

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

Blue Sheet No. 20051482

1. ACTION REQUESTED/PURPOSE: Provide direction to County Attorney's Office and Department of Transportation staff, with respect to entertaining two (2) offers received; one from Talon Management and the other from Edison Farms, Inc., relating to alignment alternatives for the County Road 951 Corridor Study.

2. WHAT ACTION ACCOMPLISHES: Allows for determination of whether or not additional preferred corridors may be forwarded to Federal Highway Administration (FHWA) for evaluation against the no build alternative along with the "western alignment" selected at the August 2, 2005, Public Hearing.

3. MANAGEMENT RECOMMENDATION: Provide direction.

4. Departmental Category: <u>2</u> A12C		5. Meeting Date: <u>10-25-2005</u>
6. Agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input checked="" type="checkbox"/> Other PD & E Study	
		8. Request Initiated:
		Commissioner
		Department County Attorney
		Division General Services
		By: David M. Owen
		<i>(Signature)</i> County Attorney

9. Background:

On August 2, 2005, at a Special Public Hearing, the Board of County Commissioners (BOCC) provided direction to the Department of Transportation after adopting the "western alignment" as the preferred corridor for the alignment of County Road 951 Corridor Study for the purpose of forwarding the selected alignment to the Federal Highway Administration (FHWA) for evaluation against the no build alternative. Based on public input at the Special Public Hearing that there was another alternative to the "western alignment", the BOCC indicated they would consider additional information on other alignments if brought forward within sixty (60) days from the Public Hearing.

On September 23, and 29, 2005, Edison Farms, Inc. and Talon Management respectively, submitted letters and information to the County with proposals for the BOCC's consideration relating to alternative alignments for CR 951 corridor study.

ATTACHMENTS: September 23, 2005, Correspondence from Edison Farms, Inc.
September 29, 2005, Correspondence from. Talon Management

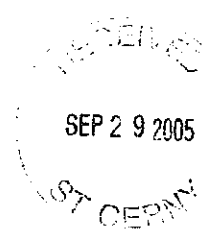
10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>(Signature)</i> 10.12.05				<i>(Signature)</i>	RK 10/12	10/12/05	10/14/05	10/13/05	<i>(Signature)</i> 10.12.05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
10-12-05
9:07
COUNTY ADMIN FORWARDED TO:
10-12-05
9:30 R.K.



September 29, 2005

Commissioner Doug St. Cerny
Commissioners' Offices
Old Lee County Courthouse
2120 Main Street
Fort Myers, FL 33901

Subject: CR 951 PD&E Recommendations

Dear Commissioner St. Cerny;

I attended and spoke at your BCC meeting on August 2nd, 2005 where you directed your staff to proceed with the 951 corridor study and identified the Western alignment as your preferred alignment. Also at that meeting based on input from the majority of speakers, you indicated that you would consider additional information and asked that it be brought forward in the next 60 days.

My client who owns property in the study area has engaged professionals in a variety of fields to review your staff recommendation and actions and has developed information that we would like to share with you.

What was not entirely clear in the direction given on August 2nd was the manner in which you would like information to be brought back for review. The purpose of this letter is to request an appropriate forum in which to share this information. I would be pleased to meet with you individually to review the data if you like, or we can assemble our team for a comprehensive presentation should you wish us to do so.

We have worked diligently to prepare this information within the time frame given and now seek your counsel on the most appropriate manner in which to proceed. I thank you for your time and attention and await your response.

Sincerely,

A handwritten signature in cursive script that reads "Tim Hancock".

Tim Hancock

Edison Farms, Inc.

September 23, 2005

2005 SEP 28 AM 11:28
RECEIVED BY
LEE CO. ATTORNEY

Mr. David M. Owen, Esq.
Lee County Attorney
P.O. Box 398
Ft. Myers, FL 33902

Via Hand Delivery

Re: CR 951 Alignment

Dear Mr. Owen:

We are the owners of property that is being proposed by Lee County for the alignment of County Road 951.

The following offer to assist is in the event that the "power line alignment" or a variation of the power line alignment, which I will set forth below, is chosen.

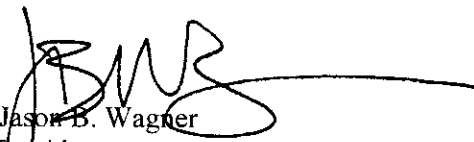
We have looked closely at the currently planned choices and suggest the variation of the alignment along the power line shown in the attached exhibit "A" will decrease the length of the road, lessen the environmental impacts, and result in a safer route than the currently suggested route by eliminating the 90 degree turns.

The Panther-Endangered Species Habitat Mitigation costs, as shown on the July 12, 2005 Evaluation Matrix, of the most westerly alignment is \$10,940,000.00 and the power line alignment is \$60,856,100.00.

We propose to be responsible for the difference between the cost of the Evaluation Matrix of the most westerly alignment of \$10,940,000 and the actual cost of the Panther-Endangered Species Habitat Mitigation for the power line alignment. We would take responsibility for negotiating the amount and providing the cost of the mitigation above \$10,940,000.00.

Edison Farms, Inc. stands ready to assist in any other way feasible and can meet any time to discuss this matter further.

Edison Farms, Inc.


Jason B. Wagner
President

CC: John Renner, Esq.
Tim Jones, Esq.

951 Alternatives Analysis
ROW & Construction Costs and Wetland Impacts
Proposed 951 Alignment
From Edison Farms Southern Boundary to Corkscrew Road Only

		Blue Alignment (Adjacent to I-75)	Yellow Alignment (West Side of Power Line)	Green Alignment (Angled Across Edison Farms)
ROW Length				
	Crossing Edison Farm's Property	20,856	15,931	11,952
	Crossing Adjacent Property	9,898	8,198	8,198
	Total ROW Length	30,754	24,129	20,150
ROW Area (Acres, assuming 250' ROW) [1]				
	Crossing Edison Farm's Property	119.70	91.43	68.60
	Crossing Adjacent Property	56.81	47.05	47.05
	Total ROW Area	176.50	138.48	115.65
Acquisition Costs (County Pricing of \$50k) [1]				
	Crossing Edison Farm's Property 50,000	5,984,848	4,571,568	3,429,752
	Crossing Adjacent Property 50,000	2,840,335	2,352,502	2,352,502
	Total Acquisition Costs	8,825,184	6,924,070	5,782,254
Road Construction Costs (\$625/lineal foot) [1]				
	Crossing Edison Farm's Property 625	13,035,000	9,956,875	7,470,000
	Crossing Adjacent Property 625	6,186,250	5,123,750	5,123,750
	Total Road Construction	19,221,250	15,080,625	12,593,750
Panther Crossings [1] [2]				
	Total # of Crossings	2	3	3
	Crossing Edison Farm's Property 2,000,000	4,000,000	6,000,000	6,000,000
	Crossing Adjacent Property	0	0	0
	Total Panther Crossings	4,000,000	6,000,000	6,000,000
Wetlands Impacted (Acres) [3] [4]				
	Crossing Edison Farm's Property [3]	60.29	51.36	27.53
	Crossing Adjacent Property [4]	33.48	19.51	19.51
	Total Impacted Wetlands	93.77	70.87	47.04
Wetland Mitigation Credits Required (1.5 : 1) [1]				
	Crossing Edison Farm's Property 1.50	90.44	77.04	41.30
	Crossing Adjacent Property 1.50	50.22	29.27	29.27
	Total Impacted Wetlands	140.66	106.31	70.56
Mitigation Expenses (@ \$37,500/credit) [1]				
	Crossing Edison Farm's Property 37,500	3,391,313	2,889,000	1,548,563
	Crossing Adjacent Property 37,500	1,883,250	1,097,438	1,097,438
	Total Mitigation Costs	5,274,563	3,986,438	2,646,000
Total ROW, Construction & Wetland Mitigation				
	Crossing Edison Farm's Property	26,411,161	23,417,443	18,448,315
	Crossing Adjacent Property	10,909,835	8,573,690	8,573,690
	Total ROW, Construction & Wetland Mitigation	37,320,996	31,991,133	27,022,004
Cost Difference Compared to Blue Alignment		NA	(5,329,863)	(10,298,992)
[1]	ROW Widths of 250', ROW Acquisition Costs of \$50,000 per Acre, Construction Costs of \$625/foot, Panther Crossings of \$2.0 million each & Wetland Mitigation Costs of \$37,500 per credit are based upon the CR 951 PD&E Study Evaluation Matrix, North Central Study Area, as completed by Lee County on 7/12/05			
[2]	For the purpose of this analysis, it is assumed that all panther crossings are located on the Edison Farm's Property.			
[3]	ROW wetland Impact Areas within the Edison Farms Property are based upon jurisdictional lines established under the State of Florida criteria and accepted in the Conceptual Permit from the SFWMD in June 1996. The lines were delineated with GPS data, and a 45 foot margin of deviation was included to be adjusted where necessary in the field during construction to ensure that the wetland limits are in accordance with the Wetland Delineation Rule, Chapter 62-340 Florida Administrative Code. At present time, these are non-binding lines, in that the conceptual permit was never issued as an actual SWM or ERP permit.			
[4]	The wetland lines to the north of Edison Farms are those provided by SFWMD to the Florida Graphics Data Library (FGDL) updated in 2003, using the Florida Land Use, Cover, and Forms Classification System (FLUCFCS).			

CR 951 Alternatives, Road Segment Lengths

Segment	Edison Farms	Other Property	Total
Blue Route	20,856'	9,898	30,754
Yellow Route	15,931	8,198	24,129
Green Route	11,952	8,198	20,150

