been invalid or unenforceable, shall not be affected thereby.
- 31.11 In the event of any dispute as to the precise meaning of any term contained herein, the principles of construction and interpretations that written instruments be construed against the drafter shall not apply.
- 31.12 Consultant shall not assign, subcontract or transfer any interest in this Agreement without the prior written consent of the City.
- 31.13 The rights and remedies of the City provided for under this Agreement are in addition to any other rights and remedies provided by law.
- 31.14 All articles, titles, or captions contained in this Agreement are for convenience only and shall not be deemed a part of this Agreement and shall not affect the meaning or interpretation of this Agreement.
- 31.15 If Consultant is comprised of more than one (1) entity, each such entity shall be jointly and severally liable hereunder. **HOWEVER, PURSUANT TO FLORIDA STATUTE §558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT OF CONSULTANT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.**
- 31.16 All notices, demands, or other communications made pursuant to this Agreement shall be in writing and copies thereof shall be simultaneously directed to the parties listed below. Further, all notices, demands, or other communications shall be deemed to have been duly given by mailing, unless otherwise specified, by United States registered or Certified Mail, Return Receipt Requested, with proper postage prepaid at the following address:

Notice to Consultant: Vanasse Hangen Brustlin
Attn: Mr. Mark Bertoncini, Project Manager
101 ~~202~~ Walnut Street
P.O. Box 9151
Watertown, MA 02472-91

If to the City: City of Cape Coral
Finance/Procurement – Kathy Rose
P.O. Box 150027
Cape Coral, FL 33915

With a copy to: Dolores D. Menendez, Esq.
Attorney for the City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915

or to such other address or to such other persons as any party may designate to the other for such purpose in the manner herein above set forth.

31.17 The parties hereto shall, at any time and from time to time following the execution hereof, execute and deliver all such further instruments and take all such further action as may be reasonably necessary or appropriate in order to carry out more effectively the purposes of this Agreement.

31.18 Every covenant, term, and provision of this Agreement shall be construed simply according to its fair meaning and shall not be strictly construed for or against any party.

(END OF SECTION)

IN WITNESS WHEREOF, OWNER AND CONTRACTOR HAVE SIGNED THIS AGREEMENT. THIS AGREEMENT WILL BE EFFECTIVE ON _____ (WHICH IS THE EFFECTIVE DATE OF THE CONTRACT).

OWNER:

City of Cape Coral, Florida

Signature: _____

Typed Name: A. John Szerlag

Title: City Manager

Date: _____

Signature

Attest: _____

Title: City Clerk

Typed

Name: Rebecca van Deutekom, MMC

Date: _____

Address for giving notices:

City of Cape Coral (Attn: Procurement)

1015 Cultural Park Blvd.

2nd Floor

Cape Coral, FL 33990

CONTRACTOR:

Vanasse Hangen Brustlin, Inc.

Signature: _____

Typed

Name: David W. Mulholland

Title: Southeast Regional Manager

Date: 03/09/2018

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign with corporate resolution.)

Signature

Attest: _____

Title: Paul W. Hearnin

Typed

Name: Managing Director

Date: 03/09/2018

Address for giving notices:

225 E. Robinson Street

Suite 300

Orlando, FL 32801

State of Florida

Contractor License No.: _____

(as applicable)

LEGAL REVIEW:

Signature: _____

Typed Name: Dolores Menendez, ESQ.

Title: City Attorney

Date: 3/5/2018



Exhibit “A”

Scope of Professional Services

**Exhibit A
(15 pages)**



**Final Engineering
Scope of Professional Services**

For

**Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

In

City of Cape Coral, Florida

City Project No.: PW-PW17-62GM

February 20, 2018

Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail

DESCRIPTION

The multi-use trail eliminates the need for bicyclists and pedestrians to walk and ride within the roadway and will provide connectivity between Burnt Store Road and Del Prado Boulevard. The project begins on the north side of Van Buren Parkway at the intersection of Burnt Store Road, extends easterly to El Dorado Boulevard, then northerly on the west side of El Dorado Boulevard to Kismet Parkway, then easterly along the north side of Kismet Parkway to Del Prado Boulevard, a distance of approximately 6.5 miles. The project involves design for the construction of a new 12' wide multi-use trail and pedestrian bridges over the Zanzibar, Loch Ness, and Eureka Canals. See Project Map, attached.

SCOPE OF SERVICES

This scope outlines the professional services to develop final design plans for the construction of Van Buren/El Dorado/Kismet Parkway Multi Use Trail. Services will include design and right-of-way survey, environmental surveys, trail design, drainage design, grading, structural design, maintenance of traffic, utilities, geotechnical investigation, limited landscape design, public involvement, environmental permitting, plan preparation, construction cost estimating, specification package, and post-design tasks including bidding assistance and limited construction administration.

Preliminary engineering plans (30%) will be prepared and will include roll concept plans depicting the alignment, potential right-of-way constraints, and drainage concepts. A brief technical memorandum will be prepared summarizing the findings. Upon concurrence of the 30% plans by the City, development of the 60%, 90% and final plans will be prepared. The construction plans will be developed in two (2) segments as outlined below and is assumed design of both segments will proceed concurrently:

Segment 1: Van Buren Parkway - Burnt Store Road to El Dorado Boulevard
El Dorado Boulevard - Van Buren Parkway to Kismet Parkway
Kismet Parkway - El Dorado Boulevard to Nelson Road

Segment 2: Kismet Parkway - Nelson Road to Del Prado Boulevard

VHB will prepare construction plans and specifications as described below. VHB will work with Federal, State and Local agencies which will have an influence upon the preparation of the design at the direction and with approval of the client. The project will proceed through the following design phases and assumes the two segments will move forward concurrently:

- a. Preliminary Engineering (30%)
- b. Phase II (60%)
- c. Phase III (90%)
- d. Final Plans

Specifically, the following tasks will be performed.

TASK 1 PROJECT GENERAL AND COMMON TASKS

The following administrative and management related tasks will be performed on this project.

A. Notice-To-Proceed

Prior to beginning work, VHB will meet jointly with City of Cape Coral (CITY) staff and other representatives with pertinent information to the project.

The purpose of this meeting will be to:

- a. Establish any general rules and criteria under which the plans will be prepared.
- b. Allow the CITY to provide pertinent data applicable to the project.
- c. Explain the financial administration of the project, and
- d. Render official Notice-to-Proceed letter.

Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail

B. Schedule

VHB will prepare a schedule that will include major tasks, key milestones and schedule of deliverables. This schedule will be developed and maintained using the scheduling program, Microsoft Project. The initial project schedule will be submitted at the notice to proceed meeting for review and approval by the CITY.

C. Progress Reports

VHB will prepare monthly progress reports to accompany invoicing. These reports will note progress to date and status of key deliverables. Project Milestones Tables will accompany the monthly report along with the current milestone schedule.

D. Quality Control

VHB will undertake periodic checks of work in progress and project deliverables as part of their formal quality assurance program. Documentation of design calculations and quantity computations and the independent checking of same will be performed under the appropriate task.

E. Communication and Collaboration

VHB will work with the following agencies who have jurisdiction over the outcome of this project.

- 1) City of Cape Coral (CITY)
- 2) Florida Department of Transportation (FDOT)
- 3) South Florida Water Management District (SFWMD)
- 4) Army Corps of Engineers (USACE)
- 5) Department of Environmental Protection (DEP)
- 6) United States Coast Guard (USCG)
- 7) Florida Fish and Wildlife Conservation Commission (FWC)
- 8) United States Fish and Wildlife Service (FWS)

F. Project Meetings

Progress Meetings will be held throughout the life of the projects. We anticipate meetings following the 30%, 60% and 90% plan submittals as well as intermediate meetings as required to discuss project efforts as well as identify and resolve any critical issues. It is anticipated the six (6) progress meetings will be held assuming 3-4 staff attending each meeting. VHB will prepare an agenda prior to each meeting and will follow up with meeting minutes indicating issues discussing and any action necessary to reach resolution.

G. Public Involvement

VHB will prepare a Community Awareness Plan (CAP) for review and approval by the CITY within 30 calendar days after receiving Notice to Proceed. The objective of the plan is to notify local governments, affected property owners, tenants, and the public of the CITY'S proposed construction and the anticipated impact of that construction. The CAP will address timeframes for each review and will include tentative dates for each public involvement requirement for the project. The CAP will also document anticipated public involvement activities conducted throughout the duration of the project.

VHB will prepare notifications, flyers, and/or letters to elected officials and other public officials, private property owners, and tenants at intervals during plans production as identified by the CITY. The letters and notices will be reviewed by the **CITY and VHB** to verify they are addressed to the correct and current public officials.

At the beginning of the project, VHB will identify the impacted property owners and tenants (within a minimum of 300 feet of the project corridor). VHB will prepare a mailing list of the entities and will update the mailing list as needed during the life of the project.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

VHB will prepare the necessary materials for use in public meetings. VHB will investigate potential meeting sites to advise the CITY on their suitability. No CITY meetings will be held on public school system properties.

VHB will attend public meeting(s), assist with meeting setup and take down. VHB will also prepare a summary of the public meeting that includes copies of the materials shown or provided at the public meeting. The summary will also include a listing of the written comments made during or after the meeting and responses to those written comments.

VHB will attend the meetings with an appropriate number of personnel to assist the CITY'S Project Manager.

It is anticipated that there will be one (1) Public Meeting. A Public Hearing is not anticipated at this time.

In addition to scheduled public meeting(s), VHB will be available to participate in meetings with local governing authorities, individual stakeholders, and/or Metropolitan Planning Organization (MPO). VHB's participation may include, but not be limited to, presentations during the meeting, note taking, and summarizing the meeting in a memo to the file. It is anticipated that there will be **one (1)** meeting at 30% plan submittal (with BPCC- a subcommittee of MPO); **five (5)** meetings at 90% plan submittal (with City Council, MPO Board and 3 different MPO subcommittees); and **up to 12** meetings with individual stakeholders during the design. Efforts will be made to schedule multiple stakeholder meetings in the same day.

TASK 2 TRAIL & STRUCTURAL ANALYSIS

Preliminary Engineering & Analysis

Trail - As part of this effort, VHB will develop an alignment and cross sections to quantify the impacts and costs of locating the trail within the corridor. The goal of the preliminary engineering is to recommend an alignment that minimizes the impacts and construction costs. In areas where right-of-way constraints are encountered, two (2) alternate typical sections will be investigated. We anticipate two areas along the corridor this may occur:

- a. **El Dorado Boulevard:** Van Buren Parkway to Kismet Parkway
- b. **Kismet Parkway:** El Dorado Boulevard to Chiquita Boulevard and Santa Barbara Boulevard to Del Prado Boulevard.

VHB will prepare concept roll plans at a scale of 1" = 40', identifying and quantifying the design issues and constraints, and preliminary cross sections.

VHB will prepare a Technical Memorandum that will document the decision-making process regarding specific design issues related to: the trail location and alignment, typical section, stormwater concepts, right-of-way constraints, utilities, impacts to natural resources, trees, flood plains, protected species, estimated construction costs, and public input.

VHB must obtain concurrence from the CITY staff on the alignment recommendations described in the technical memorandum, prior to continuing with final design. A meeting between CITY staff and VHB will be conducted to obtain this concurrence.

Structural - VHB will prepare concept design and details for the three multi-use trail bridges and associated bridge approaches. During this concept design phase, VHB will evaluate two design alternatives and include details for review by the CITY. VHB will weigh both concepts and present the CITY with details outlining the pros and cons for each option for the CITY to make a final selection. VHB will prepare an estimate of probable costs and outline ease of construction, aesthetic concepts with associated additional costs, and any other criteria the CITY would like investigated.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

During this concept design phase VHB will rely on the subsurface (geotechnical) information provided by MC² who will be retained as a subconsultant by VHB to perform this work.

Trail Head – VHB will prepare a concept plan for potential improvements related to parking areas, linear parks, covered structures/pavilions within the City's right-of-way at the northwest quadrant of the Del Prado Boulevard and Kismet Parkway. Final design of accepted improvements will be prepared under a separate supplemental agreement.

TASK 3 TRAIL PLANS

VHB will prepare the Final Design and Contract Documents for the multi-use trail in accordance with the appropriate sections of the FDOT Plans Preparation Manual, except as modified herein.

The plans will be prepared in a conventional split-sheet format for the Plans and Profiles on 11" x 17" sheets. The plans will be prepared on design topographic survey. The sheets will be developed to a horizontal scale of 1" = 40' and vertical scale of 1" = 5'. The plan-profile sheets will show the project's complete horizontal and vertical alignments. Various elements such as pavement width, landscape, signing and marking, street and driveway crossings, and right-of-way and easement lines will be shown and dimensioned. Proposed back-of-trail elevations will also be labeled on plan view at 50-foot intervals. VHB will confirm that proposed trail elevations will allow for existing vacant lots to be developed in accordance with the City's Engineering Design Standard (EDS) without having to remove/reconstruct the trail. Design information relative to the proposed cross-drains, ditches, storm sewer pipes and drainage structures will also be shown on the plan-profile sheets.

Typical sections will be prepared as appropriate.

Cross-Sections will be developed at 50-foot intervals along the baseline of survey to scales of 1" = 10' horizontal and 1" = 5' vertical. In addition, cross sections will be provided at existing driveways where reconstruction of driveways will be required. Major underground utilities will be shown based on information provided by the utility companies or as identified during surveying efforts. Roadway soil profiles from auger borings will be shown. Cross-sections for side roads will be developed if required for earthwork determination and turnout control.

Drainage Maps will be prepared for the project at a scale of 1" = 200' using aerials provided by the COUNTY. The drainage maps will show on-site and contributing off-site drainage basins and limits of 100-year floodplain and floodway.

Design data relative to the proposed cross-drains, storm sewer pipes, and drainage structures will be shown on the Trail Plan and Profile Sheets.

Traffic Control Plans

Traffic Control Plans (TCP) will be prepared on 1" = 40' for critical areas. The plans will show typical sections, phasing notes, detours, and temporary pavement. TCP typical sections and phasing notes will be provided as part of the 60% submittal. Details will be provided at 90% and Final stage of plan development and will be based on the FDOT Standard Index 600 series altered as needed.

Utility Adjustments

See TASK 5 UTILITIES for details.

VHB will show, on the roadway plan sheets, the locations of existing and proposed utilities based on survey data and information supplied by the City and other impacted utility companies. The disposition of the existing utilities, as determined by the utility companies and approved by the CITY, will be called out on these sheets. Utility information will be included in the 60%, 90%, and Final plans packages.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

TASK 4 DRAINAGE ANALYSIS AND PLANS

VHB will subcontract with Q. Grady Minor to perform the work in Task 4.

Drainage Analysis

The drainage and stormwater management system will be designed in conformance with the approved Drainage Design Criteria for the project. It is anticipated that a combination open ditch system and underground conveyance system will collect and convey roadway and trail stormwater runoff to existing outfall locations. Capacity calculations, longitudinal grade adjustments, design of side drain pipes, and design of cross drain pipes will be developed. A technical memorandum summarizing the Drainage Design Criteria will be prepared based on requirements set forth by the CITY and the SFWMD. The recommended system will be defined in conjunction with the Design Analysis. The drainage design associated with this scope assumes that the swale on both sides of the road will need to be regraded to maintain the capacity of the existing swale due to the proposed impacts of the 12' wide multi-use trail. It is assumed that the modified swales will be typical for approximately 50% of the project and will follow the profile of the existing roadway. The remaining 50% of the project ($\pm 17,160'$ Linear feet) will require a unique swale system with a longitudinal grade differing from that of the road profile and may need to be supplemented by proposed culverts connected with ditch bottom inlets. The design will consider utilizing the existing storm water infrastructure if the existing infrastructure is sufficient.

Additional stormwater alternatives will be explored if maintaining the existing capacity of the swales is unattainable by regrading the swales. Other alternatives will include the use of underground stormwater chambers and/or utilizing land already owned by the City of Cape Coral to achieve the capacity of the existing swales. Due to City's maintenance concerns, underground stormwater chambers will be avoided to the extent possible.

For this project, the conveyance of the roadside swales and sizing of the cross drains will be designed for the ten (10) year storm event. The rainfall intensity will be developed from the "Rainfall Intensity-Duration-Frequency Curve for Zone 8" based on the time of concentration of each contributing basin. Each bridge will be analyzed for the twenty-five (25) year storm event and will be evaluated for the one hundred (100) year storm event based on historical data provided by the South Florida Water Management District.

Drainage Plans

Drainage plan sheets, notes, and details will be prepared. The plans shall include the following sheets necessary to convey the intent and scope of the project for the purposes of construction.

- a) Drainage Map
- b) Summary of Drainage Structures
- c) Drainage Structure Sheet(s) (Per Structure)
- d) Miscellaneous Drainage Detail Sheets
- e) Lateral Ditch Plan/Profile
- f) Lateral Ditch Cross Sections
- g) Erosion Control Plan Sheet(s)

TASK 5 UTILITIES

VHB will subcontract with Q. Grady Minor to perform the work in Task 5.

The project will be designed as such to avoid utility conflicts to the extent possible. If unavoidable, utilities within and adjacent to the project limits that may be impacted by the project will be identified. Once the utilities are identified, each Utility Agency Owner (UAO) will be contacted to obtain existing available information. VHB team will work with the UAO to identify any potential conflicts with the design. Meetings will be scheduled with the CITY and UAO as needed, a utility conflict matrix will be prepared,

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

and utilities located and coordinates provided. VHB team will also provide Utility Certification/Close-Out documents as required by FDOT.

This scope does not include the actual effort to resolve potential utility conflicts. It assumes that non-City-owned utility conflicts will be resolved by the affected utility owners. Potential City owned utility conflicts (i.e., water, sewer, irrigation) appear to be limited to manhole and valve pad adjustments. Design of manhole and valve pad adjustments are included in this scope and will be performed by VHB team in accordance with City Standards. Should major relocation design or utility diversion/deflection engineering of City-owned utilities be required, the work may be performed by supplemental agreement.

Additionally, VHB team will work with the CITY to incorporate the City's scheduled utility expansion program and future expansion programs to eliminate potential impacts as they relate to the Van Buren/El Dorado/Kismet Parkway Multi Use Trail project, including the proposed pedestrian bridges.

TASK 6 ENVIRONMENTAL PERMITS

Resource Information

VHB shall submit a written request to Florida Fish and Wildlife Conservation Commission (FFWCC) and/or the U.S. Fish and Wildlife Service (USFWS) regarding the occurrence or likely occurrence of protected species within the right-of-way (ROW) and approximately 25 feet outside of the ROW.

VHB shall submit a written request to the Florida Natural Areas Inventory (FNAI) regarding the occurrence or likely occurrence of protected species within the ROW and approximately 25 feet outside of the ROW.

VHB shall research the occurrence or likely occurrence of federally protected species within the right-of-way (ROW), and approximately 25 feet outside of the ROW on the USFWS public records. VHB shall also research resource information such as soils, FEMA flood mapping, basin mapping, hydrologic characteristics, etc. in preparation for fieldwork and permitting.

Wetland Delineation

Wetlands are not anticipated to exist along this corridor.

Protected Species Survey

VHB shall conduct a general reconnaissance survey for the occurrence or potential occurrence of protected species (threatened, endangered, or special concern). The approximate location of all observed protected species or their signs shall be identified on a habitat map overlain on aerial photograph prints. Those species referred to as protected are listed under Florida Administrative Code 39-27.003-.005 and Florida Statue 581.185, and Code of Federal Regulation (50 CFR 17.11 and 17.12). The survey will extend 25 feet outside of the proposed ROW.

More specifically, VHB will:

- a. Perform a non-species-specific field survey to determine the presence or absence of protected/listed species and their associated habitats. Publicly-available GIS data will also be utilized to determine the likelihood of protected species utilizing the area.
- b. Perform a detailed species-survey for burrowing owls and gopher tortoises according to the current regulatory guidelines. VHB will GPS all burrow locations and provide the digital locations to the engineer to avoid impacts and the need for species-specific permits.
- c. Prepare a Protected Species report of the findings and a habitat map with the approximate locations of observed, or previously-recorded protected species.

Submission of the report to FWS and FWC to obtain concurrence that the project is "not likely to adversely affect" protected species will occur after City review of the report.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

VHB anticipates the avoidance of protected species. Should permitting and/or relocation activities be required, this work will be performed by supplemental agreement.

In addition, an interim memorandum discussing the protected species survey results will be prepared and distributed to all project team members.

Permitting

VHB will prepare and submit a No Permit Required request under the Environmental Resource Permitting (ERP) Process to the SFWMD. The following will be completed:

- a. Schedule and attend a pre-application meeting with the SFWMD
- b. Prepare and submit the ERP “No permit Required” Request
- c. Provide supporting documentation, exhibits, figures, and computations
- d. Communicate with the Client as may be required in the preparation of the No Permit Required Request to SFWMD
- e. Prepare written responses for one (1) Request for Additional Information (RAI) by the WMD regarding elements of the SFWMD Request prepared by VHB

It assumed that pursuant to 62-330.051(10), F.A.C., recreational paths that do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles, are exempted for the permitting requirements of Chapter 40C-42 F.A.C. However, should the SFWMD determine that a permit is required due to the water crossings and/or culvert extensions and stormwater systems, VHB will coordinate with SFWMD to obtain the required General or Individual Permit. Mitigation will not be required by SFWMD for impacts to upland cut surface waters.

U. S. Army Corps of Engineers – “No Permit Required”

The U.S. Army Corps of Engineers (USACE) regulates impacts to wetlands that would be considered Waters of the U.S. Currently, and prior to preliminary project design, it appears no wetland/surface water impacts to USACE jurisdictional waters will occur as a result of the proposed trail. If no wetland impacts are proposed, permitting will not be required through this agency. VHB will complete the following:

- a. Schedule and attend a pre-application meeting with USACE
- b. Prepare and submit the No Permit Required Request
- c. Provide supporting documentation for the Wetland Data and Approved Jurisdictional Determination Form
- d. Attend a site visit with USACE staff to review the jurisdictional wetland boundary, if necessary

Should it be determined that impacts to USACE wetlands/surface will be needed due to the water crossings and/or culvert extensions, an addendum to this Agreement will be provided to obtain a federal permit, likely a Nationwide or Programmatic General Permit.

Mitigation Design/Archaeological and Historical Features

These are not anticipated for this project and are not included in this scope of work.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

TASK 7 STRUCTURAL ANALYSIS AND PLANS

VHB will design and develop construction plans and specifications for the proposed multi-use trail bridges along the proposed trail alignment. VHB will progress the design concept chosen by the CITY from the concept design phase. The plans will be developed in accordance with all applicable FDOT and SunTrail requirements. Plans will be prepared on 11"x17" sheets and be included as part of the Trail Plans.

Multi-Use Trail Bridge Design

It is proposed to design a prefabricated bridge over each canal; Zanzibar, Loch Ness, and Eureka. The proposed structures will be a prefabricated steel truss with a concrete deck. The bridge will span the entire canal and is anticipated to be approximately 100' in length.

Design elements will include:

- a. Trail bridge geometry (vertical and horizontal) to verify foundation locations do not adversely affect the overall structure design
- b. Main span geometry (prefabricated bridge design will be "By Others")
 - Design and detailing of the main span prefabricated bridges will be required to be signed and sealed by a licensed professional engineer in the State of Florida
- c. Foundation design and details (design will be based on geotechnical recommendations)
 - Foundation alternatives to be evaluated during design to include driven piles, helical piles, or spread footings
- d. Substructure design and details
 - Details pertaining to the inclusion of utilities attached to bridge will be included as necessary and as defined by the CITY
- e. Slope and/or bank protection details will be included as necessary
- f. Wall design and details (approach "wingwalls" or "u-back walls")
- g. Load rating of proposed bridges is assumed to not be required and therefore not included in the scope of services
- h. Additional loading requirements, such as bridge supported utilities, will be considered at the direction of the CITY.
- i. Design, construction and material specifications for the prefabricated bridges

Should any of the above assumptions no longer be applicable due to the agreed upon concept, VHB will adjust the scope of work and fee necessary for these work items and will prepare an amendment, if applicable, at the CITY'S request.

VHB will develop 60%, 90%, and final structural construction plans. The final design and construction plans will be prepared in accordance with applicable sections of FDOT Standard Specifications for Road and Bridge Construction, AASHTO LRFD Bridge Design Specifications, FDOT Structures Manual, and FDOT Design Standards. Structural construction plans will be incorporated into the overall project construction plans and follow the same submission schedule (60%, 90%, and final plans). VHB will review and respond to comments from the CITY and FDOT at each of the submissions outlined in this Scope of Work.

During final design phase VHB will rely on the subsurface (geotechnical) information provided by MC2.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

TASK 8 SIGNING AND PAVEMENT MARKINGS

VHB will design the signing and pavement markings for the trail in accordance with the current version of the MUTCD and Florida Department of Transportation Standards for Road and Bridge Construction. The plans will include type, color and spacing of striping and raised pavement markings. All regulatory, warning and directional signing will be prepared for the signing and pavement marking items. The sheets will be incorporated into the Trail Plan sheets. Separate Signing and Pavement Marking Plans will not be developed. Signing and Pavement Marking Plans will be provided at the 60%, 90%, and Final plans packages.

TASK 9 SIGNALIZATION

There are no traffic signal improvements anticipated at this time along the corridor.

TASK 10 DESIGN SURVEY AND RIGHT-OF-WAY MAPPING

VHB will subcontract with Q. Grady Minor to perform the work in Task 10.

Design Survey

Vertical control will be established from the CITY's permanent benchmark network. An additional 15 benchmarks and control points will be set along said route using the datum as specified by the design. Vertical information will be provided utilizing the National Geodetic Vertical Datum of 1929 (NGVD 29).

Topography will be obtained in 50-foot intervals along the route from right-of-way to right-of-way and will extend to a distance of 25 feet beyond the existing right-of-way on both sides of the road. Above ground improvements, including trees, utility poles, edge of pavement, driveways (size and material of construction), sidewalks, fences, vegetation, significant improvements in the right-of-way, culverts and storm structures (with size, material and invert depths), sanitary sewer structures (invert depths), visible above ground utility features (including flow meters and backflow assemblies), and topographic data lying within 25 feet of the existing right of way line will be located. Each intersection will be surveyed in more detail due to needing more information to tie into the existing elements.

A master horizontal control file will be created to be utilized throughout the design. This map will include the location of the existing right-of-way lines for those portions of intersecting roadways that fall within the project limits. These right-of-way lines together with the boundary lines and controlling monuments for the ownership entities will serve as the base geometry for the project.

Right-of-Way Mapping

Information from the Lee County Property Appraiser's Office, Lee County Clerk of Courts and City of Cape Coral will be obtained to acquire record evidence of parcel ownership (as required), existing right-of-way limits for Van Buren/El Dorado/Kismet Parkway and all intersecting roadways, certified corner records and horizontal and vertical control.

Underground Utilities

Designates

Underground utilities will be located to a Quality Level B. Designation includes 2-dimensional collection of existing utilities. Survey includes collection of data on points as needed for designates. Includes analysis and processing of all field collected data, and delivery of all appropriate electronic files. It is estimated 0.5 miles of utilities will be designated. The entire corridor will not be designated. Utilities will be added based on information obtained from the utility companies.

Locates - Subsurface Utility Explorations (SUE)

Utilities will be located to a Quality Level A. A 3-dimensional verification will be completed as needed for designation. Location includes non-destructive excavation to determine size, type and location of existing utility. 50 test holes have been included in this task.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

TASK 11 GEOTECHNICAL SOILS INVESTIGATION

VHB will subcontract with MC² to perform the following work in Task 11.

Existing and available project information will be reviewed including USDA soil survey and USGS maps and available as-built drawings of the roadways. Boring location plans will be prepared, utility locating with Sunshine 811 will be performed, and the necessary permit(s) to perform our subsurface exploration will be obtained. Subsurface exploration consisting of Standard Penetration Test (SPT) and hand auger borings will be performed along the corridor. Upon completion of data collection, laboratory testing will be conducted on selected representative soil samples including grain size analysis, organic and natural moisture content determination and Atterberg limit testing. A summary report of our findings, as well as geotechnical recommendations that could be used by the project's design team will be prepared. Following is an outline for the subsurface exploration program:

Subsurface Exploration

- a. Perform a total of 6 Standard Penetration Test (SPT) borings to a depth of 100 feet, with 1 boring for each canal bridge abutment location. The depth of borings is planned for the potential need for deep foundations.
- b. Perform a total of 113 Hand Auger borings along the proposed trail (6.4 miles) on VanBuren Pkwy., El Dorado Blvd. and Kismet Pkwy. Borings will be conducted at approximate 300-foot intervals along the existing roadways within the proposed trail alignment to meet the suggested guidelines outlined in Section 3.2.1 of the 2017 FDOT Soils and Foundations Handbook. These borings will be advanced to 5 feet deep. Hand Auger borings can be extended to 10 feet deep every 1000 feet in areas of stormwater improvement, if requested.
- c. Perform additional Hand Auger borings to 5 feet deep to delineate any encountered deleterious soils (up to 30 borings).
- d. Sample up to 8 bulk soil samples for Limerock Bearing Ratio (LBR) tests.

Laboratory Testing

- a. Perform routine laboratory soil classification tests to enhance visual soil classification of samples obtained.
- b. Conduct soil and water corrosion tests at each canal location (2 soil and 1 water for each canal). Also perform 8 soil corrosion tests along the trail alignment for optional pipe material evaluation, if requested.

Geotechnical Report

- a. Issue a geotechnical engineering report signed and sealed by a Geotechnical Engineer licensed in Florida that will address the following topics:
 - ✓ Subsurface conditions at the boring locations
 - ✓ Measured and estimated seasonal high groundwater depths
 - ✓ Site preparation
 - ✓ Fill selection, placement and compaction
 - ✓ Pavement design considerations
 - ✓ Preliminary bridge foundation design recommendations

Contamination Screening Evaluation Report (CSER)

- a. A CSER will include a detailed site reconnaissance and regulatory database review to determine if any potential contamination could affect the proposed project. The CSER would be performed in general accordance with Part 2, Chapter 22 of the FDOT PD&E Manual.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

TASK 12 LANDSCAPE AND STREETSCAPE

As part of the 30% design phase, VHB will develop an overall layout and location plan for landscape buffers, informational signage, and amenities (trash receptacles and pet stations) based on the approved alignment. No other amenities are included in this design.

The following assumptions are made:

Landscape Mitigation and Buffers:

Landscape design for the entire corridor is not included in this project. However, there will be areas that will require landscape buffers to be included along the trail. The following is included:

- a. Design of landscape splitter islands at each of the 27 intersection crossings
- b. Develop a typical rest area with bench and trash receptacle in locations where right-of-way allows

Landscape plans shall be certified to meet FDOT requirements, including sight distance requirements.

Signage:

- a. Mile post markers
- b. Informational signs
- c. 911 Markers

Text and graphics to be provided by the CITY for the information signs.

TASK 13 ESTIMATE OF PROBABLE CONSTRUCTION COSTS

VHB will prepare an estimate of probable construction costs and review and update the cost estimate when scope changes occur and at the 30%, 60%, 90%, and final plan stages.

TASK 14 SPECIFICATIONS PACKAGE AND BID DOCUMENTS

It is anticipated that the proposed work will be designed in accordance with the July edition of the 2018 FDOT Standard specifications and/or City of Cape Coral specifications. VHB will assemble the required technical specifications and bid form to be incorporated into the bid package. The CITY will be responsible for the general conditions and assembling the bid package for advertising. VHB will prepare the following items in the Bid Package:

- a. Identify pay items and work categories for specifications and bid form
- b. Download and review FDOT specifications for appropriate work efforts
- c. Identify the links to the FDOT and CITY website for appropriate specifications.
- d. Although not anticipated, VHB will prepare up to two (2) Technical Special Provisions if needed.

TASK 15a POST-DESIGN BIDDING ASSISTANCE – SEGMENT 1

VHB will perform this post-design task when requested by the City. It is anticipated that Segment 1 post-design services will begin shortly after design phase is completed.

VHB will provide the following services:

- Assist the City during bidding of the project by promptly responding to Bidder's questions received through Procurement or from the pre-bid meeting, by preparing addenda, as required. Attend and participate in Pre-Bid meeting.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

- Review the bids received, review and verify the bid tabulation prepared by the City, assist the City in identifying the lowest responsible and responsive bidder, and prepare a formal recommendation of award.
- Assemble and prepare “Conformed Bid Documents” (Bid Documents as modified during the bid process).
- Provide one (1) set of signed and sealed conformed construction plans (11" x 17") reflecting any addenda or changes issued as a result of the City’s project bidding and award process - no later than seven (7) calendar days from project bid opening.
- A single PDF version of plans on CD/DVD and one (1) AutoCAD Civil 3D electronic file format furnished to the City.

TASK 15b POST-DESIGN BIDDING ASSISTANCE – SEGMENT 2

VHB will perform this post-design task when requested by the City. The City intends to utilize VHB for Segment 2 post-design services, if mutually agreeable to all parties, and upon funding appropriation for Segment 2.

See detailed task description under Task 15a.

TASK 16a POST-DESIGN LIMITED CONSTRUCTION ADMINISTRATION - SEGMENT 1

VHB will perform this post-design task when requested by the City. It is anticipated that Segment 1 post-design services will begin shortly after design phase is completed.

VHB will make field visits/observations as requested by the City. These observations will not be exhaustive or continuous. VHB’s review and approval of submittals such as shop drawings, product data, samples and other data will be for the limited purpose of checking for conformance with the design concept and the information in VHB’s documents. VHB will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the contractor or the safety precautions and programs incidental to the work of the contractor. These visits will be scheduled as necessary for certification purposes or as requested by the City. A total of one (1) field visit at three (3) hours per visit have been included in this task. It is assumed that the contractor will be responsible for preparing signed and sealed as-built plans. VHB will review the as-built plans and prepare SFWMD certification documentation as well as certify to the extent possible the design plans were constructed per plan.

TASK 16b POST-DESIGN LIMITED CONSTRUCTION ADMINISTRATION - SEGMENT 2

VHB will perform this post-design task when requested by the City. The City intends to utilize VHB for Segment 2 post-design services, if mutually agreeable to all parties, and upon funding appropriation for Segment 2.

See detailed task description under Task 16a.

ASSUMPTIONS

- None at this time.

**Scope of Services
Van Buren/El Dorado/Kismet Parkway Multi Use Trail**

SERVICES NOT INCLUDED

The following design services are not anticipated and, therefore, not included in this Agreement at this time:

- Traffic analysis
- Lighting
- Irrigation
- Streetscape other than previously described
- Utility other than previously described
- Right-of-way Mapping
- Sketches and Legal Descriptions
- Final Design of Trail Head
- Preparation of as-built plans
- Species specific permitting and relocation
- USACE permitting

Should work be required in these areas, or areas not previously described, VHB will prepare a proposal or amendment, at the client's request, that contains the Scope of Services, fee, and schedule required to complete the additional work items.

CLIENT FURNISHED INFORMATION (if available)

- Existing City utility plans
- UEP plans and phasing
- Storm GIS and as built information
- Drainage basin information
- Monitoring well data
- City's Engineering Design Standard (EDS)

SCHEDULE

Design Services (Tasks 1 through 14): VHB will begin performance of the above design services on the date written authorization to proceed is received. The schedule is also subject to timely delivery of information promised by the client and is exclusive of client and local review of interim products and is anticipated to a 11.5-month duration from receipt of the Notice To Proceed. VHB will prepare a detailed project schedule after the Notice to Proceed.

Post-Design Services (Tasks 15a, 15b, 16a, 16b): VHB will perform post-design services when requested by the City. It is anticipated that Segment 1 post-design services will begin shortly after design phase is completed. The City intends to utilize VHB for Segment 2 for post-design services, if mutually agreeable to all parties, and upon funding appropriation for Segment 2.

COMPENSATION

VHB will perform the Scope of Services contained in this Agreement on a Not-To-Exceed (NTE) amount basis. The total fee for this Scope of Services is **\$1,095,590.54 (NTE amount)**, including expenses (limited to printing and reprographics; subsistence; computer charges; telephone charges; shipping, postage, and courier service charges). See Table No. 1 FEE SUMMARY (attached).

Scope of Services

Van Buren/El Dorado/Kismet Parkway Multi Use Trail

List of Deliverables*

This tabulation was used for the purpose of estimating the NTE fees. These are the anticipated printing requirements for the project. The City's Project Manager will determine the final number of copies required prior to each submittal. The number of sheets may also differ at the time of submission.

1. Preliminary Engineering (30%) - 4 Hard Copies

- Concept Roll Plans (22"x 60", Double View @ 1" = 40' Scale) (8 Roll Plans)
- Bridge Concepts
- Geotechnical Report
- Drainage Report
- Technical Memorandum
- Environmental Documentation (Protected Species Report & No Permit Request)
- Opinion of Probable Construction Costs
- PDF of all Deliverables

2. Phase II (60%) - 4 Hard Copies

- Trail Plans (170 sheets)
 - ✓ Key Sheet - *1 Sheet*
 - ✓ Typical Sections - *2 Sheets*
 - ✓ Notes - *2 Sheets*
 - ✓ Details - *4 Sheets*
 - ✓ Profiles, Drainage, Signing & Marking, and Utility Adjustments - *60 Sheets*
 - ✓ Maintenance of Traffic - *4 Sheets*
 - ✓ Cross Sections - *90 Sheets*
 - ✓ Miscellaneous - *7 Sheets*
- Structural Plans (60 Sheets)
- Landscape Plans (10 Sheets)
- SFWMD and USACE Environmental Permit Applications (if needed)
- Estimate of Probable Construction Costs
- PDF of all Deliverables

3. Phase III (90%) - 4 Hard Copies

- Trail Plans
- Structural Plans
- Landscape Plans
- Technical Specifications and Bid Form
- Estimate of Probable Construction Costs
- PDF of all Deliverables

4. Final Plans - 8 Hard Copies

- Trail Plans
- Structural Plans
- Landscape Plans
- Technical Specifications and Bid Form
- Estimate of Probable Construction Costs
- PDF of all Deliverables

*All plan sheets will be prepared on 11x17 format sheets.

Exhibit “B”

Compensation Schedule of Values

EXHIBIT B

COMPENSATION – SUMMARY SCHEDULE of VALUES NOT – TO – EXCEED (Shown for all firms – VHB, Q.Grady and MC2)	
TASK LISTING	Summary Dollars
TASK 1 - Project General and Common Tasks	\$78,952.20
TASK 2 - Trail Analysis	\$150,323.12
TASK 3 - Trail Plans	\$66,115.48
TASK 4 - Drainage Analysis and Plans	\$255,911.96
TASK 5 - Utilities	\$17,628.31
TASK 6 - Environmental Permits	\$11,764.44
TASK 7 - Structural Analysis and Plans	\$109,033.92
TASK 8 - Signing and Pavement Markings	\$8,948.60
TASK 9 - Signalization	\$0
TASK 10 - Design Survey and Right-of-Way Mapping	\$32,821.18
TASK 11 - Geotechnical Soil Investigations	\$95,106.38
TASK 12 - Landscape and Streetscape	\$16,157.99
TASK 13 - Estimate of Probable Construction Costs	\$22,216.59
TASK 14 - Specification Package and Bid Documents	\$13,027.77
TASK 15 a – Post-Design Bidding Assistance – Segment 1	\$13,107.31
TASK 15 b – Post Design Bidding Assistance – Segment 2	\$13,107.31
TASK 16 a - Post Design Limited Construction Administration Segment 1	\$24,361.05
TASK 16 a – Post Design Limited Construction Administration Segment 2	\$31,786.79
Expenses	\$14,500.00
Q. GRADY FIELD & EQUIPMENT SURVEY	\$70,720.00
SUE SURVEY PLACEHOLDER	\$50,000.00
Total Not to Exceed Fee	\$1,095,590

Exhibit “C”

Consultant’s Design Work Schedule

EXHIBIT C

**FLORIDA SHARED-USE NONMOTORIZED (SUN) TRAIL
DESIGN SCHEDULE
SOLICITATION RFP-PW17-62GM**

ID	Task Name	Duration	Start	Finish	18 Mar	Qtr 2, 2018				Qtr 3, 2018			Qtr 4, 2018			Qtr 1, 2019			Qtr 2, 2019					
						Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May					
0	SCHEDULE BASE	260 days	Mon 4/16/18	Mon 4/15/19																				
1	RECEIVE NOTICE TO PROCEED	0 days	Mon 4/16/18	Mon 4/16/18																				
2	BUILD SCHEDULE	10 days	Mon 4/16/18	Fri 4/27/18																				
3	P.E. BEGIN	0 days	Mon 4/16/18	Mon 4/16/18																				
4	PRELIMINARY DESIGN PHASE (30%)	75 days	Mon 4/16/18	Mon 7/30/18																				
5	CONDUCT KICK-OFF MEETING	0 days	Fri 4/27/18	Fri 4/27/18																				
6	UTILITY DESINGATION	20 days	Mon 4/16/18	Fri 5/11/18																				
7	DESIGN & R/W SURVEY	30 days	Mon 4/23/18	Fri 6/1/18																				
8	GEOTECHNICAL / REPORT	20 days	Mon 4/30/18	Fri 5/25/18																				
9	PRELIMINARY LAYOUT	15 days	Mon 5/7/18	Fri 5/25/18																				
10	ENV. PERMITS COORDINATION MTG	0 days	Fri 5/11/18	Fri 5/11/18																				
11	STAKEHOLDER MEETINGS	5 days	Mon 5/28/18	Fri 6/1/18																				
12	PREPARE 30% PLANS	25 days	Mon 6/4/18	Mon 7/9/18																				
13	SUBMIT 30% PLANS	0 days	Mon 7/9/18	Mon 7/9/18																				
14	CITY/FDOT (ERC) REVIEW	10 days	Tue 7/10/18	Mon 7/23/18																				
15	RESPOND TO ERC COMMNETS	5 days	Tue 7/24/18	Mon 7/30/18																				
16	FINAL DESIGN (60%, 100%, and FINAL PLANS)	185 days	Tue 7/31/18	Mon 4/15/19																				
17	PREPARE 60% PLANS	60 days	Tue 7/31/18	Mon 10/22/18																				
18	CONDUCT PUBLIC MEETING	0 days	Mon 10/1/18	Mon 10/1/18																				
19	SUBMIT 60% PLANS	0 days	Mon 10/22/18	Mon 10/22/18																				
20	CITY/FDOT (ERC) REVIEW	10 days	Tue 10/23/18	Mon 11/5/18																				
21	RESPOND TO ERC COMMENTS	5 days	Tue 11/6/18	Mon 11/12/18																				
22	UTILITY COORDINATION	60 days	Tue 10/23/18	Mon 1/14/19																				
23	SFWMD ENV. PERMIT PACKAGE	60 days	Tue 11/13/18	Mon 2/4/19																				
24	RECEIVE WMD PERMIT	0 days	Mon 2/4/19	Mon 2/4/19																				
25	PREPARE 90% PLANS	20 days	Tue 2/5/19	Mon 3/4/19																				
26	CITY/FDOT (ERC) REVIEW	10 days	Tue 3/5/19	Mon 3/18/19																				
27	FINAL PLANS	20 days	Tue 3/19/19	Mon 4/15/19																				
28	PLANS COMPLETE	0 days	Mon 4/15/19	Mon 4/15/19																				






















Project: 12 -Cape Coral Schedule.mpp Date: Wed 2/14/18	Task		External Tasks		Inactive Summary		Start-only		Deadline	
	Split		External Milestone		Manual Task		Finish-only			
	Milestone		Inactive Task		Duration-only		Critical			
	Summary		Inactive Task		Manual Summary Rollup		Critical Split			
	Project Summary		Inactive Milestone		Manual Summary		Progress			

Exhibit “D”

Personnel Billable Hourly Rates

Exhibit D

PERSONNEL BILLABLE HOURLY RATES

(Please include all positions associated with this project) Table MUST match with Project Cost Spreadsheet – Costs Shown for/Tasks by Position, Qualifications of Individuals – Shown in Schedule C Overall Project Schedules and Exhibits Must Match)

FIRM NAME	Employee Name	Task(s) Associated	Billing Title	Actual Payroll Hourly Rates	Multiplier	Billable Hourly Rate
VHB	Mark Bertoncini	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16	Sr. Project Manager	\$82.82	2.89	\$239.36
VHB	Shannon Ruby Julien	1, 6	Sr. Scientist 2	\$54.47	2.89	\$157.41
VHB	Bill Bowers	1, 12, 13, 15, 16	Sr. Landscape Architect*	\$53.95	2.89	\$155.91
VHB	William Desantis	1, 2, 3	Sr. Engineer 3	\$78.31	2.89	\$226.30
VHB	Margaret Kubilins	1, 2, 3	Sr. Engineer 3	\$61.30	2.89	\$177.16
VHB	Keith Stimpson	2, 13	Sr. Engineer 2	\$53.99	2.89	\$156.03
VHB	Greg Goodrich	7, 13	Sr. Engineer 1	\$53.64	2.89	\$155.02
VHB	Bryce Martinez	1, 7, 11, 13, 14, 15, 16	Sr. Engineer 1	\$42.48	2.89	\$122.78
VHB	Jared Knight	8	Project Engineer 2	\$46.59	2.89	\$134.66
VHB	Ryan Verdel	1, 2, 3, 13, 14, 15, 16	Project Engineer 2	\$42.71	2.89	\$123.42
VHB	Kenneth Ray	1, 7, 11, 13, 14, 15, 16	Project Engineer 2	\$39.85	2.89	\$115.17
VHB	Lauren Chervincky	7, 13	Project Engineer 2	\$38.15	2.89	\$110.25
VHB	Brian MacEwan	1, 2, 3, 13, 14, 15, 16	Project Engineer 1	\$31.51	2.89	\$91.06
VHB	James Macpherson	7, 11, 13	Project Engineer 1	\$29.79	2.89	\$86.11
VHB	Caitlyn Ballweber	1, 2, 3, 15, 16	Engineer 2	\$30.70	2.89	\$88.73
VHB	Devon Brazeal	8	Engineer 1	\$28.14	2.89	\$81.33
VHB	Fernando Santos	3, 7	Sr. CAD Designer	\$37.81	2.89	\$109.27
VHB	Arte Roman	6	Sr. Scientist 2	\$38.34	2.89	\$110.81
VHB	Michael Wielenga	6	Sr. Scientist 2	\$28.95	2.89	\$83.66
VHB	Danielle Salmon	6	Scientist	\$27.47	2.89	\$79.38
VHB	Christen Callahan	1	GIS Specialist II	\$24.01	2.89	\$69.39
VHB	Ryan Tury	2, 12, 13, 15, 16	Landscape Architect	\$34.33	2.89	\$99.22
VHB	Stephen Vazquez	1	Sr. Marketing Specialist	\$38.77	2.89	\$112.05
VHB	Danielle Bertoncini	1	Marketing Specialist	\$20.60	2.89	\$59.55

Exhibit D

PERSONNEL BILLABLE HOURLY RATES

(Please include all positions associated with this project) Table MUST match with Project Cost Spreadsheet – Costs Shown for/Tasks by Position, Qualifications of Individuals – Shown in Schedule C Overall Project Schedules and Exhibits Must Match)

FIRM NAME	Employee Name	Task(s) Associated	Billing Title	Actual Payroll Hourly Rates	Multiplier	Billable Hourly Rate
VHB	Andrea Wood	1	Project Admin.	\$26.68	2.89	\$77.11
GM	Justin Frederiksen	5	Sr Project Manager	\$77.66	2.89	\$224.44
GM	Brent Addison	4	Sr. Project Manager	\$60.85	2.89	\$175.86
GM	Daniel Flynn	4	Project Engineer 2	\$53.85	2.89	\$155.63
GM	Sally Goldman	4	Engineer 2	\$42.54	2.89	\$122.94
GM	Rachel Jackson	4	Engineer 2	\$40.92	2.89	\$118.26
GM	Jeremiah DeForge	4	Engineer 2	\$37.96	2.89	\$109.70
GM	Alex Dunko	5	Engineer 2	\$38.50	2.89	\$111.27
GM	Donald Saintenoy	10	Sr. Land Surveyor	\$51.69	2.89	\$149.38
GM	Heracilo Rivera	10	Survey Crew Chief	\$21.81	2.89	\$63.03
GM	Dawn Suzor	4,5	Sr. CAD Designer	\$36.35	2.89	\$105.05
GM	Dodi Raudenbush	4, 10	Sr. CAD Designer	\$34.73	2.89	\$100.37
GM	Kevin Georgeson	4, 10	Sr. CAD Designer	\$30.69	2.89	\$88.69
GM	Frank Feeny	4	Sr Project Manager	\$54.92	2.89	\$158.72
GM	Bikash Basnet	4	Engineer 1	\$30.70	2.89	\$88.72
GM	Eric Neil	4,10	Sr CAD Designer	\$36.35	2.89	\$105.05
GM	Andrew Croak	4,10	Sr CAD Designer	\$36.35	2.89	\$105.05
GM	Alex Birdwell	10	Survey Technician	\$27.46	2.89	\$79.36
GM	Michelle Meunier	10	Constructin Admin.	\$29.35	2.89	\$84.82
GM	Kathy Mace	4,10	Sr. CAD Designer	\$35.81	2.89	\$103.49
GM	Ralph Mowls	10	Survey Crew Chief	\$28.00	2.89	\$80.92
GM	Richard Caile	10	Survey Crew Chief	\$26.92	2.89	\$77.80
GM	Nick Kalich	10	Survey Technician	\$16.42	2.89	\$47.45

Exhibit D

PERSONNEL BILLABLE HOURLY RATES

(Please include all positions associated with this project) Table MUST match with Project Cost Spreadsheet – Costs Shown for/Tasks by Position, Qualifications of Individuals – Shown in Schedule C Overall Project Schedules and Exhibits Must Match)

FIRM NAME	Employee Name	Task(s) Associated	Billing Title	Actual Payroll Hourly Rates	Multiplier	Billable Hourly Rate
GM	Leo Carty	16	Construction Administrator	\$19.92	2.89	\$57.57
MC2	Winston Stewart	11	Sr. Engineer 3	\$73.20	2.89	\$211.55
MC2	Joe Di Stefano	11	Sr. Project Manager	\$69.38	2.89	\$200.51
MC2	Jodonna Jimenez	11	Sr. Engineer 2	\$46.86	2.89	\$135.43
MC2	Pranshanth Vaddu	11	Sr. Engineer 2	\$49.56	2.89	\$143.23
MC2	Jeffery Hooks	11	Sr. Engineer 1	\$36.35	2.89	\$105.05
MC2	Kevin Trimble	11	Project Engineer 2	\$36.06	2.89	\$104.21
MC2	Brad Crowson	11	Engineer 2	\$24.50	2.89	\$70.81
MC2	Sergio Gomez	11	Engineer 1	\$21.15	2.89	\$61.12
MC2	Amber Wilson	11	Engineer 1	\$19.30	2.89	\$55.78
MC2	Lance Croft	11	Project Engineer 1	\$27.07	2.89	\$78.23
MC2	Digbu Gordon	11	Project Engineer 1	\$22.93	2.89	\$66.27
MC2	Tate Cozart	11	Sr. CAD Designer	\$21.84	2.89	\$63.12
MC2	Chris Williams	11	Sr. CAD Designer	\$21.35	2.89	\$61.70
MC2	Sharon McGlasson	11	Project Analyst	\$20.19	2.89	\$58.35

* There is no staff classification for landscape architect

Exhibit “E”

Reimbursement Expenses

ATTACHMENT B-4
REIMBURSEABLE OUT-OF-POCKET EXPENSES

Consultant: **VHB**VHB Project No: **82593.17**Description: **Van Buren Trail**Solicitation No (s): **PW-PW17-62GM****REPRODUCTION**

Number of sets required>> 40

Task Description

	Plan Sheet Count	Color Plot 22 X 60	B&W Plot 22 X 60	Phase Rvws 11x17 ⁽¹⁾	B&W Let/Lgl/Tab	Color Let/Lgl/Tab
Trail Plans	170	0	0	6800	0	0
Structural Plans	60	0	0	2400	0	0
Landscape Plans	10	0	0	400	0	0
Miscellaneous	2000	0	0	2000	0	0
Check Sets	240	0	0	2400	0	0
Roll Plans	8	320	320			
Misc Color Copies	150					6000
Report Pages	200				8000	
Public Meeting Material						
Flyers, letters, comment forms	1000			1000		
Subtotal	3838	320	320	15000	8000	6000
Working Copies (25% of Subtotal)	960	80	80	3750	2000	1500
UNIT TOTALS:		400	400	18750	10000	7500
UNIT COSTS:		\$11.51	\$2.62	\$0.07	\$0.00	\$0.46
TOTAL COSTS:		\$4,604.00	\$1,048.00	\$1,312.50	\$0.00	\$3,450.00

REPRODUCTION TOTALS:**\$10,414.50****PRESENTATION MATERIALS**

20	report bindings	x	\$ 1.25	per copy =	\$25.00
20	boards	x	\$ 34.83	per board =	\$696.60
500	mailings	x	\$ 0.49	per mailing =	\$245.00

PRESENTATION MTLs TOTALS:**\$966.60****TRAVEL EXPENSES**

TO:						FROM: <i>Orlando (MOT * Public Involve)</i>				
<i>Per Diem:</i>	<i>trips x</i>	<i>1</i>	<i>people</i>	<i>x</i>	<i>0</i>	<i>days x</i>	<i>\$0.00</i>	<i>per day =</i>	<i>\$0.00</i>	
<i>Hotel:</i>	<i>trips x</i>	<i>1</i>	<i>nites/trip</i>	<i>x</i>	<i>\$ -</i>	<i>per nite</i>		<i>=</i>	<i>\$0.00</i>	
<i>Rental Car:</i>	<i>trips x</i>	<i>0</i>	<i>days</i>	<i>x</i>	<i>\$ -</i>	<i>per day</i>		<i>=</i>	<i>\$0.00</i>	
<i>Airfare:</i>	<i>trips x</i>	<i>1</i>	<i>people</i>	<i>x</i>	<i>\$ -</i>	<i>per trip</i>		<i>=</i>	<i>\$0.00</i>	
TO:						FROM: <i>Orlando (Permitting & Drainage)</i>				
<i>Per Diem:</i>	<i>trips x</i>	<i>0</i>	<i>people</i>	<i>x</i>	<i>0</i>	<i>days x</i>	<i>\$0.00</i>	<i>per day =</i>	<i>\$0.00</i>	
<i>Hotel:</i>	<i>0</i>	<i>trips x</i>	<i>0</i>	<i>people</i>	<i>x</i>	<i>0</i>	<i>nites/trip x</i>	<i>\$ -</i>	<i>per nite =</i>	<i>\$0.00</i>
<i>Rental Car:</i>	<i>trips x</i>	<i>0</i>	<i>days</i>	<i>x</i>	<i>\$ -</i>	<i>per day</i>		<i>=</i>	<i>\$0.00</i>	
<i>Airfare:</i>	<i>trips x</i>	<i>0</i>	<i>people</i>	<i>x</i>	<i>\$ -</i>	<i>per trip</i>		<i>=</i>	<i>\$0.00</i>	
TO: <i>Project Site</i>						FROM: <i>VHB Orlando Office</i>				
<i>Mileage:</i>	<i>0</i>	<i>trips x</i>	<i>0</i>	<i>miles</i>	<i>x</i>	<i>\$0.535</i>	<i>per mile</i>		<i>=</i>	<i>\$0.00</i>
TO: <i>Public Involvement</i>						FROM: <i>VHB Orlando Office</i>				
<i>Mileage:</i>	<i>0</i>	<i>trips x</i>	<i>0</i>	<i>miles</i>	<i>x</i>	<i>\$0.535</i>	<i>per mile</i>		<i>=</i>	<i>\$0.00</i>
TO: <i>City Office</i>						FROM: <i>VHB Orlando Office</i>				
<i>Mileage:</i>	<i>0</i>	<i>trips x</i>	<i>0</i>	<i>miles</i>	<i>x</i>	<i>\$0.535</i>	<i>per mile</i>		<i>=</i>	<i>\$0.00</i>
TOTAL TRAVEL EXPENSES:										

TOTAL TRAVEL EXPENSES:**\$0.00****MONTHLY SHIPPING COSTS**

Shipping & Telephone Costs:

0 months x \$0.00 =

\$0.00**MISCELLANEOUS EXPENSES**

1	LS	x	\$1,618.90	=	\$1,618.90
				=	\$0.00
				=	\$0.00

TOTAL OUT-OF-POCKET EXPENSES:**\$13,000.00**

Exhibit E
REIMBURSABLE FEE SCHEDULE



CITY OF CAPE CORAL

VAN BUREN/EL DORADO/KISMET PARKWAY MULTI USE TRAIL

PW-PW17-62GM

<u>Reimbursables</u>	<u>Cost</u>
Small Document Printing	\$0.07/ea imprint
Large document Printing	\$0.285/sf
Color/B&W Inkjet Plotting	\$3.25/sf
Color Copying/Printing	\$0.46/ea imprint
Dry Mounting (Gator Core)	\$3.80/sf
GBC Binding	\$0.90/book
Color Coil Binding	\$1.25/book

225 E. Robinson Street, Suite 300
Landmark Center Two
Orlando, FL 32801-4326
P 407.839.400

Exhibit “F”

**VHB Project Total Cost
(Tasks, Billable Hours and Total Fees)**

and

**Q. Grady Minor & Associates
(Tasks, Billable Hours and Total Fees)**

and

**MC2
(Tasks, Billable Hours and Total Fees)**

Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail
PW-PW17-62GM

TABLE NO. 1 FEE SUMMARY

Task No.	Task Description	Staff Designations, Hours & Personnel Hourly Rates										
		VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB
		PM	ENV Mngr	Landscape	Advisor	Public Inv.	QA/QC	Structural	Trail	S&PM	Trail	Structural
		Mark Bertoncini	Shannon Ruby Julien	Bill Bowers	William Desantis	Margaret Kubilins	Keith Stimpson	Greg Goodrich	Bryce Martinez	Jared Knight	Ryan Verdel	Kenneth Ray
		Sr. Project Manager	Sr. Scientist 2	Landscape Architect*	Sr. Engineer 3	Sr. Engineer 3	Sr. Engineer 2	Sr. Engineer 1	Sr. Engineer 1	Project Engineer 2	Project Engineer 2	Project Engineer 2
		\$ 82.82	\$ 54.47	\$ 53.95	\$ 78.31	\$ 61.30	\$ 53.99	\$ 53.64	\$ 42.48	\$ 46.59	\$ 42.71	\$ 39.85
	DESIGN TASKS											
1	Project General and Common Tasks	209	8	12	20	40	0	0	0	0	0	40
2	Trail Analysis	60	0	40	40	16	32	8	371	0	140	64
3	Trail Plans	24	0	0	40	24	55	0	0	0	40	0
4	Drainage Analysis and Plans	4	0	0	0	0	0	0	0	0	16	0
5	Utilities	0	0	0	0	0	0	0	0	0	16	0
6	Environmental Permits	0	30	0	0	0	0	0	0	0	0	0
7	Structural Analysis and Plans	10	0	0	0	0	0	62	0	0	0	400
8	Signing and Pavement Markings	8	0	0	0	0	0	0	0	16	0	0
9	Signalization	0	0	0	0	0	0	0	0	0	0	0
10	Design Survey and Right-of-Way Mapping	4	0	0	0	0	0	0	0	0	0	8
11	Geotechnical Soils Investigation	4	0	0	0	0	0	0	0	0	0	12
12	Landscape and Streetscape	0	0	40	0	0	0	0	0	0	0	0
13	Estimate of Probable Constuction Costs	12	0	6	0	0	8	4	20	0	0	40
14	Specification Package and Bid Documents	24	0	0	0	0	0	0	0	0	0	20
	POST DESIGN											
15a	Bidding Assistance - Segment 1	16	0	12	8	0	0	4	0	0	0	20
15b	Bidding Assistance - Segment 2	16	0	12	8	0	0	4	0	0	0	20
16a	Limited Construction Administration - Segment 1	30	0	8	0	0	0	2	0	0	60	25
16b	Limited Construction Administration - Segment 2	30	0	8	0	0	0	6	0	0	80	55
	Subtotal Trail Design Tasks	451	38	138	116	80	95	90	391	16	352	704
		10.7%	0.9%	3.3%	2.7%	1.9%	2.2%	2.1%	9.2%	0.4%	8.3%	16.6%

451 22 272 176 130
VHB hours associated with subconsultant Tasks 4, 5, 10, & 11 are for coordination purposes only.
*No Landscape Categroy in Cape Coral Staff Descriptions

Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail
PW-PW17-62GM

TABLE NO. 1 FEE SUMMARY

Task No.	Task Description	Staff Designations, Hours & Personell Hourly Rates									
		VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB	VHB
		Structural	Trail	Structural	Ttrail	S&PM	CAD Tech	ENV	ENV	ENV	GIS
		Lauren Chervincky	Brian MacEwan	James Macpherson	Caitlyn Ballweber	Devon Brazeal	Fernando Santos	Arte Roman	Michael Wielenga	Danielle Salmon	Christen Callahan
		Project Engineer 2	Project Engineer 1	Project Engineer 1	Engineer 2	Engineer 1	Sr. CAD Designer	Sr. Scientist 2	Sr. Scientist 2	Scientist	GIS Specialist II
		\$ 38.15	\$ 31.51	\$ 29.79	\$ 30.70	\$ 28.14	\$ 37.81	\$ 38.34	\$ 28.95	\$ 27.47	\$ 24.01
	DESIGN TASKS										
1	Project General and Common Tasks	0	20	0	0	0	0	0	0	0	8
2	Trail Analysis	24	152	0	152	0	32	0	0	0	0
3	Trail Plans	0	160	0	140	0	60	0	0	0	0
4	Drainage Analysis and Plans	0	0	0	0	0	0	0	0	0	0
5	Utilities	0	0	0	0	0	0	0	0	0	0
6	Environmental Permits	0	0	0	0	0	0	16	44	20	0
7	Structural Analysis and Plans	144	0	240	0	0	132	0	0	0	0
8	Signing and Pavement Markings	0	0	0	0	60	0	0	0	0	0
9	Signalization	0	0	0	0	0	0	0	0	0	0
10	Design Survey and Right-of-Way Mapping	0	0	0	0	0	0	0	0	0	0
11	Geotechnical Soils Investigation	0	0	0	0	0	0	0	0	0	0
12	Landscape and Streetscape	0	0	0	0	0	0	0	0	0	0
13	Estimate of Probable Constuction Costs	12	0	0	0	0	0	0	0	0	0
14	Specification Package and Bid Documents	0	0	0	0	0	0	0	0	0	0
	POST DESIGN										
15a	Bidding Assistance - Segment 1	4	4	0	0	0	0	0	0	0	0
15b	Bidding Assistance - Segment 2	4	4	0	0	0	0	0	0	0	0
16a	Limited Construction Administration - Segment 1	12	0	0	0	0	0	0	0	0	0
16b	Limited Construction Administration - Segment 2	20	0	0	0	0	0	0	0	0	0
	Subtotal Trail Design Tasks	220	340	240	292	60	224	16	44	20	8
		5.2%	8.0%	5.7%	6.9%	1.4%	5.3%	0.4%	1.0%	0.5%	0.2%

5.0%

Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail
PW-PW17-62GM
TABLE NO. 1 FEE SUMMARY

Task No.	Task Description	VHB	VHB	VHB	Hours	Direct Labor	Loaded Salary w/2.89 Mult (Check Calculation)
		Graphics	Graphics	Admin			
		Stephen Vazquez	Danielle Bertoncini	Andrea Wood			
		Sr. Marketing Specialist	Marketing Specialist	Project Admin.			
		\$ 38.77	\$ 20.60	\$ 26.68			
	DESIGN TASKS						
1	Project General and Common Tasks	24	24	40	445	\$27,319.10	\$78,952.20
2	Trail Analysis	0	0	0	1,211	\$52,014.92	\$150,323.12
3	Trail Plans	0	0	0	543	\$22,877.33	\$66,115.48
4	Drainage Analysis and Plans	0	0	0	20	\$1,014.64	\$2,932.31
5	Utilities	0	0	0	16	\$683.36	\$1,974.91
6	Environmental Permits	0	0	0	110	\$4,070.74	\$11,764.44
7	Structural Analysis and Plans	0	0	0	988	\$37,728.00	\$109,033.92
8	Signing and Pavement Markings	0	0	0	84	\$3,096.40	\$8,948.60
9	Signalization	0	0	0	0	\$0.00	\$0.00
10	Design Survey and Right-of-Way Mapping	0	0	0	12	\$650.08	\$1,878.73
11	Geotechnical Soils Investigation	0	0	0	16	\$809.48	\$2,339.40
12	Landscape and Streetscape	0	0	0	140	\$5,591.00	\$16,157.99
13	Estimate of Probable Constuction Costs	0	0	0	132	\$5,895.32	\$17,037.47
14	Specification Package and Bid Documents	0	0	0	44	\$2,784.68	\$8,047.73
	POST DESIGN						
15a	Bidding Assistance - Segment 1	0	0	0	68	\$3,889.20	\$11,239.79
15b	Bidding Assistance - Segment 2	0	0	0	68	\$3,889.20	\$11,239.79
16a	Limited Construction Administration - Segment 1	0	0	0	137	\$7,040.13	\$20,345.98
16b	Limited Construction Administration - Segment 2	0	0	0	199	\$9,609.59	\$27,771.72
	Subtotal Trail Design Tasks	24	24	40	4,233	\$188,963.17	\$546,103.56

0.6%0.6%0.9%100%

Direct Labor\$188,963.17

Subtotal Salary2.89\$546,103.56Matches above

Expenses (See Estimated Backup)\$13,000.00

Subconsultants
Q. Grady Minor* (Drainage/Utilities/Survey) \$393,720.00
MC Squared* (Geotechnical) \$92,766.98
TBD (Placeholder) (SUE) \$50,000.00

Total Fee Not to Exceed\$1,095,590.54

EXHBIT F - Q. GRADY MINOR

NOT- TO- EXCEED - TOTAL FEE

Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail
PW-PW17-62GM
TABLE NO. 1 FEE SUMMARY (Q. Grady Minor)

Task No.	Task Description	Staff Designations, Hours & Personnel Hourly Rates														
		GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor
		Justin Frederiksen	Brent Addison	Frank Feeney	Daniel Flynn	Rachel Jackson	Jeremiah DeForge	Alex Dunko	Sally Goldman	Bikash Basnet	Donald Saintenoy	Dawn Suzor	Dodi Raudenbush	Eric Neil	Kathy Mace	Kevin Georgeson
		Sr. Project Manager	Sr. Project Manager	Sr. Project Manager	Project Engineer 2	Engineer 2	Engineer 2	Engineer 2	Engineer 2	Engineer 1	Sr Land Surveyor	Sr. CAD Designer	Sr. CAD Designer	Sr. CAD Designer	Sr. CAD Designer	Sr. CAD Designer
		\$ 77.66	\$ 60.85	\$ 54.92	\$ 53.85	\$ 40.92	\$ 37.96	\$ 38.50	\$ 42.54	\$ 30.70	\$ 51.69	\$ 36.35	\$ 34.73	\$ 36.35	\$ 35.81	\$ 30.69
DESIGN TASKS																
1	Project General and Common Tasks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	Trail Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	Trail Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4	Drainage Analysis and Plans	0	30	20	350	0	0	0	374	150		610	0	609	0	0
5	Utilities	40	0	0	0	0	0	60	0	0		0	0	0	0	0
6	Environmental Permits	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	Structural Analysis and Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8	Signing and Pavement Markings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9	Signalization	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	Design Survey and Right-of-Way Mapping	0	0	0	0	0	0	0	0	0	80	0		0	0	75
11	Geotechnical Soils Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12	Landscape and Streetscape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13	Estimate of Probable Construction Costs	0	0	0	8	0	0	0	32	0	0	0	0	0	0	0
14	Specification Package and Bid Documents	0	0	0	32	0	0	0	0	0	0	0	0	0	0	0
POST DESIGN																
15a	Post-Design Bidding Assistance - Segment 1	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0
15b	Post-Design Bidding Assistance - Segment 2	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0
16a	Post-Design Limited Construction Administration - Segment 1	0	0	0	10	0	0	0	20	0	0	0	0	0	0	0
16b	Post-Design Limited Construction Administration - Segment 2	0	0	0	10	0	0	0	20	0	0	0	0	0	0	0
	Subtotal Grady Minor Tasks	40	30	20	434	0	0	60	446	150	80	610	0	609	0	75
		1.5%	1.1%	0.7%	15.9%	0.0%	0.0%	2.2%	16.4%	5.5%	2.9%	22.4%	0.0%	22.4%	0.0%	2.8%

Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail
PW-PW17-62GM
TABLE NO. 1 FEE SUMMARY (Q. Grady Minor)

Task No.	Task Description	Staff Designations, Hours & Personnel Hourly Rates								Hours	Direct Labor	Loaded Salary w/2.89 Mult (Check Calculation)
		GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor	GradyMinor			
		Andrew Croak	Alex Bridwell	Heracilo Rivera	Ralph Mowls	Richard Caile	Nick Kalieh	Leo Carty	Michelle Meunier			
		Sr. CAD Designer	Survey Technician	Survey Crew Chief	Survey Crew Chief	Survey Crew Chief	Survey Technician	Survey Technician	Construction Administrator			
		\$ 36.35	\$ 27.46	\$ 21.81	\$ 28.00	\$ 26.92	\$ 16.42	\$ 19.92	\$ 29.35			
DESIGN TASKS												
1	Project General and Common Tasks	0	0	0	0	0	0	0	0	0	\$0.00	
2	Trail Analysis	0	0	0	0	0	0	0	0	0	\$0.00	
3	Trail Plans	0	0	0	0	0	0	0	0	0	\$0.00	
4	Drainage Analysis and Plans	0			0	0	0	0	32	2175	\$87,536.21	\$252,979.65
5	Utilities	0		0	0	0	0	0	0	100	\$5,416.40	\$15,653.40
6	Environmental Permits	0	0	0	0	0	0	0	0	0	\$0.00	
7	Structural Analysis and Plans	0	0	0	0	0	0	0	0	0	\$0.00	
8	Signing and Pavement Markings	0	0	0	0	0	0	0	0	0	\$0.00	
9	Signalization	0	0	0	0	0	0	0	0	0	\$0.00	
10	Design Survey and Right-of-Way Mapping	75	30	33		0	0	0	0	293	\$10,706.73	\$30,942.45
11	Geotechnical Soils Investigation	0	0	0	0	0	0	0	0	0	\$0.00	
12	Landscape and Streetscape	0	0	0	0	0	0	0	0	0	\$0.00	
13	Estimate of Probable Construction Costs	0	0	0	0	0	0	0	0	40	\$1,792.08	\$5,179.11
14	Specification Package and Bid Documents	0	0	0	0	0	0	0	0	32	\$1,723.20	\$4,980.05
POST DESIGN												
15a	Post-Design Bidding Assistance - Segment 1	0	0	0	0	0	0	0	0	12	\$646.20	\$1,867.52
15b	Post-Design Bidding Assistance - Segment 2	0	0	0	0	0	0	0	0	12	\$646.20	\$1,867.52
16a	Post-Design Limited Construction Administration - Segment 1	0	0	0	0	0	0	0	0	30	\$1,389.30	\$4,015.08
16b	Post-Design Limited Construction Administration - Segment 2	0	0	0	0	0	0	0	0	30	\$1,389.30	\$4,015.08
	Subtotal Grady Minor Tasks	75	30	33	0	0	0	0	32	2724	\$111,245.62	\$321,499.84
		2.8%	1.1%	1.2%	0.0%	0.0%	0.0%	0.0%	1.2%	100%		

Direct Labor	\$111,245.62
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Project Multiplier \$2.89

Total Labor	\$321,499.84	Matches above
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Total Expenses	\$1,500.00
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Field Survey		Total Survey	\$70,720.00
Field & Equipment (days)	1-person robotic /day @		
68.00	\$1,040		

Grand Total Estimate Fee	\$393,720
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EXHIBIT F - MC2
NOT-TO - EXCEED - TOTAL FEE

Florida Shared-Use Nonmotorized (SUN) Trail
Van Buren/El Dorado/Kismet Parkway Multi Use Trail
PW-PW17-62GM

TABLE NO. 1 FEE SUMMARY - MC²

Task No.	Task Description	Staff Designations, Hours & Personell Hourly Rates															Hours	Direct Labor	Loaded Salary w/2.89 Mult (Check Calculation)
		MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²	MC ²			
		Winston Stewart, PE	Joe Di Stefano, PE	Jodonna Jimenez, PE	Pranshanth Vaddu, PE	Jeffrey Hooks	Kevin Trimble	Brad Crowson, EI	Sergio Gomez	Amber Wilson	Lance Croft	Digbu Gordon	Tate Cozart	Chris Williams	Sharon McGlasson	Employee Name			
		Sr. Engineer 3	Sr. Project Manager	Sr. Engineer 2	Sr. Engineer 2	Sr. Engineer 1	Project Engineer 2	Engineer 2	Engineer 1	Engineer 1	Project Engineer 1	Project Engineer 1	Sr. CAD Designer	Sr. CAD Designer	Project Analystist	Title Classification per Cape Coral			
		\$ 73.20	\$ 69.38	\$ 46.86	\$ 49.56	\$ 36.35	\$ 36.06	\$ 24.50	\$ 21.15	\$ 19.30	\$ 27.07	\$ 22.93	\$ 21.84	\$ 21.35	\$ 20.19	\$ 1.00			
DESIGN TASKS																			
1	Project General and Common Tasks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
2	Trail Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
3	Trail Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
4	Drainage Analysis and Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
5	Utilities	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
6	Environmental Permits	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
7	Structural Analysis and Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
8	Signing and Pavement Markings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
9	Signalization	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
10	Design Survey and Right-of-Way Mapping	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
11	Geotechnical Soils Investigation	32	48	0	40	54	0	60	0	0	74	0	32	0	24	0	364	\$14,274.56	\$41,253.48
12	Landscape and Streetscape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
13	Estimate of Probable Constuction Costs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
14	Specification Package and Bid Documents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
15	Bidding Assistance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
16	Limited Construction Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0.00	
	Subtotal	32	48	0	40	54	0	60	0	0	74	0	32	0	24	0	364	\$14,274.56	\$41,253.48
		8.8%	13.2%	0.0%	11.0%	14.8%	0.0%	16.5%	0.0%	0.0%	20.3%	0.0%	8.8%	0.0%	6.6%	0.0%	100%		

Total Direct Labor \$14,274.56

Project Multiplier \$2.89

Total Direct Labor \$41,253.48Matches Above

Field & Equipment*\$51,513.50

Grand Total Estimate Fee \$92,766.98

*Please see attached for breakdown
of associated additional fees

EXHIBIT F - MC2

Attachment A
Schedule of Services and Fees
City of Cape Coral - SUN Trail
Lee County, Florida
MC² Proposal No. T061714.135 G

	Quantity	Unit	Unit Rate	Total Cost
1. Mobilization of Men & Equipment	4	Trip	\$ 500.00	\$ 2,000.00
2. Support vehicle	8	Trip	\$ 187.00	\$ 1,496.00
3. Standard Penetration Test (SPT) borings				
Assume 6 borings to 100 ft at 3 Canal Bridges				
0 to 50 Feet Deep (6 @ 50' = 300")	300	L. F.	\$ 14.50	\$ 4,350.00
50 to 100 Feet Deep (6 @ 50" = 300)	300	L. F.	\$ 17.50	\$ 5,250.00
4. Seal Boreholes with Cement/Bentonite				
0 to 50 Feet Deep	300	L. F.	\$ 6.50	\$ 1,950.00
50 to 100 Feet Deep	300	L. F.	\$ 7.50	\$ 2,250.00
5. Casing (if needed)				
0 to 50 Feet Deep	180	L. F.	\$ 9.00	\$ 1,620.00
0 to 50 Feet Deep	120	L. F.	\$ 11.00	\$ 1,320.00
6. Pavement Cores	0	Each	\$ 100.00	\$ 0.00
7. Hand Auger Borings (113 x 5 feet/boring = 565 feet)	565	L. F.	\$ 10.50	\$ 5,932.50
Additional HA for deleterious materials if encountered				
Assume 30 borings to 5 feet = 150 ft.	150	L. F.	\$ 10.50	\$ 1,575.00
8. Flagman & Barricades	6	Day	\$ 1,250.00	\$ 7,500.00
9. Infiltration Test (DRIT)	0	Each	\$ 515.00	\$ 0.00
SUBTOTAL FIELD EXPLORATION				\$ 35,243.50
II. LABORATORY TESTING				
1. Visual Classification of auger materials, etc.	1	LS	\$ 1,600.00	\$ 1,600.00
(1315 feet/5 = 263 sets)				
2. Natural Moisture Content	50	Each	\$ 10.50	\$ 525.00
3. Grain Size Analysis (Full Gradation)	15	Each	\$ 85.00	\$ 1,275.00
4. Grain Size Analysis (Single Sieve)	35	Each	\$ 70.00	\$ 2,450.00
5. Organic Content	12	Each	\$ 45.00	\$ 540.00
6. Atterberg Limit Testing	24	Each	\$ 120.00	\$ 2,880.00
7. Limerock Bearing Ratio Test	8	Each	\$ 450.00	\$ 3,600.00
8. Environmental Tests (pH, sulfates, chlorides, resistivity)	17	Each	\$200.00	\$ 3,400.00
SUBTOTAL LABORATORY TESTING				\$ 16,270.00
III. ENGINEERING SERVICES				
1. Sr. Project Manager	48	Hour	\$ 200.51	\$ 9,624.48
2. Sr. Engineer 3 (Chief Engineer)	32	Hour	\$ 211.55	\$ 6,769.60
3. Sr. Engineer 2	40	Hour	\$ 143.23	\$ 5,729.20
4. Sr. Engineer 1	54	Hour	\$ 105.05	\$ 5,672.70
5. Engineer 2	60	Hour	\$ 70.81	\$ 4,248.60
6. Project Engineer 1 (Staking, Clearing Util., Logging Borings)	74	Hour	\$ 78.23	\$ 5,789.02
8. Engineer 1 (CADD)	32	Hour	\$ 63.12	\$ 2,019.84
9. Project Analyst (Clerical)	24	Hour	\$ 58.35	\$ 1,400.40
	364	Total Hours		
SUBTOTAL ENGINEERING SERVICES				\$ 41,253.48
SUBTOTAL FIELD AND LAB				\$ 51,513.50
TOTAL ALL BASIC SERVICES				\$ 92,766.98

Notes:

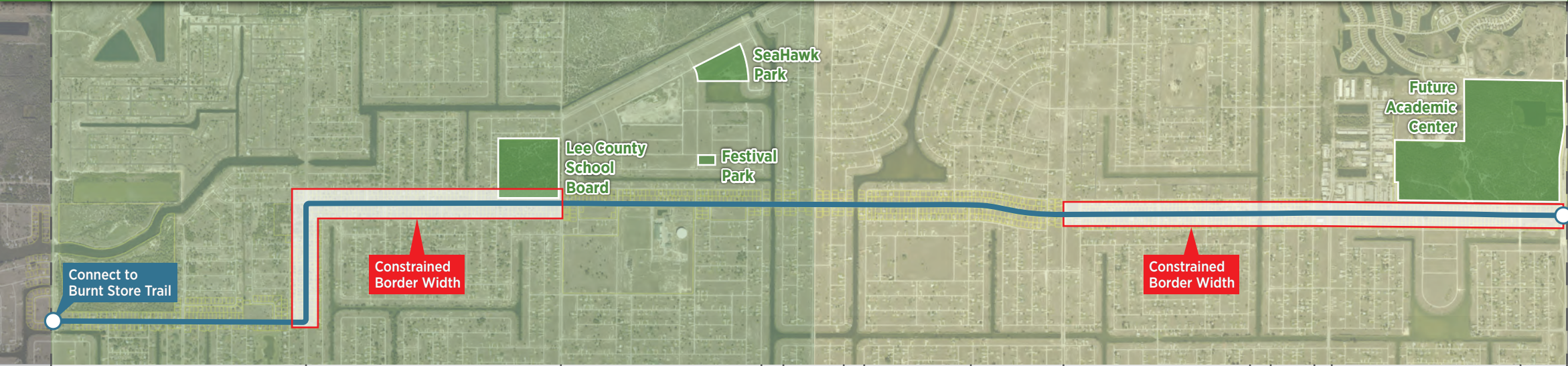
1. Casing cost are estimates and will be based on amounts used.
2. Should the borings need to be extended beyond the proposed depth based on field conditions or at VHB's request the additional cost will be invoiced at the quoted rate per foot.
3. Additional borings and cores, if required, will be based on the unit rates shown above. Additional mob. & support vehicle charges may also apply.
4. Laboratory fees are estimated and may vary dependent on soils encountered and testing required.
5. Assumes work will be done in calendar year 2018. Additional 5% will be applied if done subsequent to this.

Exhibit “G”

Project Map

Segment 1

Segment 2



Burnt Store Rd.	El Dorado Blvd.		Kismet Pkwy.	Chiquita Blvd.	NW 9th Pl.	NW 9th Ave.	NW 7th Ave.	NW 6th Pl.	NW 3rd Ave.	Santa Barbara Blvd.	NE 5th Pl.	NE 6th Ave.	NE 7th Pl.	Andalusia Blvd.	NE 19th Pl.	Del Prado Blvd.
[20']	[20']	[20']	[20']	[20']	[20']	[20']	[20']	[20']	[20']	[34']	[34']	[35']	[0']			
(20')	(20')	(16')	(20')	(20')	(20')	(20')	(20')	(20')	(20')	(12')	(12')	(14')	(8')			
4,900'	2,500'	5,400'	4,200'	1,330'	2,170'	2,015'	3,920'	915'	4000'	850'						

Zanzibar Canal
(New Bridge)

Loch Ness Canal
(New Bridge)

Eureka Canal
(New Bridge)

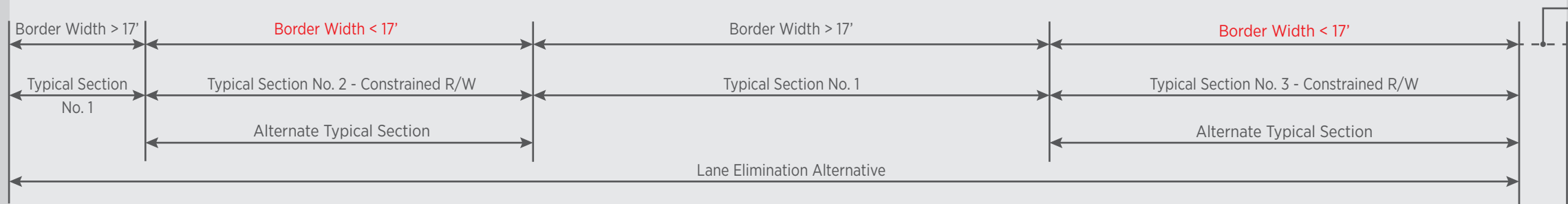


Exhibit “H”

Personnel Title Descriptions

TITLE CLASSIFICATIONS

(Position Classifications with Description
Of Qualification Requirements)

Classification	Min Yrs Exp.	License Requirements	Role Synopsis and Progression
Engineer 1	0	BS or BA & EIT or PE Required	Entry level, EIT Certification with BS degree. Performs calculations and design tasks under immediate and daily supervision.
Engineer 2	3	BS or BA & EIT or PE Required	Typically has 3-5 years of experience. Trusted developing engineer, preparing for PE registration. Capable of performing tasks with general guidance and minimal supervision.
Project Engineer 1	5	BS or BA & PE Required	Newly registered PE and/or has PHD, taking leadership and ownership of projects or significant project tasks. Responsible for direct client interface on questions of technical nature. Heavily relied on by Project Manager. Limited project management responsibilities on small projects.
Project Engineer 2	10	BS or BA & PE Required	Has significant coordination responsibility for large project tasks and/or various engineering disciplines.
Sr. Engineer 1	15	BS or BA & PE Required	Relied on for design team leadership & QA on complex projects. May be designated as the Project Manager on less complex projects.
Sr. Engineer 2	20	BS or BA & PE Required	Typically responsible for the most complex technical designs and has QA oversight for the entire project. Provides a higher level of expertise in specialized areas.
Sr. Engineer 3	25	BS or BA & PE Required	Considered a regional expert in a specialized discipline of engineering. Provides highest level of QA/QC and engineering design leadership for the most complex projects.
Sr. Project Manager	15	BS or BA & PE or PG Required	Primary interface with client. Entrusted to function independently on behalf of firm with regard to contracts, change orders, business development with existing and new clients, critical decisions and negotiations with clients. Coordinating and leading project teams. Clients see as a preferred point of contact.
Architect	10	BS or BA & AIA Registration Req.	Typically has 10 years or more experience, licensed architect with diverse knowledge of architecture principles and practices. Responsible for finished plans, specifications and material approvals. Is also responsible for large project tasks and/or deliverables. May supervise a small staff of architects and technicians.

Construction Administrator	8	High School or GED; Associates degree preferred	Responsible for handling and organizing administrative documentation associated with construction services. Responsible for reviewing status of construction services being provided against timelines and schedules.
Construction Project Representative 1	5	High School or GED	With routine supervision, evaluates construction projects. Determines compliance with building codes, ordinances, zoning regulations and contract specifications.
Construction Project Representative 2	10	High School or GED	Evaluates construction projects to determine compliance with building codes, ordinances, zoning regulations and contract specifications. Works with less on-site supervision, however, reports directly to a more experienced construction project representative.
Construction Manager 1	15	High School or GED	Responsible for supervision of construction project representatives on large scale projects. Duties may also include training and mentoring, balancing workload and making project recommendations.
Construction Manager 2	20	High School or GED	Responsible for supervision of construction project representatives on large scale projects. Duties may also include training and mentoring, balancing workload and making project recommendations. Has more senior experience than a Construction Manager 1.
Survey Technician	2	High School or GED	Rodman or surveying capable of performing with less detailed instruction. Works under the direction of a survey crew chief.
Survey Crew Chief	5	High School or GED	Supervisor of survey crew working under the direction of a Licensed Surveyor.
Sr. Land Surveyor	10	PLS Required	Must be licensed Land Surveyor in the State of Florida; Involved in survey data/drawings production process under guidance of engineers or more senior survey staff. Provides Survey Leadership to Technicians, CAD staff, and or less experienced Surveyors for production of survey data/drawings for clients. Responsible for QA/QC of own work and work of others.
Sr. CAD designer	10	High School or GED; Associates Degree Preferred	Performs many of the less complex tasks typically performed by engineers/architects with significant independence; typically spending 70% of the time actually designing for engineer/architect's approval; designs at a level comparable to an experienced EIT or non-licensed architect; works with clients and consultants to ensure that deliverables will be properly formatted and all data can be exchanged efficiently. Prepares complete set(s) of complex drawings.

CAD Technician 1	2	High School or GED	Performs standard CAD assigned duties. Performs some more advanced CAD duties as part of training and development. Resolves routine questions and problems and defers more complex issues to higher levels.
CAD Technician 2	5	High School or GED ; Associates preferred	Edits to plan sheets are more advanced, yet still supervised; produces exhibits, details and maps from concept drawings or sketches, performs unsupervised simple calculations; more advanced calculations are supervised; detailed instruction provided only on new work assignments; begins to get non-routine assignments; able to recognize gaps in knowledge and proactively seeks guidance. Duties and tasks are frequently non-routine. Resolves most questions and problems and refers only the most complex issues to higher level.
Project Administrator	8	High School or GED; Associates preferred	Integrated with the technical production process and is relied on to understand the needs of the project team and apply skill set to areas of need without instructed to do so.
Project Analyst	5	High School or GED Associates preferred	Typically responsible for an accounting process such as Accounts Payable or Accounts Receivable.
Scientist	3	BS or BA Required	Trusted "junior" scientist. Becoming a relied upon resource for technical work product.
Sr. Scientist 1	5	BS or BA Required	Takes on leadership and ownership of projects or significant project tasks and deliverables. Management comfortable with employee having direct client interface. Heavily relied on by Project Manager.
Sr. Scientist 2	10	BS or BA Required	Clearly understands/grasps the implications of scientific findings and their relationship to engineering solutions.
Project Manager	10	BS or BA & PE or PG Required	Coordinates and leads project teams. Demonstrates high level of competency in project accounting. Functions independently with regard to contracts and change orders.
Operations Manager	20	BS or BA & PE Required	Responsible for ensuring project quality and client satisfaction with specific geographic, client and/or market sectors. Coordinates with and/or supervises project managers or other professionals performing work within the programs.

GIS Specialist I	0-3	High School or GED; A.A.S. preferred in GIS or other related technical field of study	Performs skilled digital mapping involving preparation and maintenance of digital maps, converting hand drawn maps into a digital format for use in a Geographic Information System (GIS), managing data in such a way that historical records will reflect changes; ArcGIS experience including but not limited to constructing polygons using coordination geometry, heads up digitizing over imagery, mixed project creation, use and manipulation of geodatabases.
GIS Specialist II	3-5	High School or GED; A.A.S. in GIS or other related technical field of study and plus 3-5 years of experience	Performs all of the duties of a GIS Specialist I with less guidance and supervision, plus: the ability to perform more advanced editing functions and query related operations; performs more of a supervision/mentor role to those in the position of GIS Specialist I.
Sr. GIS Analyst	6	BS or PA plus 6 years if no degree, 8 years of experience	4-year degree (or equivalent combination of education and experience) that includes GIS coursework with typically 6+ years of experience, including responsible ownership of GIS projects or significant tasks. Has strong understanding of GIS methodologies and GIS technology. Able to mentor and supervise other GIS analysts and review and direct their work.
I&C Project Manager	5	BS or BA & PE or if no degree 5 years of experience in related field	Coordinates and leads project teams. Demonstrates high level of competency in project accounting. Functions independently with regard to contracts and change orders. Has knowledge of industrial control systems or motor control centers or security/surveillance systems or power generating equipment.
I&C Engineer 3	3	BS or BA & PE Required	Typically has 3-5 years of experience. Trusted developing engineer. Capable of performing tasks with general guidance and minimal supervision. Has knowledge of industrial control systems or motor control centers or security/surveillance systems.
I&C Sr CAD Designer	5	High School or GED; Associates Preferred	Performs many of the less complex tasks typically performed by engineers with significant independence; typically spending 70% of the time actually designing for engineer approval; works with clients and consultants to ensure that deliveries will be properly formatted and that data can be exchanged efficiently; prepare complete sets of complex drawings.

I&C Field Engineer	5	BS or PA plus 6 years if no degree, 8 years of experience	Responsible for installation and/or maintenance of industrial control systems, analytic systems, high power equipment, electronic surveillance and access control. Coordinates with city personnel and contractors to perform work outlined in contracts.
* Hydrogeologist 1	0-3	BS or BA Required	Entry level with BS degree. Performs calculations and design tasks under immediate and daily supervision.
Hydrogeologist 2	3	BS or BA & preparing for PG	Typically has 3-5 years of experience. Trusted developing engineer, preparing for PG registration. Capable of performing tasks with general guidance and minimal supervision.
* Project Scientist 1	5	BS or BA & PG Required	Newly registered PG and/or has PHD, taking leadership and ownership of projects or significant project tasks. Responsible for direct client interface on questions of technical nature. Heavily relied on by Project Manager. Limited project management responsibilities on small projects.
* Project Scientist 2	10	BS or BA & PG Required	Has significant coordination responsibilities for large project tasks and deliverables for various engineering disciplines.
* Sr. Hydrogeologist 1	15	BS or BA & PG Required	Relied on for design team leadership & QA on complex projects. May be designated as the project Manager on less complex projects.
* Sr. Hydrogeologist 2	20	BS or BA & PG Required	Typically has responsibility for the most complex technical designs and has QA oversight for the work project. Provides higher level expertise in specialized areas.
* Sr. Hydrogeologist 3	25	BS or BA & PG Required	Considered a regional expert in a specified discipline of engineering. Provides highest level of QA/QC and engineering design leadership for the most complex projects.
Surface/Ground Water Hydrogeologist	3	BS or BA & PG or PE	Typically has 3-5 years of experience. Trusted developing engineer, registered as PG or PE. Has specialized experience in integrated surface/ground water modeling. Capable of performing tasks with general guidance and minimal supervision.
* Sr. Surface/Ground Water Hydrogeologist 1	15	MS & PG or PE Required	Relied on for design team leadership & QA on complex projects. Has specialized experience in integrated surface/ground water modeling. May be designated as the project Manager on less complex projects.
* Sr. Surface/Ground Water Hydrogeologist 2	20	MS & PG or PE Required	Typically has responsibility for the most complex technical designs and has QA oversight for the work project. Has specialized experience in integrated surface/ground water modeling. Provides higher level expertise in specialized areas.

Exhibit “I”

Project Staff Resumes

Mark Bertoncini, PE

Sr. Project Manager



Mark is the Director of Transportation for VHB's Orlando office. He oversees all technical, quality, cost, and scheduling tasks related to transportation design and improvement projects. For over three decades, Mark has either managed or performed every aspect of work related to the design of roadway infrastructure projects. His personal style involves a hands-on approach in order to guide teams towards project completion.

Education

BS, Civil Engineering,
University of Rhode Island,
1983

Registrations/Certifications

Professional Engineer (Civil)
FL, 2005

Professional Engineer (Civil)
RI, 1988

Professional Engineer (Civil)
MA, 1989

Affiliations/Memberships

American Society of Civil
Engineers

Florida Engineering Society

National Society of
Professional Engineers

American Society of Highway
Engineers, Central Florida

Design-Build Institute of
America, Central Florida,
2010

Florida Institute of Consulting
Engineers, Region 3

33 years of professional experience

Cross Seminole Trail Connector, Seminole County, FL

Mark was the Project Engineer for the preliminary engineering, conceptual analysis, final engineering, and permitting of this six-mile multi-use trail. This project consisted of developing and ranking various trail alignment alternatives, selecting an alignment, and preparing final construction documents. The trail alignment crosses landscapes varying from environmentally sensitive areas to urbanized residential areas. Project aspects included corridor planning, public involvement, environmental impact analysis, access management, structural design, geotechnical analysis, and right-of-way mapping.

Kissimmee Trail Bridge, Osceola County, FL

Mark was the Project Manager for the design of a multi-use trail bridge, which will allow the continuation of the Kissimmee Trail across John Young Parkway, a major arterial within the City, allowing the users to cross the parkway without exposure to the high-speed traffic. It is also intended to serve as a gateway feature for the City. The proposed bridge will cross the East-West City Ditch which has an established 100-year floodplain and floodway. VHB coordinated with FEMA and obtained the effective hydraulic model which was completed using UNET. The UNET model was converted to HEC-RAS and was supplemented with a topographic survey of cross sections along the canal. A proposed model was established with the proposed bridge crossing to verify the existing flood profile. The overall length of the channel analysis is 1,600 feet.

Legacy Trail Design-Build Project, Sarasota County, FL

Mark was Project Manager for the preparation of preliminary and final plans for a 10-mile rail trail. He oversaw the preliminary and final construction plans, permits, and value engineering collaboration with the design-build contractor. The project included the rehabilitation of four railroad bridges and designing two new prefabricated bridges. Mark managed extensive services for this project, including a program to manage contaminated soils, potential impacts to threatened and endangered species, trail amenities and signage, environmental resource permitting with SWFWMD and stormwater model updates for Sarasota County, and new road crossings and signals. Additionally, utility lines were installed in the corridor consisting of reuse lines, sanitary sewer force main, and two telecommunication lines. A program to manage contaminated soils, potential impacts to threatened and endangered species, provide trail amenities and signage, ERP permitting with SWFWMD and stormwater model updates for Sarasota County, and new road crossings and signals were all included in the work by VHB.



Mark Bertoncini, PE

Spring to Spring Trail, Volusia County, FL

The Spring to Spring Trail consists of 2.4 miles of pedestrian trail through Blue Springs State Park. The project also includes a pedestrian tunnel crossing and approximately 1,200 feet of bridge structure that will allow pedestrians safe passage over the existing railroad located along the eastern limits of the park. When complete, the trail will stretch 26 miles from Gemini Springs Park to DeLeon Springs Park. Mark served as the Project Manager, responsible for overseeing coordination efforts including scheduling, permitting, utilities, and coordination with the contractor so that the construction schedule and the train schedule for the active tracks were not in conflict during construction tasks. This coordination was a key element also to ensure that existing train traffic was not impeded.

Oxford Road/South Lake Triplet Drive Improvements, Seminole County, FL

Mark was the Project Manager for the roadway and drainage design services for approximately 0.72 miles of roadway. These segments consist of limited road reconstruction to address base failure and adverse subgrade conditions. Improvements include development of a new typical section to include curb and gutter; swales; sidewalk replacement; brick paver crosswalks; signage; landscaping and irrigation enhancements; stormwater improvements; utility upgrades; pavement reconstruction; bike-friendly improvements such as special markings and signage; connection to Casselberry Greenway Trail; and preparation of permanent drainage easements.

Festival Drive Streetscape and Multi-Use Trail Bridge, Altamonte Springs, FL

Mark served as the QA/QC Manager to develop construction plans for improvements to Festival Drive from SR 436 to Central Parkway. The overall length of the project is approximately 2,700 linear feet and includes a 330-foot multi-use trail bridge adjacent to Festival Drive. The purpose of the Festival Drive streetscape project was to provide continuous pedestrian and bicycle access for this corridor.

Semoran Boulevard Streetscape Improvements Design-Build, Orange County, FL

Mark was Principal-in-Charge for a design-build project that involved streetscape improvements on Semoran Boulevard from Curry Ford Road to Oleander Drive. The scope included design and construction of concrete masonry unit (CMU) walls, landscaping, irrigation, brick pavers on concrete sub-slabs, stamped concrete, patterned/textured pavement, concrete sidewalks, curb ramps, pedestrian signals, milling, resurfacing, roadway widening, curb and gutter, pavement markings, and other associated improvements.

Sarasota County, Desoto Acres Sidewalk Improvements, Sarasota, FL

Sarasota County selected VHB to complete a sidewalk improvements project that included the design of stormwater infrastructure to accommodate a 5-foot-wide sidewalk throughout the Desoto Acres neighborhood, while maintaining/improving existing stormwater runoff drainage patterns. As Project Manager Mark oversaw design efforts that included base plan preparation, geometric layout, grading stormwater design and permitting, lighting design preparation of project technical special provisions and construction cost estimate, coordination with FDOT, Sarasota County and Sarasota County Area Transit (SCAT) and post design services.

Shannon Ruby Julien

Project Manager



Well-recognized in the environmental industry as a leader and a trained biologist, Shannon brings 24 years of experience performing wetland jurisdictional determinations and agency reviews, mapping vegetative communities, completing wildlife surveys and relocations, conducting sea grass surveys, preparing management plans, and completing NEPA documentation.

25 years of professional experience

Education

MS, Natural Resource Development, Michigan State University, 1997

BS, Food and Resource Economics, University of Florida, 1994

Registrations/Certifications

Florida Master Naturalist FL, 2001

Gopher Tortoise Authorized Agent, Florida Fish & Wildlife Commission FL, 2015

Affiliations/Memberships

WTS International, Central Florida, Chair of Recognitions Committee, 2017

Florida Association of Environmental Professionals, Central Florida

East Central Florida Rail Trail from Providence to SR 415, FL

Shannon prepared the gopher tortoise permit application, conducted a site review and performed gopher tortoise relocations. She also provided expert witness testimony on protected species issues as it related to the timing and integrity issues associated with construction. This work was performed prior to joining VHB.

City of Ormond Beach Ongoing Environmental Services, Volusia County, FL

Shannon served as the Project Manager responsible for environmental oversight for city projects and pursuits. She has consulted on numerous development projects, participated in developing changes to the Comprehensive Plan which included the Evaluation and Appraisal Report, assisted with development and implementation of the Low Impact Development Form Based Chapter of the Land Development Code, prepared revisions to the Environmental Chapter of the Land Development Code and hosted public participation meetings to obtain resident buy-in for implementation. In addition, Shannon also provided project management for city projects related to roadways, trails, stormwater, parks and recreation, lake management, water quality, vegetative management, consumptive use permitting and monitoring, and mitigation endeavors which include wetland and upland enhancement/restoration, maintenance and monitoring. Shannon performed field work, planning and permitting which includes wetland delineation, wetland functional analysis, environmental resource permitting, wetland mitigation design and implementation, mitigation construction, mitigation monitoring and maintenance, exotic removal, and protected species surveys, permitting, and relocation efforts. She also prepared FDEP Land Management Plans for parks within the City that are leased and managed for the state. This work was performed prior to joining VHB.

Greater Orlando Airport Authority, General Environmental Services On-Going Contract, Orlando, FL

Shannon serves as the Project Manager responsible for contract, budget, scope oversight, and quality assurance/quality control (QA/QC). The project includes permit tracking database upgrades and updates using a web-based system with deadline alerts, state and federal wetland permitting (including wetland functional analyses, mitigation consultation and coordination, and NEPA documentation), protected species surveys, protected species permitting, protected species relocation, protected species mitigation, and water quality monitoring and reporting. The project also involves oversight of wildlife hazards and environmental assessments for future expansion efforts.



Shannon Ruby Julien

City of Ormond Beach, SR 40 Sidewalks Phase II and III, Volusia County, FL

Shannon worked with the lead engineer to complete wetland delineation, a protected species survey, a biological site assessment report, and to consult on permitting regulations related to other surface water impacts. This work was performed prior to joining VHB.

City of Oviedo, Ongoing Environmental Review Services, Seminole County, FL

Shannon conducted numerous site plan reviews for development applications within the City of Oviedo. Her role included reviewing plans for consistency with the Land Development Code and recommending changes to reduce impacts to cultural, natural, and biological resources. These recommendations included site plan revisions to minimize wetland impacts, clustered development to provide wildlife and natural corridors, utilizing low impact development techniques to reduce floodplain and water quality impacts, added upland buffers for wetland dependent species, permit requirements to remove and maintain exotics at less than 5% on a given site, restoration of pasture and agricultural lands, and utilizing best management practices and integrated pest management techniques for surface and groundwater protection. This work was performed prior to joining VHB.

FDOT District 5, SunRail, Central Florida

Shannon performed protected species surveys including Eastern Indigo surveys and burrow scoping and gopher tortoise surveys. She also managed the protected species permitting and compliance issues. She assisted in species mitigation and relocation efforts.

Williams Company DRI, Lakeland, FL

Shannon served as the Quality Assurance and Quality Control Manager as well as agency representative responsible for permit issuance.

Northern Trust, Washington County, FL

Shannon provided consultation regarding silviculture and habitat management, potential future development potential, and the potential for income sources via a wetland mitigation bank, species mitigation bank, carbon credit farm, and other funding sources through state and federal agencies for the protection of natural resources.

Ocoee Crown Point Parkway Extension and Mattamy Planned Unit Development, Ocoee, FL

Shannon conducted species specific surveys including sand skink cover board surveys and gopher tortoise surveys. She completed USFWS concurrence and FWC conservation permits. She also acted as the Authorized Gopher Agent to oversee excavation and relocation activities.

Mayflower Retirement Community and Health Care Center, Winter Park, FL

Shannon provided permitting assistance to extend and renew the St. Johns River Water Management District (SJRWMD) and U.S. Army Corps of Engineers (ACOE) permits, in addition to assisting the ACOE with record keeping and updating paperwork related to previously attained mitigation credits.



William Bowers, Jr., PLA

Project Manager



William lends his urban design and landscape architectural talents to the design of a multitude of both national and international complex projects. His expertise includes master planning, site planning, urban design, hardscape and planting design, construction document preparation construction administration, planning reports, rezone applications, design guidelines, branding, and theme development.

Education

BLA, Landscape Architecture,
University of Florida, 1993

AA, Architecture, St.
Petersburg College, 1989

Registrations/Certifications

Registered Landscape
Architect FL, 2005

Affiliations/Memberships

American Society of
Landscape Architects

25 years of professional experience

Future Land Use Needs Analysis and Comprehensive Plan Amendment, Taylor County, FL

Bill was Landscape Architect for creative concept design and production of detailed site construction documents. This community design implemented walkable neighborhoods linked via nature trails and pathways. The design development of North Florida regional architectural elements in both material and scale. The design alternatives maximize the development potential while preserving the regional character, native habitat and promote healthful living solutions.

Skinner Boulevard-Complete Streets Conceptual Design, Dunedin, FL

Bill was the lead landscape architect for the Skinner Boulevard project which consisted of designing the segment of the roadway from the eastern connection of Bass Boulevard to the western terminus of Broadway (Alternate 19). He was enlisted to develop conceptual design plans that would be utilized by the City of Dunedin to receive FDOT grants to improve the roadway as a complete street program. As the conceptual plans were developed our team could update the roadway corridor with on street parking, landscape median and roundabout traffic calming elements, include dedicated bicycle lanes as well as reduce the Pinellas trail crossing conflicts. In addition, we also had to provide truck turning movement design to accommodate the large Coca-Cola plant immediately north of the Skinner Boulevard. The primary design goal for this project was to develop the corridor to be an extension and connection to the successful Main St. improvements that have been developed and provide another opportunity for the City of Dunedin to build a successful dynamic pedestrian corridor for urban revitalization.

Naples Grande Golf Resort Site Planning, Collier County, FL

Bill was Landscape Architect for the field landscape architectural design for the golf course with Reese Jones golf course architect. His firm provided extensive permitting, rezoning, site planning and design for the 139-acre, 18-hole project. The total project site encompasses 242 acres, includes a 31-acre freshwater recreation lake, and provides space for future resort and residential facilities. The golf course is traditional walking course, laid out with no residential units around the holes – a unique design in southwest Florida.

Calusa Bay Entry Re-Design, Collier County, FL

Bill was responsible for assisting project landscape architect in detail design refinements, plant identification and replacement alternatives and construction document



William Bowers, Jr., PLA

preparation. Calusa Bay, an established multi-family community in North Naples, hired his firm to re-design their project entry alignment, signage, and landscape buffer along their frontage on Goodlette Road. This area was impacted by the County's plans to six-lane Goodlette Road, which encroached into existing signage and entry gates.

Activity Center #9 Interchange Master Plan, Collier County, FL

As Land Planner, Bill was part of a team of designers responsible for the development of an overlay district to enhance and develop the character of a major gateway into Naples. The County and participating property owners within a 633-acre area shared a Vision for the future of the Activity Center #9 to be a choice destination for residents and travelers to stop along I-75 and Collier Boulevard. Bill was part of a team of planners, landscape architects, and transportation consultants who conducted a series of workshops with area property owners to achieve consensus for the vision of the Interchange Master Plan.

First Presbyterian Church of Naples, Collier County, FL

Bill was Landscape Architect responsible for assisting project landscape architect in creative concept and construction document preparation. The First Presbyterian Church of Naples campus expansion involved the addition of a 4,500-square-foot music center with phased additions including a 33,000-square-foot family life center and community services building. His firm provided infrastructure design, detailed pedestrian meeting spaces and full materials selection, parking lot layout, zoning, permitting, surveying, and landscape architecture design for the two-acre site.

Moorings Park Continuing Care Retirement Community, Naples, FL

Bill was Landscape Architect for a variety of new entry solutions and building expansion opportunities that maintained the existing level of aesthetic quality for the facility. Since the projects inception, his firm had been assisting the client with services including public meetings, master planning, landscape recommendations, civil engineering and survey. The expansive 82.9-acre site includes multiple 8-story apartment towers, five-story midrise apartment buildings, three-story garden apartments, clubhouse, chapel, amenity areas, and meandering walking paths complete with lush flower gardens and lake-side gazebos.

Arborwood Development of Regional Impact, Lee County, FL

Bill was Landscape Architect for assisting project landscape architect in creative conceptual master planning, golf course routing and detail commercial site design. The Arborwood DRI, recently annexed into the City of Fort Myers, is a master planned community containing 2,479 acres, a total of 6,500 residential units (4,050 single-family and 2,450 multi-family units), up to 170,000 square feet of commercial retail and office, and up to 36 holes of golf.

Esterio Boulevard Streetscape Master Plan, Lee County, FL

Bill was Land Planner participating in conceptual designs, graphics and character studies for the development of a final streetscape master plan for the City of Fort Myers Beach. He helped develop a Streetscape Master Plan to transform the Town of Fort Myers Beach's main corridor. Esterio Boulevard, seven miles in length, from a traffic-congested area to a pedestrian friendly environment – a "walkable" community.

William DeSantis, PE

Sr. Engineer 3



Education

BS, Civil Engineering,
Northeastern University, 1976

Registrations/Certifications

Professional Engineer RI,
1983

League Cycling Instructor,
2004

National Mountain Bike
Patrol Certified Instructor

OSHA 10-Hour Construction
Safety and Health Certificate,
2015

Affiliations/Memberships

Institute of Transportation
Engineers, New England,
2012

National Committee on
Uniform Traffic Control
Devices, Bicycle Technical
Committee, Chair, 2009

East Coast Greenway Alliance

League of American
Bicyclists, Instructor, 2006

Association of Pedestrian and
Bicycle Professionals

National Mountain Bike
Patrol, Patrol Instructor, 2010

Bill is VHB's Corporate Director of Bicycle Transportation Planning & Design and has overall technical responsibility for non-motorized and safety improvement projects ranging from local on-road bicycle networks to regional bicycle and pedestrian trails. He is also the corporate leader of VHB's Bicycle/Pedestrian and Transportation Enhancement practice. As technical advisor on numerous bicycle/pedestrian and enhancement projects in the eastern United States, he has an active role in the planning, design and construction of shared-use paths in 13 states. Bill is the Chair of the NCUTCD Bicycle Technical Committee, a member of the League of American Bicyclists, a League Cycling Instructor, a National Mountain Bike Patrol Instructor, a member of the Blackstone River Bikeway Patrol, and a bicycle commuter.

41 years of professional experience

FDOT District 5, Coast to Coast Trail, Corridor Planning and Concept Development Study, Orange County, FL

The Orange County Connector Gap represents an approximate 3.9-mile missing segment in the Coast to Coast Connector. The termini for this section are the West Orange Trail on the west and Seminole-Wekiva Trail on the east. Bill served as the Technical Advisor on this project, which was focused on the development of engineering concepts, public involvement activities, and environmental approval for the extension of the Coast to Coast Trail.

Kissimmee Trail Bridge and Approach Ramps, Osceola County, FL

Bill served as the Technical Advisor for the design of a shared-use pedestrian bridge spanning John Young Parkway for the City of Kissimmee. The proposed structure included a single 230-foot span over the roadway with approach spans of around 500 feet each, and included a flat slab superstructure, pier caps, columns, spread footings, and pile caps.

The Legacy Trail, Sarasota, FL

Bill was project advisor for the 10.6-mile Venice to Sarasota Rail Trail, now known as The Legacy Trail. The project involved integration of environmental constraints, historical requirements, stormwater management, and the County's master trail plan. Bill provided invaluable assistance developing the initial proposal and scope of work, compiling design criteria, developing road crossing designs, writing field reviews, and providing overall QA/QC on plans, specifications, and cost estimate.

Cross Seminole Trail, Seminole County, FL

Bill was Project Advisor/Bikeway Engineer for a critical link to Seminole County's trail system that provided connectivity and linkage to residents, subdivisions, public schools, municipalities, an environmental studies center, and other public and commercial entities. This trail now ties together the community surrounding the connector as a beneficiary of the county's recreation and trail system. Bill developed a project approach to simplify the design process and maximize funds available for trail construction.

William DeSantis, PE

FDOT, Multi-use Trail Feasibility Study, Palatka, FL

Bill was technical advisor for a project located in the City of Palatka and East Palatka that is a key interconnecting link in the St. Augustine to Lake City trail system. He supported study services to evaluate potential alignment alternatives and recommend a preferred alignment to the Florida Department of Transportation (FDOT), District 2. The trail segment is about 6.5 miles long and included crossing over the St. Johns River and integrating the trail with the SR100 bridge over the river.

Pinellas Trail Extension Master Plan and Conceptual Design, Pinellas County, FL

For the Florida Power Corporation, now known as Progress Energy, in partnership with Pinellas County, Bill was technical advisor for the master planning and Preliminary Engineering Report for the 22.59-mile extension of a multi-use trail located in Clearwater and St. Petersburg. Constructed mostly within Florida Power right-of-way, this trail was the first public/private multi-use trail constructed within an existing privately-owned utility company right-of-way. The project had many complexities, including sections utilizing existing roadways and bridges, several new bridge crossings over waterways, railroads, and state highways and over 80 at-grade roadway and driveway crossings.

RIDOT, Washington Pedestrian Bridge, Providence, RI

The Rhode Island Department of Transportation (RIDOT) retained VHB to conduct a detailed inspection and evaluation and develop a rehabilitation program to restore the historic Washington Bridge. Once RIDOT and the Federal Highway Administration (FHWA) determined a replacement bridge was necessary, VHB was selected to transform portions of the original bridge into the multi-use path and linear park that it is today. The bridge now connects two popular Rhode Island bike paths—the East Bay Bike Path and the Blackstone Bikeway. We provided full services for this project starting with in-depth bridge inspection, which led to final design, and construction support. Preserved and restored to highlight significant architectural elements, the bridge provides a scenic crossing for pedestrians and cyclists. Bill served as Technical Advisor focused on the connection of the Blackstone River Bikeway to the bridge.

Burlington Bike Path Rehabilitation, Burlington, VT

Bill provided technical assistance for the rehabilitation of a bike path located along Burlington's waterfront that has extraordinary views of Lake Champlain and the Adirondack Mountains. The 30-year-old bike path is a multi-use facility that supports alternative transportation, recreation, and active lifestyles; attracts visitors to the City of Burlington and stimulates the local economy; and enhances the overall quality of life. Being one of the busiest multi-use paths in the state, it was showing its age in terms of overall conditions and functionality. VHB addressed primary areas of design concern, including path width, geometry, shoulder conditions, and sight distance. The rehabilitation also involved replacing worn or inadequate signs, fences, railings, road crossings, drainage features, and pavement. Pavement recommendations addressed cracking, potholes, and uneven settlement to provide more comfort for bikers, walkers, and runners. VHB worked with the City and communicated with the public to recommend improvements that enhance connectivity and improve overall safety.

Margaret Kubilins, PE, ENV SP

Sr. Engineer 3



Margaret is a Senior Project Manager with extensive professional experience in integrating traffic and mobility systems planning and design. She has been involved in a wide range of initiatives concentrating on viable traffic solutions and modal choice. By taking a complete streets approach and identifying opportunities to enhance mobility, Margaret develops context-sensitive design solutions to create livable communities.

Education

BS, Civil Engineering, Old Dominion University, 1986

Registrations/Certifications

Professional Engineer FL, 2016

Professional Engineer VA, 1991

Professional Engineer NC, 1991

Professional Engineer SC, 1992

Professional Engineer GA, 1995

Envision™ Sustainability Professional, 2013

Affiliations/Memberships

Institute of Transportation Engineers, Florida Section

Congress for the New Urbanism

Association of Pedestrian and Bicycle Professionals

32 years of professional experience

FDOT, Pedestrian Safety Audits/Train the Trainer Series, Florida

Margaret was an instructor for a series of three sessions on the Federal Highway Administration (FHWA) training program for conducting Pedestrian Road Safety Audits, which is a two-day course co-taught with FHWA staff. The course was taught in Jacksonville, Orlando, and Miami, and included participants from FDOT, local government, and law enforcement agencies. The program included education on pedestrian and bicycle crash data, crossings principals, and countermeasures. It also included organizing an audit team, leading field investigations, and reporting results and recommendations.

FDOT District 5, US 17-92 Traffic Concept Evaluation Update, Winter Park, FL

Margaret provided a multimodal evaluation relative to current practice for pedestrian and bicycle access as part of the update to the US 17-92 PD&E study. The update will determine if the recommended alternative selected as part of the 2004 PD&E is still valid based on updated travel demand forecasts, operational analysis and engineering standards. VHB is also creating a Corridor Conceptual Design and estimating the design and construction cost for the updated alternative.

FDOT District 5, US 1 Corridor Planning Study, Titusville, FL

Margaret facilitated complete streets conversation in the development of alternatives for the US 1 Corridor. The vision is to provide the multimodal framework for the local neighborhood community, which encourages residents and tourists to visit, work in, live nearby, and play in. The corridor supports economic development goals, enhances the historic downtown corridor, and encourages a healthy community atmosphere while supporting regional traffic. The project incorporates the complete streets approach to balance guiding principles set forth by the study team and stakeholder feedback: safety, pedestrian mobility, economic development, and transit access.

FHWA, Designing for Pedestrian Safety – FDOT Statewide, FL

Margaret is a certified instructor of the “Designing for Pedestrian Safety” course for the FHWA Office of Safety. The two-day course, which is co-taught with FHWA staff, helps state and local transportation professionals address pedestrian safety issues through design and engineering solutions, and helps update implementation action plans. The program includes crossings principals and countermeasures, intersection geometry, signalized intersections, interchanges, roundabouts, transit, and road diets. Lessons are reinforced through a field investigation, a work session, and presentation of results. Margaret has taught this course over 20 times in Florida.



Margaret Kubilins, PE, ENV SP

FDOT, Complete Streets Implementation Plan, FL

Margaret served on the committee for developing the FDOT Complete Streets Implementation Plan. There is a cultural shift within FDOT to encourage multimodal development and delivery. Through a grant, Smart Growth America facilitated a four-part series of workshops with a goal to develop a comprehensive strategy for FDOT to take the adopted Complete Streets Policy and put it into action through policy, education, multidisciplinary and multi-jurisdictional relationships, and design guidelines. She continues to work with the project leadership on next steps in document preparation and statewide training.

Comprehensive Pedestrian Plan, Duck, NC

Margaret was a team member for developing a plan to support the pedestrian-first mobility goals included in the Town of Duck's adopted 2022 Vision. The Plan supports multi-modal, complete streets, and green community goals. The plan addresses infrastructure needs, policy recommendations, and outreach and education programs. The process included Steering Committee deliberations as well as public meetings, all of which Margaret fielded questions and comments on design and traffic operation issues. The Plan advanced to design of short-term and long-term implementation.

Killam Avenue Bicycle and Pedestrian Improvements, Norfolk, VA

Margaret provided pedestrian and bicycle expertise for the corridor study and development of construction documents for the roadway improvements on Killam Avenue between 38th Street and 46th Street. The initial study reviewed the viability of alternative typical sections to better accommodate on-road bicycle use and pedestrian movements throughout the corridor. The alternatives included the use of shared lane use markings and bike lanes. The sidewalks and ramps were field checked for ADA compliance and recommended for reconstruction to bring into compliance.

Downtown Naples Mobility and Connectivity Study, Naples, FL

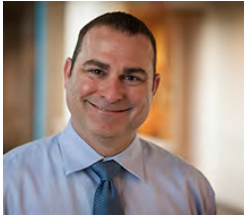
Margaret serves as a Pedestrian and Bicycle Specialist for this study. She is responsible for walking audits, charrette presentation, and alternatives development. The plan will provide short and long-term transportation improvement recommendations for Downtown Naples that support more walkable neighborhoods and streets that enable safe access for all users with a wide range of housing and job types.

FDOT District 3, Feasibility/Planning Modeling for Operational Improvements on Main Street/Bayfront Parkway, Pensacola, FL

Margaret provided the complete streets perspective in the development of the Future Conditions and Recommended Solutions phase of the project. The multimodal demands on the transportation network is high and integrated solutions to accommodate safer travel for all users while improving traffic flow is the goal of the project. The transportation demands included pedestrians, bicycles, transit buses, automobiles, and freight trucks. Her expertise in designing for pedestrians and bicyclists in combination with a strong traffic operations background brings valuable insight to this project as consideration is given to a roundabout at 9th Avenue and Bayfront Parkway, I-110 is closed at the Gregory Street off ramp, lane reductions on Bayfront Parkway, and re-routing the SIS connector.

Keith Stimpson, PE

Sr. Engineer 2



Keith is a Senior Project Manager whose background encompasses roadway, drainage, signalization, signing, pavement marking, design, and plans production. His projects have included rest area design, major and minor highway design, storm drain design, traffic control, signing and marking, utility coordination, and permitting.

21 years of professional experience

Education

BS, Civil Engineering,
University of Central Florida
College of Engineering, 1998

AA, Arts, Valencia
Community College, 1994

Registrations/Certifications

Professional Engineer FL,
2003

Concrete Field Testing
Technician

Oxford Road/South Lake Triplet Drive Improvements, Seminole County, FL

Keith provided QA/QC and served as Project Engineer for roadway and drainage design services for segments of South Triplet Drive and Oxford Road totaling approximately 0.72 miles of roadway. These segments consist of limited road reconstruction to address base failure and adverse subgrade conditions. Improvements include development of a new typical section to include curb and gutter; swales; sidewalk replacement; brick paver crosswalks; signage; landscaping and irrigation enhancements; stormwater improvements; utility upgrades; pavement reconstruction; bike-friendly improvements such as special markings and signage; connection to Casselberry Greenway Trail; and preparation of permanent drainage easements.

FDOT District 4, SR 704 from Turnpike Entrance to Military Trail, Palm Beach County, FL

Keith served as Project Manager for the milling and resurfacing design of an eight-lane urban arterial highway. Elements required field measurements, pavement design, roadside safety improvements, ADA modifications, MOT, signing and pavement markings, and variances. This project also involved close coordination with the Palm Beach County Turnpike, utility management, signal design, and landscaping.

Downtown Naples Mobility and Connectivity Study, Naples, FL

VHB was selected by the City of Naples to develop concept plans that promote economic development in the downtown area through transportation improvements that enhance mobility and safety for all modes of travel. The plan prepared by VHB, scheduled to be completed in fall 2017, will provide short and long-term transportation improvement recommendations for Downtown Naples that support more walkable neighborhoods, and streets that enable safe access for all users with a wide range of housing and job types. VHB will be using "New Urbanism" and "Complete Streets" community design and planning principles to guide the final plan. VHB will also study the economic impacts of the current transportation system, determining how it positively or negatively affects property values, tax revenues, jobs, and tourism in the area. Keith is serving as Project Engineer and providing QA/QC for this study.

Vineland Road/Cheryl Street Drainage, Orlando, FL

Keith provided QA/QC and served as a Project Engineer for this assignment. The City of Orlando identified existing drainage issues, including very serious flooding in the area of Cheryl Street and Vineland Road. VHB reviewed the existing conditions by collecting survey and as-built information, conducting field reviews during significant rain storms, and analyzing an existing AdICPR model and permits for the area. Each alternative



Keith Stimpson, PE

included a matrix of advantages and disadvantages and a cost estimate. The City used this information to decide which alternative should be constructed.

State Road 436 East Pedestrian Underpass, Altamonte Springs, FL

Keith is assisting with design services and post-design construction services for the new pedestrian/bicycle underpass under SR 436 between the Renaissance Plaza entrance and Essex Avenue. The underpass will be designed to improve pedestrian safety in the SR 436 corridor and provide improved connectivity for pedestrians and bicyclists. Services include preliminary engineering services to finalize the alignment of the proposed underpass, preparation of design plans and construction bid documents, utility coordination, analysis of constructability and MOT plans, traffic operations analysis, survey and mapping, public involvement, coordination with FDOT, permitting, and post-design services.

FDOT District 7, SR 54 from East of CR 577 (Curley Road) to East of CR 579 (Morris Bridge Road), Pasco County, FL

Keith served as Deputy Project Manager and Lead Roadway Engineer for the widening of SR 54 from east of Curley Road to east of Morris Bridge Road, a distance of 4.7 miles. Three typical sections were used in the design: a six-lane urban, a four-lane suburban expandable to a six-lane urban, and a four-lane urban section. The proposed rights-of-way ranged from 142 to 166 feet. Additional improvements included a sidewalk, joint-use path along the entire corridor, bicycle lanes, traffic signals, and utility improvements. The project also required extensive coordination with numerous stakeholders along the corridor.

FDOT District 7, I-75 from South of CSX/Broadway Avenue to I-4, Hillsborough County, FL

Keith served as Lead Roadway Engineer for this project. The project consisted of providing roadway and interchange improvements on I-75 from south of Martin Luther King (MLK) Boulevard to I-4, which will improve I-75 mainline operations and eliminate weave between MLK and I-4 northbound. The existing I-75 typical section consisted of six 12-foot lanes (three in each direction) with 10-foot paved shoulders. He analyzed various options for the CD road and determined the greatest value, level of service, and safety. The project was accomplished in two tasks. Task One consisted of traffic analysis to verify the at-grade CD road type at this location. Task Two included design of the recommended at-grade CD road. The drainage improvements will be linear ponds and floodplain compensation. Permits were expected from SWFWMD, U.S. Army Corps of Engineers (USACE), and the Florida Department of Environmental Protection (FDEP).

FDOT District 1, I-75 from North of Sumter Boulevard to North of River Road, Sarasota County, FL

Keith was Design Engineer for this roadway improvement project. The typical section includes resurfacing the existing two mainline I-75 travel lanes in each direction, widening an additional lane to the median, and new 12-foot shoulders (10-foot paved) inside and outside. He also designed the high mast lighting improvements for the River Road interchange and prepared a bridge hydraulic report (BHR), a bridge development report (BDR), and bridge plans for the Deer Prairie Creek bridges.

Gregory Goodrich, PE

Sr. Engineer 1



Education

BS, Civil Engineering, Purdue University, 1999

Registrations/Certifications

Professional Engineer (Civil Engineering) NH, 2007

Professional Engineer (Civil Engineering) VT, 2014

Professional Engineer (Civil Engineering) ME, 2012

Professional Engineer (Civil/Structural) IN, 2005

NBIS Certified Bridge Inspector, 2004

Certified NHDOT Local Public Agency (LPA) Training – Federal Aid, 2015

Greg is a structural engineer and project manager in VHB's New Hampshire office. In addition to civil and structural design, he specializes in bridge inspection and rating, and is an NBIS-certified Bridge Inspector.

19 years of professional experience

City of Altamonte Springs, SR 436 Pedestrian Underpass, Seminole County, FL

VHB was selected to provide professional engineering and design services and assist in post-design construction services for the proposed pedestrian/bicycle underpass under SR 436 between the Renaissance Plaza entrance and Essex Avenue. The proposed underpass will be designed to improve pedestrian safety in the SR 436 corridor and will provide improved connectivity for pedestrians and bicyclists. The underpass will be 12 feet wide and 10 feet tall and will include interior lighting, a surveillance system, and motion sensors. The underpass will also include both staircases and an ADA accessible ramp at both entrances/exits. Greg is serving as Structural Engineer for this project.

John Young Parkway Culvert over East City Ditch, Osceola County, FL

VHB conducted an assessment of the culvert to observe the construction and fabrication was completed according to contract drawings; performed rating analyses for the original and newly constructed segments of the culvert; and prepared an as-built package. Greg served as Structural Engineer for this project.

Festival Drive Streetscape and Multi-Use Trail Bridge, Altamonte Springs, FL

The City of Altamonte Springs has requested that VHB provide professional planning, engineering, and landscape architectural services to develop construction plans for improvements to Festival Drive from SR 436 to Central Parkway. The overall length of the project is approximately 2,700 linear feet. The purpose of the Festival Drive streetscape project is to provide continuous pedestrian and bicycle access for this corridor. Greg serves as Structural Engineer for this project.

Boynton Beach CRA, Boynton Harbor Marina Phase 1B – Marina Open Space Development, Palm Beach County, FL

Greg is working as the Structural Design Engineer for the design of an elevated timber boardwalk and marine seawall. Tasks include field investigation of the existing seawall and boardwalk, coordination with other disciplines, and the design and detailing of the boardwalk, seawall and other architectural treatments at the proposed open-space site that required structural engineering assistance.

Rails-to-Trails Project, Sarasota County, FL

Greg was Bridge Project Engineer for the design of a 10-mile multimodal bicycle and pedestrian pathway including six bridge locations along the former CSX/Seminole Gulf Railway corridor. This project included preliminary/final design of reconstruction of a seven-span timber bridge. In addition, the project required the rehabilitation of a four-span timber bridge and four bridge replacements, three of which were manufactured single-span trusses on designed substructures, and one of which was a two-span bridge utilizing two single-span manufactured truss bridges on designed substructures.

Gregory Goodrich, PE

City of Titusville, East Central Regional Rail Trail Design-Build, Brevard County, FL

Greg worked as the Structural Design Engineer on Phase 2 of this design-build project that crosses SR 406 in Titusville. The project consisted of over half a mile of pedestrian trail and included 1,300 feet of bridge providing safe passage of pedestrians and bicyclists over the busy FDOT right-of-way. Greg was responsible for providing the design of prestressed concrete beams, pier caps, columns and spread footings, as well as assistance to the contractor during construction.

VDOT, Virginia Capital Bike Trail, Richmond, VA

For the Virginia Department of Transportation (VDOT), Greg was Project Engineer for the preliminary and final design of a protective shield canopy over a 0.25-mile segment of a multimodal bicycle and pedestrian pathway along the Kanawha Canal in Richmond. The project entailed the placement of a free-standing canopy under an active railroad viaduct owned and operated by CSX Corporation and required coordination as part of a multidisciplinary team and coordination with CSX.

Cross Street Bridge Design-Build, Middlebury, VT

Greg was Project Engineer/Bridge Designer for innovative \$16M bridge and roadway project for the Town of Middlebury. The scope of the project involved construction of a 480-foot bridge spanning the Otter Creek and Vermont Railway. He was responsible for bridge task management and design including subconsultant coordination and management. In addition, Greg was accountable for addressing bridge design issues and taking proactive measures during construction to ensure unforeseen conflicts and problems do not impede progress of the project schedule. He interacted regularly with the Design-Build Project Manager, Construction Manager, and all other bridge construction subconsultants.

NHDOT, General Sullivan Bridge, Newington-Dover, NH

Greg served as Lead Inspection Manager for the in-depth inspection and rehabilitation of the General Sullivan Bridge. As part of a larger rehabilitation effort, VHB provided in-depth inspection of the existing conditions of the bridge which included analysis and load rating of the floor system and truss members.

MaineDOT, Historic Sewall's Bridge Rehabilitation, York, ME

For the Maine Department of Transportation (MaineDOT), Greg was the Lead Bridge Inspector for the detailed condition inspection and alternatives study for the rehabilitation of this historic timber bridge and national civil engineering landmark. The project included material sampling, visual and microscopic identification techniques, in-situ grading, utility coordination, numerous load ratings, and evaluation of short- and long-term rehabilitation strategies.

VTrans, VT 125 Sand Hill Bridge 13 over the Middlebury River, Middlebury, VT

For the Vermont Agency of Transportation (VTrans), Greg was Task Manager for design and development of plans and contract documents for this innovative Accelerated Bridge Construction (ABC) project. Included full replacement of the existing concrete arch with a new precast concrete arch with prestressed NEXT beams spanning over it. The project also included full-height precast abutments, footings, wingwalls, and approach slabs. The entire bridge was replaced in 42 days.



Bryce Martinez, PE, ENV SP

Sr. Engineer 1



Bryce is a Senior Project Engineer with VHB's Transportation Department in Orlando. His responsibilities include designing roadways or structures and preparation of final design plans for various transportation and structural projects. As part of his design experience, Bryce has developed considerable expertise with the application of computer aided design software including AutoCAD, Microstation, and various structural design software.

Education

BS, Civil Engineering,
Northeastern University, 2001

Registrations/Certifications

Envision™ Sustainability
Professional, 2015

Professional Engineer (Civil)
FL, 2007

17 years of professional experience

Kissimmee Pedestrian Trail Bridge and Approach Ramps, Osceola County, FL

The Kissimmee Pedestrian Bridge is a new bridge to connect the west and east sides over John Young Parkway. Bryce's tasks included design of geometry and layout of the bridge and approach spans, including the horizontal and vertical geometry of the bridge and approaches. Bryce led the trail design elements of the project.

Oxford Road/South Lake Triplet Drive Improvements, Seminole County, FL

Bryce served as the Roadway Design Engineer for the roadway and drainage design services for segments of South Triplet Drive and Oxford Road totaling approximately 0.72 miles of roadway. These segments consist of limited road reconstruction to address base failure and adverse subgrade conditions. Improvements include development of a new typical section to include curb and gutter; swales; sidewalk replacement; brick paver crosswalks; signage; landscaping and irrigation enhancements; stormwater improvements; utility upgrades; pavement reconstruction; bike-friendly improvements such as special markings and signage; connection to Casselberry Greenway Trail; and preparation of permanent drainage easements. Bryce led the roadway design elements for these projects.

Spring to Spring Trail, Volusia County, FL

Bryce was a Structural Engineer on this design-build project. The Spring to Spring Pedestrian Trail consists of 2.4 miles of pedestrian trail and approximately 1,200 feet of bridge structure that will allow pedestrians safe passage over the existing railroad located along the eastern limits of the Blue Springs State Park. Bryce's responsibilities included developing the design for a pedestrian tunnel crossing included in the 2.4 miles project area. To date, Volusia County has completed nearly 20 miles of the total trail. When complete, the trail will stretch 26 miles from Gemini Springs Park to DeLeon Springs Park.

Festival Drive Streetscape and Multi-Use Trail Bridge, Altamonte Springs, FL

The City of Altamonte Springs has requested that VHB provide professional planning, engineering, and landscape architectural services to develop construction plans for improvements to Festival Drive from SR 436 to Central Parkway. The overall length of the project is approximately 2,700 linear feet. The purpose of the Festival Drive streetscape project is to provide continuous pedestrian and bicycle access for this corridor. Bryce serves as the Lead Transportation Engineer for this project.



Bryce Martinez, PE, ENV SP

SWFWMD, Desoto Acres Sidewalk Improvements, Sarasota County, FL

Bryce is serving as a Transportation Engineer for a sidewalk improvements project in Sarasota County for the Southwest Florida Water Management District (SWFWMD). The project involves design and construction of seven miles of sidewalk in the Desoto Acres neighborhood. It also included the design of stormwater infrastructure to accommodate a five-foot-wide sidewalk throughout the neighborhood, while maintaining and improving existing stormwater runoff drainage patterns.

LYNX Alternatives Analysis Study for US 192 Corridor, Osceola County, FL

Bryce was the Transportation Engineer for this project to study transit and transportation options on 31 miles of US Highway 192, the busiest roadway corridor supporting traffic leading into Walt Disney World. The goal of the Alternative Analysis (AA) was to determine the best ways to improve mobility, community connectivity, and economic development along the corridor. VHB's approach to the study was to provide more transportation choices and support sustainable housing and enhance the economy and existing communities through coordinated policies across multiple government entities. Bryce provided layout of the bus lane geometry and developed the plan figures for this project.

FDOT District 5, Commuter Rail Transit Environmental Assessment, Central FL

For the Florida Department of Transportation (FDOT) District 5 Office, Bryce was part of a team to develop and Environmental Assessment and Environmental Impact Report for a 55-mile north-south commuter rail line from DeLand through Orlando to Kissimmee. He assisted in the 60-mile commuter rail inspection.

Florida Avenue Improvements, Winter Springs, FL

The City of Winter Springs has been improving the SR 434 corridor over the past few year by upgrading streetscape elements and pedestrian amenities. As part of this ongoing effort, VHB has been selected to develop a gateway entrance on SR 434 just east of the US 17-92 intersection. The goal is to introduce landscape and streetscape elements, decorative signing and lighting, improved sidewalks, and upgraded bus stops with shelters. VHB will work with the City of Longwood, Seminole County, and FDOT to obtain consensus as all three entities converge at this location.

Pavement Management/Pavement Engineering Continuing Services, Casselberry, FL

Bryce was a Transportation Engineer for an ongoing street resurfacing project involving over 40 miles of roadway in the City of Casselberry. Visual evaluation of each road segment was conducted, resulting in recommendations for improvement and localized base repair, as well as options for preservation maintenance, including more sustainable alternatives such as warm mix asphalt and microsurfacing. Contract documents including scope of work, materials specifications, and quantities were drafted for the City resulting in multiple paving contracts to be issued.



Jared Knight, PE

Project Engineer 2



Jared focuses on the design of Maintenance of Traffic (MOT) plans, intersection signalization, and signing and pavement marking. He is experienced in drainage, signal, signing and marking, and arterial highway and road designs as well as No Passing Zone Studies, Speed Spot Studies, and Sign Inventories. Jared possesses extensive knowledge of AutoCAD, MicroStation V7, V8, GeoPak, and CivilPak.

12 years of professional experience

Education

BS, Civil Engineering,
University of Central Florida,
2005

Registrations/Certifications

Professional Engineer FL,
2012

Central Florida Expressway (CFX), Engineering Design Services, Orlando, FL

Jared served as the project engineer for this ITS design project. Tasks included signalization, signing and pavement marking design. Projects completed under this contract included the SR 417/Landstar Road Interchange Signalization Modification at; SR 417/SR 528 Ramp Realignment which also included roadway lighting and ITS relocation; and SR 429/CR 535 Ramp Improvement project which included installation of new DMS signs and ITS devices (CCTV and MVDS).

FDOT District 4, I-95 Express Lanes Phase 3A (DB), Broward County, FL

Jared is serving as the Project Engineer for this ITS design-build project. Tasks include installation of express lane DMSs, mainline and dedicated CCTV, wireless access, MVDS, Ramp Metering signals, generators, Master hub buildings, and maintenance of communication plans.

FDOT District 5, Districtwide Transportation System Management & Operations (TSM&O) Planning and GIS Support, FL

Jared served as a Traffic Engineer on the team tasked with implementing the FDOT District 5 Transportation Systems Management & Operations (TSM&O) initiative. Consistent with the goals of the Department, TSM&O is a program based on measuring performance, actively managing the multimodal transportation network, and delivering positive safety and mobility outcomes to the traveling public. The successful management of big data (traffic information including speed, congestion, ridership, and other related transportation information) has enabled analysis to assist in locating congestion points and before-and-after construction analysis for return-on-investment considerations, as well as to enable dynamic access to up-to-the-moment information.

FDOT District 5, SR 500 and US 441 Bundled Projects, Brevard and Volusia Counties, FL

Jared served as Project Engineer completing the signalization and signing & pavement marking design plans for these two milling and resurfacing projects for FDOT District 5. The projects utilized the limited plans and survey technique, and as a result, Jared performed long hours on the field to create the reference files for each project intersection.

SR 70 Milling and Resurfacing from Lockwood Ridge Road to Tara Boulevard, Bradenton, FL

Jared completed the signalization plans for this project that involved loop replacement and complete replacement of two intersections from concrete strain poles to mast arm

Jared Knight, PE

poles. Jared was also involved in assisting the subsurface utilities exploration process to find suitable clear locations for mast arm pole placements.

Central Florida Expressway (CFX), SR 528 at Innovation Way Interchange, Orlando, FL

Jared prepared the ITS plans to install MVDS devices at all ramp connections and install new fiber optic cable trunkline and drop cable connections for this proposed interchange located east of the Orlando International Airport.

SR 436 at Red Bug Lake Road Interchange, Seminole County, FL

Jared designed the signing and pavement marking plans for this recently completed urban interchange project in Casselberry. Jared also provided quick turnaround responses to contractor requests for adjustments to the marking and signing plans during various construction phases.

CFX, Boggy Creek Dynamic Message Sign, Orange County, FL

As Project Engineer, Jared was responsible for ITS design, including installation of new DMS and CCTVs.

CFX, SR 414 at Marden Road Interchange, Orange County, FL

Jared served as Project Engineer for ITS design, including relocating/adjusting of existing fiber and installation of wrong way detection and MVDS.

CFX, SR 528 at Econolockhatchee Bridge Widening and ITS Updates, Orange County, FL

As Engineer, Jared was responsible for ITS design, including relocating/adjusting existing fiber, maintenance of the existing communication plan and installation of new DMS and CCTVs.

Leesburg Traffic Signal and Intersection Management, Lake County, FL

Jared worked as a Transportation Analyst on this continuing service, work-order based contract for engineering and design services related to roadway and intersection traffic control. Tasks associated with this project include data collection and survey, roadway design, review of technical engineering plans and new development, developing and reviewing traffic control plans, meeting attendance to provide technical engineering matters regarding site plans and new development to ensure compliance with the City Land Development Regulations, permitting and submitted drawings, signalization designs, signing and pavement marking, and bidding and construction phase services.

Ryan Verdel, PE

Project Engineer 2



Ryan has more than a decade of experience specializing in transportation engineering with responsibilities that have included design and preparation of final plans for various transportation projects for public- and private-sector clients. Ryan is active in his community and various professional organizations.

12 years of professional experience

Education

BS, Civil Engineering,
University of Central Florida,
2005

Registrations/Certifications

Professional Engineer FL,
2010
Florida Advanced Work Zone
TCDS, 2011

Affiliations/Memberships

American Society of Civil
Engineers, 2009
American Society of Highway
Engineers, 2005
Chi Epsilon, 2005
National Society of Collegiate
Scholars, 2005
Florida Engineering Society,
2011
National Society of
Professional Engineers, 2011

SR 436 Pedestrian Underpass, Altamonte Springs, FL

Ryan is assisting with design services and post-design construction services for the new pedestrian/bicycle underpass under SR 436 between the Renaissance Plaza entrance and Essex Avenue. The underpass will be designed to improve pedestrian safety in the SR 436 corridor and provide improved connectivity for pedestrians and bicyclists.

Services include preliminary engineering services to finalize the alignment of the proposed underpass, preparation of design plans and construction bid documents, utility coordination, analysis of constructability and maintenance-of-traffic (MOT) plans, traffic operations analysis, survey and mapping, public involvement, coordination with FDOT, permitting, and post-design services.

FDOT District 5, SR A1A Corridor Improvements, Volusia County, FL

FDOT District 5 retained VHB to develop final design plans for 3R safety improvements along the SR A1A corridor. The goal of the project is to extend the life of the pavement, eliminate roadside hazards, and improve pedestrian facilities through sidewalk upgrades and traffic signal improvements along this heavily traveled corridor. VHB is conducting an ADA compliance survey to identify deficiencies that need to be corrected along the corridor. One of the key challenges for this project is the integration of pedestrian and bike safety at intersections. Ryan served as the Transportation Engineer for this project.

FDOT District 5, Miscellaneous Design Projects 102 & 103, Volusia County, FL

Ryan served as the Project Engineer for two design projects - SR 44 (North Causeway) and SR 44 (Canal Street), each 1.0-mile milling and resurfacing projects. The projects also included design for widening, replacing existing drainage structures, guardrail replacement, and striping improvements. Ryan was responsible for plans production, utility coordination, pavement design, production of comp book, LRE and Trns*Port quantity management, Maintenance of Traffic (MOT) plan, ERC review comments, electronic document management, design of roadway plans, and coordination with FDOT staff. Ryan used GPS and mobile data collection software to collect EOP, utility poles, and drainage structures and import to CADD, which resulted in significant reduction in survey cost for the client.

CR 545 Improvements (Segments 1, 2, 3, and 4) Final Design, Orange County, FL

Ryan is part of the VHB team providing professional services for the final design, engineering, and permitting for the four-lane improvements to CR 545 (Avalon Road). The design of all four segments is advancing concurrently. Ryan developed the vertical and horizontal roadway geometry and provided CADD production of plan sheets and cross sections. Other tasks performed include preparation of exhibits necessary to hold public involvement meetings, utility coordination, and client coordination.



Ryan Verdel, PE

Continuing Traffic Engineering and ITS Services Contract, Osceola County, FL

Ryan was a Transportation Engineer for a continuing services contract to support the County's Traffic Engineering Department with analyses, evaluation of traffic crash data, review of existing signal systems for functional acceptance, traffic signal designs or upgrades to the timing operations, design of ATMS and ITS components, and the evaluation of new technologies and related issues (i.e., red light running cameras).

Aulin Avenue Improvements, Oviedo, FL

Ryan prepared construction plans and drainage analysis for upgrading and reconstructing a 0.6-mile portion of Aulin Avenue to resolve flooding issues. The stormwater design for the project included a wet detention pond, storm sewer system, and roadside swales. Ryan's responsibilities included horizontal and vertical geometric design, design of the proposed drainage system, pond siting, creation of quantities and cost estimates, and management of plan production for AutoCadd sheets.

FDOT District 5, SR 500 at SR 464, Marion County, FL

Ryan is Project Engineer for improvements to a six-lane undivided urban principle arterial roadway running north-south through Ocala. Currently the road is operating at a Level of Service of 'D,' which has warranted the roadway improvements. The improvements include widening to provide dual left-turns and a designated right-turn lane for northbound SR 500 to alleviate congestion and allow better service for all northbound movements through the SR 464 intersection. Due to the widening minor drainage improvements and relocation of existing roadway, lighting will also be necessary. The intersection will also be upgraded from a span wire control by installing four new mast arms. Coordination with the local transportation planning organization for additional improvements decorative lighting, irrigation, and patterned pavement is currently taking place.

FDOT District 5, SunRail Commuter Rail Transit, Central Florida

As part of the team dedicated to providing FDOT District 5 with necessary National Environmental Policy Act (NEPA) approvals and rail infrastructure design for this critical commuter rail service currently on shared rail line, VHB was responsible for environmental clearance documentation, Federal Transit Administration (FTA) New Start fund acquisition efforts, and various design aspects. Ryan assisted in the design for the stormwater collection and management system for the corridor and stations and oversaw the production of the plans to ensure compliance with FDOT standards.

Sarasota County Area Transit Park & Ride, North Port, FL

Ryan prepared the parking lot layout and design in accordance with Sarasota County and FDOT criteria, which included the FDOT Plans Preparation Manual (PPM), Chapter 8 Pedestrian, Bicycle, and Public Transit facilities to ensure Americans with Disabilities (ADA) compliancy. The bus approach and turnout geometry were designed to accommodate the design vehicle provided by Sarasota County Area Transit (SCAT), which also incorporated an alternate alignment for the existing bus approach. Other design elements included closed circuit television (CCTV) camera design, bus shelters, bike racks, and portions of pervious pavement to meet the county's needs.



Kenneth Ray, PE

Project Engineer 2



Kenny specializes in structural engineering for design, detailing, and load rating of a variety of bridge types. Throughout his career, he has gained valuable experience with structural plans, shop drawings, bridge development reports, design-build proposals, quantity takeoffs, cost evaluation, and relevant design codes.

12 years of professional experience

Education

BS, Civil Engineering,
University of Central Florida,
2007

Registrations/Certifications

Professional Engineer (Civil
Engineering) GA, 2017

Professional Engineer (Civil
Engineering) FL, 2012

Professional Engineer (Civil
Engineering) ME, 2017

Professional Engineer (Civil
Engineering) RI, 2017

Affiliations/Memberships

American Society of Civil
Engineers, National Member

Kissimmee Trail Bridge and Approach Ramps, Osceola County, FL

Kenny was the Structural Engineer for the design of a shared-use pedestrian bridge spanning over John Young Parkway. The proposed structure will include a single 230-foot span over the roadway with approach spans of around 500 feet each. Kenneth was responsible for design of flat slab superstructure and design of pier caps, columns, spread footings, and pile caps.

Volusia County, Spring to Spring Trail, Phase 3 Design-Build, FL

Kenny served as the lead Structural Design Engineer on the Spring to Spring Pedestrian Trail Design-Build consisting of 2.4 miles of pedestrian trail through Blue Springs State Park in Volusia County. Kenny was responsible for the design of a pedestrian underpass crossing and approximately 1,200 feet of bridge structure that will allow pedestrians safe passage over the existing railroad located along the eastern limits of the park.

City of Altamonte Springs, Festival Drive Streetscape and Multi-Use Trail Bridge, Seminole County, FL

Kenny is serving as the Structural Design Engineer on this project for which VHB is providing professional planning, engineering, and landscape architectural services to develop construction plans for improvements to Festival Drive from SR 436 to Central Parkway. The overall length of the project is 2,700 linear feet and includes a 330-foot multi-use trail bridge adjacent to Festival Drive. The purpose of the project is to provide continuous pedestrian and bicycle access for this corridor. Kenny is responsible for the design of the cast-in-place superstructure, substructure, and gravity walls, as well as coordination with the subconsultants and the City's project team.

City of Titusville, East Central Regional Rail Trail Design-Build, Brevard County, FL

Kenny worked as the Structural Design Engineer on Phase 2 of this design-build project that crosses SR 406 in Titusville. The project consisted of over half a mile of pedestrian trail and included 1,300 feet of bridge providing safe passage of pedestrians and bicyclists over the busy FDOT right-of-way. Kenny responsible for providing the design of prestressed concrete beams, pier caps, columns and spread footings, as well as assistance to the contractor during construction.

K. Hovnanian Homes & City of Orlando, Millenia Park Pedestrian Bridge

VHB was selected to design a pedestrian bridge over Shingle Creek that connected the pedestrian path within the Millenia Park Development to Shingle Creek Trail along the north side of Shingle Creek in Orlando. Kenny served as the Structural Design Engineer for this project and was responsible for the analysis and design of the civil and structural



Kenneth Ray, PE

engineering elements of the bridge. In addition, work included the analysis of the bridge hydraulics for the proposed bridge.

City of Orlando, Soccer Stadium Site, Orlando, FL

Kenny is a Structural Engineer assigned to assist with various tasks for the demolition and site plan for a new soccer stadium. Tasks include preparation of demolition plans, grading plans (post-demolition) and specifications for the site; coordination of the relocation of utilities within the stadium site as well as the utilities to serve the soccer stadium; develop design plans for a temporary signal span and final mast arm configuration; and assisting the City with the development of a site plan and engineering details for the relocation of the ATT conduit and ATT vaults along the south and east sides of the proposed soccer stadium.

FDOT District Five, Resurfacing A1A from US 92 to SR 500, Volusia County, FL

Kenny is serving as the Structural Design Engineer on this project to develop final design plans for 3R safety improvements along the SR A1A Corridor in Volusia County. The goal of the project is to extend the life of the pavement, eliminate roadside hazards, and improve pedestrian facilities through sidewalk upgrades and traffic signal improvements along this heavily traveled corridor. VHB is conducting an ADA compliance survey to identify deficiencies that need to be corrected along the corridor. One of the key challenges for this project is the integration of pedestrian and bike safety at intersections.

Boggy Creek Road Redesign and Widening, Osceola County, FL

Kenneth is a Structural Design Engineer for the redesign and widening of a section of Boggy Creek Road in Kissimmee from a two-lane rural to a four-lane divided suburban road. The project includes intersection redesign, improvements with signalization, right-of-way acquisition, bridge design, environmental mitigation and permitting, highway design, stormwater design, structural work that includes box-culvert design and signal-mast arm design, and utility relocations.

FDOT District 5, SR 482 Widening, Orange County, FL

Kenneth was a Structural Design Engineer for this project which consisted of multiple bridge widenings on curved and tangent horizontal alignments and a bridge replacement along SR 482 (Sand Lake Road). His responsibilities included design of AASHTO prestressed beams, pier and end bent foundations, slabs, geometry, as well as miscellaneous details, and plan preparation. The bridge sites included the Kirkman Road and Sand Lake Road interchange where the four bridges were widened to the north with spans varying from four to six lanes. Work also included involvement in the design of all components for a SR 482 bridge replacement over Shingle Creek which consist of three AASHTO prestressed girder spans on pile bents. His responsibilities also included design work for various miscellaneous structures on the SR 482 widening. These miscellaneous structures included permanent and temporary steel sheet piling, permanent and temporary MSE walls, cantilever sign structures, strain pole and mast arm signal structures, and a box culvert extension. His responsibilities for these structures included coordination with other disciplines, design and checking of calculations, and plan preparation.

Lauren Chervincky, PE

Project Engineer 2



Education

BS, Civil Engineering,
University of Delaware, 2005

Registrations/Certifications

Professional Engineer NH,
2010

Professional Engineer ME,
2011

Professional Engineer NC,
2016

Lauren is a Structural Engineer in VHB's Bedford, New Hampshire, office. Her structural experience includes the inspection, design, and rating of highway and railroad bridges.

12 years of professional experience

FDOT District 6, I-95 Bridge Widening Design-Build Project, Miami, FL

Lauren was an engineer for the widening of a three-span prestressed concrete beam bridge. Responsibilities included design of pile caps and abutment backwall, checking vertical curve, camber, and deflection calculations.

Tobacco Heritage Trail, Lawrenceville, VA

Lauren was Project Engineer for the inspection and evaluation of three timber railroad bridges in Lawrenceville, Virginia. These bridges will later become a part of a multimodal pedestrian trail. Responsibilities included bridge inspection and creating a structure study report.

MaineDOT, Historic Sewall's Bridge over York River, York, ME

Lauren was Project Engineer for the detailed condition inspection and alternative study in collaboration with MaineDOT and the Maine Historic Preservation Committee for the rehabilitation of an historic timber bridge comprised of 15 spans with an overall length of 250 feet. The project called for final design for the superstructure and pier replacement using glulam timber and composite materials to match the appearance of the original structure while increasing load capacity for this historic civil engineering landmark. The contract included new pipe pile foundations, composite pier bents filled with reinforced concrete, glulam stringers, glulam decking, glulam railings, and masonry wall restoration and strengthening.

NHDOT, I-93 Final Design, Salem-Manchester, NH

Lauren is a Project Bridge Engineer for the design of five new bridges for the I-93 Salem to Manchester Southern Segment. These structures include:

- I-93 NB over 111A, Windham – New 132-foot highly skewed steel girder bridge; the substructure consists of stub abutments on spread footings with wrap around MSE w mechanically stabilized earth (MSE) walls
- I-93 NB & I-93 SB over Lowell Road (Rte. 38), Salem – Pair of new single-span 126-foot steel girder bridges on stub abutments with mechanically stabilized earth (MSE) walls; the southbound stub abutments are supported on steel H-pile deep foundations while the northbound stub abutments are supported on spread footings; a unique aspect of the southbound bridge is that it carries a 16-foot soundwall on the curb over the bridge
- I-93 NB & I-93SB over Pelham Road (Rte. 97), Salem – Pair of new single-span 150-foot steel girder bridges on stub abutments with mechanically stabilized earth (MSE) walls; the southbound stub abutments for both bridges are supported on spread footings.

Lauren Chervincky, PE

NHDOT, I-93 Northbound over NH 111A, Windham, NH

As part of the final design services for the I-93 improvement project, Lauren provided design for a 132-foot-long girder bridge on stub abutments with mechanically stabilized earth (MSE) walls and a 52-degree skew for Interstate 93 northbound over NH 111A in Windham. Responsibilities include design of cross frames, bearings, spread footings, and abutment backwalls as well as plan development and quantity calculations.

NHDOT, Spaulding Turnpike (SB), US 4, NH 16 over Little Bay, Newington/Dover, NH

Lauren was Project Engineer for the final design of a new 1,639-foot-long, 75-feet-wide, 9-span, variable depth girder bridge supported on pier column bents. The contract included two superstructure options for construction: a post-tensioned bulb-tee and a steel plate girder. The piers consist of three columns supported by 8-foot-6-inch diameter drilled shafts. Stub abutments on steel pipe piles support the bridge ends. This project was advertised as the first contract of a several hundred million dollar infrastructure improvement project along one of New Hampshire's most critical transportation corridors.

RIDOT, Providence Viaduct Bridge No. 578 Relocation/Replacement, Providence, RI

Lauren is the Lead Design Engineer for the Charles Street and Ashburton Street Bridges as part of the Viaduct NB Project. This portion of the project involves the widening of the Charles Street and Ashburton Street Bridges to accommodate the new C/D on-ramp. This included the design of simple steel girders supporting a widened concrete deck, and the extension of full height concrete abutments on micro-pile foundations. Additionally, the Ashburton Street Bridge has flared girders to accommodate the curved C/D on-ramp. This phased construction project also include rehabbing the existing bridge to accommodate the new widened portion. Lauren was involved in all aspects of the design and plan development.

VTrans, Green Mountain Railroad (GMRC) Rehabilitation, VT

Lauren was a Project Engineer for the rehabilitation of four railroad bridges on the Green Mountain Railroad between Clarendon and Chester. The project included bearing rehabilitation as well as associated abutment repair. Lauren's responsibilities included bridge inspection, bearing and pedestal design, and plan development.

NHDOT, 2013 Bridge Design On-Call Contract, New Hampshire

As part of VHB's on-call bridge design contract with the New Hampshire Department of Transportation (NHDOT), Lauren was Project Engineer for supporting the following task orders:

- Rehabilitation of I-93 NB & SB Bridge over Salmon Brook in Sanbornton
- Repairs for I-293 Bridges over Black Brook in Manchester

Brian MacEwen, PE

Project Engineer 1



Education

BS, Civil and Environmental
Engineering, University of
Massachusetts Dartmouth,
2008

Registrations/Certifications

Professional Engineer FL,
2016

Brian focuses on transportation and highway design. He utilizes his skill set towards vertical and horizontal roadway and sidewalk geometry, CADD production, and the production of contract documents and project cost estimates. Brian has gained valuable experience in project coordination for various planning and design projects for both public and private sector clients.

6 years of professional experience

Spring to Spring Pedestrian Trail Design-Build, Volusia County, FL

The project consisted of 2.4 miles of pedestrian trail through Blue Springs State Park. Brian was responsible for stormwater engineering which included a pedestrian tunnel crossing under West French Road and approximately 1,200 feet of bridge structure that allows pedestrians safe passage over the existing Central Florida Commuter Rail (CFCR) located along the eastern limits of the park. When complete, the trail will stretch 26 miles from Gemini Springs Park to DeLeon Springs Park. VHB served as the Engineer of Record for both the trail and the bridge. Coordination efforts included permitting, utilities, and coordination with the contractor and Blue Springs Park staff to ensure the construction schedule did not impact access to the park. Also critical was coordination with FDOT and CSX to obtain the train schedule and to prepare an emergently plan to evacuate the rail corridor. This was important so that the work could be schedule during inactivity on the rail corridor and a plan in place should the track be fouled.

SR 436 Pedestrian Underpass, Altamonte Springs, FL

Brian is assisting with design services and post-design construction services for the new pedestrian/bicycle underpass under SR 436 between the Renaissance Plaza entrance and Essex Avenue. The underpass will be designed to improve pedestrian safety in the SR 436 corridor and provide improved connectivity for pedestrians and bicyclists. Services include preliminary engineering services to finalize the alignment of the proposed underpass, preparation of design plans and construction bid documents, utility coordination, analysis of constructability and MOT plans, traffic operations analysis, survey and mapping, public involvement, coordination with FDOT, permitting, and post-design services.

Pavement Management and Pavement Engineering Continuing Services, Seminole County, FL

For this multi-year continuing services contract, VHB provided pavement evaluation assistance and estimates of construction cost. This project involved over 40 miles of roadway. Visual evaluation of each road segment was conducted, resulting in recommendations for improvement and localized base repair, as well as options for preservation maintenance, including more sustainable alternatives such as warm mix asphalt and microsurfacing. Contract documents, including scope of work, materials specifications, and quantities were drafted for the City resulting in multiple paving contracts to be issued. As transportation and highway designer, Brian assisted in production of contract documents and project cost estimates.

Brian MacEwen, PE

CR 545 Improvements (Segments 1, 2, 3, and 4) Final Design, Orange County, FL

Brian is part of the VHB team providing professional services for the final design, engineering, and permitting for the four-lane improvements to CR 545 (Avalon Road). The design of all four segments is advancing concurrently. Brian developed the vertical and horizontal roadway geometry and provided CADD production of plan sheets and cross sections. Other tasks performed include preparation of exhibits necessary to hold public involvement meetings, utility coordination, and client coordination.

Road Rating Inspection, Volusia County, FL

Brian is part of team providing pavement rating inspection in Volusia County. Visual evaluation of each road segment was conducted, resulting in a recommended plan for improvement. Brian performed field review and quantification of existing roadway elements.

Orange Avenue Transportation Design for Livable Communities HUD Grant Project, Orange County, FL

As a subconsultant team member, VHB is providing transportation planning support for the Orange County corridor planning study to evaluate the most appropriate use of Transportation Design for Livable Communities (TDLC) standards near Orange County's Sand Lake Road SunRail Station. The U.S. Department of Housing and Urban Development has funded this corridor planning study (HUD Study) as part of its Sustainable Communities Program grant to facilitate SunRail supportive planning efforts in a number of Central Florida jurisdictions. The HUD Study is tailored to help transition the SunRail Station area transportation network into one that is multimodal, urban, context-sensitive, and supportive of planned transit-oriented development. Public engagement for the HUD Study provides a community gateway for project development and decision-making so that the County can develop a project that not only meets the needs of the area, but is also supported by the community it is intended to serve. Brian is providing project construction cost estimating for this project.

Orienta Avenue Connection Preliminary Engineering Design, Altamonte Springs, FL

VHB was engaged to develop a typical section with complete street features such as wide sidewalks, bike lanes, access to transit facilities, frequent pedestrian crossing opportunities, accessible pedestrian signals, curb extensions, curb ramps, driveway connections, traffic calming features such as narrow travel lanes, and landscape and streetscape amenities. Brian assisted in geometric modification of proposed vertical and horizontal alignments, CADD production of plan sheets and cross sections, field reconnaissance of existing conditions, and parking lot analysis.

Oviedo on the Park, Parking Lot Design, Oviedo, FL

As part of an ongoing project to develop a vibrant, mixed-use town center featuring single-family homes, townhomes, offices, and restaurants, VHB was engaged to design a parking lot for a community amphitheater. Brian was involved in parking lot design and grading, locating drainage, and CADD production of plan sheets and cross sections.



James Macpherson, PE

Project Engineer 1



James is a Professional Engineer and structural designer in VHB's Bedford, New Hampshire office. His experience includes design, load rating, inspection and construction support services for pedestrian, highway, and railroad bridges across New England and Florida. He has also designed, analyzed and inspected dozens of supports and foundations for signs, traffic lights and other various roadway structures. James is an NBIS-certified Bridge Inspector.

Education

BS, Civil Engineering,
University of Massachusetts
Lowell, 2012

Registrations/Certifications

Professional Engineer NH,
2017

NBIS Certified Bridge
Inspector, 2014

OSHA 10-Hour Construction
Safety and Health Certificate

6 years of professional experience

FDOT, Spring to Spring Trail Overpass, Volusia County, FL

For the Florida Department of Transportation (FDOT), James worked on the design for a 26-span, 1,010-foot-long pedestrian overpass bridge. Work on this design-build contract included the design and detailing of abutments, pier and general bridge geometry, and layout.

CTDOT, Inspection of "Unnumbered Bridge," Columbia/Windham, CT

Under an on-call contract with the Connecticut Department of Transportation (CTDOT), James performed a hands-on inspection of an abandoned railroad bridge for possible reuse as a pedestrian bridge. His work included field measurements, condition assessment, and the development of an inspection report and sketched.

Maine Turnpike Authority, Litchfield Road Bridge, Hallowell, ME

For the Maine Turnpike Authority (MTA), James worked on the final design of the rehabilitation of the Litchfield Road Overpass. The new superstructure is a four-span, 203-foot, continuous steel beam bridge. The contract also called for repairs for two double cell concrete box culverts and associated resource delineation and permitting.

MaineDOT, Berwick Bridge, Somersworth, NH and Berwick, ME

For the Maine Department of Transportation (MaineDOT), James worked on the final design of a 110-foot superstructure replacement carrying Route 9 over the Salmon Falls River. Work included moment slab design and utility coordination for the railroad running parallel to the southwest abutment.

MaineDOT, Martin's Point Bridge, Portland and Falmouth, ME

For the MaineDOT, James worked on the design of a new 10-span, 1,290-foot-long replacement bridge carrying Route 1 over the Presumpscot River. Work includes deck design and layout, bearing design, abutment/wingwall design, railing layout, light post foundation design, and rebar detailing and layout.

MaineDOT, Oakdale Bridge Southbound Rehabilitation, Auburn, ME

For the MaineDOT, James helped prepare the preliminary design report and final design calculations for the rehabilitation of a three-span, 225-foot bridge carrying US 202 and ME Routes 4 & 100 over the Little Androscoggin River. Preliminary design included several options, from superstructure rehabilitation to the complete bridge replacement and seismic analysis for the existing substructure.



James Macpherson, PE

MaineDOT, Veterans Memorial Bridge Model and Load Rating, Bangor/Brewer, ME

Under an on-call contract with the MaineDOT, James spent 200+ hours analyzing and load rating the 1,588-foot-long, eight-span bridge carrying I-395 over the Penobscot River in Bangor/Brewer. Tasks included developing a 2D model of the kinked plate girder superstructure, LRFR load rating, and report. James developed a finite element model of the kinked plate girder superstructure, LRFR load rating, and report.

NHDOT, General Sullivan Bridge Inspection and Rating, Newington/Dover, NH

For the New Hampshire Department of Transportation (NHDOT), James has spent 650+ hours including a 75-hour in-depth inspection of the historical 1930s-era nine-span (1,528 foot long) deck/through arch truss. Other tasks included analysis and load rating of the floor system and truss members including gusset plate in accordance with 2014 MBE Interims.

NHDOT, Spaulding Turnpike, US 4, NH 16 over Little Bay, Newington/Dover, NH

For the NHDOT, James worked on several of the contracts for the Newington-Dover Little Bay Bridge project, including:

- Contract O – The rehabilitation and widening of the existing Little Bay Bridge, a 1,589 foot-long, 75-foot-wide, 9-span, variable-depth steel girder bridge supported on pier column bents. Work included design and detailing of new steel girders, analysis and retrofit detailing of existing steel girders, deck design and layout, bearing design, and design/analysis of the pile supported abutments.
- Contract L – The new Little Bay bridge, a 1,639-foot-long, 75-foot-wide, 9-span, variable depth girder bridge supported on pier column bents. Designed and detailed a deck bump-out to facilitate a Road Weather Information System located on the bridge
- Contract M – Roadway and Highway design of Newington Exits 3 & 4 Work included the review of, and foundations design for, five overhead sign structures on the Newington side of the project.

RIDOT, Henderson Bridge No. 600 Inspection and Report, East Providence/Providence, RI

For the Rhode Island Department of Transportation (RIDOT), James conducted two multi-day hands-on and element-level inspections of the 2000-foot-plus, 23-span bridge carrying the Henderson Expressway over the Seekonk River. Work included the condition rating of bridge elements including steel girders, deck, substructure, expansion joints, and bridge rail.

Caitlyn Ballweber

Engineer 2



Caitlyn is a member of the highway team VHB's Orlando office. She is involved in multiple projects, including roadway design for state and local municipalities, as well as private-sector clients.

4 years of professional experience

Education

BS, Civil Engineering, Florida Institute of Technology, 2013

Registrations/Certifications

Engineer Intern FL

Affiliations/Memberships

American Public Works Association, Young Professionals Committee

Alafaya Trail, Orange County, FL

Under contract with Orange County, Caitlyn worked on the utilities tasks involved in the reconstruction of four miles of this four-lane divided urban roadway, also known as SR 434. The project included clearing, subsoil excavation, demolition, excavation, embankment, grading, stabilization, milling, gravity walls, drainage, paving, and utilities.

SR 436 Pedestrian Underpass, Altamonte Springs, FL

Caitlyn is assisting with design services for the new pedestrian/bicycle underpass under SR 436 between the Renaissance Plaza entrance and Essex Avenue. The underpass will be designed to improve pedestrian safety in the SR 436 corridor and provide improved connectivity for pedestrians and bicyclists. Services include preliminary engineering services to finalize the alignment of the proposed underpass, preparation of design plans and construction bid documents, utility coordination, analysis of constructability and MOT plans, traffic operations analysis, survey and mapping, public involvement, coordination with FDOT, permitting, and post-design services.

County Road 545 Improvements (Segments 1, 2, 3 & 4), Final Design, Orange County, FL

When VHB provided professional engineering services to a private developer for the final design, engineering, and permitting for four lane improvements to CR 545 (Avalon Road), Caitlyn contributed to the development of the vertical and horizontal roadway geometry, as well as CAD production of plan sheets and cross sections. Other tasks performed included preparation of exhibits necessary to hold public involvement meetings, utility coordination, and client coordination.

Desoto Acres Sidewalk Improvements, Sarasota County, FL

The Desoto Acres sidewalks project involves design and construction of seven miles of sidewalk in the Desoto Acres neighborhood for Sarasota County. Caitlyn is contributing to the design for sidewalk improvements under the Desoto Acres On-Call Civil/Transportation Engineering Contract in Sarasota.

Kaley Avenue/Eola Drive Improvements, Orlando, FL

Caitlyn was part of VHB's team designing and permitting roadway drainage improvements along Kaley Street and Eola Drive for the City of Orlando. The project called for new brick pavers and asphalt paving, new curb and gutter, and an improved stormwater collection system with new inlets and piping.

Pavement Management/Pavement Engineering Continuing Services, Casselberry, FL

Caitlyn assisted in production of contract documents for this multi-year continuing services project for which VHB is providing pavement evaluation assistance and



Caitlyn Ballweber

estimates of construction cost. This project involves more than 40 miles of roadway throughout the city of Casselberry. Visual evaluation of each road segment was conducted, resulting in recommendations for improvement and localized base repair, as well as options for preservation maintenance, including more sustainable alternatives such as warm mix asphalt and microsurfacing. Contract documents, including scope of work, materials specifications, and quantities were drafted for the city resulting in multiple paving contracts to be issued.

Raleigh Street, Orlando, FL

Caitlyn was part of the VHB team developing improvements to Raleigh Street corridor including roadway redesign and stormwater upgrades.

Devon Brazeal

Engineer 1



Education

BS, Civil Engineering,
University of Central Florida,
2015

Registrations/Certifications

Engineer Intern FL, 2016

Devon is a Transportation Analyst in VHB's Orlando office responsible for developing, preparing and reviewing engineering plans to meet FDOT and AASHTO standards. His experience also includes signalization, ITS, lighting, signing and marking; and pavement plans.

4 years of professional experience

FDOT District 1, I-75 at SR 64 Interchange Modification, Manatee County, FL

Devon designed and developed signing and pavement marking plans based on FDOT/MUTCD standards. He coordinated with governing municipalities regarding the relocation of existing signalization, overhead trusses, and ITS equipment, as well as completed an 18-mile roadway inventory (signalization, ITS, lighting, and signing). Devon also addressed comments and responses for 60/90/100% submittals.

FDOT District 2, CR 218 Signing/Markings and Signals Update, Clay County, FL

For the FDOT District 2 Office, Devon completed a 20-mile segment No-Passing Zone Study. He coordinated existing roadway inventories, plan development, crash analysis, speed spot studies, sight distance investigation, and No-Passing Zone design, as well as speed zone analysis and the development of corridor speed zone plans.

FDOT District 5, SR 50/SR 33 Realignment, Lake County, FL

For the FDOT District 5 Office, Devon assisted with signalization and signing and pavement marking plans. He coordinated with local municipalities for existing intersection as-built plans and completed a 13-mile roadway inventory for signalization, ITS, lighting, and signing. Devon also verified the lateral offset requirements for signalization and signing equipment.

FDOT District 5, SR 50 Milling and Resurfacing, Orange County, FL

For the FDOT District 5 Office, Devon designed and developed signalization and interconnect plans based on FDOT/MUTCD, and Orange County standards. He updated the pedestrian facilities to current ADA standards for 10 intersections (OBT to Shine), as well as modified existing signal head placement and installed video detection.

FDOT District 5, 380-Mile Pavement Inspection, Volusia County, FL

For the FDOT District 5 Office, Devon analyzed existing pavement for over 20 different distresses, including level of severity. He trained new employees in the pavement inspection methodology and the different distresses. He also updated the pavement inspector database based on the condition assessments to determine the current PCI.

FDOT District 4, Florida Turnpike ERCAR, St. Lucie County, FL

For the Florida Department of Transportation (FDOT) District 4 Office, Devon completed a 22-mile segment ERCAR study for existing roadway inventories, and condition assessments for signing, lighting, and ITS. He also performed a retro-reflectivity analysis of the corridor.

CFX, Miscellaneous Engineering Design Services, Orange County, FL

Devon assisted with the design and plan development of signalization, signing and pavement marking components. Projects completed under this contract included the SR



Devon Brazeal

417/Landstar Road Interchange Signalization Modification and SR 417/SR 528 Ramp Realignment which also included roadway lighting and ITS relocation.

CFX SR 528 at Econolockhatchee Bridge Widening and ITS Updates, Orange County, FL

Devon helped with the ITS design, including relocating/adjusting existing fiber, maintenance of the existing communication plan and installation of new DMS and CCTVs.

CFX, SR 414 at Marden Road Interchange, Orange County, FL

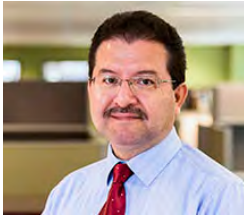
Devon assisted with the ITS design, including relocating/adjusting of existing fiber and installation of Wrong Way Detection and MVDS. He also field verified fiber optic components within the project limits.

Sarasota County, ATMS Phase V, Sarasota, FL

Devon designed and developed the Advanced Traffic Management System (ATMS) plans for 34 intersections in Sarasota County, FL. He analyzed each intersection for ADA and MUTCD compliancy, and prepared a traffic report documenting all deficiencies and recommended improvements. Devon also completed utility coordination for the corridor, as well as addressed comments and responses for 60/90/100% submittals.

Fernando Santos

Sr. CAD Designer



Education

Undergraduate Coursework,
Civil Engineering, Wentworth
Institute of Technology, 1998

Fernando is a CADD Designer with VHB's transportation department in Orlando. He has extensive experience working with state departments of transportation and other public agencies.

11 years of professional experience

Spring to Spring Trail, Volusia County, FL

Fernando provided CAD services for a design-build project to build a bridge over railroad tracks as part of a two-mile trail project. The project consists of 2.4 miles of trail and approximately 1,200 feet of bridge structure that will allow pedestrians safe passage over the existing railroad located along the eastern limits of the Blue Springs State Park.

Oxford Road/South Lake Triplet Drive Improvements, Casselberry, FL

Fernando is providing CAD services on roadway and drainage design services for segments of South Triplet Drive and Oxford Road totaling approximately 0.72 miles of roadway. These segments will consist of limited road reconstruction to address base failure and adverse subgrade conditions. Improvements will include development of a new typical section to include curb and gutter, swales, sidewalk replacement, brick paver crosswalks, signage, landscaping and irrigation enhancements, stormwater improvements, utility upgrades, pavement reconstruction, bike-friendly improvements such as special markings and signage, connection to Casselberry Greenway Trail, and preparation of permanent drainage easements.

FDOT District 5, SR A1A Corridor Improvements, Brevard County, FL

Fernando is working on a project to provide roadway drainage analysis and design of SR A1A from US 192 to SR 500. The project includes a field permit for the coastal construction control line and environmental resource permitting through SJRWMD.

City of Longwood, Gateway Improvements Engineering and Landscape Architectural Services, Seminole County, FL

VHB is assisting the City of Longwood with professional engineering and landscape architectural services to develop construction plans for improvements to the intersection of SR 434 and US 17-92. As part of these services, VHB will complete preliminary roadway design for FDOT review. This work will include identifying locations where right-of-entry agreements may be required and traffic signal pedestrian modifications. Two preliminary concept design options will be developed. After the City has given feedback, VHB will refine the selected design options and prepare a final design concept plan. VHB will provide construction plans with intersection improvements including decorative sidewalk replacement, decorative lighting, landscape elements, streetscape elements (gateway features and decorative crosswalks), ADA compliant curb ramps, irrigation, and signing and markings. This will take place through four submissions including concept plans, 60% plans, 100% plans, and the final plans.

FDOT District 5, SunRail Commuter Rail Transit Project, Central Florida

Fernando was CAD Designer for this 61-mile commuter rail start-up project for which VHB was responsible for environmental clearance documentation, FTA New Start fund acquisition efforts, operations planning, contract strategy, and various design aspects



Fernando Santos

(including rail alignments, signal system layout, grade crossings, stormwater management, and station traffic). The project extends 61 miles and includes 126 grade crossings and 16 stations. Fernando's tasks included preparing plan sheets, verifying compliance of CAD files with FDOT standards, and addressing QA/QC comments.

FDOT District 5, SR 500 at SR 464, Marion County, FL

Fernando is CAD Designer for improvements to a six-lane undivided urban principle arterial roadway running north-south through Ocala. Currently the road is operating at a Level of Service of 'D,' which has warranted the roadway improvements. The improvements include widening to provide dual left turns and a designated right-turn lane for northbound SR 500 to alleviate congestion and allow better service for all northbound movements through the SR 464 intersection. Due to the widening minor drainage improvements and relocation of existing roadway, lighting will also be necessary. The intersection will also be upgraded from a span wire control by installing four new mast arms.

Bates Avenue Improvements, Lake County, FL

Fernando was CAD Designer for a roadway improvement project that included shoulder widening, new sidewalks, intersection improvements, and a new stormwater system along a 1.5-mile stretch of road in Eustis. Other assignments on this project included intersection safety improvements such as exclusive turn lanes and geometric improvements. The team developed approaches for the projects around safety, context sensitive design, and public involvement. Fernando's tasks included the creating plan sheets, addressing engineer's comments, and performing QA/QC per FDOT standards.

CTDOT, Commuter Rail Station Site Selection and Design, West Haven, CT

Fernando supported CTDOT on a site selection study to determine the preferred location of a commuter rail superstation. The purpose of the study was to fully evaluate the environmental and economic issues associated with each location and design choice to make an informed decision regarding the most appropriate site to advance into final design. Project aspects included conceptual design of the station and supporting infrastructure; environmental impact assessment of each site reviewing air quality, noise, wetlands, water supplies, floodplains, endangered species, historical resources, traffic, and hazardous materials; economic analysis of cost estimates, funding sources, and potential economic benefits for the surrounding community; and preparation of all construction documents for public bidding and site permitting. VHB developed a comprehensive community outreach program and consulted with involved stakeholders throughout the course of the project. The outreach program allowed the project team to receive valuable input from stakeholders and guide them through the site selection process that will result in an appropriate location and design. Fernando's tasks included development of CAD standards for Metro-North work, performing all CAD services and producing semi-final and final design plans.

Arte Roman

Sr. Scientist 2



Education

MS, Biology, University of
Central Florida, 2001

BS, Ecology, Florida Institute
of Technology, 1997

BS, Marine Biology, Florida
Institute of Technology, 1997

Registrations/Certifications

Gopher Tortoise Authorized
Agent, Florida Fish & Wildlife
Commission FL, 2017

Open Water Diver, PADI
Certified, 1994

Affiliations/Memberships

Florida Lake Management
Society, Central FL

Arte has been conducting environmental and permitting services since 2003. His experience includes conducting due diligence assessments, wetland jurisdictional delineations, and protected species surveys for public and private developments and roadway corridors throughout central and southwest Florida. Arte has considerable experience conducting vegetative, water quality and hydrologic monitoring in association with water use permit compliance, wetland mitigation and MFL development. He is particularly effective in preparing environmental permit applications for federal, state, and local entities.

14 years of professional experience

Seminole County Public Schools (SCPS), Red Bug Elementary School, Seminole County, FL

SCPS contacted VHB to assist them when work to remove portable trailers was shut down by the Florida Fish and Wildlife Conservation Commission (FWC) because of a potential compliance issue regarding gopher tortoises. A site visit with FWC was conducted to discuss permitting procedures for a "10 or Fewer" Relocation permit. FWC identified other areas that may have contained suitable habitat. FWC indicated that the portable classrooms may have impacted gopher tortoise habitat and require an After the Fact permit. VHB applied online for the relocation permit the next day and the FWC issued a permit for the relocation of the subject burrows the same day – this normally takes a minimum of 30-days to issue a permit. Due to Arte's excellent relationship with the FWC staff, they expedited the permit issuance.

Oakland Nature Preserve, Orange County, FL

Arte assisted this non-profit group by creating a map of the trail locations within the preserve. The locations of the trails were collected with a hand-held GPS unit. Arte input the data into GIS to create an overall trail map. This work was done pro bono.

FDOT District 5, SunRail Improvements Environmental Assessment, FL

One of the keys to the initial field work for the 31-mile segment was the collection of field data. Arte was a member of the field team responsible for surveying the corridor and collecting, via GPS, wetland and stream boundaries, culverts and pipes, gopher tortoise burrows, scrub jay and eagle nest locations, and other sensitive wildlife data. To expedite field data collection, VHB developed a suite of mobile data collection applications utilizing ESRI's ArcPAD, with integrated GPS devices. ArcPAD replaced the need for field teams to rely on traditional paper maps to collect and inventory resources in the field by sketching their observations and notes by hand. ArcPAD works directly with GPS to allow the users to locate resources accurately and capture attribute information and store it directly in a GIS. Field surveys and data collection were an important and necessary task on the project. Key resources such as wetlands, streams, culverts, gopher tortoise burrows, and other threatened and endangered species were inventoried and observed along the 61-mile study area and 13 potential station sites. After collecting the location of the resources, the field team captured key attribute information from custom drop down dialogue boxes that were setup for each resource.



Arte Roman

Orlando International and Executive Airports Environmental Consulting Services, Orlando, FL

VHB was selected to provide continuing environmental consulting services to GOAA. Our team of professionals brings a unique set of national airport environmental skills and a diverse and broad local environmental perspective that is aligned with the GOAA's goals. Our experienced and locally based staff understands the substantial investment GOAA has made in over the past several decades. Our expertise will be leveraged to ensure the delivery of solutions to environmental issues that is consistent with the Authority's long-term strategies and goals. Arte serves as the Project Scientist.

East Town Center EDO Zone, Altamonte Springs, FL

VHB provided professional engineering and environmental services for the evaluation and study of the stormwater management system associated with the Economic Development Opportunity (EDO) Zone in the East Town Center area. Future development will require regional stormwater management facilities to incentivize development and redevelopment in the area surrounding the SunRail station. The project is located north of SR 436, west of Jackson Street, south of Merritt Street, and east of Station Street in Altamonte Springs. Arte served as the Project Scientist.

Semoran Boulevard Streetscape Improvements, Orlando, FL

The focus of this design-build project with the City of Orlando was to develop a cohesive streetscape, gateway nodes, and a pedestrian safe environment that will encourage economic revitalization of the retail corridor and an enhanced arterial corridor for the roadway neighbors. Semoran Boulevard was previously characterized by a lack of uniform sidewalk materials and widths, no uniform curb treatment, a confusing array of closely spaced curb cuts from abutting businesses, and inconsistent landscape treatment along its edges and medians. Consequently, the corridor is currently visually dominated by surrounding parking lots and commercial signage, having no clear landscaped edge or central unifying urban design elements to lend it definition as a significant gateway into the City and airport. Arte assisted in the pre-development assessment of the existing sidewalk and driveways. He utilized mobile GPS technology to identify utility conflicts and driveway slope areas for curb type selection.

Oviedo Regional Stormwater Pond, Oviedo, FL

Arte is serving as the Project Scientist for this project under VHB's continuing civil engineering services contract. The City is currently evaluating the Oviedo Downtown Area and desires a regional stormwater management pond for future development in the downtown area. This stormwater management pond is essential to facilitate and incentivize development and redevelopment in the downtown area. VHB is performing a hydrologic and hydraulic study for the downtown area to establish the existing drainage and flooding conditions. In addition, VHB is designing a master stormwater pond. The project will involve the analysis of the floodplain and preparing a request for a conditional Letter of Map Revision from FEMA. VHB will also prepare permit applications for submission to SJRWMD and ACOE.

Michael Wielenga

Sr. Scientist 2



Education

BS, Marine Science and
Biology, East Stroudsburg
University, 2005

Michael has been directly involved with the operation of heavy equipment, mechanical reduction, fireline installation, prescribed fire, invasive exotics, water quality, recreational trails, developing and writing management plans, permitting, and surveying. He has also assisted in plant, protected species and archaeological reconnaissance surveys.

12 years of professional experience

Fox Lake Sanctuary, Titusville, FL

Michael served as the Project Manager responsible for environmental oversight, field work, and preparing and completing the required management plan. The project involved boundary surveys, protected species surveys, invasive exotic control, fireline installation, tree thinning, mechanical vegetation reduction, and prescribed fire on 2,500 acres. He conducted archaeological surveys and participated in Phase I and II testing.

Indian Mound Station Sanctuary, Titusville and Mims, FL

Michael secured county land clearing permits and fencing permits. He oversaw fence contractors, Florida Forest Service fireline installation, mechanical vegetation reduction, exotic species management, and prescribed fire operations on 140 acres. He also assisted in the restoration of an Indian Burial Mound.

Indian River Sanctuary, Titusville, FL

Michael submitted and presented proposals to Florida Fish and Wildlife Conservation Commission for invasive exotic treatments and oversaw contractors to ensure proper treatment on 40 acres.

Enchanted Forest Sanctuary, Titusville, FL

Michael secured an Environmental Resource Permit (ERP); oversaw fence contractors, invasive exotic treatments, and mechanical vegetation reduction; and participated on prescribed fires totaling 50 acres while completing required FDEP 10-year management plan. He submitted and presented proposals to the Florida Fish and Wildlife Conservation Commission for invasive treatments totaling 30 acres.

North Buck Lake Scrub Sanctuary, Mims, FL

Michael performed plant and protected species surveys, conducted a gopher tortoise survey, and oversaw mechanical vegetation reduction, prescribed fire, contractor timbering, and Florida Forest Service fireline installation for this 169-acre project.

Brevard County Board of County Commissioners, Environmentally Endangered Lands Program, Brevard County, FL

Prior to joining VHB, Michael was North Region Assistant Land Manager for the Brevard County Board of County Commissioners, Environmentally Endangered Lands Program where he planned, directed, and implemented land management activities on nine conservation areas totaling 6,000 acres of land. He was responsible for ecological restoration, surveying and monitoring of listed species, collecting research and management data, fireline installation, implementing prescribed fire and invasive exotic control. He developed, wrote, and implemented site-specific land management plans

Michael Wielenga

and fire management plans for each managed area; wrote and reviewed technical specifications for contractors for ecological restoration, timbering, fireline installation, and fencing up to \$100,000; requested bids and awards projects to contractors while overseeing daily progress and signing off upon completion; identified and secured local and state permits; helped develop and manage a \$366,000 annual budget; assisted the North Region Land Manager with hiring, training, and managing a team of five employees with day-to-day operations; ensured proper maintenance of a \$1,000,000 Management and Education Center; and worked directly with the public and volunteers concerning land management, public access, recreation, and environmental education. He additionally served as a liaison with city, county, and state agencies; conducted archaeological reconnaissance surveys, locating and identifying probable sites followed by Phase I shovel testing and Phase II excavations; and served as Safety Coordinator for the North Region.

Marine Resources Council of East Florida, Inc., Palm Bay, FL

Prior to joining VHB, Michael served as North Atlantic Right Whale Assistant Program Coordinator. He coordinated over 800 volunteers from South Carolina to Florida; presented education seminars on the life history and identifying characteristics of the North Atlantic Right Whale; and maintained a database of volunteers and Right Whale sightings. Additionally, he was responsible for a toll-free 24-hour hotline for the Right Whale Volunteer Sighting Network; verified, photographed, and reported locations of right whales to the U.S. Navy and the New England Aquarium; and gathered scientific data regarding right whale occurrence, movement patterns, and behavioral characteristics.

Danielle Salmon

Scientist



Danielle is an environmental scientist who provides field assistance for all aspects of data collection and assists in data management and GIS support. Her field experience includes bird banding, gopher tortoise surveying and habitat mapping, and GIS analysis and mapping of wood stork habitat.

3 years of professional experience

Education

BS, Wildlife Ecology and Conservation, University of South Florida, 2013

Registrations/Certifications

Gopher Tortoise Authorized Agent, Florida Fish & Wildlife Commission FL

Affiliations/Memberships

Florida Association of Environmental Professionals, Tampa

The Wildlife Society, Florida

Celery Fields Regional Stormwater Facility Environmental Construction Oversight and Scientific Monitoring Services, Sarasota County, FL

Sarasota County selected VHB to provide construction inspection and long-term success monitoring services associated with the Celery Fields Regional Stormwater Facility. VHB also provides assistance with the identification and mapping of exotic species and management of water levels to best mimic the natural hydroperiod within the created wetlands. Danielle serves as a project scientist responsible for field sampling, plant inspections, and nuisance species mapping for this project.

Cross Bar Ranch Wellfield Environmental Monitoring and Assessment, Pasco County, FL

Danielle serves as a project scientist for field sampling and data management for this project for Tampa Bay Water. VHB was selected for a four-year contract to perform the environmental monitoring and assessments required by its water use permit. Services included wetland assessment procedure monitoring, augmented lake monitoring, ditch block monitoring, ecosite visits, routine ecosite maintenance, data analysis, semi-annual wetland health assessments, and annual report preparation.

Englewood Low Impact Development (LID) BMP Treatment Effectiveness, Sarasota County, FL

Danielle served as a project scientist for this water quality and flow characterization study of various LID best management practices (BMPs) in Englewood. She installed two station sites with continuous stage/velocity recorders, rain gauges, and automatic samplers. She coordinated the installation of two piezometers and a pressure transducer in a cistern. Groundwater and cistern water quality monitoring was conducted four times. Danielle was also responsible for station maintenance, equipment calibration, data downloads, and data management.

Natural System Restoration and Management, Riverview, FL

Danielle serves as Project Scientist for the management of 610 acres of restored and enhanced uplands and wetlands owned by Mosaic Fertilizer, LLC. She conducted ecological assessments and monitoring, oversight of invasive exotic species control activities and participated in coordinated review agency meetings and site tours. Her responsibilities included identification and mapping of exotic vegetation, and documentation and reporting of on-site vegetation communities and conditions.

25-Year Floodplain Monitoring, Hillsborough, Polk, and Manatee Counties, FL

For Mosaic Fertilizer, LLC, Danielle participates in the monthly inspection of preserved wetlands and 25-year floodplains adjacent to active mining and reclamation areas in Four Corners and Lonesome Mines, and quarterly inspections of these areas in



Danielle Salmon

Hopewell, Nichols, Kingsford, and Big Four Mines to ensure mining activities are not negatively impacting undisturbed areas. Tasks have included qualitative assessment of herbaceous, shrub, and canopy communities within wetland areas; inspection of the effectiveness of erosion control measures; and hydrologic assessments, including inspection of perimeter recharge ditch system.

Water Quality Monitoring of Coastal Creeks, Sarasota County, FL

Danielle serves as a project scientist responsible for field sampling for this project. Sarasota County selected VHB to continue their monthly water quality monitoring of coastal creeks sites and the bi-monthly monitoring of the South Venice project. A total of 59 sites are visited monthly to collect grab samples and take in situ water quality measurements. The 11 South Venice sites are sampled every other month.

Archie Creek Habitat Mitigation Monitoring, Riverview, FL

Danielle serves as a project scientist responsible for field sampling for this project. She provides qualitative monitoring and assists with annual report preparation.

SunRail Commuter Rail Transit Project, Central Florida

Danielle assisted with the scrub jay and gopher tortoise surveys for a 61-mile commuter rail system from Deland (Volusia County) to Poinciana (Osceola County).

Christen Callahan

GIS Specialist II



Christen is a GIS Analyst in the Technology Group. She is skilled in GIS with ArcMap, Arc Collector, and JavaScript Application as well as Microsoft Office and Adobe.

4 years of professional experience

Education

BS, Interdisciplinary Studies
with minor in Environmental
Studies, University of Central
Florida, 2014

AA, Arts, Santa Fe
Community College, 2011

Affiliations/Memberships

Central Florida GIS Users
Group, 2016

City of DeLand GIS Services Development for Public Infrastructure, DeLand, FL

Christen is the GIS Technician for the City of DeLand project. The City's as-built plans for utilities were scanned into PDFs. Christen is responsible for linking the PDF scans to appropriate street centerlines, georeferencing the as-built plans, and digitizing the network structures for potable water, reclaimed water, wastewater, and storm sewer systems. She is also responsible for entering structure attribute information in the database.

City of Winter Park Public Works, Stormwater, GIS Field Data Collector, Winter Park, FL

Christen served as a GIS Field Data Collector for the City of Winter Park. She operated a GIS receiver to review and update the stormwater collection system; prepared field drawings and diagrams showing existing structures; and documented, developed, and completed data and mapping projects. She focused on collecting stormwater structures in the field using GIS/GPS methodologies and compiling the information into a GIS in the office.

Urban Heat Island Research, Orlando, FL

Christen collected temperatures using data loggers in the rural and urban areas around the University of Central Florida (UCF) main campus. With this information, she conducted an analysis of the temperatures in Microsoft Excel to determine if UCF is a miniature urban heat island.

Prescribed Burns Research

Christen conducted research to conclude if prescribed burns have an impact on overall species density and composition.

Independent Study for Geographic Information Systems, Orlando, FL

Christen collected data for the University of Central Florida (UCF) to build basemap layers. She captured emergency beacon locations on UCF's main campus with ArcCollector. She created a UCF ArcGIS online community and uploaded layers for others to utilize.

University of Central Florida, GIS Teacher's Assistant, Orlando, FL

Christen aided the learning process of the GIS software in class and during office hours as a teacher's assistant. Additionally, she graded student maps and assignments and facilitated class when the professor was unavailable.

Ryan Tury, RLA

Landscape Architect



Ryan is a Landscape Architect in VHB's Orlando, Florida, office. In addition to his strong sense of design, he is skilled in hardscape detailing and landscape construction documents. Ryan is also talented in 3-D visualization and animations for site planning and landscape amenities.

11 years of professional experience

Education

BS, Landscape Architecture,
Michigan State University,
2007

Registrations/Certifications

Registered Landscape
Architect MI, 2017

Affiliations/Memberships

American Planning
Association, 2016

RWT, LLC., Macomb, MI

Prior to joining VHB, Ryan was the owner and landscape architect for another firm. He met with clients to develop a focus for landscape projects; presented landscape designs and proposals to clients; and managed and coordinated installation of sold designs.

Village Green, Farmington Hills, MI

Prior to joining VHB, Ryan was a landscape designer. He prepared construction documents, project proposals and graphic presentations; coordinated installation of new projects or maintenance of existing landscapes; and surveyed Village Green properties; generated solutions to onsite issues.

McEntee Engineering, Austin, TX

Prior to joining VHB, Ryan was a civil and landscape CAD designer at another firm where he prepared civil, landscape, and irrigation documents; generated solutions for sites with complex grading and drainage conditions; and created digital models with civil cad software

Land Design Partners, Austin, TX

Prior to joining VHB, Ryan was a Landscape Designer at another firm where he prepared landscape construction documents; designed planting plans, construction details and pools; and crafted hand rendered presentations.

Stephen Vazquez

Sr. Marketing Specialist



Education

AS, Graphic Design, Seminole
Community College, 1999

Stephen is a Graphic Designer with experience in 3D modeling, interactive simulation, innovative map composition, as well as web, print and presentation design and creation. Recent work includes graphical creation of themed printed collateral, branded public involvement support, and User Interface (UI) Design. He has experience in many graphics applications, including, but not limited to Adobe Photoshop CC, Adobe Illustrator CC, Adobe InDesign CC, Dreamweaver CC and 3ds Max.

18 years of professional experience

Festival Drive Streetscape and Multi-Use Trail Bridge, Altamonte Springs, FL

Stephen is serving as the Lead Graphic Designer on this project for which VHB is providing professional planning, engineering, and landscape architectural services to develop construction plans for improvements to Festival Drive from SR 436 to Central Parkway. The overall length of the project is approximately 2,700 linear feet and includes a 330-foot multi-use trail bridge adjacent to Festival Drive. The purpose of the project is to provide continuous pedestrian and bicycle access for this corridor.

Downtown Naples Mobility and Connectivity Study, Naples, FL

VHB is developing concept plans that promote economic development in Downtown Naples through transportation improvements that enhance mobility and safety for all modes of travel. Stephen is assisting with the development of the plan, scheduled to be completed in fall of 2017. The plan will provide short and long-term transportation improvement recommendations for Downtown Naples that support more walkable neighborhoods and streets that enable safe access for all users with a wide range of housing and job types.

Oak Ridge Road Pedestrian/Bicycle Corridor Safety Study, Orange County, FL

Stephen provided graphic design support for this project. This corridor has been identified as a roadway with a significant number of pedestrian and bicycle crashes. In addition, there are a variety of land uses along the corridor including multiple schools, residential, retail, religious and office land uses, as well as heavily used transit routes, which necessitate that the corridor be truly accessible by all travel modes. A major component of the study will be the conversion of the five-lane corridor to a divided roadway with a raised center median, and includes detailed data collection and analysis, public outreach, cost estimates, and recommended improvements to provide a safe integration of pedestrians/bicyclists with other modes of travel.

Parramore Comprehensive Neighborhood Plan, Orlando, FL

Stephen served as the Graphic Design Lead on this neighborhood visioning and planning project that was based on Healthy Community design principles. This HUD grant sponsored project evaluated market conditions and potential catalytic reinvestment sites, as well as mobility enhancements to connect to new bus rapid transit (BRT) and transit lines, including the new SunRail commuter rail service. Stephen assisted with the extensive public outreach efforts to engage the community and educate them about the benefits of a Healthy Community design.



Stephen Vazquez

Senior Graphic Designer

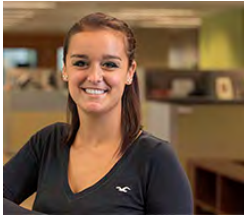
Stephen's responsibilities have included overseeing the Graphics Department; maintaining the highest level of aesthetic and functional distinction; conceptual and graphical creation of themed Request for Proposal/Qualifications (RFP/RFQ), formal bid opportunity requests in all forms of multimedia; visual presentation design and development; 3D modeling and innovative 2D map composition; all facets of corporate marketing collateral from conceptual branding to final production; website/web-database design. Related projects include: Florida Department of Transportation (FDOT) District 5 Work Program Public Hearing (Lead Designer); Orange Avenue Corridor Planning Study (3D Modeler / Lead Designer); I-10 Master Plan for the FDOT District Three (Lead Designer); Walt Disney World Western Beltway Development (Designer); Universal Studios Orlando Site E Access Study (Lead Designer); ILC Primer for the FDOT Central Office (Lead Designer); Starwood Development of Regional Impacts (DRI) Aerial Map Series (Lead Designer); Corridor Management Plan - Queensbury, NY (3D Modeler / Lead Designer); City of Orlando Downtown Orlando Circulation Study (Lead Designer); GIS Strategic Plan Guidebook for the FDOT District Five (Lead Designer); Sugarloaf Mountain DRI – Conceptual Roadway Network (Lead Designer); Coalescent Technologies Corporation, Orlando.

Application Knowledge

Stephen is highly experienced in the following software applications; Adobe Photoshop 4.0-Creative Cloud 3Ds Max R2.5- 3Ds Max 2009; Adobe InDesign 1.0- Creative Cloud; Adobe Illustrator 8.0- Creative Cloud; Adobe Acrobat 3-11; Oxygen 3D Modeling Application Version 1; Microsoft FrontPage 2003-2007; Corel Draw 8-12; Microsoft Word 97-2013; FileMaker Pro 8; Quark XPress 3.3-5. He is moderately experienced in the following software applications: Adobe Dreamweaver 4- Creative Cloud; Adobe Flash 4.0-Creative Cloud; Adobe Premiere 5.0; Sound Forge 4.5; Adobe Live Motion 1.0; Adobe Go Live 5.0; CorelXara 2.0; Microsoft Excel 97-2013; Microsoft Works 97; Paint Shop Pro 5.0; Bryce 3D Fractal Design Painter 5.0; Ray Dream Studio 5 Cross platform. He is experienced in the following: Windows 8, Windows 7, Vista, XP, 2000, NT, 98, 95, and Mac OS 8-10. He has knowledge in: HTML, JavaScript, and CSS.

Danielle Bertoncini

Marketing Specialist



Danielle is a Graphic Designer in VHB's Orlando office.

2 years of professional experience

Oak Ridge Road Bike/Ped Study, Orange County, FL

Danielle assisted with map creation, created presentation board layouts, public involvement displays, and traffic diagrams.

Education

Undergraduate Coursework,
University of Central Florida

FDOT District 5, TSM&O Guidebook Graphic Support, DeLand, FL

Danielle created timeline involvement graphics and goals and objectives graphics for FDOT D5 TSM&O guidebook.

FDOT District 5, Public Transportation, DeLand, FL

Danielle assisted with the creation of graphics for a presentation powerpoint and edited existing graphics.

Andrea Wood

Project Admin.



Andrea is the administrative manager in VHB's Orlando office.

13 years of professional experience

FDOT District 5, Public Agency Contracts Support, DeLand, FL

Andrea provides ongoing support for a variety of public sector contracts in support of VHB's operations with central Florida and beyond. For many years, Andrea has handled contract management support to include the review, coordination, and assembly of contract documentation and the internal interface associated with the development of audit packages for FDOT. She is also key support resource for a number of administrative project functions such as document assembly and transmittal, coordination of meeting setup and follow through, and facilitation of various elements of project reporting.

Registrations/Certifications

Notary Public



Brent Addison, P.E.
Senior Project Manager



Education

- Bachelor of Science,
Agricultural & Biological Engineering,
University of Florida

**Professional Registrations/
Affiliations**

- Professional Engineer, State of Florida
- National Society of Professional Engineers
- Florida Engineering Society - President



Mr. Addison has experience and training in land development design, permitting and construction and is a qualified Construction Inspector. He has fifteen (15) years of experience as a civil engineer responsible for the design of site infrastructure including utility services, site fire protection systems, transportation elements, drainage, storm water management and building layout; has successfully permitted projects ranging from single family homes to large commercial developments, working with all regulatory agencies; and has a great deal of experience in construction engineering conducting pre-construction meetings, coordinating between the owner and contractor, keeping inspection logs, providing plan clarifications, solving and avoiding potential problems, shop drawing reviews, processing payment applications, scheduling and witnessing testing, permit compliance, walk-thru inspections and punch-list preparation, final inspections, certifications and project close out. Mr. Addison is presently managing projects from a large commercial project at CR 951 and US 41 to Price Crossings in Sarasota County.

Relevant Projects

Airport Projects

- Immokalee Regional Airport ERP Compliance
- Immokalee Regional Airport ERP Phase 2
- Immokalee Regional Airport USDA Manufacturing Bldg.
- Marco Island Executive Airport Apron & Parking Expansion

Municipal Projects

- Golden Gate City Stormwater Improvements, Collier County
- White Blvd. Bridge Replacement, Collier County

Commercial Projects

- Culvers Hammock Cove, Collier County
- Culvers Airport Road, Collier County
- Treeline Distribution Center (23 ac Industrial), Lee County
- Shops at Village Walk (34 ac Commercial), Fort Myers
- Colonial Square (60 ac Commercial), Fort Myers
- Price Crossing (18 ac Commercial), North Port
- Center of Bonita Springs (31 ac Commercial), Bonita Springs
- Peachland Promenade Publix, Charlotte County
- Tamiami Crossing (25 ac Commercial), Collier County

Bikash Basnet, E.I *Engineer I*



Education

- Master Degree in Civil Engineering,
Lamar University, TX

Professional Registrations/ Affiliations

- EIT Certification



Bikash Basnet has a degree in Civil Engineering from the Lamar University and is an Engineering Intern in Florida. Abilities in commercial and residential site design and analysis, surface water management design, stormwater calculation, Roadway design, lighting design and analysis, ability to prepare report and necessary documents to obtain permits from agencies like counties, SFWMD and FDEP.

Mr. Basnet has skills in ICPR, StormCAD, HEC-RAS, WaterCAD, AutoCAD, AGI32, STAAD.PRO, Microsoft office package.

Relevant Projects

Private Projects

- Freestate Wawa
- Esperanza Shelter
- Naples Park drainage modeling
- Pelican Bay South Beach Facility
- St. Leo
- Arboretum

Aleksandr Bridwell

Survey Technician



Education

- Bachelors of Science in Geomatics Engineering, Florida Atlantic University



Aleksandr has over two (2) years of surveying experience along with a degree in *Geomatics Engineering* from Florida Atlantic University. Aleksandr has served as a Survey Crew Chief on a variety of projects ranging from individual residential lot surveys to large-scale right-of-way surveys for engineering design purposes. He is responsible for the accuracy and organization of field survey data along with the supervising of crew members.

Relevant Projects

Private Projects

- **Oyster Harbor at Fiddler's Creek Phases 1 & 2**, Collier County
Crew chief responsible for the surveying of single-family residences including construction stakeout and surveys for County permitting.
- **Amaranda at Fiddler's Creek**, Collier County
Crew chief responsible for setting permanent reference monuments associated with a 15-acre residential community.
- **Sabal Bay Tract I**, Collier County
Crew chief responsible for the surveying of a 34-acre future development parcel that included obtaining topography and locating utilities for engineering design.

County Projects

- **US 41 from 91st Ave. to 111th Ave**, Collier County
Crew chief responsible for recovering platted control and establishing the right-of-way of a 1.2 mile stretch of US 41 along with establishing vertical control for use in an engineering design survey.
- **96th Ave. N.**, Collier County
Crew chief responsible for recovering platted control and establishing the right-of-way of 96th Ave N. along with establishing vertical control for use in an engineering design survey.

Richard Caile *Survey Crew Chief*



Education

- High School Diploma,
Riverdale High School



Richard has over 13 years of surveying experience. Richard has served as a Survey Crew Chief on a variety of projects ranging from individual residential lot surveys to large-scale right-of-way surveys for engineering design purposes. He is responsible for the accuracy and organization of field survey data along with the supervising of crew members.

Relevant Projects

Private Projects

- **Oyster Harbor at Fiddler's Creek Phases 1-3**, Collier County
Crew chief responsible for the surveying layout and as-builts of utilities, storm, sanitary, roadway, and lakes for three (3) residential communities.
- **Bonita Lakes Phases 1-3**, Lee County
Crew chief responsible for the surveying layout and as-builts of utilities, storm, sanitary, roadway, and lakes for three (3) residential communities.
- **Raffia Preserve Phases 1-4**, Collier County
Crew chief responsible for the surveying layout and as-builts of utilities, storm, sanitary, roadway, and lakes for three (3) residential communities.

County Projects

- **Isles of Capri Water Main Replacement**, Collier County
Crew chief responsible for recovering platted control and establishing the right-of-way throughout Isles of Capri along with establishing vertical control for use in an engineering design survey. Obtained topography and improvements including utilities along with storm and sanitary inverts within the right-of-way of said roadways.
- **Marco Island Force Main Replacement**, Collier County
Crew chief responsible for recovering control and establishing the right-of-way of Collier Blvd. and Elkcarn Cir. from Main Sail Dr. to the Waste Water Treatment Plant along with establishing vertical control for use in an engineering design survey. Obtained topography and improvements including utilities within the right-of-way of said roadways.

Leonardo (Leo) Carty

Survey Technician



Education

- Thomas Jefferson High School,
Brooklyn, New York



Leonardo has over 28 years of surveying experience. Leo has served as a Survey Crew Chief and Survey Instrument Operator on a variety of projects ranging from individual residential lot surveys, residential high-rise projects, to large-scale right-of-way surveys for engineering design purposes. He is responsible the operation and upkeep of survey equipment.

Relevant Projects

Private Projects

- **Bonita Lakes**, Lee County
Instrument Operator responsible for the surveying of single-family residences including construction stakeout and surveys for County permitting.
- **Mystique at Water Park Place**, Collier County
Instrument Operator responsible for the layout and as built of pilings for a proposed high-rise residential building.
- **Sabal Bay Tract I**, Collier County
Instrument Operator responsible for the surveying of a 34-acre future development parcel that included obtaining topography and locating utilities for engineering design.

County Projects

- **US 41 from 91st Ave. to 111th Ave**, Collier County
Instrument Operator responsible for recovering platted control and establishing the right-of-way of a 1.2 mile stretch of US 41 along with establishing vertical control for use in an engineering design survey.
- **96th Ave. N.**, Collier County
Instrument Operator responsible for recovering platted control and establishing the right-of-way of 96th Ave N. along with establishing vertical control for use in an engineering design survey.
- **West Goodlette**, Collier County
Instrument Operator responsible for recovering platted control and establishing the right-of-way of 11 residential roadways encompassing four (4) linear miles along with establishing vertical control for use in an engineering design survey. Obtained topography and improvements including utilities along with storm and sanitary inverts within the right-of-way of said roadways.

Andrew R. Croak Senior CAD Designer



Education

- Pittsburgh Technical Institute, Pittsburgh, Pa
Associate Degree in Specialized Technology,
July 2000



As a Survey Manager, Mr. Croak has 18 years of experience with the different types of surveys from Boundary Surveys, ALTA/ACSM Land Title Surveys, final construction asbuilt surveys and the various requirements of each of them. Andrew is also very familiar with Florida's Minimum Technical Standards for survey drawings. Andrew is quite efficient with field crew scheduling and preparation, office calculations for construction stake-out and anticipating/solving the problems that are often encountered by the field crew.

Relevant Projects

Golf Course Renovation

Olde Hickory Golf and Country Club for Olde Hickory, Lee County.
Manager of design and construction Survey for the Golf Course Renovation, Maintenance Facility Expansion, and Clubhouse Expansion.

Government Projects

City of Fort Myers Downtown Utility and Streetscape Improvements,
Phase K1B for Kraft Construction, City of Fort Myers
Management of construction layout calculations and field fit operations. This project necessitated the need for constant oversight to field fit the proposed improvements to existing conditions. There was regular contact between the engineer, the contractor, and Mr. Croak to solve the numerous problems that arose during the construction process. Andrew also prepared the final as-built drawings depicting the locations and elevations of the newly installed utilities, roadway and various other hardscape features of the fifteen block long project.

Residential Projects

Colonial Lakes for Toll Brothers, City of Fort Myers
Management of design survey for multiple lot single family residential development, which included a new subdivision plat.



Commercial Projects

Shops at Village Walk for Benderson Development, City of Fort Myers
Management of construction and asbuilt survey for multiple acre shopping center including all layout calculations and field crew management for the layout of numerous buildings, utilities, parking and retention facilities. Responsibilities also included preparation of asbuilt surveys for submittal to City of Fort Myers, and South Florida Water Management District.

Jeremiah DeForge

Engineer II



Education

- Bachelor of Science,
Civil Engineering,
Florida Gulf Coast University

Professional Registrations/ Affiliations

- Engineer Intern, Florida



Jeremiah DeForge received his degree in Civil Engineering from Florida Gulf Coast University. Mr. DeForge has 3 years of experience in land development design, permitting, and construction inspection for land development in Lee and Collier Counties with emphasis in surface water management, system design and site design as well as roadway design, water and sanitary sewage design and site design through project management. He currently holds an Engineer Intern position with GradyMinor.

Mr. DeForge also has 8 years of experience in Land Surveying in addition to project management and field crew coordination for single and multi-family development projects. In conjunction with construction survey, Jeremiah has completed several projects involving boundary surveys, topographic surveys, ALTA/ACSM surveys, platting, condominium exhibits, bathymetric surveys, and easement preparation.

Relevant Projects

Private Projects

- Fiddler's Creek Linear Park (Collier)
- Lakeview Townhome Apartments (Lee)
- Audubon Country Club Unit 3 (Collier)
- University Village (Lee)
- Aqua at Pelican Isle (Collier)

County Projects

- Cocohatchee River Park – Parking Lot Restoration (Collier)

FDOT Projects (if applicable)

- Insert Project Name here
- Insert Project Name here
- Insert Project Name here

Alexander Dunko, E.I.
Engineer II



Education

- Bachelor of Science, Civil Engineering, Florida Atlantic University, Boca Raton, FL, 2014

**Professional Registrations/
Affiliations**

- Engineering Intern #1100018919, State of Florida
- Envision Sustainability Professional #11798

Alexander has over 4 years of experience working with multiple municipalities in South Florida and has been involved with various water, wastewater, and site development projects. Alexander has completed project cost estimates, site civil engineering including design of civil site plans, prepared project technical specifications, technical memoranda, wastewater pump station design, sanitary sewer design, and pressurized water and sewer force main design, and State and County permitting documentation. Alexander has also served as a Civil Engineering Site Inspector (CEI) for multiple projects including the construction of an Aquifer Storage and Recover (ASR) well and public utility water and sewer replacement projects.

Relevant Projects

Municipal Projects

- Maintenance & Reliability Backflow Preventer Assembly Design, Collier County, FL
- Evaluation of Potable Water Service to the Northeast Service Area, Collier County, FL
- MPS 302.00 Conceptual Site Expansion and Easement Coordination, Collier County, FL
- CEI Services for Immokalee Road/CR 951 24-inch & 16-inch Force mains, Collier County, FL
- Immokalee Road Chloramine Booster Station CEI, Collier County, FL
- Cove Stormwater Pump Station Outfall Improvements and Water Quality Project, City of Naples
- Naples Beach Restoration and Water Quality Improvements, City of Naples
- Warren Street Public Utility Improvements, Collier County, FL
- Wildflower Way Public Utility Improvements, Collier County, FL
- West Goodlette-Frank Road/Rosemary Heights & Gulf Acres Area Joint Stormwater-Sewer Improvements, Collier County, City of Naples, FL

Private Projects

- H&E Services New Location, Fort Myers, FL
- Ritz Carlton Naples Parking Lot Study, Naples, FL
- Town of Big Cypress Preliminary Opinion of Cost, Collier County, FL

Frank J. Feeney, P.E., LEED-AP BD+C
Senior Project Manager



Education

- Bachelor of Science,
Ocean Engineering,
U.S. Naval Academy

**Professional Registrations/
Affiliations**

- Professional Engineer (PE),
Florida
- LEED Accredited Professional,
(LEED-AP, BD+C)
- Florida Water Environment
Association
- US Green Building Council



Mr. Feeney is a Senior Project Manager with over 15 years engineering experience in the area and 19 years total experience. He is involved with the design of stormwater collection and management systems, sewer collection systems, fire and water distribution systems, roadway design, site design and grading, as well as permit and construction coordination with SFWMD, FDEP, Collier County, Lee County, the City of Marco Island and the City of Key West.

Mr. Feeney has served as Project Manager on a variety of Municipal Projects, and was responsible for project management of multiple Collier County Utility projects that included overseeing the engineering design, generation of plans, project permitting, bidding services, cost estimating, construction engineering inspection, project start-up and final project close-out. Additionally, Mr. Feeney acted as project manager/designer for numerous private development projects ranging from 20 acre commercial shopping centers to multi-section rock mines.

Relevant Projects

- Collier County NCWRF Aerated Sludge Holding and Equalization Tank: provided engineering services including bidding assistance, construction engineering inspection, and construction project management.
- Port of The Island Water Treatment Plant: provided engineering services including construction engineering inspection, construction project management, project start up, final project close-out, and site development plan design and permitting.
- Collier County NCWRF Filter Set #1 Rehabilitation: provided engineering services including bidding assistance, construction engineering inspection, construction project management, and final project close-out.
- Collier County IQ Source Integration Projects (Phase 1A, 1B, and 1C): provided engineering services including design and cost estimating, bidding assistance, construction administration services, and final project close-out.

Other Signature Projects:

- Collier County NCWRF Filter Set #2 Rehabilitation (Design Services)
- Collier County NCWRF RAS/WAS Pump Station #3 (Design and CEI Services)
- Collier County NCWRF Clarifier #6 and #7 Rehabilitation (CEI Services)
- Collier County NCWRF Automatic Effluent Strainer Replacement (Design and CEI Services)
- 93rd/94th Avenue North Water Main Replacement Project (Construction Administration Services)
- Bay Colony Fire Main Conversion Project (Design)
- Collier County NCWRF MLE Aeration Basin Channel Mixer Replacement Project (CEI Services)
- Collier County NCWRF Sludge Conveyor Modifications (CEI Services)
- Collier County IQ Water Sites Priority Group #2 (Design, Permitting, and CEI Services)

R. Daniel Flynn, P.E.

Project Engineer II

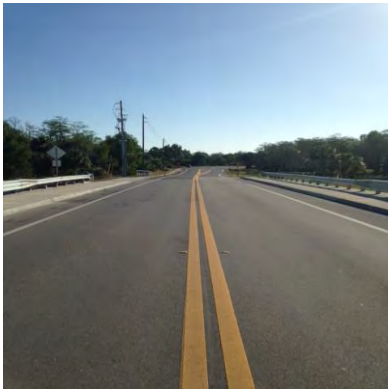


Education

- Bachelor of Science,
Civil Engineering,
University of Central Florida

Professional Registrations/ Affiliations

- Professional Engineer (PE),
Florida
- FDOT Advanced MOT Certified
- FDOT Intermediate MOT
Certified
- Treasurer, APWA Southwest
Florida Branch



Mr. Flynn offers 12 years of experience working with multiple cities, multiple counties and the Florida Department of Transportation (FDOT) to produce roadway construction plans. Mr. Flynn has acquired the knowledge base for producing construction plans for multiple municipalities. He is also competent in preparing design calculations and design reports. These include pavement design, typical section packages, horizontal and vertical geometry, superelevation layout, guardrail calculations and intersection design.

Relevant Projects

Municipal Projects

- SR 100, from Bulldog Drive to Roberts Road, Flagler County
(The addition of a pedestrian pathway on the north side of SR 100)
- 28th Ave Bridge over Miller Canal, Collier County
- SR 500 from Eastern Ave. to C.R. 532, Osceola County
(Resurfacing of SR 500)
- Osceola Parkway from Buenaventura Boulevard to Boggy
Creek Road, Osceola County (Widening)
- Golden Gate Estates Hammerheads – Group 9, Collier County
- City of Bonita Sidewalks, City of Bonita Springs
- 3rd Avenue South Improvement Project, City of Naples

FDOT Projects

- SR 228 from East of SR 200 to Bicentennial Drive, FDOT
District 2 (Concrete rehabilitation and keyhole widening)
- Starke Bypass segment 2, FDOT District 2 (new alignment
roadway)
- SR 16 from Toms Road to Kenton Morrison Road, FDOT
District 2 (The addition of sidewalk on the north and south
side of roadway)
- SR 16 from Green Acres Road to SR 5, FDOT District 2
(Widening for keyhole slots and pavement rehabilitation)

Private Projects

- Pelican Landing Pavement Restoration (Pavement restoration
for 13 miles of roadway within the community of Pelican
Landing)
- Barefoot Williams Road Widening (The design for roadway
widening and the addition of a shared use path)

Justin A. Frederiksen, P.E.
Senior Project Manager



Education

- Bachelor of Science,
Civil Engineering,
University of Florida

**Professional Registrations/
Affiliations**

- Professional Engineer (PE),
State of Florida



Mr. Frederiksen is a Senior Project Manager with 15 years of engineering and development experience in the State of Florida. His engineering experience includes design analysis, permit and construction management; technical report writing, plans development, and utility management within Southwest Florida. He has worked with Collier County, Lee County, Charlotte County, Desoto County, City of Naples, City of Cape Coral, City of Bonita Springs, City of Fort Myers, City of Punta Gorda, City of Sanibel, FDEP, and SFWMD on various projects.

Mr. Frederiksen has served as Project Manager on various Municipal Projects which required services including the preparation of master planning documents, preparation of engineering designs, plans and specifications, project permitting, bidding assistance and selection of contractors, administration and observation of construction contracts, project start-up, and general construction coordination. In his previous capacity as the Deputy Director for the City of Naples, Mr. Frederiksen performed rate studies, annual reports of Utility operations, grant/loan program administration, and assisted in developing and administering the City of Naples Utility Standards, Utility Department annual budgets, and standard utility policies.

Relevant Projects

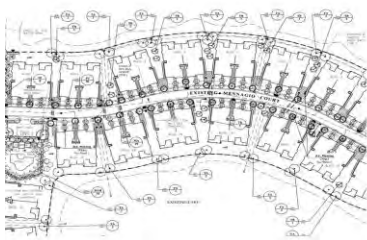
- City of Naples Reclaimed Water System Expansion (Project Management)
- City of Naples Aquifer Storage and Recovery Well System (Project Management)
- City of Naples Golden Gate Canal Supplemental Water Supply (Project Management)
- City of Naples Raw Water Main Replacement/Replacement (Project Management)
- City of Naples Royal Harbor Fire Flow Improvements (Project Management)
- City of Naples WTP Vacuum Press Replacement (Project Management)
- City of Naples Wastewater Pump Station Improvements (Project Management)
- City of Naples Reclaimed Water Pump Station Improvements (Project Management)
- City of Naples WWTP Aeration Monitoring Improvements (Project Management)
- Charlotte County Wastewater Infrastructure Expansion (Design, Permitting, Construction Management)
- City of Bonita Springs Misc. Improvements to Stormwater System, Roadways, and canals (Design, Construction, and Project Management)
- City of Cape Coral – Multiple Water and Wastewater System Improvements (Design, Permitting, Construction Management)
- City of Fort Myers Wastewater Force Main Transfer (Design, Hydraulic Modeling, Permitting and Construction Management)
- City of Punta Gorda Modification & Refurbishment of Reclaimed Water Holding Ponds (Design, Permitting and Construction Management)
- City of Sanibel Reclaimed Water Storage Tank Rehabilitation (Inspection and Feasibility Report)
- Collier County Upgrades to 3 Lift Stations (Design, Permitting, Construction Management)
- Collier County Addition of Emergency Power Generators to 14 Lift Stations (Design, Permitting, Construction Management)
- Desoto County Water & Wastewater System Improvements, Grant Funded (Design, Permitting, Construction Management)
- Desoto County Improvements to WWTP Influent Screen Piping (Design, Hydraulic Modeling, Permitting and Construction Management)

Kevin J. Georgeson Senior CAD Designer



Education

- Courses in continuing education for Minimum Technical Standards Chapter 61G17, Edison Community College, Fort Myers, Florida



Mr. Georgeson has over 22 years of surveying experience in Southwest Florida and over 10 years as a survey project manager responsible for the completion of hundreds of surveys from individual lot surveys thru hundred acre boundary and topographic surveys, road cross-section surveys, lake and drainage as-built surveys, ALTA-ACSM Land Title Surveys, Submerged Land Lease surveys and Construction surveys. He is also responsible for the hiring of survey field crew personal and the oversight of boundary calculations and final work product of his team.

Relevant Projects

Residential Projects

- **Fiddler's Creek** – Providing surveying services for several residential development sites within Fiddler's Creek totaling over 1,100 acres including preparation of boundary surveys and platting large parcels of land, calculations for all phases of construction, as-built of existing roads, road side swales, berms, future home pad sites and bathymetric surveys.
- **Gulf Bay Construction** – Survey manager providing layout calculations and coordination of field crews for various construction layout projects including an airport hanger at the Naples Municipal Airport which required the preparation of lease area boundaries and final As-Built Surveys as well.

Commercial Projects

- **Home Depot Center (Bonita Beach Road)** - Duties included preparation of the Boundary and Topographic Survey of approximately 37 acres including road cross-sections and tree locations, coordination and management of field crews and office technicians for the preparation of a plat as well as construction layout of all phases of construction and also preparation of the final as-built survey per ALTA-ACSM requirements.

Government Projects

- **Collier County Airport Authority** – A Boundary and Topographic Survey of the 70 acre Marco Island Executive Airport was prepared showing all improvements including runways, hangers, utilities and Jurisdictional Vegetation lines for the design of the taxiway expansion.



Sally Goldman, P.E. Engineer II

Education

- Bachelor of Science, Civil and Environmental Engineering, Florida Gulf Coast University
- Bachelor of Science, Agricultural Operations Management, University of Florida

Professional Registrations/ Affiliations

- Engineer Intern, State of Florida
- Florida Engineering Society
- 2015-2016 Calusa Chapter Young Engineer of the Year



A Southwest Florida native, Ms. Goldman is a Project Engineer with 3 years of engineering and development experience in the State of Florida. Her engineering experience includes design analysis, permit and construction management; technical report writing, plans development, geotechnical design, environmental studies, and utility management within Southwest Florida. She has worked with Collier County, Lee County, Charlotte County, City of Naples, Bonita Springs Utilities, various private sector clients, and the FDEP on various projects.

Ms. Goldman has served as Project Manager on various Private and Municipal Projects which required services including the preparation of engineering designs, plans and specifications, project permitting, bidding assistance and selection of contractors, administration and observation of construction contracts, project start-up, and general construction coordination.

Relevant Projects

- City of Naples Wastewater Pump Station 7 Relocation (Design, Permitting, Project Management)
- City of Naples Orchid Run Water Main Extension (Design, Permitting, Project Management)
- Bonita Springs Utilities El Dorado Acres Water Main Extension (Design, Construction, and Project Management)
- Bonita Springs Utilities Estero Lockup Gravity Sewer Extension (Design, Permitting, Project Management)
- Collier County Utilities Vanderbilt Road Water Main Replacement (Inspections and Project Management)
- Collier County Utilities Master Pump Station 302 Diesel Bypass (Design and Project Management)
- Collier County Goodland Drive Water Main Replacement Project (Design, ACOE and FDEP Permitting, Project Management)
- Collier County Pump Station 101.20 Refurbishment (Design, Community Coordination, Project Management)
- Collier County Pelican March Elementary School Water Main Extension (Design, Construction, and Project Management)
- Collier County Utilities Barron Collier High School Water System Improvements (Design, Permitting, Project Management)
- Collier County Irrigation Reuse Meter Relocation Project
- Collier County Public Utility Renewal for Stormwater, Potable Water, Gravity Sewer and Force Main in Naples Park (Design, Permitting, Construction Management)
- Collier County Davis Boulevard and County Barn Road Water Main Replacement (Utility Coordination, Project Management)
- Bayshore CRA Karen Drive Stormwater Improvements (Design, Permitting, Project Management)
- Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve Industrial Wastewater Permitting and Exemption
- Arby's Port Charlotte (Design and Permitting)
- Summerlin Crossings Drycleaning Solvent Cleanup Program (Design, Testing, Site Management, FDEP Coordination)
- Several private geotechnical investigations and deep foundation monitoring in Lee, Charlotte, and Collier County.

***Rachel Jackson, E.I.
Engineer II***



Education

- Bachelor of Science, Civil Engineering, University of Florida
- Master of Engineering, Civil Engineering, University of Florida

**Professional Registrations/
Affiliations**

- Engineering Intern, State of Florida
- FDEP Qualified Stormwater Management Inspector
- Attendee, Streamline Technologies ICPRv4 Hands-On Training Workshop
- Member, Theta Tau Professional Engineering Fraternity



Ms. Jackson offers over 3 years' experience in private land development design, permitting, and construction services throughout Southwest Florida. She has a broad knowledge of the development process through the design of construction plans, modeling stormwater and utilities; developing design reports, performing inspections, and project close out. She also utilizes her previous 3 years' experience as a lead operator for Logging While Drilling in the Oil and Gas Industry for reference in working on fast-paced projects and troubleshooting.

Representative Projects

Private Projects

- **Sky Walk Shopping Center, Lee County**
Shopping center on a vacant 10.40 acre site which included a Publix grocery and two retail buildings
- **Culver's of Bonita Springs, City of Bonita Springs**
A restaurant with drive through on a 1.19 acre Outparcel
- **Crown Linen, City of Fort Myers**
Hospitality Laundry Facility on a vacant 4.25 acre parcel
- **Arland Car Wash, Lee County**
Automatic car wash with self-service vacuum stations on a 1.60 acre Outparcel
- **St. Matthew's House Thrift Store, Collier County**
Demolition of existing thrift store and development of site infrastructure to support new thrift store on 0.60 acres
- **Bonita Exchange, City of Bonita Springs**
Development of roadway, utility, and stormwater infrastructure to serve three commercial outparcels and a future multi-family development on a 25.80 acre site
- **The Crest at Naples, Collier County**
Multi-family project with 200 units on a vacant 27.4 acre parcel
- **Diamond Oaks Village, City of Bonita Springs**
Multi-Family, age restricted development with 160 units on a 7.03 acre parcel

FDOT Driveway and Drainage Connection Projects

- Diamond Oaks Village, Drainage Connection Permit and Driveway Permit
- St. Matthew's House Thrift Store, Drainage Exception and Driveway Permit
- The Crest at Naples, Drainage Exception and Driveway Permit

Nick Kalich

Survey Technician



Education

- General Equivalency Diploma



Nick has over 3 years of surveying experience. Nick has served as a Survey Instrument Operator on a variety of projects ranging from individual residential lot surveys to residential high rise projects. He is responsible for the operation and upkeep of survey equipment.

Relevant Projects

Private Projects

- **Artesia Naples**, Collier County
Instrument Operator responsible for the surveying of single-family residences including construction stakeout and surveys for County permitting.
- **Mystique at Water Park Place**, Collier County
Instrument Operator responsible for the layout and as-built of pilings for a proposed high-rise residential building.

County Projects

- **110th Ave**, Collier County
Instrument Operator responsible for the layout and as-built of water, sewer, force main, and storm utilities within the right-of-way of 110th Ave.
- **107th Ave**, Collier County
Instrument Operator responsible for the layout and as-built of water, sewer, force main, and storm utilities within the right-of-way of 110th Ave.

Kathy Mace
Senior CAD Designer



Education

- Associates of Applied Science, Computer and Drafting Design, ITT Technical Institute
- Bachelor of Science, School of Management, Purdue University

**Professional Registrations/
Affiliations**

- Member of AutoCADD Users Group International

As Senior Engineering Technician of ten (10) years at GradyMinor, Ms. Mace's responsibilities include: using Autodesk Civil 3D and Land Desktop designing site plans, grading, paving and drainage plans, utility plans, erosion control plans for land development projects in the City of Fort Myers, Lee and Charlotte counties, involving surface water management systems, roadways, water and sanitary sewage and site design. Another responsibility includes the use of ESRI ArcView for Utility GIS submittals

Relevant Projects

Golf Course Renovation

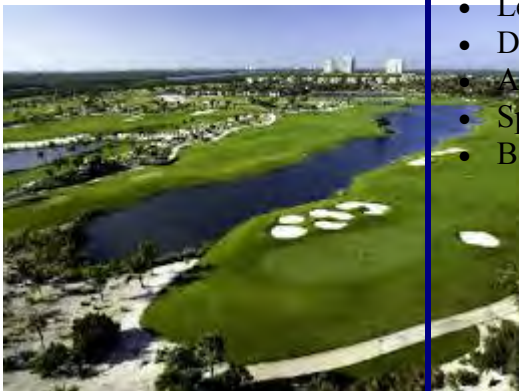
- Olde Hickory Golf and Country Club, Lee County

Residential Projects

- Colonial Lakes, City of Fort Myers
- Ravenna at The Colony Golf and Bay Club, Lee County
- Trieste Preserve, Lee County
- Dean Street RPD aka The Preserve at Oak Creek, Bonita Springs
- Dean Street RPD aka Oak Creek Village, Bonita Springs
- Bonita Beachwalk Condominiums, Bonita Springs

Commercial Projects

- Challenger Boulevard Extension, City of Fort Myers
- Shops of Village Walk, City of Fort Myers,
- Lehigh Commercial Center, Lee County
- Dean Street MPD aka Oak Creek Village, Lee County
- Alico Commons, Lee County
- Spring Creek Square, Lee County
- Bernwood Town Center, Lee County



Michelle Meunier
Construction Administrator



Education

- Bachelor of Art,
Art Education,
Florida State University
- Administrative Office Specialist,
Tallahassee Community College

**Professional Registrations/
Affiliations**

- Florida Notary Public



Ms. Meunier has over 8 years of experience in the administrative field and is a Project Coordinator in Southwest Florida. She works closely with the project managers in preparing comprehensive action plans, including resources and timeframes for projects. Michelle performs various coordinating tasks, like schedule management and assisting in budget preparation, as well as administrative duties- maintaining project documentation, plans and reports, act as point of contact and communicate project status to all participants and ensure standards and requirements are met throughout the project.

Michelle also has experience in Microsoft Office Suite, MS Project, GIMP, and Photoshop.

Relevant Projects

- **110th Avenue North-Naples Park Infrastructure Improvements,**
Collier County
- **West Goodlette-Frank Joint Stormwater-Sewer Project,**
Collier County
- **8th Street Corridor Design,** City of Naples
- **Landscape Master Plan-Collier Boulevard/Golden Gate Boulevard
to Immokalee Road,** Collier County

William “Ralph” Mowls

Survey Crew Chief



Education

- Edison Community College, Fort Myers, FL, 55 Hours of General Education Courses
- North Fort Myers High School, North Fort Myers, FL, High School Diploma

Mr. Mowls has over 30 years of Survey Field Experience. As a Survey Crew Chief Mr. Mowls has completed numerous boundary and topographic surveys for individual lots thru thousand-acre sites, lake and utility asbuilt surveys, FEMA surveys and construction surveys. He is responsible for the accuracy and documentation of the surveys and supervising of crew members.

Relevant Projects

Residential Projects

Tuscany Reserve for WCI Communities, Collier County
Survey Crew Chief responsible for boundary, topographic surveys, construction layout of roads, utilities, and lakes; asbuilt surveys of same for turnover to Collier County.

Fountains for Southstar Development, Lee County
Survey Crew Chief for boundary and topographic survey of 2800 acre planned residential development.

Belle Lago and The Reserve At Estero for Toll Brothers, Lee County
Survey Crew Chief for boundary and topographic surveys and construction layout of roads, utilities and lakes for both single-family residential communities.

Commercial Projects

Orion Center for D’Jamoos Group, Lee County
Survey Crew Chief for multi unit/building professional center. Responsible for layout of buildings, parking, utilities and retention areas, coordination with site contractors, record keeping and asbuilt survey of completed development.

Government Projects

Winkler Avenue Watermain Upgrade for Lee County Utilities
Survey Crew Chief for right of way corridor survey for locations and topographic data along 2 mile segment of Winkler Avenue from McGregor Boulevard to Cypress Lake Drive.

Veterans Memorial Boulevard for WCI Communities, Collier County
Survey Crew Chief for construction layout of Veterans Memorial Boulevard including stakeout for clearing, utility layout, paving and curbing layout; asbuilt survey of all improvements for turnover to Collier County.

Eric M. Neil
Senior CAD Designer



Education

- Associate Degree
Engineering Technology,
Washington Institute of
Technology
- California University of
Pennsylvania



Mr. Neil has 15 years of experience creating design, permit and construction sets for water and wastewater utility projects, stormwater and drainage projects, residential and golf course community projects, as well as commercial developments. These land development projects have included design and permitting of sanitary sewer systems, water distribution systems, and electrical layouts. Mr. Neil has also provided inspection services for private developers and local government departments on various projects. Mr. Neil is experienced in Autodesk Land Desktop Versions 2 through Civil 3D 2011 and various versions of Eagle Point software

Relevant Projects

Residential Projects

- Fiddlers Creek
- Quail West (Phases I and II)
- Arrowhead
- Naples Golf Club South

Commercial Projects

- Wal-Mart Super Centers
- Naples Motorsports
- Dairy Queen Restaurants
- Various shopping centers

Government Projects

- Isles of Capri Watermain-Phase 1 & II
- Trail Boulevard Watermain
- Old 41 Drainage Improvements
- Palm River Estates Drainage Improvement - Units 4 & 5
- Bayshore Thomasson Stormwater Master Plan
- East Naples Community Park – Soccer Field
- Margood Harbour Park
- Everglades Airport Hanger
- Vanderbilt Drive Pedestrian Bridges
- Gateway Drainage Improvements
- Riverwood Watermain Replacement Project
- Collier County Wastewater Pump Station Rehabilitation

Dodi Raudenbush *Senior CAD Designer*



Education

- Associate of Science,
Drafting Technology,
Santa Fe College



Ms. Radenbush serving as our CAD coordinator, has over 32 years of experience in project design, in both public and private sectors – personnel management, design, graphic design and construction drawing preparation. Her experience ranges from residential and commercial projects to roadway design and environmental projects.

Ms. Radenbush has comprehensive skills in AutoCAD Civil 3D for utility and site design, road design, water and wastewater treatment plants, as well as Geographic Information Systems (GIS), Land Development Desktop, AutoTurn, ESRI GIS, Microstation, Microsoft Office Suite and CorelDraw giving her the ability to produce high quality master conceptual plans, environmental exhibits, proposal and presentation graphics.

Relevant Projects

Private Projects

- Raffia Preserve
- Sereno Grove
- Vincentian Village
- Natura at Bonita Fairways

County Projects

- Bluebill Ave. Beach Access and Restroom Facility
- Gordon River Greenway Park
- Mackle Park Community Center
- Naples Zoo

FDOT Projects

- Vanderbilt Beach Road

Heracio Rivera

Survey Crew Chief



Education

- High School Diploma from Lehigh Senior High School



Heracio has over eight (8) years of survey experience on a variety of projects ranging from individual residential lot surveys to large-scale right-of-way surveys for engineering design purposes. He is responsible for the accuracy and organization of field survey data along with the supervising of crew members.

Relevant Projects

County Projects

- **West Goodlette, Collier County**
Crew chief responsible for recovering platted control and establishing the right-of-way of 11 residential roadways encompassing four (4) linear miles along with establishing vertical control for use in an engineering design survey. Obtained topography and improvements including utilities along with storm and sanitary inverts within the right-of-way of said roadways.
- **8th St. from 5th Ave. S. to 7th Ave. N., Collier County**
Crew chief responsible for recovering platted control and establishing the right-of-way of 8th St. along with establishing vertical control for use in an engineering design survey. Obtained topography and improvements including utilities along with storm and sanitary inverts within the right-of-way of said roadways.
- **US 41 from 91st Ave. to 111th Ave, Collier County**
Crew chief responsible for an engineering design survey of a 1.2-mile stretch of US 41. Obtained topography and improvements including utilities along with storm and sanitary inverts within the right-of-way of said roadway.
- **96th Ave. N., Collier County**
Crew chief responsible for an engineering design survey of 96th Ave N. Obtained topography and improvements including utilities along with storm and sanitary inverts within the right-of-way of said roadway.

Donald L. Saintenoy III, PSM

Senior Land Surveyor



Education

- Bachelor of Science, Geomatics
College of Engineering at the University of Florida
Gainesville, FL.

P.S.M. #6761

Professional Registrations/ Affiliations

- Member of the Lee/Collier FSMS Chapter
- Professional Surveyor and Mapper, Florida



Mr. Saintenoy has a degree in surveying from the University of Florida and is a licensed Professional Surveyor and Mapper in Florida. In addition he has over twelve (13) years of survey experience with the past seven (7) years as Director of Surveying at GradyMinor. His expertise runs across the discipline and includes directing survey field crews on data collection for design surveys, boundary and construction surveys. He manages survey technicians in the reduction of raw data, boundary calculations and production of survey drawings, point identification maps, right-of-way maps and record drawings. Donald performs services for the Public and Private sectors. Public sector projects have been completed for Collier County Public Utilities, Transportation, the Airport Authority, Stormwater, EMS, Parks & Recreation and Coastal Zone Management.

Recent work performed for our Public Sector Clients have included the creation of legal sketches and descriptions, boundary surveys, existing condition surveys, and construction as-builts surveys.

Example Project List

PUBLIC SECTOR:

- **93th & 94th Avenue** – Existing condition survey for 2 miles of water main replacement.
- **Barron Collier High School** – Existing conditions survey and legal sketch and description creation for water system improvements.
- **Pelican March Elementary School** - Existing conditions survey, SFWMD canal cross sections, and legal sketch and description creation for water system improvements.
- **23rd Street/Golden Gate Canal** - Bridge Design Survey
- **White Boulevard, 23rd Street and 28th Avenue** – Legal Descriptions and sketches for right-of-way and easements.
- **Golden Gate Estates** – Drainage Structure Mapping
- **Bayshore/Davis Blvd.** – Design survey for stormwater improvements
- **Naples Park** – Water main upgrade design survey
- **Immokalee Regional Airport** – Boundary survey
- **Naples Zoo** – Goodlette Road improvements design survey

PRIVATE SECTOR:

- **Fiddler's Creek** – Plats, design surveys, boundary surveys, construction stake-out, record surveys
- **Pelican Bay** – High-rise parcel surveys, construction stake-out, condominium exhibits
- **Marbella Lakes** – Livingston Road improvements design survey
- **Manchester Square** - Livingston Road improvements design survey

Dawn Suzor
Senior CAD Designer



Education

AD in Civil Engineering
 Technology with major in
 CAD Architectural
 Construction, Owens
 Technical College

National Honor Society
 for Engineering
 Technologies.

Ms. Suzor has over 23 years of experience as a Civil Engineering Drafting Designer and Geographic Information Systems (GIS) technician. She has provided design drafting in Environmental Engineering Department including: utility site layout for underground piping, electrical conduits, above ground mechanical pump connections, road design, placement of utility buildings and creation of construction plans for various departments in Lee, Collier, and Sarasota Counties including Collier County North and South County Water Reclamation Facilities (NCWRF & SCWRF), Collier County Waste Water Department, Collier County IQ Water Department, Port of the Islands Community Improvement District Water and Sewer Treatment plants, and Gasparilla Island Water Association Water and Sewer plants.

Ms. Suzor is experienced with the following software: AutoCAD Land Development Desktop, AutoCAD Civil 3D, ESRI GIS, Autoturn, Microsoft Office Suite (Word, Excel, PowerPoint, and Outlook).

Relevant Projects

Public Facilities, Roadway and Utilities

- Collier County Wastewater Basins project
- Isle of Capri Force Main
- NCWRF Aerated Sludge/EQ Tank project
- NCWRF and SCWRF Clarifier Refurbishment Plans
- NCWRF RAS/WAS Pump Station 2, 3, and 4 Refurbishment Plans
- SCWRF Irrigation Booster Pump Station Upgrades,
- Port of the Islands RO Water Treatment Plant
- NCWRF Filter set 1 and 2 Construction Plans,
- ENFD Fire Station number 26
- I-75 Canal IQWM R/W Permit
- Vanderbilt Dr. Subaqueous Force Main

Commercial

- Naples Bay Marina & Resort
- Bank of Florida
- Tamiami Crossing Commercial Development
- Pelican's Nest Golf Course Reclaimed Water Main
- Toledo Landing in North Port Commercial Development

Subdivision and Residential Projects

- Summer Lakes I & II
- Quail West Subdivision plans in both Lee and Collier County
- Amberton Subdivision
- Palazzo Village
- Naples Motorcoach Resort



Winston L. Stewart , PE

Title: **Substitute Project Manager/Chief Geotechnical Engineer – MC Squared, Inc.**

Education:	M. S CE	University of Queensland	Australia 1980
	B.S. CE	University of the West Indies	Jamaica 1976

Registration: Professional Engineer State of Florida (No. 81643),
 State of New Jersey (No. 24GE0325508), State of New York (No. 065140),
 State of Connecticut (No. 31183), State of Georgia (No. 030504),
 State of Ohio (No. 75836)
 Engineer of Record: (GA DNR Rules for Dam Safety)

Summary:

Mr. Stewart has over 37 years of experience in the areas of civil/geotechnical/environmental engineering and currently serves as Chief Geotechnical Engineer for MC Squared, Inc. His previous responsibilities have included Design, Project Management, Construction Management (Resident Engineer) and Contract Administration on a variety of projects across the US.

He has applied his extensive geotechnical engineering knowledge to projects such as site selection, earth & rock-fill dam design and construction; design of shallow and deep foundation systems for single and multi-level buildings; earth and rock slope stability analyses; foundation rehabilitation and stabilization using several grouting techniques. He has worked on many municipal projects including roads and bridges, water and wastewater facilities including pipelines, pump stations and treatment plants as well as vertical structures.

The following are some examples of projects he has worked on in his career. Typical services he provided on these projects included Final Review of Report and Recommendations made:

- Tarpon Woods Pedestrian Bridge, Pinellas County, FL
- 2nd Street Bridge Replacement, Hillsborough County, FL
- Sickles High School Additions, Hillsborough County, FL
- Rowan Road Pump Station Evaluation, Pasco County, FL
- Southwest Water Reclamation Facility Capacity Upgrades, City of St. Petersburg, FL
- River Oaks Diversion Forcemain Improvements, Hillsborough County, FL
- Melrose Elementary School, Pinellas County, FL
- Orange Grove Elementary School, Pinellas County, FL
- Hermine Creek Drainage Improvements, Pinellas County, FL
- CSX Intermodal Terminal Improvements, Pasco County, FL
- SR 360 (from SR 176 to SR 120), Cobb & Paulding Co., GA.
- I-75 Widening and Ramp Improvements, Turner & Crisp Counties, GA
- SR-133 Widening, Colquitt County, GA
- Improvement to Town Lake Parkway, Cherokee Co., GA
- Improvement to Sixes Road, Cherokee Co., GA
- I-575 & SR-20 Burlington County Landfill
- Bayonne & Kearny Landfills, New Jersey
- Ocean County Landfill, New Jersey
- Putnam Ash Residue Landfill, Connecticut



Joe Di Stefano, PE

Title: **Geotechnical Project Manager** – MC Squared, Inc.

Education: B.S.E. University of South Florida Tampa, Florida 1978

Registration: Professional Engineer Florida (No.31939), Georgia (No. 040273)
ASTM Phase I and Phase II Course for Commercial Real Estate

Summary:

Joe Di Stefano has over 39 years of progressive experience in the fields of transportation engineering, geotechnical and civil engineering and construction material testing and inspection. His experience has primarily been both in the public and private sector on a variety of infrastructure projects including urban and rural roadways, municipal roadways and interstates with complex interchanges, water and wastewater facilities including treatment plants and pipelines and vertical structures.

Mr. Di Stefano serves in the role of Geotechnical Project Manager and has managed numerous projects in the central Florida area including many for the following municipalities:

- **Pinellas County Geotechnical and Environmental Services** – Contract includes on-call services to provide geotechnical engineering services to support various projects in Pinellas County. Projects typically have included roadways, bridges and drainage related as well as pipelines.
- **Hillsborough County On-Call Geotechnical and Materials Testing Services** – Contract includes on-call geotechnical engineering and materials testing of soils, concrete, asphalt, etc. as required to supplement Hillsborough County staff on various municipal projects.
- **Hernando County On-Call Geotechnical and Materials Testing Services** – Contract includes on-call geotechnical engineering and materials testing of soils, concrete, asphalt, etc. as required to supplement Hernando County staff on various municipal projects.
- **Pasco County On-Call Geotechnical and Materials Testing Services** – Contract includes on-call geotechnical engineering and materials testing of soils, concrete, asphalt, etc. as required to supplement Pasco County staff on various municipal projects.
- **City of Tampa On-Call Geotechnical Engineering Services to Support Transportation and Stormwater Related Projects** – Contract includes on-call geotechnical engineering services as required to supplement City of Tampa staff or consultants on various transportation and stormwater related projects.
- **Pinellas County Schools On-Call Geotechnical Engineering Services** - Contract includes on-call services to provide geotechnical engineering services to support various school projects in Pinellas County.



Jodonna Jimenez, PE

Title: Senior Geotechnical Engineer – MC Squared, Inc.

Education: B.S.E. University of Florida Gainesville, Florida 1987

Registration: Professional Engineer State of Florida (No. 47701), Georgia (No. 031327)
Maryland (No. 20727), Virginia (No. 0402025487)

Summary:

Ms. Jodonna Jimenez is a Senior Geotechnical Engineer with **MC Squared** and has 27 years of consulting experience in geotechnical engineering and construction inspection. She has worked on numerous projects mainly in the States of Florida, Georgia, Virginia, and Maryland. Ms. Jimenez' experience is in subsurface explorations, laboratory studies, soil mechanics, foundation engineering, slope and embankment stability analyses, pile dynamics, road and pavement design and evaluation, deep foundations evaluation, ground/land subsidence studies and environmental site assessments. She has provided evaluations and recommendations relative to design and construction of numerous city, county and state highway and bridge structure projects, water treatment plants, parking garages, educational and church facilities, land development, sinkhole evaluations and a wide variety of single and multi-story structures.

The following are examples of relevant local Hillsborough County and area projects in which she has served in the role of Senior Geotechnical Engineer. Services typically provided include report writing and review as well as peer reviews of work performed by others.

- **Waterset Tank and Pump Station, Hillsborough County, Florida-** The project consisted of improvements that included the design of a new 5 MG reclaimed water storage tank and high service pump station. Performed Geophysical Investigations in advance of SPT borings to assist with evaluating subsurface conditions.
- **Brushy Creek Pump Station Rehabilitation, Hillsborough County, Florida-** Permitting, design, and construction of a new pump station to divert raw wastewater flows from the Dale Mabry AWTF to the NWRWRF for an initial and ultimate capacity.
- **Chickory Lane Drainage Area Improvements, Hillsborough County, Florida-** The project consisted of providing geotechnical engineering services to assist with the design of a replacement for the existing culvert and control structure between Chickory Lane and West View Drive.
- **Hernando County Truck Wash, Hernando County, Florida -** The project consisted of providing geotechnical engineering services to assist with the design of a new Truck Wash Facility in Hernando County. Due to the history of karst activity in the region, we performed Geophysical Investigations in advance of SPT borings to assist with evaluating subsurface conditions.
- **Orient Road at Sligh Ave. Intersection Improvements, Hillsborough County, Florida** Project included subsurface investigations, laboratory testing and geotechnical recommendations to support the design of intersections improvements including new signalizations mast arms, stormwater pond and associated piping.



Prashanth Vaddu, P.E.
Project Manager/Associate VP

EDUCATION

Master of Science in Civil Engineering, Southern Illinois University at Carbondale, IL
 Concentration – Geotechnical Engineering
 Bachelor of Science in Civil Engineering, Osmania University College of Engineering (OUCE), Hyderabad, India

PROFESSIONAL REGISTRATIONS AND ORGANIZATIONS/CERTIFICATIONS

Registered Professional Engineer

Georgia PE No. 039820
 Florida PE No. 75144
 South Carolina PE No. 30217
 North Carolina

Memberships and Training

Florida Circuit Civil Mediation Training
 Graduate of GBA/ASFE's Fundamentals of Professional Practice (FOPP) – Class 21
 Load Resistance Factor Design Methodology (LRFD)-GDOT Training
 Seismic Reflection/Refraction Training – Geometrics of San Jose CA, December 29, 2016

- 1) EIT or PE registrations with numbers (PE only) for the State of GA.-#039820
- 2) Years of earthwork, subbase and base construction experience – earthwork – 5 years
- 3) Years of concrete paving experience –2 years
- 4) Years of bituminous paving experience - 2 years

PROFESSIONAL BACKGROUND

Extensive background and expertise in geotechnical and geo-forensic engineering through a career spanning 12 successful years. Very familiar with various geotechnical analyses tools, with contributions towards design of deep and shallow foundations, construction materials testing, geo-forensic investigations, and expert testimony.

Water/Wastewater
 Solar Farm Design
 Ground-improvement

Roadway and Bridge Design
 Geo-Forensic Engineering
 Geophysical Data Analysis

Expert Testimony
 Construction Material Testing
 Slope Stability Analysis

Materials Testing

- **Fort Myers Regional Airport, Fort Myers, FL-** Provided construction material testing services consisting of floor levelness and flatness tests for terminals during construction. Designed and managed low mobility compaction grout installation for a portion of a proposed taxiway.
- **Boat Storage Facility.** Provided CMT services consisting of floor levelness and floor flatness evaluations.
- **Sweetbay Supermarket.** Provided CMT services consisting of demucking and backfilling operations for a proposed Sweetbay Supermarket. Managed the field testing services as well as laboratory geotechnical services.
- **Riva Del Lago Condominiums.** Provided construction material testing services consisting of post-tensioning inspection services, threshold inspection services, and concrete testing services for a mid-rise condominium (23-story). Managed and oversaw a team of technicians assisting in the CMT inspection services.
- **Battery Smelter and Recycling Plant.** Provided geotechnical and CMT services for expansion of a battery

melting plant from a 65,000 square foot facility to a 300,000 square foot facility. Managed and oversaw design as well as installation of pressure grouting program prior to expansion of the facility over a karstic terrain.

- **Boca Lago Condominiums.** Provided geotechnical and CMT services consisting of demucking inspections, and post-tension foundation inspections.
- **Winter Haven Hospital, Winter Haven, FL-** Provided CMT services consisting of welding inspections, fire proofing inspections, and concrete testing services.
- **Waterside at Bay Beach.** Provided construction material testing services consisting of post-tensioning inspection services, threshold inspection services, and concrete testing services for three mid-rise condominiums (10-story).
- **One Water Place Condominiums.** Provided geotechnical engineering services for deep foundations consisting of auger-cast-in-place piles with CHUM (cross-hole-ultrasonic-testing) and PET (pile echo testing). Managed field technicians during the pile installation and corresponding grout testing and load testing phases of services.

Drilled Shaft Design:

- **Valley Hill Bridge, Clayton County, GA** – Provided geotechnical engineering services for a 0.25-mile roadway including replacement of a bridge in Clayton County, GA. The geotechnical services included roadway soil survey, bridge foundation investigation and MSE wall design.

Directed the field investigation program for a portion of the project consisting of SPT borings. Shelby tube samples were retrieved and tested in the lab for one-dimensional consolidation. Additional laboratory testing included moisture content, wash/gradation, Atterberg limits and hydrometers. Rock testing included unconfined compressive strength and split tensile strength tests. Seismic Site Classification was determined in accordance with AASHTO LRFD 3.10.3.1. methodology. Performed calculations for downdrag, effect of scouring, lateral squeeze and axial pile capacities. Two intermediate bents were supported on a set of four drilled shafts per bent. Performed analysis in accordance with AASHTO LRFD guidelines for bridge foundations. Axial pile capacity analysis was performed. Driven steel pile foundations at the end bents were also evaluated for lateral squeeze. Pile drivability analysis using GRL-WEAP was performed. Bridge approach fills were evaluated for effects of downdrag on end bents. Elastic and consolidation settlements were calculated and waiting periods recommended.

- **SR10/US 78 at SR 124, Gwinnett County, GA.** Traffic Signal Bridge Foundation Investigation using AASHTO ASD Standard Specifications for Highway Bridges, 17th Edition, 2002. I performed a peer review of the drilled shaft foundation analysis for the subject project. I managed the drilling of the test borings using SPT drill rig using hollow stem auger drilling method. As the internal QA engineer, I reviewed the lateral pile capacity analysis using LPILE (by Ensoft, Inc.). p-y curves were generated and provided to the project structural engineer.
- **Elliott Road, Henry County, GA** – Providing geotechnical engineering services for LRFD Bridge Foundation Investigation (BFI) for replacement of an existing bridge along Elliott Road in Henry County, GA. Preliminary analysis included drilled shaft axial capacity analysis.

Field testing consisted of SPT drilling using hollow stem auger drilling method. Rock cores were retrieved for performing unconfined compressive strength tests and split tensile strength tests. Laboratory tests on soils consisted of moisture content, wash/gradation, soil corrosivity testing and Atterberg limits. Drilled shaft analysis for axial pile capacity was performed using the APile program (Ensoft, Inc.).

Design Build Experience:

- **Northwest Regional Water Reclamation Facility Expansion, Hillsborough County, FL** – Providing geotechnical engineering services for the expansion of the existing Northwest Regional Water Reclamation Facility. The expansion included addition of multiple Clarifiers, BNR Tanks, GSTs, Filters, Flow EQ Basin, Headworks and appurtenant structures. Recommendations include ground modification to address both geological hazards as well as geotechnical engineering aspects of design.



Geophysical site characterization utilizing ground penetrating radar (GPR) was performed under my supervision at the site. A total of 26 GPR transect lines were performed across the various structure footprints. I also managed the field testing program consisting of SPT drilling, DMT testing, and piezocone penetrometer test (PCPT) soundings. Data from DMT and PCPT tests in conjunction with SPT data was evaluated to perform settlement calculations for both conventional shallow foundations and mat foundations. Engineering soil characteristics were evaluated based on laboratory tests performed under my direct supervision. The labs consisted of moisture content, wash/gradation, Atterberg limits, organic content tests, one-dimensional consolidation tests and CU triaxial test.

Geotechnical Engineering Experience:

- **BNC Phase II** – Provided geotechnical evaluation and project management services for design of a 2.5 mile four- lane divided roadway designed to be built through mined-out reclaimed land. Recommended support of embankment on a combination of load transfer platform (LTP) and rigid inclusions (RIs). Resulted in significant costs savings to the project by avoiding realignment or significant excavation and replacement.

Field testing was performed using multiple SPT drill rigs. Shelby tubes in addition to regular split spoon samples were collected and several one-dimensional consolidation tests were performed. Additional laboratory tests included, moisture content, washes/gradation and Atterberg limits. Geotechnical analysis consisting of settlement calculations and deep foundation analysis were performed. Analysis for lateral squeeze, down drag, time rate of consolidation, elastic and consolidation settlement were performed. Geotechnical soil parameters for lateral pie load analysis were provided to the project structural team. Axial pile capacity analysis of driven piles was performed for this site.

- **University of North Georgia**, Dahlonega, Lumpkin County, GA – Geotechnical engineering consultation services for stabilization of a failed roadway embankment within the University of North Georgia, Dahlonega Campus. Services included limited slope-stability analysis, review of existing remediation plans and preparation of design build specifications.
- **Blackhall Road Henry County, GA** -Providing geotechnical engineering services for LRFD Bridge Foundation Investigation (BFI) for replacement of an existing bridge along Blackhall Road.
- **Sandersville Bypass** – Providing geotechnical engineering services for a 5-mile bypass road in Sandersville, Washington County, GA. Services included a Bridge Foundation Investigation, Culvert Foundation Investigation and a Wall Foundation Investigation.
- **Eloise Loop Road Signalization Winter Haven, Polk County, Florida**– Provided roadway soil survey and signal mast arm geotechnical design services for 0.25 mile two lane roadway.
- **Corey Causeway** Pinellas County, Florida – Provided geotechnical design services for a fender pile system along a navigable channel below Corey Causeway.
- **Tarpon Woods Pedestrian Bridge** Pinellas County, FL – Provided geotechnical engineering services for the design deep foundation for a pedestrian bridge along Brooker Creek.
- **SR 11 Walton/Barrow Counties, GA** – Provided geotechnical engineering and geophysical services for a 0.25-mile roadway. The geotechnical services included roadway soil survey and bridge foundation investigation. The bridge foundation investigation included analysis of driven pile foundations. Geophysical services included the evaluation of rock utilizing seismic refraction studies.
- **Spiderweb Network Muscogee County, GA** - Provided roadway soil survey and pavement evaluation services for a 1.7-mile roadway in Columbus,
- **SR 201 Whitfield County, GA** – Provided geotechnical engineering and geophysical services for a 2.0-mile roadway in. The geotechnical services include roadway soil survey investigation. Geophysical services included the evaluation of rock utilizing seismic refraction studies.
- **SR-138 at I-85 Union City, Fulton County, GA** – Provided roadway soil survey and pavement evaluation and design services for a 3.25-mile roadway.
- **IEP Municipal Solid Waste (MSW) Landfill** - KCI provided geotechnical and landfill design services for a 37 acre MSW landfill planned to be built on mined-out reclaimed land. As the geotechnical engineer of record I was responsible for the oversight of field geotechnical operations, data assimilation and analysis, and coordination with FDEP (Florida Department of Environmental Protection) for this multi-million project. As a part of the project we analyzed geological hazards, subgrade settlements, and slope stability of the landfill. Secured a construction permit for the MSW landfill to be constructed mined-out reclaimed land resulting in significant cost savings for the Client.



- **Florida Polytechnic University (Florida's 12th Public University)** - Implemented vibro-replacement with stone columns to design foundations to support the \$60 million dollar, first Calatrava-designed building in the southeastern United States. Design of foundations on improved ground and static load testing as an alternate to deep foundations and conventional load testing resulted in significant cost savings to the University.
- **Bluebird Solar Farm** – Geotechnical and geophysical study of subsurface soils for a 6.0 MW solar farm. Performed geo-forensic evaluation of site subsurface conditions in a karstic topography and evaluated sinkhole risk prior to design.
- **Expert Witness Testimony and ADR Services** – Completed geo-forensic investigations and peer reviews totaling over 100 projects. Provided expert witness testimony services to various legal firms for sinkhole evaluations. Florida Department of Financial Services (FDFS) certified neutral evaluator approved to provide alternate dispute resolution (ADR) services.
- **Polk State College Forensic Engineering, Pol County, FL-** Evaluated causes of distress in a 127,000 square foot building on the Polk State College (PSC) Lakeland campus. Managed material testing and scheduling logistics to minimize impact on academic activities. Recommended continued monitoring through crack gauges and surveying after structural and cosmetic repairs. Helped resolve potential high costs of litigation.
- **Dunnellon Waste Water Treatment Plant.** Provided geotechnical engineering services for the expansion of a waste water treatment plant. Managed field operations during the geotechnical analysis phase as well as ground remediation phase.
- **Tampa International Airport - Cargo and Ground Support Equipment Facilities, Tampa, Florida.** Provided geotechnical engineering services on \$26 million Cargo and Ground Support Equipment Facilities project at Tampa International Airport.
- **Tarpon Landings Condominiums** – Provided deep foundation design and analysis for support of a 15-story mid-rise condominium supported on augered-cast-in-place (ACIP) piles. Post-tensioning and threshold inspection services for the private developer. Managed and oversaw a team of field technicians assisting in the inspection services.
- **American Momentum Building** – Assisted senior PE with design and field monitoring of vibro replacement ground-improvement method for support of a five-story commercial structure.

TECHNICAL PUBLICATION(S) AND PRESENTATION(S):

General Report Session 8 – D. S. "Sax" Saxena, PE, Ram D. Singh, PE, P. Vaddu, PE, R. Joshi
Seventh International Conference on Case Histories in Geotechnical Engineering, Chicago April – May 2013

Forensic Engineering Legal Considerations and property damage assessment from construction vibrations
D.S. "Sax" Saxena, PE, Prashanth Vaddu, PE and Anu Saxena, PE

Deep Foundation Design, Construction and Testing with Case Histories
D.S. "Sax" Saxena, PE, Anu Saxena, PE, and Prashanth Vaddu, PE

Kumar, S. and Vaddu, P. (2004). "Swell Potential of Pulverized Coal Combustion Bottom Ash Amended with Sodium Bentonite." J. Energy Eng., 130(2), 54–65

Kumar, S. and Vaddu, P. (2005). "Improvement in Strength and Moduli of Coal Ash Stabilized with Bentonite and Compacted at Various Unit Weights." J. Energy Eng., 131(3), 198–207.



Jeff Hooks, PE

Title: Project Engineer – MC Squared, Inc.

Education: Architecture North Carolina State University North Carolina
 BS CE University of North Carolina Charlotte, North Carolina

Registration: Registered Professional Engineer State of Florida (No 67882),
 Mississippi (No 27686), North Carolina (No. 031017)
 South Carolina (No. 24491), Tennessee (No.115668)
 NCEES Record ID No., 17-101-23

Summary:

Mr. Jeffery L. Hooks, P.E., has over 17 years of experience and has spent the majority of his career successfully designing and managing a variety of municipal engineering and testing contracts/projects within the States of Florida, North and South Carolina, and Tennessee. His focus has been providing geotechnical engineering, consulting and construction materials testing/inspection and laboratory services for a wide range of projects including water and wastewater, drainage, schools, office buildings, large mixed-use developments and transportation projects. Jeff has a proven record of contributing to business improvement methods of his employers and meeting project objectives. Mr. Hooks has also conducted many subsidence investigations in Florida to determine if sinkhole activity existed at numerous properties. These explorations were predominantly performed for various insurance clients and occasionally involved expert and fact witness testimony.

Mr. Hooks' responsibilities currently include project management and oversight of Geotechnical Engineering and Construction Materials Testing for Municipal/Government clients along with assisting technical staff, monitoring work plans, schedules, and ensuring client satisfaction through final completion of the projects.

The following are some examples of projects he has worked on in his career. Typical services he provided on these projects included coordination of geotechnical investigations, oversight of laboratory testing and preparation of geotechnical recommendations and reports.

Transportation, Drainage and Water/Wastewater related project experience:

- Robin Hill Circle Drainage Improvements, Hillsborough County, Florida
- Sunny Hill Drainage Improvements, Hillsborough County, Florida
- HART 21st. Stormwater Improvements Hillsborough County, Florida
- River Oaks Diversion Pipeline and Pump Station, Hillsborough County, Florida
- Everina Water Main Improvements, Hillsborough County, Florida
- Hermine Creek Drainage Improvements, Pinellas County, Florida
- 8th Ave. and 44th St. Drainage Improvements, Pinellas County, Florida
- Dunn Force Main Replacement, Pinellas County, Florida
- Tarpon Woods Pedestrian Bridge, Pinellas County, Florida
- Shady Hill WWTP Improvements, Pasco County, Florida
- Devils Creek Bridge Replacement, Pasco County, Florida
- Lake Lindsey Road Widening - Phase III, Hernando County, Florida



Kevin Trimble, PE

Title: Project Manager for Laboratory and Field Services – MC Squared, Inc.

Education: B.S.C.E University of Wisconsin Platteville, Florida 2010

Registration: Professional Engineer Illinois (No. 062066897)
 (FL – in process of reciprocity)
 CMEC Aggregate Testing I Technician I
 ACI Concrete Strength Testing
 ACI Field Testing Technician – Grade I

Summary:

Kevin Trimble has over 9 years of experience and currently serves as a Construction Project Manager for MC Squared, Inc. His experience has been gained in a variety of infrastructure projects including roadways, water and wastewater facilities, pipelines, commercial developments and various utility projects.

He is also experienced with the design and construction observation of municipal and commercial land development projects including preparation of drainage, grading, roadway and utility construction plans.

The following are some examples of projects he has previously been involved with:

Services provided on the resurfacing projects listed below included pavement evaluations, coring, DCP testing, hand augers and report preparation.

- **Waters Ave. Resurfacing, Hillsborough County, FL**
- **Michigan Ave. Resurfacing, Hillsborough County, FL**
- **Roberts Rd. Resurfacing, Hillsborough County, FL**
- **Wilcox Rd. Resurfacing, Hillsborough County, FL**
- **Zambito Rd. Resurfacing, Hillsborough County, FL**
- **Geraci Rd. Resurfacing, Hillsborough County, FL**
- **Jameson Rd. Resurfacing, Hillsborough County, FL**
- **CSX Intermodal Facility, Polk County, FL**

- **Washington Boulevard Reconstruction – Camanche, IA** - Designed construction plans, and created a 3-D computer generated model of the proposed storm sewer main beneath Washington Boulevard (main thoroughfare in Camanche, IA).
- **WWTP Force Main – Camanche, IA** - Design and construction observation assistance for the installation of a force main connecting the WWTP in Camanche, Iowa to Clinton, Iowa.
- **Stafford Creek Streambank Stabilization – Bettendorf, IA** - Designed construction plans for multiple phases of the Stafford Creek Stabilization project, and provided construction observation as the project was built.
- **Langman Subdivision – Davenport, IA** - Designed construction plans which included site grading, roadways, utilities, retention pond, and relocation of floodway areas to improve property lot sizes.
- **8th Avenue Drainage Improvements – Coal Valley, IA** - Designed construction plans, and created a 3-D computer generated model of the proposed storm sewer improvements for the drainage easement.



Brad Crowson, E.I.T

Title: Staff Engineer– MC Squared, Inc.

Education: B.S. CE University of South Florida Tampa, Florida 2015

Registration: Soils – Radiation Safety and use of Nuclear Gauges
CTQP Earthwork Construction Inspection - Level I
ACI Concrete

Summary:

Brad Crowson recently joined MC Squared after graduating with a degree in Civil Engineering from the University of South Florida. His experience has been gained in the Geotechnical Engineering and Materials testing field by working on a variety of infrastructure types of projects including roadways, pipelines and water/wastewater facilities.

Mr. Crowson's current duties include assisting with the execution of geotechnical and construction materials testing projects performed by MC² Inc. His specific duties include boring stakeout for geotechnical projects, logging borings, performing hand augers, perform utility clearances and permit preparation and assistance with geotechnical report preparation including analysis reviewed by others.

The following are examples of relevant local Hillsborough County and area projects in which he has served in the role of Staff Engineer.

On-Call Services

- **Gunn Highway, Hillsborough County, Florida-** Monitored subsurface investigations in an area of Gunn Highway, east of the Veterans Expressway, which developed a depression during the on-going HDD operations associated with a pipeline installation.
- **Memorial Bridge over Dick Creek Branch, Hillsborough County, Florida-** Project included an evaluation of potential settlement at the end bents of the Memorial Highway Bridge over Dick Creek. Services performed included geophysical investigations (GPR) and SPT borings to determine the subsurface conditions and possible causes of settlement.
- **David Drive Water Main Upgrade, Hillsborough County, Florida-** Performed geotechnical services to support the design of approximately 1000 LF of 4-inch and 6-inch water main piping with a proposed hydrant.
- **Hernando County Truck Wash, Hernando County, Florida –** The project consisted of providing geotechnical engineering services to assist with the design of a new Truck Wash Facility in Hernando County. Due to the history of karst activity in the region, we performed Geophysical Investigations in advance of SPT borings to assist with evaluating subsurface conditions.
- **Brooker Creek Channel Restoration, Pinellas County, Florida –** Provided subsurface investigation and geotechnical engineering services associated with the proposed Brooker Creek Preserve Wetland Restoration Project Sites Areas 5 and 6.



- **N. River Road Water Main Extension, Hillsborough County, Florida** –Provided geotechnical services consisting of installing approximately 1700 LF of 4-inch and 6-inch PVC water main piping within the ROW of N River Road, Glenna Ave., Hart Lane, and Pokey Lane.
- **Chickory Lane Drainage Improvements, Hillsborough County, Florida** – Provided geotechnical engineering services to assist with the design of a replacement for the existing culvert and control structure between Chickory Lane and West View Drive.
- **Corey Causeway Fender System, Pinellas County, Florida** – Provided geotechnical engineering services to assist with the design of the replacement of a portion of the fender piles for the Corey Causeway Bridge No. 150030, Pinellas County, Florida.
- **Robin Hill Circle Drainage Improvements, Hillsborough County, Florida** – The project consisted of providing geotechnical engineering services to assist with evaluating the existing storm water pond south of robin Hill Circle and east of Parsons Avenue in Brandon, Florida.
- **Sunny Hills Dr. Circle Drainage Improvements, Hillsborough County, Florida** –The project consisted of providing geotechnical engineering services to assist with the design of an underdrain system along Alder Way and Sunny Hills Drive to discharge into the existing storm water drainage system.
- **Boca Ciega Force Main, Pinellas County, Florida** - The project includes Geotechnical Engineering services to support the design of approximately 6,000 linear feet of horizontal directional drilled (HDD) transmission force main along the selected route.



Sergio Gomez
Staff Engineer

KEY QUALIFICATIONS

Geotechnical Engineering and Materials Testing

- Assistance with Geotechnical Report preparation
- Perform hand augers and field classifications
- Perform Pavement Coring
- Hand auger and SPT boring stakeout
- Utility clearances and permit preparation for field borings
- On-Site ACI Concrete Field Testing
- Soil compaction and density testing
- Concrete strength testing

EDUCATION:

M.Sc. Civil Engineering | Louisiana Tech University | Ruston, LA **2015**

- Academic involvement primarily focused on research and enhancement development for various construction materials towards predicting behavior of innovative cement related materials.

B.S. Civil Engineering | Universidad Autónoma de Guadalajara | Zapopan, México **2012**

CERTIFICATIONS

CTQP Earthwork Level I

CTQP Field Concrete Level I

Auger Boring School | Ruston, LA **2017**

PROFESSIONAL EXPERIENCE

Mr. Gomez is a knowledgeable and quality-driven Civil Engineer with 5+ years of experience through a variety of notable projects and academic opportunities. He possesses a track record of contributing to the improvement of comprehensive development endeavours specializing in innovative construction material and formulation design, utilizing research and development capabilities to achieve optimal results. Mr. Gomez is bilingual in English and Spanish.

Mr. Gomez recently joined MC Squared, Inc. and serves in the capacity of a staff engineer. In this role, he assists with execution of geotechnical and materials testing work performed by the company on projects.



Sergio Gomez
Resume

The following are examples of previous related projects in which Mr. Gomez has provided services such as boring stakeout, utility clearances, logging of borings performed, pavement coring and general assistance with report preparation:

- **W. Waters Ave Resurfacing, Hillsborough County, FL**
- **N. Armenia Avenue Resurfacing, Hillsborough County, FL**
- **Hanley Road Resurfacing, Hillsborough County, FL**
- **Farina Office Building, Hillsborough County, FL**
- **Upper Peninsula Stormwater Improvements, Hillsborough County, FL**
- **Everina Water Main Improvements, Hillsborough County, FL**
- **Hercules Ave. Sidewalk Improvements, Hillsborough County, FL**
- **Michigan Ave. Roadway Improvements, Hillsborough County, FL**
- **Roberts Rd. Roadway Improvements, Hillsborough County, FL**
- **Wilcox Rd., Roadway Improvements Hillsborough County, FL**
- **Zambito Rd. Roadway Improvements, Hillsborough County, FL**
- **Geraci Rd. Roadway Improvements, Hillsborough County, FL**
- **Moffitt Child Development Center, Hillsborough County, FL**
- **Countryway Blvd. Roadway Improvements, Hillsborough County, FL**
- **Montague Road Roadway Improvements, Hillsborough County, FL**
- **Lynn Rd. Roadway Improvements, Hillsborough County, FL**
- **Nixon Rd. Roadway Improvements, Hillsborough County, FL**
- **Hudson Land Roadway Improvements, Hillsborough County, FL**
- **Hernando Operations Bulding, Hillsborough County, FL**
- **Diana St. Roadway Extension, Hillsborough County, FL**
- **Cypress Creek Elementary School Sidwalk, Hillsborough County, FL**
- **Jameson Road Roadway Improvements, Hillsborough County, FL**
- **6th St. Roadway Improvements, Hillsborough County, FL**
- **Midway Road Roadway Improvements, Hillsborough County, FL**
- **Branch Forbes Road Roadway Improvements, Hillsborough County, FL**
- **Madison Ave. Roadway Improvements, Hillsborough County, FL**
- **Pump Station 122, Pinellas County, FL**
- **Largo WWRF Influent Pumping & Head, Pinellas County, FL**
- **CSX Intermodal Facility, Polk County, FL**



Amber Wilson
Staff Geologist

KEY QUALIFICATIONS

Geotechnical Engineering

- Assistance with Geotechnical Report preparation
- Perform hand augers and field classifications
- Perform Double Ring Infiltration (DRI) tests
- Perform Pavement Coring
- Hand auger and SPT boring stakeout
- Utility clearances and permit preparation for field borings

Materials Testing and Inspection Services

- Soil compaction and density testing
- Concrete sampling and strength testing
- Observation and testing of utility lines and pavement subgrades
- Vibration and Settlement Monitoring
- Inspect placement and/or operational function of temporary traffic control devices

EDUCATION: B.S. University of Mississippi Oxford, Mississippi May 2015

CERTIFICATIONS

ACI Concrete Field Testing Technician-Grade 1
CTQP Earthwork Construction Inspection-Level 1
FDOT Stormwater, Erosion & Sedimentation Control Inspector
FDOT MSE Wall Inspector
FDOT Temporary Traffic Control Inspector-MOT
ATI Nuclear Gauge Safety
OSHA 40 Hour HAZWOPER

PROFESSIONAL EXPERIENCE

Amber Wilson graduated with a degree in Geology from the University of Mississippi and has approximately two (2) years of experience in the fields of geotechnical engineering and materials testing.



Amber Wilson
Resume

Her experience has been gained on a variety of infrastructure types of projects including but not limited to roadways, pipelines and water/wastewater facilities.

Ms. Wilson's current duties include assisting with the execution of geotechnical and construction materials testing projects performed by MC² Inc. and she also serves as drafting person.

The following are examples of previous related projects in which Ms. Wilson has provided services such as boring stakeout, utility clearances, logging of borings performed, pavement coring, CADD drafting and general assistance with report preparation:

- **Boca Ciega FM, Pinellas County, FL**
- **NWWRF Expansion, Hillsborough County, FL**
- **US 301 at SR 575 Signalization Improvements, Pasco County, FL**
- **Eiland Blvd. and Hancart Rd. Intersection Improvements, Pasco County, FL**
- **Eiland at Geiger Intersection Improvements, Pasco County, FL**
- **College Parkway Signalization, Lee County, FL**
- **Pelican Golf Club Drainage Improvements, Pinellas County, FL**
- **MLK @ 94th Ave. Signalization, Pinellas County, FL**
- **Shady Hills WWTP Improvements, Pasco County, FL**
- **Dunn WTP Trenchless Borings, Pinellas County, FL**
- **Diana St. Extension, Hillsborough County, FL**
- **Robin Hill Circle Drainage Improvements, Hillsborough County, FL**
- **Sunny Hill Dr. Drainage Improvements, Hillsborough County, FL**
- **Redundant FM Improvements, Pinellas County, FL**
- **Lake Lindsey Phase III Roadway Improvements, Hernando County, FL**
- **Mariner Roadway Coring, Hernando County, FL**
- **Hutchinson Rd. and Grainary Drainage Improvements, Hillsborough County, FL**
- **Flooding Analysis, Hillsborough County, FL**
- **Colson Road Improvements, Hillsborough County, FL**
- **Thonotosassa Road Improvements, Hillsborough County, FL**
- **US 41 & Symmes Road Improvements, Hillsborough County, FL**
- **Club Manor Dr. Drainage Improvements Hillsborough County, FL**
- **SEWRF Manatee PS Improvements, Manatee County, FL**
- **Rowan Rd. Pump House Rehabilitation, Pasco County, FL**
- **HART 21st St. Stormwater Improvements, Hillsborough County, FL**





Lance Croft

Title: **QC Manager for Laboratory and Field Services/ Geologist – MC Squared, Inc.**

Education: B.S. University of Florida Gainesville, Florida 2012
 M.S. University of South Florida Tampa, Florida 2014

Registration: CTQP QC Manager, Soils – Radiation Safety and use of Nuclear Gauges
 CTQP Earthwork Construction Inspection - Level I and Level II
 CTQP LBR Technician, Concrete – ACI Certified
 CTQP Concrete Field Technician – Level I, CTQP Pile Driving Inspector
 CTQP Drilled Shaft Inspector, CTQP Asphalt Plant, CTQP Asphalt Field
 OSHA HASWOPER Course, First Responder, AED Certified
 SCUBA/Nitrox Certified

Summary:

Lance Croft has over five (5) years of experience in geotechnical engineering, laboratory testing and construction materials testing and currently oversees laboratory testing and field inspection services with MC Squared, Inc. His experience has been gained in a variety of infrastructure projects including roadways, water and wastewater facilities, pipelines, commercial developments and various utility projects.

He has served as a QC Manager on FDOT and other related municipal projects and is thoroughly familiar with typical specifications used. His geotechnical experience includes clearing utilities, field staking and logging of borings, soils classifications and drafting of boring logs. His materials testing experience includes performing field density of soils and concrete as well as inspection of auger cast and driven piles.

The following are some examples of projects he has worked on in the Tampa Bay area, typically in the role of providing QC services including soils, concrete and asphalt testing as well as laboratory testing on project components.

- East County Courthouse, Plant City, Florida
- Palm River Watermain Improvements, Hillsborough County, Florida
- NWRWRF Expansion, Hillsborough County, Florida
- Valrico Headworks, Hillsborough County, Florida
- Veterans Expressway, South of Linebaugh Ave. to South of Gunn Highway and South of Gunn Highway to Sugarwood Toll Plaza and , Hillsborough County, Florida
- City of Tampa Riverwalk Segments 13, 14 and 15, City of Tampa, Florida
- South County AWTP Expansion, Hillsborough County, Florida
- Manors of Crystal Lakes Watermain Improvements, Hillsborough County, Florida
- Shoal Line Creek Sidewalk Improvements, Hernando County, Florida
- Cass St. and Tyler Improvements, City of Tampa, Florida
- 3rd St. Water Tank Addition, Winter Haven, Florida
- Channelside Roadway Improvements, City of Tampa, Florida
- Dale Mabry Diversion Forcemain, Hillsborough County, Florida
- Marsh Creek at 2nd Ave. Bridge Replacement, Hillsborough County, Florida
- Largo Wet Weather Drainage Improvements, Pinellas County, Florida
- Lake Lindsey Phase III Roadway Improvements, Hernando County, Florida



Digby Gordon

Title: **Field Inspector** – MC Squared, Inc.

Education:	National Diploma for Civil Engineering Professional Selling Skills and Coaching Business Management Diploma Louis Allen Management Style Analysis and Communications	Wits Technikon. Xerox Damelin College Louis Allen Ass. Anton Van Der Post
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Registration:	NRMCA Certified Concrete Technologist ACI ACI	Level 2 Field Technician Lab 1 & 2.
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Summary:

Digby Gordon has over 30 years of experience and serves as a field technician providing materials testing of soils, concrete and asphalt on public infrastructure projects for MC Squared. He also assists with geotechnical investigations including performing hand augers and pavement coring.

His previous experience includes providing services related to Concrete Technology, Geosynthetics, Project Management, Sales and Marketing, Negotiation and Presentation, Customer Service, Mix Designs, FDOT Compliance, FDOT QC Manager. Managed Technical Staff, Pre-pour Meetings, Plan and Specification Reviews, Mix Submittals, Problem Investigations and resolution.

The following are examples of the projects in which he has provided materials testing of soils, concrete and asphalt:

- Everina Water Main Improvements, Hillsborough County, FL
- Eiland Blvd. and Handcart. Rd., Pasco County, FL
- Eldridge Wilde Wellfield Improvements, Pinellas County, FL
- Hercules Ave. Sidewalk Improvements, Pinellas County, FL
- St. Pete. /Clearwater Airport Terminal Hardstand Improvements, Pinellas County, FL
- Largo Wet Weather Drainage Improvements, Pinellas County, FL
- Kings Ave. Drainage Improvements, Hillsborough County, FL
- NWWRF Expansion, Hillsborough County, FL
- Lewis Road Drainage Improvements, Hillsborough County, FL
- Brooker Creek Drainage Improvements, Hillsborough County, FL
- Hill Road Drainage Improvements, Hillsborough County, FL
- John Moore Road Drainage Improvements, Hillsborough County, FL
- Lake Lindsey Phase III Roadway Improvements, Hernando County, FL
- Palm Rive Water Main Improvements, Hillsborough County, FL
- 2nd Street Bridge Improvements, Hillsborough County, FL
- Veterans Expressway Improvements, Hillsborough County, FL



Tate Cozort
Staff Geologist/Field Technician/CAD Designer

EDUCATION

The University of Mississippi, Oxford, MS

Bachelor of Science in Geological Engineering, May 2014

Areas of Concentration: Mechanics of Materials, Hydrogeology, Sedimentology/Stratigraphy, Structural Geology

Seismic Reflection/Refraction Training – Geometrics of San Jose CA, December 29, 2016

CERTIFICATIONS

NICET Level 1-Construction Materials Testing-Concrete

NICET Level 1-Construction Materials Testing-Soils

NICET Level 1-Construction Materials Testing-Asphalt

ACI Field Testing Technician Grade I

Nuclear Density Gauge Certification

OSHA 10-Hour Safety and Health Certification

SOFTWARE

AutoCAD, gINT, AGTEK 4D, ArcGIS, VS2DTI, Microsoft Office, Adobe Illustrator

COMMUNITY SERVICE

Food bank of Northern Nevada

PROFESSIONAL BACKGROUND

Tate Cozort graduated from the University of Mississippi with coursework focused in Geology and Civil Engineering. Mr. Cozort has previous experience in construction management. He joined MC Squared, Inc. as a Staff Geologist and his tasks include laboratory and materials testing, field/on-site work, data input and review and assisting with the development of reports including CAD Design.

His laboratory testing and field experience includes Standard and modified proctors, Wash -200 sieve, moisture content, Atterberg limits, grain size analysis with hydrometer, visual classification of soils, rock classification, compressive and tensile strength of rock cores, compressive strength of concrete cylinders, compressive strength of grout cubes, developing gINT logs and fences, standard penetration test (SPT) borings, mud rotary, rock coring, pavement coring as well as keeping detailed notes and records of on-site activities.

The following are some of the recent projects in which Mr. Cozort has provided CADD Design and related services:

- **Boca Ciega Force Main, Pinellas County, FL**
- **Waters Ave. Resurfacing, Hillsborough County, FL**
- **Armenia Ave. Resurfacing, Hillsborough County, FL**
- **Upper Peninsula Stormwater Improvements, Hillsborough County, FL**





Sharon McGlasson

KEY QUALIFICATIONS: Administrative Assistant duties including scheduling of field personnel, compiling field reports for materials testing projects, assistance with preparing proposals, processing expense reports, and other general office administrative tasks.

EDUCATION: Diploma received 1987, Crockett High School, Austin, Texas

CERTIFICATIONS

Microsoft Office

PROFESSIONAL EXPERIENCE

22 years' **experience** as an Administrative Assistant providing a wide range of administrative support. Developed strong communication and interpersonal skills dealing with diverse customers and internal staff members. Solid computer skills utilized in the preparation of correspondence, documents and spreadsheets.

Current duties include:

- Processing Daily Reports for Technicians
- Billing for Construction Services and Geotechnical Jobs
- Assist in Marketing
- Schedule Technicians
- Distribute all lab results, Field Density Reports, and Concrete Reports to clients
- Prepare all necessary information about Job to assist Technician in the field
- Maintain detailed calendars of appointment schedules for business meetings, conferences, travel arrangements and special events.
- All general office duties



Exhibit “J”

Proposer Certification

Proposer's Certification

PROPOSER'S CERTIFICATION

I have carefully **examined** this Request for Proposal RFP-PW17-62GM, which includes scope, requirements for submission, general information and the evaluation and award process.

I acknowledge receipt of the following **addenda**, and the cost, if any, of such revisions has been included in the price of the proposal:

Addendum # <u>1</u>	Date: <u>June 13, 2017</u>	Addendum # <u>3</u>	Date: <u>June 19, 2017</u>
Addendum # <u>2</u>	Date: <u>June 16, 2017</u>	Addendum # <u> </u>	Date: <u> </u>

I hereby propose to provide the services requested in this proposal. I agree that the proposal will remain **firm** for a period of up to one hundred twenty (120) days from the date qualifications are opened in order to allow the CITY adequate time to evaluate the qualifications.

I agree that the CITY terms and conditions herein shall take precedence over any conflicting terms and conditions submitted with the proposal and **agree to abide** by all conditions of this proposal.

I certify that all information contained in the proposal is truthful to the best of my knowledge and belief. I further certify that I am duly **authorized to submit** this proposal on behalf of the company as its agent and that the company is ready, willing and able to perform if awarded a contract.

I further certify, under oath, that this proposal or bid is genuine and **not collusive** or sham; that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or of any other bidder, or to fix overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the City of Cape Coral of any person interested in the proposed contract, **or for an employee of the City** of Cape Coral; and that all statements in said proposal or bid are true. The undersigned executed this Proposer's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

Vanasse Hangen Brustlin, Inc. (VHB)
NAME OF BUSINESS

225 E. Robinson Street, Suite 300
MAILING ADDRESS


AUTHORIZED SIGNATURE

Orlando, FL 32801
CITY, STATE & ZIP CODE

Paul Yeargain, PE, CFM
NAME, TITLE, TYPED

407-839-4006
TELEPHONE NUMBER

State of Florida County of Orange

This foregoing instrument was acknowledged before me this 28 day of June, 2017 by Paul Yeargain, who is personally known to me or produced as identification.

Diana L. Gibson
Signature of Notary



Exhibit “K”

Sworn Statement

Public Entity Crimes

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

SWORN STATEMENT UNDER SECTION 287.133(3) (a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

This form must be signed and sworn to in the presence of a notary public or other officer authorized to administer oaths.

1. This sworn statement is submitted to the CITY OF CAPE CORAL

by Paul Yeargain, PE, CFM - Managing Director

(Print individual's name and title)

for Vanasse Hangen Brustlin, Inc. (VHB)

(Print name of entity submitting sworn statement)

whose business address is 225 E. Robinson Street, Suite 300, Orlando, FL 32801

(If applicable) its Federal Employer Identification Number (FEIN) is 04-2931679

If the entity has no FEIN, include the **Social Security Number** of the individual signing this sworn statement, as required per IRS Form W-9. Social Security Number may be required for one or more of the following purposes: identification and verification; credit worthiness; billing and payment; data collection, reconciliation, tracking, benefits processing and tax reporting. Social Security Numbers are also used as a unique numeric identifier and may be used for such purposes.

2. I understand that a "public entity crime" as **defined** in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including but not limited to, and bid or contract for goods or services to be provided to any public entity or agency or political subdivision or any other state or of the United States, and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "**conviction**" as defined in Paragraph 287.133(1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that "**affiliate**" as defined in Paragraph 287.133(1) (a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime, or;
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those offices, directors, executives, partners, shareholders, employees, members and agents who are active in the management of the affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not fair market value under an arm's length agreement, shall be a facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "**person**" as defined in Paragraph 287.133(1) (c), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of the entity.

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

6. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting those sworn statements. *(Please indicate which statement applies.)*

X Neither the entity submitted this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, member, or agents who are active in management of the entity, or an affiliate of the entity have been charged with and **convicted** of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, member, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been subsequent **proceeding** before a Hearing Officer of the State of Florida, Division of Administrative Hearing and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attach a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OR ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature) [Signature] (Date) June 19, 2017

STATE OF Florida

COUNTY OF Orange

PERSONALLY APPEARED BEFORE ME, the undersigned authority, Paul Yeargein,
(Name of individual signing)
who, after first being sworn by me, affixed his/her signature in the space provided above on this 19 day
of June, 2017.

Diana L. Gibson
(Notary Public)

My Commission Expires: 3-14-19

STATE OF Florida

COUNTY OF Orange



Exhibit “L”

Drug Free Workplace Certification

Drug Free Workplace

Professional Design Services -- Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

CITY OF CAPE CORAL

DRUG FREE WORKPLACE CERTIFICATION

In order for the City of Cape Coral to continue as a drug-free workplace, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under quote/proposal a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid/proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Vanasse Hangen Brustlin, Inc. (VHB)
Company Name (please print)


Authorized Signature

Paul Yeargain, PE, CFM - Managing Director

June 19, 2017
Date

Exhibit “M”

Truth-In Negotiations

Truth in Negotiation

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

375-030-30 PROCUREMENT
05/14STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRUTH IN NEGOTIATION CERTIFICATION

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TRUTH IN NEGOTIATION
CERTIFICATION 375-030-30 PROCUREMENT 05/14 Pursuant to Section 287.055(5)(a),
Florida

Statutes, for any lump-sum or cost-plus-a-fixed fee professional services contract over the threshold amount provided in Section 287.017, Florida Statutes for CATEGORY FOUR, the Department of Transportation (Department) requires the Consultant to execute this certificate and include it with the submittal of the Technical Proposal, or as prescribed in the contract advertisement. The Consultant hereby certifies, covenants, and warrants that wage rates and other factual unit costs supporting the compensation for this project's agreement are accurate, complete, and current at the time of contracting. The Consultant further agrees that the original agreement price and any additions thereto shall be adjusted to exclude any significant sums by which the Department determines the agreement price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such agreement adjustments shall be made within (1) year following the end of the contract. For purposes of this certificate, the end of the agreement shall be deemed to be the date of final billing or acceptance of the work by the Department, whichever is later.

Vanasse Hangen Brustlin, Inc. (VHB)
Name of Consultant

By:



Paul Yeargain, PE, CFM - Managing Director

Date: June 19, 2017

Exhibit “N”

Acknowledgement of Insurance Certificate

Insurance Requirements

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

ACKNOWLEDGEMENT OF INSURANCE REQUIREMENTS

Insurance: The following insurance will be required by the CITY OF CAPE CORAL.

Workers Compensation Insurance. Firm shall maintain workers compensation insurance, insuring its liability under the Workers Compensation and Occupational Disease Laws of the State of Florida, with limits of liability not less than the minimum statutory limits imposed by applicable State and Federal laws. The workers compensation insurance policy must include employer's liability with a minimum limit of \$1,000,000.00 for each accident.

Comprehensive General Liability Insurance. Firm shall maintain comprehensive general liability insurance which shall be written on an "occurrence" basis and afford the following coverage:

1. Premises – operation
2. Explosion, collapse and underground property damage (XCU)
3. Products/completed operations
4. Blanket contractual liability
5. Personal injury
6. Advertising injury
7. Premises medical payments
8. Property damage
9. Additional insured - employees and temporary workers
10. Newly acquired organization
11. Property damage liability
12. Independent contractor
13. The commercial general liability insurance to be maintained by Firm must include products and completed operations, and contractual liability. The City shall be named as an additional insured on the comprehensive general liability policy. The limits of liability associated with Firm's comprehensive general liability policy shall not be less than the following:
 \$1,000,000 each occurrence
 \$2,000,000 aggregate
14. Notwithstanding anything contained herein to the contrary, the coverage under the comprehensive General Liability policy to be furnished by Firm must be afforded on a policy form no more restrictive than the last edition of the commercial general liability policy filed by the Insurance Services Office.

Vehicular Liability Insurance. Firm shall maintain business vehicular liability insurance covering all owned, non-owned, and hired vehicles used in connection with the Work to be provided hereunder with combined minimum limits of \$1,000,000.00 single limit for bodily injury and property damage per occurrence/ aggregate.

Excess Liability Insurance. Firm shall maintain excess liability insurance in an amount not less than 5,000,000.00 combined single limit bodily injury/property damage, in excess of the general liability

Page 85 of 89

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

insurance described above.

Professional Liability Insurance. Firm shall maintain professional liability insurance with a minimum level of liability coverage of not less than \$2,000,000 per occurrence/\$2,000,000 in aggregate insuring the City against losses arising out of the delivery of professional services by Firm and its sub-consultants. Firm shall also ensure that each of its sub-consultants shall maintain professional liability insurance with minimum limits of liability coverage not less than \$2,000,000.00 per occurrence /\$2,000,000 in aggregate insuring the City against losses arising out of the provision of professional services by each in connection with the Project. The deductibles associated with the professional liability insurance policies to be furnished by Firm and its sub-consultants shall not exceed \$100,000.00 per claim. Firm shall provide to the City certificates reflecting the City as a certificate holder with respect to the professional liability insurance policies maintained by Firm and Firm's sub-consultants.

Property Insurance. It is Firm's responsibility to carry its own property insurance including insurance on equipment that will not become an integral part of the Project.

Certificate of Insurance. Prior to performing any services hereunder, Firm shall file with the City a certificate of insurance in a form acceptable to the City. The certificate of insurance shall reflect the City as an additional insured on Firm's comprehensive general liability, excess liability, and business vehicular liability policies. In addition, the City shall be reflected as the certificate holder with respect to Firm's professional liability and workers compensation insurance. The certificate of insurance furnished by Firm shall contain a provision that the coverage afforded under the policy described thereon will not be cancelled until at least thirty (30) days prior written notice has been given to the City.

Ratings of Companies. All companies issuing the policies provided for herein shall be licensed or approved by the Department of Insurance, State of Florida, and shall have a financial rating no lower than II and a policy holder surplus rating no lower than (A) as listed in A.M. Best TK Rating Guide, current edition or interim report. Companies with ratings lower than those specified herein will be acceptable only upon the written consent of the City.

Primary Coverage. The insurance required hereunder is primary and direct and shall apply to any loss prior to any insurance coverage carried by the City or any other party.

Extent of Coverage. The insurance coverage referred to above are set forth in full in their respective policy forms. The foregoing descriptions of such policies are not intended to be complete or to limit any provision of the actual policies and should said description be narrower than the coverage afforded under the actual policies of insurance, the provisions of the actual policies of insurance shall govern.

Waiver of Subrogation. Firm's insurance policies shall be endorsed to provide that the insurers waive their rights of subrogation against the City and also to provide that the policies afford primary coverage over any other applicable insurance coverage.

Sub-consultant/Subcontractor Insurance Requirements. Except as otherwise specified herein, Firm shall require that all subcontractors and sub-consultants performing Work on the Project to maintain the same coverage and policy limits as Firm is required to furnish hereunder. An insurance provision, including waivers of subrogation, identical to the provisions of paragraph 12.11 of this Agreement shall be included by Firm in each written subcontract or sub-consultant agreement issued by it in conjunction with the Project.

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

Statement of Offeror:

We understand the requirements requested and agree to fully comply.

Paul Yeargain, PE, CFM - Managing Director for Vanasse Hangen Brustlin, Inc. (VHB)
OFFEROR'S NAME AND TITLE


AUTHORIZED SIGNATURE

June 19, 2017
DATE

Exhibit “O”

Conflict of Interest Certification

Conflict of Interest

Professional Design Services – Florida Shared-Use Nonmotorized (SUN) Trail

RFP-PW17-62GM

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
CONFLICT OF INTEREST CERTIFICATION FOR CONSULTANT/FIRM**

I certify that I have no present conflict of interest, that I have no knowledge of my any conflict of interest that my firm may have, and that I will recuse myself from any capacity of decision making, approval, disapproval, or recommendation on any contract if I have a conflict of interest or a potential conflict of interest.

Consultants/Firms are expected to safeguard their ability to make objective, fair, and impartial decisions when performing work for the Department, and therefore may not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of theirs, or to reward a past decision. Consultants performing work for the Department should avoid any conduct (whether in the context of business, financial, or social relationships) which might undermine the public trust, whether or not that conduct is unethical or lends itself to the appearance of ethical impropriety.

I realize that violation of the above mentioned standards could result in the termination of my work for the Department.

Contract # / Project Description:

RFP-PW17-62GM, City of Cape Coral Professional Design Services for Florida Shared-Use
Non-Motorized (SUN) Trail

Financial Project Number(s):

440236-1-34-01

Each undersigned individual hereby attests that he/she has no conflicts of interest related to the contract(s) identified above.

Printed Names**Signatures****Date**

Paul Yeargain, PE, CFM - Managing Director
for Vanasse Hangen Brustlin, Inc. (VHB)



June 19, 2017

Item Number: B.(5)
Meeting Date: 3/19/2018
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

WITHDRAWN - Letters to Gov. Rick Scott requesting support for HB 3075-Cape Coral Reservoir and Pipeline Appropriations Project. Dollar Value: \$1,115,000 and HB 5001 (HB 3079) supporting Cape Coral Police Department Public Safety Mobile Command Center Vehicle Appropriations Project. Dollar Value: \$176,250

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan?

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

ELEMENT G: WORK TOWARD EFFICIENT AND COST-EFFECTIVE SOLUTIONS TO PROTECT AND CONSERVE NATURAL RESOURCES, WHILE PROMOTING ENVIRONMENTAL AWARENESS AND SUSTAINABILITY IN THE COMMUNITY.

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

Item is requesting Council approval and signatures from Mayor and Council to send a letter requesting Governor Rick Scott's support for two appropriations bills that Representative Dane Eagle filed on behalf of Cape Coral.

- HB 3075 is for the Cape Coral Reservoir and Pipeline Appropriations Project (\$1,115,000).
- HB 5001 (HB 3079) is for the Cape Coral Police Department Public Safety Mobile Command Center Vehicle Appropriations Project (\$176,250).

LEGAL REVIEW:

EXHIBITS:

Letter to the Governor - HB 3075 - Reservoir Pipeline

Letter to the Governor - HB 5001 (HB 3079) - MCCV

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:**ATTACHMENTS:**

Description	Type
▣ Letter to Governor - HB 3075 Reservoir - Pipeline	Backup Material
▣ Letter to Governor - HB 5001 (HB-3079) MCCV	Backup Material



March 19, 2018

The Honorable Rick Scott
Executive Office of the Governor
400 S. Monroe Street, The Capitol
Tallahassee, Florida 32399-0001

Subject: Cape Coral Reservoir and Pipeline Project - HB-3075 (Senate Form 1381) \$1,115,000

Dear Governor Scott:

As you review the items included in the 2018 State of Florida Budget, the City of Cape Coral would like to emphasize the regional importance of the subject project. The Cape Coral Reservoir and Pipeline Project is a critically important water project that we pilot-tested last year with excellent results. About 17 million gallons of high-quality water was safely conveyed to Cape Coral during the 41-day test period. The test successfully demonstrated that the Southwest Aggregates mining pits could provide quality water to Cape Coral's extensive freshwater canal system during the severe drought experienced by the state of Florida.

The Cape Coral Reservoir Pipeline Project is vital to the health of our environment and local waterways, including the Caloosahatchee River, which is a federally listed impaired waterway. Environmental benefits and financial "Return on Investment" provided by the reservoir project include, but are not limited to:

- The project can provide regional ecosystem benefits to include Cecil M. Webb WMA.
- The project will reduce flooding in North Fort Myers.
- This project may save Cape Coral utility customers up to \$28 million.
- The project will provide hydraulic support to seawalls, which experienced millions of dollars in damages last year from the combined impact of drought and Hurricane Irma.
- This project can provide a sustainable source of irrigation water to Cape Coral, which operates one of the largest reclaimed water systems in the United States.

Please know the City of Cape Coral has negotiated an agreement to complete the engineering design and permitting for the pipeline. The pipeline will be installed along the U.S. 41 right of way from the Southwest Aggregates mine in Charlotte County to Gator Slough Canal in Cape Coral.

Thank you for your support of this highly beneficial regional project.

Sincerely,
CITY OF CAPE CORAL

Joe Coviello,
Mayor

John Gunter
Council Member
District #1

John Carioscia, Sr.
Council Member
District #2

Marilyn Stout
Council Member
District #3

Jennifer Nelson
Council Member
District #4

Dave Stokes
Council Member
District #5

Rick Williams
Council Member
District #6

Jessica Cosden
Council Member
District #7

C: Congressman Francis Rooney, 1039 SE 9th Avenue, Suite 308, Cape Coral, FL 33990
Senator Lizbeth Benacquisto, 2000 Main Street, Suite 401, Fort Myers, FL 33901
Rep. Dane Eagle, 1039 Southeast 9th Place, Suite 310, Cape Coral, FL 33990-3131
Cynthia Kelly, Budget Chief, Governor's Office, 400 S. Monroe Street, Tallahassee, FL 32399-0001
Julia Espy, Policy Coordinator for Environment, Office of Policy and Budget, 400 S. Monroe Street, Tallahassee, FL 32399-1801
Jon Iglehart, Director, South District, Florida Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Fort Myers, FL. 33901



March 19, 2018

The Honorable Rick Scott
Executive Office of the Governor
400 S. Monroe Street, The Capitol
Tallahassee, Florida 32399-0001

Subject: HB 5001, Line Item 1229, Cape Coral Police Department Public Safety Mobile Command Center Vehicle (HB-3079) (Senate Form 1618) - \$176,250

Dear Governor Scott:

As you review the items included in the 2018 State Budget, the City of Cape Coral would like to reiterate the importance of updating the Public Safety Mobile Command Center Vehicle (MCCV). The MCCV is a multipurpose vehicle that can be deployed to prepare for and respond to a wide variety of emergencies both locally, regionally, and if the circumstances warranted it, on a state level. The activities and services that will be provided are numerous which include, but are not limited to: mobile emergency operations center for natural disaster recovery, active violent situations, planned special events, crime scene investigations and special operations. The MCCV will allow personnel to not only communicate with and work alongside internal City Departments, more importantly they will be able to do so with other entities such as, the Emergency Operations Center, fire, aviation, marine and bordering law enforcement agencies. In essence, it allows the Police Department to be completely mobile.

The public safety and financial "Return on Investment" benefits include, but are not limited to:

- When the MCCV was acquired in 2005, it cost more than \$500,000. It currently has \$0 value for its intended purpose due to the inoperable electronics. The vehicle itself, e.g. engine, body, tires, are all in exceptional condition. By the State providing \$176,250 in funding, it brings the value of the MCCV back up to over \$500,000 making it 100% operable. If we were to look at completely replacing the MCCV, the trade-in value as is, is approximately \$150,000. It would cost over \$1.1M to purchase a brand MCCV (this would encompass both the vehicle itself and the needed technology).
- Without the technology updates the MCCV is inoperable, handicapping the City's ability to assess a large geographical area in a short period of time using cameras and video, for damages, active shooter, persons injured, etc. It forces the City to utilize a copious number of man-power to search by vehicle and on foot. The City's 400 miles of canals slows this process down even further, as outside of the main corridors in the City, numerous streets dead-end at a canal, forcing you to go around to get to the other side.
- Hurricane Irma was a perfect example of a natural disaster, in which having a fully functional Mobile Command Center Vehicle, would have been a great benefit to the City and the community. It would have allowed the Department to go mobile in assessing damage, and quality of life issues directly in the field. It would have allowed for immediate feedback and response to police, fire, emergency operations, public works, etc. It would have provided a mobile police station for the community to walk up to right in the hardest hit areas.

- In a situation like the Marjory Stoneman Douglas High School tragedy, where multiple agencies responded to the scene, if an incident occurred in the City of Cape Coral, Lee County, and/or surrounding counties, the Police Department would be able to respond with the MCCV aiding with all the necessities of a police station in one on-scene location.

We respectfully request that we have an opportunity to better understand any objections to this project and how we can work with the State to get funding approved. This project is vital to public safety regionally, protecting and serving the community both in and outside the City of Cape Coral. The project will allow the Police Department to reinstate the Mobile Command Center Vehicle making the Police Department immediately mobile, no matter what the situation is.

If you wish to discuss this further with me, please feel free to contact my office at (239) 574-0436.

Sincerely,

CITY OF CAPE CORAL

Joe Coviello
Mayor

John Gunter
Council Member
District #1

John Carioscia, Sr.
Council Member
District #2

Marilyn Stout
Council Member
District #3

Jennifer Nelson
Council Member
District #4

Dave Stokes
Council Member
District #5

Rick Williams
Council Member
District #6

Jessica Cosden
Council Member
District #7

cc:

Congressman Francis Rooney, 1039 SE 9th Avenue, Suite 308, Cape Coral, FL 33990

Senator Lizbeth Benacquisto, 2000 Main Street, Suite 401, Fort Myers, FL 33901

Representative Dane Eagle, 1039 Southeast 9th Place, Suite 310, Cape Coral, FL 33990-3131

Cynthia Kelly, Budget Chief, Governor's Office, 400 S. Monroe Street, Tallahassee, FL 32399-0001

Katie Cunningham, Policy Coordinator, Public Safety Unit, Office of Policy and Budget, 400 S. Monroe Street, Tallahassee, FL 32399-1802

Item Number:	A.(1)
Meeting Date:	3/19/2018
Item Type:	ORDINANCES/RESOLUTIONS - Public Hearings

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

Resolution 44-18 (VP 17-0012*) Public Hearing

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations subject to the conditions set forth in VP HEX Recommendation 9-2017.

Staff Recommendation: Staff recommends approval of the vacation requests, with conditions.

SUMMARY EXPLANATION AND BACKGROUND:

A resolution providing for the vacation of plat for a portion of Vincennes Canal Right-of-Way and the underlying public utility and drainage easement located adjacent to Lots 64-65, Block 57, Unit 6, Part 3; providing for the vacation of plat for a portion of the public utility and drainage easement associated with Lots 64-65, Block 57, Unit 6, Part 3; property located at 4959 Vincennes Street.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Resolution 44-18 (VP 17-0012)
Hearing Examiner Recommendation Order
Back up from Hearing Examiner Hearing dated 12/5/2017
Staff Presentation

PREPARED BY:

Division- Department- City
Attorney

SOURCE OF ADDITIONAL INFORMATION:

Kathy Eastley, Senior Planner

ATTACHMENTS:

Description	Type
▣ Resolution 44-18 (VP 17-0012)	Resolution
▣ Hearing Examiner Recommendation Order	Backup Material
▣ Back up materials from the Hearing Examiner Hearing dated 12/5/17	Backup Material
▣ Staff Presentation	Backup Material

RESOLUTION 44 - 18

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A PORTION OF VINCENNES CANAL RIGHT-OF WAY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ADJACENT TO LOTS 64-65, BLOCK 57, UNIT 6, PART 3, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE VACATION OF PLAT FOR A PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT ASSOCIATED WITH LOTS 64-65, BLOCK 57, UNIT 6, PART 3, CAPE CORAL SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 4959 VINCENNES STREET; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by STEPHEN & MARYANNE BLANDFORD for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described canal right-of-way and the underlying public utility and drainage easement, as shown in Exhibit A, are hereby vacated by the City of Cape Coral, to wit:

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 6, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 6, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, SAID BLOCK 57 TO THE NORTHEAST CORNER LOT 65, SAID BLOCK 57 FOR 80.00 FEET; THENCE RUN EAST TO THE WATERS EDGE FACE OF A SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER OF SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 889.38 SQ FT±

Section 2. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described public utility and drainage easement, as shown in Exhibit B, is hereby vacated by the City of Cape Coral, to wit:

A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF LOTS 64 AND 65, BLOCK 57, CAPE CORAL UNIT 6, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 6, PART 3 THENCE RUN NORTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN WEST 6 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE SAID LOT 64, BLOCK 57 FOR 6.00 FEET; THENCE RUN NORTH 6 FEET WEST OF AND PARALLEL WITH THE EAST LINES SAID LOT 64 AND 65, BLOCK 57 FOR 68.00 FEET; THENCE RUN EAST FOR 6.00 FEET; THENCE RUN SOUTH ALONG THE

EAST LINES OF SAID LOTS 64 AND 65, BLOCK 57 FOR 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 408 SQUARE FEET, MORE OR LESS.

Section 3. Applicant shall provide to the City a deed for a six (6) foot wide perpetual public utility and drainage easement, as shown in Exhibit C. The deed shall be approved by the City's Development Services Manager and Real Estate Property Broker prior to execution. The property to be deeded to the City is as follows:

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 6, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 6, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, BLOCK 57, SAID CAPE CORAL UNIT 6 FOR 6.00 FEET; THENCE RUN EAST FOR 5.09 FEET; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN WEST FOR 5.14 FEET; THENCE RUN NORTH ALONG THE EAST LINE LOT 65, SAID BLOCK 57 FOR 5.14 FEET; THENCE RUN NORTH TO THE NORTHEAST CORNER SAID LOT 65, BLOCK 57 FOR 6.00 FEET; THENCE RUN EAST TO A POINT ALONG THE WATERS EDGE FACE OF SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 889.38 SQ FT±

Section 4. The applicant shall meet the following terms and conditions:

1. The vacation of the 889.38 square foot canal right-of-way and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc., entitled "Portion of Vincennes Canal, Cape Coral, Unit 6, Part 3," dated July 7, 2017.
2. The vacation of the 408 square foot public utility and drainage easement shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc., entitled "Portion of Public Utility and Drainage Easement in Lots 64 & 65, Block 57, Cape Coral, Unit 6, Part 3," dated July 7, 2017.
3. Within 60 days from the date of the adoption of this resolution, the owner shall provide to the City an easement deed for a six-foot wide easement that is sufficient for providing a continuous easement around the site consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc., entitled "Public Utility and Drainage Easement Lying in a Portion of Vincennes Canal, Cape Coral, Unit 6, Part 3," dated July 7, 2017. This deed shall be approved by the City Development Services Manager and Property Broker prior to execution.
4. This resolution shall be recorded with the Office of the Lee County Clerk of Circuit Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #3 above, and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deed.

Section 5. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO
GUNTER
CARIOSCIA
STOUT

NELSON
STOKES
WILLIAMS
COSDEN

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2018.

REBECCA VAN DEUTEKOM,
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
res/vp17-0012

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

PORTION OF VINCENNES CANAL CAPE CORAL, UNIT 6, PART 3,

PLAT BOOK 11, PAGES 70-79

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION:

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 6, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

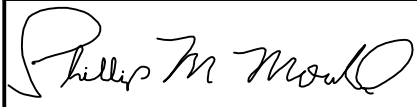
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 6, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, SAID BLOCK 57 TO THE NORTHEAST CORNER LOT 65, SAID BLOCK 57 FOR 80.00 FEET; THENCE RUN EAST TO THE WATERS EDGE FACE OF A SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER OF SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14, 20 SCALE DRAWING.

NOT A BOUNDARY SURVEY

			
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 7/7/17		FILE NO. 45-24-18	SHT.-2 OF - 2

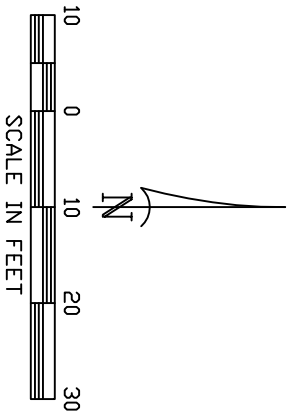


EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH:
VACATION OF:

PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOTS 64 & 65, BLOCK 57, CAPE CORAL, UNIT 6, PART 3,

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGES 70-79)
LEE COUNTY, FLORIDA

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (EASEMENT VACATION):

A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF LOTS 64 AND 65, BLOCK 57, CAPE CORAL UNIT 6, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

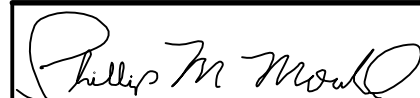
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CONTAINING: 408 SQUARE FEET, MORE OR LESS.

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
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PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
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DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 10/5/17		FILE NO. 45-24-18	SHT.-2 OF - 2

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH:
PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A

PORTION OF VINCENNES CANAL CAPE CORAL, UNIT 6, PART 3,

PLAT BOOK 11, PAGES 70-79 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT):

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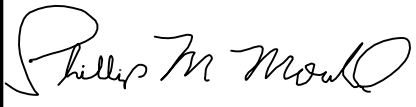
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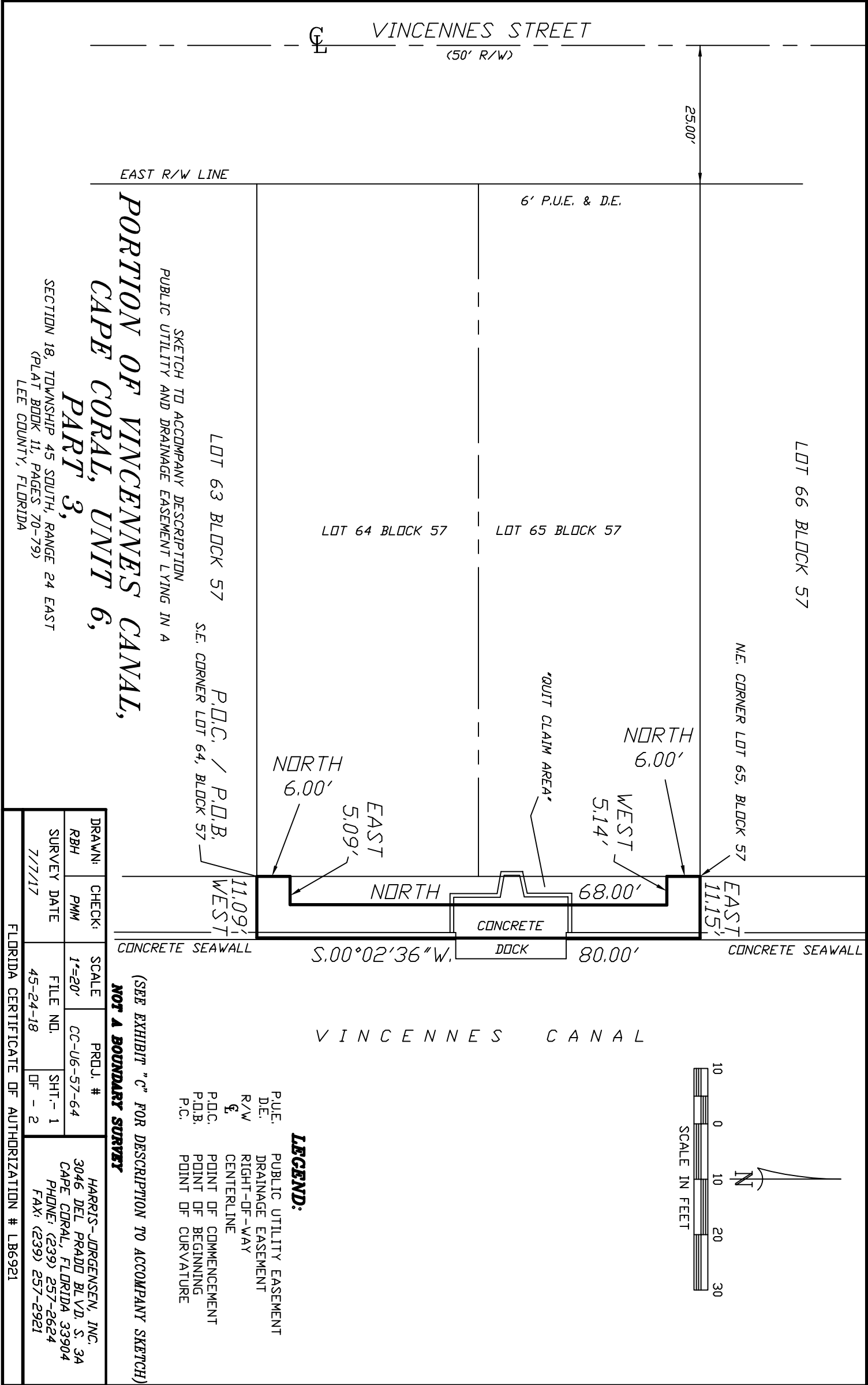
CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

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OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL
HEARING EXAMINER RECOMMENDATION

VP HEX Recommendation 9-2017
DCD CASE # VP 17-0012
Rendered December 6, 2017

APPLICATION FOR: Vacation of:

- ±889.38-square feet of canal right-of-way (ROW) and all underlying easements along the Vincennes Canal adjacent to and east of Lots 64 and 65, Block 57; and
- ±408-square feet of platted easements with Lots 64 and 65, Block 57

NAME OF OWNERS/APPLICANTS: Stephen and Maryanne Blandford

LOCATION OF PROPERTY: 4959 Vincennes Street, Cape Coral, Florida
Strap 18-45-24-C1-00057.0640
Lots 64 and 65, Block 57, Unit 6 Part 3

ZONING DISTRICT: Multi-Family (R-3)

FUTURE LAND USE CLASSIFICATION: Multi-Family (MF)

HEARING DATE: December 5, 2017

SUMMARY OF REQUEST: The applicants request to vacate:

- ±889.38-square feet of canal right-of-way (ROW) & all underlying easements along the Vincennes Canal adjacent to & east of Lots 64 & 65, Block 57
- ±408-square feet of platted easements with Lots 64 and 65, Block 57

I. SUMMARY OF HEARING EXAMINER RECOMMENDATION

The Hearing Examiner recommends that City Council **approve** the application for the requested vacations, subject to the conditions set forth below.

II. NOTICE OF HEARING

Based on the testimony of City Staff Kathy Eastley at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article VIII, §8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

III. PARTICIPANTS IN HEARING

CITY STAFF: Kathy Eastley, AICP ¹

¹ Ms. Eastley was recognized as an expert in land planning issues associated with this Application, based upon her prior appearances before the Hearing Examiner and her credentials which are on file with the City Clerk's Office.

CITY CLERK'S OFFICE: Patricia Sorrels

APPLICANT: Maryanne Blandford

MEMBERS OF PUBLIC: Staff received three (3) telephone calls for information. The callers did not express an opinion regarding the Application.

IV. **EXHIBITS**

APPLICANT'S AND CITY STAFF'S EXHIBITS: previously submitted.

V. **REVIEW OF LUDR REQUIREMENTS**

Authority. The Hearing Examiner has the authority to recommend approval or denial of an application for a vacation of a plat and associated easements pursuant to LUDR §9.2.3 b.8.

Standard of Review of Evidence; Hearsay Evidence. The Hearing Examiner's recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. In rendering this recommendation, the Hearing Examiner must consider all competent substantial evidence in the record as defined by LUDR § 8.3.1.C.3.b.

LUDR Standards. The Hearing Examiner reviewed the application in accordance with the standards set forth in LUDR § 8.11, *Vacation of plats, rights-of-way and other property*, in addition to the general standards set forth in the LUDRs and the City Comprehensive Plan.

VI. **TESTIMONY AT HEARING**

Applicant's Incorporation of Staff Report and Staff Testimony

The Applicant incorporated the Staff Report and Staff Testimony ("Staff Input") into her presentation by reference. She requested the Hearing Examiner to recommend that City Council find the Staff Input as findings of fact, in addition to those separately presented by her.

Hearing Examiner's Recommended Findings of Fact.

All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision regarding this Application.

VII. DISCUSSION

Site and Surrounding Area

Staff testified that the applicants own a two-lot platted site about 950-feet south of the intersection of Cape Coral Parkway and Vincennes Street in southeastern Cape Coral. The plat for Unit 6 shows the east property line on the Vincennes Canal right-of-way, but the actual canal is about ten-feet east of the property line, in the canal right-of-way, where the owners have constructed a dock.

Staff testified that the owners seek to vacate about ten-feet of canal right-of-way to expand the boundaries of this site to the existing seawall.

Staff testified that improvements on the site include a 1,936-square foot duplex and a pool, based on information available from the Lee County Property Appraiser website, and that a concrete dock exists to the rear of the site.

Staff provided the Table below as Table 1 in the staff report, to illustrate the zoning districts and future land use designations of the surrounding area:

	<u>Zoning</u>	<u>Future Land Use</u>
Subject Parcel:	Multi-Family (R-3)	Multi-Family (MF)
	<u>Surrounding Zoning</u>	<u>Surrounding Future Land Use</u>
North:	Multi-Family (R-3)	Multi-Family (MF)
South:	Multi-Family (R-3)	Multi-Family (MF)
East:	Vincennes Canal and Single-Family (R-1B)	Vincennes Canal and Single Family (SF)
West:	Vincennes Street and Multi-Family (R-3)	Vincennes Street and Single Family (SF)

Details of Vacation Requests

The Applicants have requested three (3) vacations, as set forth below:

Request No. 1: Vacate 889.38 square feet of ROW Adjacent to the Vincennes Canal

- Staff testified that the proposed vacation would involve the land directly to the east of Lots 64 and 65 and that this property has a concrete dock maintained by the owners.
- Staff further testified that approval of this vacation request would: 1) establish private ownership of this area; 2) allow construction of a fence around the pool; and 3) prohibit the public from potentially accessing and using this land.

Request No. 2: Vacate 889.38 square feet of Easements Underlying the Subject ROW

- Staff testified that applicants seek to vacate 889.38 square feet of easements underlying the ROW described under Request No. 1.

- Staff testified that all three utility providers lack facilities in these easements and that all three providers have no objection to this request.
- Staff testified that the City lacks facilities within this ROW.

Request No. 3: Vacate 408 square feet of Perimeter Easements on Lots 64 & 65

- The applicants seek to vacate 408 square feet of perimeter utility and drainage easements on Lots 64 and 65.
- Staff testified that the three utility providers lack facilities within these easements and that all three providers have no objection to this request.
- LCEC requires that the applicants provide a continuous perimeter easement upon approval of the vacations.
- Staff testified that the City lacks facilities within this ROW.
- Staff further testified that the proposed vacation of all easements and the ROW will allow the applicants to improve and maintain an additional 889.38-square feet of property.

Recommendation that City Council Find That Applicant Has Complied with All Requirements for the Requested Vacations, as Set Forth in LUDR §8.11

1. Applicants **have** color of title (LUDR §8.11.3b.1)

Staff testified that Applicants own the subject properties.

2. A copy of the plat **has** been provided, showing the portions for which vacation is sought (LUDR §8.11.3b.2)

The plat is attached as an Exhibit to this Recommendation.

3. and 4. Letter of Approval from LCEC and Letters of No Objection from Century Link and Comcast (LUDR §8.11.3b.3 and LUDR §8.11.3b.4-6) **have** been obtained.

As set forth above, a Letter of Approval has been obtained from LCEC, letters of no objection have been received from Century Link and Comcast, and the City has no facilities in the referenced easements/right of way.

5. A copy of a recent boundary survey or survey sketch of the property prepared and executed by a registered surveyor, **has been provided**, showing the area requested to be vacated; providing complete metes and bounds legal descriptions of said areas, and showing all pavement and all utility and drainage facilities in said area, including water, sewer and cable lines, utility poles, swales, ditches, manholes and catch basins. Separate drawings and metes and bounds legal descriptions will be required for each proposed vacation area when the right-of-way and easement configurations differ. (LUDR §8.11.3b.7.B)

All of the required documents are attached hereto as Exhibits.

6. *No Reasonably Foreseeable Public Use of the Vacated Area.*
(LUDR, §8.11.3 d)

Staff recommended a finding that the Owner meets this criterion, for the following reasons: approval of this request would: a) establish private ownership of this area; and b) allow construction of a fence around the existing pool, which would provide an additional measure of safety regarding use of the pool.

It is recommended that, for the above reasons, the City Council finds there is **no reasonably foreseeable public use** for the requested vacations.

7. *City's Retention of Easements for Utilities and/or Drainage in and Upon the Vacated Area.* (LUDR, §8.11.3 d)

It is recommended that the City Council retain a perimeter easement for utilities and/or drainage in and upon the vacated areas, as set forth in the conditions below. The owner has agreed to this perimeter easement.

Consistency with the Comprehensive Plan (LUDR §8.11)

It is recommended that the City Council find that the vacation requests are consistent with Policy 5.15 of the Future Land Use Element of the City's Comprehensive Plan which states:

Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

b. Multiple Family Residential. Not more than 16 units per acre.

Staff testified that this application is to facilitate further development of this site, which is 10,000 square feet in size with one (1) duplex.

Accordingly, it is recommended that City Council find that granting the requested vacations, as conditioned below, **would be consistent** with the City Comprehensive Plan, Land Use Development Regulations, and all other applicable law.

VIII. **RECOMMENDED CONDITIONS OF APPROVAL**

City staff testified regarding recommendations for conditions of approval, set forth below. Applicant testified that she has no objection to these conditions.

The Hearing Examiner **recommends** that these conditions of approval be adopted as part of the City Council's approval of Applicant's request:

1. Consistency with Exhibit. The vacation of the 889.38 square feet of ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc. entitled Portion of Vincennes Canal, Cape Coral, Unit 6, Part 3, dated July 7, 2017.
2. Consistency with Exhibit. The vacation of the 408 square feet of Public Utility and Drainage Easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc. entitled Portion of Public Utility and Drainage Easement in Lots 64 & 65, Block 573, dated July 7, 2017
3. Provision of Easement Deed to City. Within 60 days from the date of adoption of the vacation Ordinance, the owner shall provide to the City an easement deed for a six-foot wide easement that is sufficient for providing a continuous easement around the site. This deed shall be approved by the City Development Services Manager and Property Broker prior to execution.
4. Recording of Resolution. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #3 above, and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deed.
5. Compliance with Zoning District Standards and Requirements and Inclusion of LUDRs, City Ordinances and Other Applicable Law. Applicant shall comply with all standards and requirements for the zoning district in which the property is located and all other requirements set forth in the LUDRs, City ordinances and all other applicable laws and regulations, which are incorporated herein by reference.

VIII. EXHIBITS

The following Exhibits are attached to this Recommendation and are hereby incorporated by reference:

- o EXHIBIT "A": Sketch and accompanying Legal Description, Portion of Vincennes Canal, Cape Coral, Unit 6, Part 3, prepared by Phillip M. Mould, dated 7/7/2017; two (2) pages.

VP HEX RECOMMENDATION 9-2017
December 6, 2017

- Exhibit "B": Sketch and accompanying Legal Description prepared by Phillip M. Mould, entitled "Portion of Public Utility and Drainage Easement in Lots 64 and 65, Block 573, Cape Coral, Unit 6, Part 3, dated 10/5/2017; two (2) pages.
- Exhibit "C": Legal Description and accompanying sketch prepared by Phillip M. Mould, entitled "Public Utility and Drainage Easement lying in A Portion of Vincennes Canal, Cape Coral, Unit 6, Part 3," dated 10/5/2017, two (2) pages

The Hearing Examiner hereby **RECOMMENDS APPROVAL** of the request for the above-referenced Vacations filed by Applicants, **WITH THE CONDITIONS** set forth above.

This Recommendation takes effect on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA



ANNE DALTON, ESQUIRE

12/6/17

DATE

ATTEST:



CITY CLERK

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

PORTION OF VINCENNES CANAL CAPE CORAL, UNIT 6, PART 3,

PLAT BOOK 11, PAGES 70-79

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

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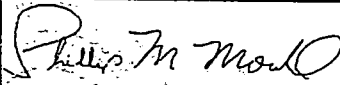
			
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Exhibit A
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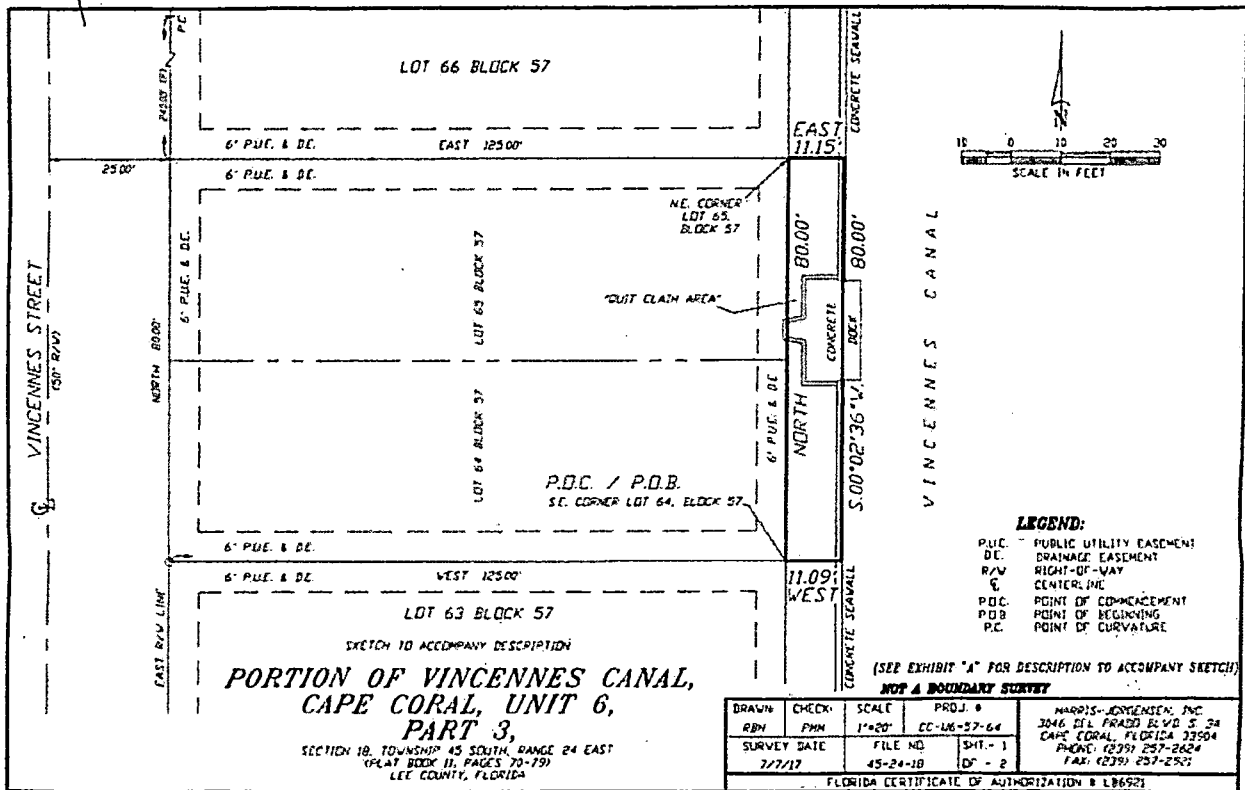


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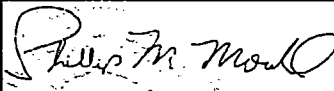
			
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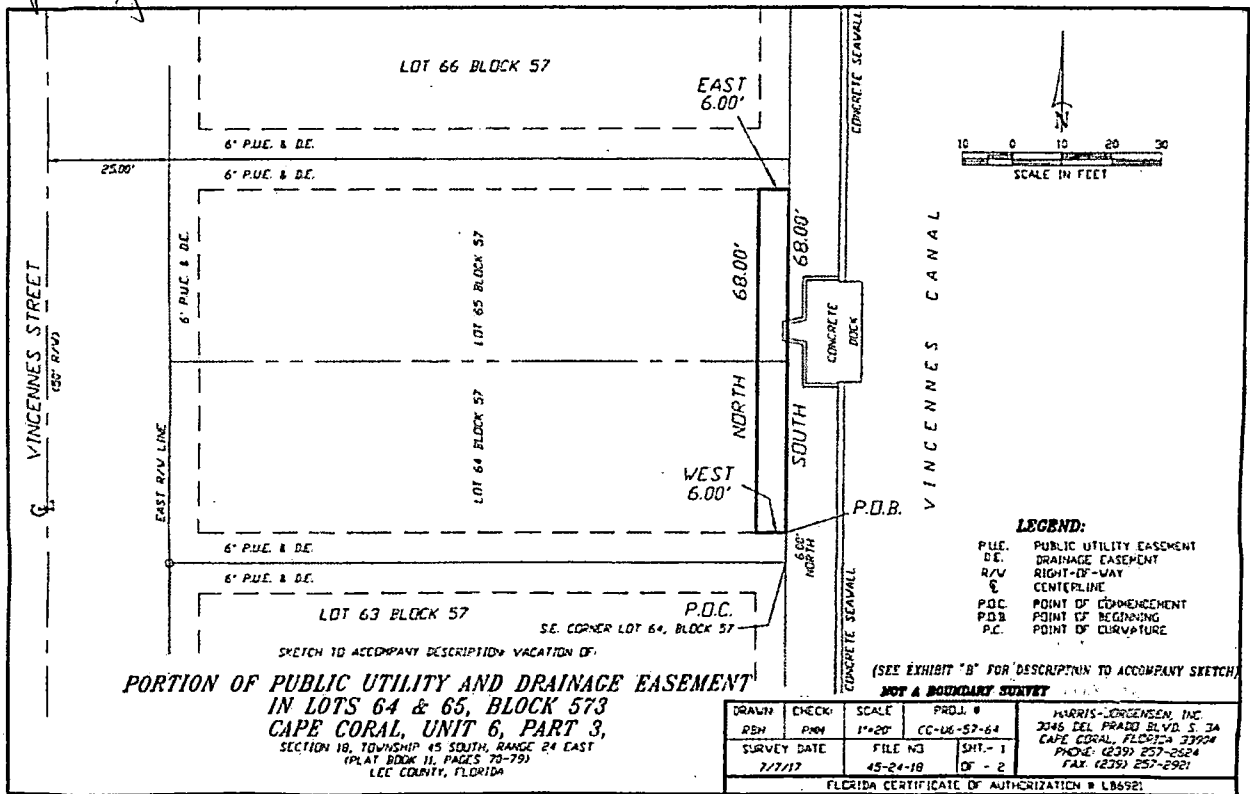


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PLAT BOOK 11, PAGES 70-79 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT):

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, BLOCK 57, SAID CAPE CORAL UNIT 57 FOR 6.00 FEET; THENCE RUN EAST FOR 5.09 FEET; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN WEST FOR 5.14 FEET; THENCE RUN NORTH ALONG THE EAST LINE LOT 65, SAID BLOCK 57 FOR 5.14 FEET; THENCE RUN NORTH TO THE NORTHEAST CORNER SAID LOT 65, BLOCK 57 FOR 6.00 FEET; THENCE RUN EAST TO A POINT ALONG THE WATERS EDGE FACE OF SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14, 20 SCALE DRAWING.

NOT A BOUNDARY SURVEY

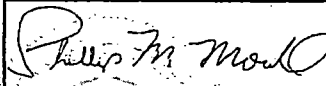
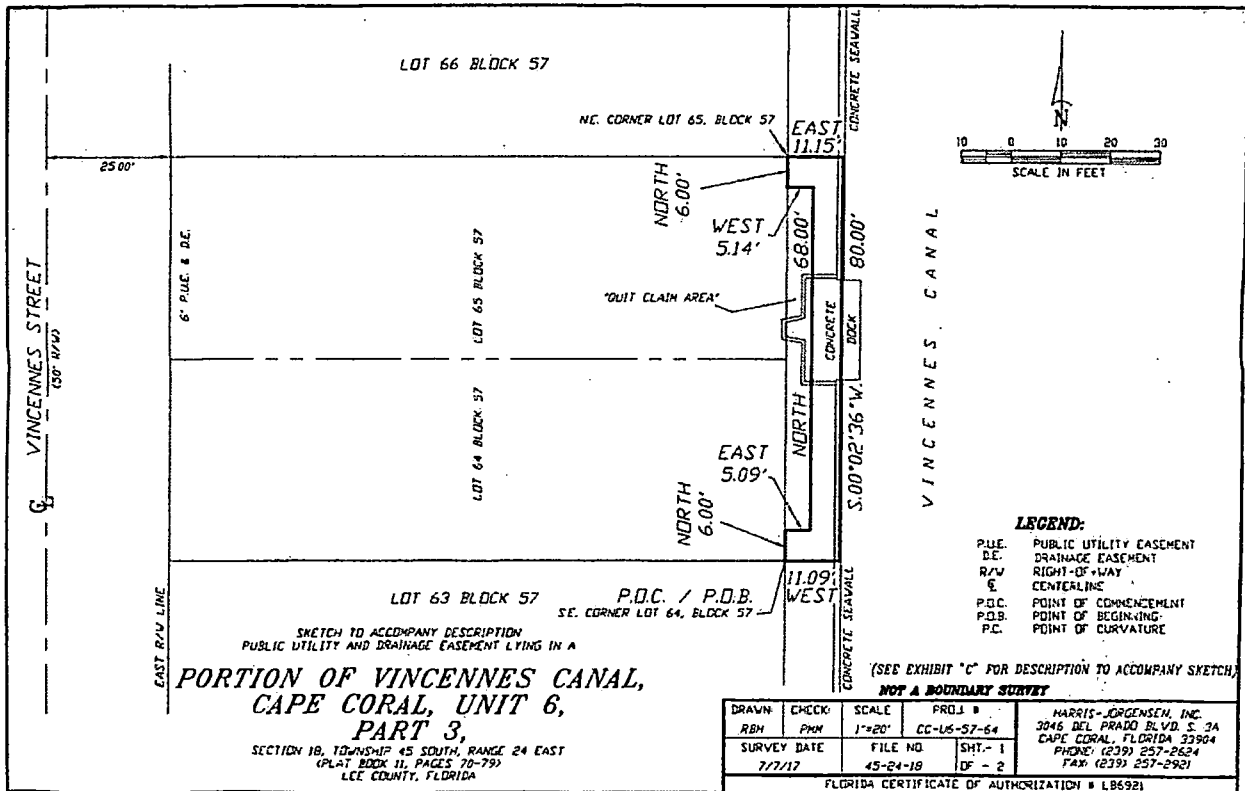
			
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PHM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 10/5/17	FILE NO. 45-24-18	SHT.-2 OF - 2	

Exhibit "C"
p2 of 2





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0012

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY MARYANNE BLANDFORD

STEPHEN D. BLANDFORD Address: 4959 VINCENNES STREET
City: CAPE CORAL State: FL Zip 33904
Phone: 239-471-2430

APPLICANT

STEPHEN D. BLANDFORD Address: 4959 VINCENNES STREET
City: CAPE CORAL State: FL Zip 33904
Phone: 239-471-2430

EMAIL

mblandford11@comcast.net

AUTHORIZED REPRESENTATIVE

EMAIL

Address: _____
City: _____ State: _____ Zip _____
Phone: _____

Unit 6, PART 3 Block 57 Lot(s) 64+65 Subdivision

Address of Property 4959 VINCENNES STREET CAPE CORAL FLORIDA 33904

Current Zoning RESIDENTIAL Plat Book 11, Page 70-79
Strap Number 18-45-24-C1-00057.0640



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0012

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

MARYANNE BLANDFORD

STEPHEN D. BLANDFORD

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

Stephen D. Blandford / Maryanne Blandford
OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me on this 21 day of July,
2017 by Stephen & Maryanne Blandford, who is personally known or who has produced FL D
as identification.

Exp. Date July 19, 2019
Commission # FF 901061

[Signature]
Signature of Notary Public

Steven Arocho
Print Name of Notary Public





DEPARTMENT OF COMMUNITY DEVELOPMENT
VACATION OF PLAT APPLICATION
Questions: 239-574-0776

Case # VP17-0012

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

MARYANNE BLANDFORD
STEPHEN D. BLANDFORD

APPLICANT NAME (PLEASE TYPE OR PRINT)

Stephen D. Blandford / Maryanne Blandford
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 21 day of July, 2017 by Stephen & Maryanne Blandford who is personally known or produced FL DL as identification.

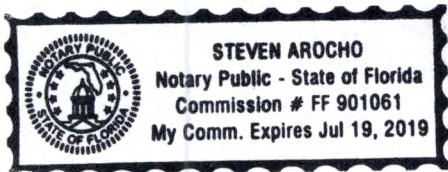
Exp. Date: July 19, 2019 Commission Number: FF 901061

Signature of Notary Public:

Steven Arocho

Printed name of Notary Public:

Steven Arocho





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0012

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

CORPORATION/COMPANY NAME

MARYANNE BLANDFORD
STEPHEN D. BLANDFORD

PROPERTY OWNER (PLEASE TYPE OR PRINT)

Stephen D. Blandford / Maryanne Blandford
PROPERTY OWNER'S SIGNATURE

STATE OF

FL

, COUNTY OF

LEE

Sworn to (or affirmed) and subscribed before me this 21 day of July, 2017, by

Stephen & Maryanne Blandford

who is personally known or produced

FL DL

as identification.

Exp. Date:

July 19, 2019

Commission Number:

FF 901061

Signature of Notary Public:

Steven Arocho

Printed name of Notary Public:

(SIGNATURE MUST BE NOTARIZED)



August 14, 2017

Director
Department of Community Development
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915-0027

17 AUG 14 PM 10.27

RE: LETTER OF INTENT FOR A VACATION OF PLAT

Dear Director:

It is our intent to vacate the interior lot lines along the seawall of Lots 64 and 65, Block 57, Unit 6, Part 3.

Enclosed you will find a copy of the survey and legal description of the above mentioned area.

This Vacation is necessary in order to install a fence on both sides of the backyard to the seawall enclosing the pool area.

If you have any questions, please don't hesitate to call (239 471-2430 or 239 677-5955).

Sincerely,

Stephen S. Blandford

Maryanne Blandford

Stephen Blandford
Maryanne Blandford

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

PORTION OF VINCENNES CANAL CAPE CORAL, UNIT 6, PART 3,

PLAT BOOK 11, PAGES 70-79

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (QUIT CLAIM AREA):

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

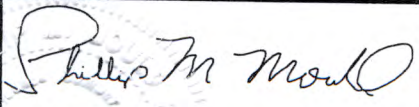
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, SAID BLOCK 57 TO THE NORTHEAST CORNER LOT 65, SAID BLOCK 57 FOR 80.00 FEET; THENCE RUN EAST TO THE WATERS EDGE FACE OF A SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER OF SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14, 20 SCALE DRAWING.

NOT A BOUNDARY SURVEY

			
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARRIS-JORGENSEN, INC. 3046 DEL FRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 7/7/17		FILE NO. 45-24-18	SHT.-2 OF - 2

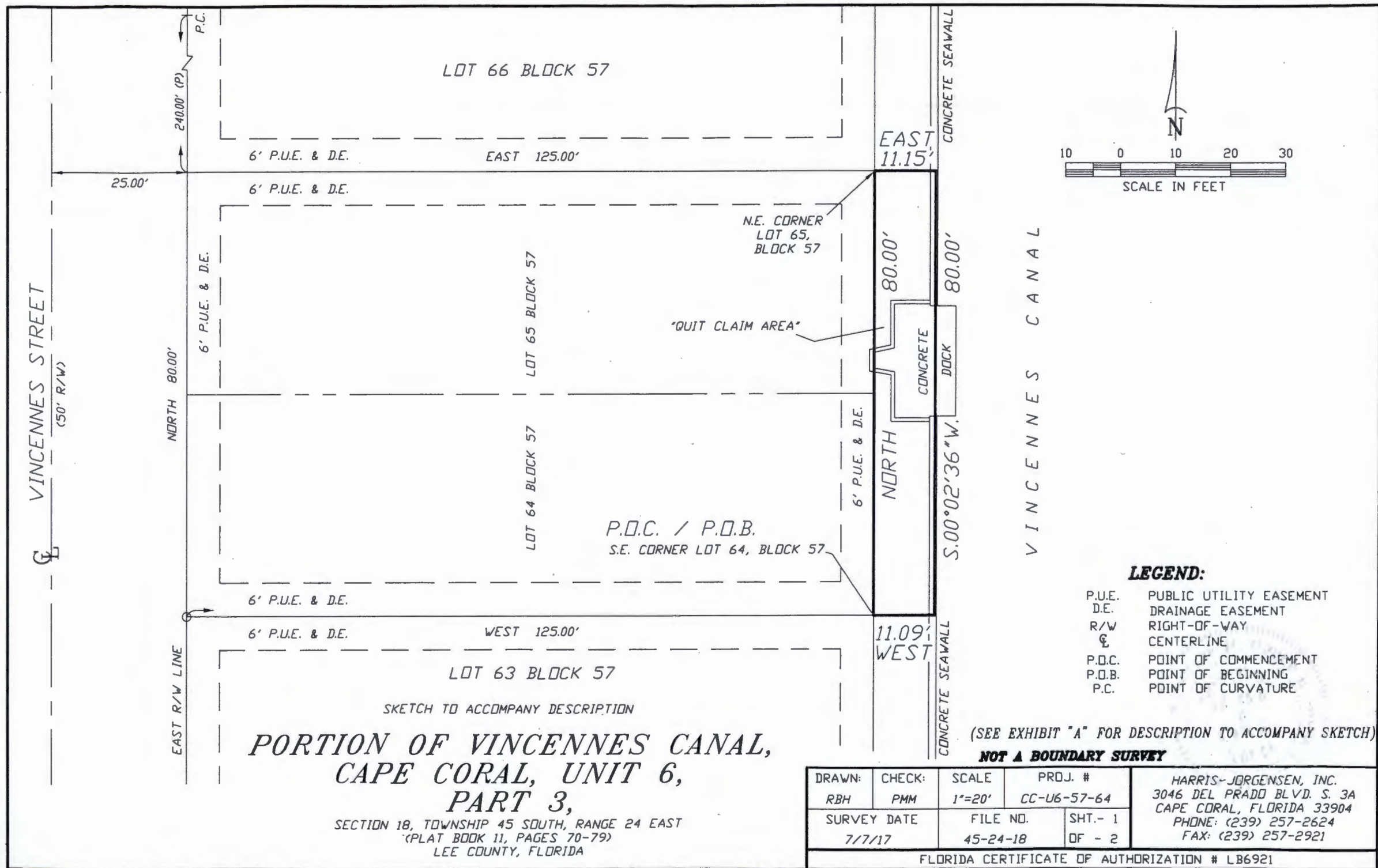


EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH:
VACATION OF:

PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT IN LOTS 64 & 65, BLOCK 573 CAPE CORAL, UNIT 6, PART 3,

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGES 70-79)
LEE COUNTY, FLORIDA

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (EASEMENT VACATION):

A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF LOTS 64 AND 65, BLOCK 57, CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

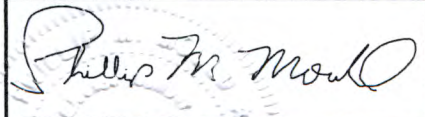
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 THENCE RUN NORTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN WEST 6 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE SAID LOT 64, BLOCK 57 FOR 6.00 FEET; THENCE RUN NORTH 6 FEET WEST OF AND PARALLEL WITH THE EAST LINES SAID LOT 64 AND 65, BLOCK 57 FOR 68.00 FEET; THENCE RUN EAST FOR 6.00 FEET; THENCE RUN SOUTH ALONG THE EAST LINES OF SAID LOTS 64 AND 65, BLOCK 57 FOR 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 408 SQUARE FEET, MORE OR LESS.

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
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NOT A BOUNDARY SURVEY

			
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PMM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 10/5/17		FILE NO. 45-24-18	SHT.-2 OF - 2

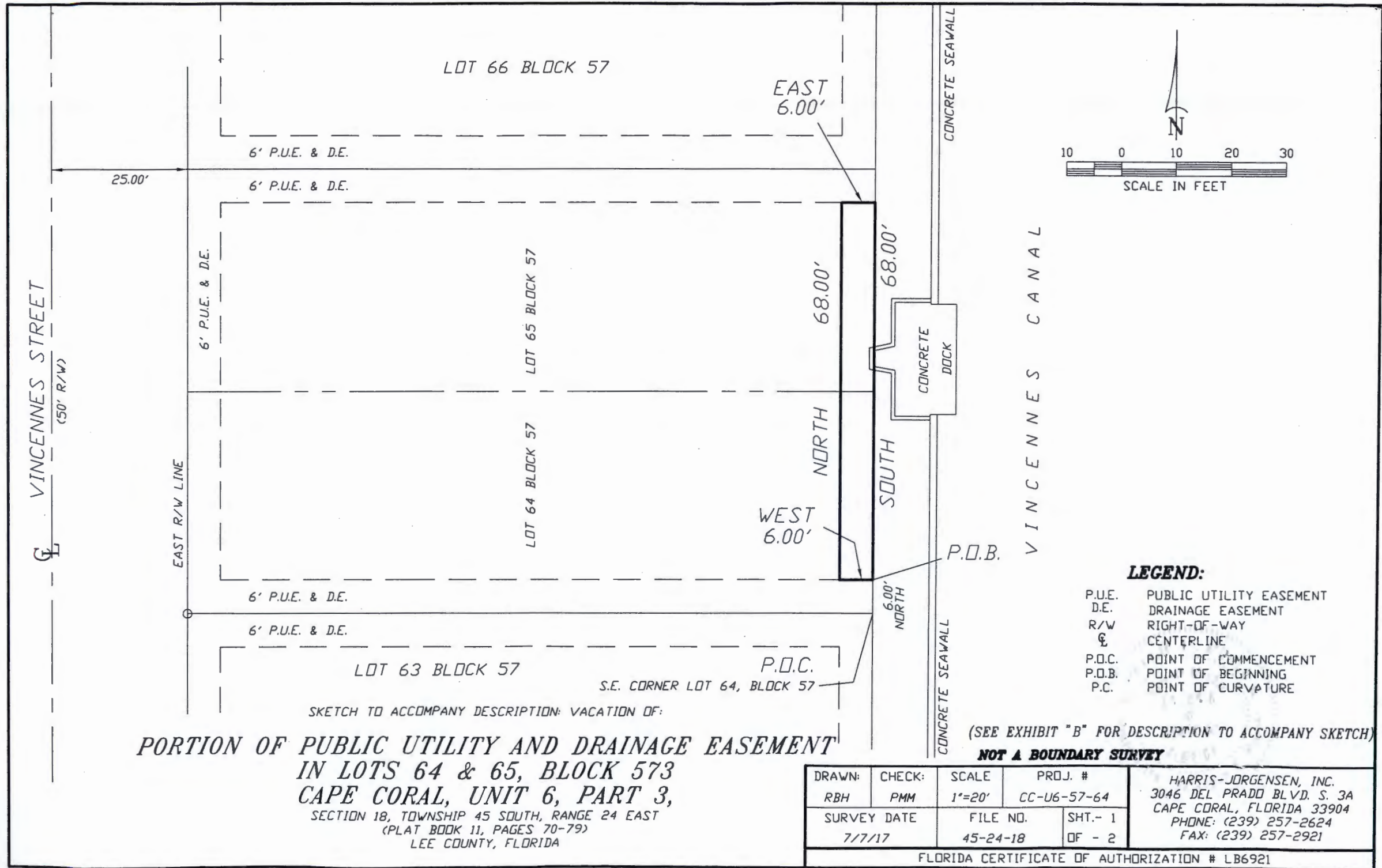


EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH:
PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A

PORTION OF VINCENNES CANAL CAPE CORAL, UNIT 6, PART 3,

PLAT BOOK 11, PAGES 70-79 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT):

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

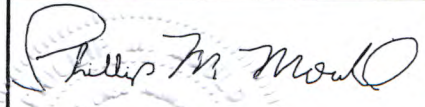
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, BLOCK 57, SAID CAPE CORAL UNIT 57 FOR 6.00 FEET; THENCE RUN EAST FOR 5.09 FEET; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN WEST FOR 5.14 FEET; THENCE RUN NORTH ALONG THE EAST LINE LOT 65, SAID BLOCK 57 FOR 5.14 FEET; THENCE RUN NORTH TO THE NORTHEAST CORNER SAID LOT 65, BLOCK 57 FOR 6.00 FEET; THENCE RUN EAST TO A POINT ALONG THE WATERS EDGE FACE OF SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

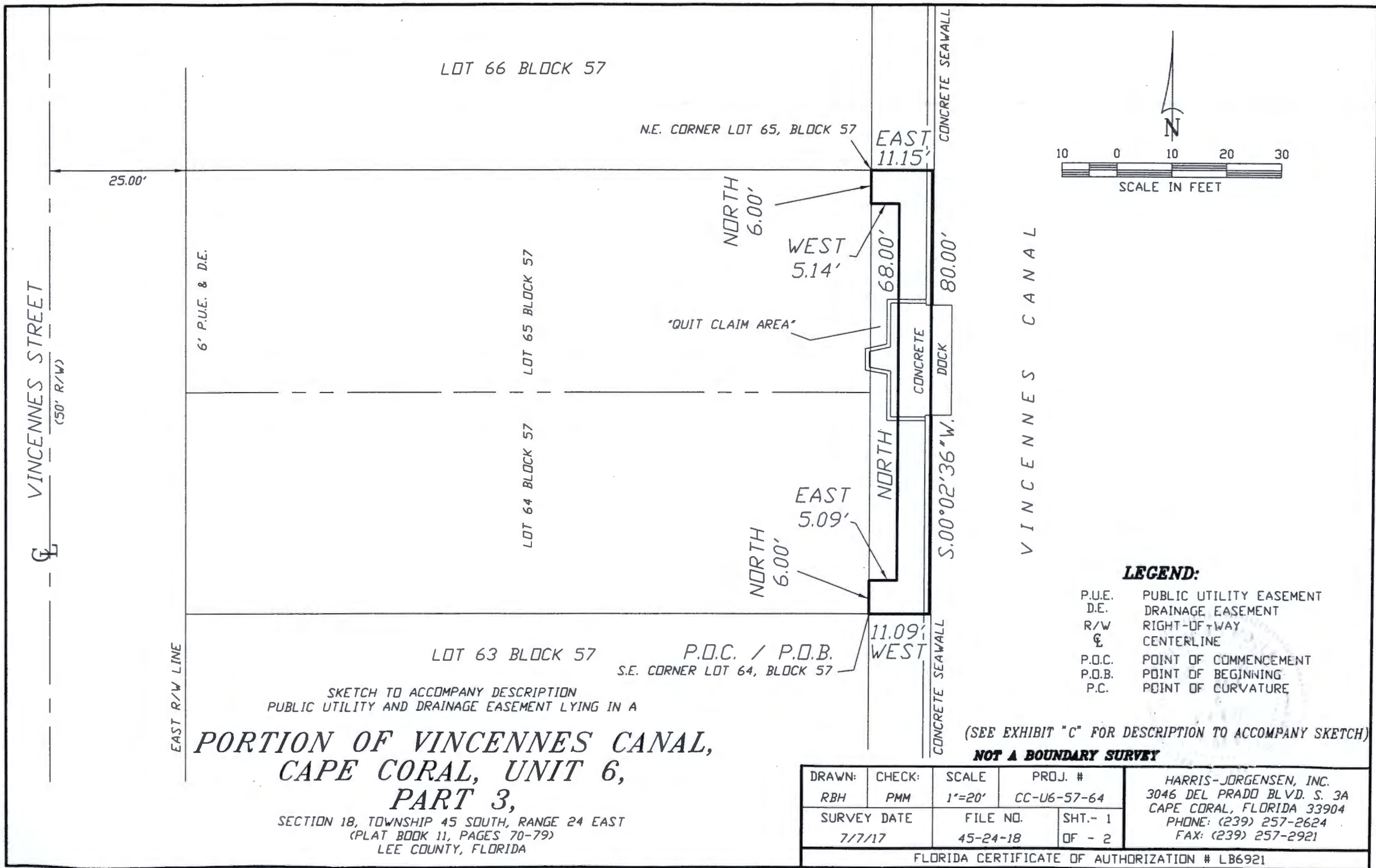
CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
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PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARPIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PHM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 10/5/17		FILE NO. 45-24-18	SHT.-2 OF - 2



VINCENNES STREET
(50' R/W)

25.00'

NORTH 80.00'

EAST R/W LINE

6' P.U.E. & D.E.

6' P.U.E. & D.E.

EAST 125.00'

6' P.U.E. & D.E.

LOT 65 BLOCK 57

LOT 64 BLOCK 57

6' P.U.E. & D.E.

6' P.U.E. & D.E.

WEST 125.00'

LOT 63 BLOCK 57

SKETCH TO ACCOMPANY DESCRIPTION

**PORTION OF VINCENNES CANAL,
CAPE CORAL, UNIT 6,
PART 3,**

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGES 70-79)
LEE COUNTY, FLORIDA

LOT 66 BLOCK 57

N.E. CORNER
LOT 65,
BLOCK 57

"QUIT CLAIM AREA"

P.D.C. / P.D.B.
S.E. CORNER LOT 64, BLOCK 57

EAST
11.15'

80.00'

NORTH

11.09'
WEST

CONCRETE SEAWALL

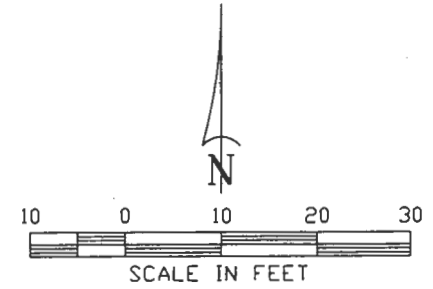
80.00'

S.00°02'36"W.

CONCRETE SEAWALL

CONCRETE DOCK

VINCENNES CANAL



LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
R/W RIGHT-OF-WAY
CL CENTERLINE
P.D.C. POINT OF COMMENCEMENT
P.D.B. POINT OF BEGINNING
P.C. POINT OF CURVATURE

(SEE EXHIBIT "A" FOR DESCRIPTION TO ACCOMPANY SKETCH)

NOT A BOUNDARY SURVEY

DRAWN: RBH	CHECK: PMM	SCALE 1"=20'	PROJ. # CC-U6-57-64	HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
SURVEY DATE 7/7/17		FILE NO. 45-24-18	SHT.- 1 OF - 2	
FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921				



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • Fax (239) 995-7904
www.lcec.net

August 11, 2017

Mr. Steven Blandford
Mrs. Maryanne Blandford
4659 Vincennes Street
Cape coral, FL 33904

Re: Letter of No Objection to Vacation of Utility Easement 4959 Vincennes Street, Cape Coral, FL;
Owners: Steven and Maryanne Blandford; Strap: 18-45-24-C1-00057.0640.

Dear Mr. Blandford:

You have opened up negotiations, on behalf of you and your wife.

We have reviewed the sketch, the request submitted, and our internal records. LCEC has **no objection** to the request. However, LCEC requires a continuous perimeter easement surrounding your property in order to serve you. Therefore, in the after situation to the vacation, the petitioner will have provided to the appropriate local jurisdiction, and imposed six foot wide easements along the seawall and the side easements so that there is a continuous perimeter easement located upon the parcel.

Should no definitive action, or no approval by local jurisdiction be received by the petitioner, this letter will terminate upon six months from the date listed above.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at russel.goodman@lcec.net.

Very truly yours,

Russel Goodman,
SR/WA

Digitally signed by Russel Goodman, SR/WA
DN: cn=Russel Goodman, SR/WA, o=Lee
County Electric Co-operative, ou=Design
and Engineering,
email=Russel.Goodman@lcec.net, c=US
Date: 2017.08.11 15:54:51 -04'00'

Russel Goodman, SR/WA
Design & Engineering Coordinator – Land Rights



Attention:

Maryanne & Steve Blandford
Mblandford11@comcast.net
Cell: 239-471-2430
Cell: 239-677-5955

Subject: - Vacation of Plat

Site Address: 4959 Vincennes Street, Cape Coral, FL 33904
Strap #: 18-45-24-C1-00057.0640

Dear Maryanne & Steve Blandford

In regard of the referenced property above, CenturyLink has **No Objection** to Vacate 6' utility easement along sea wall described by the plats from Maryanne & Steve Blandford. "The Lot #s are 64 and 65, Block 57 Cape Coral, Unit 6 Part 3."

Sincerely
JUSTIN LANE

THANK YOU!
Justin Lane
OSP Engineering
3301 Del Prado Blvd S
Office: (239)-984-7009
justin.lane@centurylink.com



**12600 Westlinks Drive suite 4
Fort Myers Fl. 33913
Phone: 239-432-1805**

July 13, 2017

Stephen Blandford
4959 Vincennes St.
Cape Coral Fl. 33904

Re: 4959 Vincennes St. (Lots 64 & 65 Block 57)

Dear Stephen Blandford,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in black ink, appearing to read 'Mark Cook'.

Mark Cook
Project Coordinator

Property Owner/Applicant: Stephen and Maryanne Blandford

Request: The applicant requests to vacate:

- ±889.38-square feet of canal right-of-way (ROW) and all underlying easements along the Vincennes Canal adjacent to and east of Lots 64 and 65, Block 57;
- ±408-square feet of platted easements with Lots 64 and 65, Block 57

Location: 4959 Vincennes Street
Strap 18-45-24-C1-00057.0640
LOTS 64 and 65, Block 57, Unit 6 Part 3

Date of Report: October 27, 2017

Recommendation: Approval with conditions

I. Property Description:



Figure 1 - Vicinity

The applicants own a two-lot platted site about 950-feet south of the intersection of Cape Coral Parkway and Vincennes Street in southeastern Cape Coral. The plat for Unit 6 shows the east property line on the Vincennes Canal right-of-way, but the actual canal is about ten-feet east of the property line, in the canal right-of-way, where the owners have constructed a dock. The owners seek to vacate about ten-feet of canal right-of-way to expand the boundaries of this site to the existing seawall.

Improvements on the site include a 1,936-square foot duplex and a pool based on information available from the Lee County Property Appraiser website. A concrete dock exists to the rear of the site.

The site has a Multi-Family Future Land Use Classification and Multi-Family (R-3) Zoning. Land use and zoning information for adjacent properties are in Table 1 and in Figures 2 and 3 below.

Table 1 – Zoning and Future Land Use

	Zoning	Future Land Use
Subject Parcel:	Multi-Family (R-3)	Multi-Family (MF)
	Surrounding Zoning	Surrounding Future Land Use
North:	Multi-Family (R-3)	Multi-Family (MF)
South:	Multi-Family (R-3)	Multi-Family (MF)
East:	Vincennes Canal and Single-Family (R-1B)	Vincennes Canal and Single Family (SF)
West:	Vincennes Street and Multi-Family (R-3)	Vincennes Street and Single Family (SF)

There have been no changes to the Future Land Use or Zoning for the site.



Figure 2 - Future Land Use

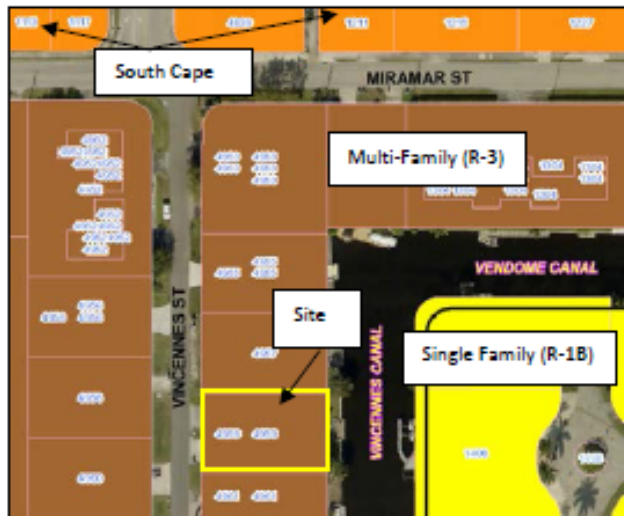


Figure 3 - Zoning



Figure 4 - Google Earth February 2015



Figure 5 - Aerial view of Vacation area

II. Staff Analysis:

Staff analyzed this request with the Land Use and Development Regulations (LUDR), Section 8.11, "Vacation of plats, rights-of-way and other property." The City Comprehensive Plan was also reviewed for policies on vacations.

Request No. 1: Vacate 889.38 square feet of ROW Adjacent to the Vincennes Canal

This vacation involves the land directly to the east of Lots 64 and 65. This land has a concrete dock and the owner has maintained the area. Approval of this vacation request would: 1) establish private ownership of this area; 2) allow construction of a fence around the pool; and 3) prohibit the public from potentially accessing and using this land.

Staff recommendation: Approval.

Request No. 2: Vacate 889.38 square feet of Easements Underlying the Subject ROW

The applicant seeks to vacate 889.38 square feet of easements underlying the ROW described under Request No. 1. All three utility providers lack facilities in these easements. All three providers have no objection to this request. The City lacks facilities within this ROW.

Staff recommendation: Approval.

Request No. 3: Vacate 408 square feet of Perimeter Easements on Lots 64 & 65

The applicant seeks to vacate 408 square feet of perimeter utility and drainage easements on Lots 64 and 65. The three utility providers lack facilities within these easements. All three providers have no objection to this request. LCEC requires that the applicant provide a continuous perimeter easement upon approval of the vacations. The City lacks facilities within this ROW. The vacation of all easements and the ROW will allow the applicant to improve and maintain an additional 889.38-square feet of property.

Staff recommendation: Approval.

Consistency with the Comprehensive Plan

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands, however, the site is consistent with Policy 1.15 of the Future Land Use Element.

Policy 1.15: *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

b. Multiple Family Residential: Not more than 16 units per acre.

Staff comment: This request is consistent with Policy 1.15. as the site is 10,000-sq. ft. and the property has one duplex.

Recommendation:

Based on the above analysis, staff recommends **approval** of the requested vacations with the following conditions.

Conditions of Approval

1. The vacation of the 889.38 square feet of ROW and underlying easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc. entitled *Portion of Vincennes Canal, Cape Coral, Unit 6, Part 3*, dated July 7, 2017.
2. The vacation of the 408 square feet of Public Utility and Drainage Easements shall be consistent with that shown in the sketch and accompanying legal description prepared by Phillip M. Mould of Harris-Jorgensen, Inc. entitled *Portion of Public Utility and Drainage Easement in Lots 64 & 65, Block 573*, dated July 7, 2017.
3. Within 60 days from the date of adoption of this vacation, the owner shall provide to the City an easement deed for a six-foot wide easement that is sufficient for providing a continuous easement around the site. This deed shall be approved by the City Development Services Manager and Property Broker prior to execution.

4. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #3 above, and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deed.

III. Recommendation:

Staff recommends approval of the vacations.

Staff Contact Information

Kathy Eastley, AICP, Senior Planner
Planning Division
PH: 239-574-0605
Email: keastley@capecoral.net

APPLICANT EXHIBITS - EXHIBIT A - Portion of Vincennes Canal

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

**PORTION OF VINCENNES CANAL
CAPE CORAL, UNIT 6, PART 3,**

PLAT BOOK 11, PAGES 70-79

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (QUIT CLAIM AREA):

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

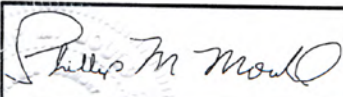
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, SAID BLOCK 57 TO THE NORTHEAST CORNER LOT 65, SAID BLOCK 57 FOR 80.00 FEET; THENCE RUN EAST TO THE WATERS EDGE FACE OF A SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER OF SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14, 20 SCALE DRAWING.

NOT A BOUNDARY SURVEY

			
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARRIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PHM	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 7/7/17		FILE NO. 45-24-18	SHT.-2 OF - 2

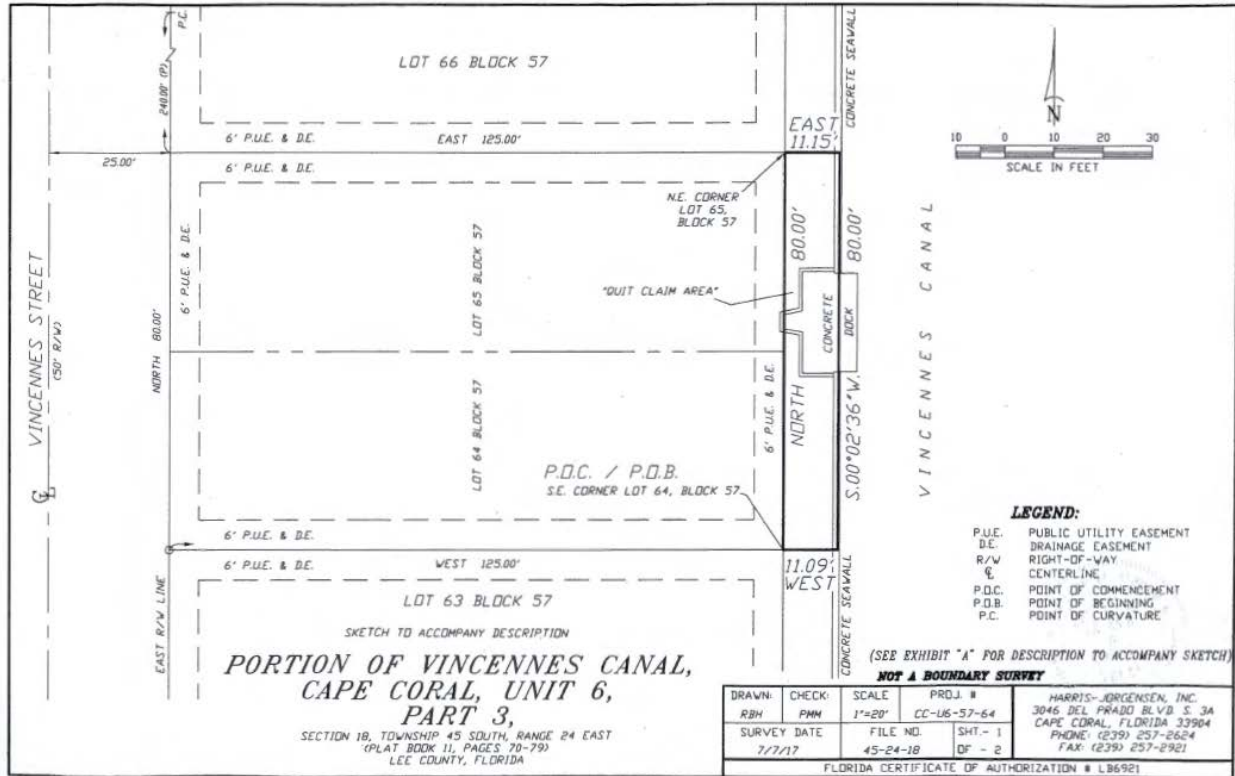


EXHIBIT B – Vacation of PUE

EXHIBIT "B"

DESCRIPTION TO ACCOMPANY SKETCH:
VACATION OF:

**PORTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT
IN LOTS 64 & 65, BLOCK 573
CAPE CORAL, UNIT 6, PART 3,**

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGES 70-79)
LEE COUNTY, FLORIDA

(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (EASEMENT VACATION):

A PORTION OF A PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A PORTION OF LOTS 64 AND 65, BLOCK 57, CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

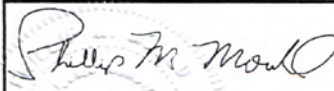
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 THENCE RUN NORTH FOR 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN WEST 6 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE SAID LOT 64, BLOCK 57 FOR 6.00 FEET; THENCE RUN NORTH 6 FEET WEST OF AND PARALLEL WITH THE EAST LINES SAID LOT 64 AND 65, BLOCK 57 FOR 68.00 FEET; THENCE RUN EAST FOR 6.00 FEET; THENCE RUN SOUTH ALONG THE EAST LINES OF SAID LOTS 64 AND 65, BLOCK 57 FOR 68.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 408 SQUARE FEET, MORE OR LESS.

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE EAST RIGHT-OF-WAY LINE OF VINCENNES STREET DRIVE, AS BEING "ASSUMED" AS NORTH.
2. FIELD NOTES IN CAPE CORAL, BLOCK 57.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
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NOT A BOUNDARY SURVEY

			
PHILLIP M. MOULD PROFESSIONAL SURVEYOR AND MAPPER #6515 - STATE OF FLORIDA			
HARZIS-JORGENSEN, INC. 3046 DEL PRADO BLVD. S. 3A CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921			
DRAWN: PMH	CHECK: FBH	SCALE 1"=20'	PROJ. # CC-U6-57-64
SKETCH DATE: 10/5/17		FILE NO. 45-24-18	SHT.-2 OF - 2

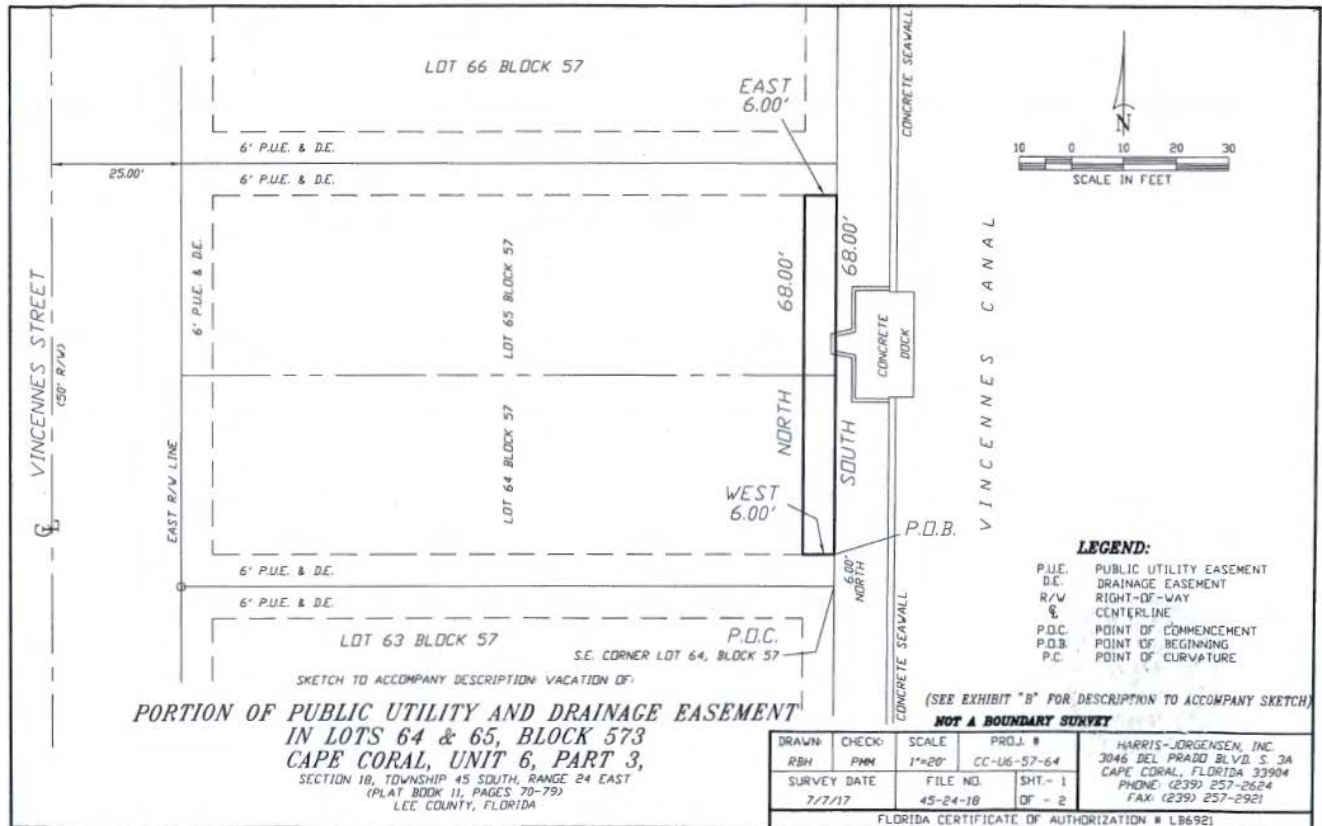


EXHIBIT C - PUE

EXHIBIT "C"

DESCRIPTION TO ACCOMPANY SKETCH:
PUBLIC UTILITY AND DRAINAGE EASEMENT LYING IN A

**PORTION OF VINCENNES CANAL CAPE
CORAL, UNIT 6, PART 3,**

PLAT BOOK 11, PAGES 70-79 SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY DESCRIPTION)

DESCRIPTION (PROPOSED PUBLIC UTILITY AND DRAINAGE EASEMENT):

A PORTION OF VINCENNES CANAL RIGHT OF WAY AS RECORDED IN CAPE CORAL UNIT 57, PART 3, PLAT BOOK 11, PAGES 70-79, LYING IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

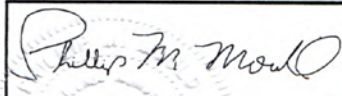
COMMENCING FROM THE SOUTHEAST CORNER OF LOT 64 BLOCK 57, SAID CAPE CORAL UNIT 57, PART 3 AND THE POINT OF BEGINNING; THENCE RUN NORTH ALONG THE EAST LINE OF LOTS 64 & 65, BLOCK 57, SAID CAPE CORAL UNIT 57 FOR 6.00 FEET; THENCE RUN EAST FOR 5.09 FEET; THENCE RUN NORTH FOR 68.00 FEET; THENCE RUN WEST FOR 5.14 FEET; THENCE RUN NORTH ALONG THE EAST LINE LOT 65, SAID BLOCK 57 FOR 5.14 FEET; THENCE RUN NORTH TO THE NORTHEAST CORNER SAID LOT 65, BLOCK 57 FOR 6.00 FEET; THENCE RUN EAST TO A POINT ALONG THE WATERS EDGE FACE OF SEAWALL FOR 11.15 FEET; THENCE RUN S.00°02'36"W. ALONG SAID WATERS EDGE FACE OF SEAWALL FOR 80.00 FEET; THENCE RUN WEST TO THE SOUTHEAST CORNER SAID LOT 64, BLOCK 57 FOR 11.09 FEET TO THE POINT OF BEGINNING.

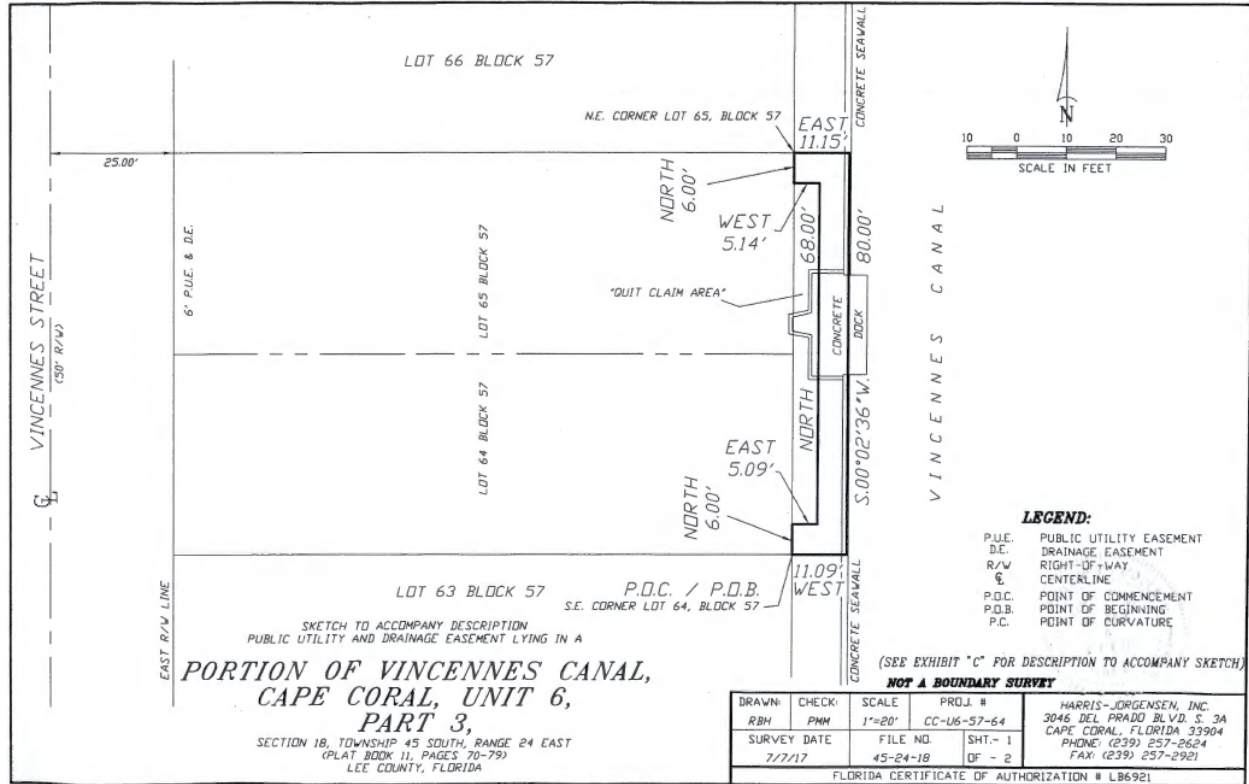
CONTAINING: 889.38 SQ FT±

SKETCH NOTES:

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DRAWN: PHM	CHECKED: FBH	SCALE: 1"=20'	PROJ. #: CC-06-57-64
SKETCH DATE: 10/5/17	FILE NO. 45-24-18	SHT.-2 OF - 2	





NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VP17-0012

REQUEST: The applicant requests to vacate:

- ±889.38-square feet of canal right-of-way (ROW) and all underlying easements along the Vincennes Canal adjacent to and east of Lots 64 and 65, Block 57;
- ±408-square feet of platted easements within Lots 64 and 65, Block 57

LOCATION: 4959 Vincennes Street

CAPE CORAL STAFF CONTACT: Kathy Eastley, AICP, Senior Planner, 239-574-0605, keastley@capecoral.net

PROPERTY OWNER(S): Stephen and Maryanne Blandford

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, December 5th, 2017 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that,

for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



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CAPE CORAL FL 33990
USA

Net Amt: \$382.07

Run Times: 1

No. of Affidavits: 1

Run Dates: 11/25/17,

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VP17-0012

REQUEST: The applicant requests to vacate:

- ±889.38-square feet of canal right-of-way (ROW) and all underlying easements along the Vincennes Canal adjacent to and east of Lots 64 and 65, Block 57;

- ±408-square feet of plat- ted easements within Lots 64 and 65, Block 57

LOCATION: 4959 Vincennes Street

CAPE CORAL STAFF CONTACT: Kathy Eastley, AICP, Senior Planner, 239-574-0605, keastley@capecoral.net

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VP17-0012
AD# 2557262 11/25/2017

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Stephen and Maryanne Blandford

APPLICATION NO: VP17-0012

STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

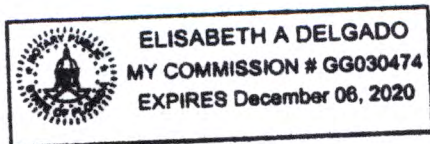
DATED this 28th day of November, 2017.



Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of November, 2017, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.



Exp. Date 12/16/20 Commission # GG030474

Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



SUBJECT PARCEL


VENDOME CANAL

VINCENNES ST

VINCENNES CANAL

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VP17-0012

 Subject Parcel



SEPTEMBER 15TH, 2017

0 Feet 160
80


This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.


CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Buffer

Case No. VP17-0012

LEGEND

 500' Proximity Boundary

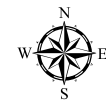
 Subject Parcel

Zoning

 R-1B

 R-3

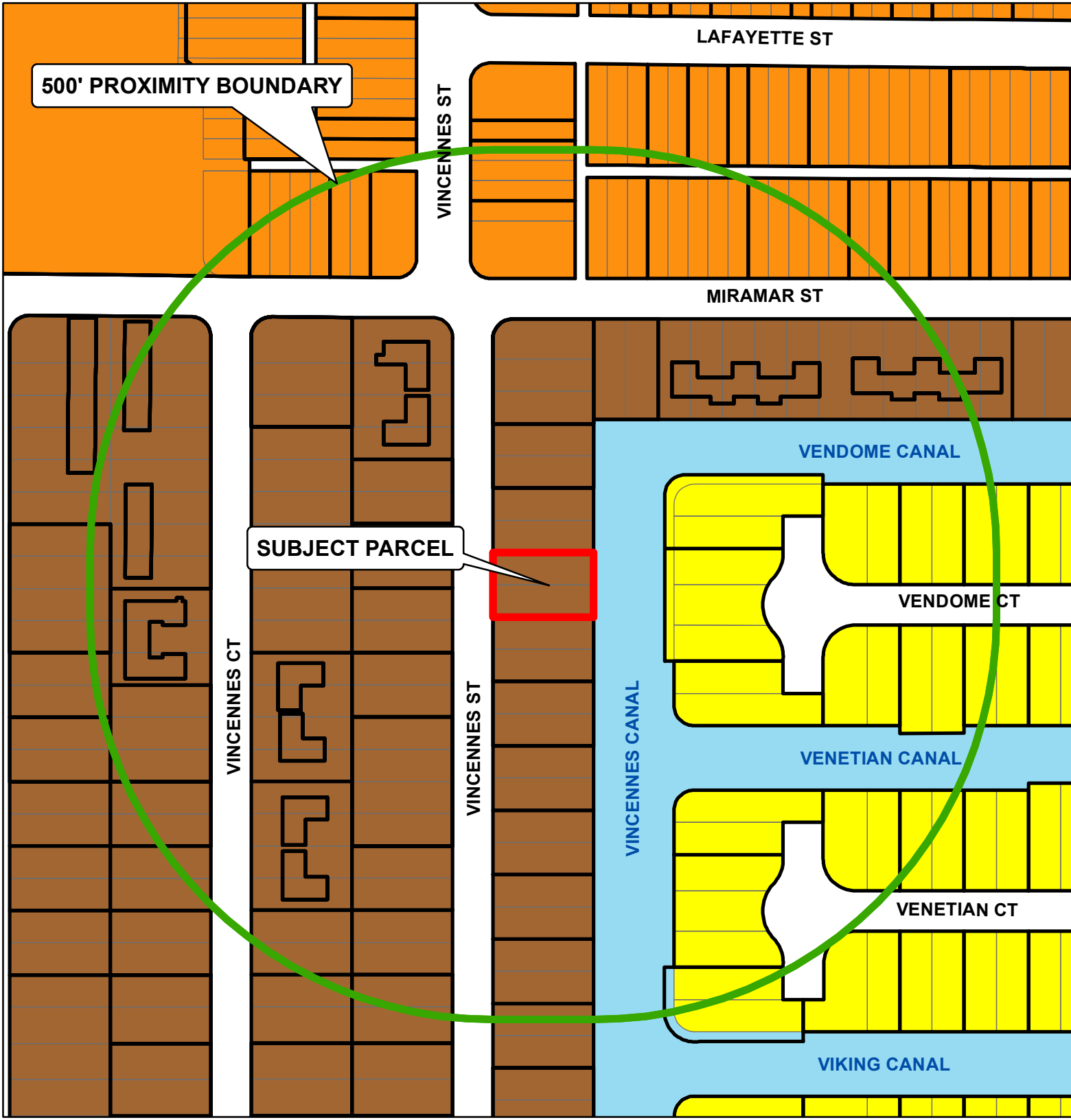
 SC



SEPTEMBER 15TH, 2017



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.





4959 VINCENNES ST. VACATION

Cape Coral City Council
Introduction – March 5, 2018
Public Hearing – March 19, 2018

VP17-0012

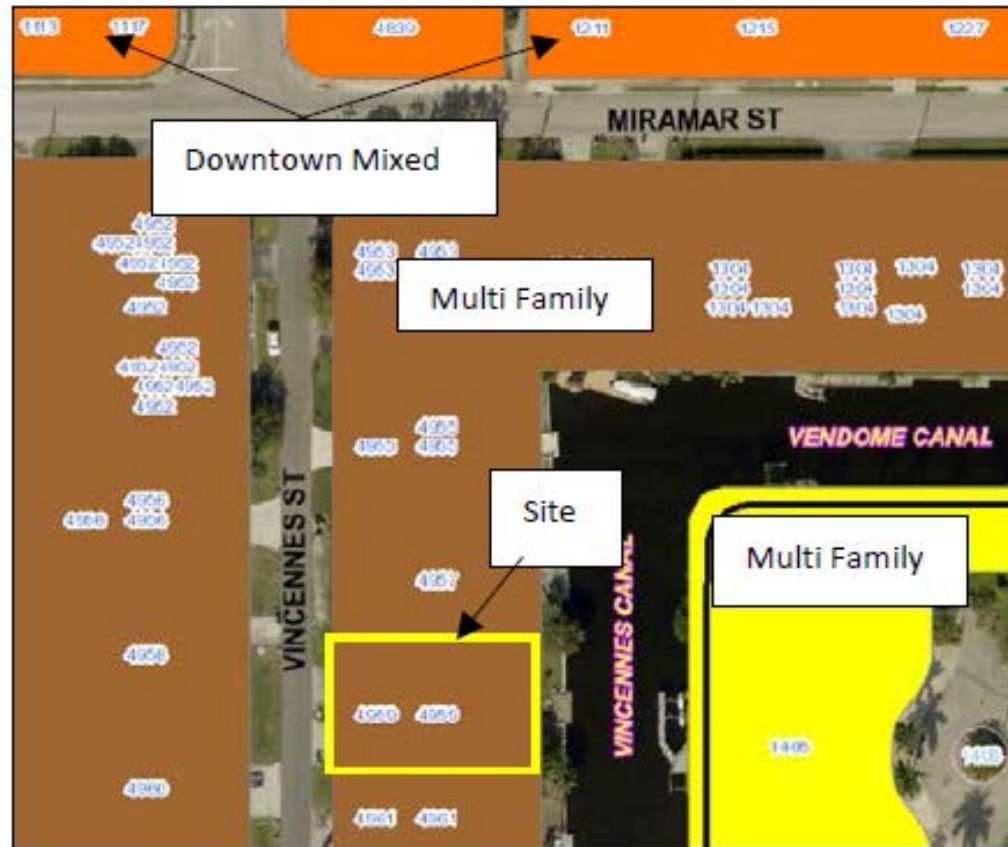
Applicant Stephen and Maryanne Blandford

Location 4959 Vincennes Street

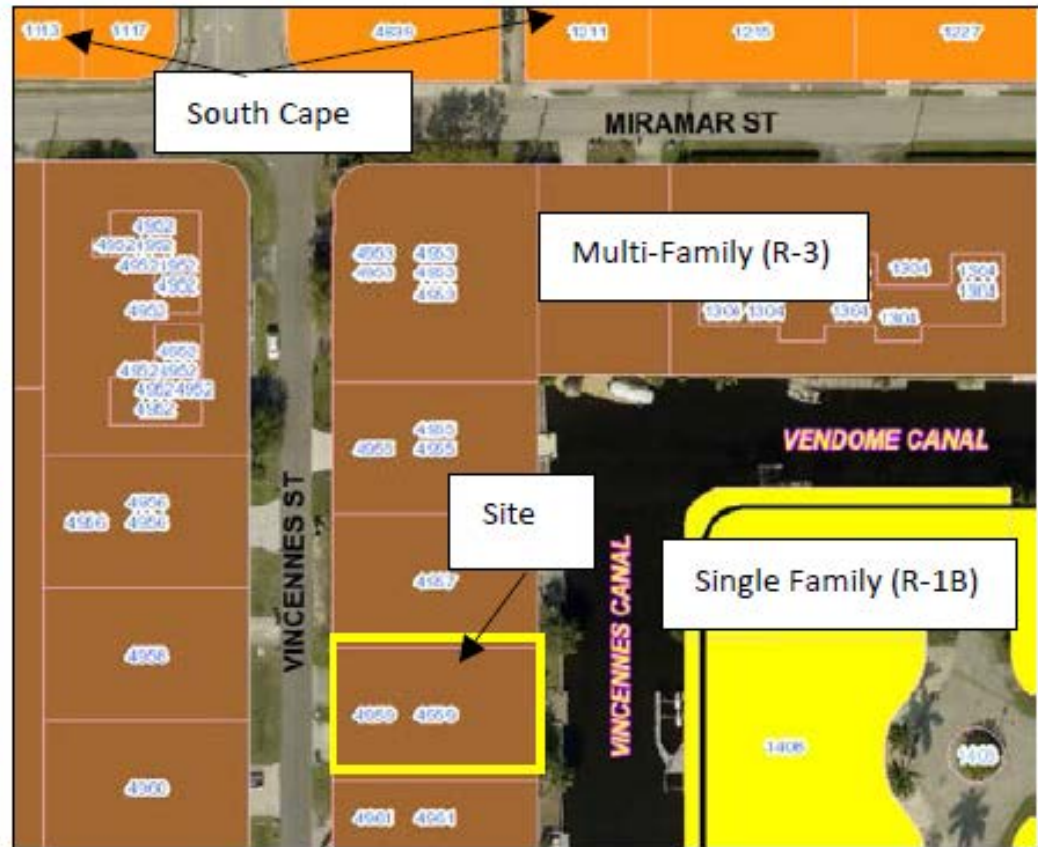
Request Vacate:

1. ±889.38-square feet of canal right-of-way and underlying easements;
2. ±408-square feet of PUE

Site Data



Future Land Use



Zoning

LOT 66 BLOCK 57

6' P.U.E. & D.E. EAST 125.00'

25.00'

6' P.U.E. & D.E.

6' P.U.E. & D.E.

LOT 64 BLOCK 57

LOT 65 BLOCK 57

N.E. CORNER LOT 65, BLOCK 57

"QUIT CLAIM AREA"

P.D.C. / P.O.B. S.E. CORNER LOT 64, BLOCK 57

6' P.U.E. & D.E.

6' P.U.E. & D.E.

WEST 125.00'

LOT 63 BLOCK 57

SKETCH TO ACCOMPANY DESCRIPTION

PORTION OF VINCENNES CANAL, CAPE CORAL, UNIT 6, PART 3,

SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST
(PLAT BOOK 11, PAGES 70-79)
LEE COUNTY, FLORIDA

VINCENNES STREET
(150' R/W)

NORTH 80.00'

EAST R/W LINE

CONCRETE SEAWALL

EAST 11.15'

CONCRETE SEAWALL

NORTH 80.00'

CONCRETE SEAWALL

11.09' WEST

VINCENNES CANAL

SCALE IN FEET

0 10 20 30

Canal ROW

Area to be vacated

LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
R/V RIGHT-OF-WAY
C CENTERLINE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
P.C. POINT OF CURVATURE

(SEE EXHIBIT "A" FOR DESCRIPTION TO ACCOMPANY SKETCH)

NOT A BOUNDARY SURVEY

DRAWN: RBH	CHECK: PMH	SCALE 1"=20'	PROJ. # CC-UG-57-64
SURVEY DATE 7/7/17		FILE NO. 45-24-1B	SHT. - 1 OF - 2

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION # LB692

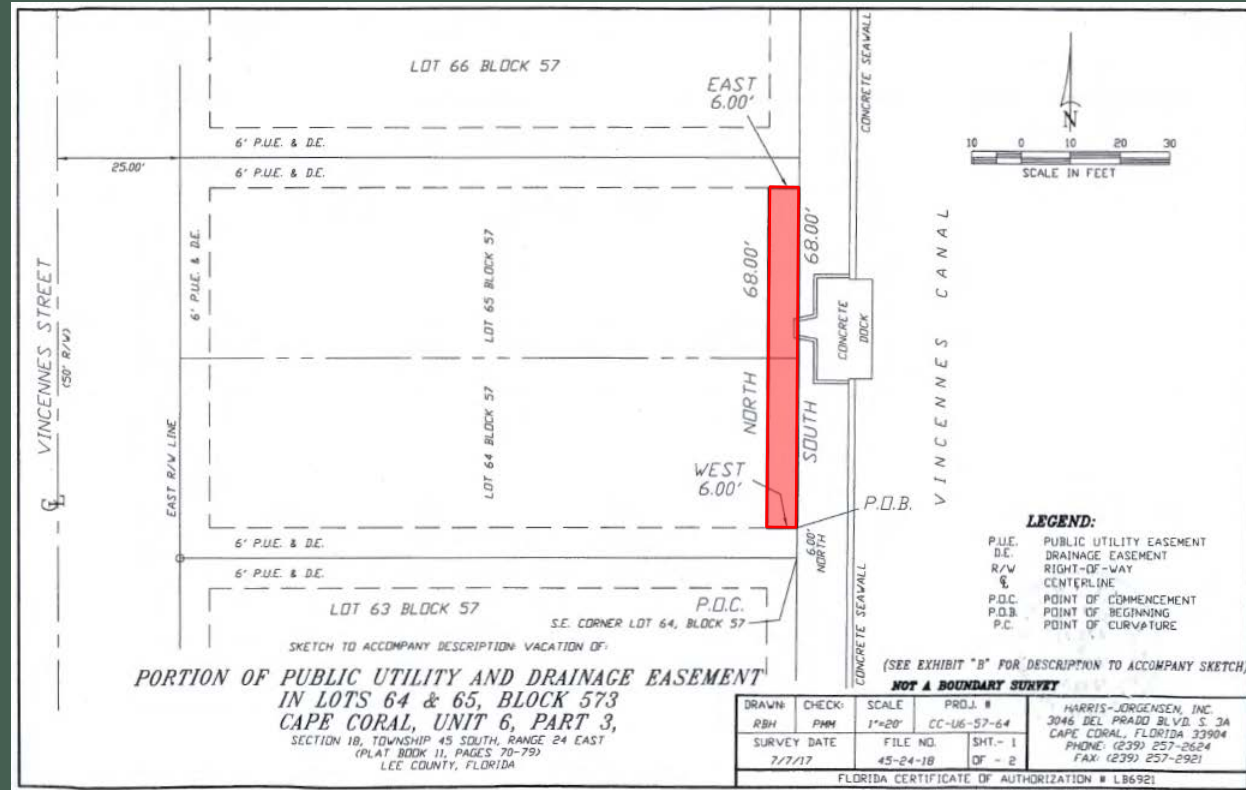
Area to be vacated

1. Vacate ± 889.37 -square feet of Vincennes Canal Right-of-Way and underlying easements



Request

2. Vacate ±408-square feet of Perimeter Utility and Drainage Easement (PUE)



Analysis – Section 8.11

- The Canal ROW is improved with a seawall and a concrete dock
- The vacation will establish private ownership of the improved area
- The vacation will allow for construction of a fence around the pool

Analysis – Section 8.11

- Utility companies have reviewed the proposal and issued letters of no objection
- No current or foreseeable public benefit with keeping the ROW
- A 6-ft. PUE will be provided around the exterior of the site
- The requests are consistent with the public health, safety, and welfare

Comprehensive plan

- The site is consistent with Policy 1.15 of the Future Land Use Element

Recommendation

The Hearing Examiner held a public hearing on December 5, 2017 and issued Recommendation 9-2017 for conditional approval

Staff recommends approval of the vacation requests, with four conditions listed in the staff report

Correspondence

Item Number:	A.(2)
Meeting Date:	3/19/2018
Item Type:	ORDINANCES/RESOLUTIONS - Public Hearings

**AGENDA
REQUEST FORM**
CITY OF CAPE
CORAL



TITLE:

Ordinance 22-18 (ZA 17-0012*) Public Hearing

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

Staff Recommendation: Staff recommends approval.

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance amending the Official Zoning District Map by rezoning property located at 2120 Trafalgar Parkway from Residential Development (RD) to Institutional (I) zone.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 22-18 (ZA 17-0012)
Hearing Examiner Recommendation Order
Back up from Hearing Examiner Hearing dated 1/23/2018
Staff Presentation - Public Hearing

PREPARED BY:

Division- Department- City
Attorney

SOURCE OF ADDITIONAL INFORMATION:

Wyatt Daltry, Planning Team Coordinator

ATTACHMENTS:

Description	Type
▣ Ordinance 22-18 (ZA 17-0012)	Ordinance
▣ Hearing Examiner Recommendation Order	Backup Material
▣ Back up materials from Hearing Examiner Hearing dated 01/23/2018	Backup Material
▣ Staff Presentation - Public Hearing	Backup Material

ORDINANCE 22 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL OFFICIAL ZONING DISTRICT MAP OF ALL PROPERTY WITHIN THE LIMITS OF THE CITY OF CAPE CORAL BY REZONING PROPERTY DESCRIBED AS A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM RESIDENTIAL DEVELOPMENT (RD) TO INSTITUTIONAL (INST) ZONE; PROPERTY IS LOCATED AT 2120 TRAFALGAR PARKWAY; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral City Council has considered testimony, evidence, documentation and the application submitted by LEE COUNTY SCHOOL BOARD for rezoning the below-described property from RESIDENTIAL DEVELOPMENT (RD) TO INSTITUTIONAL (INST) ZONE, and considered the recommendations of the Hearing Examiner and City Staff, and has considered the City of Cape Coral Comprehensive Plan with this zoning request.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

Section 1. That the City of Cape Coral Official Zoning District Map of all of the property within the limits of the City of Cape Coral is hereby amended with respect to real property described as follows:

RESIDENTIAL DEVELOPMENT (RD) TO INSTITUTIONAL (INST) ZONE

The North ½ of the North ½ of the Northeast ¼ of the Northwest ¼ of Section 28, Township 44 South, Range 23 East, Lee County, Florida;

AND

The South ¾ of the Northeast ¼ of the Northwest ¼ of Section 28, Township 44 South, Range 23 East, Lee County, Florida;

AND

The North ½ of the Southeast ¼ of the Northwest ¼, LESS the South ½ of the South ½ of said North ½ of the Southeast ¼ of the North west ¼ of Section 28, Township 44 South, Range 23 East, Lee County, Florida;

AND

A tract or parcel of land lying in the North ½ of the North ½ of the Northeast ¼ of the Northwest ¼ of said Section 28, Township 44 South, Range 23 East, City of Cape Coral, Lee County, Florida which tract or parcel is described as follows:

Beginning at the NW corner of said NE ¼ of the NW ¼ run S89°54'10"E along the north line of said NE ¼ of the NW ¼ for 1,319.62 feet to the quarter section corner at the NE corner of said NE ¼ of the NW ¼; thence run S00°18'26"E along the north-south quarter section line of said section for 50.00 feet to an intersection with a line 50.00 feet southerly from (as measured on a perpendicular) and parallel with the north line of said NE ¼ of the NW ¼ ; thence run N89°54'10"W along said parallel line for 1,319.85 feet to an intersection with the west line of said NE ¼ of the NW ¼; thence run N00°02'21"W along said west line for 50.00 feet to the Point of Beginning.

PROPERTY LOCATED AT: 212 TRAFALGAR PARKWAY

and the City administrative office shall amend the City of Cape Coral Official Zoning District Map to reflect this zoning change.

That the amendments to the City of Cape Coral Official Zoning District Map as prescribed herein are consistent with the City of Cape Coral Comprehensive Plan.

Section 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section 3. Effective Date. This ordinance shall become effective immediately upon passage by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord\ZA17-0012

OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL
HEARING EXAMINER RECOMMENDATION

ZA HEX Recommendation 1-2018

Rendered January 24, 2018

DCD Case # ZA17-0012

APPLICATION FOR: Privately initiated rezoning from Residential Development (RD) to the Institutional Zoning District (INST) for a 56.31 acre property

NAME OF APPLICANT/OWNER: Lee County School Board (Owner and Applicant);
Milestone Communications, Inc. (Applicant)

APPLICANTS' REPRESENTATIVE: Robert Pritt, Esquire

PROPERTY ADDRESS: 2120 Trafalgar Parkway, Cape Coral, Florida 33991
STRAP #: 28-44-23-C1-00003.0030
Subdivision and Block/Lot(s): Unplatted

STREET ACCESS: The site is accessible from Trafalgar Parkway (a minor arterial) and local streets.

URBAN SERVICE AREA: Transition

FUTURE LAND USE CATEGORY: Public Facilities (PF)

CURRENT ZONING: Residential Development (RD)

PROPOSED ZONING: Institutional (INST)

HEARING DATE: January 23, 2018

I. **SUMMARY OF REQUEST**

Applicants request a privately initiated rezoning from Residential Development (RD) to the Institutional Zoning District (INST) for a property which is 56.31 acres

II. **SUMMARY OF HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner recommends **approval** of the application for rezoning.

III. **NOTICE OF HEARING**

Based on the testimony of City Staff Wyatt Daltry, AICP, at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance with the requirements of Article VIII, Section 8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

IV. PARTICIPANTS IN HEARING

CITY STAFF: Wyatt Daltry, AICP

CITY CLERK'S OFFICE: Patricia Sorrels

APPLICANTS' REPRESENTATIVES: Robert Pritt, Esquire,
David Goldsmith (Project Manager for Milestone), and
William Compton (RF Engineer, Verizon)

MEMBERS OF PUBLIC: none

CORRESPONDENCE FROM PUBLIC: none

APPLICANTS'/CITY STAFF'S EXHIBITS: previously submitted

V. REVIEW OF STATUTORY AND LUDR REQUIREMENTS

Authority. Section 163.3194, F.S. and LUDR §9.2.3b.9 require the Hearing Examiner to review and make a recommendation to City Council about consistency of a rezoning application to the City's adopted Comprehensive Plan and whether the requested rezoning should be granted.

Standard of Review of Evidence; Hearsay Evidence. The Hearing Examiner's recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record.

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. In rendering this recommendation, the Hearing Examiner must consider all competent substantial evidence in the record, as defined in LUDR § 8.3.1.C.3.b.

Rezoning Standards. In reviewing the rezoning application for consistency with the Comprehensive Plan of the City of Cape Coral, the Hearing Examiner must make recommendations in accordance with the general standards set forth in LUDR § 8.7.3B.1-10.

VI. TESTIMONY AT HEARING

Applicants' Incorporation of Staff Report and Staff Testimony

The Applicants' Representative incorporated the Staff Report and Staff Testimony ("Staff Input") into his presentation by reference. He requested the Hearing Examiner to recommend that City Council find the Staff Input as findings of fact, in addition to the documentary evidence and testimony he separately presented.

Hearing Examiner's Recommended Findings of Fact

All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision hereunder.

VII. **DISCUSSION**

Site and Surrounding Area.

Staff testified that, in the early 1980's, it was determined that Cape Coral needed additional land for school sites and, therefore, the Lee County School Board purchased the site and built Trafalgar Elementary and Middle Schools in 1989.

Staff further testified that, in the past thirty years, this area of Cape Coral had continued to develop, as indicated by the provision of utilities through the Utility Expansion Project Southwest 6/7.¹

The Future Land Use and Zoning Table from the Staff Report is set forth below:

Surrounding Areas	Future Land Use	Zoning
North:	Single Family Residential (SF) and PF	Agricultural (A) and Single-Family Residential (R-1B)
South:	PF	RD
East:	SF	R-1B
West:	SF	R-1B

Purpose of the Rezoning Request.

Staff testified that the Applicant wishes to rezone the property in part to reflect the uses currently extant on-site, but also to allow the construction and use of a wireless communication tower. Staff further testified that additional residential development in this area has stressed the existing wireless network. Towers of this type are not allowed in the current RD zoning.²

The Applicants' Representative also testified that the very extensive use of iPhone, iPads and other electronic devices by students, teachers, and third parties associated with both schools has severely affected the bandwidth available to these and other users, and that this situation would be ameliorated by installation of the wireless communication tower.

¹ Staff testified that this was completed in 2014.

² Nothing in this Recommendation should be construed as addressing the possible installation of a wireless communication tower on the subject property, the requirements for which are addressed in LUDR Section 2.7.14.D.7

Consideration of General Standards Set Forth in LUDR § 8.7.3B.1-10

1. *The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.*

Staff and the Applicants' Representative testified that the proposed rezoning would not diminish the land value because this property is currently used as a public school site, and does not pay property tax. Rezoning to the Institutional Zoning District would not affect the continued operation of existing uses on-site.

Based upon the testimony set forth above, the Hearing Examiner recommends that City Council find that the value of the property **will not be diminished** by the rezoning.

2. *The extent to which the removal of a proposed land use restriction or change in zoning depreciates the value of other property in the area.*

Staff testified that the current use of the property as a school complex, a relatively intense use which is allowed of-right in the proposed zoning district, has been in operation for approximately thirty (30) years.

The Hearing Examiner recommends a finding that the proposed rezoning is **not anticipated** to depreciate the value of other properties in the area.

3. *The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.*

Staff testified that the proposed zoning district will be consistent with the land use classification of the Public Facilities Future Land Use Map Classification.

Staff further testified that, at 56.31 acres, the site is fairly large, ameliorating the impacts of the existing intensive use.

Based on the above testimony, the Hearing Examiner recommends that City Council find that the property is **suitable** for the current zoning district, but is **better suited** for the proposed rezoning.

4. *The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.*

As set forth elsewhere in this Recommendation, the character of the immediate neighborhood is primarily residential, with a church to the south and a City sports field nearby. The specific zoning of nearby and surrounding properties is set forth in staff's Table, which is incorporated above. The existing use of the subject property is for an elementary school and a middle school.

For the reasons set forth in this Recommendation, the Hearing Examiner recommends that City Council find the proposed rezoning **is compatible** with the character of the neighborhood, existing uses, and zoning of nearby and surrounding properties.

5. *The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.*

Staff testified that the effect of this rezoning would be to have the City's zoning maps better reflect the actual use of the property. In addition, this rezoning would slightly increase the number of uses on the property, which is well-developed.

For those reasons, and for the reasons set forth elsewhere above, the Hearing Examiner recommends that City Council find the proposed rezoning would **create more gains than hardships** to the community.

6. *Community need for the use proposed by the zoning or land use restriction.*

Staff testified that there is no standard formula for determining needs in the Institutional Zoning District, other than a general observation that Institutional uses are typically driven by population density. The primary use of the subject site is for the Trafalgar elementary and middle school.

Based on the foregoing testimony, the Hearing Examiner recommends that City Council find the **community needs** the use proposed by the applicant.

7. *Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.*

This standard does not apply, as the subject property has been developed with a school since 1989.

8. *The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.*

As testified to by staff, the provision of a zoning designation that is more consistent with the future land use map classification should have a positive effect on the general welfare for the community.

Based upon the foregoing testimony, the Hearing Examiner recommends that City Council find that this rezoning **will promote** the health, safety, morals, or general welfare of the community.

9. *The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan*

Staff testified that impacts on infrastructure for rezoning of this site would be negligible, as there are two schools on the property and facility capacity exists for the transportation and utility infrastructure network at this time.

The Hearing Examiner recommends that City Council find the proposed rezoning will have **no discernible impact** on level of service standards for public facilities hereunder.

10. *Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.*

Public School Facilities Use Element

OBJECTIVE 3: COORDINATION:

All new public schools built within the City of Cape Coral, including Charter Schools, will be consistent with the future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

Staff testified that the proposed rezone would be consistent with the future land use map designation and, as a site with substantial structures, has the required supporting infrastructure. In addition, the schools are co-located on the subject property. Staff recommended a finding that this provision supports the proposed rezoning.

Policy 3.8: In reviewing plan amendments, applications for zoning permits and site plans for new public school facilities, the City of Cape Coral shall include a determination as to whether the proposed facilities are compatible with surrounding land uses. In addition, the City of Cape Coral will provide for location of schools proximate to residential areas and to complement patterns of development, encouraging the location of future school sites so they serve as community focal points.

As set forth elsewhere herein, the site with its existing uses is compatible with surrounding land uses and the schools on-site are proximate to residential areas.

The Hearing Examiner recommends that the City Council find the proposed rezoning to be **consistent** with the goals and objectives of the Comprehensive Plan.

VIII. **RECOMMENDATIONS**

Based upon the testimony and documentary exhibits presented during the Hearing, the Hearing Examiner recommends that:

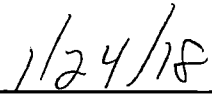
1. the City Council find the requested rezoning is **consistent** with the requirements of the Comprehensive Plan of the City of Cape Coral, and
2. the City Council **approve** the requested rezoning.

This Recommendation is effective on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA

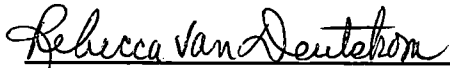


ANNE DALTON, ESQUIRE



DATE

ATTEST:



CITY CLERK



DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION
Questions: 239-574-0776

17 NOV 13 PM 1.03 *

Case # 2A17-0012

REQUEST FOR A REZONING

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

OWNER OF PROPERTY

Lee County School Board

Address: 2855 Colonial Blvd

City Fort Myers State: Florida Zip 33966

Phone: (239) 334-1102

Email: _____

AUTHORIZED REPRESENTATIVE

Robert D. Pritt, Esq. (rpritt@ralaw.com)

Address: 850 Park Shore Drive - Third Floor

City Naples State: Florida Zip 34103

Phone: 239-649-2714

Email: _____

Unit _____ Block _____ Lot(s) _____ Subdivision _____

Address of Property 2120 Trafalgar Parkway, Cape Coral, Florida 33991

Current Zoning Residential Development (RD) Plat Book N/A, Page N/A

Proposed Zoning Institutional (INST) Strap Number 28-44-23-C1-00003.0030

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.



DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION
Questions: 239-574-0776

Case # _____

(SIGNATURE MUST BE NOTARIZED)

Robert D. Pritt, Esq.

Robert D. Pritt

NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF Florida, COUNTY OF Collier

Sworn to (or affirmed) and subscribed before me this 3rd day of November, 2017, by
Robert D. Pritt, Esq. who is personally known or produced
as identification.



JESSICA L. MOBERG Exp. Date: _____

Commission Number: _____

Notary Public - State of Florida

My Comm. Expires Sep 7, 2018

Commission # FF 121399

Bonded Through National Notary Assn.

Signature of Notary Public:

Jessica L. Moberg

Printed name of Notary Public:

Jessica L. Moberg

(SIGNATURE MUST BE NOTARIZED)



DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION
Questions: 239-574-0776

Case # _____

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 3rd day of November, 2017

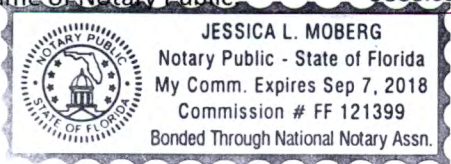
Robert D. Pritt, Esq. Robert D. Pritt
NAME (PLEASE TYPE OR PRINT) APPLICANT'S SIGNATURE

STATE OF Florida COUNTY OF Collier

Subscribed and sworn to (or affirmed) before me this 3rd day November, 2017, by
Robert D. Pritt, Esq. who is personally known or
as identification.

Exp. Date: _____ Commission Number: _____

NOTARY STAMP HERE
Signature of Notary Public: Jessica L. Moberg
Printed name of Notary Public: Jessica L. Moberg





DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST FOR REZONING APPLICATION

Questions: 239-574-0776

Case # _____

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Robert D. Pritt, Esq.

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF Florida COUNTY OF Collier

Sworn to (or affirmed) and subscribed before me on this 3rd day of November, 2017
by Robert D. Pritt, who is personally known or who has produced _____ as identification.

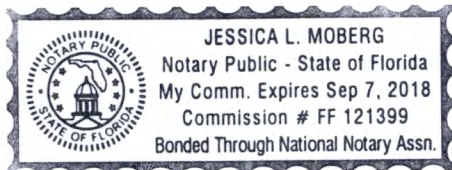
Exp. Date _____

Commission # _____

Signature of Notary Public

Jessica L. Moberg

Print Name of Notary Public



850 Park Shore Drive
Trianon Centre
3rd Floor
Naples, FL 34103
DIRECT DIAL 239.649.2721
PHONE 239.649.6200 FAX 239.261.3659
mortega@ralaw.com

WWW.RALAW.COM

November 9, 2017

VIA OVERNIGHT DELIVERY

City of Cape Coral
Attn: Wyatt Daltry, AICP, CFM
Planning Team Coordinator
1015 Cultural Park Blvd
Cape Coral, Florida 33990

Re: Request for Rezoning – Lee County School Board


Dear Mr. Daltry:

Enclosed please find a fully signed and notarized Request for Rezoning along with our client's check in the amount of \$7,182.82 to cover the application fee.

Please note that I will be out of the office until November 20, 2017. Therefore, should you require anything additional prior to November 20, 2017, please feel free to contact Mr. Pritt via email at rpritt@ralaw.com.

Very truly yours,

ROETZEL & ANDRESS, LPA



Melanie K. Ortega
Business Litigation Paralegal

/mko
Enclosures
cc: Client (w/encl.)

12018318 _1 132645.0003

November 9, 2017

City of Cape Coral

Re: Letter of Intent

To Whom it May Concern:

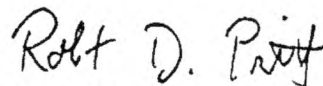
Applicant proposes rezoning the subject property to Institutional.

Applicant is a school district, a governmental entity, and therefore, an institution. Applicant wishes to have constructed a telecommunications facility, which is not permitted in the Residential District. A rezoning to Institutional District more accurately describes the use.

Applicant's telecommunications contractor/lessee, Milestone Communications, Inc., has already provided a community outreach program and will continue to do so. The facility will benefit school teachers and students, and the public at large.

Very truly yours,

ROETZEL & ANDRESS, LPA



Robert D. Pritt
For the Firm

RDP/dk
12020685 _1 132645.0003

STAFF REPORT

ZA17-0012

DOCKET/CASE/APPLICATION NUMBER

Wyatt Daltry, AICP, Planning Team

Coordinator (239) 573-3160,

wdaltry@capecoral.net

STAFF PLANNER

Lee County School Board

APPLICANT/PROPERTY OWNER

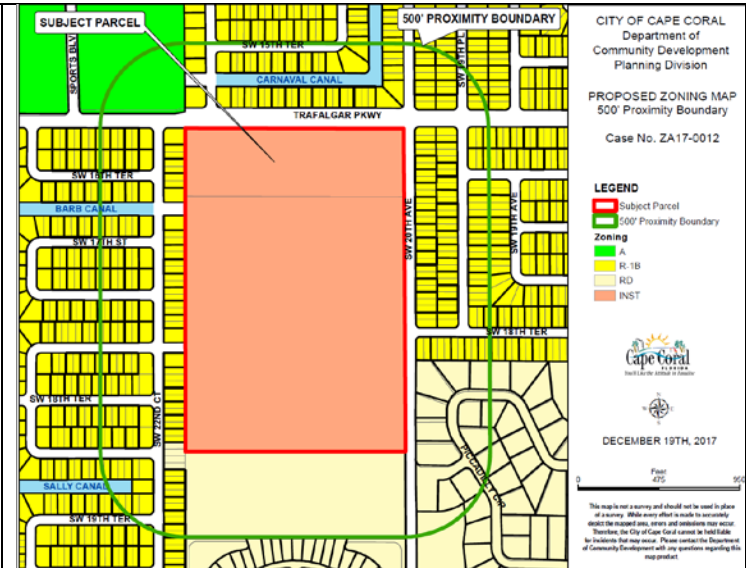
2120 Trafalgar Parkway

Cape Coral, FL 33991

PROPERTY ADDRESS/LOCATION

SUMMARY OF REQUEST

Privately-initiated rezone for one 56.31-acre property from Residential Development (RD) to the Institutional District (INST).

**STAFF RECOMMENDATION:****APPROVAL**

Positive Aspects of Application:	<ul style="list-style-type: none">Brings property more into conformity with current use on-site, a public schoolPermits construction of a communication tower, which would improve cellular infrastructure in area
Negative Aspects of Application:	None
Mitigating Factors:	None

Additional Applicant Information

Applicant's Representative: Robert D. Pritt
Roetzel and Andress
850 Park Shore Drive
Naples, FL 34103
(239) 649-2714

Additional Site Information

Urban Service Area: Transition

City Water and Sewer: The area is serviced by City water and sewer.

Street Access: The site is accessible from Trafalgar Parkway (a minor arterial) and local streets.

STRAP Number: 28-44-23-C1-00003.0030

Block/Lot(s): Unplatted

Subdivision: Unplatted

Zoning and Land Use Information:

Subject Property:	Future Land Use	Zoning
<i>Current:</i>	Public Facilities (PF)	Residential Development (RD)
<i>Proposed:</i>	N/A	Institutional (INST)

Surrounding Areas	Future Land Use	Zoning
<i>North:</i>	Single Family Residential (SF) and PF	Agricultural (A) and Single-Family Residential (R-1B)
<i>South:</i>	PF	RD
<i>East:</i>	SF	R-1B
<i>West:</i>	SF	R-1B

Background

In the early 1980's it was determined that Cape Coral needed additional land for school sites and, therefore, the Lee County School Board purchased the site and built Trafalgar Elementary and Middle Schools in 1989.

In the past thirty years, this area of Cape Coral had continued to develop, as indicated by the provision of utilities through the Utility Expansion Project Southwest 6/7, which was completed in 2014. Additional development in this area has stressed the wireless network, and the applicant wishes to rezone the property in part to reflect the uses currently extant on-site, but also to permit a wireless communication tower. These towers are not permitted in the current RD zoning.

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies support or undermine the proposed rezone.

Public School Facilities Use Element

OBJECTIVE 3: COORDINATION:

All new public schools built within the City of Cape Coral, including Charter Schools, will be consistent with the future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

The rezone is proposed to co-locate a critical piece of public infrastructure, a communication tower.

Policy 3.8: In reviewing plan amendments, applications for zoning permits and site plans for new public school facilities, the City of Cape Coral shall include a determination as to whether the proposed facilities are compatible with surrounding land uses. In addition, the City of Cape Coral will provide for location of schools proximate to residential areas and to complement patterns of development, encouraging the location of future school sites so they serve as community focal points.

In response to the first sentence of this policy, the proposed facility (both the existing school and the communication tower) are compatible with surrounding land uses.

Overall, the rezone is consistent with the policies of the Comprehensive Plan.

Land Use and Development Regulations -- Section 8.7 Amendments:

Staff reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with Comprehensive Plan and General Standards, B. 1.-10. of the Land Use and Development Regulations and provides the following analysis. This section is used for future land use map amendments, comprehensive plan amendments, and for rezone requests.

1. The extent to which the value of the property is diminished by the proposed land use restriction or zoning of the property.

A rezone from RD to INST **would not** diminish the land value because this property is currently used as a public school site, and does not pay property tax. The INST zoning district permits the continued operation of existing uses on-site.

2. The extent to which the removal of a proposed land use restriction or change depreciates the value of other properties in the area.

The proposal is **not anticipated** to depreciate the value of other properties in the area. The school complex, a relatively intense use, has been in operation for nearly 30 years.

3. The suitability of the property for the zoning purpose or land use restriction imposed on the property as zoned.

The proposed zoning district will be consistent with the land use classification of the Public Facilities Future Land Use Map Classification. The site is fairly large, at 56.31 acres, which ameliorates the impacts of intense, or should a cellular tower be erected, tall uses. Therefore, the request is **suitable**.

4. The character of the neighborhood, existing uses, zoning of nearby and surrounding properties, and compatibility of the proposed land use restriction or zoning.

The surrounding area has a residential character. A church is located directly south of the property. The proposed rezone is **compatible** with the surrounding area.

5. The relative gain to the community as compared to the hardship, if any imposed, by the proposed land use restrictions or from rezoning said property.

The effect of this rezoning is to better reflect the actual use of the property on the City's zoning maps. This would slightly increase the number of uses on the property, which is well-developed. As a result, this proposed rezone is **likely neutral** to the community.

6. The community need for the use proposed by the zoning or land use restriction.

It is difficult to determine the "need" for institutional uses, particularly as the INST zoning district wasn't created until 2005, and unlike commercial or multi-family residential need determinations, which are based on studies, there is no standard formula for determining institutional use needs. Generally, INST uses are typically driven by population density. The primary use of the property, the school, is not affected by the rezone request.

As the proposed rezone accurately reflects the usage of the property, the proposed rezone has a **neutral** effect on the needs of the community.

7. Length of time the property proposed to be rezoned has been vacant, as zoned, when considered in the context of the City of Cape Coral Comprehensive Land Use Plan for the development of the proposed property and surrounding property.

The property has been developed since 1989.

8. The extent to which the proposed land use restriction or zoning promotes the health, safety, morals, or general welfare of this community.
-

Approval of this rezone should have a **negligible effect** upon the health, general welfare, safety, or morals of the community due to the lack of effect upon the primary use on-site. Providing a zoning designation that is more consistent with the future land use map classification should have a **positive effect** on the general welfare for the community.

9. The extent to which the proposed land use, land use restriction, or zoning will impact the level of service standards for public facilities as specified in the Comprehensive Plan.

Impacts on infrastructure for development on this site will be **negligible** as facility capacity exists for the transportation and utility infrastructure network.

10. Whether the proposed land use restriction, removal of a restriction, or zoning is consistent with the City of Cape Coral Comprehensive Land Use Plan.

The proposed INST zoning designation is **consistent** with the requested PF future land use classification.

Public Notification

This case will be publicly noticed as required by LUDR, Section 8.3.2.A as further described below.

Publication: A legal ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to rezone the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner. Following the public hearing before the Hearing Examiner, the ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to rezone will receive written notification of the scheduled public hearings. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Hearing Examiner.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the rezoning request.

Recommendation:

Planning staff has reviewed this request in accordance with Section 8.7 Amendments, .3 Consistency with the Comprehensive Plan and General Standards A., B. 1.-10 of the Land Use and Development Regulations and the City's Comprehensive Plan. Planning Division recommends **approval** of the rezone request.

Staff Contact Information:

Wyatt Daltry, AICP
Planning Team Coordinator
Department of Community Development
Planning Division
(239) 573-3160
email: wdaltry@capecoral.net

NOTICE OF PUBLIC HEARING

CASE NUMBER: ZA17-0012

REQUEST: Privately-initiated rezone for one 56.31-acre property from Residential Development (RD) to the Institutional District (INST).

LOCATION: 2120 Trafalgar Parkway

CAPE CORAL STAFF CONTACT: Wyatt Daltrey, AICP, Planning Team Coordinator (239) 573-3160, wdaltrey@capecoral.net

PROPERTY OWNER(S): Lee County School Board

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 AM on Tuesday, January 23rd, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

by order of
Rebecca van Deutekom, MMC
City Clerk
REF # ZA17-0012

LEGAL AD - DCD

PUBLISH AD: Saturday, January 13th

Department of Community Development
Post Office Box 150027 • Cape Coral, Florida 33915-0027
1015 Cultural Park Blvd. • Cape Coral, Florida 33990
Email: planningquestions@capecoral.net

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Lee County School Board

APPLICATION NO: ZA17-0012

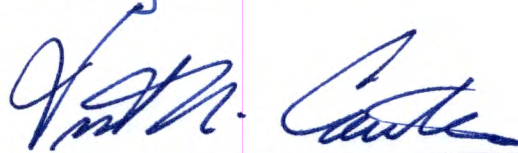
STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 16th day of January, 2018 2017.

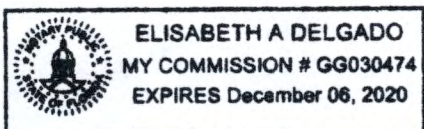


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of January, 2018 2017, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public

SUBJECT PARCEL



500' PROXIMITY BOUNDARY

CITY OF CAPE CORAL
Department of
Community Development
Planning Division




CURRENT ZONING MAP
500' Proximity Boundary

Case No. ZA17-0012

LEGEND

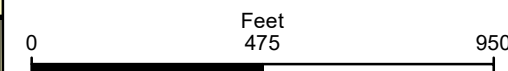
-  Subject Parcel
 500' Proximity Boundary

Zoning

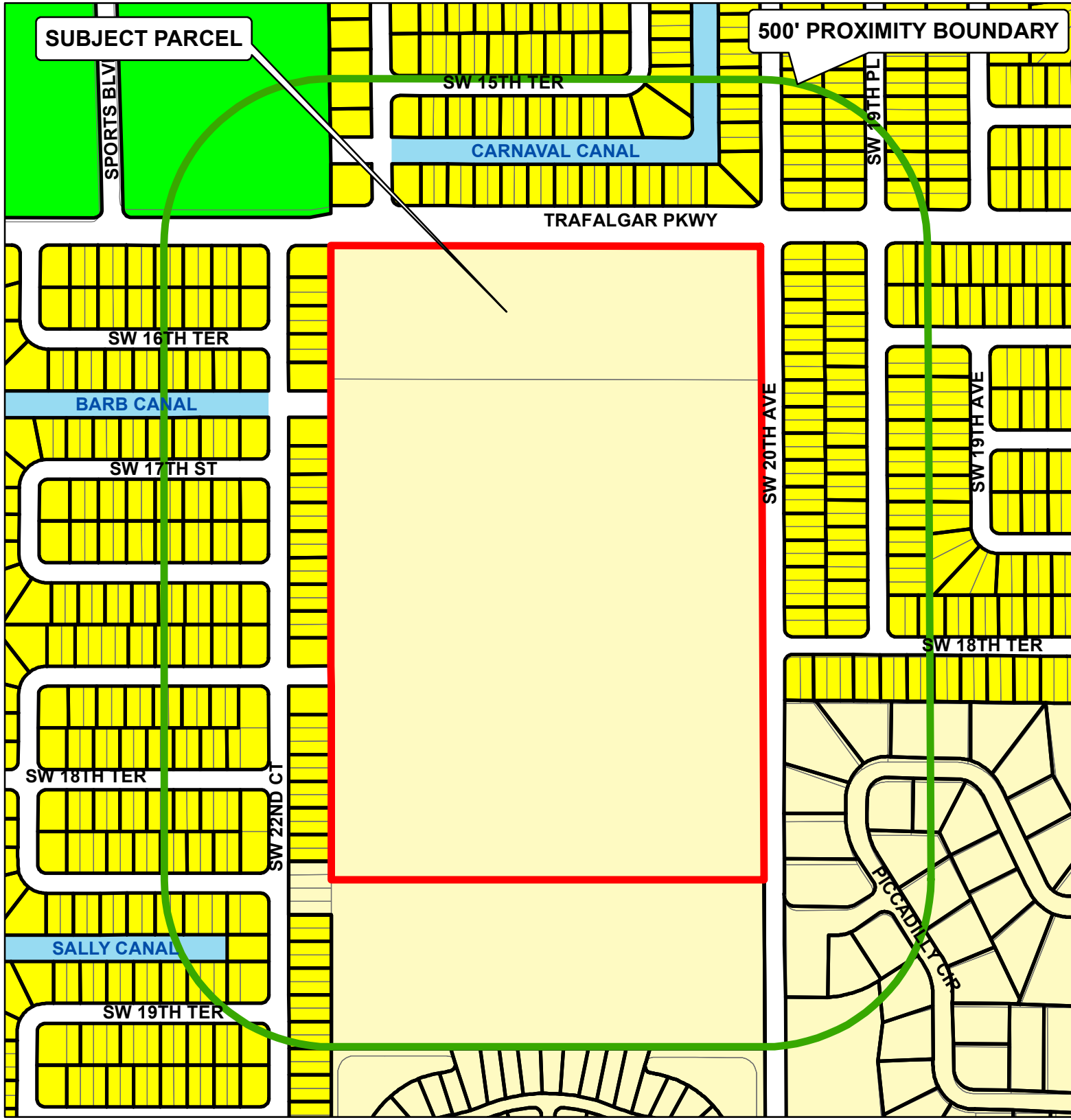
-  A
 R-1B
 RD



DECEMBER 19TH, 2017



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.



SUBJECT PARCEL


500' PROXIMITY BOUNDARY


CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. ZA17-0012


LEGEND

 500' Proximity Boundary

 Subject Parcel

Future Land Use

 SF

 SM

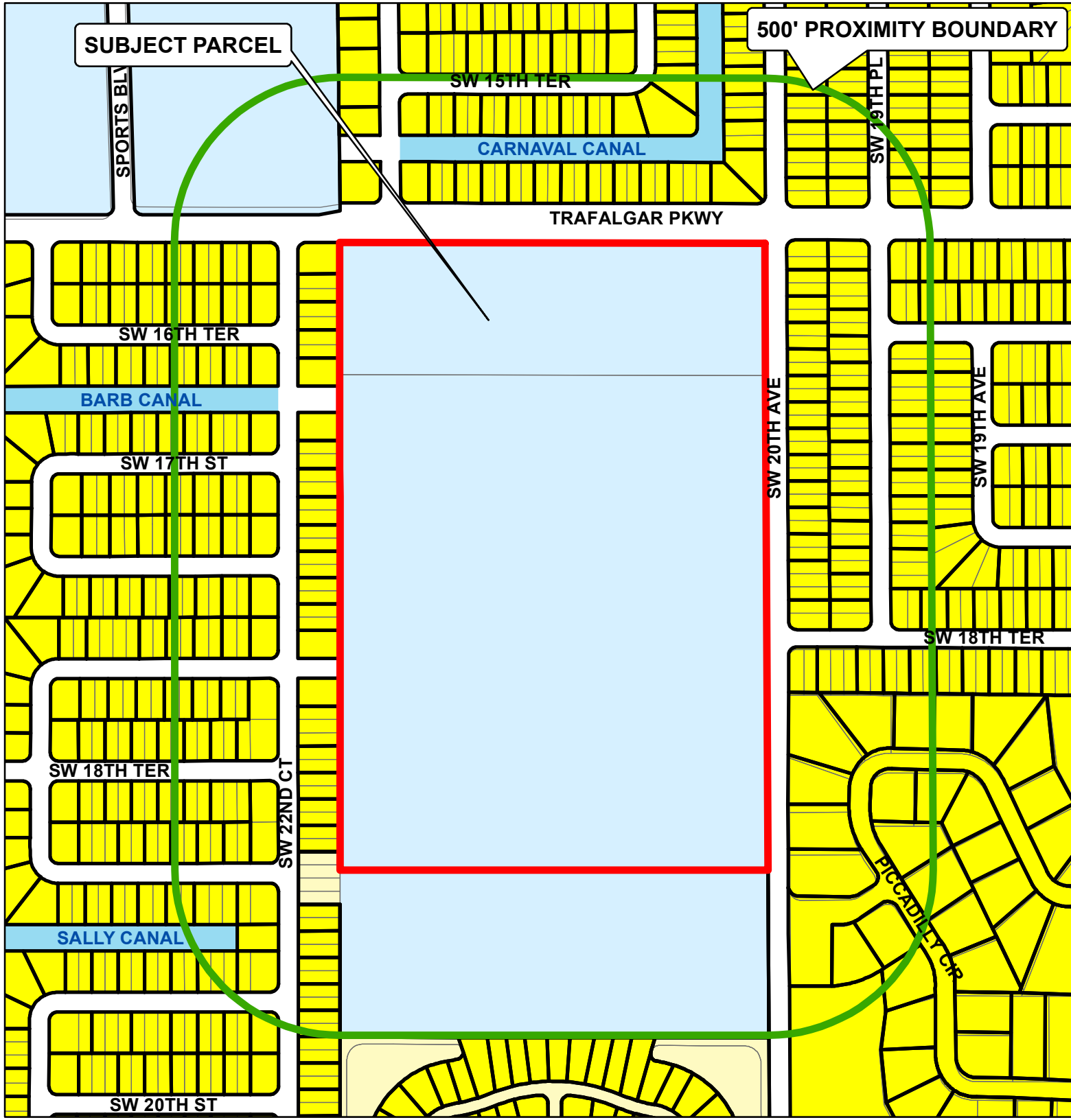
 PF



DECEMBER 19TH, 2017



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SUBJECT PARCEL







500' PROXIMITY BOUNDARY

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

PROPOSED ZONING MAP
500' Proximity Boundary

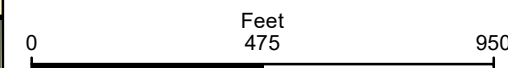
Case No. ZA17-0012

LEGEND

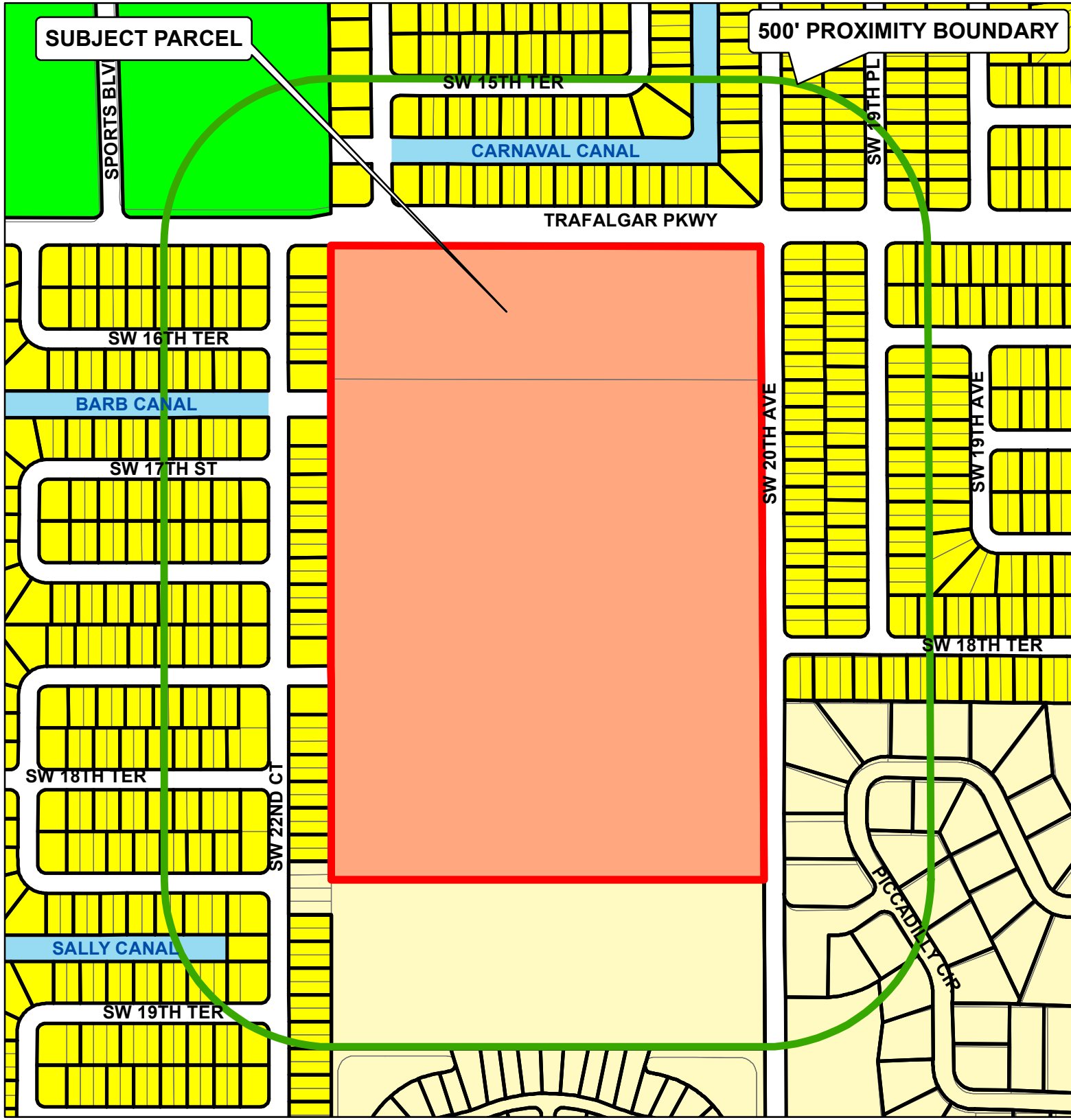
-  Subject Parcel
-  500' Proximity Boundary
- Zoning**
-  A
-  R-1B
-  RD
-  INST

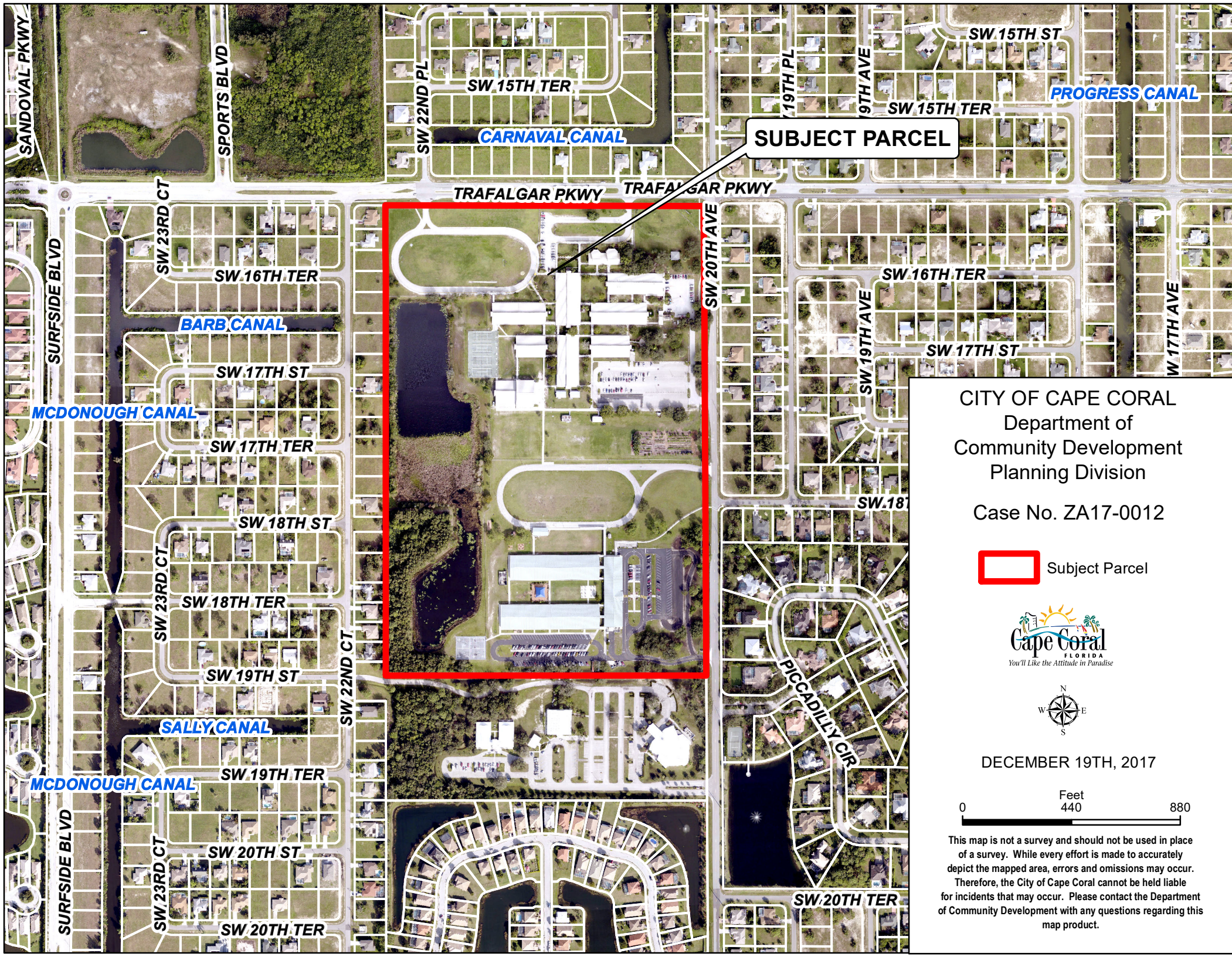


DECEMBER 19TH, 2017



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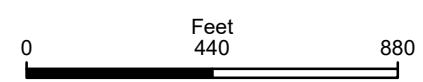
CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. ZA17-0012

 Subject Parcel



DECEMBER 19TH, 2017



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Cape Coral City Council

March 19, 2018

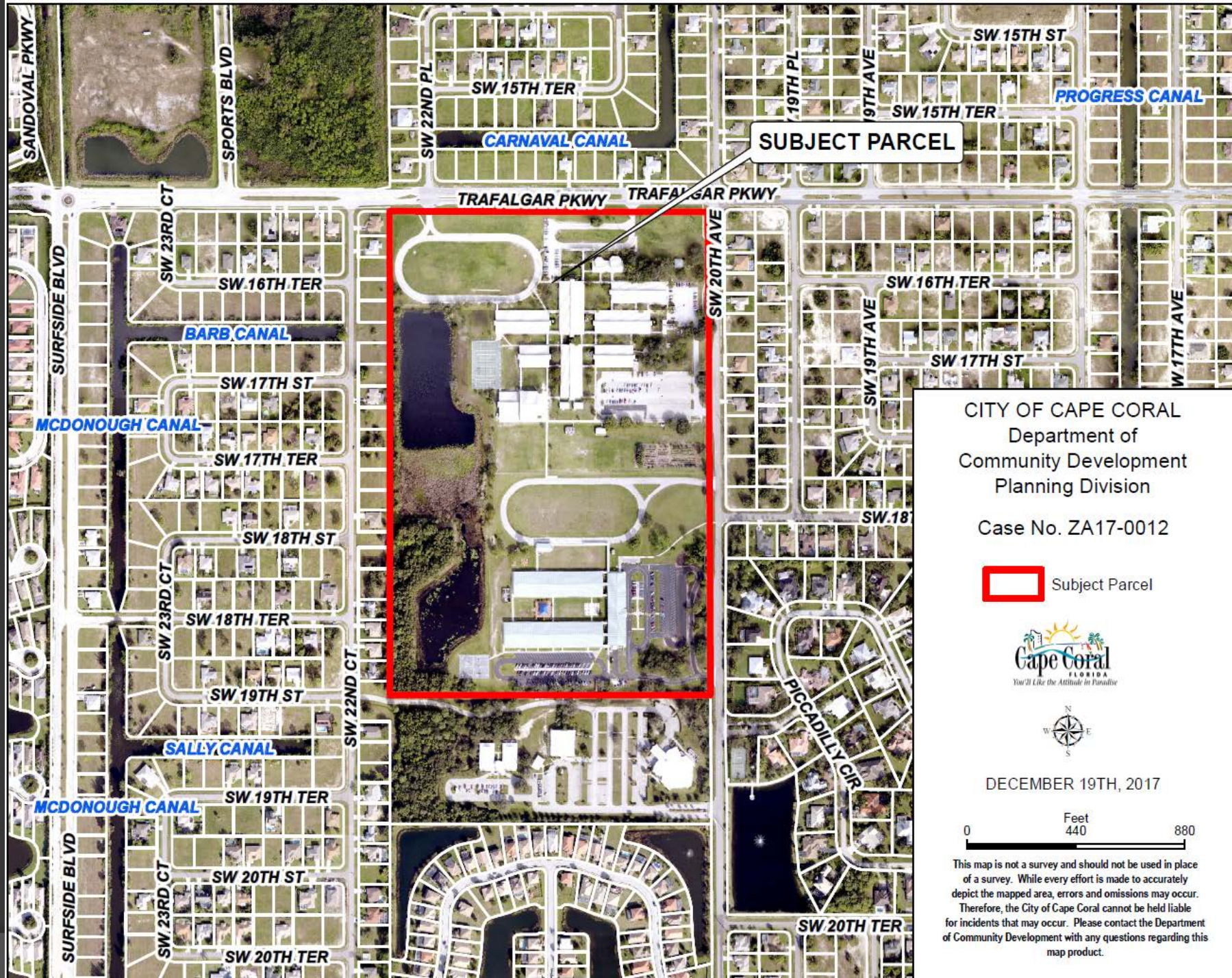
ZA17-0012

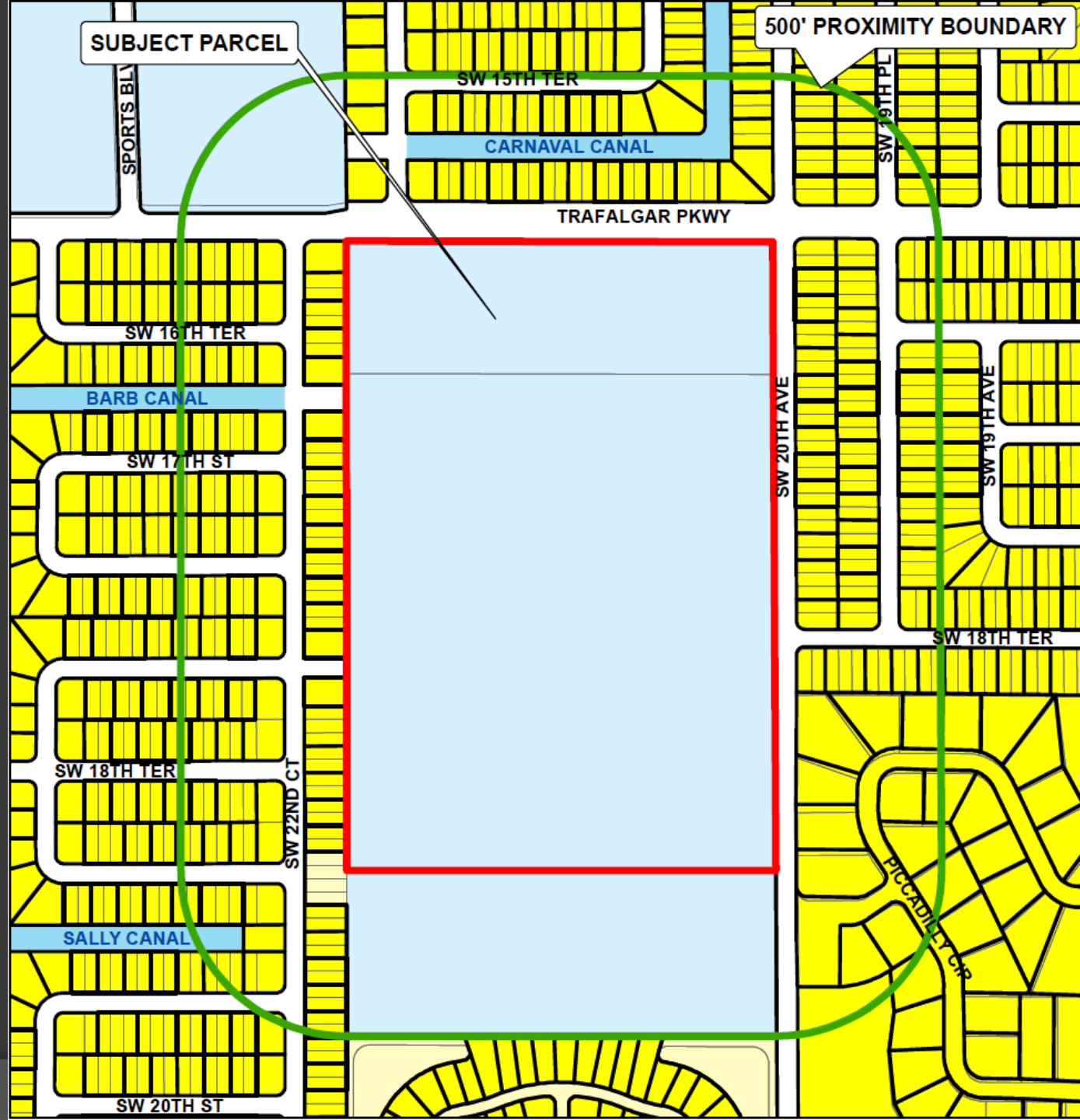
ZA17-0012

- **Applicant: Lee County School Board**
- **Location: 2120 Trafalgar BLVD**
- **Urban Services Area: Transition**
- **Request: A rezone from Residential Development (RD) to Institutional (INST) for a 56.31-acre site.**

Site









CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. ZA17-0012

LEGEND

 500' Proximity Boundary

 Subject Parcel

Future Land Use

 SF

 SM

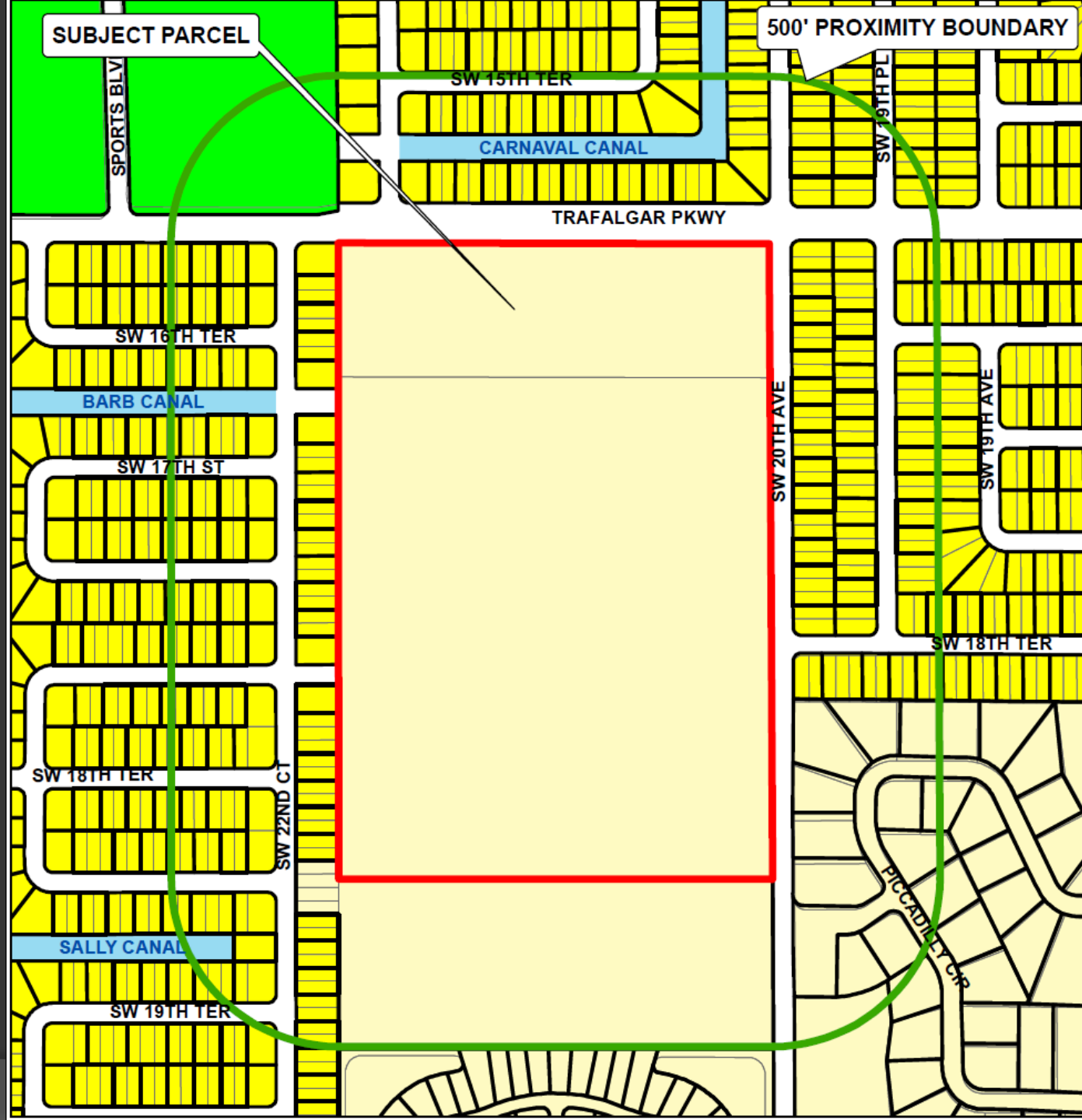
 PF



DECEMBER 19TH, 2017



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division




CURRENT ZONING MAP
500' Proximity Boundary

Case No. ZA17-0012

LEGEND

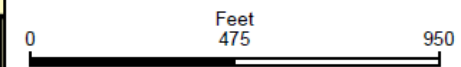
-  Subject Parcel
-  500' Proximity Boundary

Zoning

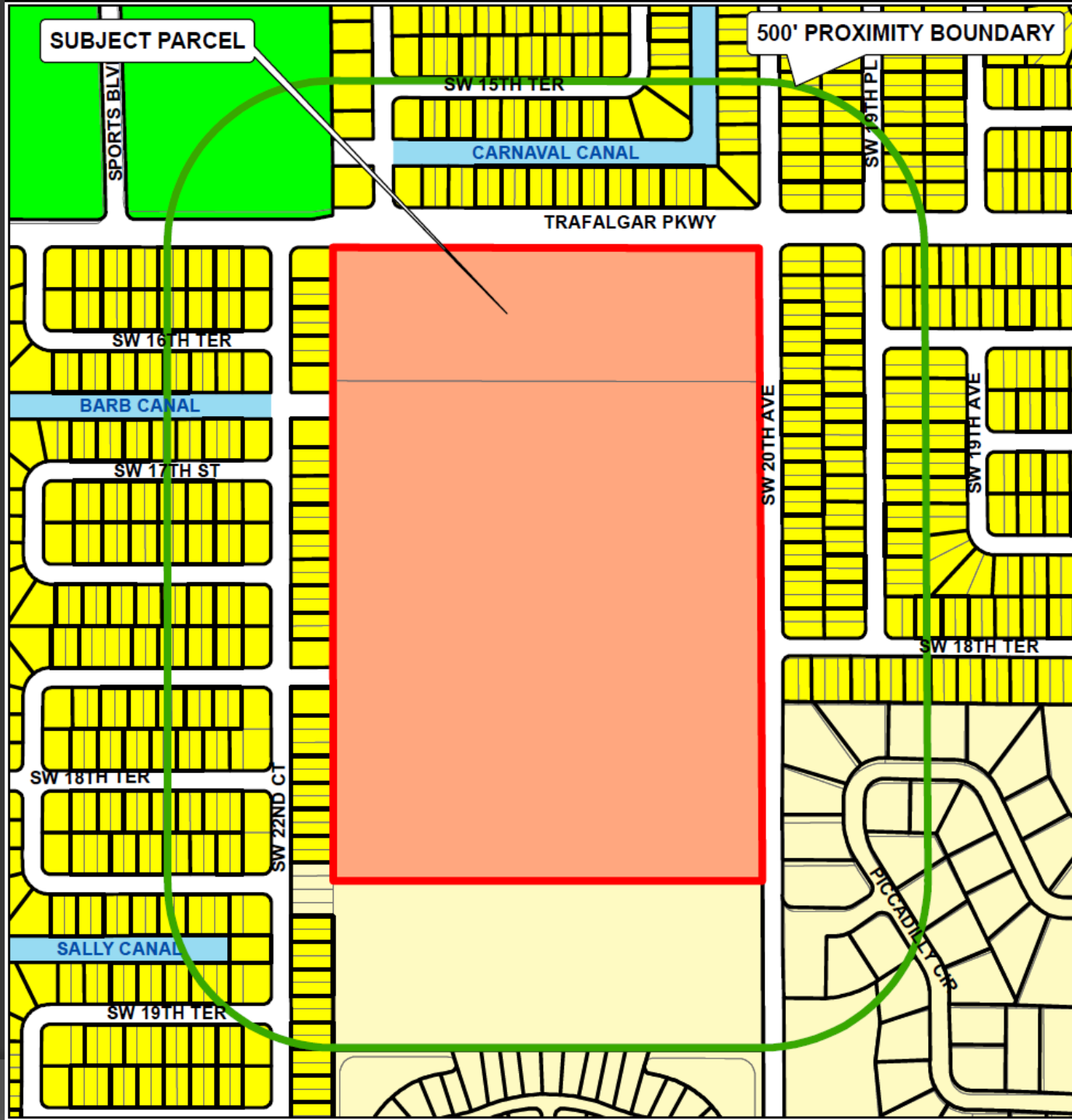
-  A
-  R-1B
-  RD



DECEMBER 19TH, 2017



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division





PROPOSED ZONING MAP
500' Proximity Boundary

Case No. ZA17-0012

LEGEND

-  Subject Parcel
-  500' Proximity Boundary

Zoning

-  A
-  R-1B
-  RD
-  INST



DECEMBER 19TH, 2017



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Background

- **One site – 56.31-acres**
- **Property is site of Trafalgar school complex**
- **Schools have been operating on property since 1989**
- **Cellular tower can be co-located on property if rezoned**
- **At time of construction, the City did not have an Institutional zoning district**

Considerations – Comprehensive Plan

- **Objective 3, Public School Facilities Element**

All new public schools built within the City of Cape Coral, including Charter Schools, will be consistent with the future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure.

Considerations – Comprehensive Plan

- **Policy 3.8, Public School Facilities Element**

In reviewing plan amendments, applications for zoning permits and site plans for new public school facilities, the City of Cape Coral shall include a determination as to whether the proposed facilities are compatible with surrounding land uses. In addition, the City of Cape Coral will provide for location of schools proximate to residential areas and to complement patterns of development, encouraging the location of future school sites so they serve as community focal points.

Considerations – Section 8.7.3, LUDR

- **Staff analyzed Section 8.7.3 to determine the suitability for the proposed rezone**
- **Staff identified no objections or issues in the point-by-point analysis, described in the case report**

Recommendation

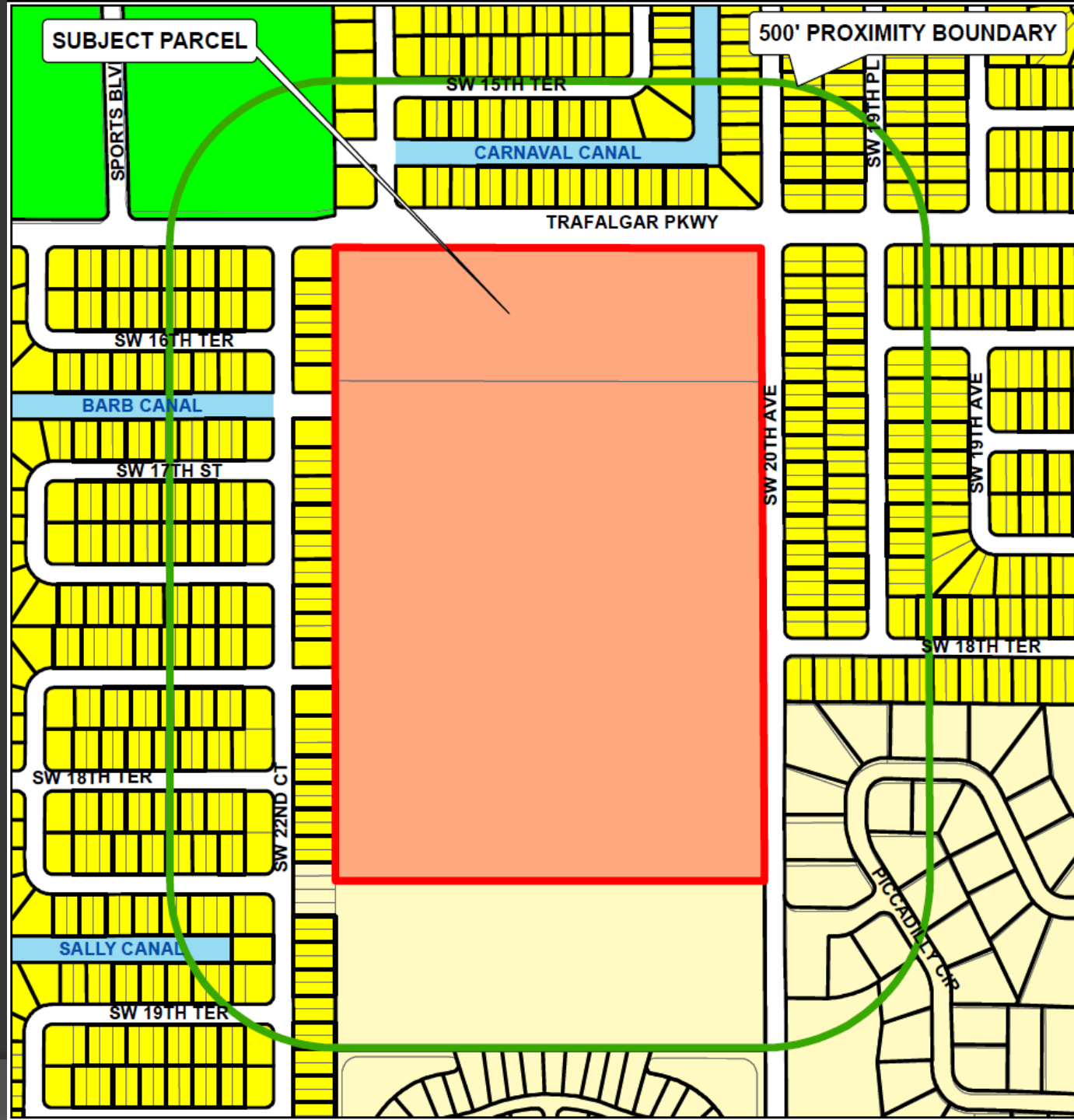
Planning Division staff recommends approval for the following reasons:

- **The request is consistent with the Comprehensive Plan and Land Use and Development Regulations**

Planning Division has received no correspondence

Hearing Examiner Recommendation

This case was presented before the Hearing Examiner on January 23, 2018. After that public hearing, the Hearing Examiner issued a recommendation of approval for Ordinance 22-18.





CITY OF CAPE CORAL
Department of
Community Development
Planning Division





PROPOSED ZONING MAP
500' Proximity Boundary

Case No. ZA17-0012

LEGEND

-  Subject Parcel
-  500' Proximity Boundary

Zoning

-  A
-  R-1B
-  RD
-  INST



DECEMBER 19TH, 2017



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Item Number:	A.(3)
Meeting Date:	3/19/2018
Item Type:	ORDINANCES/RESOLUTIONS - Public Hearings

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

Ordinance 23-18 Public Hearing

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No

2. Is this a Strategic Decision? No

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance authorizing and directing the Mayor and the City Clerk to enter into a lease agreement with Beattie Development Corporation and Andros Property Investment, LLC, for the lease of property owned by the City of Cape Coral located at 4406 Chiquita Boulevard South to be used solely for parking for a model home located at 4402 Chiquita Boulevard South.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 23-18

Site Plan

Land Lease Request

Location Map

PREPARED BY:

Division- Department- City Attorney

SOURCE OF ADDITIONAL INFORMATION:

Dawn Andrews, Property Broker

ATTACHMENTS:

Description	Type
▢ Ordinance 23-18	Backup Material
▢ Concept Plan	Backup Material
▢ Land Lease Request	Backup Material
▢ Location Map	Backup Material

ORDINANCE 23 - 18

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH BEATTIE DEVELOPMENT CORPORATION AND ANDROS PROPERTY INVESTMENT, LLC, FOR THE LEASE OF PROPERTY OWNED BY THE CITY OF CAPE CORAL LOCATED AT 4406 CHIQUITA BOULEVARD SOUTH TO BE USED SOLELY FOR PARKING FOR A MODEL HOME LOCATED AT 4402 CHIQUITA BOULEVARD SOUTH; A COPY OF THE LEASE AGREEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral owns a parcel of property located at 4406 Chiquita Boulevard South, which is improved with a lift station at the southwest corner; and

WHEREAS, the City Council desires to enter into a lease agreement with Beattie Development Corporation and Andros Property Investment, LLC, for use of its property as a parking lot for a model home located on the adjoining lot to the north at 4402 Chiquita Boulevard South under the terms and conditions as set forth in the attached agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. That the Mayor and City Clerk are hereby authorized and directed to enter into a lease agreement between the City of Cape Coral and Beattie Development Corporation and Andros Property Investment, LLC, for the lease of property owned by the City of Cape Coral located at 4406 Chiquita Boulevard South for use as a parking lot for a model home located on the adjoining lot to the north at 4402 Chiquita Boulevard South. A copy of the lease agreement is attached hereto and incorporated herein by reference.

SECTION 2. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO _____
GUNTER _____
CARIOSCIA _____
STOUT _____

NELSON _____
STOKES _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2017.

REBECCA VAN DEUTEKOM,
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord\Lease of City Owned Property-Beattie & Andros

LEASE AGREEMENT

THIS LEASE AGREEMENT (the “Lease”) is made and entered into as of this ____ day of _____ 2018 by and between the **CITY OF CAPE CORAL**, a Florida municipal corporation, hereinafter referred to as “LESSOR”, and **Beattie Development Corporation**, a Florida corporation, and **Andros Property Investment, LLC**, a Florida limited liability company, hereinafter referred to collectively as “LESSEE”.

For and in consideration of the rents reserved and the agreements and covenants herein contained, LESSOR does hereby lease unto LESSEE, and LESSEE does hereby lease from LESSOR, the premises specified below (hereinafter the "Premises") upon the terms and conditions set forth herein.

ARTICLE I. GENERAL LEASE PROVISIONS

LESSOR

Name: City of Cape Coral
Attn: City Manager

Address: 1015 Cultural Park Blvd., Cape Coral, FL 33990
PO Box 150027, Cape Coral, FL 33915-0027
Tel.: 239-574-0450; (Fax) 239-574-0452

LESSEE

Name: Beattie Development Corporation
Attn: Paul Beattie, President

Address: 857 SE 47th Street
Cape Coral, FL 33904
Tel.: 239-257-3295

Premises: 4406 Chiquita Boulevard South, Cape Coral, Lee County, Florida, consisting of an 11,110 square foot site; improved with a lift station at the southwest corner, to be leased by LESSOR to LESSEE, more particularly described in **Exhibit "A"**, which Exhibit is attached hereto and made a part hereof by reference.

Lease Term: Five (5) years, commencing on _____, 2018, and expiring on _____, 2023. So long as LESSEE is not in default or breach of any term or provision of this Lease and is current on all payments and obligations hereunder, LESSEE shall have the right to seek renewal of this Lease before the City Council, if the Model Home Special Exception is extended. Notwithstanding the above, the Lease shall terminate upon the conversion of the model home to a single family residence.

Base Rent: LESSEE shall pay to LESSOR rent in the amount of \$1,200.00 per year, plus any applicable sales tax, payable in equal monthly increments. Each rental payment shall be due in advance on the first

day of each calendar month during the lease term. LESSEE will be charged an additional amount of \$25.00 for payments made on or after the 10th of the month, plus \$5.00 per day thereafter for any late rental payment after the 10th day of the month. Rental payments shall be made to LESSOR at:

City of Cape Coral
c/o Real Estate Division
P.O. Box 150027
Cape Coral, FL 33915-0027

The rent specified above is for the payment of the annual property taxes. LESSEE shall be responsible for paying the property taxes during the year and will increase its monthly rental payments to cover any increases in property taxes in excess of the annual \$1,200 rent payment upon notice by LESSOR. LESSOR shall not be obligated to reimburse LESSEE should the property taxes be less than \$1,200.

Use of Premises: The Premises shall be used solely for parking for a model home located on the adjoining lot to the north (located at 4402 Chiquita Boulevard South owned by LESSEE). LESSEE shall not use the Premises for purposes other than those prescribed herein without prior written consent of the City Manager or his designee, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE II. OTHER PAYMENT AND OBLIGATIONS OF THE PARTIES

- A.** LESSEE, at LESSEE's sole expense, may make improvements to the Premises consisting of a parking lot and related facilities. LESSEE shall apply for and obtain all necessary permits and shall design and construct the parking area and related facilities in accordance with the concept plan dated October 2017, previously reviewed by the Utilities Staff, and submitted with the Model Home Special Exception application. LESSEE shall submit all construction plans to LESSOR for approval prior to commencing construction of the parking lot and related facilities. This Lease is subject to said Special Exception application being approved by the Hearing Examiner.
- B. TAXES:** LESSEE shall be responsible for all applicable sales, use or excise taxes arising out of or associated with the payments from LESSEE to LESSOR under this Lease.
- C. UTILITY AND OTHER CHARGES:** LESSEE shall be solely responsible for all utility charges (including but not limited to electricity, water, sewer), if any. LESSEE shall be solely responsible for all costs and expenses for the installation of such utilities, for the extension of any and all lines necessary to provide such utilities to

the Premises, and all connection fees, assessments, and charges related thereto. LESSEE shall be responsible for any and all lighting costs associated with the parking area and related facilities, including, but not limited to, installation, electric and meter fees.

LESSEE shall be responsible for landscape and lawn care, including, but not limited to mowing, trimming, weeding, pruning and the like of all grasses, gardens, trees, shrubs or other grounds of any type located on the leased Premises. LESSEE shall be responsible for watering and maintaining the grounds.

ARTICLE III. PREMISES

- A. QUIET ENJOYMENT:** LESSOR covenants and agrees with LESSEE that so long as LESSEE is not in default hereunder after applicable cure periods, LESSEE shall have quiet and undisturbed continuous possession of the Premises during the Lease Term, subject to the terms and conditions contained herein.

During the term of this Lease, LESSEE acknowledges LESSOR has the right to maintain, repair or service its existing Lift Station located at the southwest corner of said Premises. LESSEE further acknowledges LESSOR shall have the right to use LESSEE's parking area for such maintenance, repair or service without unreasonably hindering its use by LESSEE's customers.

- B. PERMITS, LICENSES, AND COMPLIANCE WITH LAWS:** LESSEE shall procure, at its sole expense, any and all permits and licenses required for the use upon the Premises, and will at all times comply with all applicable laws, ordinances, and governmental regulations relating to its use of the Premises.
- C. MAINTENANCE:** LESSEE agrees that LESSEE has fully inspected the Premises and accepts the condition of the Premises in "as is" condition with no warranties or promises express or implied. LESSEE shall, during the term of this Lease, maintain the Premises at LESSEE's sole expense. Any improvements, including, but not limited to pavement, parking bumpers, landscape, lighting and signage shall be properly maintained and promptly repaired by LESSEE.
- D. LIENS:** Should any construction or other lien be filed against the Premises or any part thereof as a result of work done on behalf of LESSEE, LESSEE shall cause the same to be cancelled and discharged of record by bond or otherwise within thirty (30) days after the date of such filing. LESSEE shall indemnify, defend, and hold LESSOR harmless with respect to any cost, expense or liability incurred by LESSOR with respect to any such lien. In no event shall anything contained in this paragraph or elsewhere in the Lease be deemed to subject LESSOR's interest in the Premises to the lien of any person doing work or furnishing materials at the instance and request of LESSEE.

E. DAMAGE OR DESTRUCTION: Rights and Remedies. LESSEE shall provide prompt written notice to LESSOR of fire or other casualty damaging or destroying the Premises, specifically to the existing Lift Station located at the southwest corner of said Premises.

F. ASSIGNMENT: LESSEE may not assign this Lease, in whole or in part.

G. SURRENDER: Upon the expiration or earlier termination of the Lease Term, LESSEE shall surrender the parking lot and all improvements, including but not limited to pavement, parking bumpers, landscape, lighting and signage to LESSOR. LESSOR may request the LESSEE remove all or a portion of said parking lot and improvements. LESSEE shall post a bond or other security for said removal as required under the Model Home Special Exception requirements.

ARTICLE IV. INSURANCE

A. INSURANCE:

1. At all times during the Term of this Lease and any renewals of this Lease, LESSEE shall obtain and keep in full force and effect:

(a) commercial general liability insurance, such insurance to insure against liability for bodily injury and death and for property damage in an amount not less than \$1,000,000 combined single limit on a per occurrence basis. The policy or policies shall be endorsed to name the LESSOR as additional insured and to provide for thirty (30) days' prior written notice of cancellation, non-renewal or reduction in coverage;

(b) workmen's compensation as required by law providing statutory benefits for all persons employed by LESSEE in connection with the Premises.

ARTICLE V. EVENTS OF DEFAULT

A. DEFAULT: The following events shall be deemed to be events of default by LESSOR or LESSEE under this Lease:

1. LESSEE shall fail to pay any installment of rent or any other payment to be made to LESSOR within ten (10) days after receipt of written notice that such payment is past due.
2. LESSEE shall fail to comply with any term, covenant or condition of this Lease, other than payment to LESSOR of rent and other charges, and shall not cure such failure within thirty (30) days after receipt of written notice from LESSOR specifying the default.

3. LESSEE shall become insolvent, shall make a transfer in fraud of creditors or shall make an assignment for the benefit of creditors.
 4. LESSEE shall file a petition under any bankruptcy or insolvency law, or there shall be filed against LESSEE a petition in bankruptcy or insolvency or a similar proceeding and such proceedings which is not dismissed within sixty (60) days of filing, or LESSEE shall be adjudged bankrupt or insolvent in proceeding filed against LESSEE thereunder.
 5. A receiver or Trustee shall be appointed for LESSEE's interest in the Premises or for all or substantially all the assets of LESSEE, and such receiver is not dismissed within sixty (60) days of appointment.
 6. LESSEE shall, after being served a notice of pending litigation, immediately notify, in writing, the LESSOR of such pending litigation. Failure to provide said notice to LESSOR within thirty (30) days of receipt of any notice of pending litigation may be deemed a default of this Lease, at the sole discretion of the LESSOR.
 7. If LESSEE is in violation of any conditions of the Model Home Special Exception.
- B. REMEDIES:** Upon the occurrence of any such event of default, LESSOR or LESSEE shall have all rights and remedies available at law and in equity, including, without limitation, the right to terminate this Lease.
- C. NO WAIVER:** Forbearance by LESSOR or LESSEE to enforce one or more of the remedies herein provided upon an event of default shall not be deemed or construed to constitute a waiver of such default. The failure of LESSOR or LESSEE to insist, in any one or more instances upon strict performance of any of the covenants or agreements in this Lease, or to exercise any option herein contained, shall not be construed as a waiver or a relinquishment for the future of such covenant, agreement or option, but the same shall continue and remain in full force and effect. The receipt by LESSOR of rent, with knowledge of the breach of any covenant or agreement hereof shall not be deemed a waiver of such breach, and no waiver by LESSOR or LESSEE of any provision hereto shall be deemed to have been made unless expressed in writing and signed by LESSOR or LESSEE, as the case may be.
- D. RIGHT TO CURE AND EMERGENCIES:** If LESSEE defaults in the performance of any of its obligations hereunder, or in the event of an emergency as determined by LESSOR in its reasonable discretion, LESSOR may, but shall not be obligated to, perform LESSEE's obligations after notifying LESSEE of default. In any such event, LESSEE shall reimburse LESSOR the costs incurred with respect to such performance, within thirty (30) days of a receipt of a bill for the same which shall include a description of what LESSOR has done.

ARTICLE VI. HAZARDOUS MATERIALS

A. LESSEE COVENANTS AND INDEMNITY: LESSEE shall not cause or permit any "Hazardous Material" (as hereinafter defined) to be brought upon, kept or used in or about the Premises by LESSEE, its agents, employees, contractors or invitees, without the prior written consent of LESSOR (which LESSOR shall not withhold as long as LESSEE demonstrates to LESSOR's reasonable satisfaction that such Hazardous Material is necessary or useful to LESSEE's business as conducted on the Premises, and will be used, kept and stored in a manner that complies with all laws regulating any such Hazardous Material so brought upon or used or kept in or about the Premises). If LESSEE breaches the obligations stated in the preceding sentence and contamination of the Premises is caused as a result thereof, then to the extent permitted by law, LESSEE shall indemnify, defend, and hold LESSOR harmless from any and all claims, judgments, damages, penalties, fines, costs (including, without limitation, reasonable attorney's fees), liabilities or losses incurred by LESSOR as a result of any such contamination. Without limiting the foregoing, if the presence of any Hazardous Material on the Premises caused or permitted by LESSEE results in any contamination of the Premises, LESSEE shall promptly take all actions at its sole expense as are necessary to return the Premises to the condition existing prior to the introduction of any such Hazardous Material to the Premises. LESSEE's obligations pursuant to the indemnity contained in this Section shall survive the expiration or earlier termination of this Lease. Notwithstanding anything to the contrary contained in the foregoing, in connection with janitorial services, LESSEE may use or cause to be used cleaning substances that may be deemed Hazardous Materials, provided that such substances are used in accordance with all applicable laws, regulations, and ordinances.

B. LESSOR'S REPRESENTATIONS AND WARRANTIES AND INDEMNITY: LESSOR represents and warrants to LESSEE that LESSOR has received no notice from any governmental authority concerning the existence of Hazardous Material on, under or about the Premises and common areas, and to LESSOR's knowledge, (i) no Hazardous Material are present or were installed, exposed, released or discharged in, on or under the Premises or common areas at any time during or prior to LESSOR's ownership thereof, and no prior owner or occupant of the Premises and/or common areas has used or stored Hazardous Material thereon or thereunder, (ii) no storage tanks for gasoline or any other substance are or were located on or under the Premises or common areas at any time during or prior to LESSOR's ownership thereof, and (iii) during LESSOR's ownership thereof but prior to the commencement date, the Premises and common areas have been used and operated in compliance with all applicable local, state, and federal laws, ordinances, rules, regulations, and orders. To the extent permitted by law, LESSOR shall indemnify, defend and hold LESSEE harmless from any and all claims, judgments, damages, penalties, fines, costs (including, without limitation, reasonable attorney's fees), liabilities or losses, arising out of or relating to the presence in, on, under or about the Premises and common areas of any Hazardous Material, except to the extent that any such presence,

discharge or release is caused by LESSEE. This indemnification shall not be a waiver of the LESSOR's sovereign immunity pursuant to Section 768.28 F.S.

C. DEFINITION OF HAZARDOUS MATERIAL: As used herein, the term "Hazardous Material" means any hazardous or toxic substance, material or waste which is or becomes regulated by the State of Florida, the United States Government, or any other governmental authority. "Hazardous Material" includes, without limitation, any material or substance which is (i) defined as a "hazardous waste" under Section 403.703(13), Florida Statutes (2013); (ii) defined as a "hazardous substance" under Section 403.703(12) Florida Statutes (2013); (iii) petroleum; (iv) asbestos; (v) designated as a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1317); (vi) defined as a "hazardous waste" pursuant to Chapter 82, Solid Waste Disposal, 42 U.S.C. 6901 et seq. (42 U.S.C. 6903); or (vii) defined as a "hazardous substance" pursuant to Chapter 103 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (42 U.S.C. 9601).

D. NOTIFICATION: If at any time LESSEE or LESSOR shall become aware, or have reasonable cause to believe, that any Hazardous Material has been released or has otherwise come to be located on or beneath the Premises, such party shall, promptly upon discovering the release or the presence or suspected presence of the Hazardous Material, give written notice of that condition to the other party.

ARTICLE VII. MISCELLANEOUS

A. BINDING EFFECT: The terms, provisions and covenants contained in this Lease shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors, assigns, and legal representatives, except as otherwise expressly provided herein.

B. ADOPTION OF ORDINANCE: This Lease is expressly subject to the adoption, by the Cape Coral City Council, of an ordinance authorizing the lease of the subject real property. In addition, this Lease is subject to approval of a Model Home Special Exception by the Hearing Examiner.

C. AUTHORITY: If LESSEE is a corporation, trust or general or limited partnership, each individual executing this Lease on behalf of such entity represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of said entity.

D. TIME OF ESSENCE: Time is of the essence of this Lease and each and every provision hereof.

E. NOTICES: Any notices required or permitted to be given under this Agreement shall be in writing and shall be deemed effective (i) upon personal delivery with a

receipt obtained, or (ii) upon receipt, refusal of receipt or the date noted as uncollected when sent by certified or registered mail, postage prepaid and return receipt requested, and addressed as provided for in Article I hereof, or at such other address provided by the parties pursuant to this Section. Any notice to LESSEE shall be addressed to the attention of Paul Beattie, Beattie Development Corporation, 857 SE 47th Street, Cape Coral, Florida 33904. Any notice to LESSOR shall be addressed to the attention of the City of Cape Coral, c/o Real Estate Division, P.O. Box 150027, Cape Coral, Florida 33915-0027.

- F. RECORDING:** Neither LESSOR nor LESSEE shall record this Lease, nor any memorandum or other evidence thereof, in the Public Records of Lee County, Florida, or any other place. Any attempted recordation by LESSEE shall render this Lease null and void, and shall entitle LESSOR to the remedies provided for herein by LESSEE's default.
- G. PARTIAL INVALIDITY:** If any provision of this Lease or the application thereof to any person or circumstance to any extent be invalid, the remainder of this Lease or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby, and each provision of this Lease shall be valid and enforced to the fullest extent permitted by law.
- H. ATTORNEY'S FEES:** If either party institutes an action against the other with respect to this Lease, then the non-prevailing party shall pay to the prevailing party all reasonable costs and attorney's fees incurred by the prevailing party with respect to such litigation, including appeals.
- I. BROKER'S COMMISSION:** LESSOR and LESSEE represent and warrant to each other that there are no claims for brokerage commissions or finder's fees in connection with the execution of this Lease. Each party agrees to indemnify the other against and hold it harmless from all liabilities arising from any such claims, including reasonable attorney's fees at the trial and appellate levels.
- J. INTERPRETATION:** The covenants and agreements herein contained shall bind and the benefits and advantages hereof shall inure to the respective heirs, legal representatives, successors, and assigns of the parties hereto. Whenever used, the singular number shall include the plural, the plural shall include the singular and the use of any gender shall include all genders. The headings of this Lease are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope or intent or otherwise affect this Lease in any way. This Lease shall create the relationship of LESSOR and LESSEE between the parties hereto, and nothing herein shall create or be construed to create an employer-employee, principal agent, joint venture or partnership relationship. Should any of the provisions of this Lease require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms of any such printed provision shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who

itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation of this Lease and that all terms were negotiable. This Lease shall be governed by and construed in accordance with the laws of the State of Florida. With respect to any action instituted by either party against the other relating to this Lease, the parties accept the exclusive jurisdiction of the courts of the State of Florida, and agree that the venue shall lie exclusively in Lee County, Florida.

K. ENTIRE AGREEMENT AND MODIFICATION: This Lease contains all of the understandings of the parties with respect to the matters covered herein, and supersedes all prior agreements, discussions, and negotiations of the parties. This Lease may only be altered, amended or modified by a writing duly executed by both parties.

L. APPROVALS AND CONSENTS: All approvals and consents required to be given by LESSOR hereunder shall not be unreasonably withheld or delayed.

M. INDEMNIFICATION / HOLD HARMLESS. LESSOR, its partners, agents, representatives, and their respective officers and employees, shall not be liable to LESSEE, or to LESSEE's officers, directors, shareholders, agents, servants, employees, customers or invitees, for any damage to persons or property in or about the Premises caused by any act, omission or neglect of LESSEE and its agents and their respective officers, directors, shareholders, and employees, and LESSEE agrees to indemnify and hold harmless LESSOR from all claims for any such damage. The LESSEE further covenants and agrees with the LESSOR that during the term of this Lease and for such other times as the LESSEE shall hold or have access to the Premises, that: (a) LESSOR shall not be liable to the LESSEE or to any other person for any claim, injury, loss or damage to any person or property on or about the Premises; and (b) LESSEE will hold the LESSOR harmless and indemnified from and against such claim, injury, loss or damage (including defense costs). LESSOR and LESSEE further agree that nothing contained herein shall be construed or interpreted as (1) denying to either party any remedy or defense available to such party under the laws of the State of Florida; or (2) a waiver of sovereign immunity of the LESSOR beyond the waiver provided in Section 768.28, Florida Statutes. The limits of liability on the LESSOR set forth in Section 768.28, Florida Statutes are hereby fully incorporated herein by this reference.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS OF THE FOREGOING, the parties have executed this Lease as of the day and year first written above.

WITNESSES:

LESSOR:

CITY OF CAPE CORAL

Print Name: _____

By: _____
Joe Coviello, Mayor

Print Name: _____

Approved "As to Form"

City Attorney's Office

LESSEE:

**BEATTIE DEVELOPMENT CORPORATION,
a Florida corporation**

H. Garcia

Print Name: *Kaiti Garcia*
Heather A. Johnson

Print Name: *Heather Johnson*

By: _____
Paul Beattie
Paul Beattie, President

**ANDROS PROPERTY INVESTMENT, LLC,
a Florida limited liability company**

H. Garcia

Print Name: *Kaiti Garcia*
Heather A. Johnson

Print Name: *Heather Johnson*

By: _____
Deanna C. Frommholz
Deanna C. Frommholz, Manager

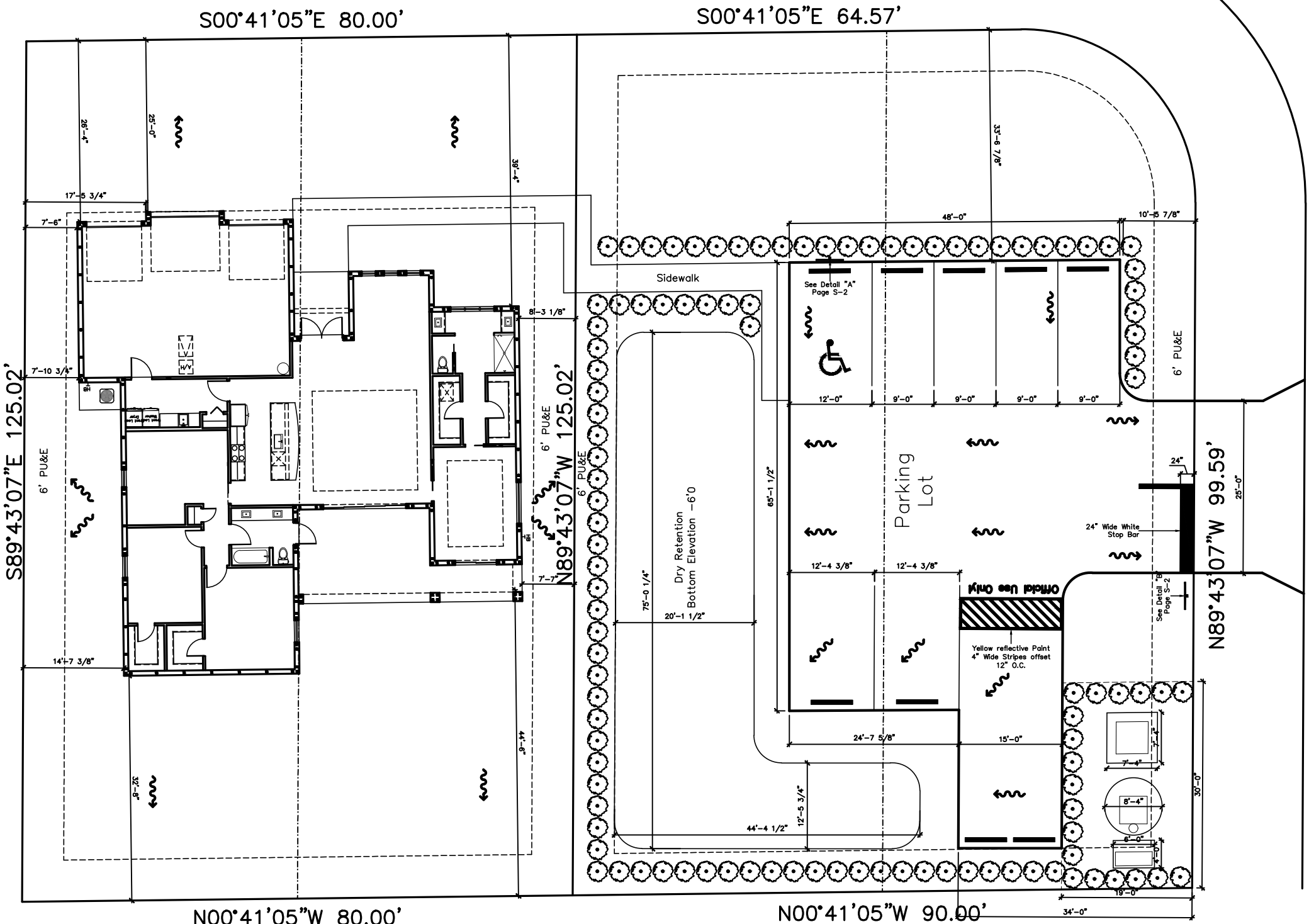
EXHIBIT "A"

Legal Description

4406 Chiquita Boulevard South, Cape Coral, Florida 33914

Lots 55 and 56, Block 4741, Unit 70, Cape Coral Subdivision, as recorded in Plat Book 22, Pages 58 through 87, inclusive, in the Public Records of Lee County, Florida.

Centerline of
Chiquita Blvd South



Site Plan

Centerline of
SW 44th Street

⊗ = Typical Shrub. See "General Landscaping Notes" Page S-2

Legend
~ = Driveway

1/8" = 1'-0"

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written consent of Beattie Development.

DATE	08/29/17
DRAWN	M. Parker
REVISIONS	
09/15/17	
09/21/17	
10/9/17	
2/20/18	

RRB Homes
Arthur Model
4402 Chiquita Blvd. South
Cape Coral, FL 33914





Visit our Design Center

(239) 257-3295

1213 Cape Coral Parkway E.
Cape Coral, Florida 33904

August 4, 2017

To whom it may concern,

My name is Paul Beattie, President and certified general contractor of Beattie Development Corp. We have been a local general contractor in Cape Coral for many years, with the growth and expansion of our company and the new home construction in the area we are planning to build a new model home to help assist in our growth as well as the local economy.

We recently purchased the lot located at 4402 Chiquita Blvd. S. Strap #09-45-23-C3-04741.0530. We would like to propose the following land lease option to the City of Cape Coral, the owners of the vacant lot located at 4406 Chiquita Blvd. S. Strap #09-45-23-C3-04741.0550.

Land Lease Options:

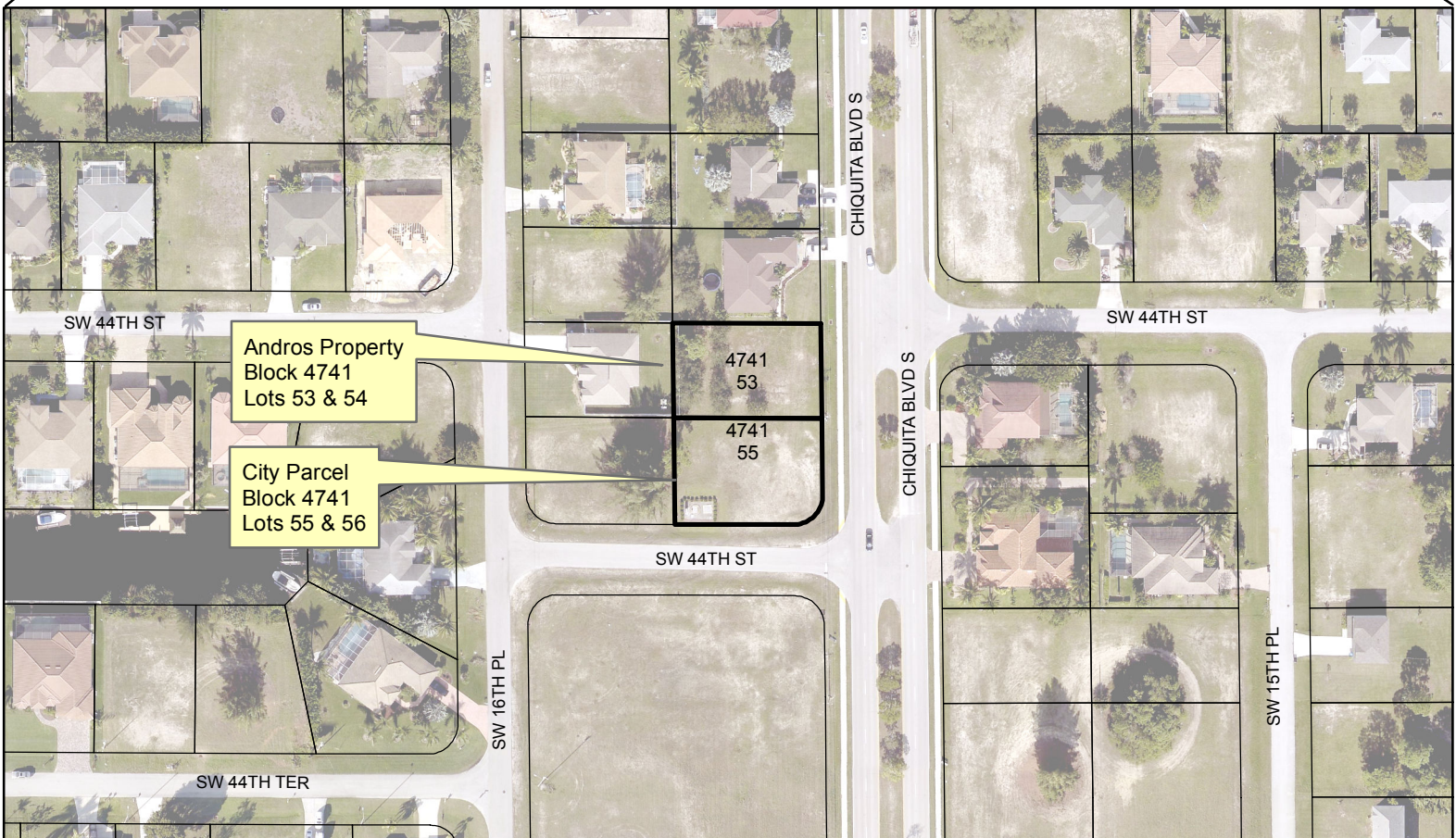
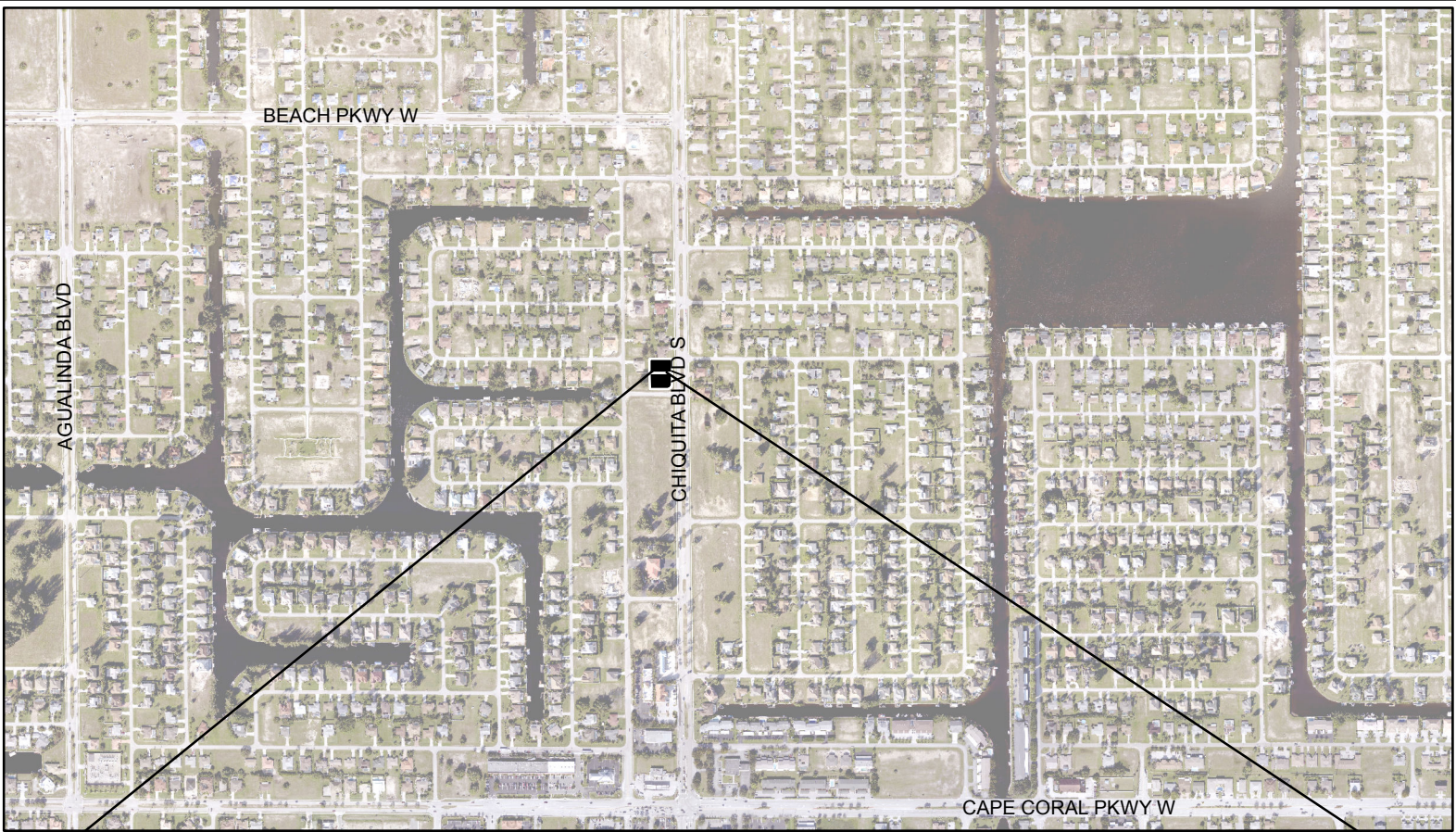
1. Beattie will construct parking lot according to necessary building regulations on the City's land
2. Beattie will provide city with any necessary insurance requirements
3. Upon expiration of Beattie's Special Exception, Beattie will either
 - a. Remove parking lot and make sure the City's Property is graded and sodded to existing standard
 - b. Leave parking lot in place for City's use and remove any access to Beattie's home at 4406, include leaving all landscaping and irrigation in place
4. Beattie will pay City of Cape Coral a yearly fee of \$1,200 to cover any loss in tax revenue (double potential tax revenue if private owner)

As you are aware we must apply for a Special Exception with the Planning department so we would appreciate a timely response to the above offer so we can try to move forward with our planning and have the model open and operating in 2018. Please do not hesitate to call or email me directly with any questions or if I can assist in this matter further.

Thank you in advance for your feedback and assistance.

Sincerely,

Paul Beattie
President
Beattie Development Corp.
239-257-3295
paul@beattiedev.com



Item Number:	A.(4)
Meeting Date:	3/19/2018
Item Type:	ORDINANCES/RESOLUTIONS - Public Hearings

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

Ordinance 21-18 Public Hearing

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? Yes
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan? No

ELEMENT A: INCREASE ECONOMIC DEVELOPMENT AND REDEVELOPMENT IN THE CITY

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

The City previously established a program that allowed regulated establishments in the South Cape zoning district to expand their hours for service of alcohol until 4 a.m. on Saturday and Sunday mornings. The program was in effect for a one-year trial period, at which time Council did not approve the continuance of the program.

The proposed ordinance re-establishes the ability of regulated establishments in the South Cape Downtown District to obtain an extended hours permit to expand their hours for service of alcohol until 3 a.m. on Saturday and Sunday mornings and certain other holiday-related days. The establishments must comply with certain requirements that are similar but not identical to the regulations that were in place previously.

LEGAL REVIEW:

EXHIBITS:

Memo

Ordinance 21-18

Revised Staff Presentation

Memo - Funding Recommendations for Extended Bar Hours in the CRA

Additional Backup received at the meeting

PREPARED BY:

Division- Department- City
 Attorney

SOURCE OF ADDITIONAL INFORMATION:**ATTACHMENTS:**



Description	Type
▢ Memo	Backup Material
▢ Ordinance 21-18	Ordinance
▢ Revised Staff Presentation - Effective 3/13/2018	Backup Material
▢ Memo - Funding Recommendations for Extended Bar Hours in CRA	Backup Material
▢ Additional Backup distributed at meeting	Backup Material



CAPE CORAL POLICE DEPARTMENT

Office of the Chief of Police

TO: Mayor Coviello and Council Members

FROM: John Szerlag, City Manager 
David Newlan, Chief of Police 

DATE: February 28, 2018

SUBJECT: Extended Bar Hours Proposal for the CRA District

Executive Summary

Ordinance 21-18 is being proposed to extend bar hours in the CRA District from 2:00 a.m. to 3:00 a.m. on Saturday and Sunday mornings. The purpose of this memorandum is to provide you with a background (timeline), costs, and proposed Ordinance modifications. Succinctly, the cost is \$158,440 in overtime (see attached Overtime Cost Sheet, Tier 1) which can be paid by a combination of City and CRA funds should City Council and CRA Board agree. We are also proposing the Ordinance be a pilot program as opposed to permanent.

History

Extended Bar Pilot Program Timeline:

12/10/2014 - Committee of the Whole topic – Extend Bar Hours for South Cape
03/09/2015 - Introduction Ordinance 12-15 Extend Bar Hours
03/23/2015 - Public Hearing Ordinance 12-15 Extend Bar Hours continued to 3/30/2015
03/30/2015 - Public Hearing Ordinance 12-15 Extend Bar Hours, Approved 5-3. *The pilot program was from April 11, 2015 to January 31, 2016.*

Extend the Pilot Program Timeline:

03/02/2016 - Committee of the Whole – Extended Bar Hours Evaluation Report
03/14/2016 - Introduction Ordinance 15-16 Extended Bar Hours continuance
03/28/2016 - Public Hearing Ordinance 15-16 Extended Bar Hours continuance, Denied 3-5
04/04/2016 - Regular Meeting Motion to Reconsider, Denied 4-4. *At the same meeting, Councilmember Leon requested a second to bring forward a permanent*

ordinance for the Extended Bar Hours. Councilmember Carioscia granted the second. Councilmember Erbrick requested a Committee of the Whole meeting to discuss all parameters of this topic.

06/10/2016 - Committee of the Whole meeting – Topic: Extended Hours. Council discussed and agreed to research further and bring to another COW meeting.

01/23/2017 - Regular Meeting, no further action by vote to use outside council.

Proposal and Costs

The Police Department's original proposal was based off the Extended Bar Pilot Program and current Ordinance in place when the hours were extended until 4:00 a.m. The proposal was to utilize a Community Policing Strategy by hiring four officers and one supervisor to be assigned to the bars from 11:00 p.m. to 5:00 a.m., and provide additional administrative and community policing duties for the bar district. That proposal would commit those officers to the extended bar hour program 55% of their time. The other 45% would be committed to conducting traffic enforcement.

The concept of extending the bar hours to 3:00 a.m. is uncharted territory. Therefore, we propose that if this Ordinance is approved, it should be a "pilot program" as before, so we can properly evaluate the needs to maintain the safety and welfare of the public, and help maintain stability for the establishments. We propose that the "pilot program" run from April 2018 to April 2019. This will give us time to properly evaluate it during and after the 47th Terrace Streetscape is completed.

The estimated cost for the "pilot program" is \$158,440 for four officers and one supervisor on an overtime basis. Due to our current staffing needs, it would be difficult to fill as an off-duty detail. However, based on its progress, we will continue to evaluate the need for officer presence during the evaluation period. Because we have been advised that 47th Terrace construction activity is causing a loss of business revenue to the bar establishments, additional policing costs could be absorbed by the City and CRA.

If the premise of the proposed extended bar hours is not based on the 47th Terrace road construction, and the intent is to establish a permanent program, we would propose the participating establishments pay all required costs in lieu of the City and the CRA.

With the 47th Terrace Streetscape construction, it will be important to maintain a police presence due to construction and road detours. Construction will alter normal directions of traffic and, at times, with only one lane of travel available, and egress/ ingress routes could be limited. Based on the number of potential patrons that could be in the area during the Extended Bar Hours Pilot Program, it could create additional problems which may increase the probability of getting someone hurt and potentially delaying the construction project. As an example, if a major incident occurred creating a crime scene,

it could lock down that area for an unspecific amount of time that may delay the completion date of this project.

JS/DN

Attachment – Overtime Cost Sheet

C: CRA Board

Dolores Menendez, City Attorney

Victoria Bateman, Finance Director

Paul Clinghan, Public Works Director

Connie Barron, Public Affairs Manager

Overtime Cost Sheet

		Overtime - Tier Costs (minimum) Extended Bar Hours (2300 to 0400 OT)
0300 Bar Hours		
April - April, Overtime Assignment, with 5 additional days for Holiday openings		
	OT Salary	
Table 1 & Table 2 combined for total budgetary impact to City, (minimum estimate) for 52 week period. April - April.	Tier 1	\$ 158,439.77
	Tier 2	\$ 215,377.64
	Tier 3	\$ 316,879.53
	Tier 4	\$ 373,817.40
	* Payroll cost to City	

Table 1: *April to October (current budget impact)*

Overtime - Police Officer Extended Bar Hours (2300 to 0400 OT)			Overtime - Police Sergeant Extended Bar Hours (2300 to 0400 OT)			Overtime - Tier Costs (minimum) Extended Bar Hours (2300 to 0400 OT)		
	1 Police Officer			1 Police Sergeant			OT Salary	
\$	44.83	OT Budgetary Impact Hourly Rate	\$	70.43	OT Budgetary Impact Hourly Rate	Tier 1	\$	78,296.63
	5.5	Hours per night *.5 hr for BWC		5.5	Hours per night *.5 hr for BWC	Tier 2	\$	106,405.04
	2	Nights per week		2	Nights per week	Tier 3	\$	156,593.25
	26	Total Weeks		26	Total Weeks	Tier 4	\$	184,701.66
	5	Holidays		5	Holidays			
	286	Total Normal Hours		286	Total Hours per year			
	27.5	Holiday Hours		27.5	Holiday Hours			
	313.5	Total Hours		313.5	Total Hours			
\$	14,054.21	1 Police Officer per year (minimum)	T1/2	\$ 22,079.81	1 Police Sergeant per year (minimum)			
T1	\$ 56,216.82	4 Police Officers	T3/4	\$ 44,159.61	2 Sergeants			
T2	\$ 84,325.23	6 Police Officers						
T3	\$ 112,433.64	8 Police Officers						
T4	\$ 140,542.05	10 Police Officers						

* Payroll cost to City

Table 2: *October to April (projected budget impact)*

Overtime - Police Officer Extended Bar Hours (2300 to 0400 OT)			Overtime - Police Sergeant Extended Bar Hours (2300 to 0400 OT)			Overtime - Tier Costs (minimum) Extended Bar Hours (2300 to 0400 OT)		
		1 Police Officer			1 Police Sergeant			OT Salary
\$	45.98	OT Budgetary Impact Hourly Rate	\$	71.72	OT Budgetary Impact Hourly Rate	Tier 1	\$	80,143.14
		5.5 Hours per night *.5 hr for BWC			5.5 Hours per night *.5 hr for BWC	Tier 2	\$	108,972.60
		2 Nights per week			2 Nights per week	Tier 3	\$	160,286.28
		26 Total Weeks			26 Total Weeks	Tier 4	\$	189,115.74
		5 Holidays			5 Holidays			
		286 Total Normal Hours			286 Total Hours per year			
		27.5 Holiday Hours			27.5 Holiday Hours			
		313.5 Total Hours			313.5 Total Hours			
								* Payroll cost to City
\$	14,414.73	1 Police Officer per year (minimum)	T1/2	\$	22,484.22	1 Police Sergeant per year (minimum)		
T1	\$	57,658.92	4 Police Officers	T3/4	\$	44,968.44	2 Sergeants	
T2	\$	86,488.38	6 Police Officers					
T3	\$	115,317.84	8 Police Officers					
T4	\$	144,147.30	10 Police Officers					

ORDINANCE 21 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES CHAPTER 3, ALCOHOLIC BEVERAGES, SECTION 3-2, HOURS OF OPERATION, TO EXTEND HOURS OF OPERATION FOR REGULATED ESTABLISHMENTS FOR CONSUMPTION ON PREMISES ONLY IN THE SOUTH CAPE ZONING DISTRICT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Cape Coral City Council is interested in enhancing the South Cape Downtown District (SC) zoning district's reputation as a hospitality and entertainment destination in southwest Florida; and

WHEREAS, the City Council is interested in identifying new economic stimuli in the SC zoning district that would enhance economic opportunities for business establishments located in that zoning district; and

WHEREAS, numerous establishments in the SC zoning district are licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, to serve alcoholic beverages on-premises; and

WHEREAS, certain establishments located in the SC zoning district and licensed to serve alcoholic beverages for consumption on the premises have requested that they be allowed to serve alcoholic beverages only for consumption on the premises until 3 a.m. on Saturday and Sunday mornings and on certain other holiday-related days instead of ceasing those sales at 2:00 a.m. on those days; and

WHEREAS, the City Council desires to allow Regulated Establishments within the SC zoning district to expand the hours of service of alcohol from 2 a.m. to 3 a.m. on Saturday and Sunday mornings and on certain other holiday-related days.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 3, Alcoholic Beverages, is hereby amended as follows:

§ 3-1 Definitions.

For the purposes of this chapter, the words and phrases used in this chapter shall have the meanings ascribed to them by the state Alcoholic Beverage Code, F.S. Chapters 561 - 567. In addition to the definitions contained in the state Alcoholic Beverage Code, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

...

CONSUMPTION OFF THE PREMISES. Consumption of beer, wine or alcoholic beverages of any kind at a place different from the place where purchased.

CONSUMPTION ON THE PREMISES. Consumption of beer, wine or alcoholic beverages of any kind upon premises where purchased.

...

REGULATED ESTABLISHMENTS. All places or establishments, within the city, offering for sale beer, ale, wine or alcoholic liquors or beverages of any kind or places or establishments permitting patrons or customers to consume or serve others beer, ale, wine or alcoholic liquors or beverages of any kind. **REGULATED ESTABLISHMENTS** shall not include private residences or rooms or apartments in motels, hotels or other rentals of similar nature.

...

§ 3-2 Hours of operation.

- (a) Generally. *REGULATED ESTABLISHMENTS* may sell, serve, or permit consumption of alcoholic beverages on any day between the hours of 7:00 a.m. and 2:00 a.m. of the following morning. No *REGULATED ESTABLISHMENT* may sell, serve, or permit consumption of alcoholic beverages for *CONSUMPTION OFF THE PREMISES* between 2:00 a.m. and 7:00 a.m. of any day in any zoning district. ~~Until April 3, 2016, for CONSUMPTION ON THE PREMISES only, Provided they comply with the provisions of Section 3-2(b) of this chapter and hold valid extended hours permits issued by the City, REGULATED ESTABLISHMENTS in the SC zoning district may, for CONSUMPTION ON THE PREMISES only, sell, serve, or permit consumption of alcoholic beverages until 4:00~~ 3:00 a.m. on Saturday and Sunday mornings, provided they comply with the provisions of Section 3-2(b) of this chapter and hold valid extended hour permits issued by the City, as well as until 3:00 a.m. on the following holiday-related days:

- (1) Labor Day;
- (2) Memorial Day;
- (3) November 1st (the day after Halloween);
- (4) Thanksgiving Day; and
- (5) New Year's Day.

- (b) Extended hours requirements

In order for establishments in the SC zoning district to sell, serve, or permit consumption of alcoholic beverages only for *CONSUMPTION ON THE PREMISES* until ~~4:00~~3:00 a.m. on Saturday and Sunday mornings, as well as on the holiday-related days identified in Section 3-2(a) above, the establishments must comply with the following requirements:

- (1) During all hours of operation, the *REGULATED ESTABLISHMENT* shall have in use a security camera system capable of recording and retrieving video images to assist in offender identification and apprehension. The cameras shall capture all ingress and egress points of and the whole interior premises of the *REGULATED ESTABLISHMENT* as well as the entire exterior premises of the property on which the *REGULATED ESTABLISHMENT* is located and all exterior walkways and alleyways that are immediately adjacent to the *REGULATED ESTABLISHMENT*. Cameras must be activated and recording video during all hours of operation. The *REGULATED ESTABLISHMENT* must ensure that the security camera system is in good working condition during all hours of operation and that the video images are capable of retrieval for a period of not less than fourteen (14) days after the images are recorded. The security camera system must be of a type and quality, as well as maintained in a working condition, such that the video images, when retrieved, provide a reasonably clear and detailed depiction of the areas and activities captured by the system. Security systems that capture cloudy, fuzzy, or blurred video images are not sufficient to constitute the security camera system required by this sub-section. The owners, operators, representatives, agents, and employees of the *REGULATED ESTABLISHMENT* shall allow access to the recordings by authorized city code enforcement and law enforcement officers without court subpoena and without prior notice during all hours that the *REGULATED ESTABLISHMENT* is open for business.
- (2) During all hours of operation, the *REGULATED ESTABLISHMENT* shall comply with Florida's Responsible Vendor Act as set forth in Sections 561.701 through 561.706, Florida Statutes, as same may be amended, and must submit proof that each of its employees has completed the required course of instruction that includes subjects listed in the statute dealing with alcoholic beverages. The *REGULATED ESTABLISHMENT* must continue to be a member in the responsible vendor program as a condition of maintaining an extended hours permit.
- (3) ~~In order to sell, serve, or permit the consumption of alcohol that is only for CONSUMPTION ON THE PREMISES past 2:00 a.m. on Saturday or Sunday mornings, respectively, the REGULATED ESTABLISHMENT shall, at its expense, provide one (1) off-duty Cape Coral police officer continually from 12:00 a.m. on Saturday (for extended hours on Saturday) and from 12:00 a.m. on Sunday (for extended hours on Sunday) until one (1) hour after closing time on Saturday or Sunday~~

morning, respectively, but with a minimum of four (4) hours. The purpose of the off-duty Cape Coral Police Officer is to provide security, maintain order, deter and detect criminal activity, and protect the public health, welfare and safety. To this end, and in recognition of the fact that the City's extended hours program is an experimental pilot program that should not negatively affect the public health, safety and welfare, the off-duty police officer shall monitor not only the interior and exterior of the premises of the ~~REGULATED ESTABLISHMENT~~, but also shall engage in community policing activities throughout the SC zoning district as directed by the Police Chief or the Police Chief's designee. The off-duty Cape Coral police officer required by this sub-section shall be in addition to, and not in lieu of, any other security personnel provided by the establishment.

- (4)(3) In order to sell, serve, or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* past 2:00 a.m. on Saturday or Sunday mornings, respectively, or past 2:00 a.m. on the other days identified in Section 3-2(a) above, the ~~REGULATED ESTABLISHMENT~~ shall, at its expense, provide interior security personnel continually from 8:00 11:00 p.m. on Friday (for extended hours on Saturday) and from 8:00 11:00 p.m. on Saturday (for extended hours on Sunday) until closing time on Saturday or Sunday morning, respectively, as well as from 11:00 p.m. on October 31st (for extended hours on November 1st), December 31st (for extended hours on New Year's Day), and the days immediately preceding Labor Day, Memorial Day, and Thanksgiving Day (for extended hours on any of those days) until closing time on November 1st and January 1st (New Year's Day), Labor Day, Memorial Day, or Thanksgiving Day, respectively, at a ratio of one (1) security officer for every 150, or fraction thereof, allowed occupancy of the establishment, but in no event less than one (1). ~~The interior security personnel shall be in addition to, and not in lieu of, the mandatory one (1) off-duty Cape Coral police officer.~~ Bartenders, barbacks, and other employees of the establishment with duties unrelated to security shall not be counted as security officers. The purpose of the interior security personnel is to provide security, maintain order, deter and detect criminal activity, and protect the public health, welfare and safety, primarily in the interior of the premises of the *REGULATED ESTABLISHMENT* and at its entrance and exit points.
- (5)(4) The establishment shall provide adequate buffering of noise impacts from open-air areas, if any, and assure compliance with approved site plan conditions, if any, regarding ingress and egress of vehicle and pedestrian traffic. The establishment shall have no negative effect on neighboring properties with respect to excessive noise. All efforts shall be made to prevent nuisances both inside and outside the establishment.
- (6)(5) The establishment shall conduct a "last call" for service of alcoholic beverages, requiring the establishment to cease the sale and service of alcoholic beverages 15 minutes prior to closing on Saturday and Sunday mornings as well as on the mornings of any of the holiday-related days identified in Section 3-2(a) above.
- (7)(6) The owner, agent, or authorized representative of a *REGULATED ESTABLISHMENT* must meet with the Police Chief, or the Police Chief's designee, at least once a month concerning issues related to the extended hours of operation and how those issues may be mitigated.
- (8)(7) The *REGULATED ESTABLISHMENT* must meet all of the requirements of local, state, and federal law and obtain and maintain all associated licenses in order to serve, sell or permit the consumption of alcohol on the premises. Furthermore, the establishment must have both a valid business tax receipt and a valid extended hours permit issued by the City of Cape Coral.

(c) Extended hours permits

- (1) *Extended hours permit a privilege subject to revocation.* The ability to sell, serve, or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* beyond the hour of 2:00 a.m. on ~~Saturday and Sunday mornings~~ any day permitted as identified in this section within the SC zoning district is hereby declared to be and is a privilege subject to suspension, revocation, and the imposition of criteria and conditions, and no person or entity may reasonably rely upon the continuation of that privilege. Any person or entity wishing to remain open beyond 2:00 a.m. to sell, serve,

or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* shall be required to make an application and receive approval for an extended hours permit.

- (2) *Application and review procedures.* An application for an extended hours permit shall be submitted, on a form furnished by the city, to the Director of Community Development, or the Director's designee, ~~along with a nonrefundable application fee of \$50.00. The application fee is in addition to the permit fee for the extended hours permit.~~ In the application, the applicant shall provide information to show compliance with the requirements of Section 3-2(b). The Director of Community Development, or the Director's designee, may require the applicant to supplement the information initially provided, if such additional information is deemed necessary to determine whether the requirements of Section 3-2(b) are met. City Council shall have the authority to adopt by resolution fees, if any, for a permit application.
- (3) *Extended hours permit.* Any establishment located in the SC zoning district holding a license duly granted by the State of Florida to sell, serve, or permit the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* may apply for an extended hours permit. Such application shall be processed using the procedures and criteria listed in this chapter. ~~The permit fee for the issuance of the extended hours permit shall be \$100.00, and shall be paid prior to issuance of the permit. For establishments located within the SC zoning district, an extended hours permit shall allow and extend the hours in which the licensee may remain open for sale, service of, and CONSUMPTION ON THE PREMISES only of alcoholic beverages until 4:00 3:00 a.m. on Saturday and Sunday mornings any day permitted as identified in this section.~~ An extended hours permit shall expire one year from the date of issuance ~~or April 3, 2016, whichever occurs first.~~ City Council shall have the authority to adopt by resolution fees, if any, for an extended hours permit.
- (4) *Approval.* The Director of Community Development, or the Director's designee, may approve an application for an extended hours permit upon a determination that the subject application complies with the criteria identified in Section 3-2(b) above.
- (5) *Denial.* An application which fails to comply with the criteria identified in Section 3-2(b) shall be denied. If the Director of Community Development, or the Director's designee, denies the application, the applicant shall have thirty (30) days from the date of the notice of denial to appeal the decision to the City Council pursuant to the appeal procedure contained in section 3-2(c)(8).
- (6) *Renewal of extended hours permit.* Each extended hours permit shall be required to be renewed no later than one (1) year following the date of initial granting of the permit. An application for renewal of an extended hours permit shall be submitted, on a form furnished by the city, to the Director of Community Development, or the Director's designee. ~~The renewal of any extended hours permit shall be subject to a permit renewal fee. The fee for renewing an extended hours permit shall be \$75.00, and shall be paid prior to renewal of an extended hours permit. Terms for approval or denial of the application shall be as stated above in subsections (4) and (5).~~ City Council shall have the authority to adopt by resolution fees, if any, for the renewal of an extended hours permit.
- (7) *Revocation or suspension.*
 - A. If the Director of Community Development, ~~or the Director's designee,~~ the Chief of Police, or the designee of the Police Chief, believes that any extended hours permit holder has failed to comply with the criteria of its permit, or is operating in a manner harmful to the public health, safety or welfare, the Director of Community Development, ~~or the Director's designee,~~ the Chief of Police, or the designee of the Police Chief, shall prepare a report which provides facts, reasons, and an analysis for believing violations exist. The Director ~~or Police Chief~~ shall submit the report to City Council and a public hearing shall be held to determine whether the extended hours permit should be revoked based upon the failure to meet the criteria established in Section 3-2(b) above. The report shall be provided to the permit holder at least ten (10) days prior to the public hearing. A notice containing the date of the public

hearing shall be personally served upon the permit holder or posted in a conspicuous place at the establishment of the permit holder at least ten (10) days prior to the public hearing. The City Council may reschedule or continue the date of the public hearing for good cause shown upon the request of either the permit holder, ~~or the Director of Community Development, or the Police Chief.~~ At the public hearing, the permit holder shall be afforded a reasonable opportunity to speak and present evidence on his/her behalf. Evidence that the *REGULATED ESTABLISHMENT* has been operating in a manner detrimental to the public health, safety, and welfare includes, but is not limited to, the following:

1. The occurrence of ~~six (6)~~ three (3) felony convictions, regardless of whether adjudication has been withheld, that are the result of criminal activity on the premises of the *REGULATED ESTABLISHMENT*. The convictions must be the result of incidents of criminal activity that occurred during the period from ~~the earlier of the time the REGULATED ESTABLISHMENT opened for business on the day before through the close of business on the morning of the extended hours Friday or Saturday (if the establishment is not open on Friday) through the close of business on Sunday or 12:00 a.m. on Monday morning, whichever occurs first,~~ and within a consecutive twelve (12) month period, regardless of when the convictions actually occurred. The convictions must be of individuals who were employees or patrons of the *REGULATED ESTABLISHMENT* at the time the criminal activity occurred and the conviction of multiple individuals for the same incident of criminal activity shall be deemed one conviction and not separate convictions; or
2. The occurrence of ~~six (6)~~ three (3) criminal convictions, regardless of whether adjudication has been withheld, involving possession or sale of a controlled substance on the premises of the *REGULATED ESTABLISHMENT*. The convictions must be the result of incidents of criminal activity that occurred during the period from ~~the earlier of the time the REGULATED ESTABLISHMENT opened for business on the day before through the close of business on the morning of the extended hours Friday or Saturday (if the establishment is not open on Friday) through the close of business on Sunday or 12:00 a.m. on Monday morning, whichever occurs first,~~ within a consecutive twelve (12) month period, regardless of when the convictions actually occurred. The convictions must be of individuals who were employees or patrons of the *REGULATED ESTABLISHMENT* at the time the criminal activity occurred and the conviction of multiple individuals for the same incident of criminal activity shall be deemed one conviction and not separate convictions; or
3. Three (3) convictions, regardless of whether adjudication has been withheld, of any owner, operator, agent or employee of the *REGULATED ESTABLISHMENT* for criminal activity related to the sale or possession of alcoholic beverages at the *REGULATED ESTABLISHMENT*, such as sales of alcoholic beverages outside of the permitted hours of sale, sale to an underage person, etc.; or
4. Repeated instances or a demonstrated pattern by a REGULATED ESTABLISHMENT of allowing, condoning, participating in, or failing to correct conduct or activity that created a nuisance or resulted in a negative impact on the health, safety and welfare of the public generally, or of the patrons of the REGULATED ESTABLISHMENT. Examples of such conduct or activity would include, but not be limited to, whether the REGULATED ESTABLISHMENT has taken all reasonable precautions to discourage unlawful activity including vandalism, persons and property crimes, disturbances, littering by patrons, unlawful drug use, noise, vehicular use by intoxicated patrons, and illegal activity of any kind by

employees, patrons or others associated with the *REGULATED ESTABLISHMENT* and whether the *REGULATED ESTABLISHMENT* has taken all reasonable efforts to prevent nuisances both inside and outside the establishment, particularly with respect to whether the *REGULATED ESTABLISHMENT* has complied with any recommendations by the Police Chief or the Chief's designee concerning possible corrective action or mitigation efforts.

4. 5. Failure or refusal, without good cause shown, to meet with the Police Chief or the Chief's designee as required in subsection 3-2(b)(G) of this Chapter.
- B. *Emergency public hearing on suspension or imposition of conditions.* If the Police Chief, or Police Chief's designee, believes that an immediate serious danger to the public health, safety or welfare requires emergency suspension of the extended hours permit, or that a permit holder no longer has a valid alcohol license, the Police Chief, or Police Chief's designee, may summarily order said suspension. The Police Chief, or the Police Chief's designee, shall take only that action necessary to protect the public interest. The Police Chief, or Police Chief's designee, shall provide the permit holder with the specific facts and reasons for finding an immediate danger to the public health, safety or welfare exists and the reasons for concluding that the action taken is necessary to protect the public interest. The notice of immediate action shall be personally served upon the permit holder or posted in a conspicuous place at the establishment of the permit holder. The notice shall also advise the permit holder that he/she may request a public hearing before the City Council challenging the need for summary action, (an "emergency public hearing") by making a written request to the City Manager within thirty (30) days of being served with the notice. If the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday. Failure to timely request an emergency public hearing shall result in the automatic revocation of the license without further action by the City. If the permit holder requests an emergency public hearing, the public hearing shall be conducted by the city council within twenty-one (21) calendar days of the City's receipt of the request, unless extended by agreement of the permit holder. At the emergency public hearing, the permit holder shall be afforded a reasonable opportunity to speak and present evidence on his/her behalf.
- C. The public hearings pursuant to 3-2(c)(7)A, and 3-2(c)(7)B. above shall be quasi-judicial hearings. After consideration of the matter, and after allowing City staff and the permit holder to address the City Council, and allowing all others wishing to speak to do so, the City Council may make any of the following determinations:
1. If a suspension has been imposed pursuant to subsection 3-2(c)(7)B above, suspension of the permit may be lifted and the permit upheld with no further action required by the permit holder, or suspension of the permit may be continued pending correction of the violation.
 2. Allow the permit holder to continue operating during extended hours, subject to any reasonable additional conditions deemed necessary to mitigate or eliminate the adverse effects of such extended hours. Conditions may include, but are not limited to, provision by the permit holder, at its expense, of additional security personnel, sound-proofing or noise reduction, and outside lighting.
 3. The permit may be suspended for any time period less than one year.
 4. The permit may be revoked and subject to renewal pursuant to the terms of Section 3-2(c)(6) of this Chapter.
- D. Should the extended hours permit be revoked, no reapplication shall be considered for that location within a twelve-month period following the date

of revocation. No revoked extended hours permit shall be reinstated until all applicable conditions of the permit are met.

- E. *Emergency Suspension of Extended Hours Operations.* In the event that the Police Chief, or the Police Chief's designee, finds that conditions exist in the SC zoning district anytime during the period from Friday evening at 7:00 p.m. through ~~12:00~~ 3:00 a.m. on Monday morning that are so deleterious to the public health, safety, and welfare as to constitute an emergency condition that would be aggravated if *REGULATED ESTABLISHMENTS* were to sell, serve, or permit the consumption of alcohol for *CONSUMPTION ON THE PREMISES* after 2:00 a.m. on Saturday or Sunday of that weekend, as well as on the mornings of any of the holiday-related days identified in Section 3-2(a) above then the Police Chief, or the Police Chief's designee, may order the immediate emergency suspension of all extended hours permits without notice and without any right to a hearing. The emergency conditions required by this sub-section shall not necessarily be the result of the operation or activities of any single *REGULATED ESTABLISHMENT* or even directly related to the sale or consumption of alcoholic beverages. *REGULATED ESTABLISHMENTS* with valid extended hours permits shall be allowed to resume business operations, as allowed by their extended hours permits, the following weekend, unless they are provided with notice of suspension or revocation as otherwise identified in this chapter.

(8) *Appeal procedure.*

- A. An applicant for an extended hours permit may appeal to the City Council, consistent with these provisions, any decision rendered by the Director of Community Development, or the Director's designee, to deny an extended hours permit, or the renewal of an extended hours permit. Within ten (10) days of the decision, the applicant may request an appeal in writing to the City Manager who shall schedule a public hearing by the City Council as soon as practicable. Notice shall be given and a public hearing shall be held as prescribed by subsection (7)A of this section. The City Council shall consider the appeal and make a decision based on the criteria set forth in subsection (b).
- B. Appeal of any City Council decision regarding an extended hours permit or an application for an extended hours permit shall be to the circuit court in and for Lee County, in the manner provided by state law. In accordance with state law, failure to appeal within thirty (30) days of the rendition of the decision shall result in the applicant waiving his right to appeal.

(9) *Transferability.* An extended hours permit shall not be transferable to a different location or to different business owners. However, if an establishment is sold and the operation of the business remains identical to that described on the approved extended hours permit, then the new owners will be required to apply for a new extended hours permit, within thirty (30) days of the purchase, but the city shall limit its review to:

- A. The amount and degree of law enforcement activities generated by the operation of the establishment. Any calls for service between the date of application and the date of approval may be grounds for denial; and
- B. A review of any other *REGULATED ESTABLISHMENTS* offering *CONSUMPTION ON THE PREMISES* that are owned or operated by the owners or managers, or any other party with a proprietary interest in the new owner's establishment to determine the amount and degree of law enforcement activities at such establishments; and
- C. Verification that the establishment remains in compliance with the requirements of Section 3-2(b).

(10) *Voluntary Relinquishment.* Except as otherwise provided herein, the holder of a valid extended hours permit in good standing may voluntarily relinquish the permit by notifying the city in writing of the permit holder's intention to relinquish the permit and the date upon which the relinquishment will take effect. Once relinquished, the

extended hours permit is of no further force and effect and the *REGULATED ESTABLISHMENT* shall be deemed to have forfeited the privilege of selling, serving, or permitting consumption of alcoholic beverages only for *CONSUMPTION ON THE PREMISES* until 4:00 3:00 a.m. on Saturday or Sunday mornings as well as on the mornings of any of the holiday-related days identified in Section 3-2(a) above. If the permit holder or *REGULATED ESTABLISHMENT* desires to resume selling, serving, or permitting the consumption of alcohol that is only for *CONSUMPTION ON THE PREMISES* past 2:00 a.m. on ~~Saturday and Sunday mornings, respectively,~~ any day permitted as identified in this section, then the permit holder or *REGULATED ESTABLISHMENT* must submit a new application for an extended hours permit in accordance with the requirements of this chapter. If suspension or revocation proceedings are pending concerning an extended hours permit, or if a permit is in revoked or suspended status, or if a permit holder has been notified that any suspension or revocation proceedings are being initiated by the city pursuant to the provisions of this chapter, then the permit holder shall not be able to voluntarily relinquish the extended hours permit until the suspension or revocations issues have been resolved and the extended hours permit is once again in good standing.

...

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective April 1, 2018.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ

CITY ATTORNEY
ord/Alcohol Extended Hours in SC
DRAFT 1/25/18
2/2/18
2/13/18
2/20/18
2/21/18
2/23/18
2/26/18

EXECUTIVE SUMMARY

- Public Safety Interests
 - Safety and welfare of the public (road construction)
 - Increase calls for service
 - Crime data
- Economic Interests
 - Economic sustainability of businesses during construction period

EXECUTIVE SUMMARY

- Community values
 - Should bars remain open after 2 AM?
 - Temporary basis vs. Permanent basis
- City Staff recommendation
 - 3 AM April 2018-April 2019; temporary basis
 - City will cover cost during trial period

EXTENDED BAR HOURS

PRESENTATION TO COUNCIL

OVERVIEW

- Brief history of Extended Bar Hours.
- Statistical analysis of the data.
- An overview of what other municipalities in Florida are doing.
- Present our recommendations.
- Answer any additional questions.



EXTENDED BAR HOURS

HISTORY



HISTORY OF THE EXTENDED BAR HOURS PILOT PROGRAM

- Pilot Program
 - 12/10/2014 – Committee of the Whole topic – Extend Bar Hours for South Cape.
 - 3/9/2015 – Introduction Ordinance 12-15 Extend Bar Hours.
 - 3/23/2015 – Public Hearing Ordinance 12-15 Extend Bar Hours continued to 3/30/2015.
 - 3/30/2015 – Public Hearing Ordinance 12-15 Extend Bar Hours (Approved 5-3).
 - Pilot Program runs April 11, 2015 - April 3, 2016.
 - **Data is collected for Council from April 11, 2015- January 31, 2016.**



HISTORY OF THE EXTENDED BAR HOURS PILOT PROGRAM


- Extend the Pilot Program
 - 3/2/2016 - Committee of the Whole
– Extended Bar Hours Evaluation
Report.
 - 3/14/2016 – Introduction Ordinance
15-16 Extended Bar Hours
continuance.
 - 3/28/2016 – Public Hearing
Ordinance 15-16 Extended Bar Hours
continuance (Denied 3-5).



HISTORY OF THE EXTENDED BAR HOURS PILOT PROGRAM

- 4/4/2016 – Regular Meeting Motion To Reconsider – denied 4-4.
- At the same meeting, former Council member Leon requested a second to bring forward a permanent ordinance for the Extended Bar Hours. Council member Carioscia granted the second.
- Council member Erbrick requested a Committee of the Whole meeting to discuss all of the parameters of this topic.
- 6/10/2016 – Committee of the Whole meeting – Topic: Extended Hours.
- 1/23/2017 – Regular meeting; No further action by vote to use outside counsel.





EXTENDED BAR HOURS

WHAT THE DATA SHOWS

EXTENDED BAR HOURS

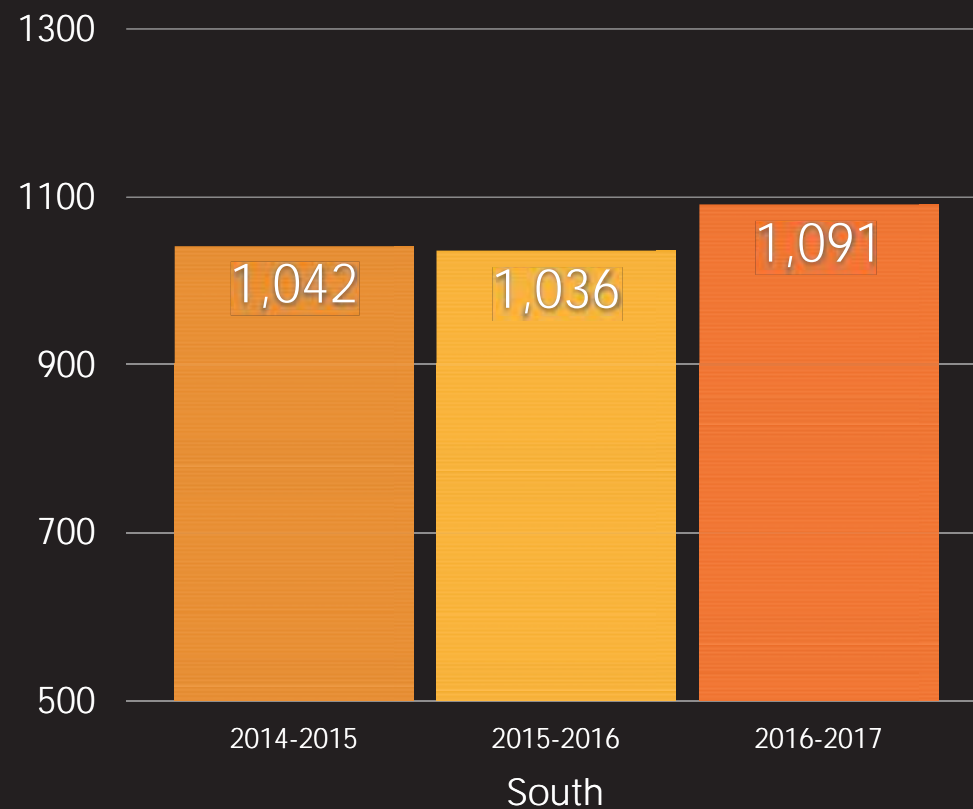
UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES

UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES

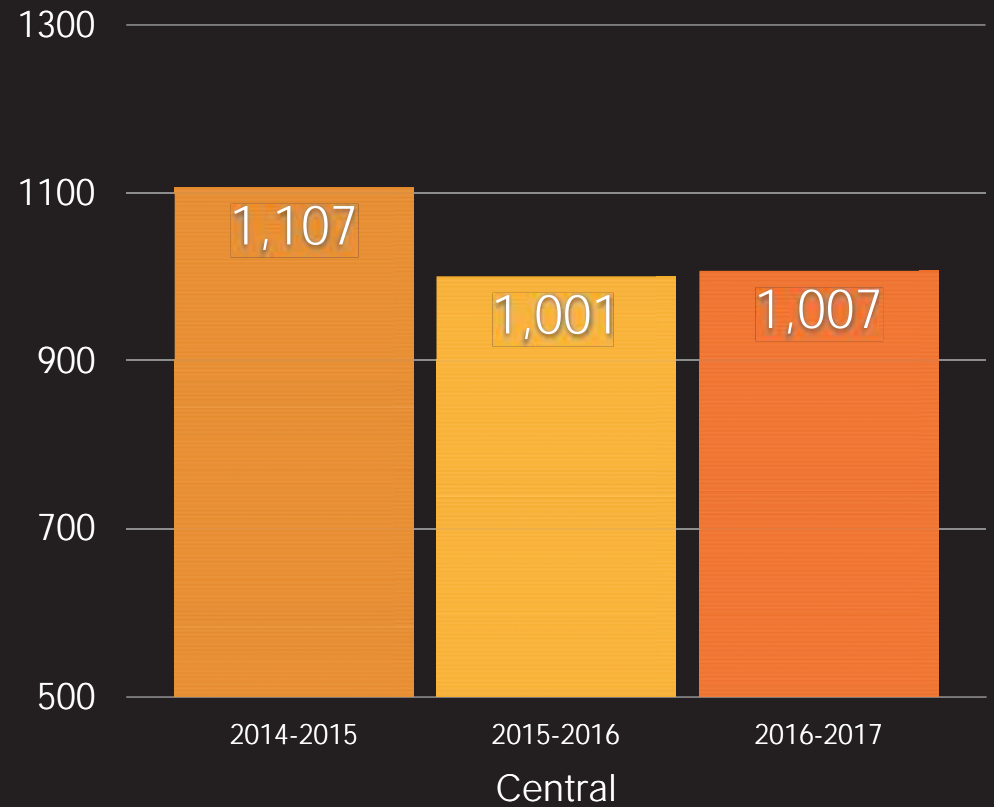
- Part 1 Crimes:
 - Murder and non negligent homicide
 - Rape
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor vehicle theft
 - Larceny-theft
 - Arson



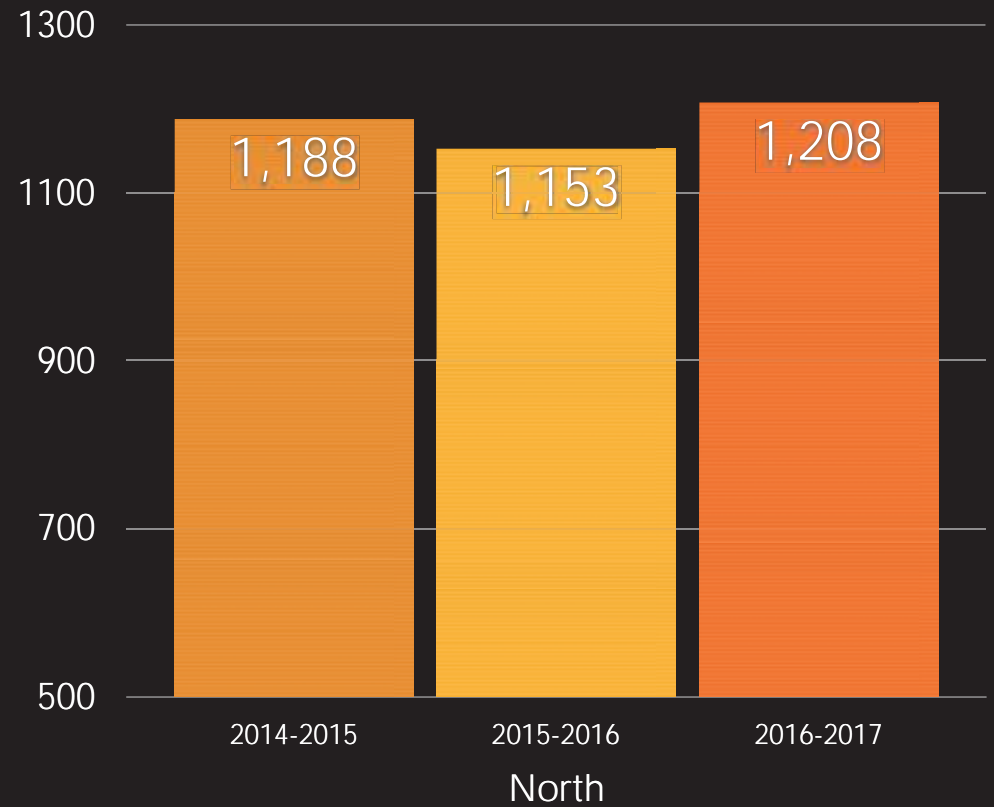
UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT



UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT

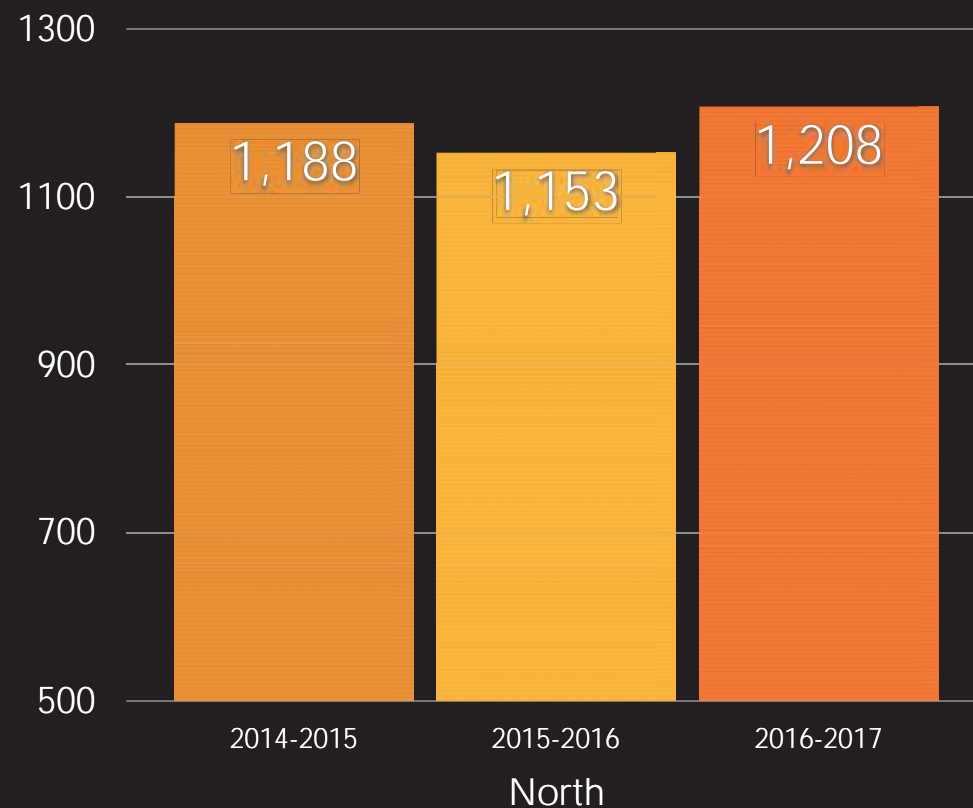


UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT



UNIFORM CRIME REPORTING (UCR): PART 1 CRIMES BY DISTRICT

- Considered the worst crimes
- Cape Coral Police Department receives over 285,659 calls for service annually
- Very small percentage of workload
- With low numbers overall, even small changes equate to big percentage shifts



EXTENDED BAR HOURS

METHODOLOGY

METHODOLOGY

- Dataset
 - CAD data from 2012 to 2017.
 - April-April year-over-year
 - Filtered calls for specific call types.



METHODOLOGY

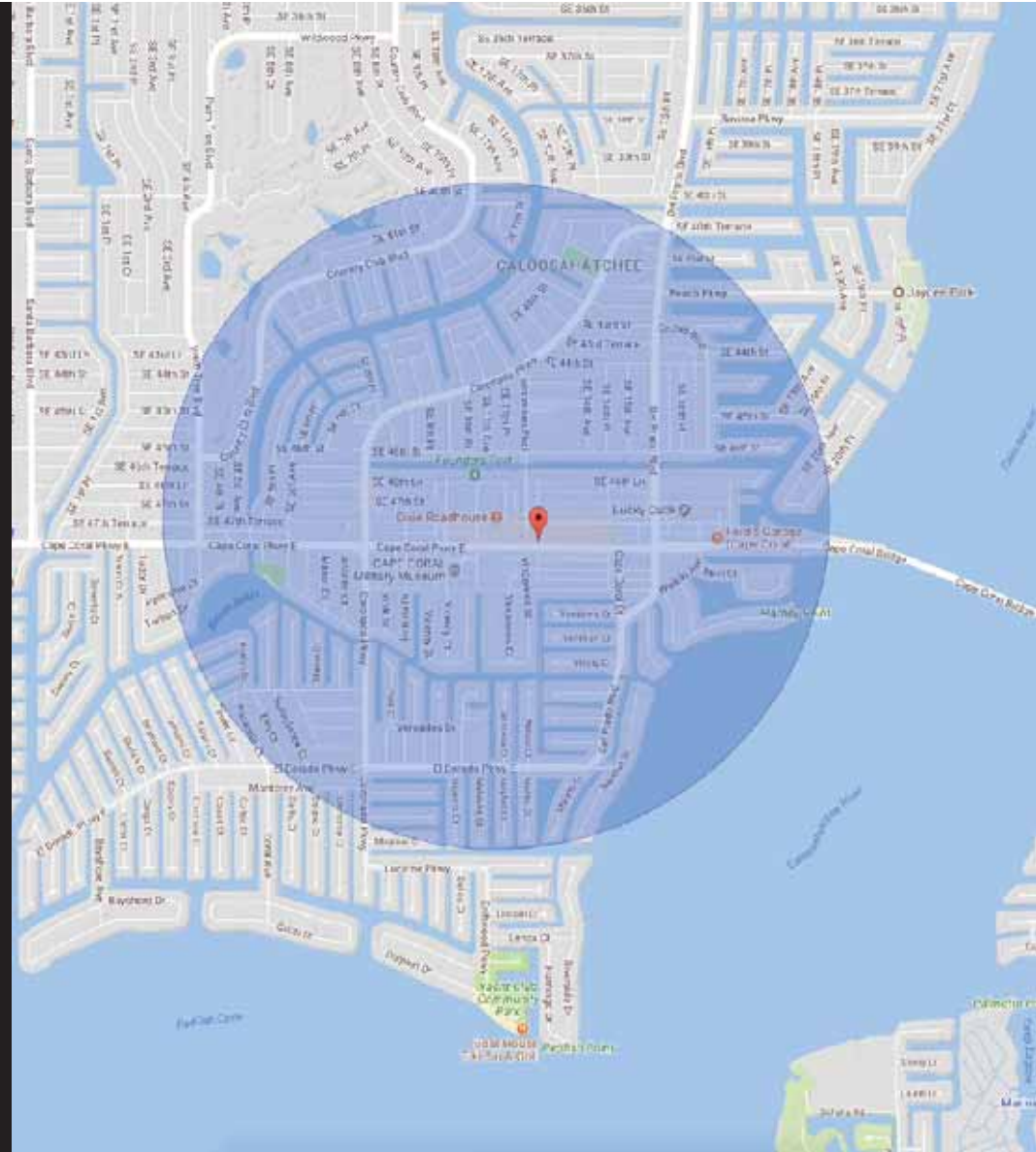
- Temporal Considerations (Time)
 - Calls for service from midnight to 6:00 AM
 - DUIs from 4:00 AM to 8:00 AM
 - Looking at the same dates (April-April) year-over-year



METHODOLOGY

- Geographic Considerations

- Bar area/CRA
- South District
- City-wide

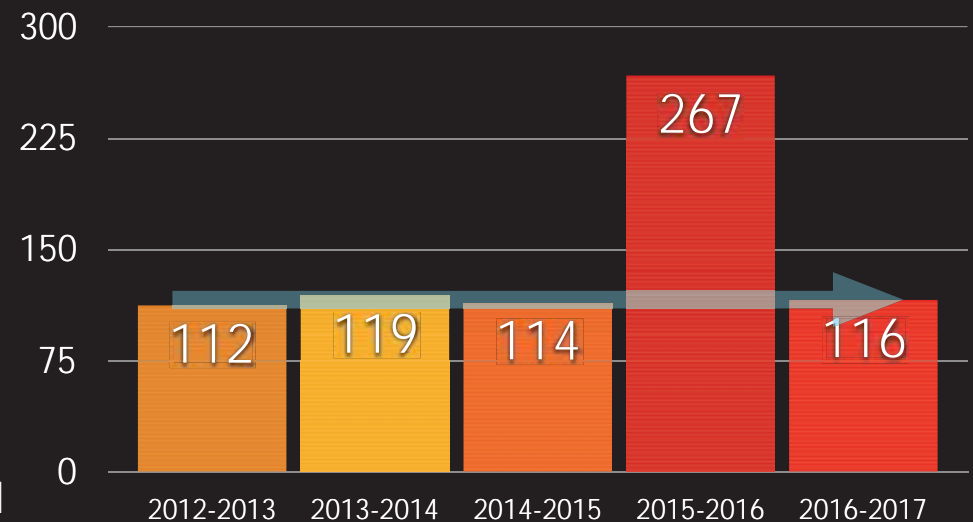


EXTENDED BAR HOURS

CALLS IN THE AREA

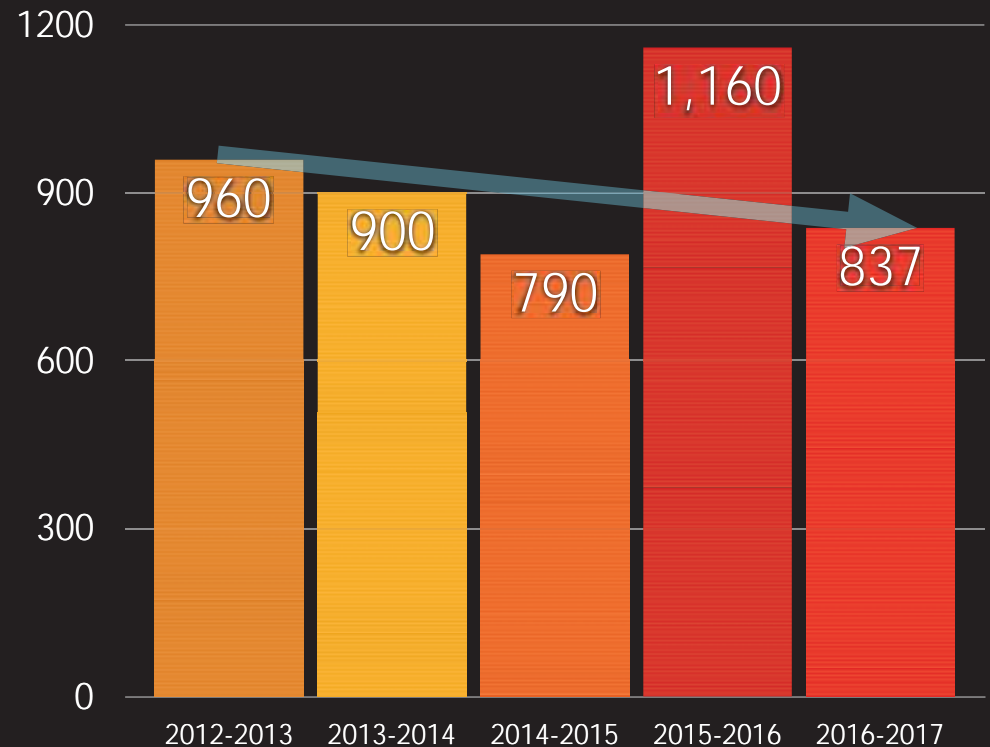
BAR AREA/CRA

- Call types include:
 - Any kind of disturbance
 - Citizen Contact
 - Drunk Pedestrian
 - Trespassing
 - Liquor Law Violation
- An **increase of 134.21%** during the Extended Bar Hours trial period year-over-year



ALL CALLS BAR AREA/CRA

- An **increase of 46.84%** during the Extended Bar Hours trial period year-over-year

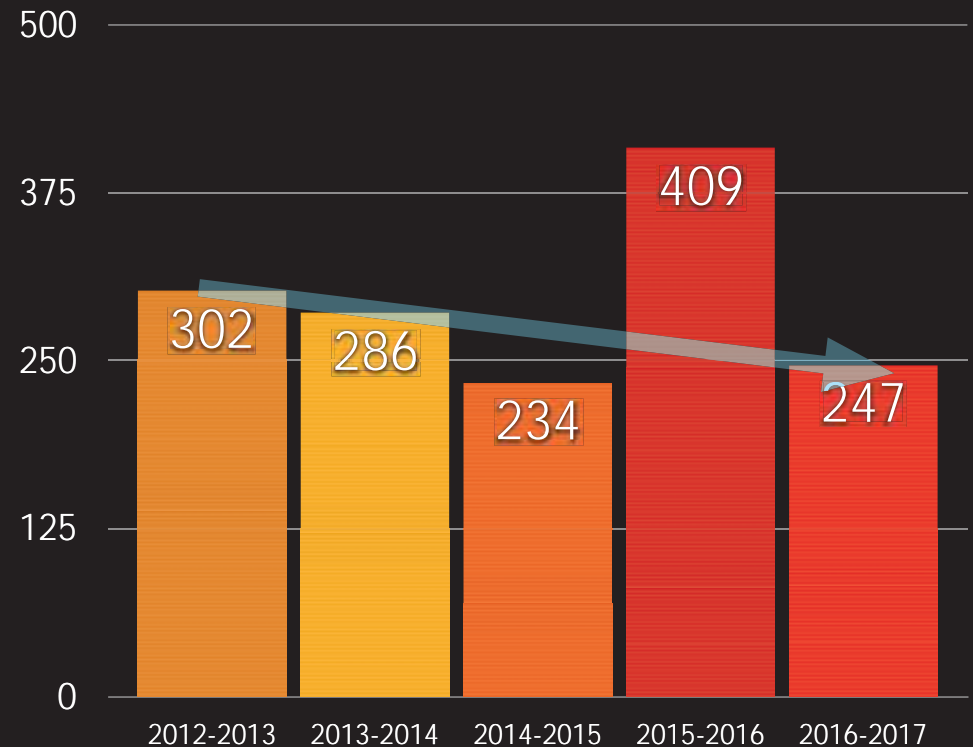


EXTENDED BAR HOURS

CALLS SOUTH DISTRICT

FILTERED SOUTH DISTRICT

- Call types include:
 - Any kind of disturbance
 - Citizen Contact
 - Drunk Pedestrian
 - Trespassing
 - Liquor Law Violation
- An **increase of 74.79%** during the Extended Bar Hours trial period year-over-year

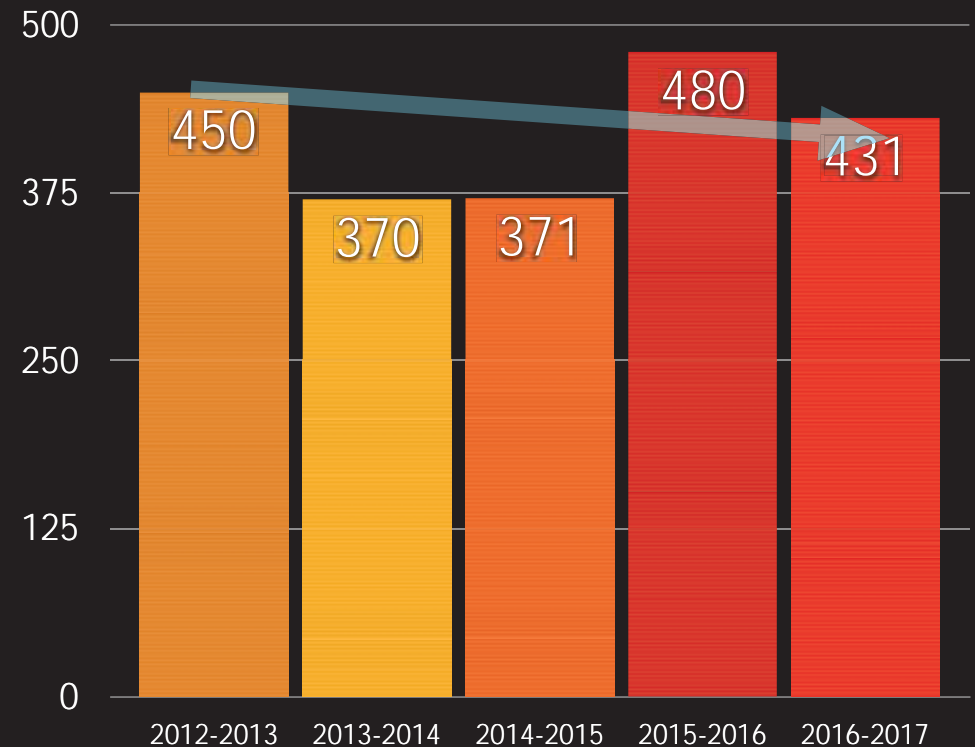


EXTENDED BAR HOURS

CRIME REPORTS SOUTH DISTRICT AND CITYWIDE

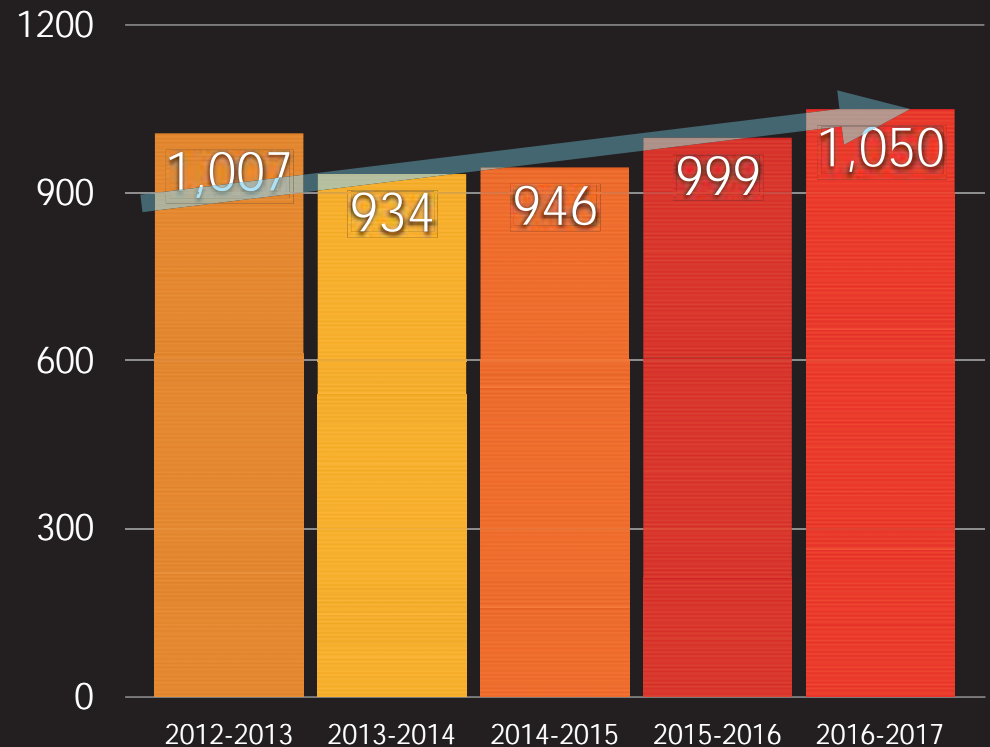
CRIME REPORTS SOUTH DISTRICT

- All calls that:
 - Required police response
 - Resulted in police report being generated.
- An **increase of 29.38%** during the Extended Bar Hours trial period year-over-year



CRIME REPORTS CITYWIDE

- All calls that:
 - Required police response
 - Resulted in police report being generated.
- An **increase of 5.6%** during the Extended Bar Hours trial period year-over-year

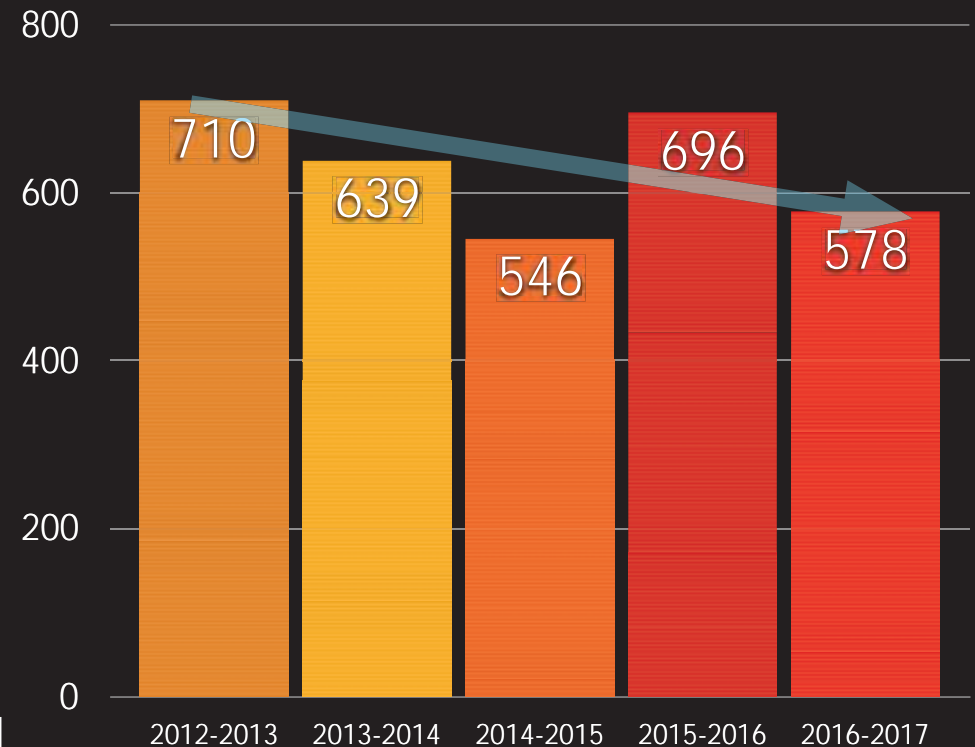


EXTENDED BAR HOURS

CALLS CITY-WIDE

FILTERED CITY-WIDE

- Call types include:
 - Any kind of disturbance
 - Citizen Contact
 - Drunk Pedestrian
 - Trespassing
 - Liquor Law Violation
- An **increase of 27.47%** during the Extended Bar Hours trial period year-over-year



EXTENDED BAR HOURS

DRIVING UNDER THE INFLUENCE

LAST TIME

- Awarded \$45,000 grant in May 2015.
- High Visibility Enforcement (HVE) Operations began June 6, 2015.
- 13 saturation patrols.
 - Conducted citywide on various Friday and Saturday nights.
 - 9:00 PM to 5:00 AM.



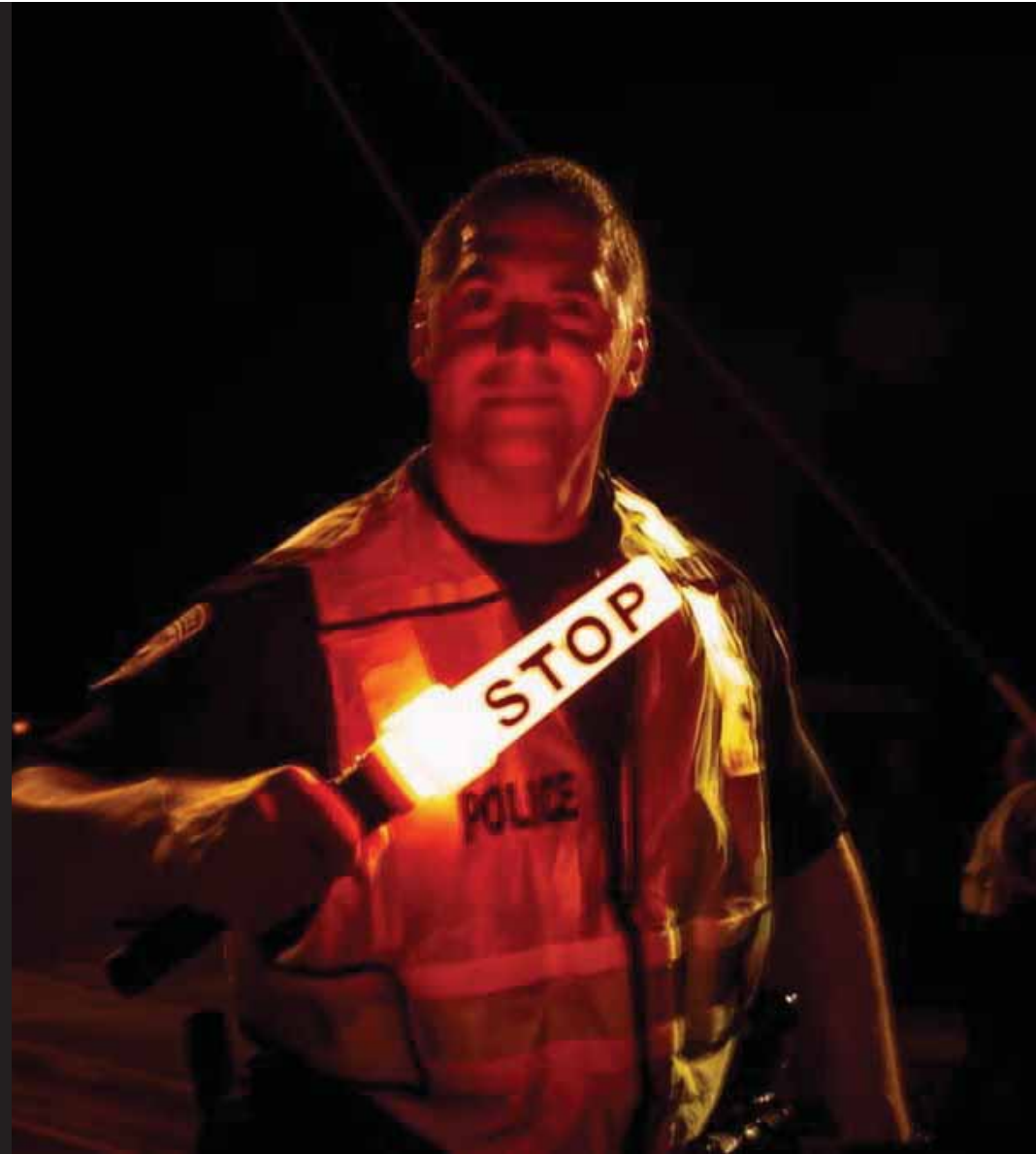
LAST TIME

- 2 DUI checkpoints.
 - August 1, 2015 at 1200 block of Cape Coral Parkway East. 10:00 PM to 5:00 AM.
 - September 12, 2015 at 4400 Del Prado Boulevard S. 10:00 PM to 5:00 AM.
 - Checkpoints alone yielded 13 arrests, 10 of which were for DUI accounting for 28% of total HVE arrests.
- **61 arrests overall.**
- **47 of which for DUI (25 in South District).**



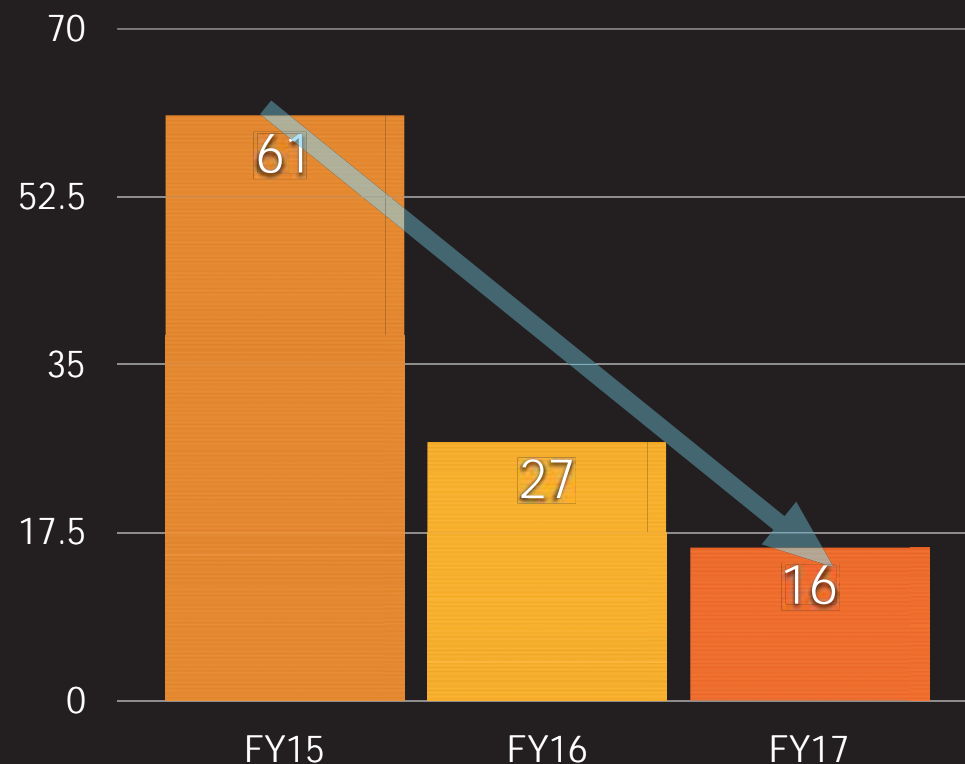
LAST TIME

- Showed what was out there.
- Showed us what we were missing.
- This was an aspect that some on prior council disagreed with.
- “Not an apples to apples comparison.”



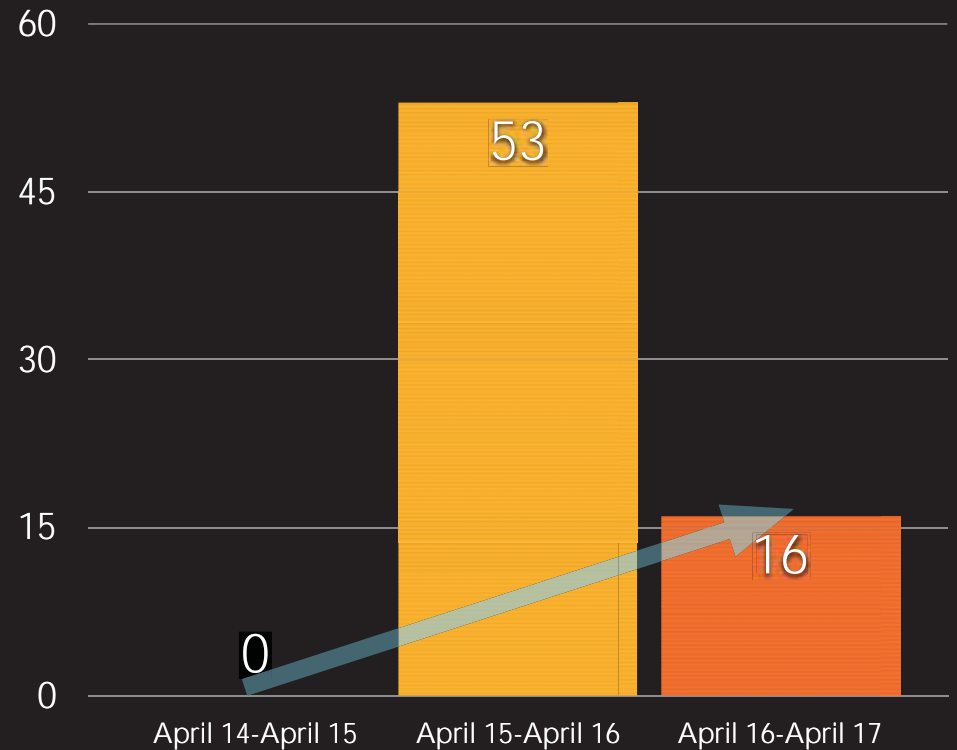
"APPLES TO APPLES" - DUI ENFORCEMENT OPERATIONS OVER 3 YEARS

- A **decrease of 55.73%** following the Extended Bar Hours trial period year-over-year

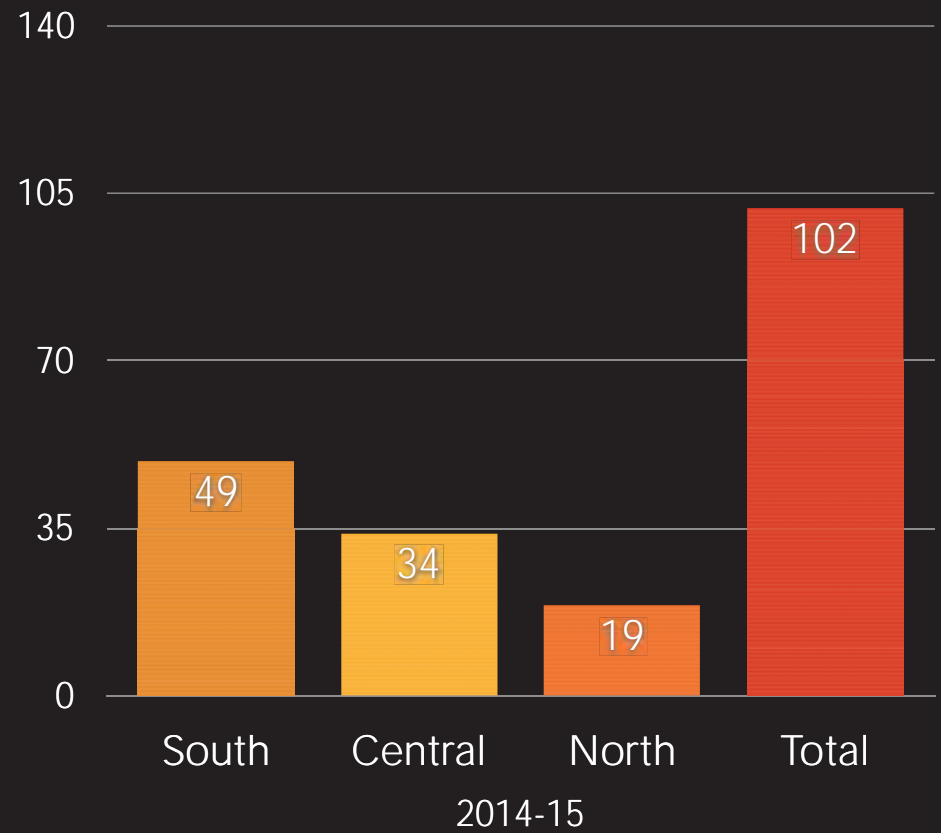


APRIL TO APRIL: DUI ENFORCEMENT OPERATIONS OVER 3 YEARS

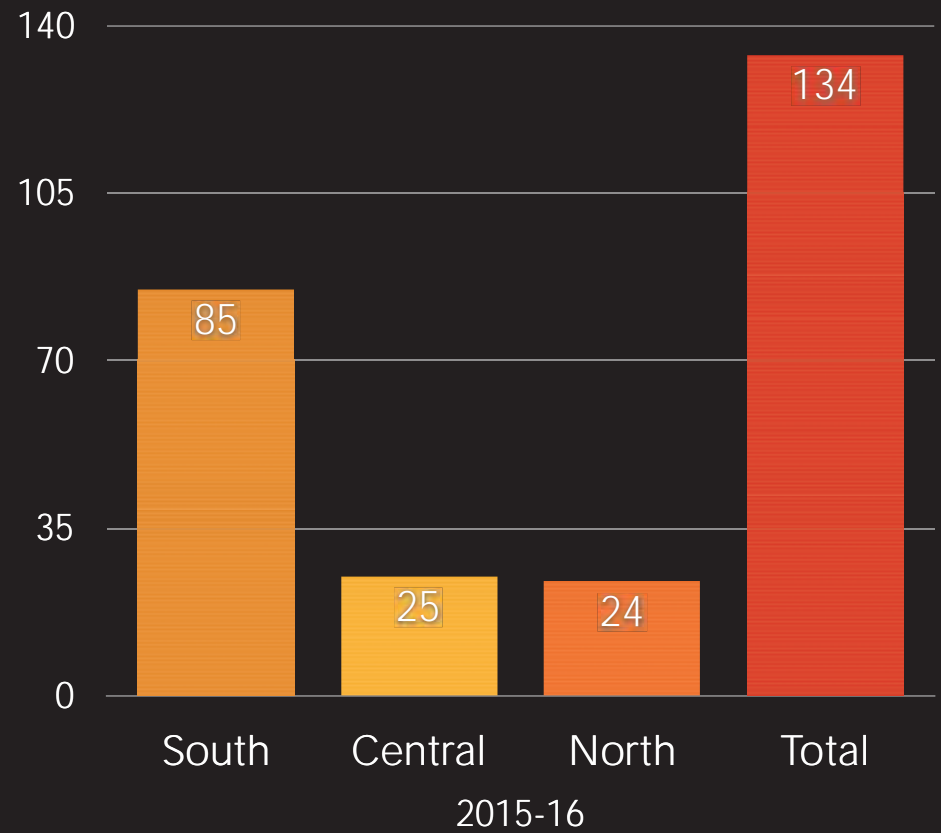
- As shown, there was a significant increase during the Extended Bar Hours trial period.
- A **decrease of 69.81%** following the Extended Bar Hours trial period year-over-year



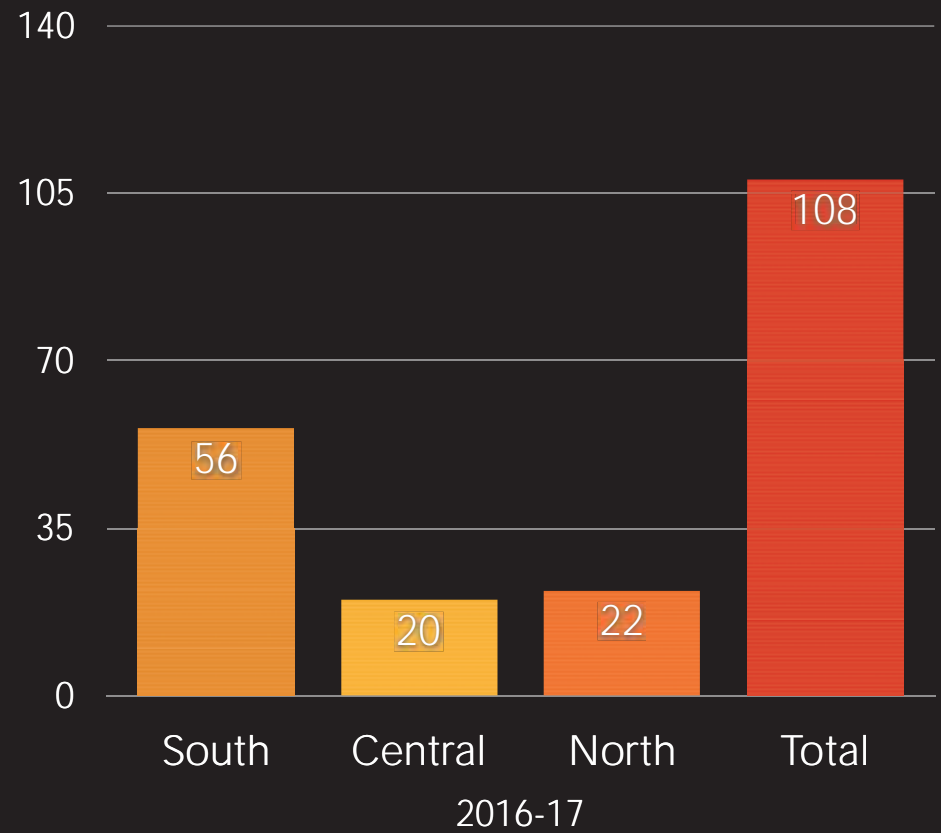
APRIL TO APRIL:
DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY



APRIL TO APRIL:
DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY

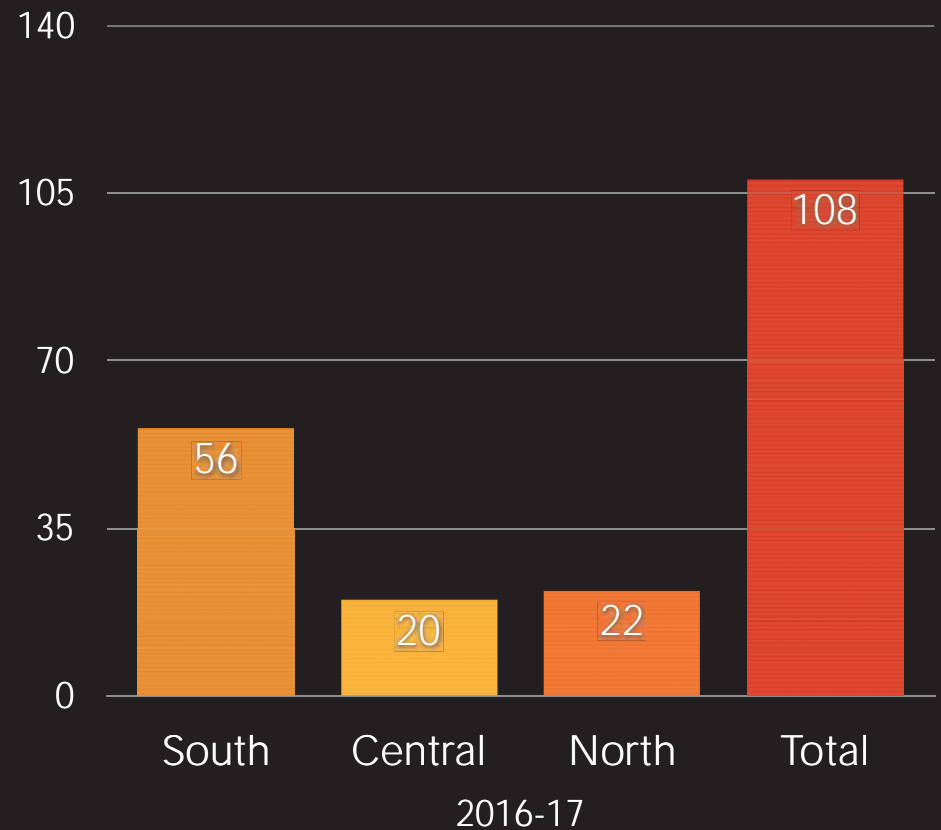


APRIL TO APRIL:
DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY



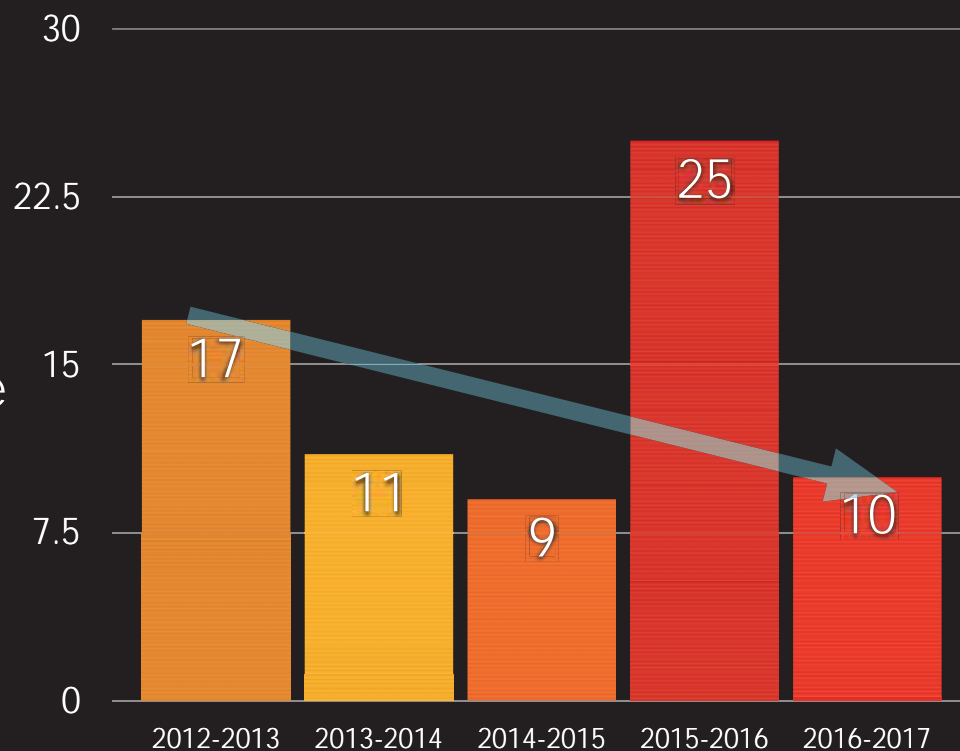
APRIL TO APRIL: DUI ARRESTS BY DISTRICT, EXTENDED BAR HOURS DAYS ONLY

- Encompasses DUI arrests from April-April, year-over-year
- **ONLY** on Extended Bar Hours nights (Friday-Saturday/Saturday-Sunday)
- Total DUIs **increased 23.88%** during the Extended Bar Hours trial period
- Total DUIs **decreased 19.4%** the following year.



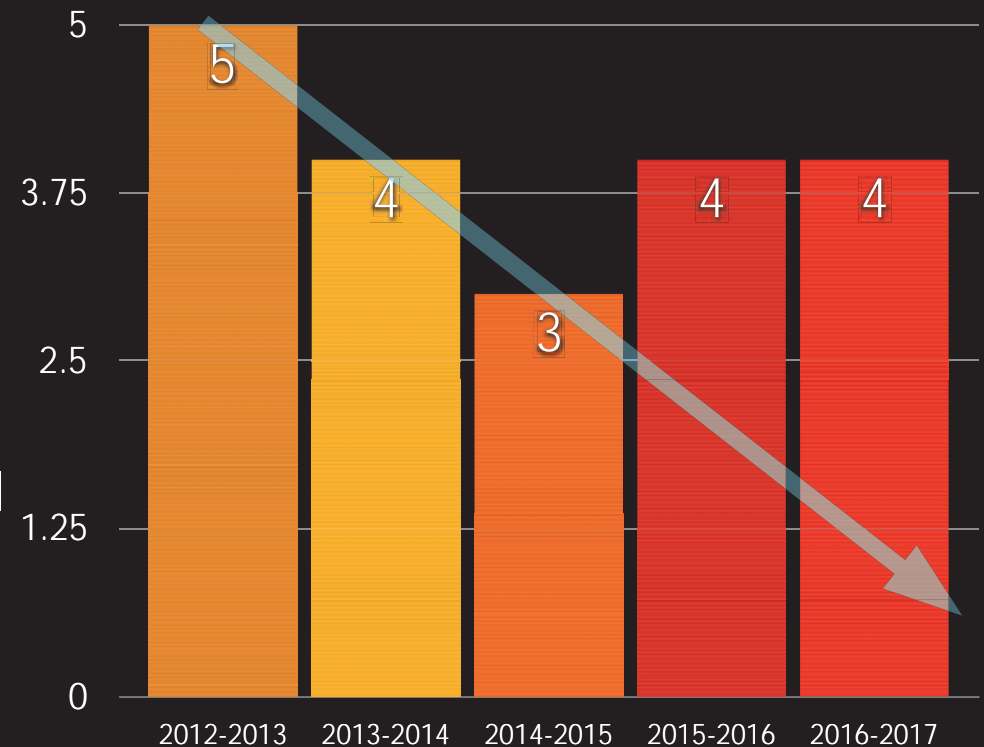
APRIL TO APRIL: DUI CITYWIDE 0400-0800

- An **increase of 177.78%** during the trial period year-over-year



APRIL TO APRIL: DUI CITYWIDE 0500-0900

- **Eliminated** DUIs captured during **ANY** grant funded DUI operations
- An **increase of 33%** during the trial period year-over-year



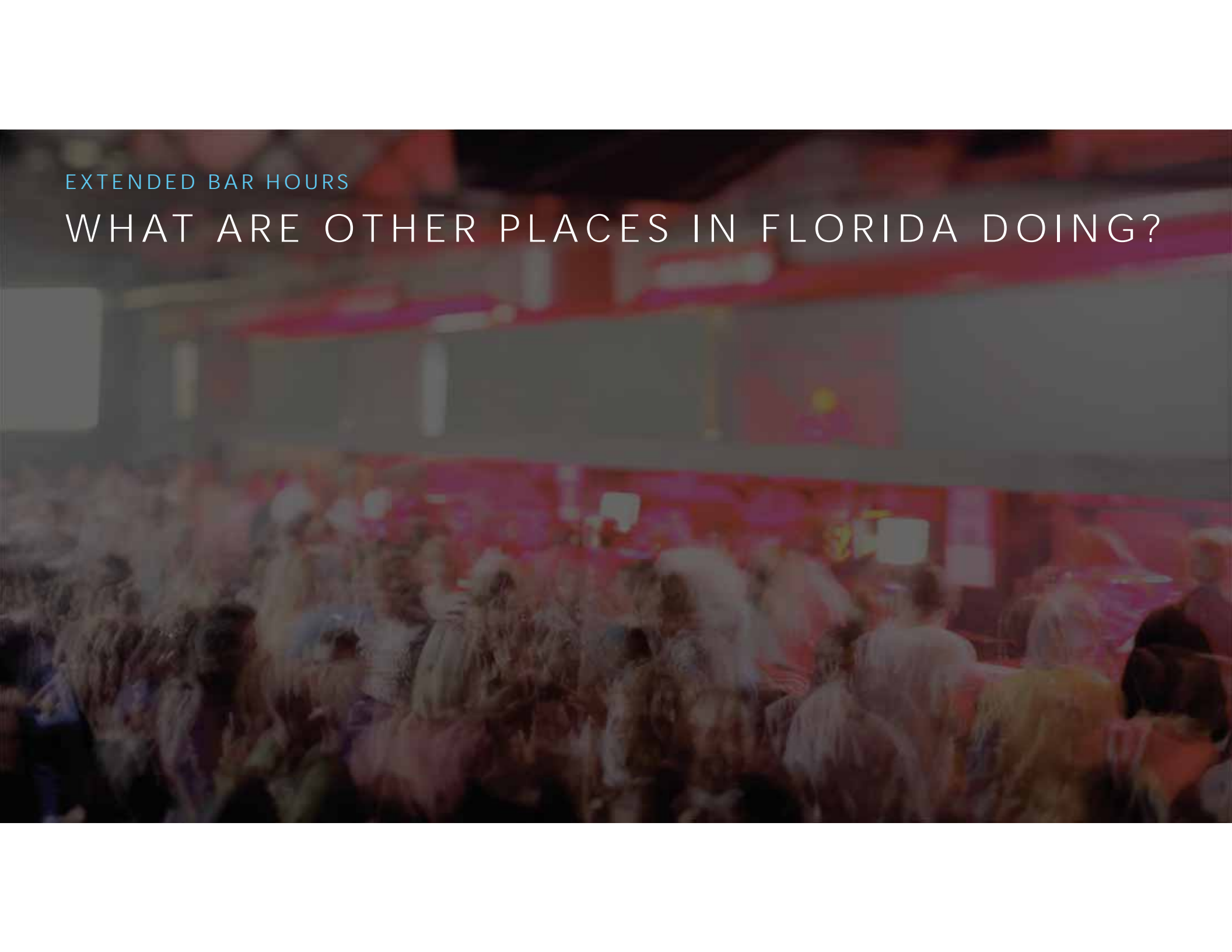
EXTENDED BAR HOURS

A FINAL WORD ABOUT CORRELATION VS. CAUSATION

CORRELATION VS. CAUSATION

- All calls cannot be directly attributed to the Extended Bar Hours program.
- Difficult to prove at the time and impossible to reverse-engineer.
- If not in whole, there is at least in part, a causal relationship.



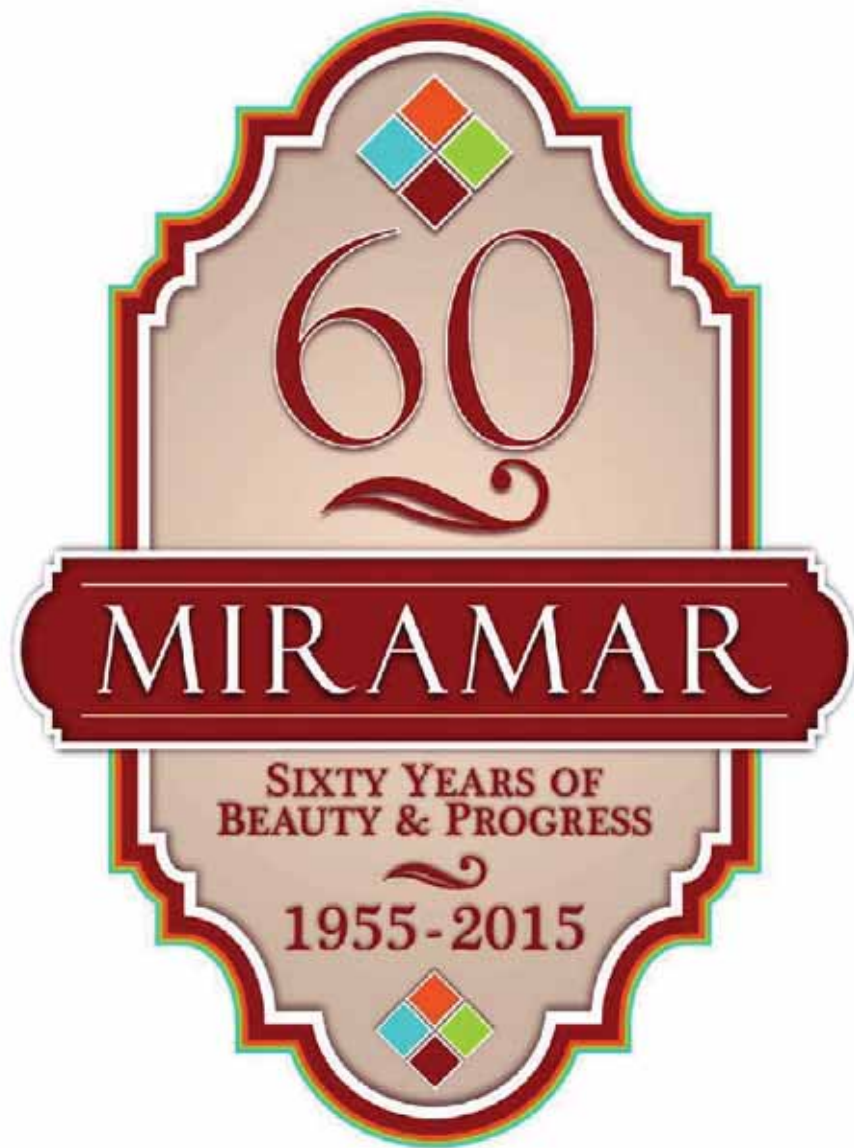
A large crowd of people is gathered at a night event, possibly a concert or festival. The scene is illuminated with vibrant red and pink lights, creating a festive atmosphere. The crowd is dense, and many people are wearing white clothing. In the background, there are structures and more people, all bathed in the same red glow.

EXTENDED BAR HOURS

WHAT ARE OTHER PLACES IN FLORIDA DOING?



CITY OF
DEERFIELD BEACH



HIGHLIGHTS AND COMMONALITIES

- Some end at 2:00 AM
- Additional off-street parking
- Security personnel and/or Police detail
- Screening and buffering from nearby properties
- Noise abatement
- Substantial licensing fees

HIGHLIGHTS AND COMMONALITIES

- Enclosed building
- Extra liability insurance of \$1 million/incident
- Requirement to post exterior signage prohibiting loitering, participate in Trespass Program and Responsible Vendor Program, provide **free** taxi and towing
- Penalties for revocation or denial of renewal of permit



EXTENDED BAR HOURS

RECOMMENDATIONS

EXTENDED BAR HOURS

STAFFING

RECOMMENDATIONS: STAFFING

- Mitigate risks to citizens
- Protection of officers
- Recommendation is to deploy:
 - **Baseline** staffing of 4 officers and 1 supervisor
 - Overtime basis for now



RECOMMENDATIONS: STAFFING

- Proposed 3 AM bar hour staffing is in addition to regular personnel needs
 - Based on allocation model
 - Current staffing needs of the department to maintain current response times is 35 additional officers



EXTENDED BAR HOURS

TECHNOLOGY

CAMERAS

- Deters crime
- Aids in identification/apprehension
- Added layer of security outside establishments
- Good timing



LICENSE PLATE READERS (LPR)

- Deter crime
- Reduce trafficking
- Improved road safety
- Detection of
 - Warrants
 - Stolen vehicles
 - Suspect BOLOs



PATRON SCAN

- Fake ID detection
- Challenge questions
- Stops "ID passing"
- Age verification
- Shared "Banned Patrons" list
- Real-time notifications
 - Fights
 - Banned patrons

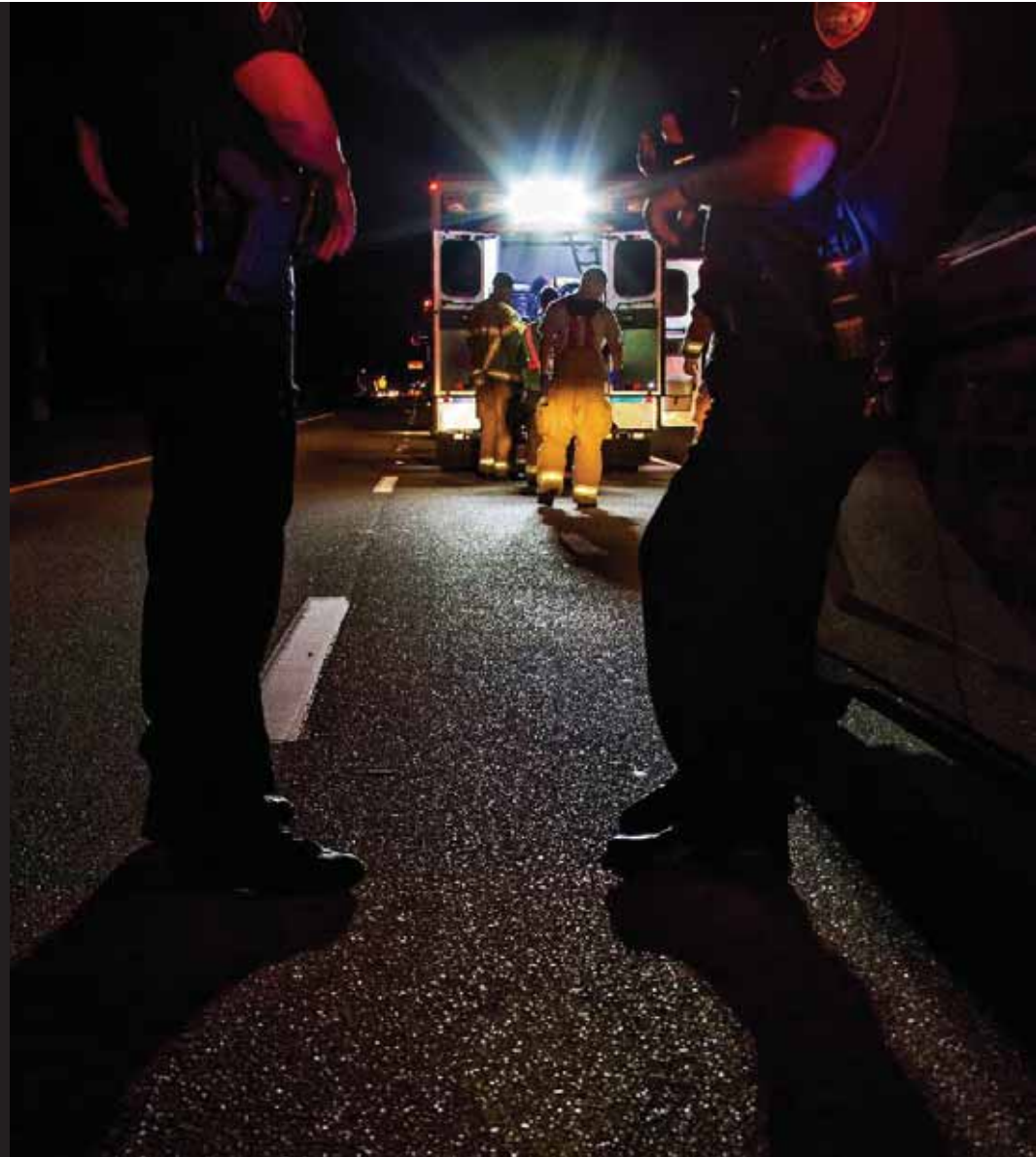


EXTENDED BAR HOURS

COSTS

COSTS

- 4 Officers and 1 Supervisor
- Total cost **\$158,440**



EXTENDED BAR HOURS

TIMELINE

TIMELINE

- 3 AM (Compromise)
 - Proposal of Pilot Program April 2018-April 2019
 - Evaluate program during 47th Terrace Streetscape Project and after completion
 - 47th Terrace Streetscape Project through December 2018. (9 months)
 - Numerous detours, road closures, roads of egress and ingress closed, and potential single lanes of travel.
 - Impact on community, public safety, and revenue
- Implementation of technology
 - PatronScan- **IMMEDIATELY**
 - Cameras and LPRs TBD



A close-up photograph of a martini glass filled with a pinkish-orange liquid. The rim of the glass is coated with a fine layer of white sugar. The background is dark and out of focus, featuring several large, soft, circular bokeh lights in shades of blue, green, and white. The word "QUESTIONS?" is written in a white, serif font across the middle of the image, partially overlapping the glass and the background.

QUESTIONS?

MEMORANDUM

CITY OF CAPE CORAL CITY MANAGER'S OFFICE

TO: Mayor and Council Members

FROM: John Szerlag, City Manager 
David Newlan, Chief of Police 

DATE: March 15, 2018

SUBJECT: Funding Recommendations for Extended Bar Hours in the CRA

Recommendations

Ordinance 21-18 currently as written provides for a permanent change to the hours of operation for bars within the South Cape CRA. Should City Council approve the ordinance as is, which will extend bar hours from 2:00 a.m. until 3:00 a.m., then a permanent source of funding will be required. The Governing Body needs to identify this permanent source of funding to support the program and maintain the public's safety by May/June 2019.

Please know, we previously indicated there would be an additional cost of \$158,440 to pay the overtime to fund police services for the one-hour extension of bar hours. These costs would be paid by the City and CRA and were related to a "trial" period from April 2018 to April 2019 (see "SE 47th Terrace" section). If the "trial" period was extended through June 2019, the cost would increase to \$182,000 (see CRA section).

If Council approves the ordinance, the option to fund the additional police services using overtime still could be implemented. Our intent will be to conduct a full-cost, one-year review in April 2019 to determine the level of service required by the Police Department to maintain the safety and welfare of the community and our police officers. This will include any capital costs, as well as ongoing personnel and operation/maintenance costs. The timing of the review coincides with the development of our FY 2020 Operating Budget. The true cost of police services for extended bar hours will be provided to City Council at that time with a recommendation for future funding alternatives.

If City Council adopts the ordinance with the permanent language, we strongly recommend the inclusion of a requirement for bars to have PatronScan technology within their establishments. This is relatively inexpensive technology (\$1,000 per kiosk and \$216/mo.) that will provide significant public safety benefits. City Council also should expect to budget about \$200,000 to install cameras in the area and \$100,000 for License Plate Recognition scanning.

SE 47th Terrace Streetscape Project and Extended Bar Hours

When the idea of extending the bar hours in the South Cape CRA was presented, we looked at this as an opportunity to assist the establishments being impacted by the construction of the SE 47th Terrace Streetscape Project. We know these types of projects can cause financial hardship. We viewed the extension of the bar hours as a construction-related measure that might help offset the loss of business revenue. As such, we suggested a one-year “trial” extension for bars to remain open to 3:00 a.m. beginning in April 2018 to April 2019. We would evaluate the data and impact after one year, and provide City Council with information in considering the next steps. We still believe the “trial” extension is a reasonable option in lieu of a “permanent” status.

Going from April 2018 to April 2019 with a “trial” program would serve two functions:

1. Potentially bring in more revenue for the bars and restaurants during the final eight months of construction and four months after completion.
2. Allow a reasonable timeframe for the Police Department to assess and determine resources needed to maintain the safety and welfare of the community and our police officers.

The CRA and Extended Bar Hours

During discussions on extended bar hours with the CRA Board, we indicated we could support their suggestion to extend the “trial” program into June 2019. This would provide the City with eight months of data during construction plus six months of data post-construction. For this option, the overtime cost would increase to \$182,000.

On March 6, the CRA Board voted to fund up to one-third of the overtime costs for a “trial” program through April 2019 or June 2019. The CRA scheduled a subsequent meeting on March 14 and voted unanimously in support of Ordinance 21-18 for the “permanent” extension of bar hours to 3:00 a.m.

We have attached information on how the CRA can help fund this program as well as an estimate of additional sales tax revenue the City will receive from increased sales in the CRA area.

Please feel free to contact Police Chief Dave Newlan or me if you have any questions.

JS:pd
Attachments

Connie Barron

From: Christopher Phillips
Sent: Thursday, March 15, 2018 11:55 AM
To: Victoria Bateman; John Szerlag; Connie Barron
Subject: RE: CRA Paying for Extended Bar Hours
Attachments: Sales tax.xlsx; 3am Data 3-11-2018.xlsx

In addition to this information, it is our understanding that future projects also include a parking garage and extending the streetscape to Del Prado. This should be considered when determining the availability of funding by CRA to the extended hours effort.

Also, please see the attached the information and formula I obtained from the Florida Department of Revenue to closely estimate sales tax revenues. Detailed data on the City of Cape Coral food and drink sales is also attached.

Please let me know if you have any further questions.

*Chris Phillips, CGFM
Management/Budget Administrator
City of Cape Coral, FL
239-574-0435*

From: Victoria Bateman
Sent: Wednesday, March 14, 2018 2:16 PM
To: John Szerlag <jszerlag@capecoral.net>; Connie Barron <cbarron@capecoral.net>
Cc: Christopher Phillips <cphillip@capecoral.net>
Subject: CRA Paying for Extended Bar Hours

This morning, you asked how much the CRA could afford to pay for their 1/3 cost of funding the overtime for Police for the extended bar hours. Their part, \$52,000, would come from the \$100,000 budgeted for studies or \$70,000 for sponsorships.

Assuming 1 additional hour of operation
in 5 establishments at \$1,000 additional
revenue (100 people X \$10 tab in that hour)

Sales Tax generated

(\$10,000 X 5 X 2 nights per week X 52 weeks) Revenue

\$ 5,200,000

Sales Tax 6%

\$ 312,000

City and County portion is 8.49%

\$ 26,489

Cape Coral is 29.1% of total Lee Co. Population

\$ 7,682

Total Revenues to Cape Coral
based on \$5,200,000 of Sales

*This formula / information was provided to Financial Services
by A. Berrow of the Florida Dept. of Revenue on 3/6/18

Annual cost of 4 Officers / 1 Sergeant, Temporary Basis

\$ 150,000

Percentage of sales tax received based on gross sales

0.148%

Gross Sales required to net sufficient sales tax revenue
to offset the cost of additional Police patrol.

\$ 101,539,336

At \$5 gross sale per beer, number of beers to be sold
to offset the cost of additional Police patrol.

20,307,867

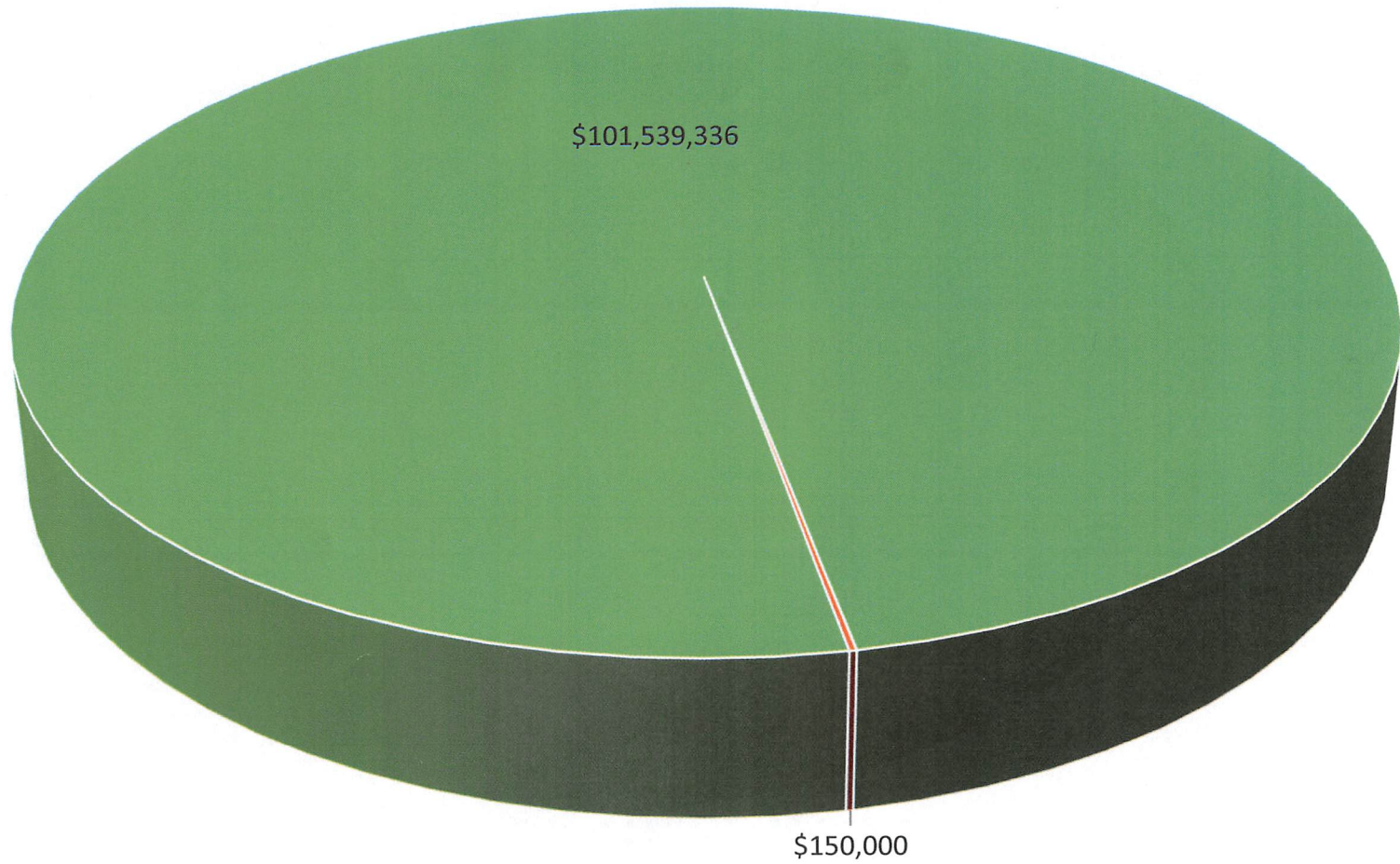
Gross Sales

\$ 101,539,336

Sales Tax Generated

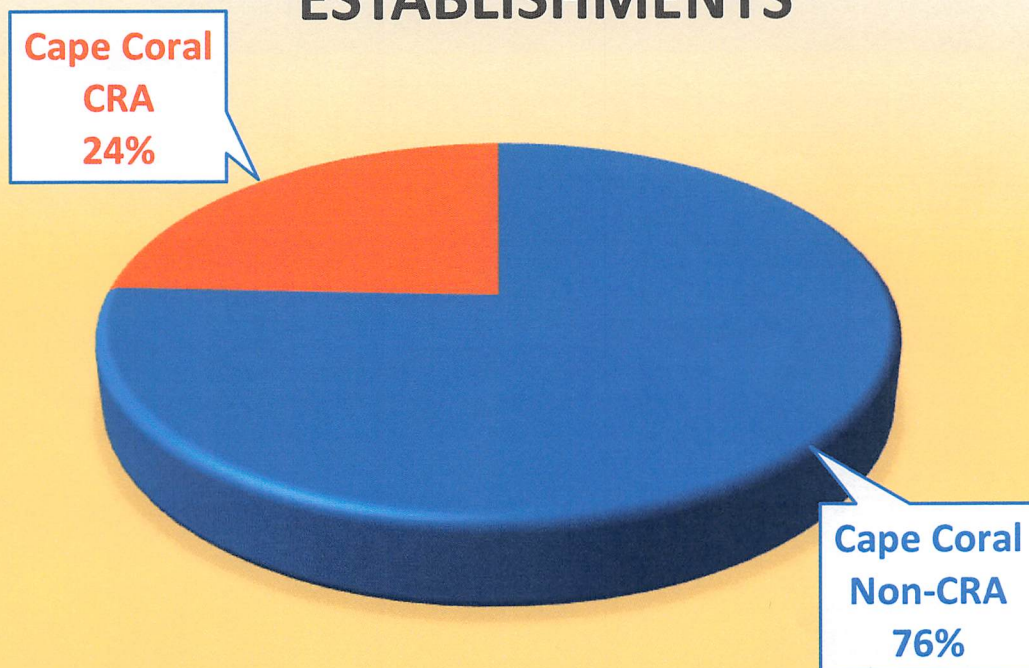
\$ 150,000

Gross Sales and Net Sales Tax Revenue

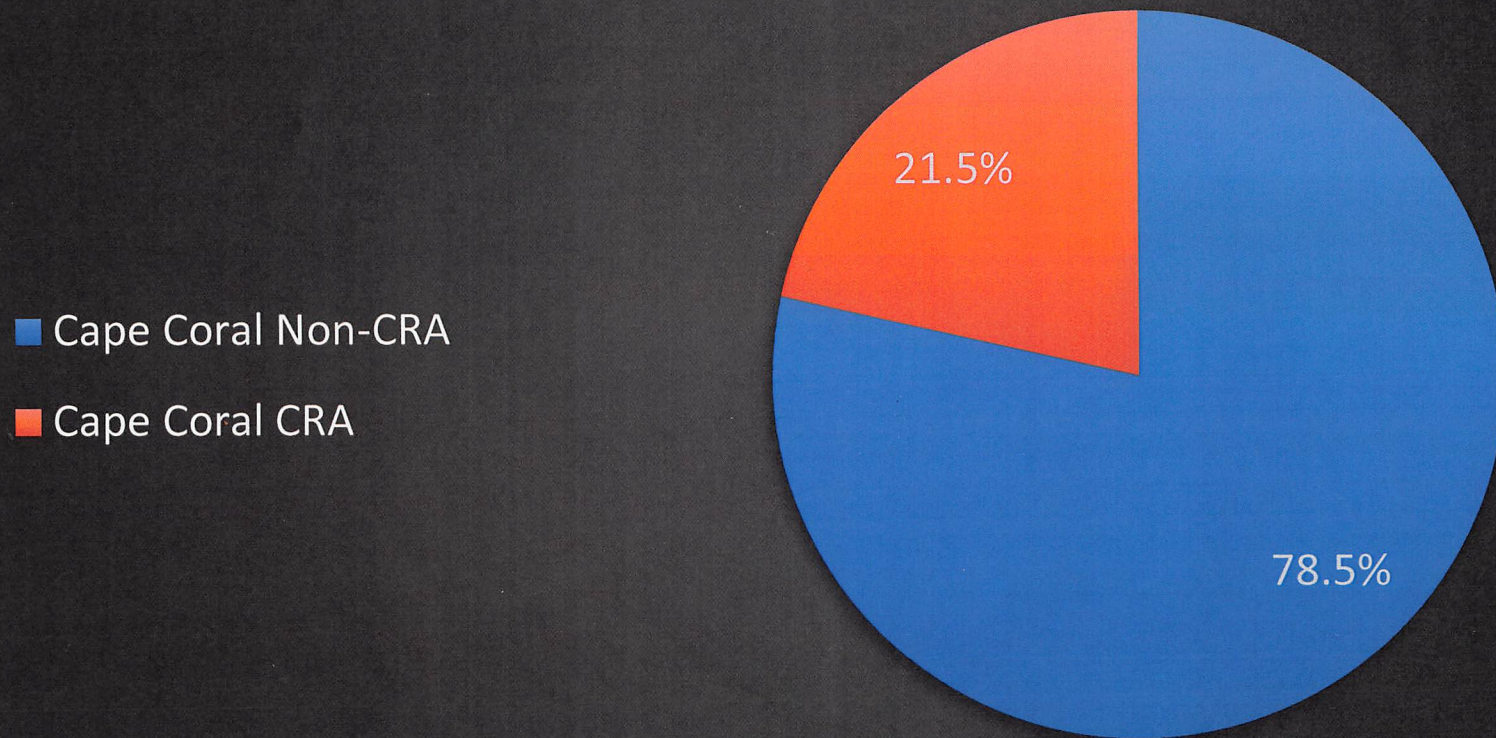


■ Gross Sales ■ Sales Tax Generated

NUMBER OF FOOD & DRINKING ESTABLISHMENTS



Total Food & Drink Sales



Assuming 1 additional hour of operation
in 5 establishments at \$10,000 additional per estab.
revenue (1,000 people X \$10 tab in that hour)

Sales Tax generated	
(\$10,000 X 5 X 2 nights per week X 52 weeks) Revenue	\$ 5,200,000
Sales Tax 6%	\$ 312,000
City and County portion is 8.49%	\$ 26,489
Cape Coral is 29.1% of total Lee Co. Population	<u>\$ 7,682</u>

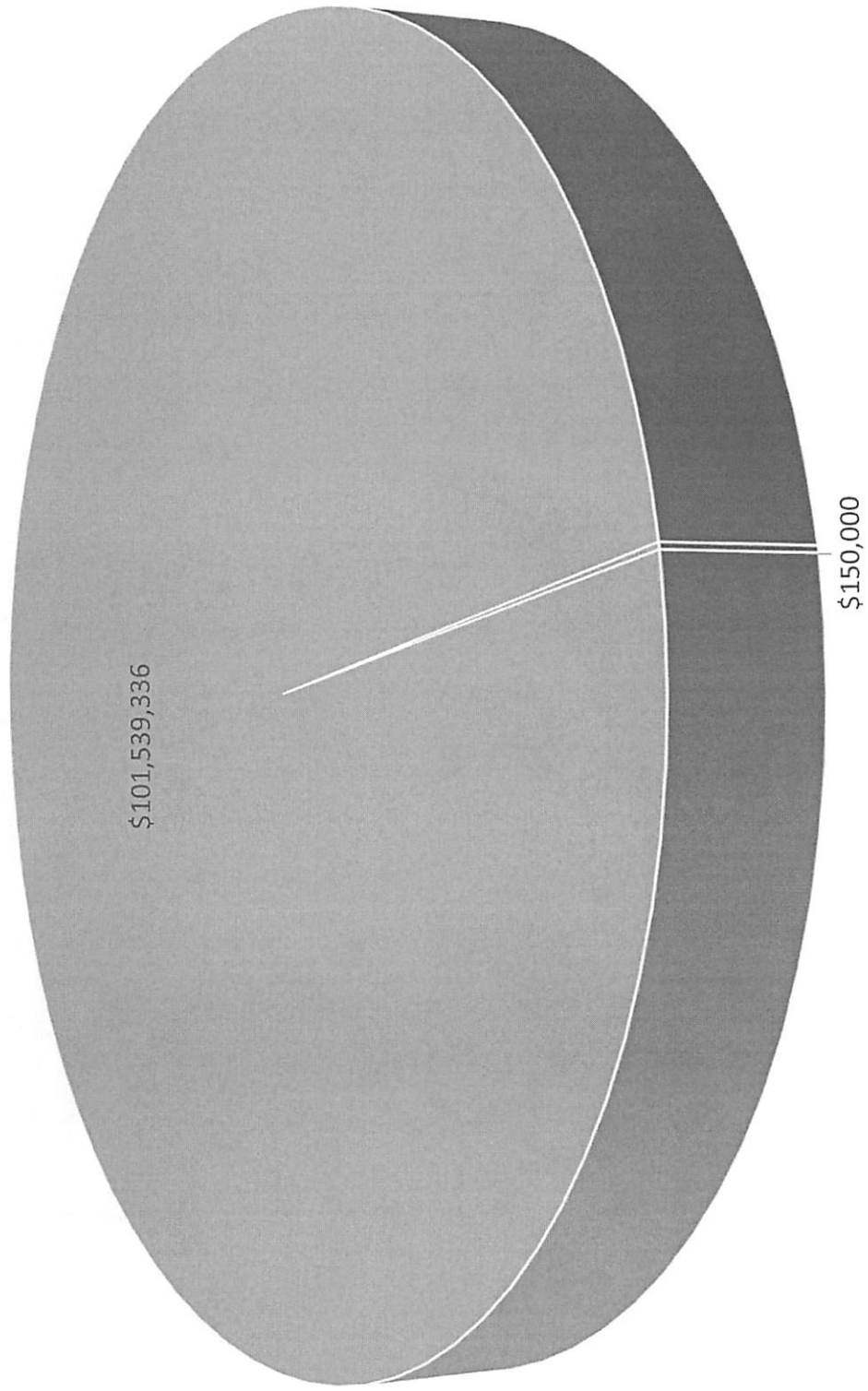
*This formula / information was provided to Financial Services
by A. Berrow of the Florida Dept. of Revenue on 3/6/18

Annual cost of 4 Officers / 1 Sergeant, Temporary Basis	\$ 150,000
Percentage of sales tax received based on gross sales	0.148%
Gross Sales required to net sufficient sales tax revenue to offset the cost of additional Police patrol.	\$ 101,539,336

At \$5 gross sale per beer, number of beers to be sold to offset the cost of additional Police patrol.	20,307,867
---	------------

Gross Sales	\$ 101,539,336
Sales Tax Generated	\$ 150,000

Gross Sales and Net Sales Tax Revenue



■ Gross Sales ■ Sales Tax Generated

Item Number:	B.(1)
Meeting Date:	3/19/2018
Item Type:	ORDINANCES/RESOLUTIONS - Introductions

**AGENDA
REQUEST FORM
CITY OF CAPE
CORAL**



TITLE:

Resolution 52-18 (VP 17-0008*) Set Public Hearing Date for April 2, 2018

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
2. Is this a Strategic Decision? No
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan? No

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

Hearing Examiner Recommendation: The Hearing Examiner recommends that City Council approve the application for the requested vacations, subject to the conditions set forth in VP HEX Recommendation Order 7-2017.

Staff Recommendation: Staff recommends approval.

SUMMARY EXPLANATION AND BACKGROUND:

A resolution providing for the vacation of plat for a street right-of-way and the underlying public utility and drainage easement being a part of Mikado Court, located between Lots 29-31 and Lot 32, Block 31, Cape Coral Unit 1, Part 2; providing for the vacation of plat for a portion of the public utility and drainage easements associated with Lots 29-31 and Lot 32, Block 31, Cape Coral Unit 1, Part 21; property located at 5352 Mikado Court and 5346 Mikado Court.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Resolution 52-18 (VP 17-0008)
Hearing Examiner Recommendation Order

Back up from Hearing Examiner Hearing dated December 5, 2017
Staff Presentation

PREPARED BY:

Division- Department- City
 Attorney

SOURCE OF ADDITIONAL INFORMATION:

Justin Heller, Planner

ATTACHMENTS:

Description	Type
▣ Resolution 52-18 (VP17-0008)	Resolution
▣ Hearing Examiner Recommendation Order	Backup Material
▣ Back up material from the December 5, 2017 HEX hearing	Backup Material
▣ Staff Presentation	Backup Material

RESOLUTION 52 - 18

A RESOLUTION PROVIDING FOR THE VACATION OF PLAT FOR A STREET RIGHT-OF-WAY AND THE UNDERLYING PUBLIC UTILITY AND DRAINAGE EASEMENTS BEING A PART OF MIKADO COURT, LOCATED BETWEEN LOTS 29-31 AND LOT 32, BLOCK 31, CAPE CORAL UNIT 1, PART 2; PROVIDING FOR THE VACATION OF PLAT FOR A PORTION OF THE PUBLIC UTILITY AND DRAINAGE EASEMENT ASSOCIATED WITH LOTS 29-31 AND LOT 32, BLOCK 31, CAPE CORAL UNIT 1, PART 2; PROPERTY LOCATED AT 5352 MIKADO COURT AND 5346 MIKADO COURT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Petition was filed by LIFE'S A VACATION, LLC, for the vacation of plat on property described herein; and

WHEREAS, the Petition meets the requirements of Land Use Development Regulations, Article VIII, Section 8.11, Vacation of Plats, Streets and Other Property of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following-described right-of-way and the underlying public utility and drainage easement, as shown in Exhibit A, are hereby vacated by the City of Cape Coral, to wit:

A TRACT OR PARCEL OF LAND BEING PART OF MIKADO COURT RIGHT-OF-WAY LYING CONTIGUOUS TO PART OF LOT 32, LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 90°00'00" EAST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 66.27 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40 FEET, A DELTA ANGLE OF 5°46'56" AND A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04 FEET; THEN RUN ALONG SAID CURVE A DISTANCE OF 4.04 FEET; THENCE RUN S 0°00'00"E FOR A DISTANCE OF 50.20 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 90°00'00"W ALONG THE NORTH LINE OF LOT 29 AND 30 FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 31 AND THE POINT OF BEGINNING. PARCEL CONTAINS 3515.3 SQUARE FEET +/-.

BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 31 BEING N 90°00'00"E.

Section 2. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following described public utility and drainage easement, as shown in Exhibit B, is hereby vacated, to wit:

A TRACT OR PARCEL OF LAND BEING PART OF THE EXISTING PERIMETER PUBLIC UTILITY AND DRAINAGE EASEMENT LYING OVER LOTS 29 THROUGH 31, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS. OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE SOUTH

00°00'00" WEST ALONG THE EASTERLY LINE OF LOT 31 FOR A DISTANCE OF 6.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 31 FOR A DISTANCE OF 19.00 FEET TO THE NORTHWEST CORNER OF LOT 30; THENCE RUN NORTH 90°00'00" EAST ALONG THE NORTH LINES OF LOT 30 AND PART OF LOT 29 FOR A DISTANCE OF 64.30 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUNS 00°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"W FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 535.8 SQUARE FEET +/-.

BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 30 BEING N 90°00'00"E.

Section 3. The Petition meets the requirements of Article VIII, Section 8.11, of the Code of Ordinances of the City of Cape Coral and it is in the best interest of the public that such Petition be granted. The following described public utility and drainage easement, as shown in Exhibit C, is hereby vacated, to wit:

A TRACT OR PARCEL OF LAND BEING PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 90°00'00"W ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 64.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 19.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 535.8 SQUARE FEET +/-.

BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

Section 4. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement, as shown in Exhibit D. The deed shall be approved by the City's Real Estate Property Broker prior to execution. The property to be deeded to the City is as follows:

A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED NORTH PORTION OF MIKADO COURT ADJACENT TO LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE WEST LINE OF VACATED PORTION OF MIKADO COURT FOR A DISTANCE OF 7.50 FEET; THENCE RUN N 90°00'00" E FOR A DISTANCE OF 64.30 FEET; THENCE RUN N 00°00'00"E FOR A DISTANCE OF 17.50 FEET TO THE SOUTH LINE OF LOT 32; THENCE RUN N 90°00'00"E ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 1.97 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 5°46'56", A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04'; THENCE RUN ALONG SAID CURVE FOR A DISTANCE OF 4.04 FEET; THENCE RUN S 90°00'00"W FOR A DISTANCE OF 25.20 FEET TO THE CENTERLINE OF THE VACATED PORTION OF MIKADO COURT; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 70.30 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 632.5 SQUARE FEET +/-.

BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

Section 5. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement, as shown in Exhibit E. The deed shall be approved by the City's Real Estate Property Broker prior to execution. The property to be deeded to the City is as follows:

A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED SOUTH PORTION OF MIKADO COURT ADJACENT TO LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE CENTERLINE OF VACATED PORTION OF MIKADO COURT FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 00°00'00" W ALONG THE EAST LINE OF SAID VACATED PORTION FOR A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF LOT 29; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 17.50 FEET; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 64.30 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 632.2 SQUARE FEET +/-.

BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

Section 6. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement, as shown in Exhibit F. The deed shall be approved by the City's Real Estate Property Broker prior to execution. The property to be deeded to the City is as follows:

A TRACT OR PARCEL OF LAND BEING A 7.5' PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE NORTH 7.5' OF LOT 31, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE SOUTH 0°00'00" WEST ALONG THE WEST LINE OF MIKADO COURT FOR A DISTANCE OF 7.50 FEET; THENCE RUN N 90°00'00" W FOR A DISTANCE OF 46.92 FEET TO THE WATER FACE OF A CONCRETE SEAWALL; THENCE RUN N 08°38'17" E ALONG SAID SEAWALL FOR A DISTANCE OF 7.59' FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 45.78 FEET, TO THE POINT OF BEGINNING.

PARCEL CONTAINS 347.6 SQ. FT. +/-

BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 31 BEING N 90°00'00"E.

Section 7. Within sixty (60) days from the date of adoption of this resolution, applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement, as shown in Exhibit G. The deed shall be approved by the City's Real Estate Property Broker prior to execution. The property to be deeded to the City is as follows:

A TRACT OR PARCEL OF LAND BEING A 7.5' PUBLIC UTILITY AND DRAINAGE EASEMENT OVER A PORTION OF THE SOUTH 7.5' OF LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31;

THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF LOT 32 FOR 45.78 FEET TO THE WATER FACE OF A CONCRETE SEAWALL; THENCE RUN N 8°38' 17"E ALONG SAID SEAWALL FOR A DISTANCE OF 7.59' FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 44.64 FEET; THENCE RUN S 0°00'00"W, 7.5 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 339.1 SQ. FT. +/-

BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W

Section 8. The Applicant shall meet the following terms and conditions:

1. The vacation of the Mikado Court right-of-way and the underlying utility and drainage easement shall be consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "Quit Claim Area," as depicted in Exhibit A.
2. The vacation of the public utility and drainage easement associated with Lots 29 through 31 shall be consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "Vacated Portion of Public Utility and Drainage Perimeter Easement over Lots 29 through 31," as depicted in Exhibit B.
3. The vacation of the public utility and drainage easement associated with Lot 32 shall be consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "Vacated Portion of Public Utility and Drainage Perimeter Easement over Lot 32," as depicted in Exhibit C.
4. Within sixty (60) days from the adoption of this resolution, the applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "New Portion of Public Utility Drainage Perimeter Easement Over South Side of Vacated Right-of-Way," as shown in Exhibit D. The deed shall be approved by the City's Real Estate Property Broker prior to execution.
5. Within sixty (60) days from the adoption of this resolution, the applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "New Portion of Public Utility Drainage Perimeter Easement Over North Side of Vacated Right-of-Way," as shown in Exhibit E. The deed shall be approved by the City's Real Estate Property Broker prior to execution.
6. Within sixty (60) days from the adoption of this resolution, the applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "New Portion of Public Utility Drainage Perimeter Easement Over North 7.5' of Lot 31," as shown in Exhibit F. The deed shall be approved by the City's Real Estate Property Broker prior to execution.
7. Within sixty (60) days from the adoption of this resolution, the applicant shall provide to the City a fully executed deed for a 7.5-foot wide perpetual public utility and drainage easement consistent with that shown in the legal description and accompanying sketch prepared by Davis Surveying, Inc., entitled "New Portion of Public Utility Drainage Perimeter Easement Over South 7.5' of Lot 32," as shown in Exhibit G. The deed shall be approved by the City's Real Estate Property Broker prior to execution.
8. This resolution shall be recorded with the Office of the Lee County of Court and shall not be effectuated until the applicant provides the City with the easement deeds as described in Conditions #4-7 above, and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deeds.

Section 5. This Resolution shall take effect upon its recording within the Office of the Lee County Clerk of Court by the City of Cape Coral.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO _____
GUNTER _____
CARIOSCLA _____
STOUT _____

NELSON _____
STOKES _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM,
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
res/vp17-0008



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

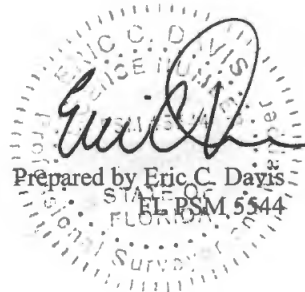
August 8, 2017

Quit Claim Area

A TRACT OR PARCEL OF LAND BEING PART OF MIKADO COURT RIGHT-OF-WAY LYING CONTIGUOUS TO PART OF LOT 32, LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 90°00'00" EAST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 66.27 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40 FEET, A DELTA ANGLE OF 5°46'56" AND A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04 FEET; THEN RUN ALONG SAID CURVE A DISTANCE OF 4.04 FEET; THENCE RUN S 0°00'00"E FOR A DISTANCE OF 50.20 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 90°00'00"W ALONG THE NORTH LINE OF LOT 29 AND 30 FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 31 AND THE POINT OF BEGINNING. PARCEL CONTAINS 3515.3 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 31 BEING N 90°00'00"E.

SHEET 1 OF 2

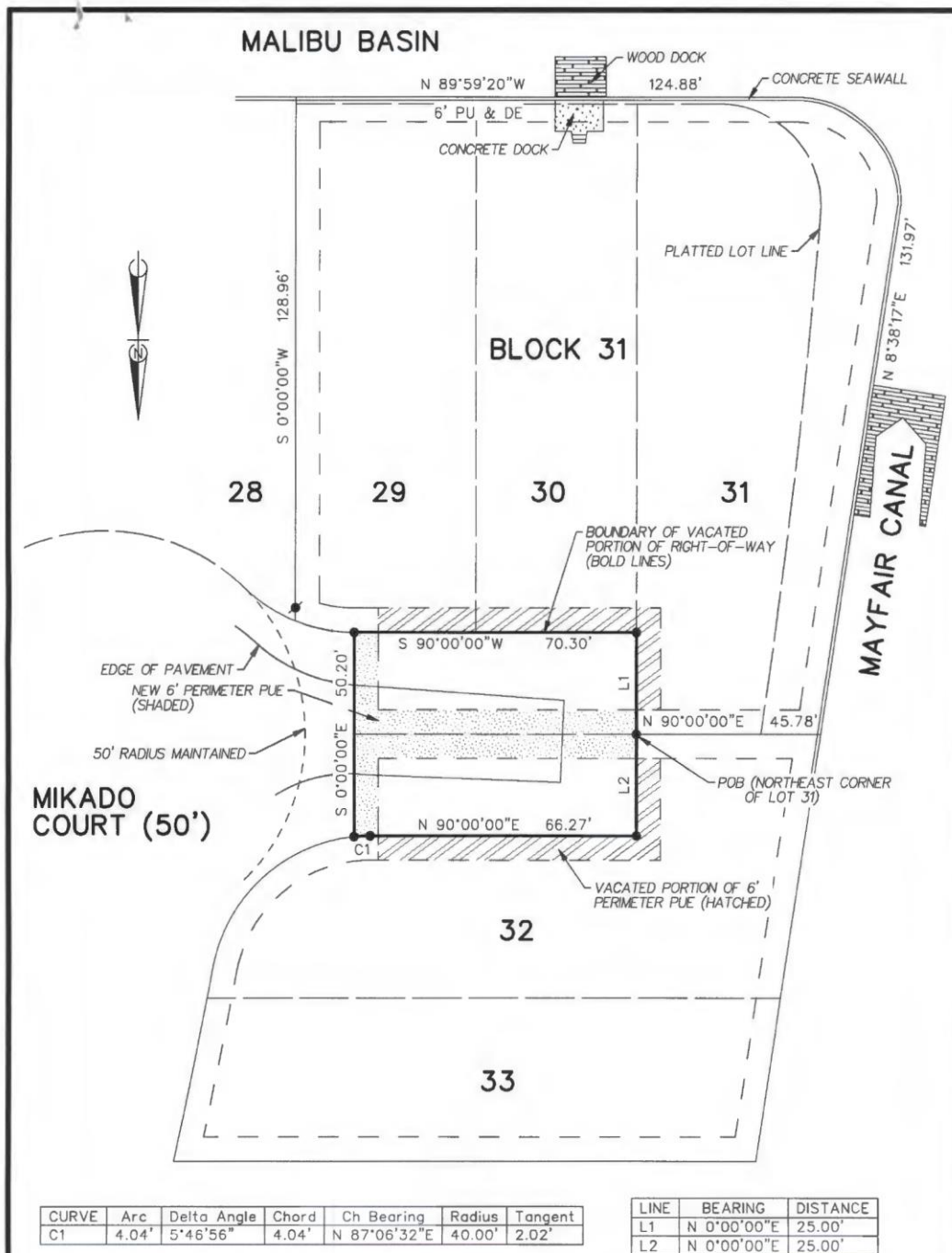


Phone: 239.549.6454

www.DAVISLANDSURVEYS.com

Fax: 239.549.2548

Exhibit A



SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

LEGEND

FIR = FOUND IRON ROD
 FIP = FOUND IRON PIPE
 FDH = FOUND DRILL HOLE
 FCM = FOUND CONCRETE MONUMENT
 SRI = SET IRON ROD 1/2" LB#7075
 PUE = PUBLIC UTILITY EASEMENT
 PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
 SHAD = SET NAIL & DISK LB #7075
 PRM = PERMANENT REFERENCE MONUMENT
 FN&D = FOUND NAIL & DISK
 POB = POINT OF BEGINNING
 FE COR = FENCE CORNER
 CONC = CONCRETE
 * = NOT FIELD MEASURED
 LME = LAKE MAINTENANCE EASEMENT
 DE = DRAINAGE EASEMENT

+0.0 = EXISTING ELEVATION
 [Symbol] = UTILITY RISER
 [Symbol] = UTILITY POLE
 [Symbol] = FIRE HYDRANT
 [Symbol] = CATCH BASIN
 (P) = PLAT
 (F) = FIELD
 (D) = DEED
 (C) = COMPUTED
 [Symbol] = WIRE FENCE
 [Symbol] = WOOD FENCE
 NAVD = NORTH AMERICAN VERTICAL DATUM OF 1988

SCALE: 0 30

6/30/17

CE DAVIS, CERTIFICATE NO. 4839
OR ERIC C. DAVIS, PSM # 5544
1111 LB #7075



**DAVIS
SURVEYING INC.**
WWW.DAVISLANDSURVEYS.COM

4536 SE 16th PLACE SUITE 3
CAPE CORAL, FLORIDA 33904
TEL (239) 549-6454 FAX (239) 549-2548
CONTACT@DAVISLANDSURVEYS.COM

JOB NUMBER:

17-0979S

SHEET 2 OF 2



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

October 6, 2017

VACATED PORTION OF PUBLIC UTILITY & DRAINAGE PERIMETER EASEMENT OVER LOTS 29 THROUGH 31

A TRACT OR PARCEL OF LAND BEING PART OF THE EXISTING PERIMETER PUBLIC UTILITY AND DRAINAGE EASEMENT LYING OVER LOTS 29 THROUGH 31, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE SOUTH 00°00'00" WEST ALONG THE EASTERLY LINE OF LOT 31 FOR A DISTANCE OF 6.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 31 FOR A DISTANCE OF 19.00 FEET TO THE NORTHWEST CORNER OF LOT 30; THENCE RUN NORTH 90°00'00" EAST ALONG THE NORTH LINES OF LOT 30 AND PART OF LOT 29 FOR A DISTANCE OF 64.30 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 00°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"W FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 535.8 SQUARE FEET +/-, BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 30 BEING N 90°00'00"E.

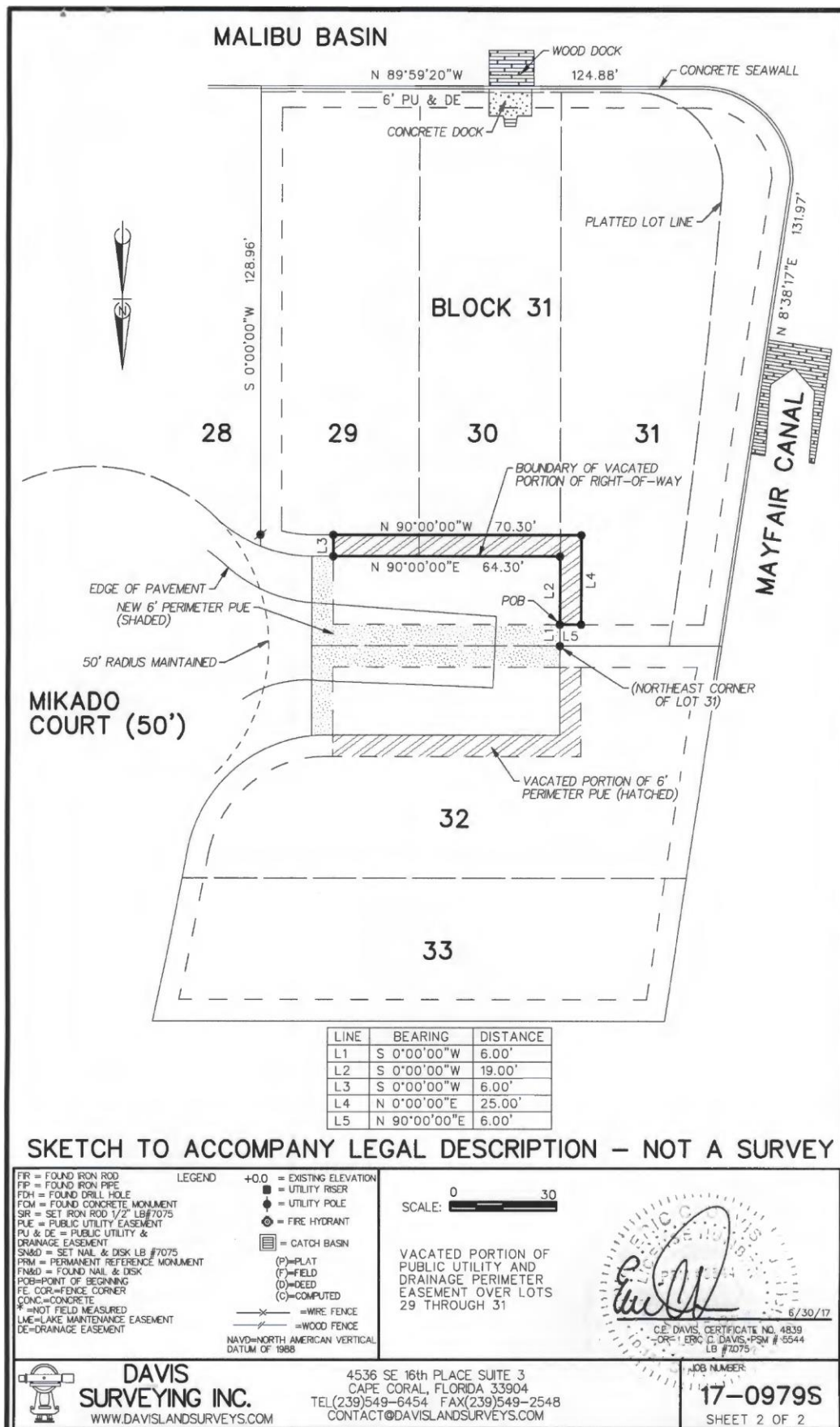
SHEET 1 OF 2



Phone: 239.549.6454

www.DAVISLANDSURVEYS.com

Fax: 239.549.2548





Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

October 6, 2017

VACATED PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32

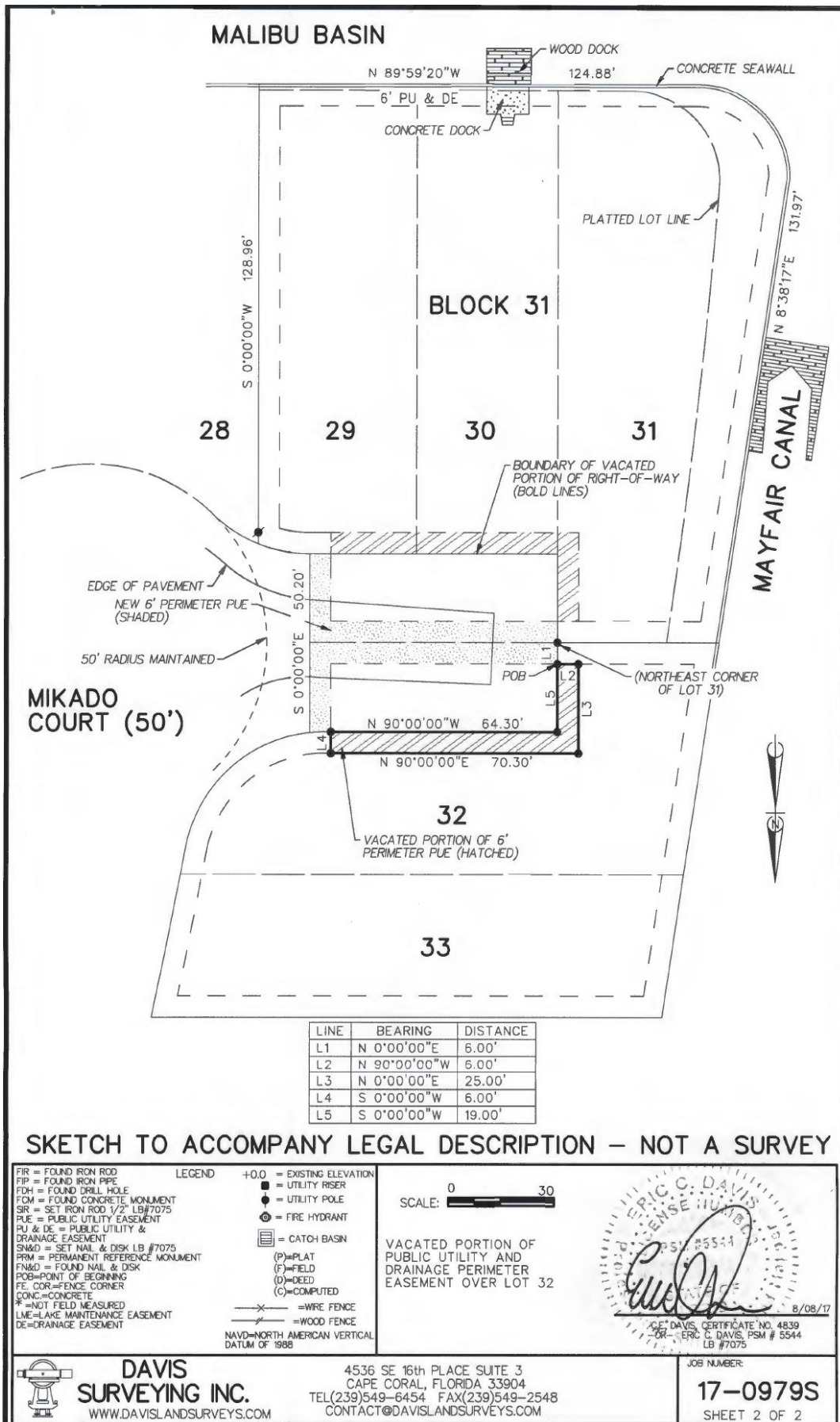
A TRACT OR PARCEL OF LAND BEING PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 90°00'00"W ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 64.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 19.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 535.8 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2



Prepared by: Eric C. Davis
PL-PSM 5544





Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

November 30, 2017

NEW PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER SOUTH SIDE OF VACATED RIGHT-OF-WAY

A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED SOUTH PORTION OF MIKADO COURT ADJACENT TO LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 00°00'00" W FOR A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF LOT 29; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 17.50 FEET; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 64.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 632.2 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2

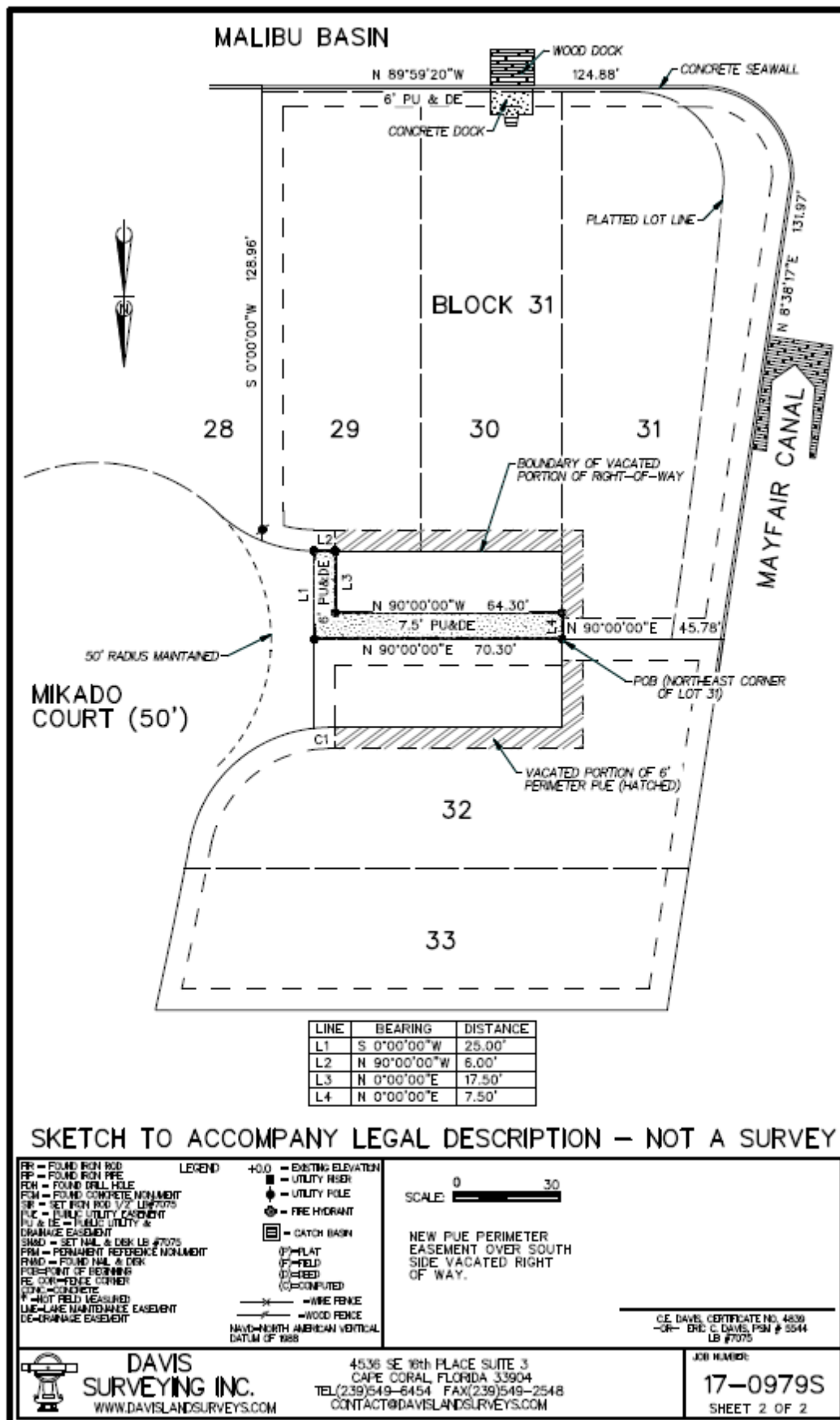
Prepared by Eric C. Davis
FL PSM 5544

Phone: 239.549.6454

www.DAVISLANDSURVEYS.com

Fax: 239.549.2548

Exhibit D





Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

November 30, 2017

NEW PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER NORTH SIDE OF VACATED RIGHT-OF-WAY

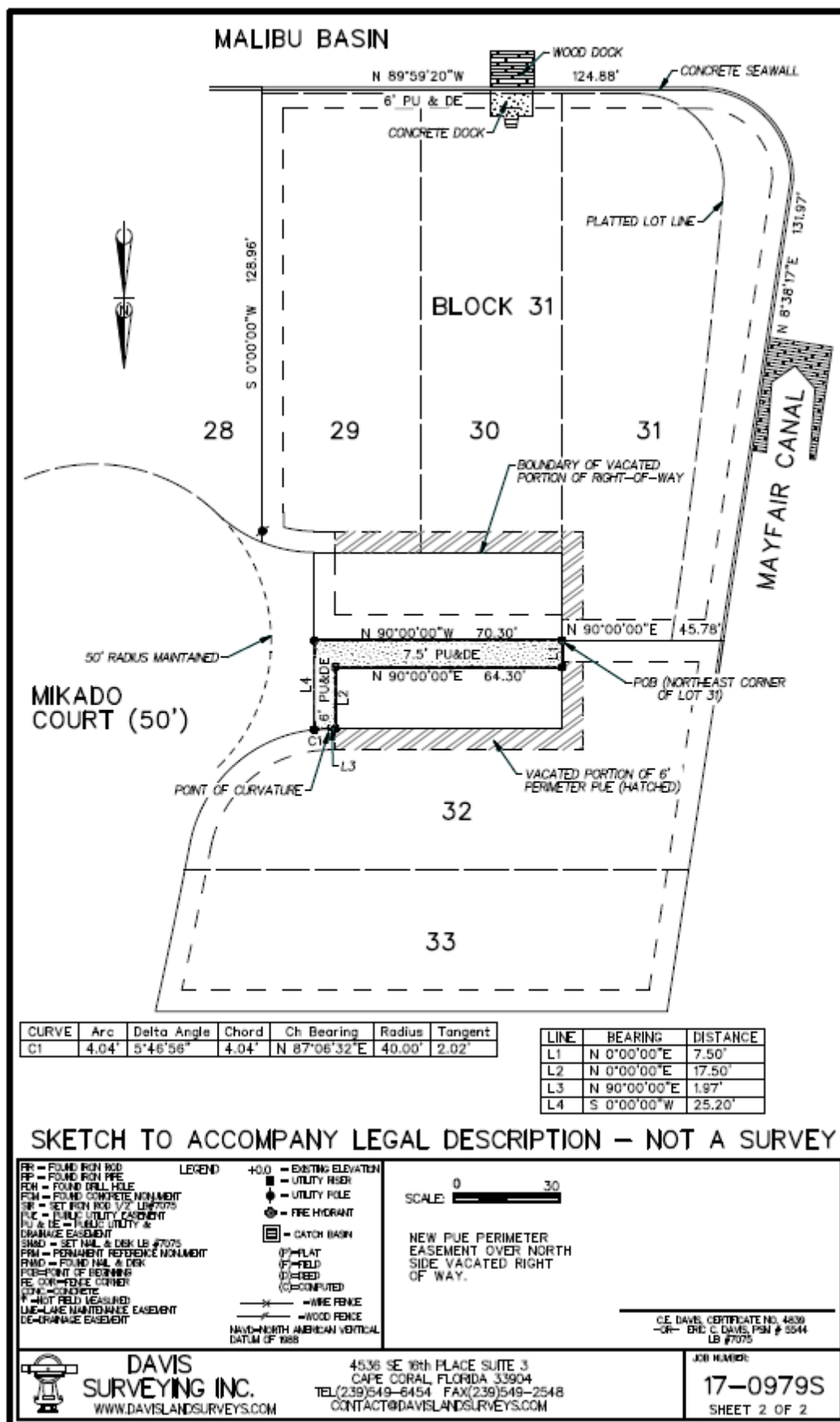
A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED NORTH PORTION OF MIKADO COURT ADJACENT TO LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

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BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00" W.

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544





Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

January 3, 2018

7.5' PUBLIC UTILITY AND DRAINAGE EASEMENT OVER NORTH 7.5' OF LOT 31

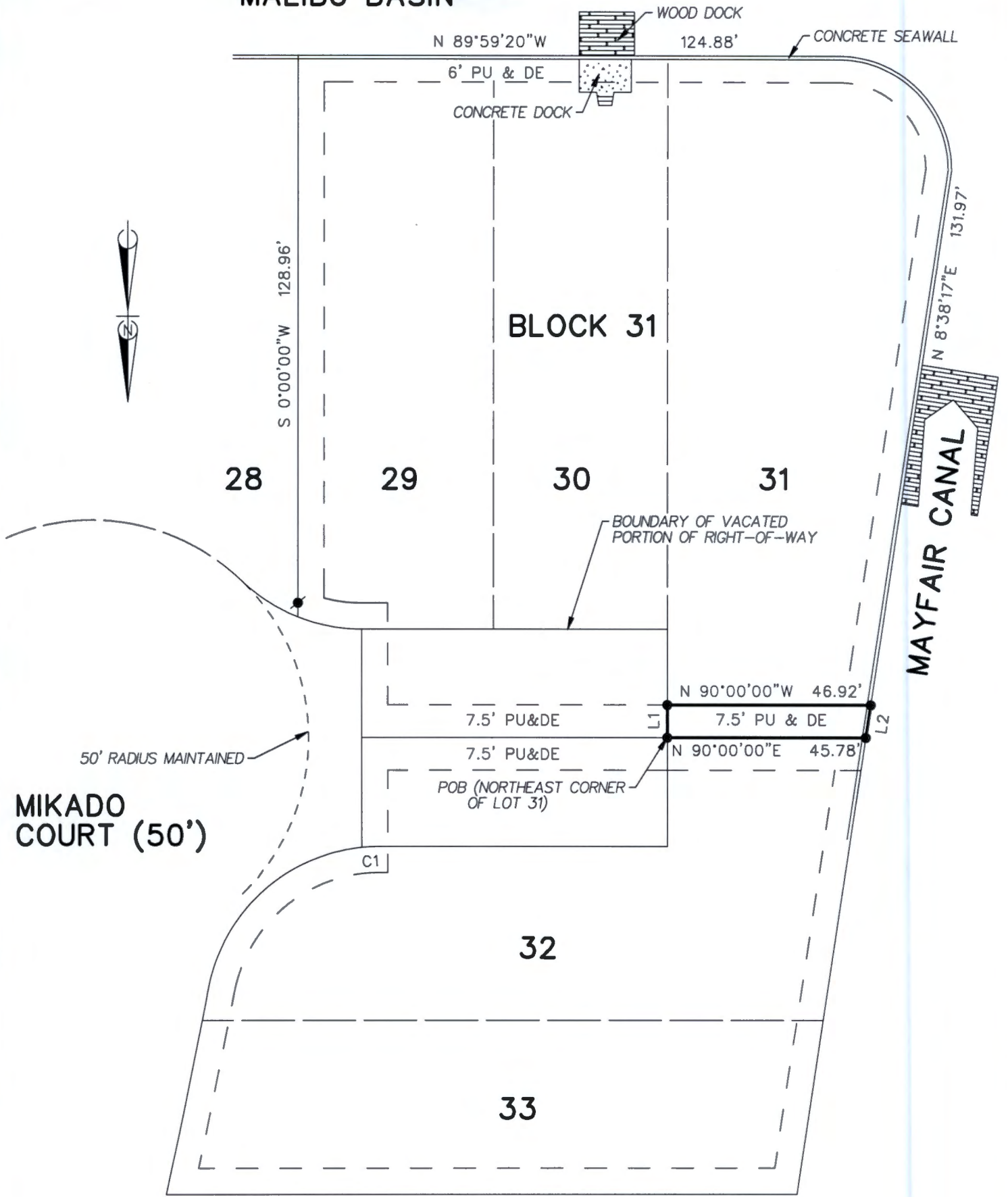
A TRACT OR PARCEL OF LAND BEING A 7.5' PUBLIC UTILITY AND DRAINAGE EASEMENT OVER THE NORTH 7.5' OF LOT 31, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

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BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 31 BEING N 90°00'00"E.

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544

MALIBU BASIN









LINE	BEARING	DISTANCE
L1	S 0°00'00"W	7.50'
L2	N 8°38'17"E	7.59'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

FIR = FOUND IRON ROD
FIP = FOUND IRON PIPE
FDH = FOUND DRILL HOLE
FCM = FOUND CONCRETE MONUMENT
SIR = SET IRON ROD 1/2" LB#7075
PUE = PUBLIC UTILITY EASEMENT
PU & DE = PUBLIC UTILITY &
DRAINAGE EASEMENT
SN&D = SET NAIL & DISK LB #7075
PRM = PERMANENT REFERENCE MONUMENT
FN&D = FOUND NAIL & DISK
POB=POINT OF BEGINNING
FE. COR.=FENCE CORNER
CONC.=CONCRETE
* =NOT FIELD MEASURED
LME=LAKE MAINTENANCE EASEMENT
DE=DRAINAGE EASEMENT

LEGEND

+0.0 = EXISTING ELEVATION
 = UTILITY RISER
 = UTILITY POLE
 = FIRE HYDRANT
 = CATCH BASIN
(P)=PLAT
(F)=FIELD
(D)=DEED
(C)=COMPUTED

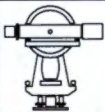
 = WIRE FENCE
 = WOOD FENCE
 NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988

SCALE:

7.5 FOOT PU & DE OVER
THE NORTH 7.5' OF
LOT 31

Emil

C.E. DAVIS, CERTIFICATE NO. 4839
-OR- ERIC C. DAVIS, PSM # 5544
LB #7075



**DAVIS
SURVEYING INC.**
WWW.DAVISLANDSURVEYS.COM

4536 SE 16th PLACE SUITE 3
CAPE CORAL, FLORIDA 33904
TEL(239)549-6454 FAX(239)549-2548
CONTACT@DAVISLANDSURVEYS.COM

JOB NUMBER:

17-0979-31

SHEET 2 OF 2



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

January 3, 2018

7.5' PUBLIC UTILITY AND DRAINAGE EASEMENT OVER SOUTH 7.5' OF LOT 32

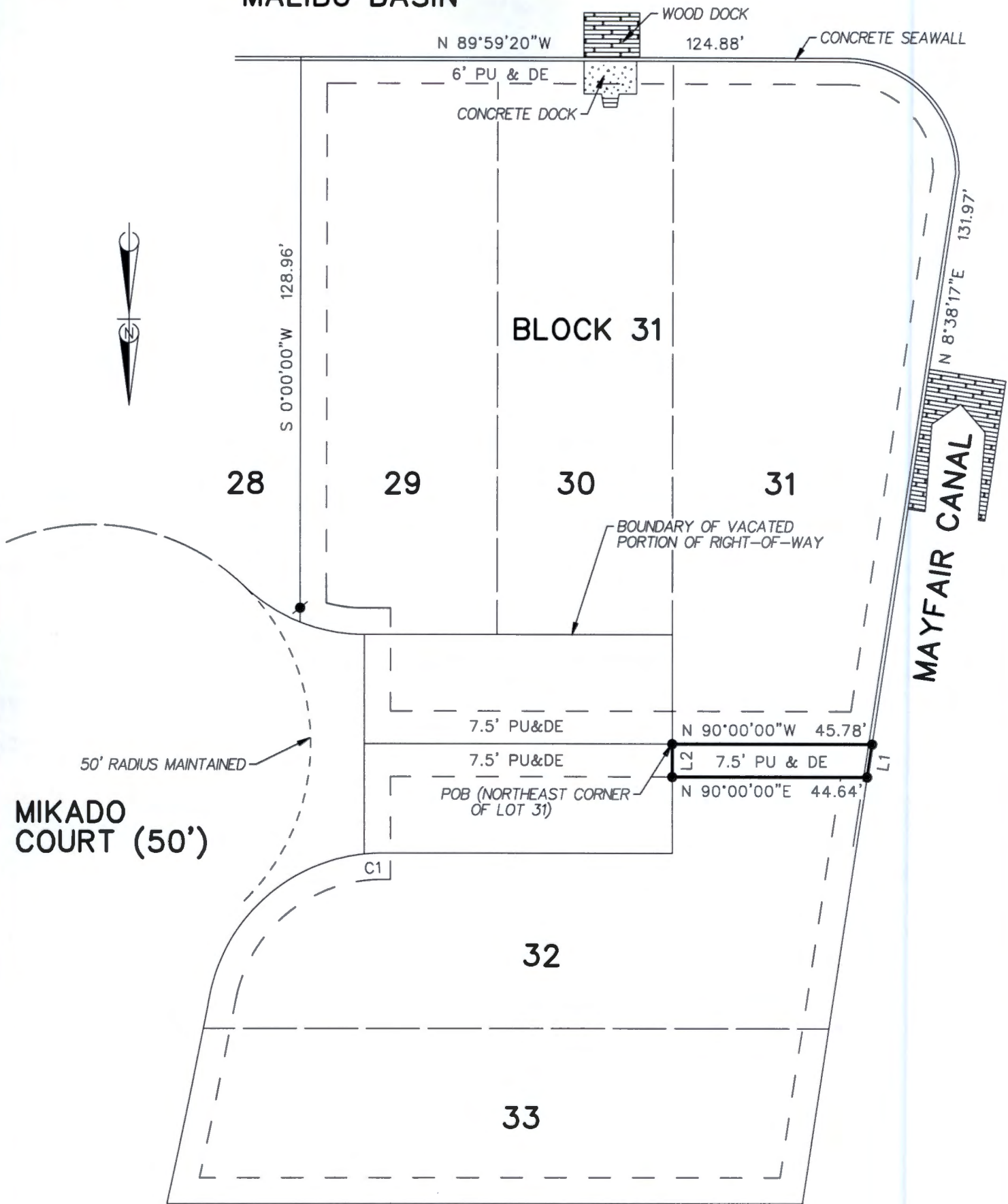
A TRACT OR PARCEL OF LAND BEING A 7.5' PUBLIC UTILITY AND DRAINAGE EASEMENT OVER A PORTION OF THE SOUTH 7.5' OF LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF LOT 32 FOR 45.78 FEET TO THE WATER FACE OF A CONCRETE SEAWALL; THENCE RUN N 8°38'17" E ALONG SAID SEAWALL FOR A DISTANCE OF 7.59' FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 44.64 FEET; THENCE RUN S 0°00'00"W, 7.5 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 339.1 SQ. FT. +/-
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544

MALIBU BASIN



LINE	BEARING	DISTANCE
L1	N 8°38'17"E	7.59'
L2	S 0°00'00"W	7.50'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

FIR = FOUND IRON ROD
FIP = FOUND IRON PIPE
FDH = FOUND DRILL HOLE
FCM = FOUND CONCRETE MONUMENT
SIR = SET IRON ROD 1/2" LB#7075
PUE = PUBLIC UTILITY EASEMENT
PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
SN&D = SET NAIL & DISK LB #7075
PRM = PERMANENT REFERENCE MONUMENT
FN&D = FOUND NAIL & DISK
POB=POINT OF BEGINNING
FE.COR.=FENCE CORNER
CONC.=CONCRETE
*=NOT FIELD MEASURED
LME=LAKE MAINTENANCE EASEMENT
DE=DRAINAGE EASEMENT

LEGEND

+0.0 = EXISTING ELEVATION

■ = UTILITY RISER

● = UTILITY POLE

⊙ = FIRE HYDRANT

☐ = CATCH BASIN

(P)=PLAT
(F)=FIELD
(D)=DEED
(C)=COMPUTED

—X— = WIRE FENCE
—/— = WOOD FENCE

NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988



7.5 FOOT PU & DE OVER THE SOUTH 7.5 FEET OF LOT 32

Eric C. Davis

C.E. DAVIS, CERTIFICATE NO. 4839
—OR— ERIC C. DAVIS, PSM # 5544
LB #7075



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JOB NUMBER:
17-0979-32
SHEET 2 OF 2

OFFICE OF THE HEARING EXAMINER, CITY OF CAPE CORAL
HEARING EXAMINER RECOMMENDATION

VP HEX Recommendation 7-2017

DCD CASE # VP 17-0008

Rendered December 6, 2017

APPLICATION FOR: Vacation of 3,515.3 sq. ft. of platted street right-of-way on Mikado Court; 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lots 29, 30, and 31; and 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lot 32.

NAME OF OWNER: Life's a Vacation, LLC

NAME OF APPLICANT: Brian Haag

LOCATION OF PROPERTY: 5352 Mikado Court, Cape Coral
Strap Number: 18-45-24-C3-00031.0290
Unit 1, part 2, Block 31, Lots 29,30,31, Cape Coral
Subdivision

ZONING DISTRICT: Single Family Residential (R-1B)

FUTURE LAND USE CLASSIFICATION: Single Family

URBAN SERVICE: Infill

HEARING DATE: December 5, 2017

SUMMARY OF REQUEST: The applicant requests to vacate:

1. 3,515.3 sq. ft. of platted street right-of-way on Mikado Court; and
2. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lots 29, 30, and 31; and
3. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lot 32.

I. **SUMMARY OF HEARING EXAMINER RECOMMENDATION**

The Hearing Examiner recommends that City Council **approve** the application for the requested vacations, subject to the conditions set forth below.

II. **NOTICE OF HEARING**

Based on the testimony of City Staff Justin Heller at the Hearing, the Hearing Examiner finds that proper notice of this hearing was provided, in accordance

with the requirements of Article VIII, §8.3, Public Hearings, of the City of Cape Coral Land Use and Development Regulations ("LUDRs").

III. **PARTICIPANTS IN HEARING**

CITY STAFF: Justin Heller

CITY CLERK'S OFFICE: Patricia Sorrels

APPLICANT'S REPRESENTATIVE: Brian Haag

MEMBERS OF PUBLIC: None

IV. **EXHIBITS**

APPLICANT'S AND CITY STAFF'S EXHIBITS: previously submitted.

V. **REVIEW OF LUDR REQUIREMENTS**

Authority. The Hearing Examiner has the authority to recommend approval or denial of an application for a vacation of a plat and associated easements pursuant to LUDR §9.2.3 b.8.

Standard of Review of Evidence; Hearsay Evidence. The Hearing Examiner's recommendation is based on whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the LUDRs, upon review of the entirety of the record. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court. In rendering this recommendation, the Hearing Examiner must consider all competent substantial evidence in the record as defined by LUDR § 8.3.1.C.3.b.

LUDR Standards. The Hearing Examiner reviewed the application in accordance with the standards set forth in LUDR § 8.11, *Vacation of plats, rights-of-way and other property*, in addition to the general standards set forth in the LUDRs and the City Comprehensive Plan.

VI. **TESTIMONY AT HEARING**

Applicant's Incorporation of Staff Report and Staff Testimony

The Applicant's Representative incorporated the Staff Report and Staff Testimony ("Staff Input") into Applicant's presentation by reference. The Applicant's Representative requested the Hearing Examiner to recommend that City Council find the Staff Input as findings of fact, in addition to those separately presented by Applicant's Representative.

Hearing Examiner's Recommended Findings of Fact.

All documentary and oral testimony referenced below is accepted by the Hearing Examiner as recommended findings of fact, except as specifically noted otherwise. The Hearing Examiner recommends that the City Council accept such testimony as findings of fact to substantiate its decision regarding this Application.

VII. DISCUSSION

Site and Surrounding Area

Staff testified that the 19,828 square foot waterfront site is in southeastern Cape Coral at the western end of Mikado Court and further that it is on a dead-end street which gives the site an irregular shape.

Staff testified that all properties within 500 feet of the site share the same future land use and zoning designations as the subject property.

Project Description

Staff testified that Applicant's intention in seeking the vacation of a portion of a platted street right-of-way is to provide a larger and more uniform site upon which a new single-family dwelling can be constructed.

Recommendation that City Council Find That Applicant Has Complied with All Requirements for the Requested Vacations, as Set Forth in LUDR §8.11

1. Applicant **has** color of title (LUDR §8.11.3b.1)

Staff testified that Applicant owns the subject properties.

2. A copy of the plat **has** been provided, showing the portions for which vacation is sought (LUDR §8.11.3b.2)

The Hearing Examiner reviewed and considered the relevant documents and determined they are legally sufficient for this criterion.

However, at the Hearing, staff testified that revised Exhibits will be provided to the City Council prior to Hearing. Accordingly, the Hearing Examiner has not attached the Exhibits to this Recommendation, to avoid confusion with the revisions to the Exhibits which are anticipated to be provided by the Applicant prior to City Council review hereof.

3. and 4. Letter of Approval from LCEC and Letters of No Objection from Century Link and Comcast (LUDR §8.11.3b.3 and LUDR §8.11.3b.4-6) **have** been obtained.

Staff testified that, as a condition of approval, LCEC has required that the Applicant provide the City with a six (6) foot perimeter easement around

the perimeter of the site, as set forth in the Conditions below. The owner has agreed to this condition.

Staff further testified that a 15-foot wide easement centered on the property line that separates 5346 and 5352 Mikado Court will be required by the City. Staff testified that this easement is necessary to protect a new stormwater pipe and inlet that will be installed along this property line and will serve the further purpose of providing a continuous easement around each site. The owner has agreed to this condition.

5. *A copy of a recent boundary survey or survey sketch of the property prepared and executed by a registered surveyor, **has been provided**, showing the area requested to be vacated; providing complete metes and bounds legal descriptions of said areas, and showing all pavement and all utility and drainage facilities in said area, including water, sewer and cable lines, utility poles, swales, ditches, manholes and catch basins. Separate drawings and metes and bounds legal descriptions will be required for each proposed vacation area when the right-of-way and easement configurations differ. (LUDR §8.11.3b.7.B)*

The Hearing Examiner received and considered the relevant documents and determined they are legally sufficient for this criterion.

However, at the Hearing, staff testified that revised Exhibits will be provided by the Applicant to the City Council prior to Hearing. Accordingly, the Hearing Examiner has not attached the Exhibits to this Recommendation, to avoid confusion with the revisions to the Exhibits which are anticipated prior to City Council review hereof.

6. *No Reasonably Foreseeable Public Use of the Vacated Area.
(LUDR, §8.11.3 d)*

Staff testified that the applicant and neighboring property to the north (5346 Mikado Court) would expand their respective sites by similar areas if this request is granted. Staff further testified that the land gained by the applicant from this vacation, along with a more uniform site configuration, should provide greater flexibility in redeveloping this site and that the vacation would marginally increase the tax base by adding about 3,515 sq. ft. of residential property between the two sites to the tax roll.

In addition, staff testified that the vacated right-of-way is not required to meet or fulfill any current or foreseeable public use. As such, approval of this request would not be harmful to the community and would be consistent with the public interest by providing greater flexibility in redeveloping this site and adding a small amount of property to the ad valorem tax rolls.

It is recommended that, for the above reasons, the City Council finds there **is no reasonably foreseeable public use** for the requested vacations.

7. *City's Retention of Easements for Utilities and/or Drainage in and Upon the Vacated Area.* (LUDR, §8.11.3 d)

It is recommended that the City Council retain a perimeter easement for utilities and/or drainage in and upon the vacated areas, as set forth in the conditions below. The owner has agreed to this perimeter easement.

Consistency with the Comprehensive Plan (LUDR §8.11)

It is recommended that the City Council find that the vacation requests are consistent with Policy 5.15 of the Future Land Use Element of the City's Comprehensive Plan which states:

Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

a. Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.

This application is to facilitate the development of this site with one single-family residence. The site is 19,828 square feet in size.

Accordingly, it is recommended that City Council find that granting the requested vacations, as conditioned below, **would be consistent** with the City Comprehensive Plan, Land Use Development Regulations, and all other applicable law.

VIII. **RECOMMENDED CONDITIONS OF APPROVAL**

City staff testified regarding recommendations for conditions of approval, set forth below. Applicant testified that he has no objection to these conditions.

The Hearing Examiner **recommends** that these conditions of approval be adopted as part of the City Council's approval of Applicant's request:

1. Consistency with Exhibits. The right of way and easements to be vacated shall be consistent with the revised Exhibits to be provided by Applicant prior to the Hearing by City Council.
2. Provision of Easement Deed to City. Within 60 days from the date of adoption of the vacation Ordinance, the owner shall deed to the City, a new 7.5-foot wide public utility and drainage easements around the expanded perimeter of the sites, which shall be shown in the revised

Exhibit to be provided to City Council as set forth above. This easement deed shall be approved by the City prior to execution.

3. Recording of Resolution. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #2 above, and reimburses the Department of Community Development for all recording fees associated with this resolution and the easement deed.
4. Compliance with Zoning District Standards and Requirements and Inclusion of LUDRs, City Ordinances and Other Applicable Law. Applicant shall comply with all standards and requirements for the zoning district in which the property is located and all other requirements set forth in the LUDRs, City ordinances and all other applicable laws and regulations, which are incorporated herein by reference.

The Hearing Examiner hereby **RECOMMENDS APPROVAL** of the request for the above-referenced Vacations filed by Applicant, **WITH THE CONDITIONS** set forth above.


This Recommendation takes effect on the date specified below.

HEARING EXAMINER OF THE CITY OF CAPE CORAL, FLORIDA


ANNE DALTON, ESQUIRE

12/6/17
DATE

ATTEST:


CITY CLERK



DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # VP17-0008

REQUEST TO PLANNING & ZONING COMMISSION AND COUNCIL FOR A VACATION OF PLAT

FEE: \$843.00 – In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4) Advertising costs must be paid prior to public hearing otherwise case will be pulled from public hearing.

Following the approval of your request, the applicant shall be responsible for reimbursing the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

OWNER OF PROPERTY

Lifes A Vacation LLC

Address: 5205 SE TAMiami CT
City: Cape Coral State: FL Zip 33904
Phone: (314) 691-1600

APPLICANT

BRIAN HAAG
EMAIL BH4610@gmail.com

Address: 4818 Coronado Pkwy #16
City: Cape Coral State: FL Zip 33904
Phone: (239) 229-1199

AUTHORIZED REPRESENTATIVE

BRIAN HAAG
EMAIL BH4610@gmail.com

Address: 4818 Coronado Pkwy #16
City: Cape Coral State: FL Zip 33904
Phone: (239) 229-1199

Unit 1 part 2 Block 31 Lot(s) 29 thru 31 Subdivision Cape Coral
Address of Property 5352 Mikado CT, Cape Coral FL 33904
Current Zoning SFR / 01 Plat Book 11, Page 32
Strap Number 18-45-24-C3-00031.0290



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # _____

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I or my representative must attend any applicable meetings scheduled for the Hearing Examiner, Planning & Zoning Commission/Local Planning Agency, and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

Lifes A Vacation LLC
CORPORATION/COMPANY NAME

LAVON LAMKE
PROPERTY OWNER (PLEASE TYPE OR PRINT)

Lavon Lamke
PROPERTY OWNER'S SIGNATURE

STATE OF Missouri, COUNTY OF WARREN

Sworn to (or affirmed) and subscribed before me this 6th day of JUNE, 2017, by

LAVON LAMKE who is personally known or produced DRIVERS LICENSE
as identification.

Exp. Date: 06/14/17 Commission Number: 13822594

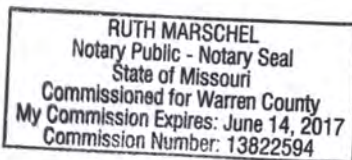
Signature of Notary Public:

Ruth Marschel

Printed name of Notary Public:

RUTH MARSCHEL

(SIGNATURE MUST BE NOTARIZED)





DEPARTMENT OF COMMUNITY DEVELOPMENT

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

Case # _____

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

BRIAN HAAG
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

VACATION OF Right of Way OR EASEMENT

UNIT 1 part 2 BLOCK 31 LOT(S) 29 thru 31 SUBDIVISION CAPE CORAL

OR LEGAL DESCRIPTION Cape Coral Unit 1 part 2 BLK 31 PB 11 PG 32
Lots 29 thru 31 + OR 1987 PG 4292

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Lifes A VACATION L.L.C.
PROPERTY OWNER (Please Print)

LaVon Lamke
PROPERTY OWNER (Please Print)

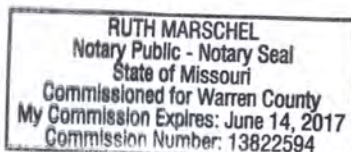
[Signature]
PROPERTY OWNER (Signature & Title)

[Signature]
PROPERTY OWNER (Signature & Title)

STATE OF MISSOURI, COUNTY OF WARREN

Subscribed and sworn to (or affirmed) before me this 6th day of JUNE, 2017 by
LAVON LAMKE who is personally known or produced DRIVERS LICENSE
as identification.

Exp. Date: 06/14/17 Commission Number: 13822594



Signature of Notary Public: [Signature]

Printed name of Notary Public: RUTH MARSCHER

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation paper.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # _____

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

(SIGNATURE MUST BE NOTARIZED)

BRIAN HAAG

APPLICANT NAME (PLEASE TYPE OR PRINT)

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Sworn to (or affirmed) and subscribed before me this 5th day of June, 2017, by

Brian Haag
as identification.

who is personally known or produced _____

Exp. Date: 2/26/19 Commission Number: FF203972

Signature of Notary Public:

Printed name of Notary Public:

BETH COOPER



BETH D. COOPER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF203972
Expires 2/26/2019



DEPARTMENT OF COMMUNITY DEVELOPMENT

Case # _____

VACATION OF PLAT APPLICATION

Questions: 239-574-0776

DOCUMENTARY EVIDENCE (LUDR, Section 8.3.1.C.6.f)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than two business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

BRIAN HAAG

OWNER/APPLICANT (PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF FL COUNTY OF W

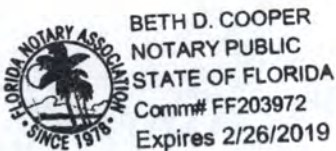
Sworn to (or affirmed) and subscribed before me on this 5th day of June, 2018 by Brian Haag, who is personally known or who has produced _____ as identification.

Exp. Date 2/26/19
Commission # FF203972

Signature of Notary Public

BETH COOPER

Print Name of Notary Public





City of Cape Coral
Department of Community Development
1015 Cultural Park Boulevard


Re: Vacation of Easement 5352 Mikado Ct.

To Whom it May Concern:

With respect to the above referenced property, we respectfully request that the City of Cape Coral vacate the easement as illustrated in the attached site plan. This area only services the above referenced property and will have no impact on surrounding properties. This has been a commonly granted request by the City of Cape Coral on similar cul-de-sac properties.

This will allow construction of a single family residence with a side load garage which will aesthetically enhance the neighborhood and is common design element in the Cape Coral Yacht Club area.

Respectfully,


Brian Haag
Windward Construction, LLC
(239)229-1199

8/10/17

City of Cape Coral
815 Nicholas Pkwy E

RE: Vacate of Plat @ 5352 Mikado Ct

This letter will serve to inform the City of Cape Coral that I have no objections to the vacate of plat at 5352 Mikado Ct. We understand that after the approval $\frac{1}{2}$ of the vacated property will be deeded to 5352 Mikado Ct and the other $\frac{1}{2}$ will be deeded to 5346 Mikado Ct.

Sincerely.

Denise Ahlstrom
Kurt Ahlstrom

Ahlstrom, Kurt & Denise
5346 Mikado Ct



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

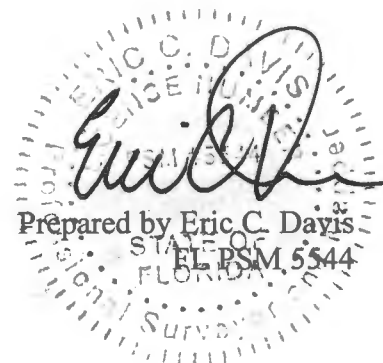
August 8, 2017

Quit Claim Area

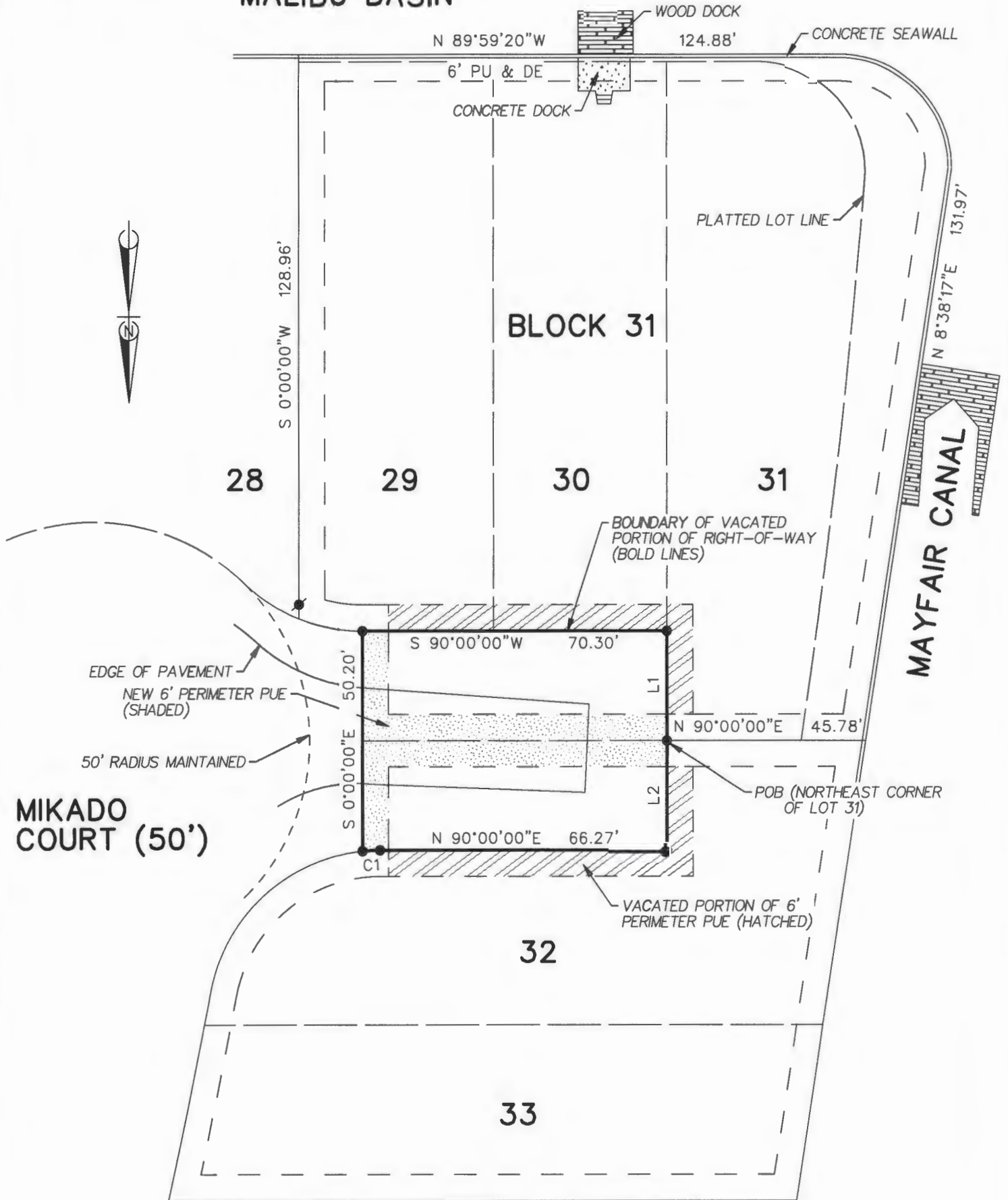
A TRACT OR PARCEL OF LAND BEING PART OF MIKADO COURT RIGHT-OF-WAY LYING CONTIGUOUS TO PART OF LOT 32, LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 90°00'00" EAST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 66.27 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40 FEET, A DELTA ANGLE OF 5°46'56" AND A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04 FEET; THEN RUN ALONG SAID CURVE A DISTANCE OF 4.04 FEET; THENCE RUN S 0°00'00"E FOR A DISTANCE OF 50.20 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 90°00'00"W ALONG THE NORTH LINE OF LOT 29 AND 30 FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 31 AND THE POINT OF BEGINNING. PARCEL CONTAINS 3515.3 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 31 BEING N 90°00'00"E.

SHEET 1 OF 2



MALIBU BASIN



CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	4.04'	5°46'56"	4.04'	N 87°06'32"E	40.00'	2.02'

LINE	BEARING	DISTANCE
L1	N 0°00'00"E	25.00'
L2	N 0°00'00"E	25.00'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

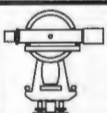
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POB = POINT OF BEGINNING
FE COR = FENCE CORNER
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* = NOT FIELD MEASURED
LME = LAKE MAINTENANCE EASEMENT
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LEGEND

+0.0 = EXISTING ELEVATION
● = UTILITY RISER
● = UTILITY POLE
⊙ = FIRE HYDRANT
☐ = CATCH BASIN
(P) = PLAT
(F) = FIELD
(D) = DEED
(C) = COMPUTED
—X— = WIRE FENCE
—/— = WOOD FENCE
NAVD = NORTH AMERICAN VERTICAL DATUM OF 1988

SCALE: 0 30

ERIC C. DAVIS
LICENSE NUMBER
PSM #5544
6/30/17
CE DAVIS, CERTIFICATE NO. 4839
OR ERIC C. DAVIS, PSM # 5544
LB #7075



DAVIS
SURVEYING INC.
WWW.DAVISLANDSURVEYS.COM

4536 SE 16th PLACE SUITE 3
CAPE CORAL, FLORIDA 33904
TEL (239) 549-6454 FAX (239) 549-2548
CONTACT@DAVISLANDSURVEYS.COM

JOB NUMBER:

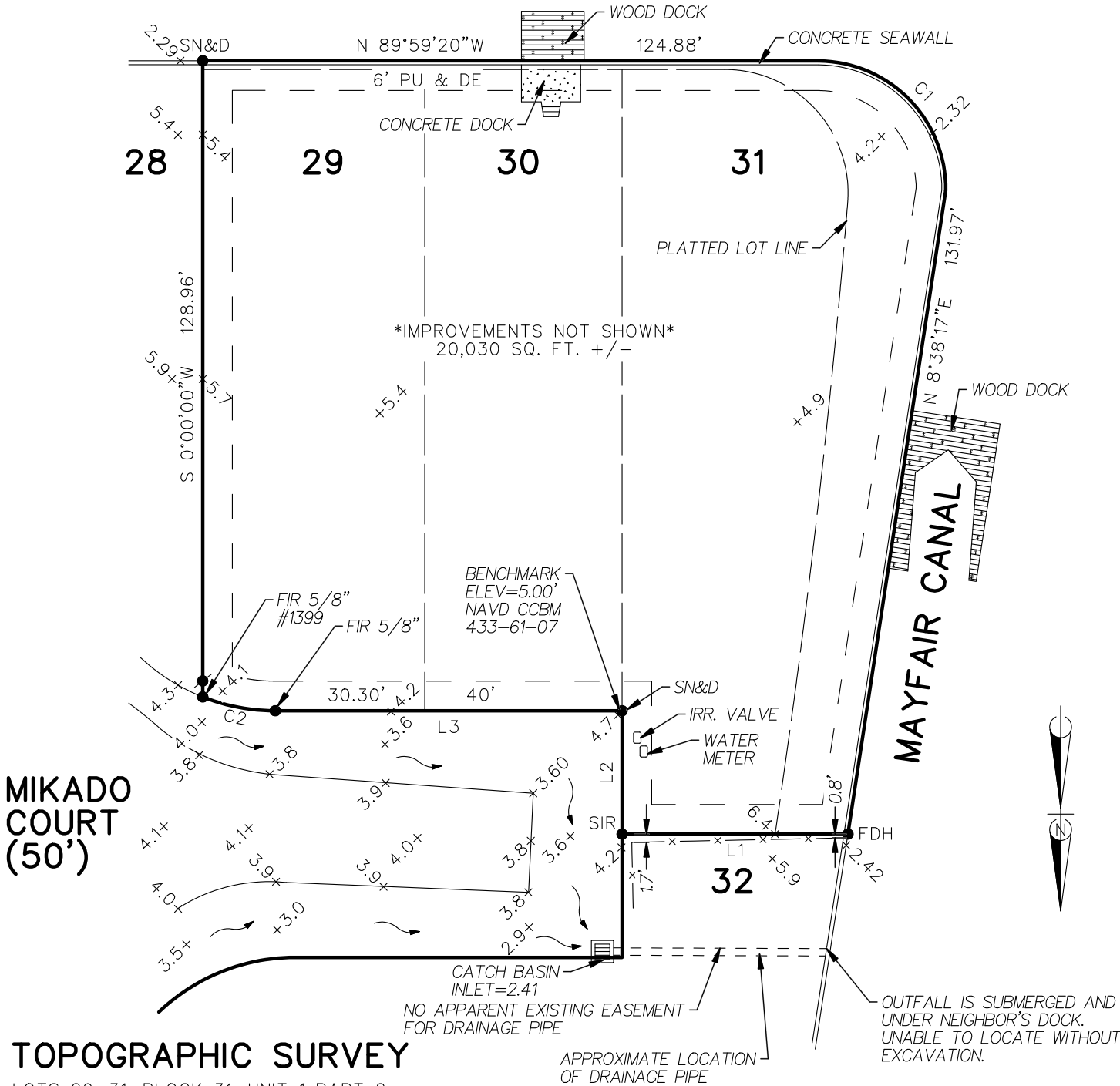
17-0979S
SHEET 2 OF 2

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	40.85'	90°16'14"	36.76'	N 44°23'57"W	25.93'	26.05'
C2	15.05'	21°33'41"	14.96'	S 79°13'10"E	40.00'	7.62'

LINE	BEARING	DISTANCE
L1	N 90°00'00"E	45.78'
L2	S 0°00'00"W	25.00'
L3	N 90°00'00"E	70.30'

↗ = DRAINAGE FLOW

MALIBU BASIN



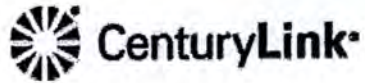
TOPOGRAPHIC SURVEY

LOTS 29-31, BLOCK 31, UNIT 1 PART 2
CAPE CORAL SUBDIVISION
PLAT BOOK 11, PAGES 29-36
LEE COUNTY, FLORIDA
TOGETHER WITH PARCEL DESCRIBED IN
O.R. BOOK 1987, PAGE 4292

CERTIFIED TO THE FOLLOWING ONLY:
LESTER AND LAVON LAMKE
WINDWARD CONSTRUCTION

REVISED 9/20/17 - ADDED TOPO, DRAINAGE PATTERN & INLET

BASIS FOR BEARINGS: MIKADO COURT - PLAT BEARING			SCALE: 0 30	SURVEY DATE: 6/30/17	
COMMUNITY NUMBER 125095	MAP & PANEL NUMBER 12071C0415	SUFFIX F	DATE OF FIRM INDEX 8/28/08	FIRM ZONE AE	BASE FLOOD ELEVATION 8
<p>FIR = FOUND IRON ROD FIP = FOUND IRON PIPE FDH = FOUND DRILL HOLE FCM = FOUND CONCRETE MONUMENT SIR = SET IRON ROD 1/2" LB#7075 PUE = PUBLIC UTILITY EASEMENT PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT SN&D = SET NAIL & DISK LB #7075 PRM = PERMANENT REFERENCE MONUMENT FN&D = FOUND NAIL & DISK POB=POINT OF BEGINNING FE. COR.=FENCE CORNER CONC.=CONCRETE *=NOT FIELD MEASURED LME=LAKE MAINTENANCE EASEMENT DE=DRAINAGE EASEMENT</p>		<p>LEGEND +0.0 = EXISTING ELEVATION ■ = UTILITY RISER ● = UTILITY POLE ⊙ = FIRE HYDRANT ☐ = CATCH BASIN (P)=PLAT (F)=FIELD (D)=DEED (C)=COMPUTED —x— = WIRE FENCE —//— = WOOD FENCE NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988</p>		<p>THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES. NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE. UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS AND DISTANCES ARE IN SUBSTANTIAL AGREEMENT WITH THE DIRECTIONS & DISTANCES OF RECORD FOR THE PARCEL SURVEYED. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. NO ABSTRACT OF TITLE WAS PROVIDED. EASEMENTS SHOWN ARE FROM THE RECORD PLAT OR DEED ONLY. CONTRACTOR MUST VERIFY WITH CITY OR COUNTY THERE ARE NO OTHER EASEMENTS OR BUILDING SETBACK REQUIREMENTS BURDENING THE PROPERTY PRIOR TO PERMITTING AND CONSTRUCTION.</p>	
DAVIS SURVEYING INC. 4536 SE 16th PLACE SUITE 3 CAPE CORAL, FLORIDA 33904 TEL(239)549-6454 WWW.DAVISLANDSURVEYS.COM			COPYRIGHT 2016 - DAVIS SURVEYING, INC. THIS SURVEY MAY NOT BE REPRODUCED OR USED BY OTHER THAN THE CERTIFIED TO PARTIES ABOVE. NOT VALID FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONTRACT WITH SURVEYOR.		JOB NUMBER: 17-0979T



Attention:

Joanne Stevens

joannewindward@gmail.com

Cell: 239-425-7304

Subject: - Vacate Roadway

Site Address: 5352 Mikado Ct Cape Coral FL 33904

Strap #: 18-45-24-C3-00031.0290

In regard of the referenced property above, CenturyLink has **No Objection** to Vacate and move 6' easement described by Windward Construction plate#2.

Sincerely

JUSTIN LANE

THANK YOU!

Justin Lane

OSP Engineering

3301 Del Prado Blvd S

Office: (239)-984-7009

justin.lane@centurylink.com



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • Fax (239) 995-7904
www.lcec.net

August 18, 2017

Ms. Joanne Stevens
Windward Construction
4818 Coronado Parkway
Suite 16
Cape Coral, FL 33904

Re: Letter of No Objection to Vacation of Utility Easement and Road Right of Way for 5352 Mikado Court, Cape Coral, FL; Owners: Lester and Lavon Lamke; Strap: 18-45-24-C3-00031.0290.

Dear Ms. Stevens:

You have opened up negotiations, on behalf of your clients, Mr. and Mrs. Lester Lamke, concerning the vacation of a certain utility easements and road right of way for the point lot.

We have reviewed the sketch, the request submitted, and our internal records. LCEC has **no objection** to the vacation as submitted and reflected in the sketches submitted. LCEC requires a continuous perimeter easement surrounding your property in order to serve you.

Should there be any questions please call me at 239-656-2112, or, if you prefer, I can be reached by email at russel.goodman@lcec.net.

Very truly yours,

Russel Goodman, SR/WA
Design & Engineering Coordinator – Land Rights



**26100 Westlinks Drive Suite 4
Fort Myers, FL 33913
Phone: 239-432-1805**

August 17, 2017

Windward Construction

Re: 5352 Mikado Ct. Cape Coral, Fl.

Dear JoAnn Stevens,

This letter will serve to inform you that Comcast has no objection to your proposed landscaping of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

Mark Cook
Project Coordinator



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

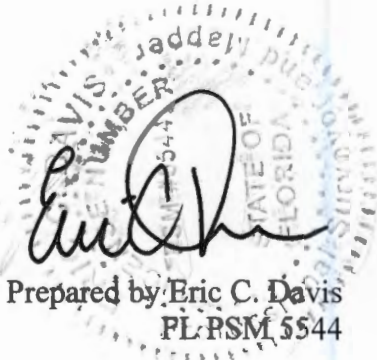
October 6, 2017

VACATED PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32

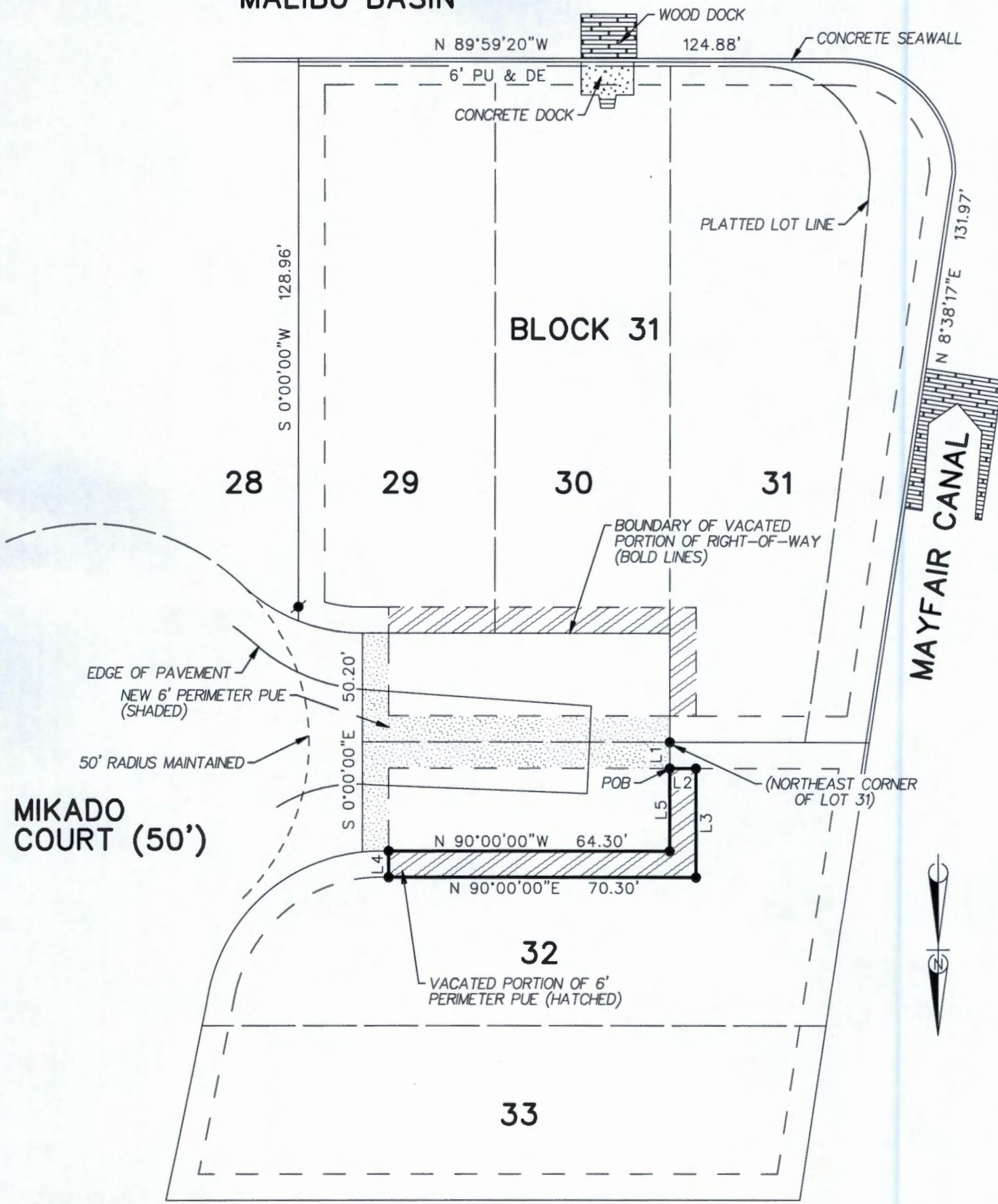
A TRACT OR PARCEL OF LAND BEING PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 90°00'00"W ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 64.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 19.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 535.8 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2


Prepared by: Eric C. Davis
FL PSM 5544

MALIBU BASIN



LINE	BEARING	DISTANCE
L1	N 0°00'00"E	6.00'
L2	N 90°00'00"W	6.00'
L3	N 0°00'00"E	25.00'
L4	S 0°00'00"W	6.00'
L5	S 0°00'00"W	19.00'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

FIR = FOUND IRON ROD
FIP = FOUND IRON PIPE
FDH = FOUND DRILL HOLE
FCM = FOUND CONCRETE MONUMENT
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LME=LAKE MAINTENANCE EASEMENT
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LEGEND

+0.0 = EXISTING ELEVATION

● = UTILITY RISER

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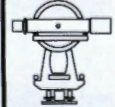
—/— = WOOD FENCE

NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988

SCALE: 0 30

VACATED PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32

ERIC C. DAVIS
PROF. LICENSE NUMBER 5544
8/08/17
CE. DAVIS, CERTIFICATE NO. 4839
-OR- ERIC C. DAVIS, PSM # 5544
LB #7075



DAVIS
SURVEYING INC.
WWW.DAVISLANDSURVEYS.COM

4536 SE 16th PLACE SUITE 3
CAPE CORAL, FLORIDA 33904
TEL(239)549-6454 FAX(239)549-2548
CONTACT@DAVISLANDSURVEYS.COM

JOB NUMBER:
17-0979S
SHEET 2 OF 2



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

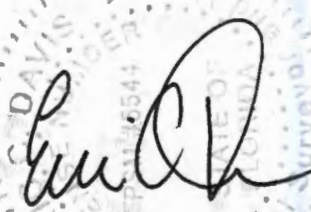
October 6, 2017

VACATED PORTION OF PUBLIC UTILITY & DRAINAGE PERIMETER EASEMENT OVER LOTS 29 THROUGH 31

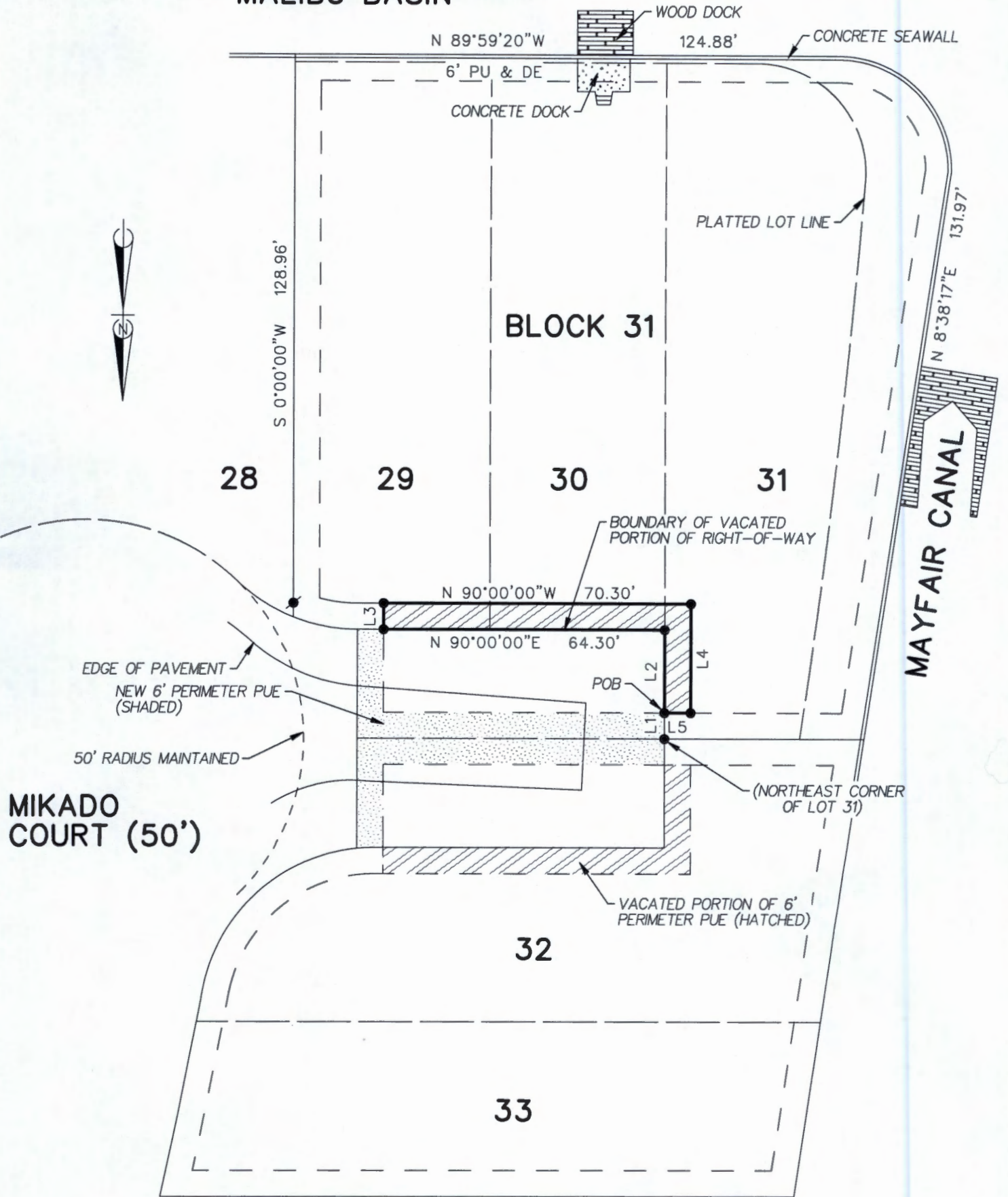
A TRACT OR PARCEL OF LAND BEING PART OF THE EXISTING PERIMETER PUBLIC UTILITY AND DRAINAGE EASEMENT LYING OVER LOTS 29 THROUGH 31, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE SOUTH 00°00'00" WEST ALONG THE EASTERLY LINE OF LOT 31 FOR A DISTANCE OF 6.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 31 FOR A DISTANCE OF 19.00 FEET TO THE NORTHWEST CORNER OF LOT 30; THENCE RUN NORTH 90°00'00" EAST ALONG THE NORTH LINES OF LOT 30 AND PART OF LOT 29 FOR A DISTANCE OF 64.30 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 00°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"W FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 535.8 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 30 BEING N 90°00'00"E.

SHEET 1 OF 2


Prepared by Eric C. Davis
FL PSM 5544

MALIBU BASIN



SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

FIR = FOUND IRON ROD
FIP = FOUND IRON PIPE
FDH = FOUND DRILL HOLE
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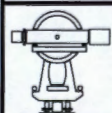
LEGEND

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—X— = WIRE FENCE
—W— = WOOD FENCE
NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988

SCALE: 0 30

VACATED PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOTS 29 THROUGH 31

ERIC C. DAVIS
LICENSE NUMBER 35544
6/30/17
C.E. DAVIS, CERTIFICATE NO. 4839
-OR- ERIC C. DAVIS, PSM # 5544
LB #7075



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JOB NUMBER:

17-0979S
SHEET 2 OF 2



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

November 10, 2017

NEW PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER NORTH SIDE OF VACATED RIGHT-OF-WAY

A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED NORTH PORTION OF MIKADO COURT ADJACENT TO LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE WEST LINE OF VACATED PORTION OF MIKADO COURT FOR A DISTANCE OF 7.50 FEET; THENCE RUN N 90°00'00" E FOR A DISTANCE OF 64.30 FEET; THENCE RUN N 00°00'00"E FOR A DISTANCE OF 17.50 FEET TO THE SOUTH LINE OF LOT 32; THENCE RUN N 90°00'00"E ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 1.97 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 5°46'56", A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04'; THENCE RUN ALONG SAID CURVE FOR A DISTANCE OF 4.04 FEET; THENCE RUN S 90°00'00"W FOR A DISTANCE OF 25.20 FEET TO THE CENTERLINE OF THE VACATED PORTION OF MIKADO COURT; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 70.30 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 632.5 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

November 10, 2017

NEW PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER SOUTH SIDE OF VACATED RIGHT-OF-WAY

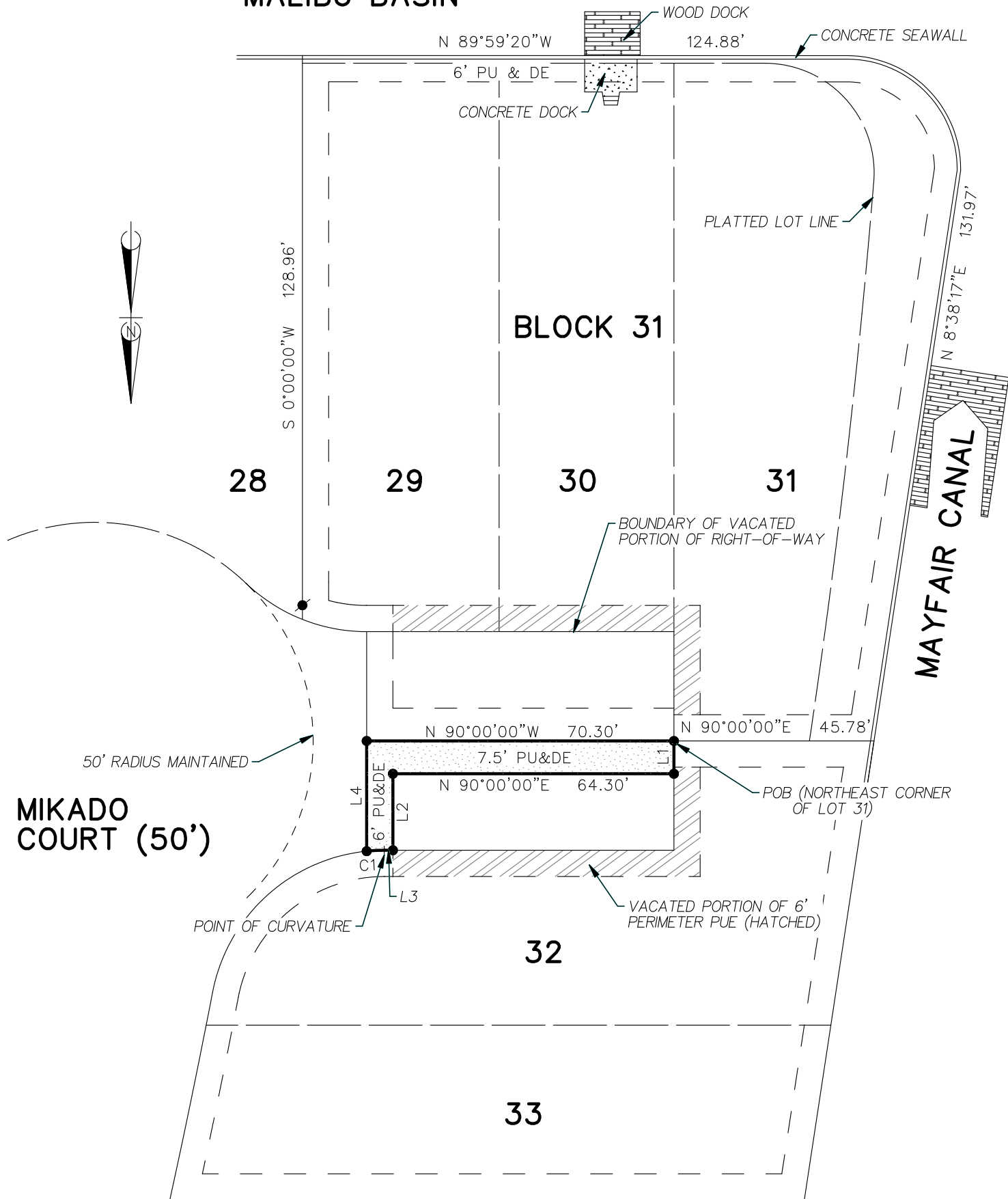
A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED SOUTH PORTION OF MIKADO COURT ADJACENT TO LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

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BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544

MALIBU BASIN



CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	4.04'	5°46'56"	4.04'	N 87°06'32"E	40.00'	2.02'

LINE	BEARING	DISTANCE
L1	N 0°00'00"E	7.50'
L2	N 0°00'00"E	17.50'
L3	N 90°00'00"E	1.97'
L4	S 0°00'00"W	25.20'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION – NOT A SURVEY

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LEGEND

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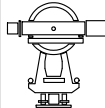
—//— = WOOD FENCE

NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988



NEW PUE PERIMETER EASEMENT OVER NORTH SIDE VACATED RIGHT OF WAY.

C.E. DAVIS, CERTIFICATE NO. 4839
-OR- ERIC C. DAVIS, PSM # 5544
LB #7075



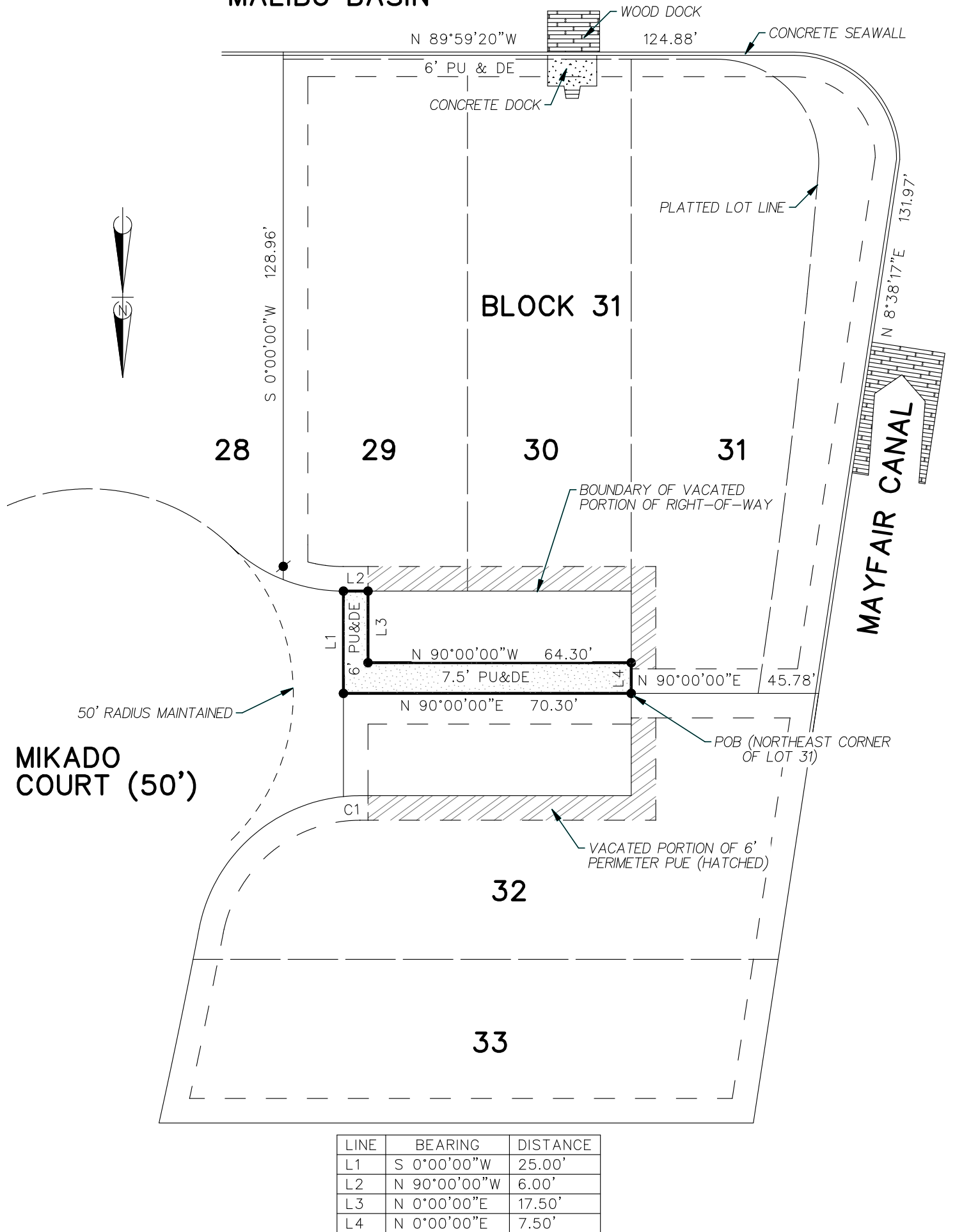
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JOB NUMBER:

17-0979S
SHEET 2 OF 2

MALIBU BASIN



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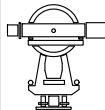
—/— = WOOD FENCE

NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988

SCALE: 0 30

NEW PUE PERIMETER EASEMENT OVER SOUTH SIDE VACATED RIGHT OF WAY.

C.E. DAVIS, CERTIFICATE NO. 4839
-OR- ERIC C. DAVIS, PSM # 5544
LB #7075



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JOB NUMBER:

17-0979S
SHEET 2 OF 2

Review Date: October 31, 2017

Owner: Lifes A Vacation, LLC.

Applicant: Brian Haag

Requests: The applicant requests to vacate:

1. 3,515.3 sq. ft. of platted alley right-of-way on Mikado Court.
2. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lots 29, 30, and 31.
3. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lot 32.

Location: 5352 Mikado Court

Prepared By: Justin Heller, Planner

Reviewed By: Mike Struve, AICP, Planning Team Coordinator

Approved By: Robert Pederson, AICP, Planning Manager

Recommendation: **Approval**

Urban Service Infill

Property Description:

The 19,828 sq. ft. waterfront site is in southeastern Cape Coral at the western end of Mikado Court. The property is on a dead-end street which gives the site an irregular shape. The property has a Single-Family Future Land Use Classification and Single-Family Residential (R-1B) Zoning. All sites within 500 feet of this property have the same future land use and zoning designations.

Project Description:

The applicant seeks to vacate a portion of a platted street right-of-way. The intent of the vacation is to provide a larger and more uniform site upon which a new single-family dwelling can be constructed.

Analysis:

Staff analyzed this request with the standards in LUDR, Section 8.11, *"Vacation of plats, rights-of-way and other property."*

The applicant and neighboring property to the north (5346 Mikado Court) will expand their respective sites by similar areas if this vacation is granted. The land gained by the applicant from this vacation, along with a more uniform site configuration, should provide greater flexibility in redeveloping this site. The vacation will marginally increase the tax base by adding about 3,515 sq. ft. of residential property between the two sites to the tax roll.

Century Link, Comcast, and LCEC lack facilities in the ROW and easements and provided letters of no objection. LCEC does require a continuous perimeter easement around each site that will be provided by each property owner.

A 15-foot wide easement centered on the property line that separates 5346 and 5352 Mikado Court will be required by the City. This easement is necessary to protect a new stormwater pipe and inlet that will be installed along this property line. This easement will also serve to provide a continuous easement around each site.

The vacated right-of-way is not required to meet or fulfill any current or foreseeable public use. As such, approval of this request will not be harmful to the community. This request is consistent with the public interest by providing greater flexibility in redeveloping this site and adding a small amount of property to the *ad valorem* tax rolls.

Comprehensive Plan:

The City lacks specific policies in the Comprehensive Plan for vacations involving residential-zoned lands.

This request is consistent with Policy 1.15 of the Future Land Use Element.

Policy 1.15: *Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.*

- a. *Single Family Residential:* *Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.*

Staff comment: This request is consistent with Policy 1.15.a as the site is 19,828 sq. ft. and the property will be redeveloped with one single-family home.

Recommendation:

Based on the above analysis, staff recommends **approval** with the following conditions.

Conditions of Approval

1. The right-of-way and easements to be vacated shall be consistent with the sketch and legal descriptions provided by Davis Surveying, Inc., as shown in Exhibits "A" & "B," respectively.
2. Within 60 days from the date of adoption of this vacation, the applicant shall deed to the City, the new 7.5-foot wide public utility and drainage easements around the expanded perimeter of the sites as shown in Exhibit "C". This easement deed shall be approved by the City prior to execution.
3. This resolution shall be recorded with the Office of the Lee County Clerk of Court by the City of Cape Coral. This resolution shall not be effectuated until the applicant provides the City with an easement deed as described in Condition #2, and reimburses the Department of Community Development for all recording fees associated with this resolution.

Exhibit A

Vacation of ROW



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

August 8, 2017

Quit Claim Area

A TRACT OR PARCEL OF LAND BEING PART OF MIKADO COURT RIGHT-OF-WAY LYING CONTIGUOUS TO PART OF LOT 32, LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 25.00 FEET; THENCE RUN NORTH 90°00'00" EAST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 66.27 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40 FEET, A DELTA ANGLE OF 5°46'56" AND A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04 FEET; THEN RUN ALONG SAID CURVE A DISTANCE OF 4.04 FEET; THENCE RUN S 0°00'00"E FOR A DISTANCE OF 50.20 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 90°00'00"W ALONG THE NORTH LINE OF LOT 29 AND 30 FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 31 AND THE POINT OF BEGINNING. PARCEL CONTAINS 3515.3 SQUARE FEET +/-, BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 31 BEING N 90°00'00"E.

SHEET 1 OF 2



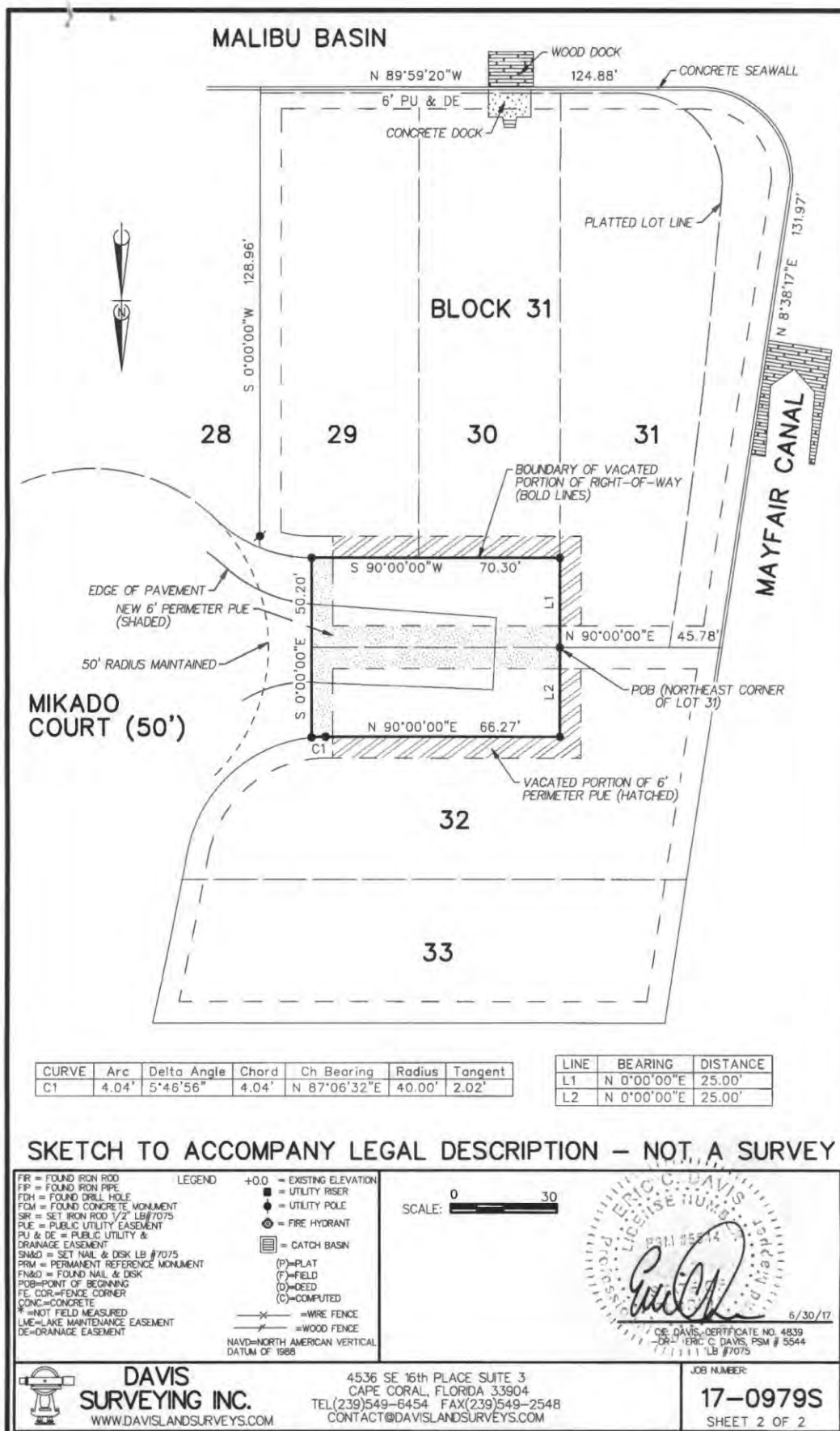


Exhibit B
Vacation of PUE's



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

October 6, 2017

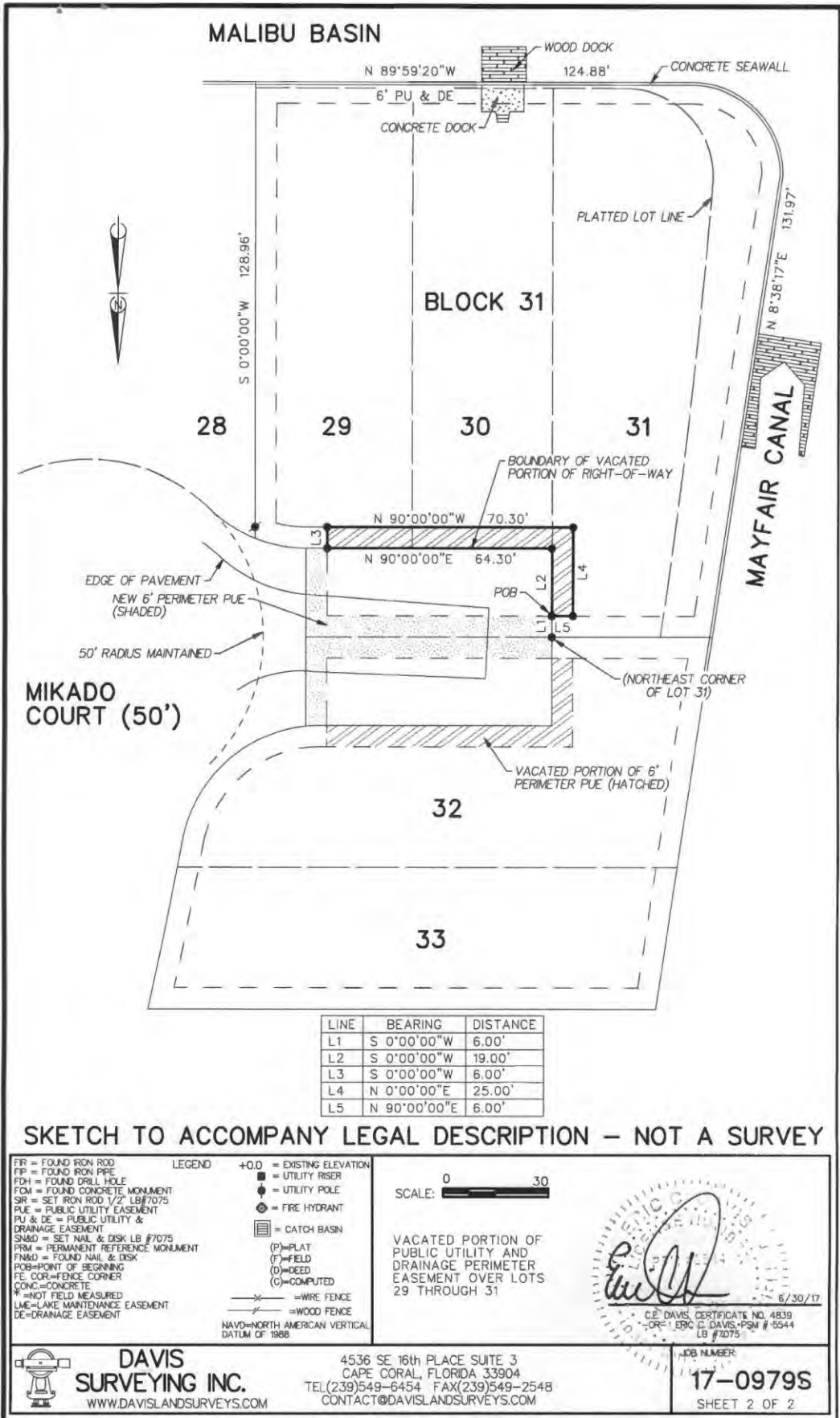
**VACATED PORTION OF PUBLIC UTILITY & DRAINAGE PERIMETER EASEMENT OVER
LOTS 29 THROUGH 31**

A TRACT OR PARCEL OF LAND BEING PART OF THE EXISTING PERIMETER PUBLIC UTILITY AND DRAINAGE EASEMENT LYING OVER LOTS 29 THROUGH 31, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 31; THENCE SOUTH 00°00'00" WEST ALONG THE EASTERLY LINE OF LOT 31 FOR A DISTANCE OF 6.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°00'00" WEST ALONG THE EAST LINE OF SAID LOT 31 FOR A DISTANCE OF 19.00 FEET TO THE NORTHWEST CORNER OF LOT 30; THENCE RUN NORTH 90°00'00" EAST ALONG THE NORTH LINES OF LOT 30 AND PART OF LOT 29 FOR A DISTANCE OF 64.30 FEET TO A POINT ON THE NORTH LINE OF LOT 29 (BEING THE POINT OF CURVATURE OF SAID NORTH LINE); THENCE RUN S 00°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"W FOR A DISTANCE OF 70.30 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 535.8 SQUARE FEET +/- BASIS FOR BEARINGS IS THE NORTH LINE OF LOT 30 BEING N 90°00'00"E.

SHEET 1 OF 2


Prepared by Eric C. Davis
FL PSM 5544





Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

October 6, 2017

VACATED PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32

A TRACT OR PARCEL OF LAND BEING PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE EASTERLY LINE OF LOT 32 FOR A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 32 FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 0°00'00"E FOR A DISTANCE OF 25.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 90°00'00"W ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 64.30 FEET; THENCE RUN S 0°00'00"W FOR A DISTANCE OF 19.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 535.8 SQUARE FEET +/-
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2



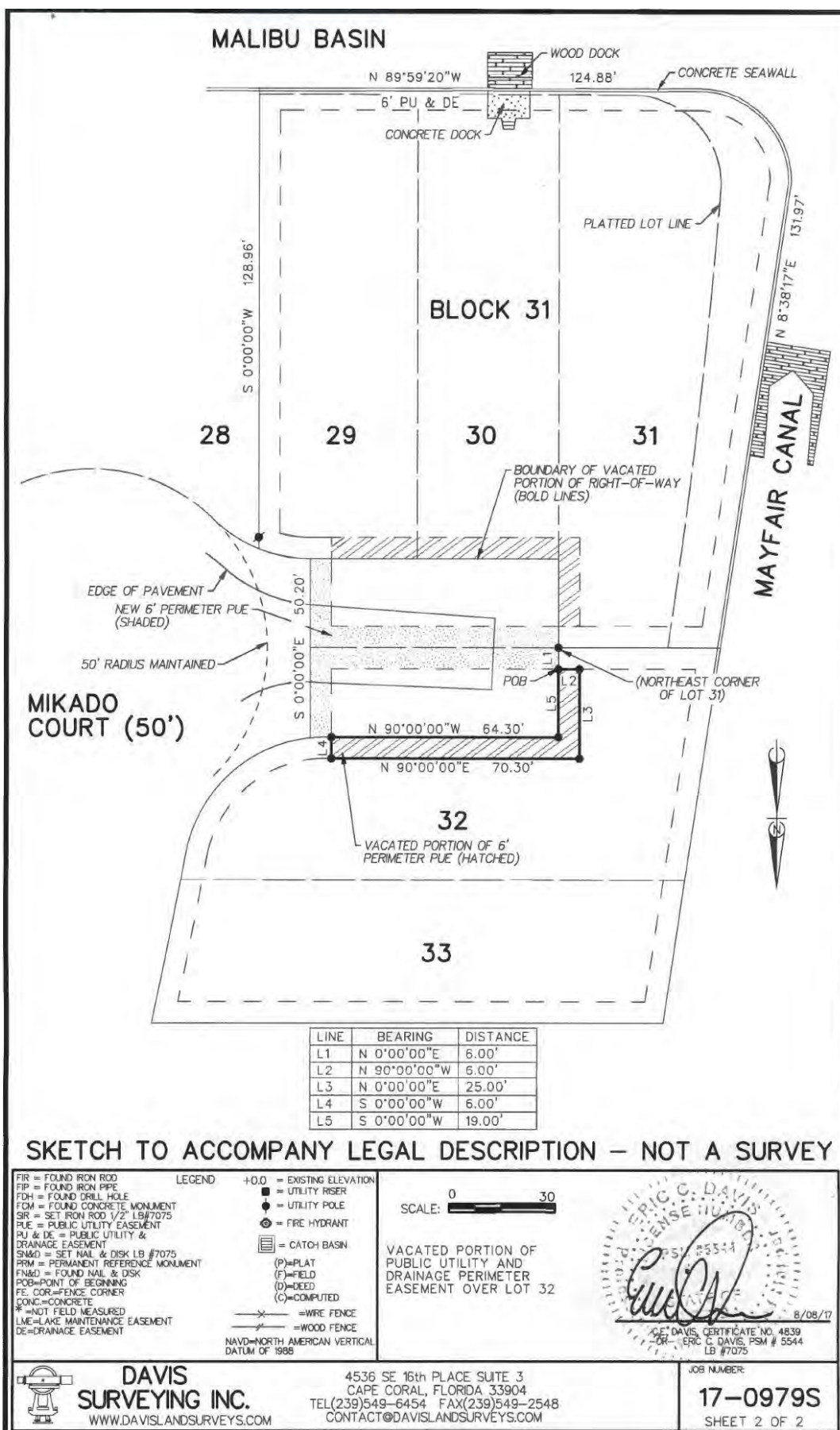


Exhibit C
New PUE's



Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

November 10, 2017

**NEW PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER
SOUTH SIDE OF VACATED RIGHT-OF-WAY**

A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED SOUTH PORTION OF MIKADO COURT ADJACENT TO LOTS 31, 30 AND PART OF LOT 29, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE CENTERLINE OF VACATED PORTION OF MIKADO COURT FOR A DISTANCE OF 70.30 FEET; THENCE RUN S 00°00'00" W ALONG THE EAST LINE OF SAID VACATED PORTION FOR A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF LOT 29; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 6.00 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 17.50 FEET; THENCE RUN N 90°00'00"W FOR A DISTANCE OF 64.30 FEET; THENCE RUN N 90°00'00"E FOR A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 632.2 SQUARE FEET +/-.

BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00"W.

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544





Davis Surveying, Inc.

4536 SE 16th Place
Cape Coral, Florida
33904

November 10, 2017

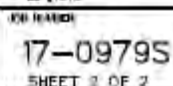
**NEW PORTION OF PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER
NORTH SIDE OF VACATED RIGHT-OF-WAY**

A TRACT OR PARCEL OF LAND BEING THE NEW PART OF THE PUBLIC UTILITY AND DRAINAGE PERIMETER EASEMENT OVER THE VACATED NORTH PORTION OF MIKADO COURT ADJACENT TO LOT 32, BLOCK 31, CAPE CORAL SUBDIVISION, UNIT ONE, PART TWO, AS RECORDED IN PLAT BOOK 11, PAGES 29 THROUGH 36, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 OF SAID BLOCK 31; THENCE NORTH 0°00'00" EAST ALONG THE WEST LINE OF VACATED PORTION OF MIKADO COURT FOR A DISTANCE OF 7.50 FEET; THENCE RUN N 90°00'00" E FOR A DISTANCE OF 64.30 FEET; THENCE RUN N 00°00'00" E FOR A DISTANCE OF 17.50 FEET TO THE SOUTH LINE OF LOT 32; THENCE RUN N 90°00'00" E ALONG THE SOUTH LINE OF LOT 32 FOR A DISTANCE OF 1.97 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING FOR IT'S ELEMENTS A RADIUS OF 40.00 FEET, A DELTA ANGLE OF 5°46'56", A CHORD BEARING AND DISTANCE OF N 87°06'32"E, 4.04'; THENCE RUN ALONG SAID CURVE FOR A DISTANCE OF 4.04 FEET; THENCE RUN S 90°00'00" W FOR A DISTANCE OF 25.20 FEET TO THE CENTERLINE OF THE VACATED PORTION OF MIKADO COURT; THENCE RUN N 90°00'00" W FOR A DISTANCE OF 70.30 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 632.5 SQUARE FEET +/-.
BASIS FOR BEARINGS IS THE SOUTH LINE OF LOT 32 BEING N 90°00'00" W.

SHEET 1 OF 2

Prepared by Eric C. Davis
FL PSM 5544





NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: VP17-0008

REQUEST: The applicant is requesting the following:

1. 3,515.3 sq. ft. of platted alley right-of-way on Mikado Court.
2. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lots 29, 30, and 31.
3. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lot 32.

LOCATION: 5352 Mikado Court

CAPE CORAL STAFF CONTACT: Justin Heller, Planner, 239-574-0587, jheller@capecoral.net

PROPERTY OWNER(S): Lifes A Vacation, LLC

AUTHORIZED REPRESENTATIVE: Brian Haag

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Hearing Examiner will hold a public hearing at 9:00 A.M. on Tuesday, December 5th, 2017 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Hearing Examiner will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. You will receive another public hearing notice when this case is scheduled for a City Council hearing.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Hearing Examiner with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



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Ad No.: 0002557249

Address: 1015 CULTURAL PARK BLVD
CAPE CORAL FL 33990
USA

Net Amt: \$389.45

Run Times: 1

No. of Affidavits: 1

Run Dates: 11/25/17,

Text of Ad:

NOTICE OF PUBLIC HEARING

CASE NUMBER: VP17-0008

REQUEST: 1. 3,515.3 sq. ft. of platted alley right-of-way on Mikado Court.
2. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lots 29, 30, and 31.
3. 535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lot 32.



LOCATION: 5352 Mikado Court

CAPE CORAL STAFF CONTACT: Justin Heller, Planner, 239-574-0587, jheller@apeccoral.net

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by order of
Rebecca van Deutekom, MMC
City Clerk
REF # VP17-0008
AD# 2557249 11/25/2017

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Brian Haag

APPLICATION NO: VP17-0008

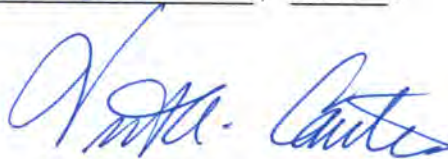
STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 28th day of November, 2017.

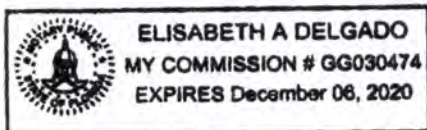


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

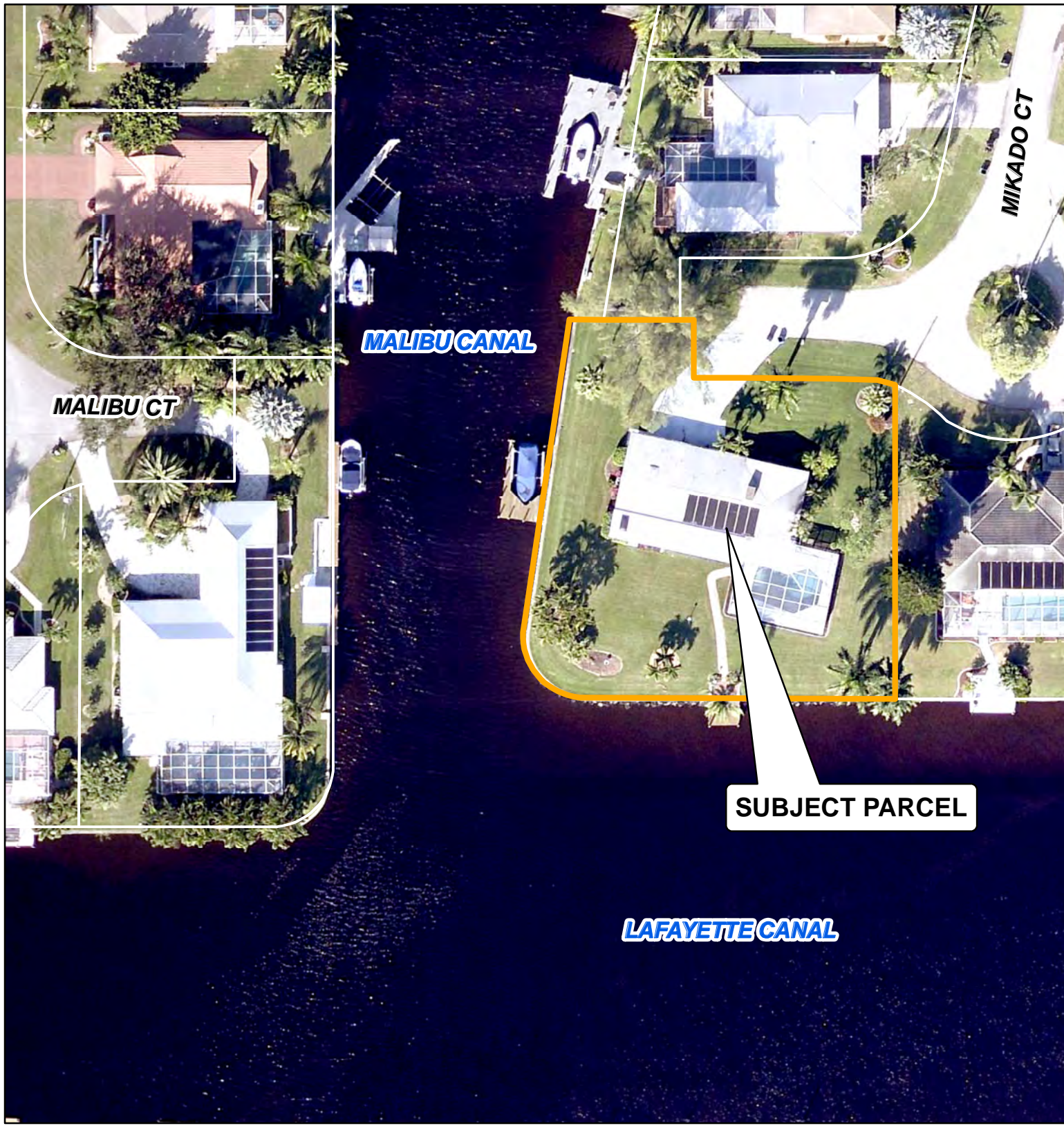
The foregoing instrument was acknowledged before me this 28th day of November, 2017, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474





Signature of Notary Public

Elisabeth A. Delgado
Print Name of Notary Public



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VP17-0008

 Subject Parcel



SEPTEMBER 15TH, 2017

0 Feet 100
50

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.


500' PROXIMITY BOUNDARY

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Buffer

Case No. VP17-0008

LEGEND

 500' Proximity Boundary

 Subject Parcel

Zoning

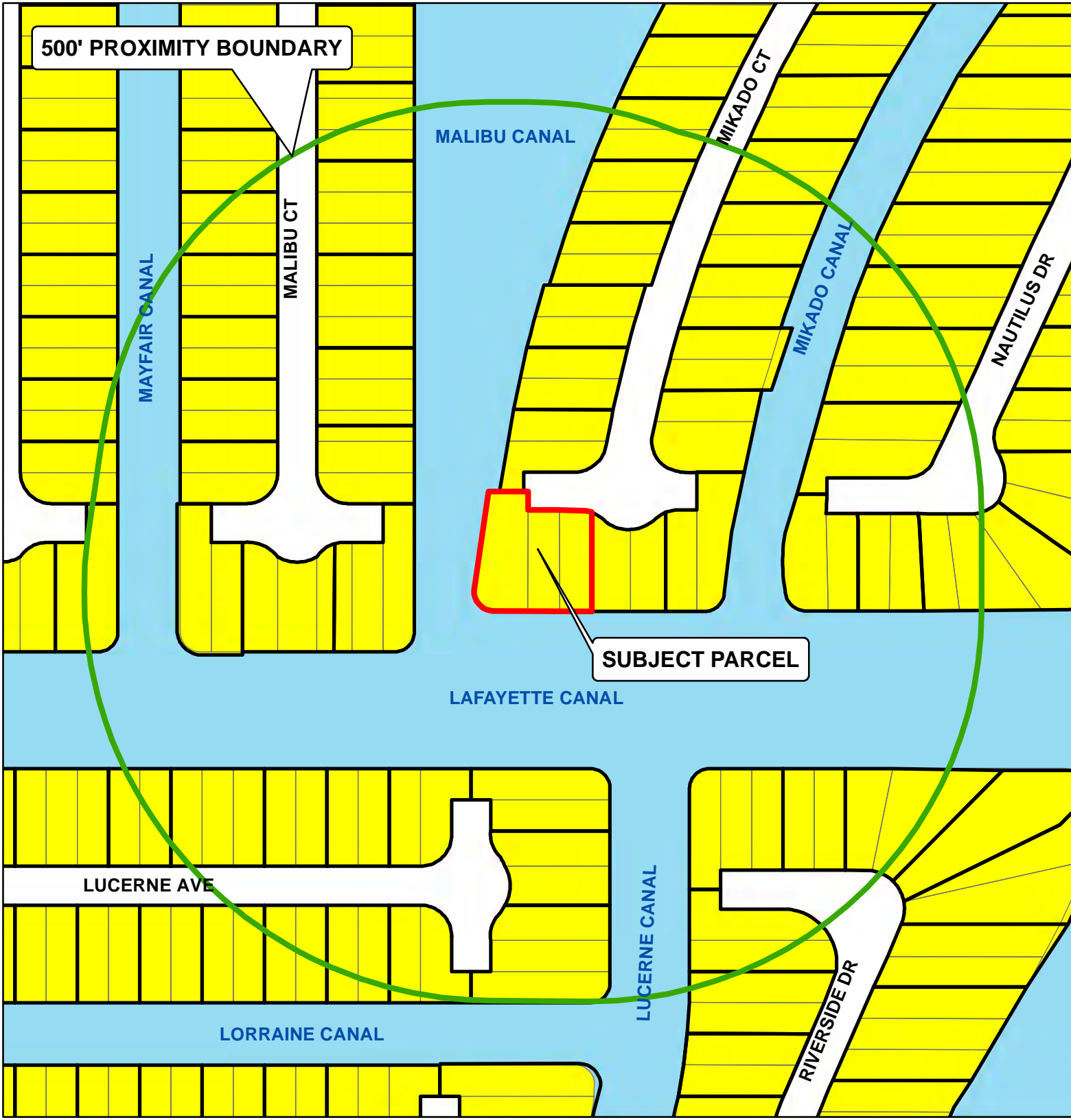
 R-1B



SEPTEMBER 15TH, 2017



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RESOLUTION # 52-18

CASE # VP17-0008

**Cape Coral City Council
April 2, 2018**

Owner: Lifes A Vacation, LLC.

Applicant: Brian Haag

Location: 5352 Mikado Court

Zoning: Single Family (R-1B)

Future Land Use: Single Family (SF)

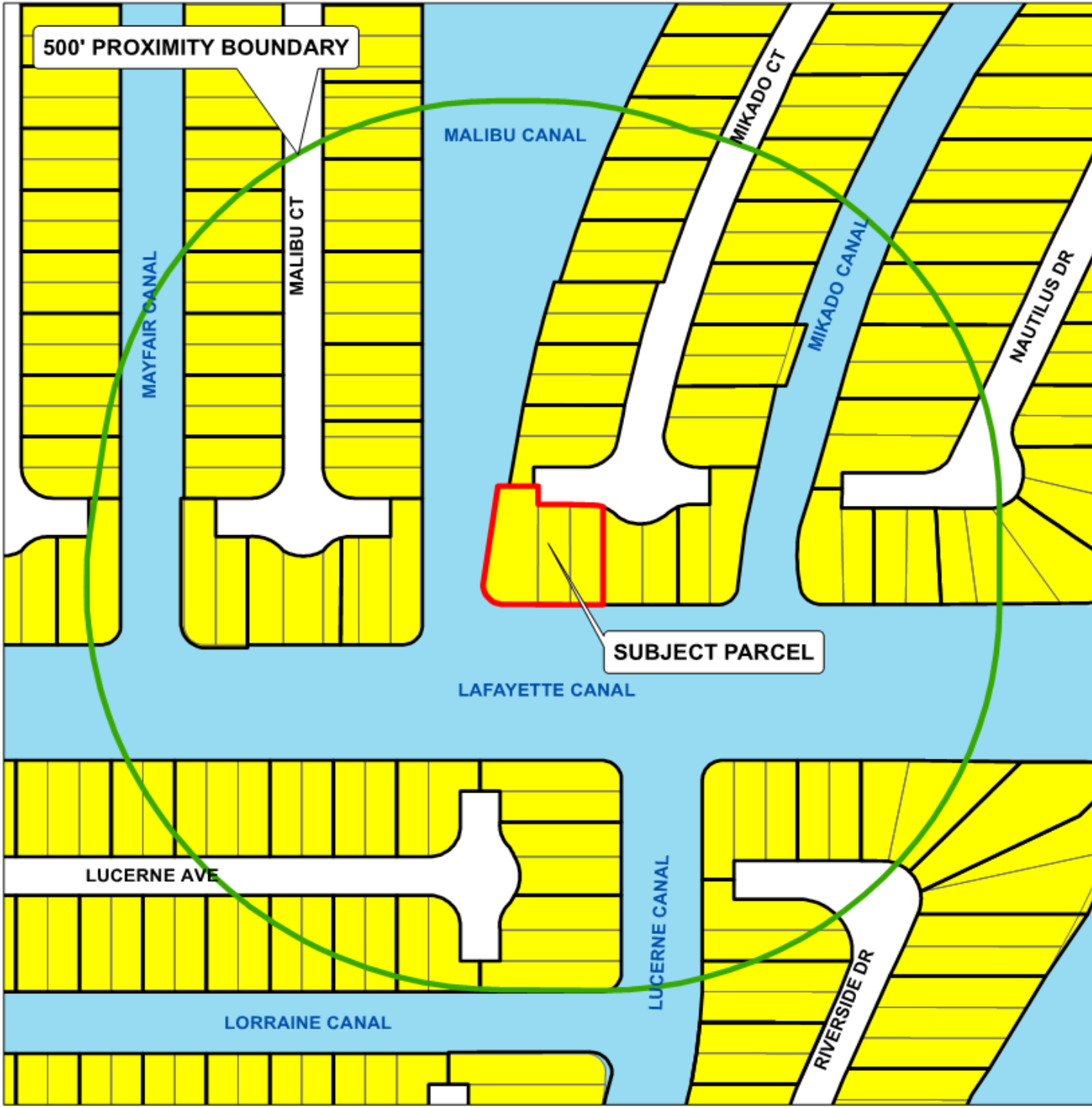
Request to vacate:

- **3,515.3 sq. ft. of platted street right-of-way on Mikado Court.**
- **535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lots 29, 30, and 31.**
- **535.8 sq. ft. of public utility and drainage easements associated with Block 31, Lot 32.**

Background

- **19,828 sq. ft. waterfront site in SE Cape Coral at the end of Mikado Court.**
- **Property is on a hammerhead street which gives the site an irregular shape.**
- **Intent of the vacation is to provide a larger and more uniform site upon which a new single-family dwelling can be constructed.**

500' PROXIMITY BOUNDARY



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Buffer

Case No. VP17-0008

LEGEND

500' Proximity Boundary

Subject Parcel

Zoning

R-1B



SEPTEMBER 15TH, 2017



This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.



CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. VP17-0008

 Subject Parcel



SEPTEMBER 15TH, 2017

0 Feet 100
50

This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.

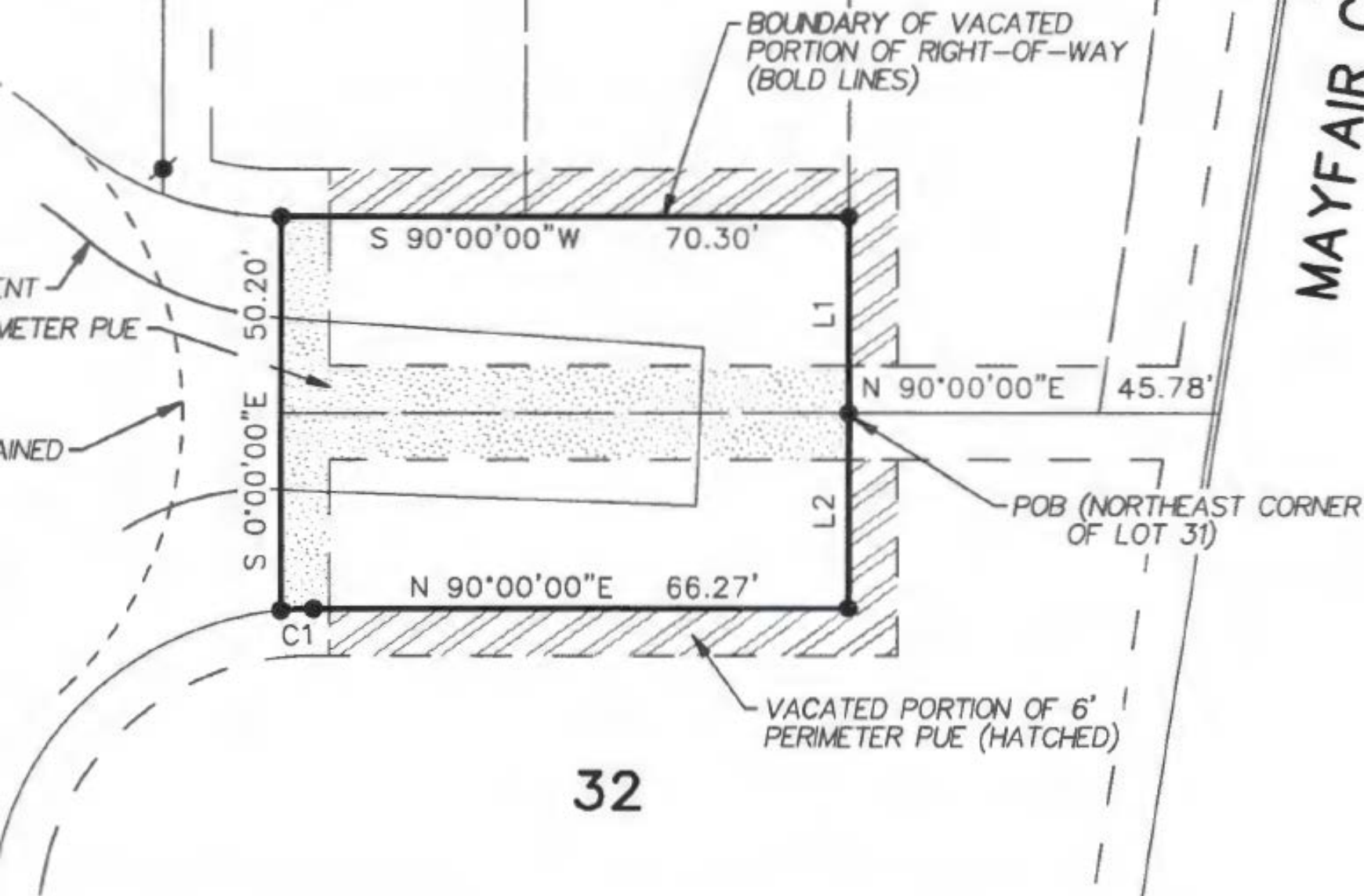
28

29

30

31

MAYFAIR CANAL



Analysis-Section 8.11 LUDR

Vacation of ROW

- Vacated right-of-way is not required to meet or fulfill any current or foreseeable public use.
- Adds 3,515 sq. ft. of property to the tax roll.
- Creates a more uniform site configuration.
- Provides greater flexibility in redeveloping this site.

Analysis

Vacation of Easements

- Letters of no objection received from the utility providers.
- A 15-foot wide easement is required to protect a new stormwater pipe and inlet that will be installed along the new property line.
 - This easement will also serve to provide a new continuous PUE around each site.

Planning Division

Recommends **approval**

Hearing Examiner

Recommended **approval** with staff conditions, following a public hearing on December 5th, 2017

No Correspondence

Item Number:	B.(2)
Meeting Date:	3/19/2018
Item Type:	ORDINANCES/RESOLUTIONS - Introductions

**AGENDA
REQUEST FORM**
CITY OF CAPE
CORAL



TITLE:

Ordinance 19-18 (LU 17-0009) Set Public Hearing Date for April 2, 2018

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan?

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

Planning & Zoning Recommendation: At their March 7, 2018 meeting the Planning and Zoning Commission voted (7-0) to recommend Ordinance 19-18 (LU17-0009)

Staff Recommendation: Staff recommends approval.

SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Future Land Use Map from Mixed Use (MX) to Low Density Residential II (LDR II) land use for property located at 3321 & 3305 Old Burnt Store Road. (Applicants: Kevin, Gayle, Michael & Karen McGrath)

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 19-18 (LU 17-0009)
Back up materials
Staff presentation

PREPARED BY:

Division- Department- City
Attorney

SOURCE OF ADDITIONAL INFORMATION:

Chad Boyko, Principal Planner

ATTACHMENTS:

Description	Type
▣ Ordinance 19-18 (LU 17-0009)	Ordinance
▣ Back up materials	Backup Material
▣ Staff Presentation	Backup Material

ORDINANCE 19 - 18

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MIXED USE (MX) TO LOW DENSITY RESIDENTIAL II (LDRII) LAND USE FOR PROPERTY LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT THE INTERSECTION OF OLD BURNT STORE ROAD AND SAND ROAD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by KEVIN O. McGRATH, GAYLE S. McGRATH, MICHAEL B. McGRATH, AND KAREN B. McGRATH regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM MIXED USE (MX) TO LOW DENSITY RESIDENTIAL II (LDRII)

A TRACT OR PARCEL OF LAND LYING BEING PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFORESAID SECTION 19; THENCE RUN N.00°49'11"E ALONG THE WEST LINE OF SAID SECTION 19 FOR 1304.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°49'11" ALONG SAID WEST LINE OF SECTION 19 FOR 627.49 FET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SANDS ROAD (50.00 FEET WIDE); THENCE RUN S.89°54'44"E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 659.70 FEET; THENCE RUN S.00°45'53"W FOR 629.39 FEET; THENCE RUN N89°44'48"W FOR 660.28 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9.521 ACRES, MORE OR LESS.

PROPERTY LOCATED AT: 3321 OLD BURNT STORE ROAD & 3305 OLD BURNT STORE ROAD

SECTION 2. Severability. In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this small scale development amendment to the Comprehensive Plan shall be thirty-one (31) days after the adoption of this ordinance. Alternatively, if the small scale development amendment adopted by this ordinance is challenged by an "affected

person" within thirty (30) days after adoption, then the effective date of this amendment shall be the date upon which either the state land planning agency or the Administration Commission issues a "final order" determining that this small scale development amendment is "in compliance" as provided in Section 163.3187(5), Florida Statutes.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2018.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO _____
GUNTER _____
CARIOSCIA _____
STOUT _____

NELSON _____
STOKES _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2018.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord/lu17-0009



DEPARTMENT OF COMMUNITY DEVELOPMENT
REQUEST TO PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY AND COUNCIL
FOR A LARGE SCALE COMPREHENSIVE LAND USE MAP AMENDMENT

FEE \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing.

CASE # _____

OWNER OF PROPERTY

Kevin, Gayle, Michael, & Kevin II McGrath (J/T)

Email: sailcat59@aol.com

Address: 1751 NE Pine Island Rd. #55 PMB-232

City: Cape Coral State: FL Zip 3390

Phone: 239-872-1836

AUTHORIZED REPRESENTATIVE

Veronica Martin, TDM Consulting, Inc.

Email: vmartin@tdmconsulting.com

Address: 43 Barkley Circle, Suite 200

City: Fort Myers State: FL Zip 3390

Phone: 239-433-4231

Unit _____ Block _____ Lot(s) _____ Subdivision _____

Legal Description SW 1/4 of NW 1/4 of SW 1/4 Less Road R/W

Address of Property 3305 and 3321 Old Burnt Store Road N., Cape Coral, FL

Plat _____ Page _____

Current Zoning AG Strap Number 19-43-23-C4-00003.0340 and -00003.034A

Current Land Use MX Proposed Land Use LDR II

Parcel Size: Width 629 Depth 660 Sq. Ft. 414,73 Acreage 9.52

Soil Type: Wabasso Sand and Pineda Fine Sand

Urban Services Area: (check one) ☐ Infill ☐ Transition ☒ Reserve

Natural Resources: (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):

Pine flatwoods, freshwater marsh, waterbody (see Environmental Assessment/PSS)

Animal Species: (list any endangered, threatened, or species of special concern on-site)

None observed on site (see Environmental Assessment/PSS)

Estimated Development:

Estimate total lot coverage: 12 %

Estimate total building floor area 50,000 sq. ft.

Estimate type of future development and percentages (e.g. business offices, commercial retail, automotive repair, etc.)

single-family residential

Estimated peak hour trip ends:

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection. If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: Yes ☐ No ☒
City Water: Yes ☐ No ☒

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

Veronica Martin, TDM Consulting, Inc Veronica Martin
NAME (PLEASE TYPE OR PRINT) AUTHORIZED SIGNATURE

(SIGNATURE MUST BE NOTARIZED)
STATE OF FL, COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 4 day of December, 2017, by Veronica Martin who is personally known or produced as identification.

Exp. Date: _____ Commission Number: _____
Signature of Notary Public: Michelle Addario
Printed name of Notary Public: _____



ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Planning & Zoning Commission/Local Planning Agency, Board of Zoning Adjustments and Appeals, and Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the

5th day of September, 2017

Kevin O. McGrath

NAME (PLEASE TYPE OR PRINT)

Kevin O. McGrath

APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5th day of Sept, 2017 by Kevin O. McGrath who is personally known or produced as identification.

Exp. Date: 6/1/2018 Commission Number: 089133

Signature of Notary Public:

Linda L. Comer

Printed name of Notary Public:

Linda L. Comer

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

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I hereby acknowledge that I have read and understood the above affidavit on the

5th day of September, 2017

Gayle S. McGrath

NAME (PLEASE TYPE OR PRINT)

Gayle S. McGrath
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5th day of Sept, 2017 by Gayle S. McGrath who is personally known or produced as identification.

Exp. Date: 6/1/2018 Commission Number: 089133

Signature of Notary Public:

Printed name of Notary Public:

Linda L. Comer
Linda L. Comer

ACKNOWLEDGEMENT FORM

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Please indicate on a separate sheet those persons to whom you wish a copy of the Public Hearing Notice sent.

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I hereby acknowledge that I have read and understood the above affidavit on the 5th day of September, 2017

Kevin O. McGrath II
NAME (PLEASE TYPE OR PRINT)

Kevin McGrath II
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5th day of Sept, 2017 by Kevin McGrath II who is personally known or produced as identification.

Exp. Date: 6/1/2018 Commission Number: 089133
Signature of Notary Public: Linda L. Comer
Printed name of Notary Public: Linda L. Comer

ACKNOWLEDGEMENT FORM

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By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 5th day of September, 2017

Michael B. McGrath
NAME (PLEASE TYPE OR PRINT)

Mike McGrath
APPLICANT'S SIGNATURE

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5th day of Sept, 2017, by Mike McGrath who is personally known or produced as identification.

Exp. Date: 6/1/2018 Commission Number: 089133
Signature of Notary Public: Linda L. Comer
Printed name of Notary Public: Linda L. Comer

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT

Veronica Martin

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

Future Land Use Amendment

(Type of Public Hearing – i.e., PDP, Zoning, Special Exception, Variance, etc.)

UNIT

BLOCK

LOT(S)

SUBDIVISION

OR LEGAL DESCRIPTION

SW 1/4 OF NW 1/4 OF SW 1/4 LESS ROAD R/W

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Kevin O. McGrath

PROPERTY OWNER (Please Print)

Kevin O. McGrath
PROPERTY OWNER (Signature & Title)

Gayle S. McGrath

PROPERTY OWNER (Please Print)

Gayle S. McGrath
PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

Subscribed and sworn to (or affirmed) before me this 5th day of Sept, 2017 by Kevin McGrath & Gayle McGrath who is personally known or produced as identification.

Exp. Date: 6/1/2018 Commission Number: 089133

Signature of Notary Public:

Printed name of Notary Public:

Linda L. Comer
Linda L. Comer

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT

Veronica Martin

(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST TO THE PLANNING & ZONING COMMISSION/ LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

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UNIT

BLOCK

LOT(S)

SUBDIVISION

OR LEGAL DESCRIPTION

SW 1/4 OF NW 1/4 OF SW 1/4 LESS ROAD R/W

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Kevin O. McGrath II

PROPERTY OWNER (Please Print)

Kevin McGrath II

PROPERTY OWNER (Signature & Title)

Michael B. McGrath

PROPERTY OWNER (Please Print)

Mike McGrath

PROPERTY OWNER (Signature & Title)

STATE OF FL, COUNTY OF Lee

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Kevin McGrath II & Mike McGrath who is personally known or produced
as identification.

Exp. Date: 6/1/2018 Commission Number: 089133

Signature of Notary Public:

Linda L. Comer

Printed name of Notary Public:

Linda L. Comer

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

September 26, 2017

Development Services Manager
Development Services Group
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, FL 33990

Project Name: Shamrock Pines

STRAP # 19-43-23-C4-00003.0340

SUBJECT: Letter of Intent for a Comprehensive Land Use Map Amendment

Dear Development Services Manager,

The property owners/applicants, Kevin McGrath, Sr., Gayle McGrath, Kevin McGrath, Jr., and Michael McGrath own a 9.52-acre parcel located at 3333 Old Burnt Store Road N. The parcel is zoned Agricultural (A) and has a Future Land Use designation of Mixed Use (MX). The property owners purchased the property on June 19, 2015 with the intent to develop three (3) single-family homes. The Agricultural zoning permits single-family residential use, but the Mixed Use Future Land Use designation requires properties one (1) acre and greater to include more than one type of use. In addition, stand-alone residential uses may only comprise up to 20% of building floor area (per Policy 1.15(f)). The property owners have explored numerous avenues within the City of Cape Corals Land Use and Development Regulations and Comprehensive Plan and have concluded that the most favorable option is to amend the Future Land Use designation to Low Density Residential II (LDRII).

A meeting with staff to discuss the Land Use Amendment was held on Aug. 15, 2017 and the property owners elected to move forward. The properties directly north, east and south of the subject property already have a Future Land Use designation of LDRII due to a City-Initiated Land Use Amendment in 2009 (Ord 37-07). The subject property was supposed to be included in that amendment but the property owner at that time objected so the property remained Mixed Use. The properties west of Old Burnt Store Road have a Future Land Use designation of Single-Family/Multi-Family (SM). Amending the Future Land Use of the subject property to LDRII is compatible with the surrounding Future Land Use designations.

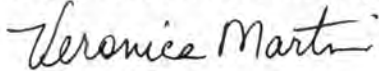
Per Policy 1.15(p) Low Density Residential II allows for a maximum of one (1) dwelling unit per 40,000 square feet, excluding the right-of-way. At 9.52-acres a maximum of ten (10) dwelling

units would be permitted. The subject property is located in the Urban Services Reserve Area so lower density is appropriate. It should be noted that the property owners have submitted a Lot Split application to divide the property into two (2) smaller lots – one at 4.94 acres and one at 4.58 acres. The property owners only intend to construct two (2) single-family homes.

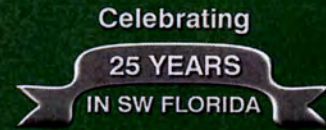
The applicant respectfully requests support of this Land Use Amendment application. Please feel free to contact this office if you have any questions or need additional information.

Sincerely,

TDM CONSULTING, INC.

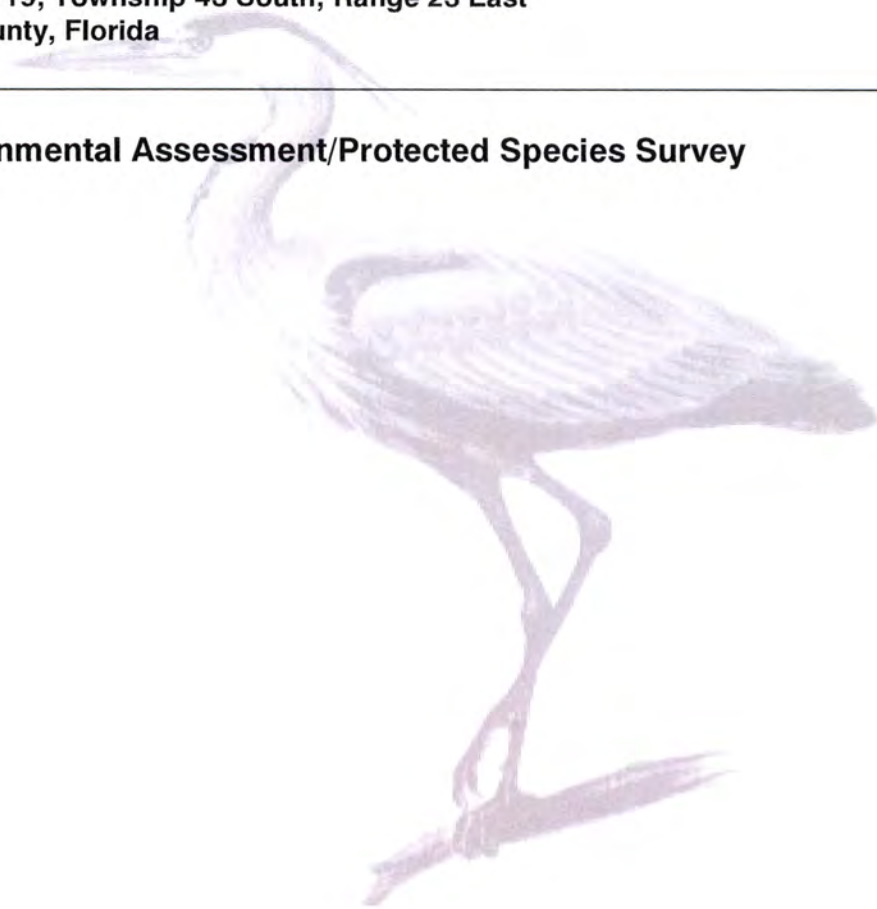
A handwritten signature in cursive script that reads "Veronica Martin".

Veronica Martin
Senior Planner



3333 Old Burnt Store Road
Section 19; Township 43 South; Range 23 East
Lee County, Florida

Environmental Assessment/Protected Species Survey



June 2015

Project No. 2015-24

11000 Metro Parkway Suite 4
Fort Myers, Florida 33966
(239) 418-0671 phone / (239) 418-0672 fax

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

INTRODUCTION

An environmental scientist from Boylan Environmental Consultants, Inc. conducted a field investigation on the 9.53± acre property on June 11, 2015. The site is located in portions of Section 19, Township 43 South, and Range 23 East in Lee County, Florida. Specifically, it is situated on the southwest corner of Old Burnt Store Road North and Sand Road. Please see the attached Project Location Map (**Exhibit A**).

This report is for the exclusive use of Gayle McGrath and her consultants. No other person or agency may rely upon the information, analysis, or conclusions contained herein without their consent.

The purpose of the field investigation was to identify the potential for either U.S. Army Corps of Engineers (Corps) and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The field investigation was also conducted to identify and document the presence of any listed species and any potential listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The survey was conducted in the late morning with temperatures in the lower 90's with a light breeze and partly cloudy skies.

BACKGROUND

The Corps and the SFWMD are the agencies that regulate development activities in wetlands. In general, to be considered wetlands by the Corps and/or SFWMD, the area should exhibit wetland hydrology, wetland vegetation, and hydric soils. Because hydric soils, wetland hydrology, and wetland vegetation should be present for an area to be considered wetlands, the property was reviewed for indicators of these parameters. Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for duration typically from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulating agencies use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting. Wetland vegetation is present if the majority of the plants that are present are those that are adapted to saturated soil conditions.

Generally, the Corps does not regulate isolated wetlands or excavation in wetlands. They regulate navigable waters and adjacent wetlands. In making the determination on whether wetlands are isolated, they look at how water leaves the wetland (i.e. sheet flow or a ditch connection). The Corps would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

The USFWS and FWC are the primary agencies that review potential impacts to listed species. The USFWS reviews potential impacts and provides comments to the Corps during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the Corps and the SFWMD.

METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCFCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects which is a methodology previously approved by Lee County.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Please see the attached FLUCFCS Map (**Exhibit B**) and FLUCFCS Map with Aerial (**Exhibit C**). Next, the FLUCFCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community.

An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-40 feet apart as a means of searching for listed species. The distance between transects depends upon both the thickness of vegetation and line of sight visibility. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then geo-located via a hand held GPS unit and marked in the field with flagging tape. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached Protected Species Survey Map (**Exhibit D**) and Protected Species Survey Map with Aerial (**Exhibit E**). Specific attention was placed on locating any gopher tortoise (*Gopherus polyphemus*) burrows, potential fox squirrel (*Sciurus niger shermani*) nests, locating red-cockaded woodpecker (*Picoides borealis*) cavity trees, and Florida bonneted bat (*Eumops floridanus*) roosting cavities.

TABLE 1: SURVEY DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
11-June-2015	11:00 AM – 2:00 PM	Partly cloudy with light winds and temperatures in the low 90's

EXISTING SITE CONDITIONS

Site Details – The boundary is approximate and based upon Lee County GIS and assumed to be 9.53± acres. There is an existing structure located in the south central area of the site along with some unpaved trails throughout the site. In general, the property is composed of pine flatwoods habitat. The site is bordered by small roadways, disturbed lands, and single-family homes.

Soil Type - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). Please see the attached NRCS Soils Map (**Exhibit F**). These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. According to these mappings, the parcel is underlain by Pineda Fine Sand (26; hydric) and Wabasso Sand (35; non-hydric).

Vegetation Communities – Each community was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). Listed below are the vegetation communities or land-uses identified on the site. Vegetation is one parameter used in determining the presence of a wetland; the other parameters include the presence of wetland hydrology and hydric soils. These community mappings will generally reflect whether an area could be considered as wetlands. We identified approximately 0.45± acres of potential jurisdictional wetland communities on the site. The following descriptions correspond to the mappings on the attached FLUCFCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

FLUCFCS CODES/DESCRIPTION

110 Residential (< 25% Exotics) 0.14± ac.

This residential area is occupied by a single-family home site and accounts for 0.14± acres of the property.

411 Pine Flatwoods (< 25% Exotics) 6.97± ac.

This upland habitat type occupies 6.97± acres of the property. Canopy vegetation is slash pine (*Pinus elliottii*), melaleuca (*Melaleuca quinquenervia*), and earleaf acacia (*Acacia auriculiformis*). The sub-canopy includes Brazilian pepper (*Schinus terebinthifolius*), laurel oak (*Quercus laurifolia*), and melaleuca. Vegetation in the groundcover includes bahia grass (*Paspalum notatum*), Caesar weed (*Urena lobata*), fingergrass (*Spermacoce verticillata*), smilax (*Smilax spp.*), love vine (*Cassytha filiformis*), poison ivy (*Toxicodendron radicans*), narrowleaf yellowtop (*Flaveria linearis*), tickseed (*Coreopsis floridana*), ragweed (*Ambrosia artemisiifolia*), smutgrass (*Sporobolus indicus*), Spanish needles (*Bidens alba*), lantana (*Lantana spp.*), Virginia creeper (*Parthenocissus quinquefolia*), rattle box (*Sesbania punicea*), and bushy bluestem (*Andropogon glomeratus*).

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

500 Water (< 25% Exotics) 0.19± ac.

This habitat type occupies approximately 0.19± acres of the property. Vegetation is absent in the canopy, sub-canopy, and groundcover.

643 Wet Prairie (< 25% Exotics) 0.45± ac.

This wetland area occupies approximately 0.45± acres of the property. The canopy is open. Vegetation in the sub-canopy consists of Brazilian pepper and slash pine. The groundcover includes white-top sedge (*Rhynchospora colorata*), chalky bluestem (*Andropogon virginicus*), yellow-eyed grass (*Xyris floridana*), frog fruit (*Phyla nodiflora*), mock bishop's weed (*Ptilimnium capillaceum*), common carpet grass (*Axonopus fissifolius*), and saltbush (*Baccharis halimifolia*).

8146 Primitive Trails 0.70± ac.

Unpaved trails occupy 0.70± acres of the property.

832 Electrical Power Transmission Lines 1.08± ac.

This area is occupied by Florida Power and Light electrical transmission lines and accounts for 1.08± acres of the property. The canopy is open. Vegetation in the sub-canopy includes Brazilian pepper. The groundcover consists of bahia grass, dog fennel (*Eupatorium capillifolium*), smutgrass, Caesar weed, and Bermuda grass (*Cynodon dactylon*).

TABLE 2: FLUCFCS COMMUNITY TABLE

FLUCFCS Code	Community Description	Acreage
110	Residential	0.14± ac.
411	Pine Flatwoods	6.97± ac.
500	Water	0.19± ac.
643	Freshwater Marsh	0.45± ac.
8146	Primitive Trails	0.70± ac.
832	Electrical Power Transmission Lines	1.08± ac.
Total		9.53± ac.

SPECIES PRESENCE

During the field survey, no protected species or signs thereof were observed on-site. No nest-like structures or tree cavities were noted, and no gopher tortoise burrows were identified.

The site does contain a man-made open water body. While wading birds were not seen during the site inspection it would be expected that wading birds may use the water bodies for foraging. No alligators were observed on the property.

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. In general, this site contains both native and disturbed community types in which protected species could potentially inhabit.

DISCUSSION

Wetland locations were GPS located and drawn using non-rectified aerial images with approximate property boundaries, hence their location, aerial extent, and acreage is approximate. Before any detailed site planning, it is recommended that the wetland lines be approved by the regulatory agencies and that professional land surveyors survey the wetland lines.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than $0.50\pm$ acres in size. Impacts to wetlands greater than $0.50\pm$ acres or those utilized by protected species would require mitigation.

Generally, the Corps does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material. In making the determination on whether the wetlands are isolated, the Corps considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the Corps position on most all wetlands is that they have jurisdiction. The Corps regulates navigable waters and adjacent wetlands; however, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

With the Corps, impacts to wetlands that are less than $0.50\pm$ acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than $0.50\pm$ acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the USFWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the Corps for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided.

Mitigation is a way to offset impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD and Corps. There are two main categories of wetland mitigation: onsite or offsite.

On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity.

Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. A conservative estimate would result in a 1:1 ratio of wetland impacts to credits required. The parcel is located within the service area of Little Pine Island Mitigation Bank. As of January 2015, off-site mitigation at Little Pine Island Mitigation Bank costs approximately \$72,000 to \$130,000 per credit depending on the type of credit (ie. freshwater herbaceous or freshwater forested; saltwater herbaceous or saltwater forested). If the onsite wetlands will be 100% impacted, then a conservative estimate for offsite mitigation totals \$32,400 (0.45 acres x \$72,000).

It is unlikely that this site supports or would provide suitable habitat for protected species due to the disturbed nature of the site and the historic land-use of the adjacent areas. The lack of gopher tortoise burrows may be attributed to the surrounding roadways to the north and west as well as the presence of potential wetland habitat to the east and south. With the fragmented and isolated nature of the forested portions of the property, it also appears unlikely fox squirrels would utilize the property.

The Florida bonneted bat and red-cockaded woodpeckers are not anticipated to use the site as no cavities were observed in the forested areas onsite. In addition, due to the lack of corridors or contiguous habitat of the property with off-site areas, it is not expected that other listed species would occupy the property. The nearby roads also create a barrier and a hazard to other animals. Other non-listed species observed includes the turkey vulture (*Cathartes aura*).

CAVEAT

The determination of ecological system classifications, functions, values, and boundaries, is an inexact science, and different individuals and agencies may reach different conclusions. It is not possible for Boylan Environmental Consultants, Inc. to

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

guarantee the outcome of such determinations. Therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

Community locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries hence, their location, aerial extent, and acreage is approximate.



TABLE 3: LISTED SPECIES BY HABITAT WITH CURRENT STATUS

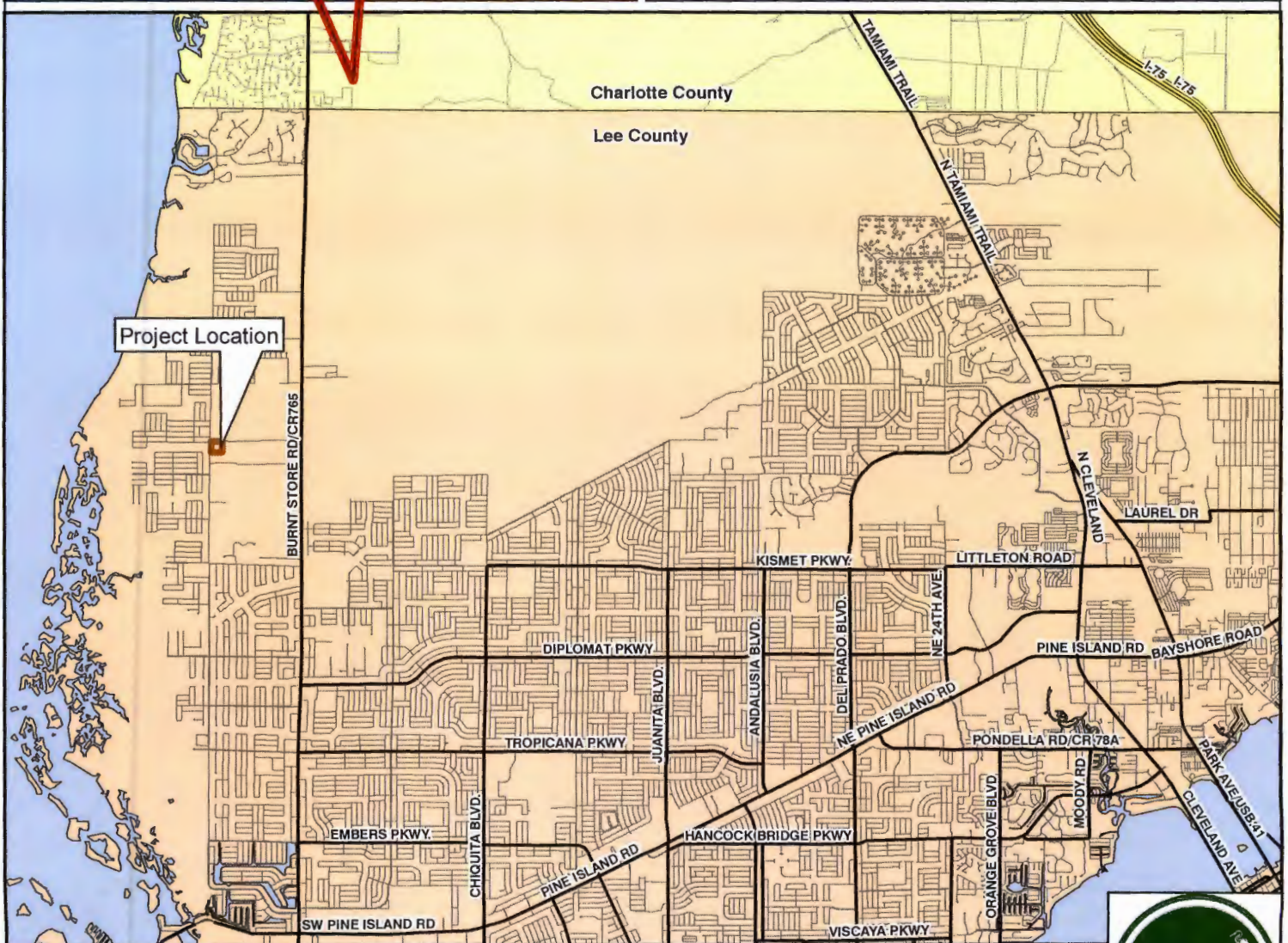
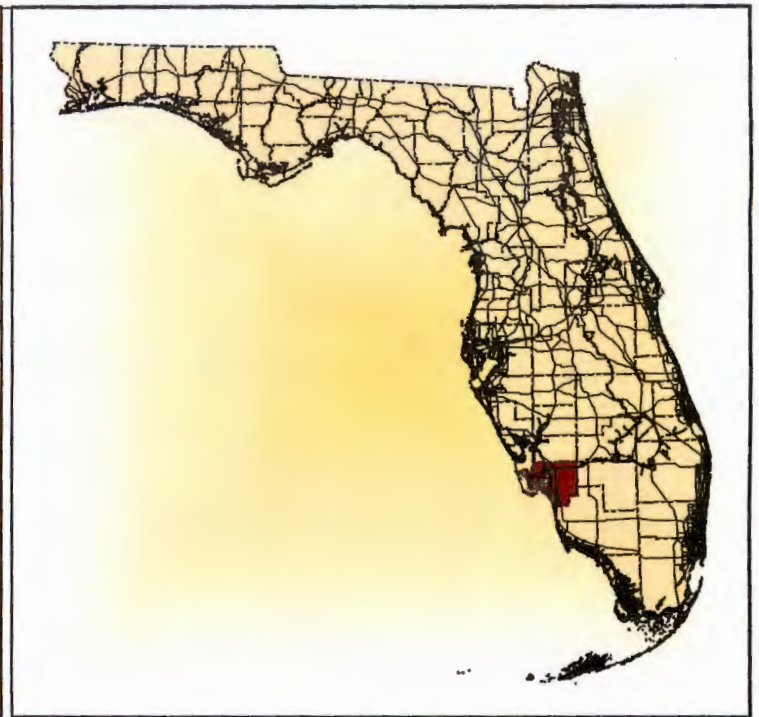
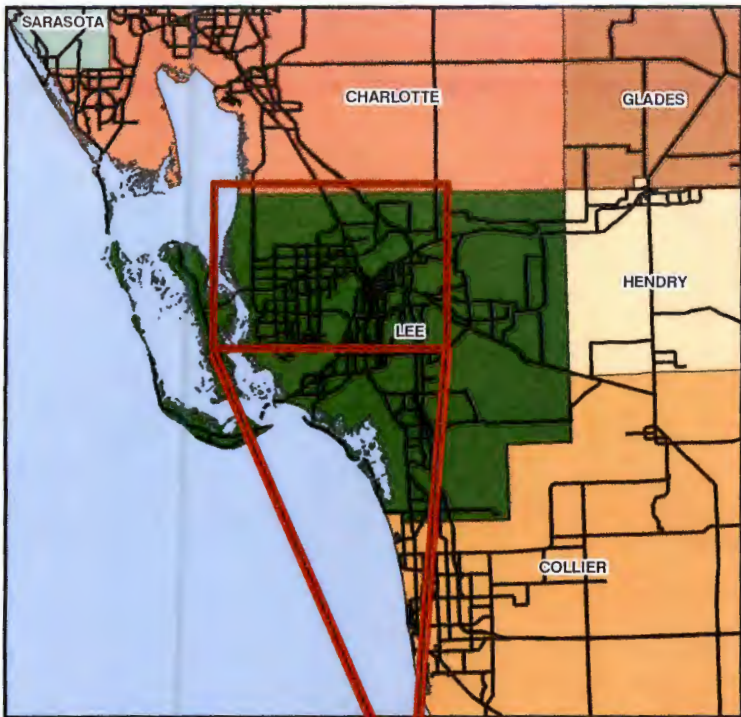
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
110	Residential	N/A	N/A	95	--	--	--	--	--
411	Pine Flatwoods	Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	95	--	E	E	E	--
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	95	--	--	--	--	SSC
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	95	--	--	--	T	T
		Fakahatchee burmannia	<i>Burmanna flava</i>	95	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	95	--	--	--	SAT	T
		Florida coontie	<i>Zamia floridana</i>	95	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	95	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	95	--	--	--	T	T
		Red-cockaded woodpecker	<i>Picoides borealis</i>	95	--	--	--	E	SSC
		Satinleaf	<i>Chrysophyllum olivaeforme</i>	95	--	--	T	--	--
		Southeastern American Kestrel	<i>Falco sparverius paulus</i>	95	--	--	--	--	T
		Florida bonneted bat	<i>Eumops floridanus</i>	95	--	--	--	E	--
500	Water	American alligator	<i>Alligator mississippiensis</i>	95	--	--	--	SAT	SSC
		Everglades mink	<i>Mustela vison evergladensis</i>	95	--	--	--	--	T
		Limpkin	<i>Aramus guarauna</i>	95	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	95	--	--	--	--	SSC
		Reddish egret	<i>Egretta rufescens</i>	95	--	--	--	--	SSC
		Roseate spoonbill	<i>Ajaia ajaja</i>	95	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	95	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	95	--	--	--	--	SSC
643	Wet Prairie	Everglades mink	<i>Mustela vison evergladensis</i>	95	--	--	--	--	T
		Limpkin	<i>Aramus guarauna</i>	95	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	95	--	--	--	--	SSC
		Snail kite	<i>Rostrhamus sociabilis</i>	95	--	--	--	E	E
		Snowy egret	<i>Egretta thula</i>	95	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	95	--	--	--	--	SSC
8146	Primitive Trails	N/A	N/A	95	--	--	--	--	--
832	Electrical Power Transmission Lines	N/A	N/A	95	--	--	--	--	--

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community as listed in Appendix H of the Lee County Land Development Code.

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey





Category	Location Map
Agency	BKM
Application/Permit Number	19/43S/23E

Created by:	BKM	Date:	6/9/15
Project Number	2015-24	County	Lee
SEC/TWP/RNG	19/43S/23E		

3333 Old Burnt Store Road

Location Map

11000 Metro Pkwy
Suite 4
Fort Myers, FL 33966
Phone: (239)418-0671
Fax: (239)418-0672
www.boylanenv.com





C:\Users\Bryan\Documents\Bocallert\3333 Old Burnt Store Rd\3333 Old Burnt Store Rd Aerial Jan 17, 2015 - 11:28am United by beam

NOTES:

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight date of January, 2015.



Category	Drawn By:	Date:
Aerial	BKM	6/17/15
Agency	BEC Number	
---	2015-24	
Application/Permit Number	Revision	

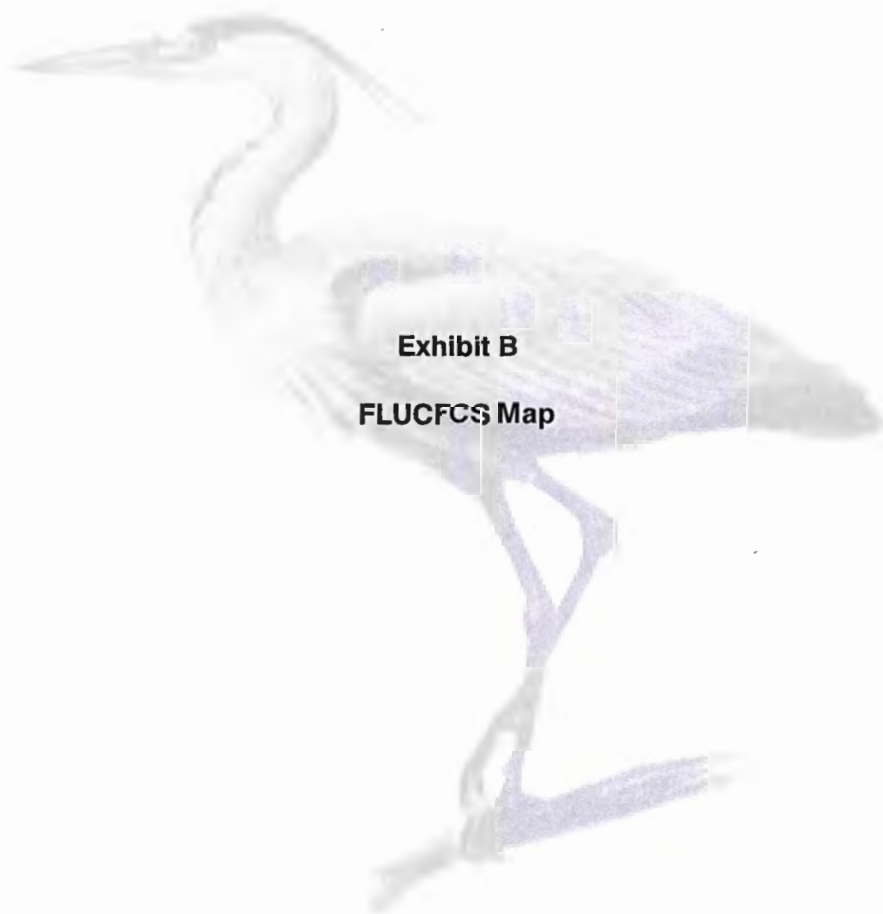
3333 Old Burnt Store Road

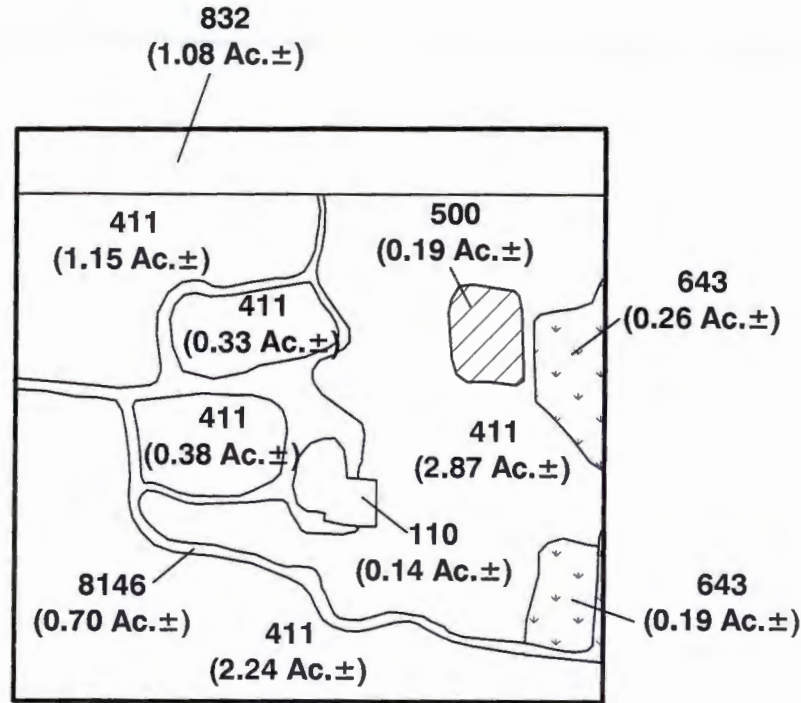
2015 Aerial With Boundary

Scale:
1" = 200'
County
Lee
5/1/R
19/43S/23E

11000 Metro Parkway
Suite 4,
Ft. Myers, FL 33966
Phone: (239) 418-0671
Fax: (239) 418-0672
www.boylanenv.com

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey





LEGEND

- Wetlands (0.45± Ac.)
- Other Surface Waters (0.19± Ac.)

FLUCFCS Legend			
FLUCFCS Code	Community	Total	%
110	Residential	0.14± Ac	1.47%
411	Pine Flatwoods	6.97± Ac	73.14%
500	Water	0.19± Ac	1.99%
643	Freshwater Marsh	0.45± Ac	4.72%
8146	Primitive Trails	0.70± Ac	7.35%
832	Electrical Power Transmission Lines	1.08± Ac	11.33%
Total		9.53± Ac	100%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Category	Drawn By:	Date:
FLUCFCS	BKM	6/17/15
Agency	BEC Number	
—	2015-24	
Application/Permit Number	Revision	

3333 Old Burnt Store Road
FLUCFCS Map

Scale:	1" = 200'	11000 Metro Parkway Suite 4, Ft. Myers, FL 33966 Phone: (239) 418-0671 Fax: (239) 418-0672 www.boylanenv.com
County		
Lee		
S/T/R		
19/43S/23E		

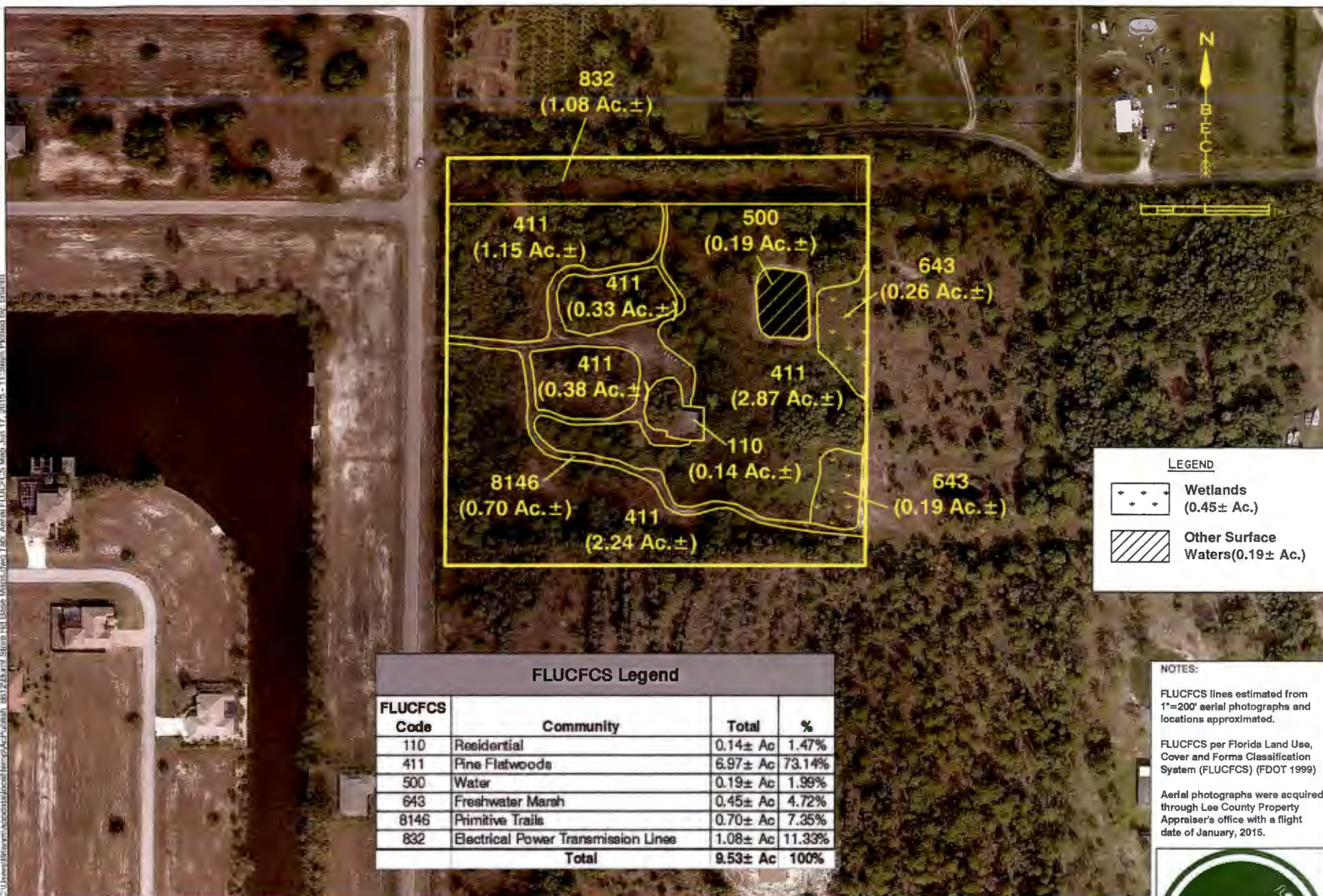


3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey



Exhibit C
FLUCFCS Map with Aerial

C:\Users\Borham\Documents\LocalTemp\Aerial\Aerial FLUCFCS Map, Jan 17, 2015 - 11:28am. Printed by: borham



FLUCFCS Legend			
FLUCFCS Code	Community	Total	%
110	Residential	0.14± Ac	1.47%
411	Pine Flatwoods	6.97± Ac	73.14%
500	Water	0.19± Ac	1.99%
643	Freshwater Marsh	0.45± Ac	4.72%
8146	Primitive Trails	0.70± Ac	7.35%
832	Electrical Power Transmission Lines	1.08± Ac	11.33%
Total		9.53± Ac	100%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999)

Aerial photographs were acquired through Lee County Property Appraiser's office with a flight date of January, 2015.



Category	Drawn By:	Date:
FLUCFCS	BKM	6/17/15
Agency	BEC Number	
---	2015-24	
Application/Permit Number	Revision	

3333 Old Burnt Store Road
Aerial FLUCFCS Map

Scale:	11000 Metro Parkway Suite 4, Ft. Myers, FL 33966 Phone: (239) 418-0671 Fax: (239) 418-0672 www.boylanenv.com
1" = 200'	
County	
Lee	
S/T/R	
19/43S/23E	

3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

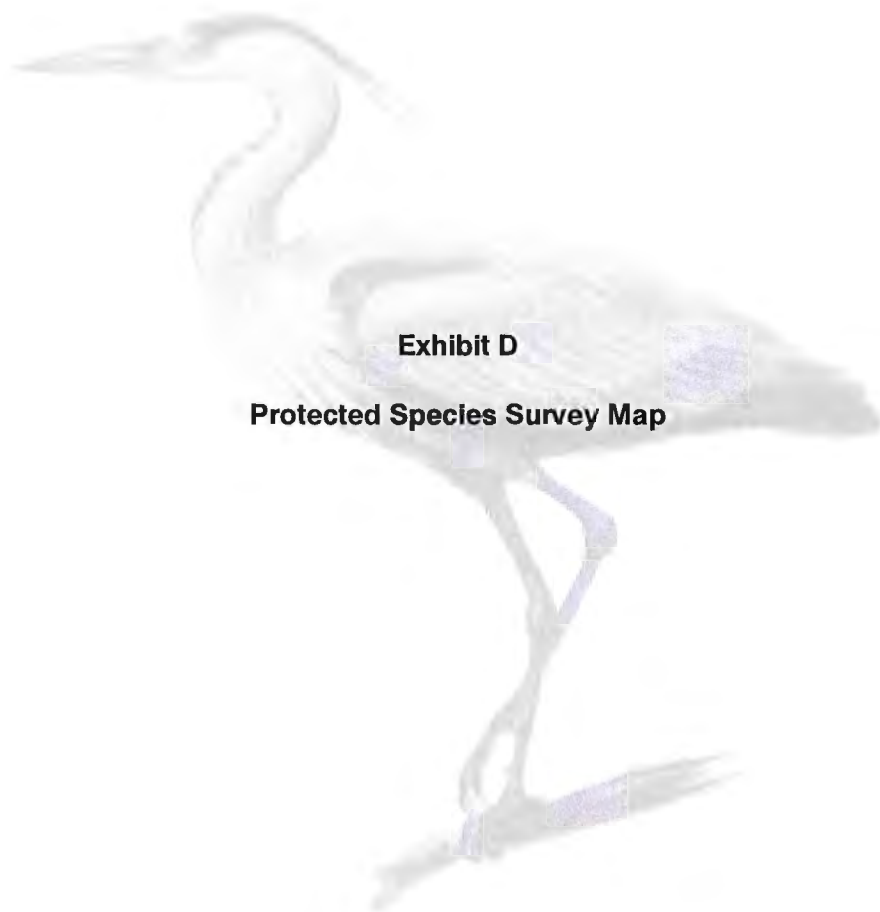
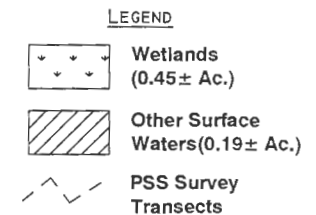
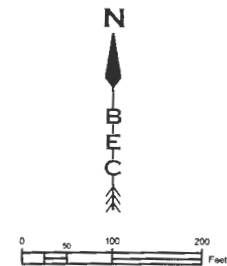
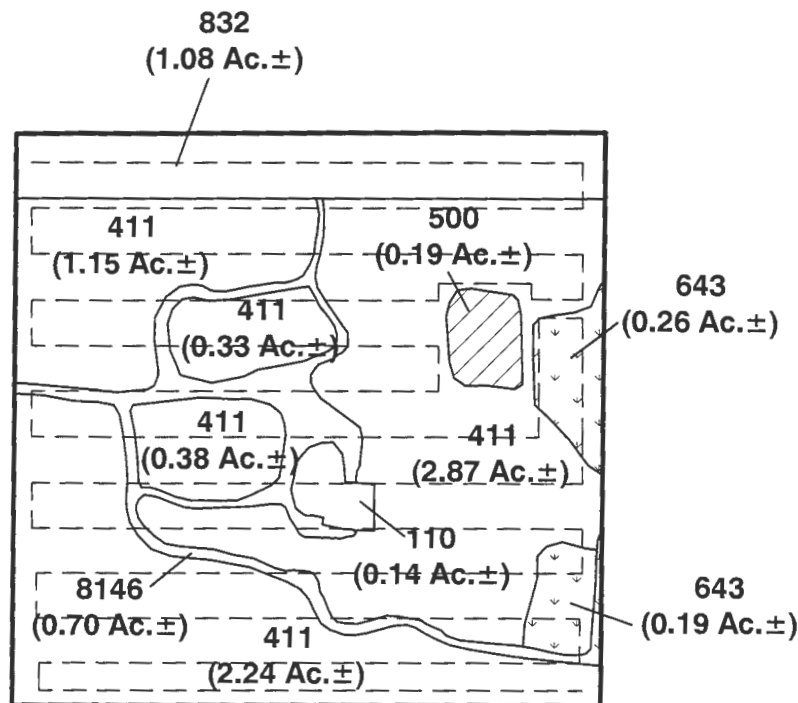


Exhibit D
Protected Species Survey Map

C:\Users\Bramm\appdata\local\temp\pss\pss_jun_17_2015_11:39am Plotted by: bramm



FLUCFCS Legend			
FLUCFCS Code	Community	Total	%
110	Residential	0.14± Ac	1.47%
411	Pine Flatwoods	6.97± Ac	73.14%
500	Water	0.19± Ac	1.99%
643	Freshwater Marsh	0.45± Ac	4.72%
8146	Primitive Trails	0.70± Ac	7.35%
832	Electrical Power Transmission Lines	1.08± Ac	11.33%
Total		9.53± Ac	100%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999)

Category	Drawn By:	Date:
PSS	BKM	6/17/15
Agency	BEC Number	
---	2015-24	
Application/Permit Number	Revision	

3333 Old Burnt Store Road

Protected Species Survey Map

Scale:
1" = 200'
County
Lee
S/T/R
19/43S/23E

11000 Metro Parkway
Suite 4,
Ft. Myers, FL 33966
Phone: (239) 418-0671
Fax: (239) 418-0672
www.boylanenv.com



3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey

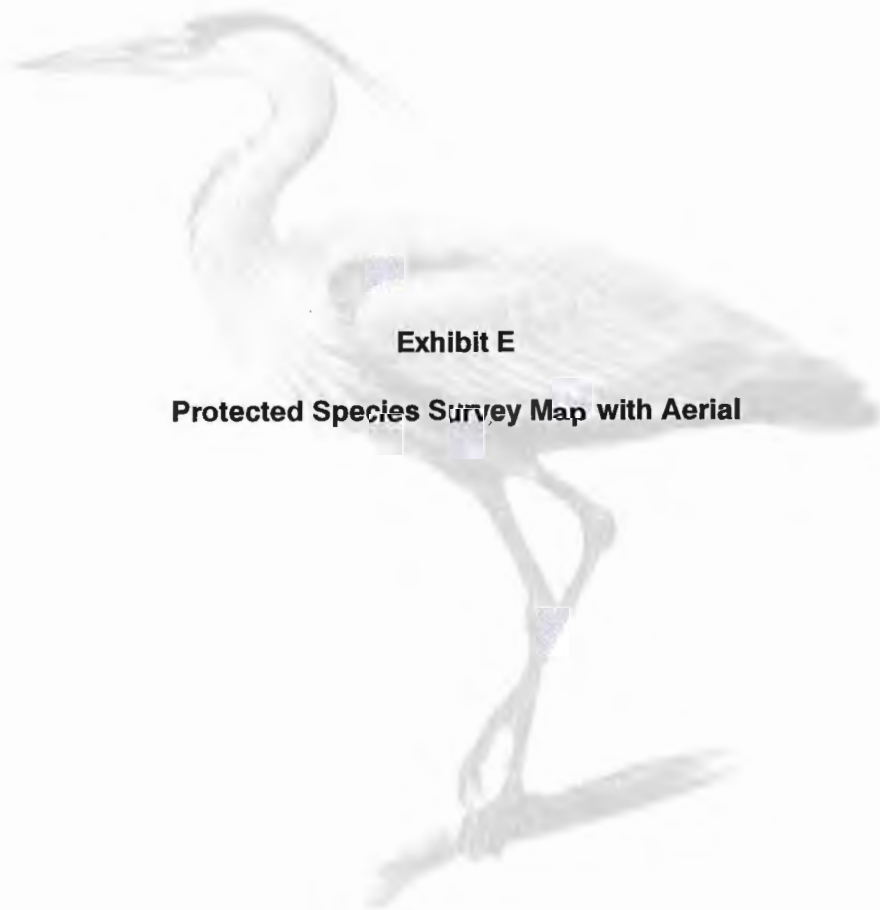
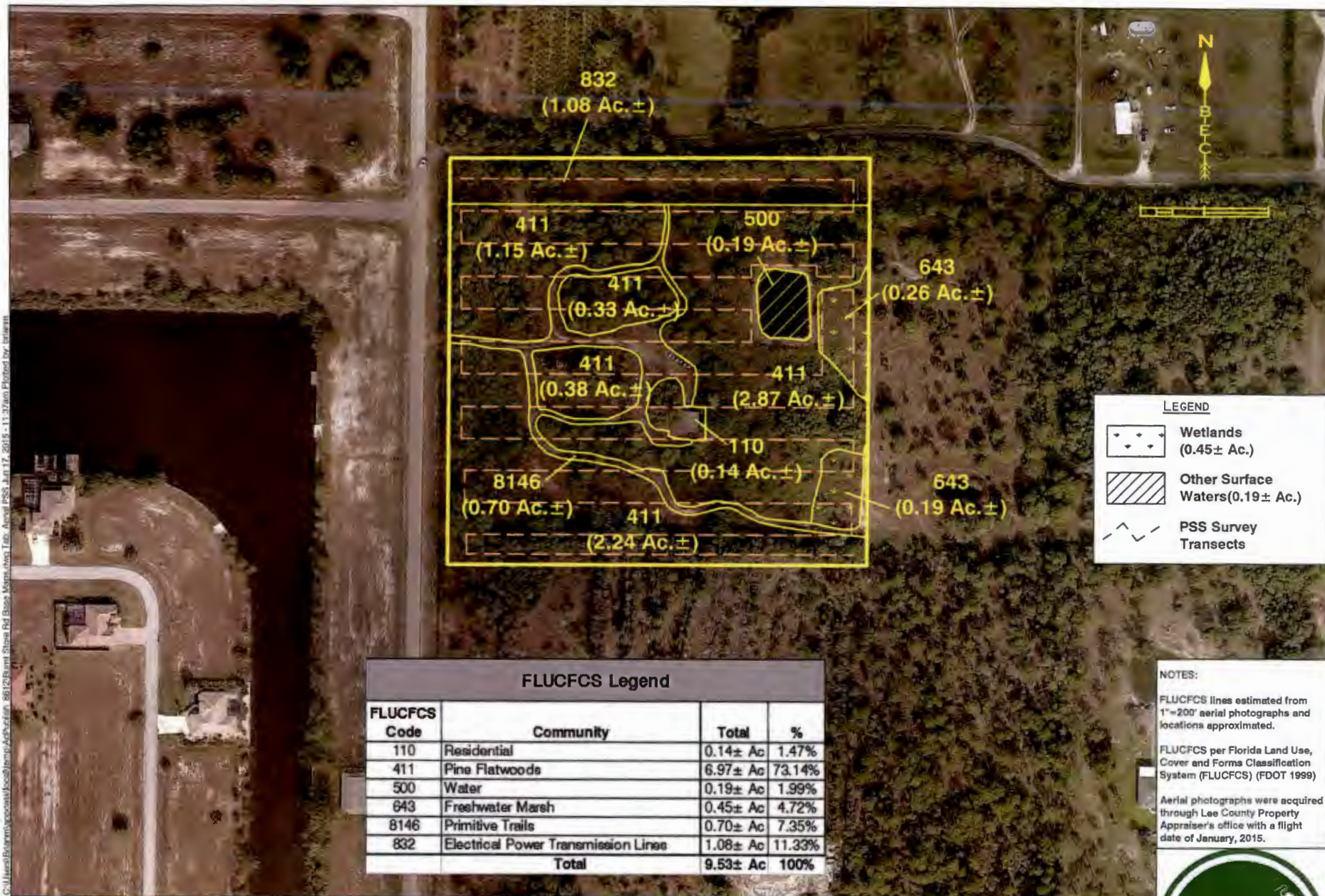


Exhibit E
Protected Species Survey Map with Aerial



Category	Drawn By:	Date:
PSS	BKM	6/17/15
Agency	BEC Number	
---	2015-24	
Application/Permit Number	Revision	

3333 Old Burnt Store Road

Protected Species Survey Map with Aerial Photograph

Scale:
1" = 200'
County
Lee
S/T/R
19/43S/23E

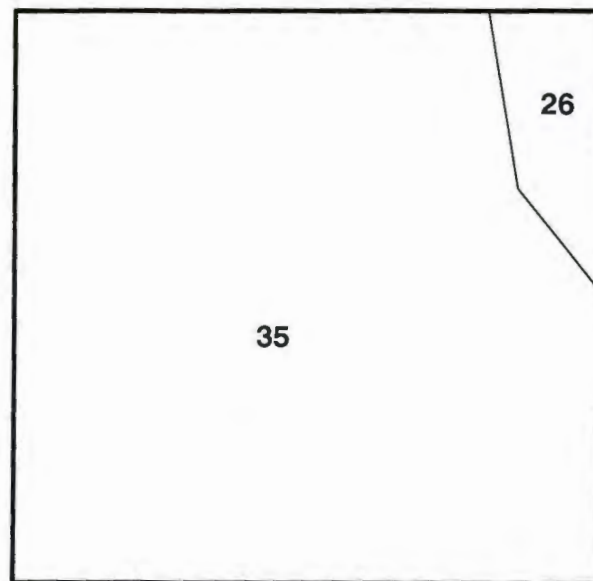
11000 Metro Parkway
Suite 4,
Ft. Myers, FL 33966
Phone: (239) 418-0671
Fax: (239) 418-0672
www.boylanenv.com



3333 Old Burnt Store Road
Environmental Assessment/Protected Species Survey



Exhibit F
NRCS Soils Map



NRCS Soils Legend		
Soil No	Description	Status
26	Pineda Fine Sand	Hydric
35	Wabasso Sand	Non-Hydric

NOTES:

Soils were acquired from the FGDL and are from the NRCS Soils Maps.

Category	Drawn By:	Date:
Soils	BKM	6/17/15
Agency	BEC Number	
—	2015-24	
Application/Permit Number	Revision	

3333 Old Burnt Store Road
NRCS Soils Map

Scale:
1" = 200'
County
Lee
S/T/R
19/43S/23E

11000 Metro Parkway
Suite 4,
Ft. Myers, FL 33966
Phone: (239) 418-0671
Fax: (239) 418-0672
www.boylanenv.com



3055
27.00
1295.00
1322.00

Prepared by and return to:
Title Professionals of Florida
13241 University Drive, Suite 103
Fort Myers, Florida 33907
Incidental to the issuance of a title insurance policy.
Parcel Identification Number: 19-43-23-C4-00003.0340
File Number: 15005378PAF

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 19th day of June, 2015, by

Joseph D. Curcio and Paul Davies

hereinafter called the GRANTOR, to

Kevin O. McGrath and Gayle S. McGrath, husband and wife, **Kevin O. McGrath II** and **Michael B. McGrath**, all together as Joint Tenants With Full Rights of Survivorship

whose post office address is 1751 NE Pine Island Road #155 PMB-232, Cape Coral, FL 33909
hereinafter called the GRANTEE:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land, situate in **Lee County, Florida**, viz:

The Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 19, Township 43 South, Range 23 East, less the existing Right-of-Way, less the North 25 feet thereof running West to East reserved for Right-of-Way; said lands lying, being and situate in Lee County, Florida.

****The subject property is vacant land and is not the homestead property of the Grantors herein.**

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2015 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTEE has hereunto has signed and sealed these presents the date set forth above.

Signed, sealed and delivered in our presence:
(TWO WITNESSES REQUIRED)

WITNESSES:

Signature of Witness: William Sweetlik
Printed Name of Witness: William Sweetlik

Signature of Witness: Tammy Sisson
Printed Name of Witness: Tammy Sisson

STATE OF Illinois
COUNTY OF Cook

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Paul Davies, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that: he, she and/or they, executed the same, and an oath was not taken. (Check one) ☒ Said person(s) is/are personally known to me. ☐ Said person(s) provided the following type of identification: Illinois license
WITNESS my hand and official seal in the County and State last aforesaid this 17 day of June, 2015.



Notary Public: Kathleen J. Machek
Printed Name: Kathleen J. Machek
My Commission Expires: 07/30/2018

SEAL

IN WITNESS WHEREOF, GRANTOR has hereunto has signed and sealed these presents the date set forth above:

Signed, sealed and delivered in our presence:
(TWO WITNESSES REQUIRED)

WITNESSES:

Nora Palacios
Signature of Witness
Printed Name of Witness: Nora Palacios

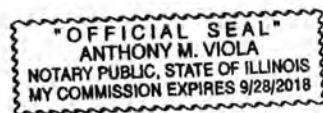
Joseph D. Curcio
Signature of Witness
Printed Name of Witness: JOSEPH D. CURCIO

Frank J. Malek
Signature of Witness
Printed Name of Witness: FRANK J. MALEK

STATE OF IL
COUNTY OF COOK

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Joseph D. Curcio, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that: he, she and/or they, executed the same, and an oath was not taken. (Check one) ☒ Said person(s) is/are personally known to me. ☐ Said person(s) provided the following type of identification

WITNESS my hand and official seal in the County and State last aforesaid this day of June, 2015.



Anthony M. Viola
Notary Public
Printed Name: ANTHONY M. VIOLA
My Commission Expires: 9-28-2018

SEAL

PLANNING DIVISION STAFF REPORT
LU17-0009

PROPERTY ADDRESSES 3321 Old Burnt Store Road North 3305 Old Burnt Store Road North	APPLICANTS/PROPERTY OWNERS Kevin and Gayle McGrath Michael and Karen McGrath
---	---

SUMMARY OF REQUEST The applicants propose a Future Land Use Map Amendment for two undeveloped sites totaling (9.52 acres) from Mixed Use (MX) to Low Density Residential II (LDRII). The existing zoning is Agricultural (A).	
---	--

MAP SOURCE

STAFF RECOMMENDATION: APPROVAL

Positive Aspects of Application:	The block is sparsely developed with single-family homes to the north. Proposed FLU would be consistent with adjacent properties to north, south, and east.
Negative Aspects of Application:	The amendment would constitute a loss of commercial land that is large enough to accommodate a quality commercial development.
Mitigating Factors:	Surrounding area is residential. Not at a major intersection or along an arterial roadway.

Site Information

Urban Service Area: The site is in the Urban Service Reserve Area. There is no current timetable for the provision of utilities to this site.

City Water and Sewer: The area is not currently serviced by City water and sewer.

Street Access: The site has access from two streets: Old Burnt Store Road and Sand Road. Old Burnt Store Road is classified as a collector road and Sand Road is a private road.

STRAP Number: 3321 Old Burnt Store Road – 19-43-23-C4-00003.034A
3305 Old Burnt Store Road – 19-43-23-C4-00003.0340

Block/Lot(s): The sites are not platted within a subdivision.

Zoning and Land Use Information:

Subject Property:	Future Land Use	Zoning
Current:	Mixed Use (MX)	Agricultural (A)
Proposed:	Low Density Residential II (LDRII)	N/A

Surrounding Areas	Future Land Use	Zoning
North:	LDRII	Residential Estate (RE)
South:	LDRII	RE
East:	LDRII	RE
West:	Single-Family/Multi-Family (SM)	Single-Family Residential (R-1B)

Background

The 9.52 acre site is two undeveloped parcels in the northwestern quadrant of the City. The site is at the intersection of Old Burnt Store Road and Sand Road, which is a private road and is not maintained by the City. Surrounding development consists of undeveloped parcels and single-family homes, many of which are on large parcels that are five acres or larger. City water and sewer are not available to the site. There is no existing access, however, access from Old Burnt Store is likely.

The site has retained a Future Land Use Map classification of Mixed Use (MX) since 1989, upon adoption of the Comprehensive Plan and the Future Land Use Map. In 2007, the site was part of an amendment from MX to Low Density Residential II (LDRII) that included several of the surrounding properties to the north, east, and south. The site was part of the original approval, however, the owner of the site at that time successfully challenged the amendment and retained the MX land use¹. The site has been sold twice since 2009 and the current owners of the site received approval of a Planned Development Project (PDP) this year that granted a three-lot subdivision for construction of three single-family homes. A subdivision plat has not been approved for the site.

The applicant states in their "Letter of Intent" that the owners still desire to construct single-family homes, however, the MX Future Land Use designation makes construction of single-family homes difficult due to several requirements, which are discussed in further detail in the Analysis section. The applicants state they are seeking the LDRII Future Land Use designation as that designation will construction of single-family homes and the LDRII designation will be compatible with the surrounding properties that also have the LDRII designation.

Additional Site Information

Protected Species

The applicant has performed an Environmental Assessment Survey and found the presence of wetlands², however, no protected species were observed on the site. The survey also indicates that protected species are unlikely to be present on the site due to small size of the wetland areas. The survey indicates that development on the site will be reviewed by the United States Army Corp of Engineers (USACOE) to ensure that the wetlands are not impacted.

Should additional protected species be identified on the property as part of the development review of the site, the City will abide by Policy 1.2.5 of the Conservation and Coastal Management Element, which states:

"Policy 1.2.5: The City will assist in the implementation of and compliance with all state and federal regulations concerning species listed as endangered, threatened, species of special concern, or commercially exploited by monitoring development activities, providing information on listed species in building permit packages, and assisting in investigations as requested."

Soils and Drainage

The site has one soil classification; Wabasso Fine Sand. This soil has limitations for development, which are typically

¹ The State of Florida officially reversed the amendment in 2009.

² Approximately 0.45 acres

overcome using various engineering solutions such as importing fill. The soil type should not present an obstacle to future land development although special feasibility studies may be required.

Analysis

Comprehensive Plan

Mixed Use Future Land Use Designation

The site has a Future Land Use Designation of Mixed Use (MX). The MX designation is defined in the Comprehensive Plan in Chapter, Policy 1.15. The MX designation was created to encourage development with more than one type of use. The MX designation also establishes a minimum density and intensity for residential and non-residential development, respectively. Furthermore, the MX designation has regulations regarding how sites can develop depending on the sites size. Sites less than one acre in size are allowed to develop with one use consistent with the underlying zoning district. Sites that are greater than one acre must develop with more than one use and there is a limit on the amount of residential development that can be developed.

Low Density Residential II Future Land Use Designation

The applicant is seeking an amendment to the LDRII designation which allows for a maximum density of one dwelling unit per 40,000 sq. ft., excluding right-of-way.

The applicant's proposed Future Land Use Map amendment would allow each of the properties to develop with one single-family home and would not require the establishment of a second use that is currently required with the MX designation.

Chapter 4 – Future Land Use Element

Policy 1.13

Policy 1.13 encourage commercial development at commercial nodes to decrease the potential for strip development and to facilitate compact development that encourages pedestrian friendliness. A commercial node is defined as the intersection of two four-lane parkways or boulevards. Old Burnt Store Road is a two-lane road and Sand Road is a private two-lane road. This site is not at an intersection that qualifies as a commercial node, **therefore, staff finds that the site may not be appropriate for commercial or mixed-use development according to Policy 1.13.**

Policy 1.14

Policy 1.14 addresses eight commercial siting guidelines that provide guidance on whether or not a site is appropriate for a commercial or mixed-use Future Land Use designation. The MX designation is listed as a Future Land Use designation that should be evaluated according the commercial siting guidelines. The guidelines are also a guide on determining compatibility between existing residential uses and potential commercial uses. A response to each of the commercial siting guidelines follows in **bold**.

Major Intersection

Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two

or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a 'new' commercial property (a commercial property not abutting any existing commercial properties) or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties (see below: Integration).

Staff Response: The site is at the intersection of two two-lane streets and not at a major intersection, therefore Planning staff finds that the site is not consistent with the above guideline.

Adequate Depth

Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Preferably adequate depth is achieved if any number of contiguous properties, owned by the same landowner (see "Ownership Pattern", below) occupy the entire 250 feet of depth. Adequate depth would not be achieved if the subject properties have different owners, and if the contiguous properties are not reasonably compact (see below, "Compactness").

Staff Response: The site has over 500 feet of depth along Old Burnt Store Road which is a collector street, therefore, Planning staff finds that the site is consistent with the above guideline.

Compactness

Compactness measures the ability of a property proposed for a commercial future land use to take advantage of economies of scale. The shape of an ideal compact commercial property approaches that of a square or rectangle. This quality allows for an orderly arrangement of development on the subject property and acts to reduce adverse visual, noise or aesthetic impacts to neighboring properties.

Staff Response: One property in the site has square-like shape and the other property, however, the other property does not have a rectangular or square shape. Therefore, the sites are consistent with the above guideline.

Integration

Integration, for the purposes of these guidelines, refers to the interrelatedness of development within a commercial node or area. The presence of features, such as internal access roads, shared parking, courtyards, walkways, or other features, binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and often promotes a pedestrian-friendly environment. Integration of neighboring commercial properties should always be encouraged. Therefore, properties proposed for conversion to a commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.

Staff Response: There are no other sites in within 1,000 feet that have commercial or mixed use Future Land Use designations or zoning classifications. The lack of nearby commercial areas or designations does not allow for integration. The closest area with a commercial or mixed-use Future Land Use or zoning designation is approximately 1,500 feet to the east. Due to the lack of existing commercial land in the general vicinity, Planning staff finds that the site is not consistent with the above guideline.

Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial development that might serve the City as shopping or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product.

Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered “assembled,” for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.

Staff Response: Collectively, the sites total 2.4 acres which is slightly less than the preferred size of three acres. The sites also lack cohesive ownership and there are not any other sites in Block 4127 with existing commercial development. Staff finds that the sites are partially consistent with this guideline.

Intrusion

“Intrusion,” as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no definite guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive than the establishment of new commercial areas. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single family development. Commercial development that is separated from a residential area by a street, canal, vegetative buffer, or other geographic features may be considered less intrusive than a commercial development that directly abuts a residential area. The degree of compactness (see “Compactness” above) of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.

Typically, new commercial properties are less likely to be considered intrusive if the surrounding or adjacent residential areas are sparsely developed. While the finding of intrusion is subjective and depends on many factors, the principle is the proposed commercial property would not likely be intrusive if adjacent residential areas are

25% or less developed. The area analyzed to determine the percentage of adjacent residential development may vary from 300 feet to 1,000 feet from the subject property, depending upon the degree to which streets, canals, landscaping or other geographic features separate the subject property from nearby residential areas.

Staff Response: The surrounding residential area to the north, south, and east within 1,000 feet of the site is more than 25% developed, however, the residential area to the west is less than 25% developed. Staff finds that the majority of the surrounding is more than 25% developed, therefore, the site is not consistent with the above guideline.

Access

In the City of Cape Coral there are two ideal access provisions for a commercial property. If a subject property would meet the requirements for one or more of these provisions, the creation of a commercial future land use at the proposed location should be encouraged. These provisions are as follows:

- a) Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City by landowners. The Comprehensive Plan and City Land Use and Development Regulations refer to these as “dedicated City parking areas.” These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City’s interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant’s agreement to own and manage the site.
- b) Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.

Staff Response: As stated previously, the site has frontage on Old Burnt Store Road and a local street. Neither of these streets have frontage roads, however, nor do these streets have access management plans. Planning staff finds that the sites are not consistent with the above guideline.

Ownership Pattern

An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use that consist of multiple parcels, or groups of parcels, or under multiple ownerships are unlikely to develop as a true “commercial node.” Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development (see Policy 1.13, above). Therefore, the City of Cape Coral encourages land owners and developers to assemble the properties involved in a commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.

Staff Response: The site has two separate owners who both own over 4 acres. Staff finds that while there is more than one owner, the individual properties are large enough to accommodate a quality development. Staff finds that the site is consistent with the above guideline.

In summary, Policy 1.14 contains eight commercial siting guidelines. The site is consistent with three of these guidelines (Assemblage, Compactness, and Adequate Depth), partially consistent with one guidelines (Assembly) and is inconsistent with four guidelines (Access, Integration, Intrusion and Major Intersection). Policy 1.14 does not require a proposed amendment to meet a certain threshold of guidelines for approval or denial, rather the guidelines are meant to provide a compatibility analysis. Staff finds that analysis of these guidelines, the site is not well-suited for commercial and the current MX Future Land Use designation may not be compatible with the surrounding area, therefore making it appropriate to amend the FLUMC to a more consistent designation (wordsmith as you see fit).

Policy 3.1

Policy 3.1 states that the City of Cape Coral will encourage commercial development at transportation nodes by designating areas with appropriate future land use categories. Planning staff finds that the proposed amendment is not at a transportation node, therefore, **this policy is not supportive of the current MX Future Land Use designation. This policy supports an amendment to LDRII.**

Regional Plan Analysis

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):

This existing MX Future Land Use designation is not consistent with the SRPP Strategy that prioritizes locating commercial development along transportation corridors. Old Burnt Store Road is a two-lane collector street and the City has no plans for widening the street in the future. This policy does not conflict with the proposed amendment to LDRII.

Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan:

Old Burnt Store Road has not been identified for improvements or widening in the MPO's 2040 Long Range Transportation Plan.

Analysis Summary

After a review of the Comprehensive Plan and analyzing the proposed LDRII Future Land Use designation, Planning staff finds that the LDRII designation is appropriate and compatible with the surrounding area. The majority of the surrounding area is residential and properties to the north, east, and south were amended to LDRII within the past 10 years. The MX Future Land Use designation allows for commercial development which could be incompatible with the residential neighborhoods. Furthermore, while the site is large enough to support a quality commercial development, the site's location along a two-lane collector road is not ideal for access. Old Burnt Store Road is not scheduled for any future road widening and may not be wide to adequately handle the traffic generated by a commercial development. The amendment will result in the loss of nearly 10 acres of needed commercial land, however, the proposed LDRII will be more compatible and consistent with existing development.

Impact Assessment Summary

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts at buildout. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc. present within the subject area.

The site has a Mixed Use (MX) Future Land Use designation and an Agricultural (A) zoning designation. The MX designation allows both commercial and residential development, however, a mix of uses is required because the site is over three acres. The analysis assumes a residential density of 4.4 dwelling units per acre for the site and a commercial Floor Area Ratio (FAR) of 0.25³. The analysis will divide the 9.52 acre site in half⁴ to determine residential and commercial impact assessments. The analysis will also consider the proposed Low Density Residential II (LDRII) Future Land Use designation. The LDRII designation would allow one dwelling unit per 40,000 sq. ft. For purposes of the assessment, the worst case scenario will be utilized in the analysis.

Dwelling Units

Existing:	21
Proposed:	9
Net Change:	-16

Population*

Existing:	53
Proposed:	23
Net Change:	-30

* 2.54 persons/household = avg. household size; 2010 Census

Non-Residential Square Footage

Existing:	51,836 sq. ft.
Proposed:	0 sq. ft.
Net Change:	-51,836 sq. ft.

Water Use

Existing:	<u>15,816 gal/day total</u> (21 dwelling units x 200 gal/day) + (51,836 sq. ft. x 0.3 gal/sq ft/day)
Proposed:	<u>1,800 gal/day total</u> (9 dwelling units x 200 gal/day)
Net Change:	-14,016 gal/day
Facility Capacity:	30.1 MGD
Permitted Usage:	16.9 MGD
Avg. Daily Usage:	9.4 MGD

³ The historical average FAR of commercial development in Cape Coral.

⁴ 9.52 acre / 2 = 4.76 acres

Sewage

Existing: 15,816 gal/day total (21 dwelling units x 200 gal/day) + (51,836 sq. ft. x 0.3 gal/sq ft/day)
Proposed: 1,800 gal/day total (9 dwelling units x 200 gal/day)
Net Change: -14,016 gal/day
Facility Capacity: 28.4 MGD
Avg. Daily Usage: 12.8 MGD

Solid Waste

Existing Generation: 7,301 lbs. total/day (53 persons x 4.74 lbs/person/day) + (51,836 sq. ft. x 0.136 lbs/sq ft/day)
Proposed: 109 lbs. total/day (23 persons x 4.74 lbs/person/day)
Net Change: -7,192 lbs/day
Facility Capacity: 1,836 tons/day
Existing Demand: 1,384 tons/day
Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 92 AM peak trips/hour and 105 PM peak trips/hour
Proposed: 4 AM peak trips/hour and 5 PM peak trips/hour
Net Change: -88 AM peak trips/hour and -100 PM peak trips/hour
Facility Capacity: Old Burnt Store Road meets the minimum acceptable Level of Service Standard of "D."
Capacity Available: Yes

Hurricane Evacuation

The subject area is in Evacuation Zone A, however, this amendment would result in a reduction of dwelling units and a small decrease in evacuation times for the surrounding area.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The amendment would result in a reduction of dwelling units and would have no impact on parkland LOS.

Protected Species

The City requires an environmental survey prior to the issuance of any land clearing, site clearing, or development permits. Any future land alteration activities will be preceded by the completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results of the environmental survey, City, state, or federal protective or mitigation measures may be required by the developer to proceed.

School Impacts

There will be a reduction of dwelling units and the number of students added by the amendment will be minimal.

Recommendation:

Planning Division staff finds that the proposed Future Land Use amendment is consistent with several policies of the City's Comprehensive Plan and is compatible with the surrounding neighborhood and therefore recommends **approval** of the proposed small-scale future land use map amendment request.

Planning Staff Contact Information

Chad Boyko, AICP, Principal Planner

239-573-3162/cboyko@capecoral.net



NOTICE TO SURROUNDING PROPERTY OWNERS

CASE NUMBER: LU17-0009

ORDINANCE: ORDINANCE 19 – 18; AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MIXED USE (MX) TO LOW DENSITY RESIDENTIAL II (LDRII) LAND USE FOR PROPERTY LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT THE INTERSECTION OF OLD BURNT STORE ROAD AND SAND ROAD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

LOCATION: 3321 Old Burnt Store Road North
3305 Old Burnt Store Road North

CAPE CORAL STAFF CONTACT: Chad Boyko, Principal Planner, 239-573-3162, cboyko@capecoral.net

PROPERTY OWNER(S): Kevin and Gayle McGrath
Michael and Karen McGrath

UPCOMING PUBLIC HEARING: Notice is hereby given that the City of Cape Coral Local Planning Agency will hold a public hearing at 9:00 A.M. on Wednesday, March 7, 2018 on the above mentioned case. The public hearing will be held in the City of Cape Coral Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, FL.

All interested parties are invited to appear and be heard. All materials presented before the Local Planning Agency will become a permanent part of the record. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice. Copies of the staff report will be available 5 days prior to the hearing. The file can be reviewed at the Cape Coral Community Development Department, Planning Division, 1015 Cultural Park Blvd., Cape Coral, FL.

After the Local Planning Agency has made a written recommendation, the case will be scheduled for a public hearing before the City Council who will review the recommendation and make a final decision. This hearing is scheduled for Monday, April 2, 2018 at 4:30 P.M. in Council Chambers located at City Hall.

DETAILED INFORMATION: The case report and colored maps for this application are available at the City of Cape Coral website, www.capecoral.net/publichearing (Click on 'Public Hearing Information', use the case number referenced above to access the information); or, at the Planning Division counter at City Hall, between the hours of 7:30 AM and 4:30 PM. The public hearing may be continued to a time and date certain by announcement at this public hearing without any further published notice.

HOW TO CONTACT: Any person may appear at the public hearing and be heard, subject to proper rules of conduct. You are allowed sufficient time to write or appear at the public hearing to voice your objections or approval. Written comments filed with the Director will be entered into the record. Please reference the case number above within your correspondence and mail to: Department of Community Development, Planning Division, P.O. Box 150027, Cape Coral, FL 33915-0027. The hearings may be continued from time to time as necessary.

ADA PROVISIONS: In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida;

telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

APPEALS: If a person decides to appeal any decision made by the Local Planning Agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

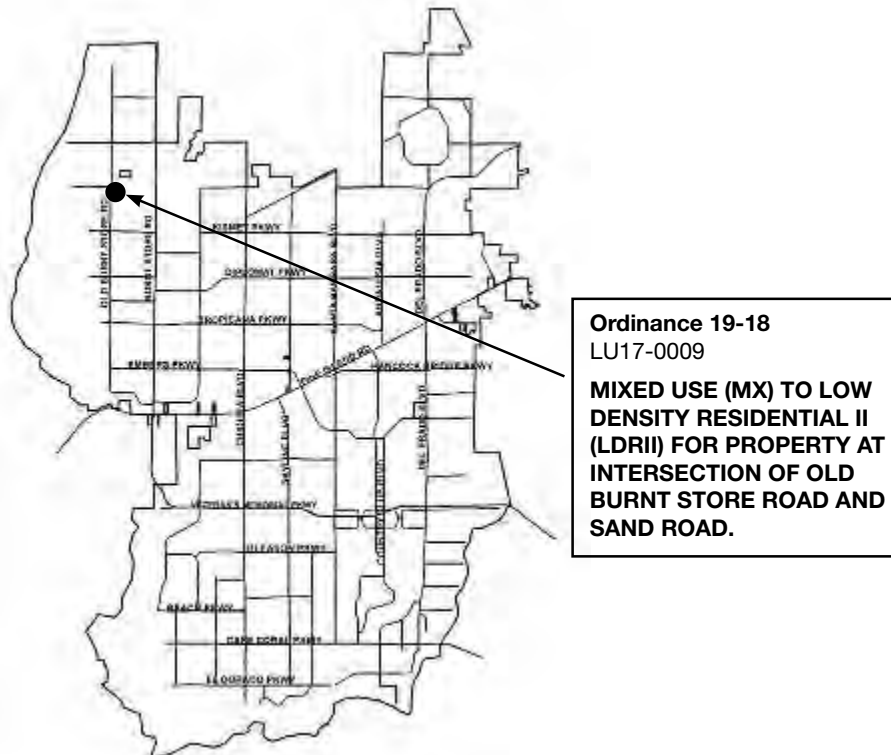


NOTICE OF CHANGE OF LAND USE

The City of Cape Coral proposes to adopt ORDINANCE 19-18, AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM MIXED USE (MX) TO LOW DENSITY RESIDENTIAL II (LDRII) LAND USE FOR PROPERTY LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT THE INTERSECTION OF OLD BURNT STORE ROAD AND SAND ROAD; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

A public hearing on the ordinance will be held Wednesday, March 7, 2018 at 9:00 a.m. at the City of Cape Coral, City Hall Chambers, 1015 Cultural Park Blvd., Cape Coral, Florida 33990. At this public hearing, the Planning and Zoning Commission will consider a recommendation to change the City's future land use map amendment request. Accordingly, members of the general public and real property owners in the community are invited to appear and speak at the public hearing. Written comments filed with the Director will also be entered into the record. A copy of the map and the proposed amendment under consideration will be available for inspection and will be provided to the public at cost at the City Clerk's office between 7:30 a.m. and 4:30 p.m., Monday through Friday excluding holidays. Any person who decides to appeal any decision made by the City Council at that meeting will need a record of proceedings, and that subject person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk no later than 4:00 p.m. on the day prior to the meeting.

Rebecca Van Deutekom, CMC
City Clerk



NP-0000957235

☐ PROOF O.K. BY: _____ ☐ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

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NP-0000957235.INDD

Department of Community Development
Planning Division

AFFIDAVIT

IN RE: APPLICATION OF: Gayle McGrath

APPLICATION NO: LU17-0009

STATE OF FLORIDA)
) §
COUNTY OF LEE)

I, Vincent A. Cautero, AICP having first been duly sworn according to law, state on my oath the following:

That I am the Director of the Department of Community Development and responsible in performing duties as required for the City of Cape Coral.

That pursuant to City of Cape Coral Code. Section 8.3.2A and Section 8.11.3.A all required written notice and publication has been provided. Also, posting of a sign has been done when applicable per Section 8.3.2A.

DATED this 27th day of February, 2018.

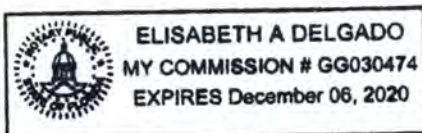


Vincent A. Cautero, AICP

STATE OF FLORIDA
COUNTY OF LEE

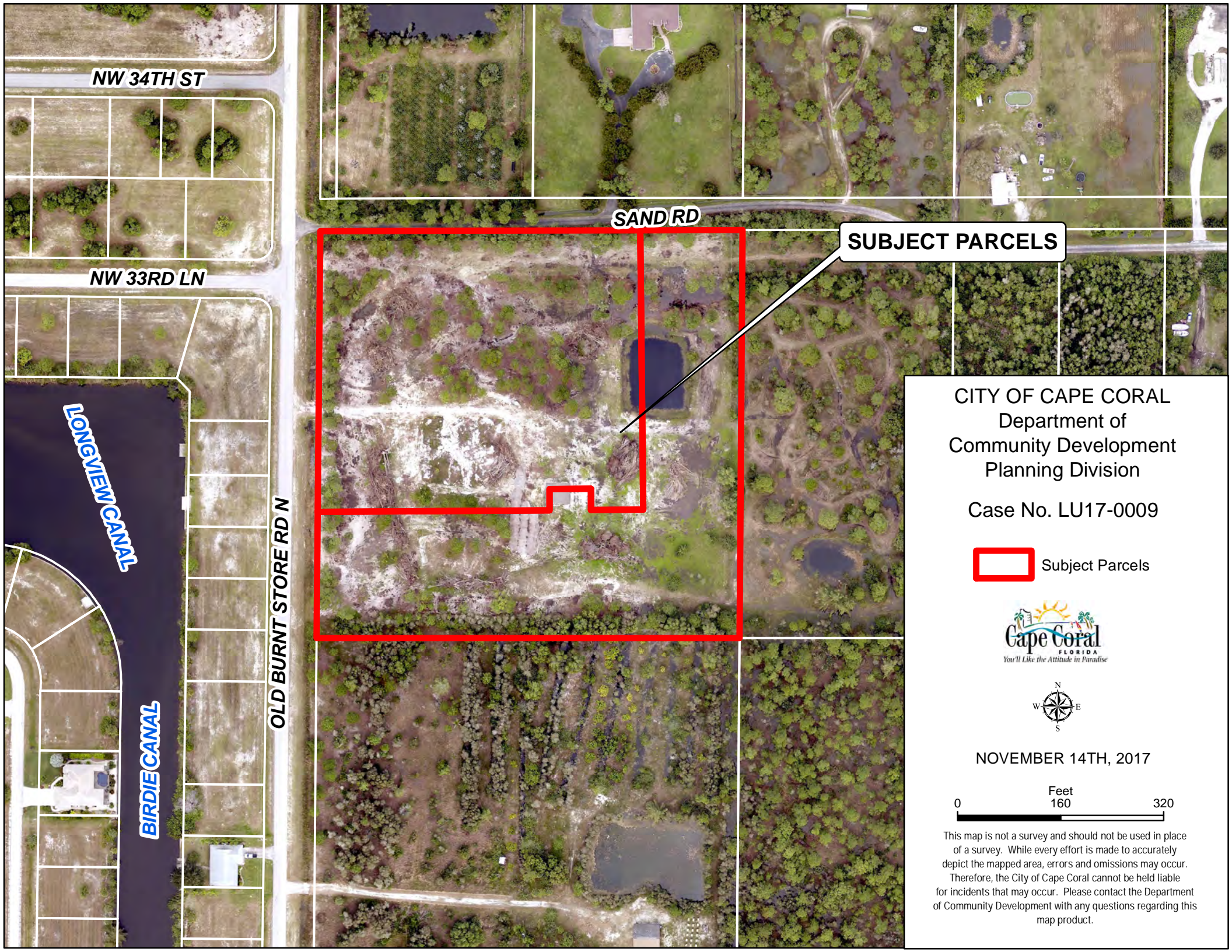
The foregoing instrument was acknowledged before me this 27th day of February, 2018, by Vincent A. Cautero, AICP, who is personally known to me and who did not take an oath.

Exp. Date 12/6/20 Commission # 66030474



Elisabeth A. Delgado
Signature of Notary Public

Elisabeth Delgado
Print Name of Notary Public



NW 34TH ST

NW 33RD LN

SAND RD

SUBJECT PARCELS


LONGVIEW CANAL

BIRDIE CANAL

OLD BURNT STORE RD N

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

Case No. LU17-0009

 Subject Parcels



NOVEMBER 14TH, 2017

0 Feet 160 320


This map is not a survey and should not be used in place of a survey. While every effort is made to accurately depict the mapped area, errors and omissions may occur. Therefore, the City of Cape Coral cannot be held liable for incidents that may occur. Please contact the Department of Community Development with any questions regarding this map product.

CITY OF CAPE CORAL
Department of
Community Development
Planning Division

CURRENT ZONING MAP
500' Proximity Boundary

Case No. LU17-0009

LEGEND

 500' Proximity Boundary

 Subject Parcels

Zoning

 A

 R-1B

 RD

 RE

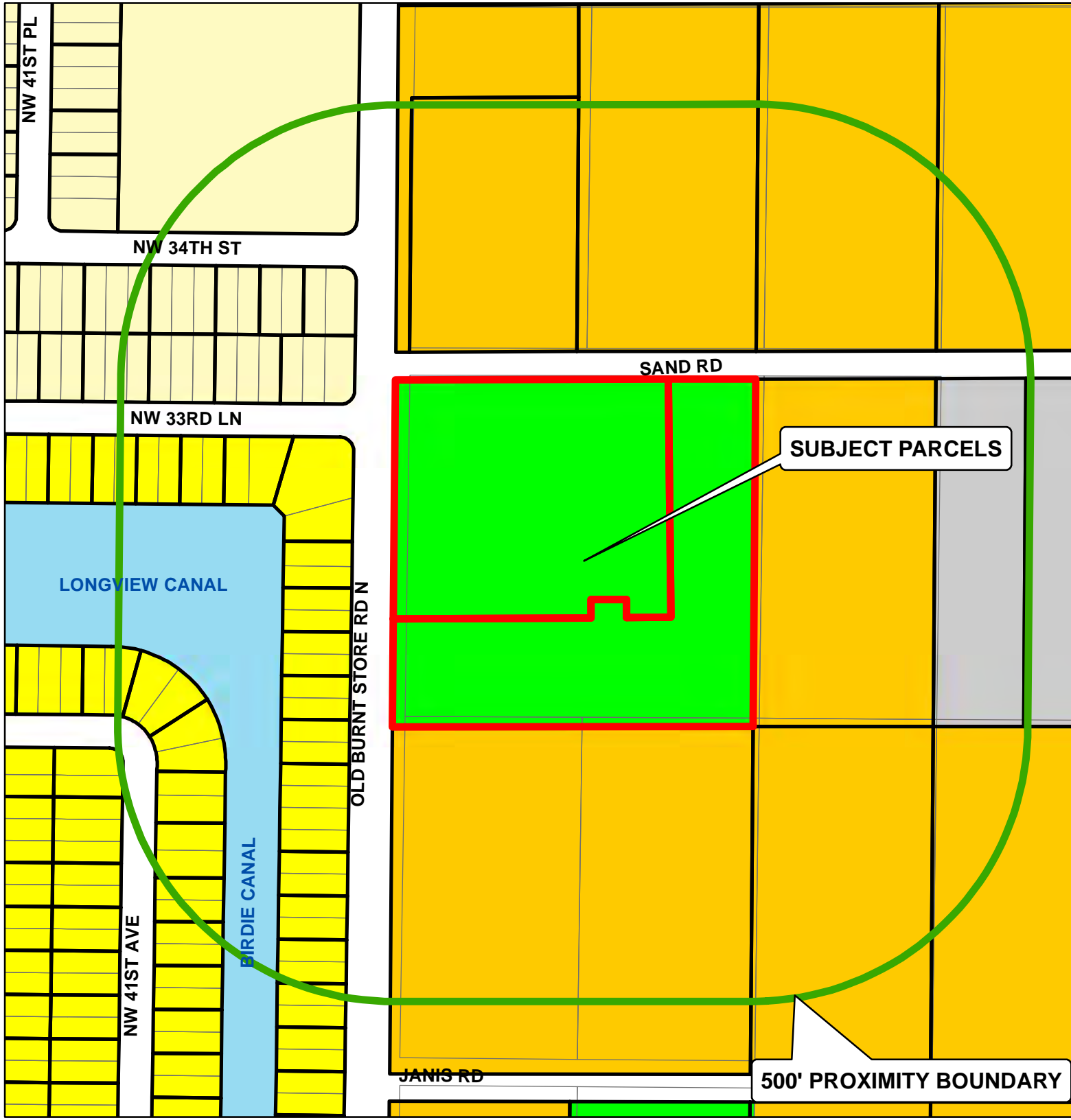
 LEE COUNTY ZONING



NOVEMBER 14TH, 2017



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division





CURRENT FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. LU17-0009

LEGEND

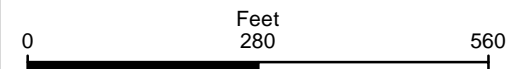
-  Subject Parcels
-  500' Proximity Boundary

Future Land Use

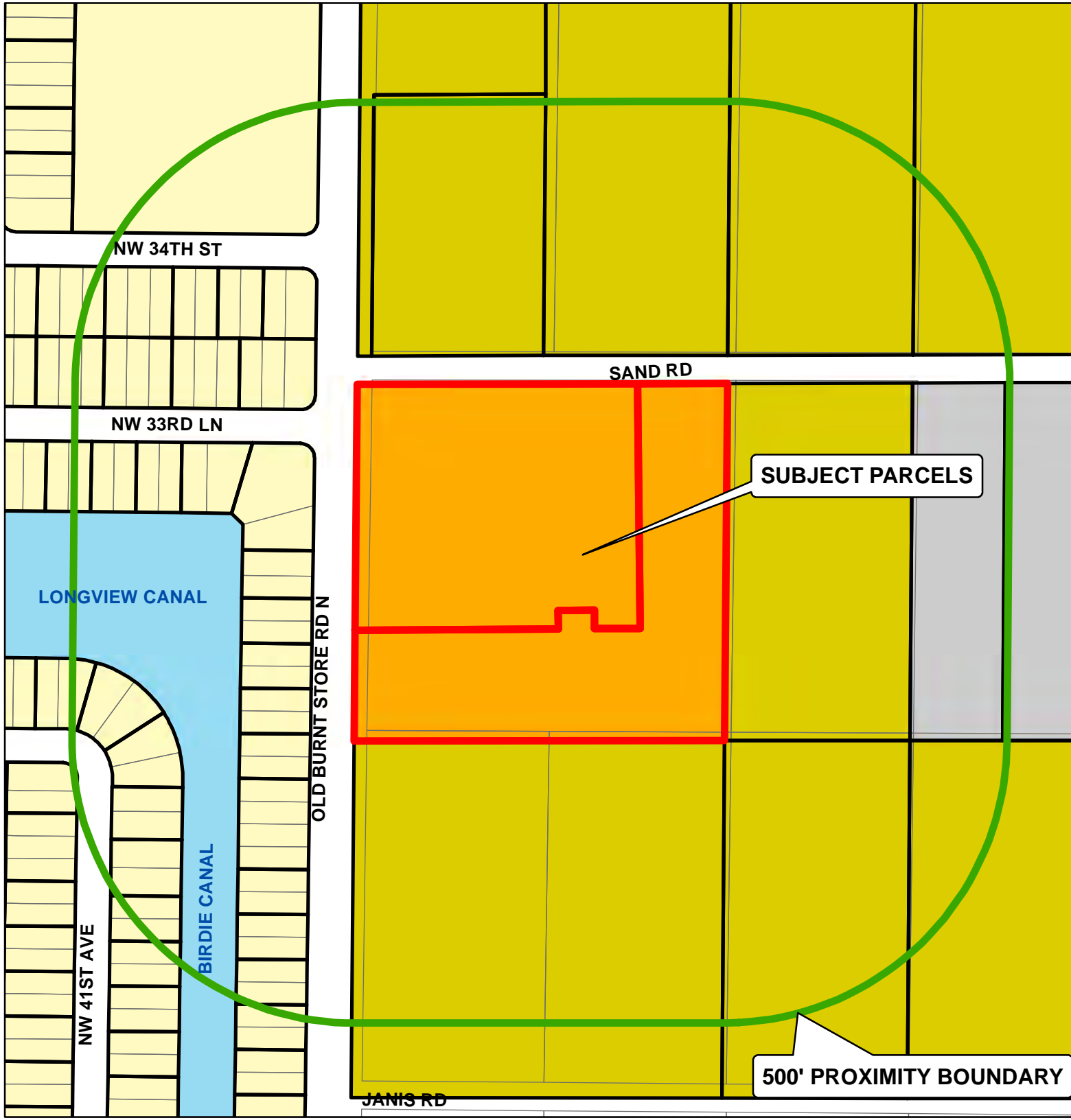
-  SM
-  LDRII
-  MX
-  LEE COUNTY FLU



NOVEMBER 14TH, 2017



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CITY OF CAPE CORAL
Department of
Community Development
Planning Division





PROPOSED FUTURE
LAND USE MAP
500' Proximity Boundary

Case No. LU17-0009

LEGEND

-  Subject Parcels
-  500' Proximity Boundary

Future Land Use

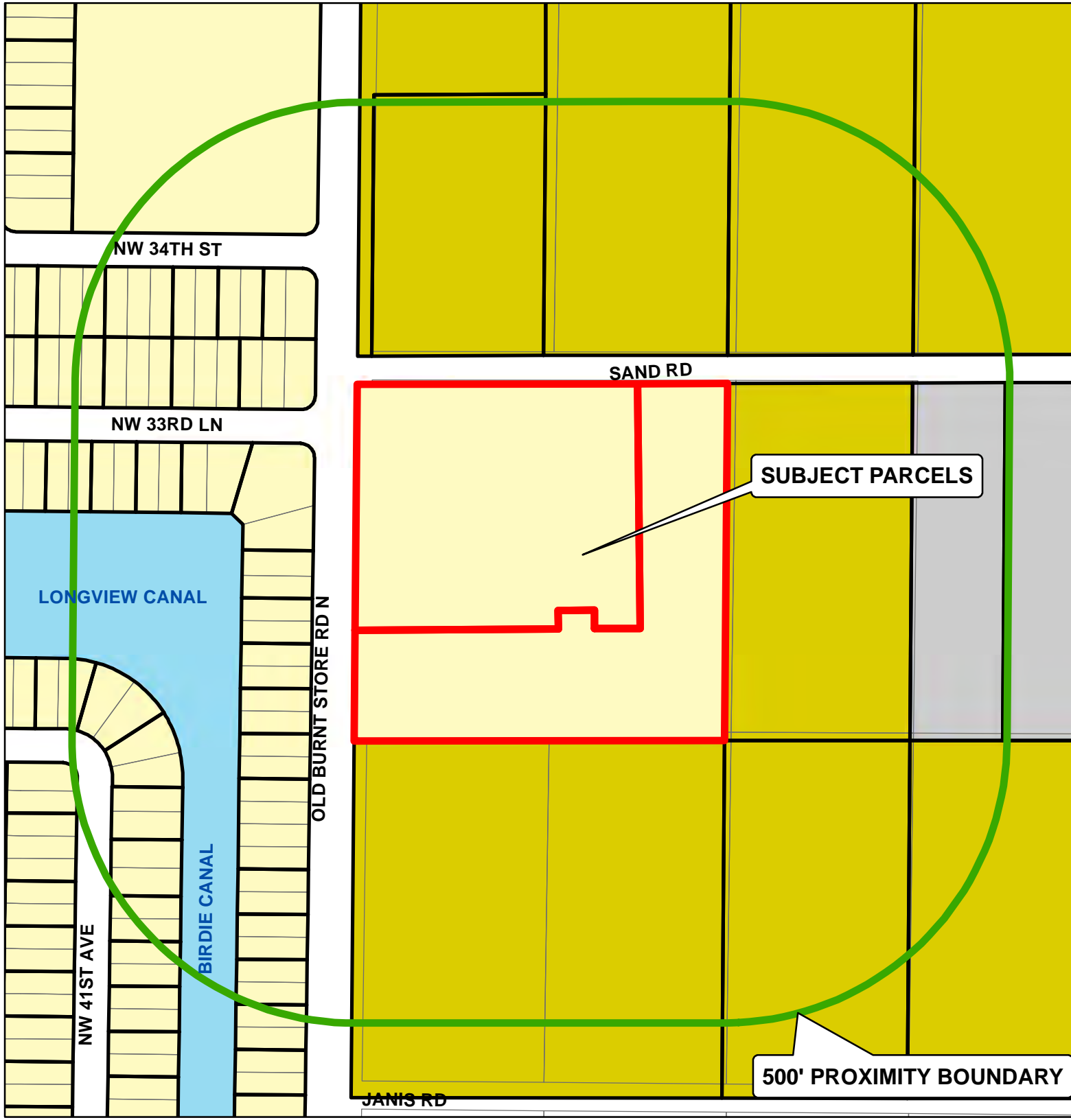
-  SM
-  LDRII
-  MX
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NOVEMBER 14TH, 2017



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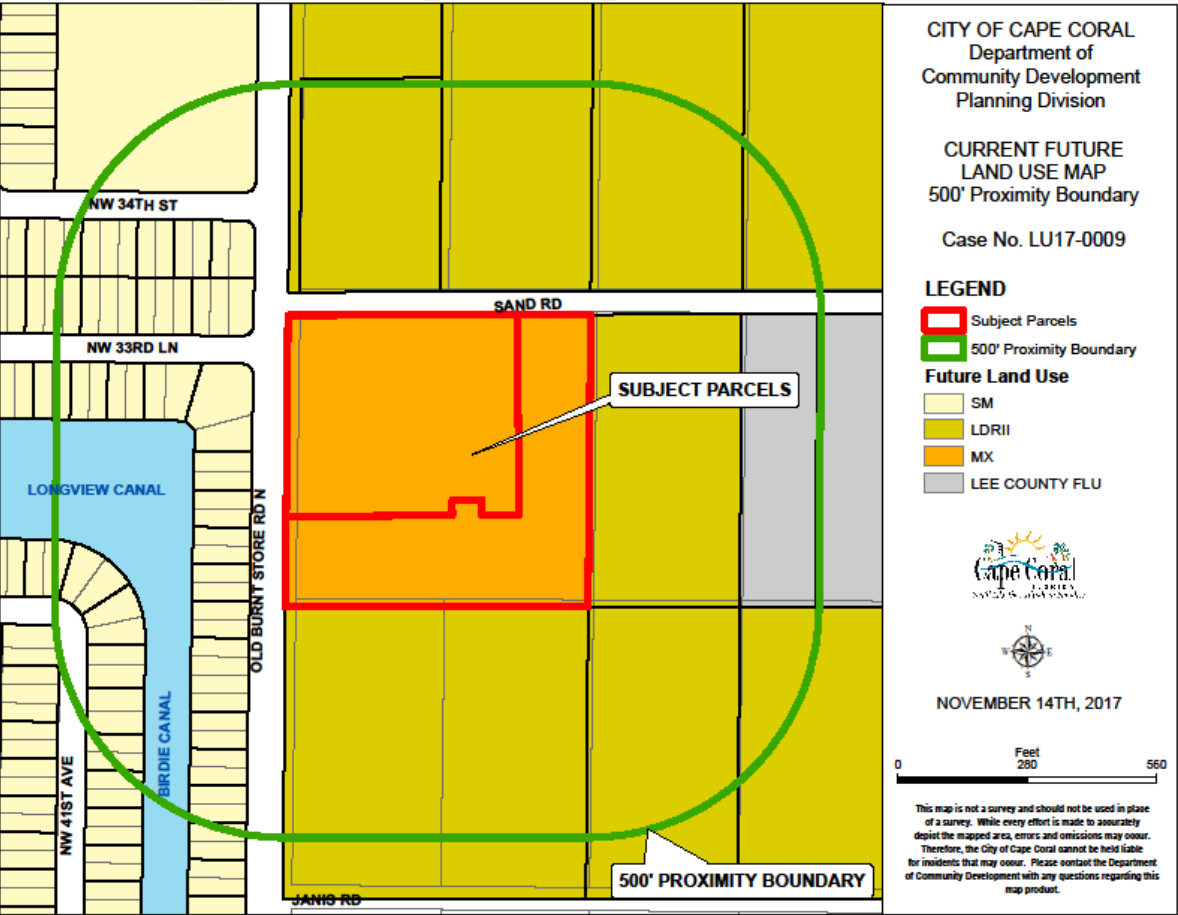
Ordinance 19-18 LU17-0009

Cape Coral City Council

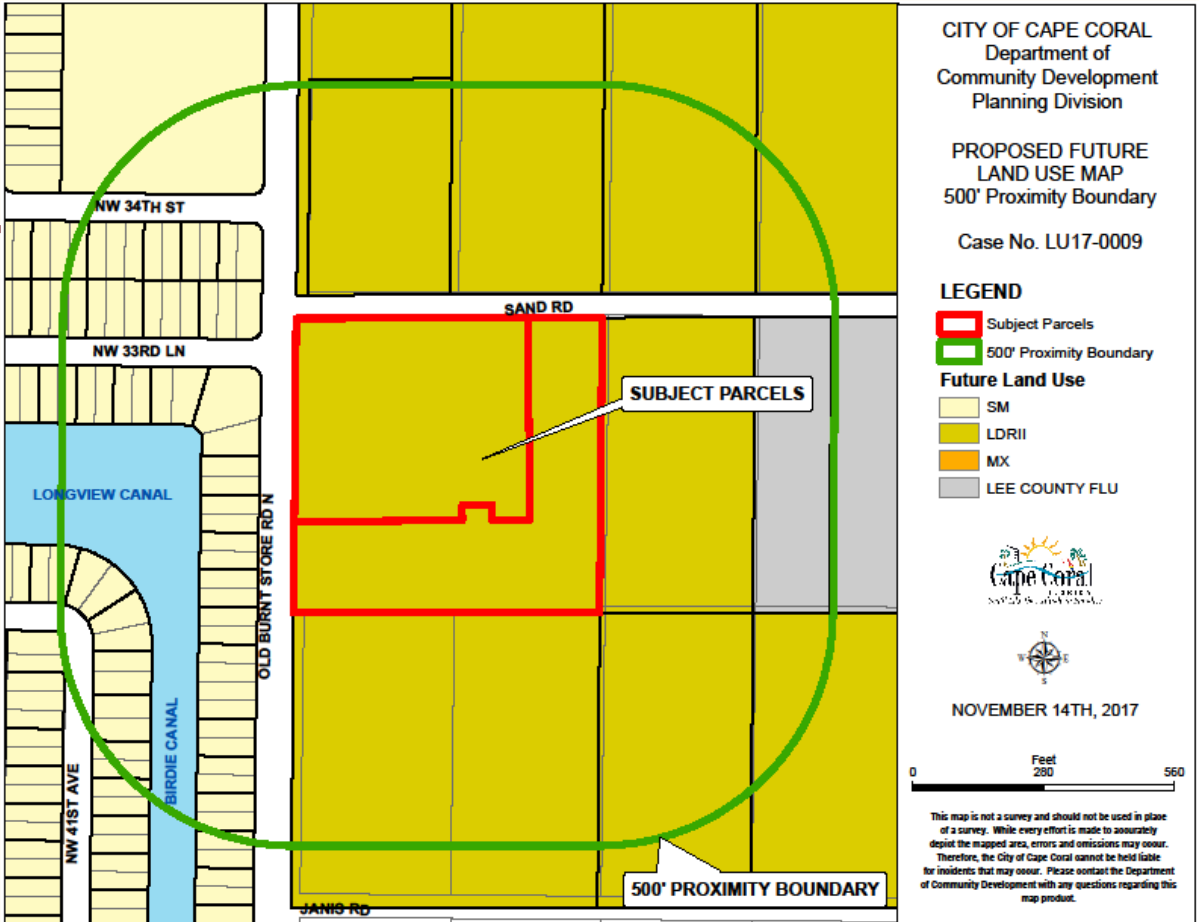
Ordinance 19-18

- **Applicant: Kevin and Gayle McGrath**
- **Site: 9.52 acres**
- **Location: 3305 and 3321 Old Burnt Store Road North**
- **Urban Service Area: Reserve**
- **Request: A Future Land Use Map amendment from Mixed Use (MX) to Low Density Residential II (LDRII)**

Current FLU – Mixed Use



Proposed FLU – Low Density Residential II



Findings of Fact

- Site is 2 undeveloped parcels in northwest quadrant.
- Intersection of Old Burnt Store Road and Sand Road.
- MX land use since 1989 / changed in 2007 / reverted back after state challenge.
- Applicant had PDP approved for 3 lot subdivision / applicant has chosen to only have 2 lot for single-family homes.
- Mixed Use requires properties over 3 acres to have 2 or more uses.

Analysis

- Planning staff reviewed the amendment with following Comp Plan policies
 - Policy 1.13 (Commercial Nodes) – The site is not at a commercial node and does not have preferred access to arterial roadway. The existing future land use designation is not consistent with Policy 1.13.
 - Policy 1.14 (Commercial Siting Guidelines) – The site meets 3 out of 8 commercial siting guidelines (assemblage, compactness, adequate depth). The existing future land use designation is not wholly consistent with Policy 1.14.
 - Policy 3.1 (Transportation Nodes) – The site is not along a transportation node and over 2,000 feet north of the nearest major node. The existing future land use designation is not consistent with Policy 3.1.

Summary and Recommendation

- The existing FLU of the site is not consistent with several Comp Plan policies.
- The site does not have access along arterial or collector road.
- Surrounding area is residential development.
- Reduction in commercial land, however, land is not ideal for commercial development.
- Planning staff and Local Planning Agency recommends approval of amendment to Low Density Residential II.

Item Number:	10.A.
Meeting Date:	3/19/2018
Item Type:	UNFINISHED BUSINESS

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Water Quality - Update

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?

2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

Water Quality Memo

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description

□ Water Quality Memo

Type

Backup Material

MEMORANDUM

CITY OF CAPE CORAL
PUBLIC WORKS DEPARTMENT

TO: John Szerlag, City Manager

FROM: Paul Clinghan, Public Works Director *PRC*
Kraig Hankins, Interim Environmental Resources Manager *KH*

DATE: March 16, 2018

SUBJECT: Lake Okeechobee Level and Release Information 03/16/2018

As of Friday, March 16, 2018, the elevation of Lake Okeechobee was 14.41 feet. Inflows into the lake were 344 cfs, total outflows were 2909 cfs. Current discharges at S-77 were 309 cfs, and 146 cfs at S-79.

The Corps is continuing a pulse release as of Tuesday, March 12 for a 650 cfs average for the week. To maintain rising salinities in the Caloosahatchee below 10 psu, it was recommended that flows be increased in the range of 800 to 1,000 cfs.

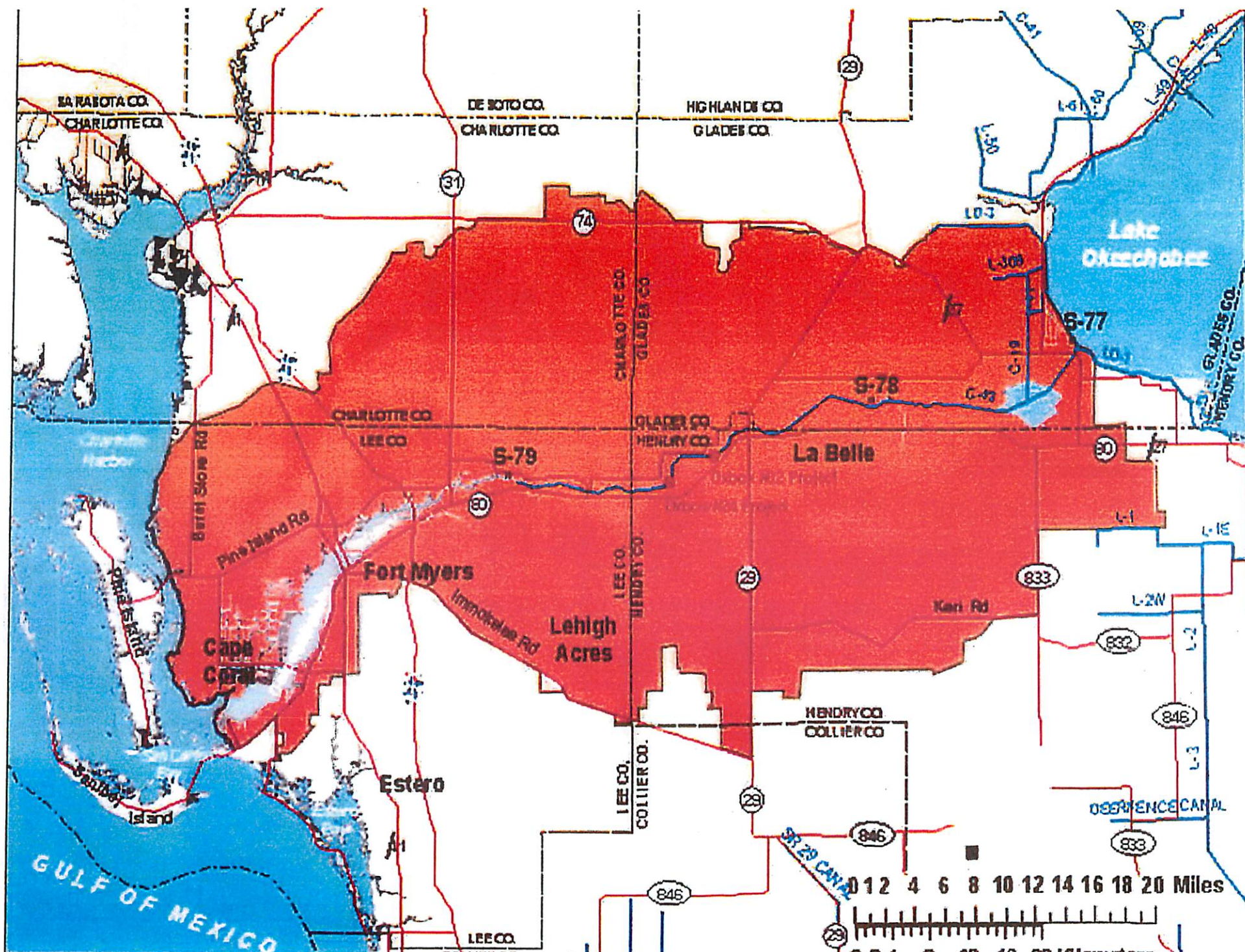
Salinities in the river near Fort Myers were 15.08 PSU. Salinities at Shell Point were 26.19 PSU.

Red tide was present offshore at background to medium concentrations in 24 samples. Respiratory irritation and fish kills were reported at Bonita Beach, Newton Park, Bowman's Beach and Sanibel Causeway Islands.

For the week of March 12, in the Lee County weekly check, blue-green algae was not present at any sampling location.

Attached is a map showing the position of the Caloosahatchee River Locks.

PC/KH: ol (Weekly Lake Okeechobee Level and Release Information 03/16/2018)
Attachment; Caloosahatchee River Locks map



Item Number:	10.B.
Meeting Date:	3/19/2018
Item Type:	UNFINISHED BUSINESS

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Follow Up Items for Council

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?
 - If Yes, Priority Goals Supported are listed below.
 - If No, will it harm the intent or success of the Strategic Plan?

PLANNING & ZONING/HEARING EXAMINER/STAFF RECOMMENDATIONS:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: