

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20050624

1. ACTION REQUESTED/PURPOSE: Adopt resolution acknowledging and offering no objection to the transfer of ownership and control of Pelican Nest Drive from the Bay Creek Community Development District to the Pelican Landing Community Association, Inc.

2. WHAT ACTION ACCOMPLISHES: Confirms that Lee County does not have an interest in the Pelican Nest Drive west of the existing gatehouse, thereby allowing for the transfer of ownership and control to the property owners' association.

3. MANAGEMENT RECOMMENDATION: County Staff supports the resolution.

4. Departmental Category: *C12C* **5. Meeting Date:** *05-17-2005*

| | | | | | |
|---|--|---|--|------------------------------|----------------------------|
| 6. Agenda: | | 7. Requirement/Purpose: (specify) | | 8. Request Initiated: | |
| <input checked="" type="checkbox"/> Consent | | <input type="checkbox"/> Statute | | Commissioner | |
| <input type="checkbox"/> Administrative | | <input type="checkbox"/> Ordinance | | Department | County Attorney |
| <input type="checkbox"/> Appeals | | <input type="checkbox"/> Admin. Code | | Division | Land Use |
| <input type="checkbox"/> Public | | <input checked="" type="checkbox"/> Other | | By: | <i>Donna Marie Collins</i> |
| <input type="checkbox"/> Walk-On | | | | | Donna Marie Collins |

9. Background: Pelican Nest Drive is the southern entrance into the Pelican Landing Development of Regional Impact and is located in the City of Bonita Springs. The plat of Pelican Landing dedicated Pelican Nest Drive to the Pelican Landing Community Association, Inc. Thereafter, the road was transferred to the Bay Creek Community Development District via quit claim deed.

Pelican Nest Drive west of the gatehouse is currently owned and maintained by the Bay Creek Community Development District. The Pelican Land Community Association, Inc., desires to once again assume ownership and control of the road west of the gatehouse facility. As a condition of transferring ownership, the Community Development District has requested confirmation that the County has no interest in the roadway west of the gatehouse as part of the County roadway network.

The interlocal agreement between Lee County and the City of Bonita Springs, approved by the Board of County Commissioners on September 19, 2000, did not identify Pelican Nest Drive as a road whose jurisdiction was transferred to the City.

Attachment: Draft Resolution dated 4-22-05

10. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P.W. Director |
|---------------------|-------------------------|-----------------|-------|-----------------|-----------------|---------------|---------------|---------------|------------------------------|
| | | | | | Analyst | Risk | Grants | Mgr. | |
| | | | | | <i>RK 5/4</i> | <i>5/5/05</i> | <i>5/4/05</i> | <i>5/5/05</i> | <i>[Signature]</i> |

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED
by CO. ATTY. TO
5/4/05

RECEIVED BY
COUNTY ADMIN. *714*
5-4-05 *MP*
 2:25
 COUNTY ADMIN
 FORWARDED TO: *PP*
5/5/05
3pm

RESOLUTION # _____

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS
RELATING TO PELICAN'S NEST DRIVE
WEST OF THE EXISTING GATEHOUSE**

WHEREAS, the Board of Lee County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and

WHEREAS, the Bay Creek Community Development District is an independent special district which is a local unit of special purpose government created by and established pursuant to Florida Statutes, Chapter 190, the "Uniform Community Development District Act of 1980;" and

WHEREAS, the Pelican Landing Community Association, Inc. (PLCA) is a Florida corporation not-for-profit, which is formed to hold title to common elements within the Pelican landing community for the benefit of the community's residents; and

WHEREAS, the PLCA and Bay Creek Community Development District wish to transfer the ownership and control of Pelican's Nest Drive from the existing gatehouse to the west from the Community Development District to the PLCA; and

WHEREAS, the Community Development District desires that Lee County confirm whether it has an interest in Pelican's Nest Drive west of the existing gatehouse as part of the county roadway network; and

WHEREAS, Lee County does not have an interest in the road west of the existing gatehouse and, therefore, consents to the adoption of a resolution to that effect.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that:

1. Lee County does not object to the transfer of the ownership and control of Pelican's Nest Drive from the Bayside Community Development District to the Pelican Landing Community Association, Inc. in the area depicted on the attached exhibit "A" more specifically west of the existing gatehouse facility.

THE FOREGOING RESOLUTION was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____,
and, upon being put to a vote, the vote was as follows:

Robert P. Janes
Douglas St. Cerny
Ray Judah
Tammy Hall
John E. Albion

Duly passed and adopted this ____ day of _____ 2005.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

Approved as to form by:

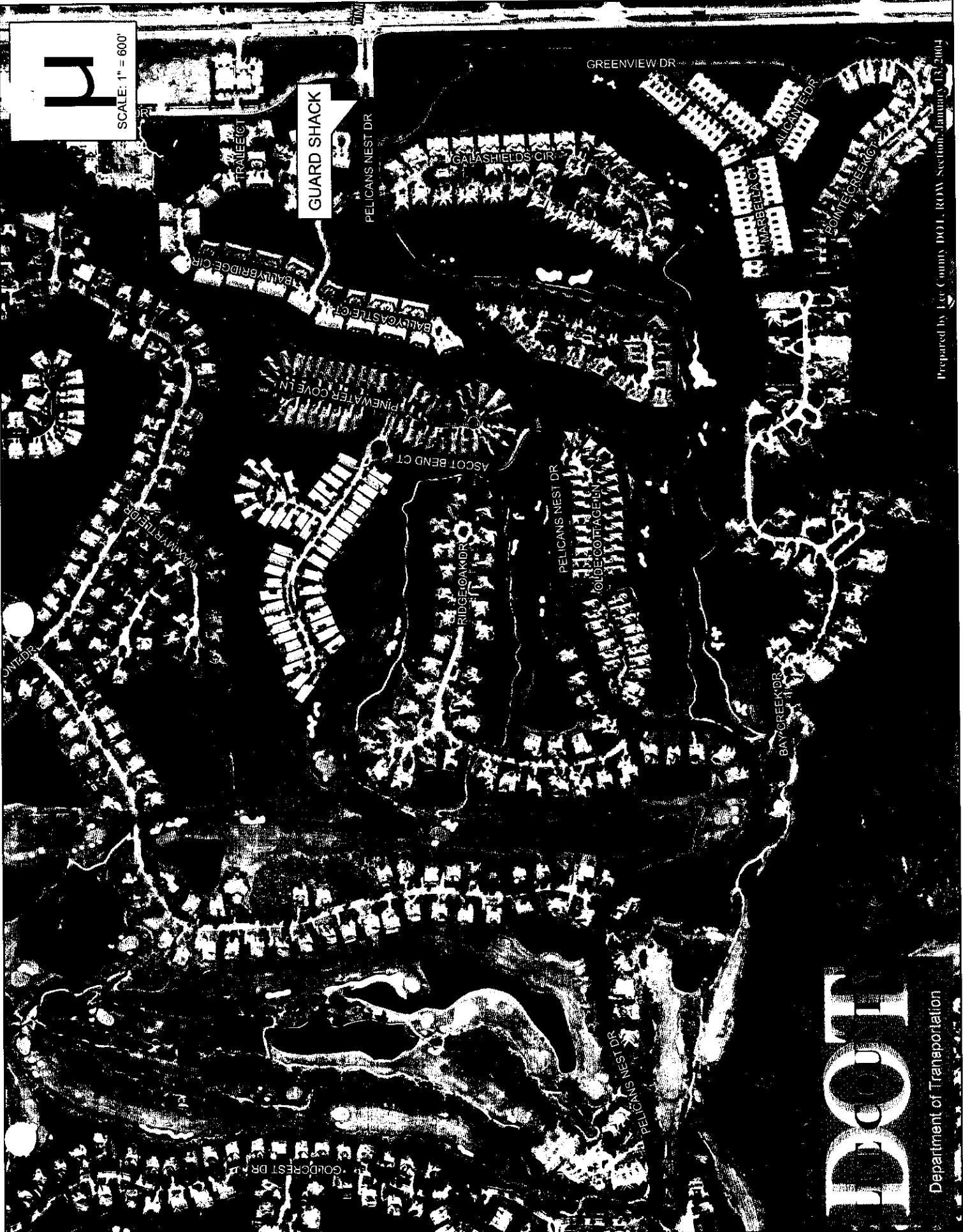
Donna Marie Collins
Assistant County Attorney

Exhibit A:
Graphic depiction of area



SCALE: 1" = 600'

GUARD SHACK



Prepared by Lee County DOT, ROW Section, January 13, 2004

DOT

Department of Transportation