

**Charlotte County Board Of County Commissioners  
Agenda Item Summary**

## Item Number: R- 7

### 1 DEPARTMENT MAKING REQUEST

Economic Development

### 2 MEETING DATE

10/28/2014 9:00:00 AM

### 3 REQUESTED MOTION/ACTION

Approve and authorize the Chairman to sign the Second Amendment to the Assignment and Amendment Agreement between the Florida Dept. of Transportation and Charlotte County.

### 4 AGENDA

Regular

### 5 IS THIS ITEM BUDGETED ( IF APPLICABLE ) - Yes

#### **Budget Action**

No action needed. Funded from the Road Improvement Fund approved in EDTF Transp Proj - Cheney Way CIP in the FY 2015 budget process.

#### **Financial Impact Summary Statement**

Funding for this expenditure came from the Road Improvement Fund, Road Improvements, Improvements Other than Bldgs.

**Detailed Analysis Attached** - No

**Budget Officer-**

### 6 BACKGROUND ( Why is this Action Necessary, and What Action will be accomplished )

This is an Amendment to the State FDOT Road Fund Grant agreement for the Cheney Bros. road construction project.

This Amendment will extend the performance deadline for the project to May 30, 2015. The Amendment will allow more time for Cheney Bros to reach the vertical construction milestone required for Charlotte County to receive reimbursement for the road constructed for that project under the original Road Fund grant.

Execution of the Amendment will extend the current deadline from November 14, 2014, to May 30, 2015.

#### **ATTACHMENTS:**

Name:

[2nd amendment.pdf](#)

Description:

Second Amendment - FDOT Road Fund Agreement

Type:

Exhibit

**SECOND AMENDMENT TO  
ASSIGNMENT AND AMENDMENT AGREEMENT  
BETWEEN THE  
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND  
CHARLOTTE COUNTY**

CHAIRMAN OR DESIGNEE  
CHARLOTTE COUNTY, FLORIDA

As of \_\_\_\_\_

When signed by Charlotte County and the State of Florida, Department of Transportation in the places provided below, the following shall constitute the Second Amendment (the "2nd Amendment"): to the *ASSIGNMENT AND AMENDMENT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND CHARLOTTE COUNTY* (hereinafter, "AGREEMENT") original Agreement execution dated April 4, 2013, as amended by the First amendment dated March 17, 2014 as in force immediately prior to the execution of this Second Amendment:

A. Paragraph f. section "**7.0 RELEASE OF FUNDS**" sub-paragraph (b) is amended as follows:

(b) The County shall certify to FDOT that the EDTF Business, or the County's design consultant and/or construction contractor has secured the necessary permits, including but not limited to, building permits, and the EDTF Business has initiated vertical construction of its facilities described in this Agreement. If the County fails to provide such certification to FDOT by **May 30, 2015**. FDOT may, at its discretion, terminate this Agreement;

Rest of this page intentionally left blank.

This 2nd Amendment shall become effective on:

\_\_\_\_\_  
Department to enter date.

ACKNOWLEDGED AND AGREED TO:

**CHARLOTTE COUNTY, FLORIDA**

ATTEST

\_\_\_\_\_  
CLERK

(Seal)

\_\_\_\_\_  
CHAIRMAN OR DESIGNEE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

CHARLOTTE COUNTY LEGAL REVIEW:

BY:

\_\_\_\_\_  
DATE

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST

\_\_\_\_\_  
EXECUTIVE SECRETARY

(SEAL)

BY:

\_\_\_\_\_  
DISTRICT SECRETARY OR DESIGNEE  
DISTRICT ONE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

FDOT LEGAL REVIEW:

BY:

\_\_\_\_\_  
DATE