

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

**Blue Sheet No. 20041379**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Concur with staff recommendation to restrict turning movements at the center median opening into Sunshine Plaza (Station 291+80±) on Bonita Beach Road as part of Bonita Beach Road Widening Project.

**WHY ACTION IS NECESSARY:** Board requested this item be brought forward.

**WHAT ACTION ACCOMPLISHES:** Provides for Board confirmation of the engineered solution for this segment of the Bonita Beach Road project.

**2. DEPARTMENTAL CATEGORY:**

Transportation  
COMMISSION DISTRICT # 3

**A9B**

**3. MEETING DATE:**

**11-16-2004**

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE APPEALS
- PUBLIC WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER \_\_\_\_\_
  - B. DEPARTMENT Transportation
  - C. DIVISION \_\_\_\_\_
- BY: Scott Gilbertson, Director

**7. BACKGROUND:**

Board approved contract to widen resurface and make access control modifications to Bonita Beach Road between I-75 and Mango Street on 3/16/2004. The design of this project was completed in 2003. A public meeting was held on 11/4/2002 to receive public input on the access management portion of the project. No comments on this specific median closure were received at that meeting. The professional engineer responsible for the design recommended closure of the full median at station 291+80 (Sunshine Plaza) as part of the design and in

CONTINUED ON PAGE 2

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>10/20/04</i> <i>[Signature]</i>	NA	NA			<i>WPM 10/21/04</i>				
					OA	OM	Risk	GC	
					<i>RK 10/20/04</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i> 10-20-04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED 2 WKS.
- OTHER To 11/16/04

*on 11/2/04*

Rec. by CoAtty  
Date: *10/20/04*  
Time: *9:30*  
Forwarded To:  
*Admin 10/20/04*

RECEIVED BY  
COUNTY ADMIN: *P*  
*10/20/04*  
*10:10 AM '04*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*10/21/04*  
*[Signature]*

**7. BACKGROUND (Continued):**

accordance with his responsibility under Florida Statutes 334.044 and 336.045. The shopping center has two other access points, both of which are signalized, and which provide reasonable access to the shopping center.

A business tenant of Sunshine Plaza (Mr. Bishop) attended the pre-construction public meeting held on 5/11/2004, and requested that LCDOT review the decision to close this median opening. Our consultants reviewed the closure and on June 8<sup>th</sup> recommended it to be necessary; however, they offered an option, which would be acceptable from a safety perspective and would improve the operation of the signal at Spanish Wells. We presented this option to Mr. Bishop on July 1<sup>st</sup>. He replied that he would request the shopping center owner consider this option, as Mr. Bishop is a tenant in the center. Aerial photographs indicate the contractor removed the median opening in question after August 20<sup>th</sup> and prior to September 23<sup>rd</sup>, 2004. Mr. Bishop spoke to DOT staff the week of September 27<sup>th</sup> and advised the owner refused to agree to the option provided. Mr. Bishop then on October 5<sup>th</sup> asked the district commissioner for assistance.

Under Florida Statute 336.045(4) any construction on the county roadway system must occur via plans signed and sealed by a Registered Professional Engineer licensed in the state of Florida. The engineer of record responsible for this project is not willing to sign and seal plans for this median opening to remain and DOT staff engineers concur. Should the Board decide to allow this median opening to remain, the County Attorney's Office advised that Mr. Bishop will have to submit plans for same, signed and sealed by a Professional Engineer registered in the state of Florida. The County Attorney's Office has recommended that in addition Mr. Bishop should have to follow the example set by the Board with respect to the Home Depot and the City of Bonita Springs, in that he should enter into an agreement with the Board to accept all liability with respect to this median opening in perpetuity, and that he be responsible for its removal at the County's direction.

Should the Board agree to allow Mr. Bishop the opportunity to have this median opening reinstalled, direction will be necessary as to the responsibility for construction costs.



1" = 150'

SPANISH WELLS BLVD

SPANISH WELLS BLVD

BONITA BEACH RD SE

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PALMAS GRANDES BLVD

ARROYAL RD

Prepared by Rob Lovell, Lee County DOT, October 19, 2004

