

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

Blue Sheet No. 20061309

1. ACTION REQUESTED/PURPOSE: Accept offer of settlement in Gunnery Road Project, Lee County v. King, et al., Case No. 05CA-3028-I, parcels 177C-Hinspeter for \$1,776.00, 190ABC-Fortana for \$2,656.00 and 191ABC-Elliott for \$3,674.00 with attorney fees of \$1,024.98.

2. WHAT ACTION ACCOMPLISHES: Settles the case.

3. MANAGEMENT RECOMMENDATION: Approve settlement offer.

4. Departmental Category: 12 **A12A** **5. Meeting Date:** OCT 17 2006

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)		8. Request Initiated: Commissioner _____ Department County Attorney Division Litigation By: John S. Turner, Assistant County Attorney
	<input type="checkbox"/> Statute	_____	
	<input type="checkbox"/> Ordinance	_____	
	<input type="checkbox"/> Admin. Code	_____	
	<input checked="" type="checkbox"/> Other	_____	

9. Background: Lee County acquired its interest in the eminent domain case for parcels 177C, 190ABC and 191ABC, in case no. 05CA-3028-I, for the Gunnery Road improvement project. The property owners have offered to settle for the anticipated expense Lee County would incur in paying the property owners' real estate appraisal fees for each parcel if the case proceeded to trial. This amounts to \$1,000 per parcel for a total of \$8,106.00 plus attorney fees of \$1,024.98. Defendants would be Hinspeter for parcel 177C, Fortana for parcel 190ABC and Elliott for parcel 191ABC.

Funds available in string account no.: 20405518803.506110

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>[Signature]</i>	Analyst <i>RK for EW 9/29</i>	Risk <i>9/28/06</i>	Grants <i>RK for RB 9/29</i>	Mgr. <i>1/24/06</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
9/28/06

RECEIVED BY
COUNTY ADMIN: *RL*
9/28/06
3:30 pm
COUNTY ADMIN
FORWARDED TO:
10/4/06 P. Res.
10:30

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

Blue Sheet No. 20061310

1. ACTION REQUESTED/PURPOSE: Approve the Amendment to Resolution of Necessity for the acquisition and condemnation of Parcel 106-UE required for the Corkscrew Road Water Treatment Plant Expansion, Project No. 7097.

2. WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so the necessary parcels can be acquired for the expansion of the Corkscrew Road Water Treatment Plant Wellfield.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: 12		A12B	5. Meeting Date: OCT 17 2006
6. Agenda:	7. Requirement/Purpose: (specify)		8. Request Initiated:
Consent	X Statute	73, 74, 125, 127	Commissioner
X Administrative	Ordinance		Department: County Attorney
Appeals	Admin. Code		Division: Litigation
Public	X Other		By: John Renner, Assistant County Attorney
Walk-On	BS 20060009, Reso. 06-02-03		

9. Background:

The Corkscrew Road Water Treatment Plant Expansion, Project No. 7097, will provide additional potable water well sites to Lee County Utilities, and ensure adequate and required services as the population of Lee County grows in the future.

Approval of the Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of the parcel required for the project. The original Resolution of Necessity is being amended to reflect the change in property boundaries and legal description for Parcel 106-UE and the deletion of Parcels 106 and 106-WPE.

Attachment: Amendment to Resolution of Necessity

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other <i>Co. Lands</i>	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgt.	
			<i>[Signature]</i>	<i>[Signature]</i>	<i>RK</i>	<i>10/14</i>	<i>10/14</i>	<i>10/14/06</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/14/06

RECEIVED BY
COUNTY ADMIN: *RK*
10/14/06
12:20pm
COUNTY ADMIN
FORWARDED TO: *RL*
10/15/06
9 Am

**AMENDMENT TO RESOLUTION OF NECESSITY
OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

WHEREAS, The Board of County Commissioners of Lee County, Florida, has adopted Resolution of Necessity 06-02-03 authorizing the exercise of the power of eminent domain to acquire the necessary property interests to construct the Corkscrew Road Water Treatment Plant Wellfield Expansion, Project No. 7097, and it is necessary to acquire the subject property for this purpose, and

WHEREAS, after consideration of the availability of alternative routes, the costs of the project, environmental factors, long range area planning, and safety concerns, The Board of County Commissioners of Lee County, Florida, desires to exercise its right to condemn property for public use or purpose, and that the property to be condemned is necessary for that use.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY FLORIDA, that:

Lee County Resolution of Necessity 06-02-03 is amended to reflect the change in property boundaries and legal description of Parcel 106-UE, and to delete Parcels 106 and 106-WPE.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the utility easement rights to property described in the attached Exhibit "A" are necessary for the Corkscrew Road Water Treatment Plant Wellfield Expansion Project, and are being acquired for the following specific public use or purpose:

To construct additional facilities and well sites to provide potable water for the future growth of Lee County. Exhibit "A" consists of Parcel 106-UE.

SECTION TWO: AUTHORITY AND ESTATE

By virtue of the authority granted to the Board of County Commissioners of Lee County by Chapters 73, 74, 125 and 127, Florida Statutes, and all other statutory or common law which grant to the Board of County Commissioners the power to institute and proceed with acquiring property under the exercise of

Amendment to Resolution of Necessity

the power of eminent domain, the Board of County Commissioners hereby authorizes and directs the County Attorney's Office to commence and prosecute any and all proceedings necessary to acquire the utility easement interest in the property described in Exhibit "A" for the above described public use or purpose.

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

Bob Janes	_____
Douglas St. Cerny	_____
Ray Judah	_____
Tammara Hall	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

Tammara Hall, Chairwoman

APPROVED AS TO FORM:

Office of County Attorney

S:\033735\Legals\Revise Parc 19 030206\Revparc19030206.dwg (Parcel 19 Desc) mat Mar 02, 2006 - 1:09pm

Parcel 19 (106-UE)

A parcel of land lying in Section 19, Township 46 South, Range 27 East, Lee County, Florida, and being more particularly described as follows: Commence at the Southeast corner of said Section 19 and run S89°01'52"W, along the South line of said section 19, a distance of 2960.97 feet; Thence N00°58'08"W a distance of 72.47 feet to the North right-of-way line of Corkscrew Road and the Southeast corner of a parcel of land described in Official Records Book 3463, Page 4882, Public Records of Lee County, Florida and the Point of Beginning of the parcel of land herein described; Thence S89°27'58"W, along said North right-of-way line, a distance of 1320.01 feet to the Southwest corner of said Official Records Book 3463 page 4882; Thence N00°46'45"W, along the West line of said Official Records Book 3463 page 4882, a distance of 15.00 feet; Thence N89°27'58"E, parallel with said North right-of-way line, a distance of 1320.01 feet to the East line of said Official Records Book 3463 page 4882; Thence S00°46'45"E, along the East line of said Official Records Book 3463 page 4882, a distance of 15.00 feet to the Point of Beginning.
Containing 0.45 acres more or less.
Subject to easements, reservations, restrictions, and rights-of-way of record.

NOTES:

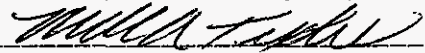
THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.

Bearing Reference: Bearing of S89°28'40"W on the South line of the Southeast one-quarter of Section 23, Township 46 South, Range 26 East. State Plane Coordinate, Florida West Zone, NAD 83(90).

This Description is only for the benefit of:

Lee County Utilities

No other person or Entity may rely on this Description.


Mark A. Texter (For the firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 6392

Date signed: 03-02-06
Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

In my professional opinion, as a Licensed Florida Professional Surveyor and Mapper this Description is a true and correct representation of a recent survey made and platted under my direction, made in accordance with Chapter 472.027, Florida Statutes.

This Description is not valid without sheet 2 of 2

Exhibit "A"

Page 2 of 2

Lee County Utilities
Sec. 19, Twp. 46 S., Rge. 27 E.
Lee County, Florida



251 HICKPOCHEE AVENUE
LABELLE, FLORIDA 33935
PHONE (863) 612-0594
FAX (863) 612-0341
E.B. #642 & L.B. #642

Description
Parcel 19 (106-UE)

DATE	PROJECT NO.	P.P.E. NO.	SCALE	SHEET
03/02/06	20033735	19-46-27	As Shown	1 of 2

S:\033735\Legals\Revise Parc 19 030206\Revparc19030206.dwg (Parcel 19 sketch) mat Mar 02, 2006 - 1:09pm

Exhibit "A"

Page 2 of 2

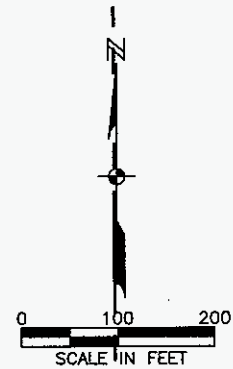
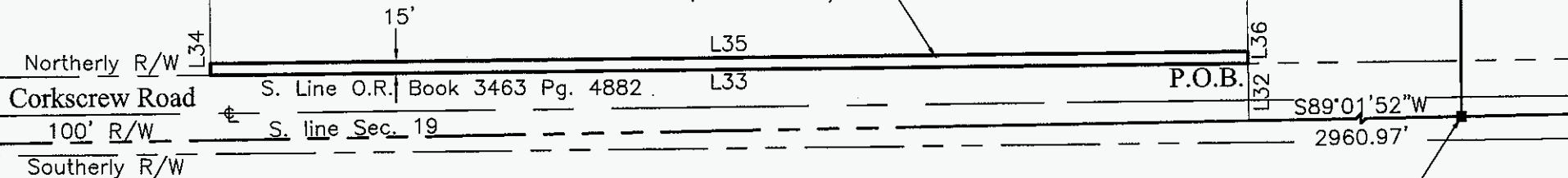
W. Line O.R. Book 3463 Pg. 4882

E. Line O.R. Book 3463 Pg. 4882

LINE TABLE		
LINE	LENGTH	BEARING
L32	72.47	N00°58'08"W
L33	1320.01	S89°27'58"W
L34	15.00	N00°46'45"W
L35	1320.01	N89°27'58"E
L36	15.00	S00°46'45"E

O.R. Book 3463 Page 4882

PARCEL 19
(106-4E)



Legend:

- Sec. = Section
- Twp. = Township
- Rge. = Range
- LB = Licensed Business
- R/W = Right-of-Way
- O.R. = Official Records
- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning
- R = Radius
- A = Arc length
- D = Delta angle
- CHB = Chord Bearing
- CH = Chord length
- Pg = Page
- Cor = Corner

P.O.C.
S.E. Cor. Sec.19,
Twp.46S., Rge.27E.

This Sketch of Description is not valid without sheet 1 of 2

Lee County Utilities
Sec. 19, Twp. 46 S., Rge. 27 E.
Lee County, Florida



251 HICKPOCHEE AVENUE
LABELLE, FLORIDA 33935
PHONE (863) 612-0594
FAX (863) 612-0341
E.B. #642 & L.B. #642

Sketch of Description
Parcel 19 (106-4E)

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/02/06	20033735	19-46-27	As Shown	2 of 2

Gomez, Keith

From: Gomez, Keith
Sent: Thursday, September 28, 2006 9:45 AM
To: Renner, John J.
Subject: Corkscrew Road WTP 7097 - Amend Reso
Attachments: 20060928092913.tif; BS Amendment Resolution of Necessity.dot

John,
Please review the amendment to the resolution and blue sheet.
In the "*Now, Therefore...*" clause, I referenced the deletion of Parcels 106 and 106 WPE. Is any additional reference or comments under Section One required with regard to the deletion?

In the blue sheet, do we need any additional language in the Action Requested pertaining to the deletion?
Thanks.

J. Keith Gomez
Property Acquisition Agent
County Lands Division
Lee County Government, Florida
P.O. Box 398
Fort Myers, FL 33902-0398
Phone (239) 479-8505
Fax (239) 479-8391

Please note: Florida has a very broad public records law. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. Your email communications may be subject to public disclosure.

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

Blue Sheet No. 20061227

- 1. ACTION REQUESTED/PURPOSE:** 1) Authorize staff to formally object to the proposed annexation of the Zemel properties into the City of Cape Coral and authorize the County Attorney to file the appropriate challenge in Circuit Court.
- 2. WHAT ACTION ACCOMPLISHES:** Provides the County standing for an eventual legal challenge to the annexations.
- 3. MANAGEMENT RECOMMENDATION:** Authorize staff to formally object and the County Attorney to file the appropriate challenge.

4. Departmental Category: 04 **A4A** **5. Meeting Date:** OCT 17 2006

6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	Commissioner
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	Department <u>Community Development</u>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	Division
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	By: <u>Paul O'Connor</u>
<input type="checkbox"/> Walk-On		<u>POC 9/13/06</u>

9. Background:
 The City of Cape Coral City will be conducting Public Hearings on September 25 and October 10, 2006 to consider ordinances to annex the Zemel properties into the City. These properties have been under consideration for annexation for some time. In December of 2004 the Planning Division wrote a position paper entitled Zemel Property Annexation Issues, see attached. The issues and concerns identified in the report are essentially the same.

The real cost of these proposed annexations has not been sufficiently analyzed. The effect that this land use conversion will have on needed public infrastructure improvements has not been analyzed. No analysis has been provided that demonstrates what improvements will be needed to accommodate these proposed changes.

The considerable amount of wetlands, lack of available urban services and infrastructure, and the important water and habitat issues of these properties do not support an urban development scenario. Annexation of these properties into the City of Cape Coral without considerable specificity appears premature. The City should look at a more balanced approach, annexing a smaller defined portion of the overall petition. A more prudent approach would be to formulate a long range plan for any area proposed to be annexed. This plan should address the potential use, intensity, and evaluate impacts and establish appropriate mitigation. There are two options the Board can consider:

Option 1. Authorize staff to formally object to the proposed annexation of the Zemel properties into the City of Cape Coral and authorize the County Attorney to file the appropriate challenge in Circuit Court.

Option 2. Following annexation by the City, carefully scrutinize the comprehensive plan amendment process to see that adequate protections are built into the City's plan.

Staff recommends implementing Option 1. The protection of these lands designated as Open Lands is too important to allow this conversion of use.

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>Man Gibbs</i>	NA	NA	NA	<i>Sumathy</i>	<i>9/14/06</i>	<i>9/14/06</i>	<i>9/14/06</i>	<i>9/14/06</i>	<i>HS dml/ce</i>

11. Commission Action: *update Mr P OCT 9 - First item -*
 Approved *Bring to Oct 17th meet @ 10:00 AM ITEM*
 Deferred *@ Formal objection*
 Denied *@ Direct staff to interact w/ City*
 Other *@ Direct C/A to prepare legal challenge -*
Judah/Jones

ENTERED

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: September 13, 2006

TO: Molly Schweers

FROM: _____

Paul O'Connor, Director

RE: **Walk on Bluesheet for September 19, 2006**

In order to receive Board direction prior to the September 24, 2006 City of Cape Coral Public Hearing, the attached Bluesheet, Number 20061227, needs to be a Walk-On for the September 19, 2006 regular Board Meeting.

ZEMEL PROPERTY ANNEXATION ISSUES

BACKGROUND

The Zemel Family Trust, through their court appointed Trustee, has petitioned the City of Cape Coral to annex four separate areas of land. The property lies to the north of the current City boundary in the area known locally as the Yucca Pen or Charlotte Harbor Flatwoods. The four petitions represent over 2,500 acres of land. The City has identified these annexations with a numeric sequence ending in the numbers 2 through 5. For the purpose of this report, the areas will be identified as Area 2 through Area 5, please see the attached location map and individual Area maps for each of the proposed annexations.

LEE PLAN HISTORY

The current Lee Plan designation for these properties is a combination of Open Lands on the upland portions of the property and Wetlands. These designations limit the development potential of the property to agriculture, mineral extraction, and low density residential development. The categories do not allow for commercial development.

The original 1984 Lee Plan designated this area of the county as Open Lands, with a maximum residential density of one dwelling unit per acre. As part of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs, this area was placed into the newly created Density Reduction/Groundwater Resource future land use category. The Zemel Family Trust objected to the designation and challenged the amendment in court as a constitutional taking of their property rights. The case lingered in the courts for seven years. During that time, the future land use designation of this area of the County was changed into a new Open Lands category. The new Open Lands category allowed a maximum density of one dwelling unit per five acres. The ultimate resolution from the courts resulted in an award of one dollar (\$1.00) in damages for a temporary taking and attorney's fees. This future land use designation remains on the subject property's uplands.

The designation of non-urban lands on the County's Future Land Use map is an important part of the County's overall long range plan. The County, through the Lee Plan, recognizes that not all of the lands within the County should be urbanized. Non-urban lands provide many important functions that compliment the urbanized areas of Lee County. Non-urban lands help define and separate urban areas. These lands help maintain clean air and water. They provide important wildlife habitat and recreational opportunities. These lands provide a sense of place, green vistas, and relief from the urban environment. They act as green areas that separate urban areas from each other, defining individual urban areas and preventing urban sprawl. They also provide a lifestyle alternative for those who choose to live in a more rural setting, away from the urban atmosphere. These lands can also serve an important economic function in accommodating mining and agricultural activities away from heavily populated areas.

CONSERVATION AND ACQUISITION

The Charlotte Harbor Flatwoods is the largest remaining tract of intact pine flatwoods in southwest Florida. Many rare plants and animals have been documented to use this habitat. The Florida Department of Environmental Protection (DEP), through the Florida Forever acquisition program, has identified the Charlotte Harbor Flatwoods for acquisition. The Charlotte Harbor Flatwoods project will protect these flatwoods and connect the Charlotte Harbor State Buffer Preserve with the Babcock-Webb Wildlife Management Area, helping to protect both of these managed areas and the waters of the Aquatic Preserve. According to the DEP web site, the total project area is 23,762 acres. The state has purchased 14,380 acres at a cost of \$36,287,279. The DEP web site contains a map that shows the acquisition area. That map indicates that the majority of the proposed annexation areas are located within the "essential parcel(s) remaining" area. Portions of Area 2 (the western portion of section 5 and the 20 acre connecting property in section 6) are excluded from the essential remaining areas.

In addition to the state land purchases, the County has made a substantial investment in the purchase of conservation lands in this area of the county. Through the Conservation 2020 Program the County has purchased four parcels comprising a total of 202.43 acres at a cost of \$746,500.

The prospect of commercial, light industrial and mixed-use urban development immediately adjacent to these important conservation areas is not unacceptable. Urbanization of these areas will result in the loss of significant amounts of functional open space. These green spaces are important to maintaining a balance between urban development and environmental sustainability. Appropriate consideration must be given to these important conservation lands via a comprehensive environmental assessment prior to consideration for annexation.

ANNEXATION CONCERNS

The City of Cape Coral is, in area, the second largest city in the state of Florida, with Jacksonville being the largest. Planning staff questions the need to add another 2,500 acres to the City's jurisdiction. The act of annexing a parcel into a municipal boundary does not in itself constitute justification for the conversion of the property to urban uses. The desire of a property owner to increase the density and intensity of their land holdings is not a reason to add property to a city's jurisdiction. Consideration must be given to sound planning principles and practices.

In the City of Cape Coral Planning Division Case Reports, planning staff indicates that the current property owner does not intend to develop the property. It is their intent to sell the property to development interests after it is annexed into the City. The reports indicate that the majority of these unplatted, undeveloped lands "represent a great asset for the City, giving the City some long needed opportunities for large scale non-residential development." However, the conversion of these properties to an urban designation does not automatically bring commercial and industrial uses to an area. The property must be soundly designed and the needed infrastructure must be in place in order to attract the desired end users. Without a mechanism to assure the proper infrastructure these annexed lands will simply sit vacant with an urban designation. If residential uses are included as part of the mixed-use designation the residential component will likely be developed sooner than any employment activity given the extremely hot residential real estate market that

exists in Lee County. Opportunities for the City's desired commercial and industrial uses would not be assured. Subsequent owners of this land would argue that the City need alternative residential development, such as gated upscale communities, to offset the existing platted residential lands.

Like other large pre-platted communities, the City of Cape Coral is experiencing difficulty in providing areas to serve as employment centers. The City clearly recognizes the need to diversify from the predominantly single family platted environment. Unfortunately, these residential lots have been marketed and sold to individuals throughout the country and the world and the aggregation of these lots for commercial and industrial uses is difficult to achieve. As Cape Coral matures, incentives will have to be developed that will allow the redevelopment of these residential lots into retail and employment centers that are spread throughout the City. In effect, utilizing this greenfield development pattern will acts as a disincentive to correcting the problems caused by the overabundance of platted residential lots.

The City is looking toward these annexations as an opportunity to provide large scale non-residential and mixed use developments without having to resolve the difficulties of lot aggregation. This approach will lead to the creation of employment centers on the edge of the City, far removed from existing infrastructure. These properties are not currently serviced by mass transit, water, sewer, electricity, or cable. The expansion of utilities in Cape Coral is moving from the more developed southeast and southwest towards the northern less developed areas. The proposed annexations are located far to the north of any existing utilities. These areas cannot develop in this manner without the full range of urban services. Annexation of these areas is at best premature.

TRANSPORTATION ISSUES

This scenario is not part of the Metropolitan Planning Organization's long range transportation plan. The urbanization of these areas as employment centers will require major revisions to the long range transportation plan. Currently there are no capacity adding projects programmed for either the northern links of Burnt Store Road and U.S. 41.

In order to evaluate possible transportation impacts for the annexation areas, Lee County staff generated a conservative development scenario. This scenario assumed that commercial and service employment would account for 70 % of the employment in these areas and that industrial employment would account for the remaining 30 % of the employment in these areas. The scenario also generated employment exclusively from the upland portions of the sites utilizing a relatively low Floor Area Ratio of 0.2. Lee County Department of Transportation staff incorporated these generated figures into a FSUTMS model run. This model run provided that the scenario would cause the Level of Service to fail on several roadways, such as Burnt Store Road and Durden Parkway. The traffic generated from the scenario would also exacerbate a projected Year 2020 failing condition on U.S. 41 north of Del Prado Boulevard.

Proximity to a single collector or arterial roadway is not sufficient access for development of a commercial or employment center. The large amount of traffic generated by this kind of use should have access to several major roadways.

ENCLAVES, POCKETS OR FINGERS

Chapter 171 of the Florida Statutes, "Municipal Annexation or Contraction" establishes the regulations for municipal annexations. One of the requirements is that an annexation must be "compact." That statute states that: "Compactness means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact." The statute goes on to define an enclave as: "(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality." There are no definitions for pockets or fingers in the statute.

If an annexation is not contiguous and compact its validity can be challenged in circuit court by an affected party. The area between Area 3 and Area 5 is a long finger or pocket that will be left under the County's jurisdiction. There is also a finger or pocket left between Area 3 and Area 4. The county could challenge these annexations as not meeting the definition of compact.

There is also a good argument that the annexation of the Area 2, the parcel bordering 41, will violate the statutory requirement that the annexed area be "reasonably compact." The annexation will not result in an enclave as defined in the statute. However, it will result in a large area of unincorporated land that is only accessible through the City or Charlotte county. Arguably, this is a large prohibited "pocket." It presents the same problems for the County as it would if the area was surrounded by the city. It could, in fact, present even worse problems, since it could require one to leave the County completely in order to access the resulting pocket of unincorporated area.

SURFACE AND SUB-SURFACE WATER ISSUES

These parcels are located in the Gator Slough watershed and their floways may provide the primary conveyance of surface water flow from the State preserve lands to the channelized portions of the Gator Slough watershed.

Based on the South Florida Water Management District's Lower West Coast Potentiometric Mapping Project geologic cross-sections for that area, the aquifers potentially receiving recharge on the Zemel parcels are the Water Table aquifer and the Lower Tamiami aquifer.

Channelization for drainage on these parcels likely will disrupt the surface water floways' surface water conveyance functions and lower the groundwater levels partially dewatering and eliminating recharge to the Water Table aquifer and decreasing recharge to the Tamiami Limestone units.

Salt water intrusion currently is limited by a series of surface water control structures (weirs) located along Burnt Store Road, alteration of surface water flows and/or groundwater levels will affect the hydraulic equilibrium of the groundwater fresh water/salt water interface potentially resulting in a landward migration.

The surface water and groundwater resource issues are complicated, the site conditions are not well defined and further evaluation should be made prior to supporting any decision. At first look, these parcels appear

to be better suited for State or County acquisition to supplement the adjoining State preserve lands than for industrial/urban development. wrote

Presently Lee County is near completion of the Northwest Lee County Surface Water Management Plan. The draft documents and hydrologic modeling documents will be made available for staff review around end of January 2005. Preliminary hydrologic modeling of existing conditions shows flooding on some areas along Burnt Store Road. Historical flooding on Burnt Store Road has been used to verify the validity of the model. Future condition modeling based on very low-density development and agricultural zoning is being performed at this time. Further, the draft water management plan does not take into consideration any other proposed land use or zoning. The scope of work of the study area does not evaluate the impacts due to commercial or industrial land use. Therefore, an accurate determination of hydrological impacts of the proposed land use cannot be determined at this time. Further, based on the information provided, a number of flowways has been identified on annexation sites or within close proximity to these sites. The proposed changes in land use will likely displace the existing flowways in this region.

NEGOTIATIONS BETWEEN CITY AND COUNTY STAFF

City and County staff have had several meetings on these annexations. The first meeting was in August when City staff first informed the County of this proposal. The second meeting was in November where City staff presented their reasons for the annexations. The City sees these areas as important land to meet their future commercial and light industrial needs. County staff conveyed their concerns with location, open space, wetland impacts, surface water, sub-surface water, urban development issues, and habitat. City staff reviewed those concerns and scheduled another meeting in December to discuss possible ways to mitigate the County concerns. Nothing definitive was proposed, however, the concept of allowing development in Areas 2 and 5 and conserving areas 3 and 4 was explored. This development scenario would include protection of wetlands, increased wetland buffers, increased open space requirements, and increased architectural and design requirements. No conclusions were reached and it was agreed that additional discussions were warranted. City staff will discuss these concepts with the applicants representatives and relay the results of these discussions to the County.

COMPREHENSIVE PLAN AMENDMENTS

If some or all of these annexations are approved by the City, a comprehensive plan amendment to designate allowable density and intensity of uses will need to be processed. The City Planning staff will prepare their staff analyses and public hearings will be held before the City's Local Planning agency. The City Council will then hold a Transmittal Hearing. The amendments will then be sent to the state land planning agency, Florida Department of Community Affairs (DCA), for review and the issuance of a Objections, Recommendations and Comments (ORC) Report.

The DCA has adopted an Urban Sprawl Rule. This rule defined urban sprawl and provides a list of primary indicators of this discouraged land use pattern. This list of indicators is used in the review of comprehensive plan amendments in order to discourage the proliferation of urban sprawl. Planning Staff believes that these annexations have a great potential of meeting the definition of urban sprawl. Lee County will be asked by

the DCA to comment on any proposed amendment. The county and the DCA will look to the provisions of the urban sprawl rule when reviewing these City plan amendments and make the appropriate comments.

Following the issuance of the ORC, the City will have 60 days to respond to any objections and adopt or not adopt the amendments. The state will then review the adopted amendments and issue a notice of intent to find the amendments in compliance or not in compliance with the applicable statutes and rules. If the County still has objections, it can petition for an administrative hearing on the amendments.

AREA 2 DISCUSSION

This is the largest area for consideration being approximately 1,142 acres in size. This is north and west of the Pine Lakes Mobile Home Park. The northern boundary of the annexation area ends at the Charlotte County line. This property consists of all of Section 7, twenty acres in the southeast corner of Section 6, and the majority of the land in Section 5 west of U.S. 41, all in Township 43 South, Range 24 East. The western boundary of Section 6 abuts state owned conservation lands.

According to the City's case report, some 453 acres have been identified as having wetland habitat. This equates to 39.6% of the subject area. With almost 40 % of the site being wetlands, traversing the site with roadways and urban uses in an environmentally responsible manner will prove to be difficult. The applicant has indicated a desire to amend the property to commercial/professional, industrial, or mixed use. While the City may see commercial potential on the U.S. 41 frontage, one to two miles of the property would have to be crossed to gain access from the City. There are no roads currently leading into the site. The site does have approximately a mile of frontage on U.S. 41. Durden Parkway, a 2 lane local roadway abuts the property to the south. Andalusia Parkway ends at the southwestern tip of the annexation area. In reality, today, the only existing access to the City road network is from one connection via Andalusia Parkway and then NE 7th Place.

The proposal raises compatibility concerns with the existing residential uses such as Pine Lakes Mobile Home Park and with the platted residential lots within the City south of Durden Parkway. The abutting property owners have no way of knowing the potential future impacts from the potential uses as there are no clear plans for the future development of this area.

AREA 3 DISCUSSION

This is the second largest piece of land under consideration containing approximately 674 acres of land. The subject area is located on the northern boundary of the City of Cape Coral approximately 1 to 2 miles east of Burnt Store Road. This property includes virtually all of Section 21 and a small area of the northeast quarter of Section 20, Township 43 South, Range 23 East. The northern half of the east section line and the northern section line of Section 21 abut state owned conservation lands.

According to the City's Case Report, some 403 acres have been identified as having wetland habitat. This equates to 59.7 % of the subject area. With almost 60 % of the site being wetlands, traversing the site with roadways and urban uses in an environmentally responsible manner will prove to be difficult. The applicant has indicated a desire to amend the property to commercial/professional, industrial, or mixed use. The City's

Case Report indicates that this property as a “an opportunity for large, unplatted lands non-traditional (by Cape Coral standards) residential development, or for park land and/or conservation uses.” The site has several active flowways that traverse the site from the northeast to the southwest. The major southern flowway would have to be crossed to reach the central upland portions of the site.

There are currently no roadways leading into the site. Abutting on the south of this area is Jacaranda Boulevard. El Dorado Boulevard North and Chiquita Boulevard North run north and south through the City and end at Jacaranda Boulevard at their northernmost ends. These roadways have the potential to tie this site into the City’s road network.

AREA 4 DISCUSSION

This is the smallest of the four pieces of land under consideration containing approximately 144 acres of land. The property is located on the northern boundary of the City of Cape Coral approximately 2 ½ miles east of Burnt Store Road. This property is located in the southern half of Section 22, Township 43 South, Range 23 East. A portion of the northern and eastern boundaries abuts state owned conservation lands.

According to the City’s Case Report, some 86 acres have been identified as having wetland habitat. This equates to 59.6 % of the subject area. With almost 60 % of the site being wetlands, traversing the site with roadways and urban uses in an environmentally responsible manner will prove to be difficult. The applicant has indicated a desire to amend the property to commercial, industrial, or mixed use. The City’s Case Report indicates that this property has “an opportunity for large, unplatted lands non-traditional residential development (by Cape Coral standards) such as ranchette and clustered residences. There may also be some opportunity for parkland or conservation lands.”

There are currently no roadways adjacent to or leading into the site. It is, however, adjacent to another 222 acer property also owned by the Zemel Trust that is currently in the City’s jurisdiction.

AREA 5 DISCUSSION

Area 5 consists of approximately 584 acres. The property is located on the east side of Burnt Store Road in Sections 17 and 20, Township 43 South, Range 23 East. The northernmost boundary abuts County owned conservation land. There is also a County owned conservation property abutting a small portion of the western boundary. State owned conservation land abuts a portion of the eastern boundary.

According to the City’s Case Report on this property there are approximately 381 acres with wetland habitat. This equates to 62.5 % of the subject area. Traversing the site with roadways and urban uses in an environmentally responsible manner will prove to be difficult With over 62 % of the site being wetlands. There are, however, some upland areas of the site immediately adjacent to Burnt Store Road. The applicant has indicated a desire to amend the property to commercial/professional, industrial, or mixed use.

The proposal raises compatibility concerns with the existing residential uses such as the home sites on James Walter Lane, Crown of Life Lane, Morning Star Land and Greenwell Road. The abutting property owners have no way of knowing the potential future impacts from the potential uses as there are no clear plans for the future development of this area.

RECOMMENDATIONS

The real cost of these proposed annexations has not been sufficiently analyzed. The effect that this land use conversion will have on needed public infrastructure improvements has not been analyzed either. No analysis has been provided that demonstrates what improvements will be needed to accommodate these proposed changes.

The considerable amount of wetlands, lack of available urban services and infrastructure, and the important water and habitat issues of these properties do not support an urban development scenario. Annexation of these properties into the City of Cape Coral without considerable specificity appears premature. The City should look at a more balanced approach, annexing a smaller defined portion of the overall petition. A more prudent approach would be to formulate a long range plan for any area proposed to be annexed. This plan should address the potential use, intensity, and evaluate impacts and establish appropriate mitigation. There are several options the Board can consider, as Follows:

Option 1

Inform the City of the County's objections to these annexations and tell them the annexations will be challenged in circuit court on the lack of compactness and the creation of pockets and fingers.

Option 2

Following annexation by the City, carefully scrutinize the comprehensive plan amendment process to see that adequate protections are built into the City's plan.

Option 3

Instruct the County staff to continue working with City staff to identify a scaled back annexation proposal that will protect the wetlands, increase wetland buffers, increased open space, and provide for increased architectural and design requirements.

Planning staff recommends implementing Option 1. While this appears to be is a harsh position, the protection of these lands designated as Open Lands is too important to allow this conversion of use. In the alternative, staff recommends a combination of Options 2 and 3. This will lessen the negative impacts and allow for a stronger measure of environmental protection of these important resources.

In addition, the Planning staff is working on a paper that will look at the annexation issue in a more comprehensive County wide view. That paper will explore additional options for the county such as legislative changes and amendments to the County Charter to address these issues.

EXCERPT FROM BOARD OF COUNTY COMMISSION MINUTES

November 16, 2004

The Regular Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

- John E. Albion, Chairman
- Douglas R. St. Cerny, Vice-Chairman
- Ray Judah
- Robert P. Janes
- Tammy Hall

The Chairman called the meeting to order at 10:24 a.m, following the post Inaugural Ceremony reception. The Invocation was given by Deputy County Attorney Robert W. Gray, followed by the Pledge of Allegiance to the Flag.

COMMISSIONER ITEMS

ZEMMEL (sic) PROPERTY - Commissioner Judah stated that the City of Cape Coral is seeking to annex the Zimmel (sic) property for industrial purposes; and directed Administration and the County Attorney's office to make preparations to ensure that proper growth management decisions are made, if the City of Cape Coral decides to push this project. Deputy County Attorney Robert W. Gray stated that the issue had been discussed with Assistant County Attorney Timothy Jones.

2025 Annexation Area

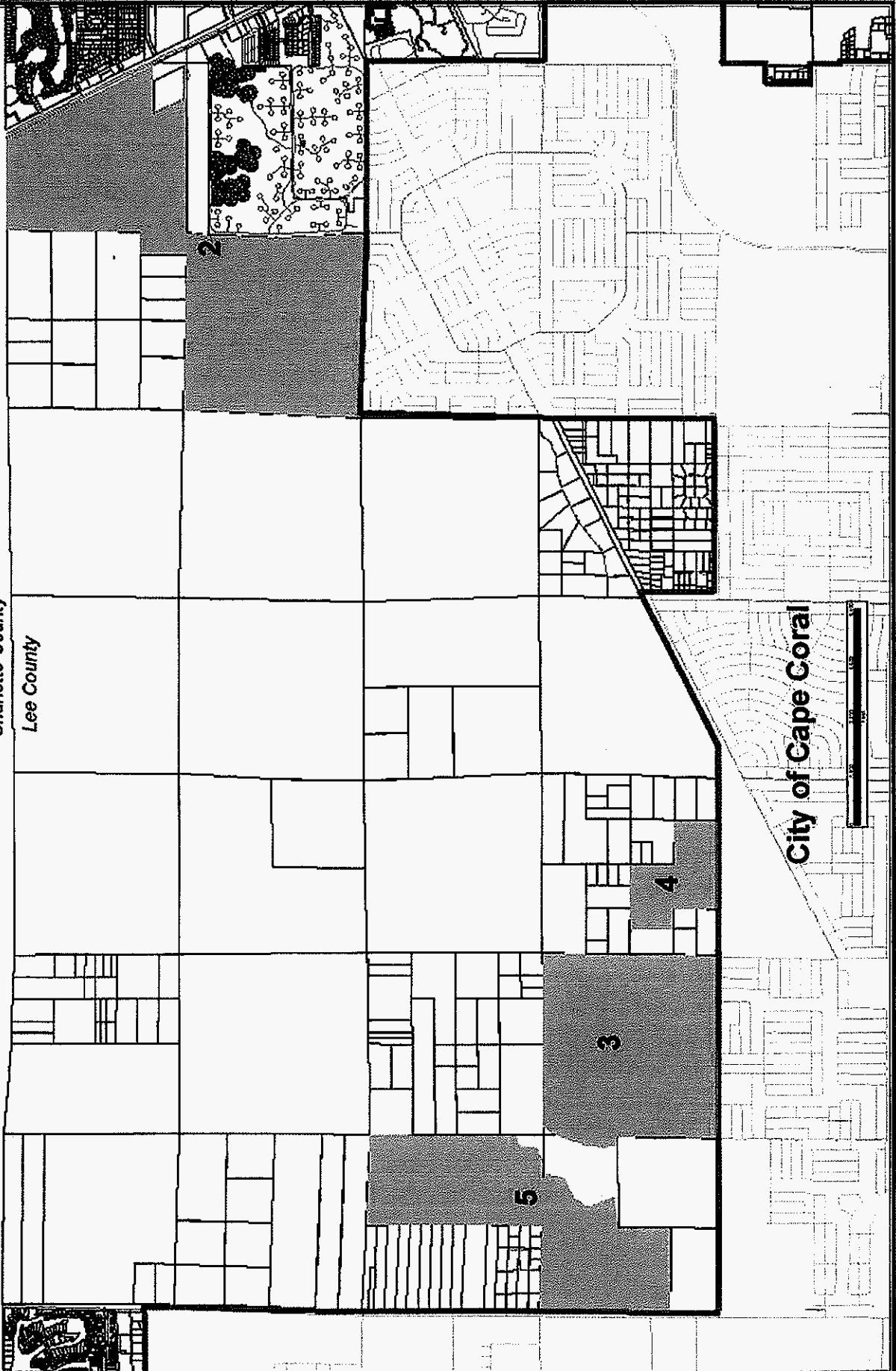
Proposed Zemel Annexation Lands Location Map



LEE COUNTY
FLORIDA
DEPARTMENT OF PLANNING

Charlotte County
Lee County

City of Cape Coral



Annexation Area #2

05-43-24-00-00001.0000

06-43-24-00-00003.0010

07-43-24-00-00001.0000

- Annexation Area
- Suburban
- Outlying Suburban
- Public Facilities
- Open Lands
- Conservation Lands Upland
- Conservation Lands Wetland
- Wetlands



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Annexation Area #3

Part of
20-43-23-00-00002.0010

21-43-23-00-00001.0000

Annexation Area
Outlying Suburban
Public Facilities
Open Lands
Conservation Lands Upland
Conservation Lands Wetland
Wetlands

0 200 400 600 800
1:25,000

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Annexation Area #4

Part of
22-43-23-00-00006.0000
Not included in annexation

22-43-23-00-00006.0000

- Annexation Area
- Outlying Suburban
- Public Facilities
- Open Lands
- Conservation Lands Upland
- Conservation Lands Wetland
- Wetlands



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Annexation Area #5

Part of
17-43-23-00-00002.0000

Part of
20-43-23-00-00002.0010

20-43-23-00-00001.0000

- Annexation Area
- Intensive Development
- Outlying Suburban
- Public Facilities
- Open Lands
- Wetlands
- Conservation Lands Upland
- Conservation Lands Wetland



LEE COUNTY
DIVISION OF PLANNING

Charlotte Harbor Flatwoods

**Group B
Full Fee**

Charlotte and Lee Counties

Purpose for State Acquisition

Northwest of Fort Myers lies the largest and highest-quality slash-pine flatwoods left in southwest Florida. The pines are home to red-cockaded woodpeckers, black bears, and bald eagles, and an occasional Florida panther ranges the area. The largest population of the rare beautiful pawpaw grows here. Several drainage ditches flow through these flatwoods into the Charlotte Harbor Aquatic Preserve. The Charlotte Harbor Flatwoods project will protect these flatwoods and connect the Charlotte Harbor State Buffer Preserve with the Babcock-Webb Wildlife Management Area, helping to protect both of these managed areas and the waters of the Aquatic Preserve.

Manager

Florida Fish and Wildlife Conservation Commission (FWC).

General Description

This project encompasses the largest remaining tract of intact pine flatwoods in southwestern Florida. Old-growth South Florida slash pine forests on site are home to at least 10 rare animals including red-cockaded woodpeckers, bald eagles, and Florida panthers are known to use the site. The tract also provides important habitat for several rare plants, most notably a globally critically imperiled plant, the beautiful pawpaw, *Deeringothamnus pulchellus*. The project provides additional protection for the Outstanding Florida Waters of the Gasparilla Sound-Charlotte Harbor Aquatic Preserve and will also connect the Charlotte Harbor State Buffer Preserve and the Babcock-Webb Wildlife Management Area. This upland site is particularly suited

for development, especially considering the rapid growth of Charlotte and Lee counties. No archaeological sites are known from the project.

Public Use

The project is designated as a wildlife management area, with such uses as hiking, environmental education and hunting.

Acquisition Planning and Status

Phase I tracts include Ansin (essential—acquired), Zemel (essential—Phase I acquired), Bower (essential), Section 20 SE of Burnt Store Marina Road and Section 24.

On October 15, 1998, LAMAC removed 165 acres and added them to the Charlotte Harbor project.

On February 11, 1999, the Council added 333 acres, and on October 21, 1999, added 1,793 acres as essential parcels.

Large essential parcels have been acquired. The Division of State Lands (DSL) is not active in this project.

Coordination

The FWC is acquiring small inholdings in the project.

Management Policy Statement

The primary goals of management of the Charlotte Harbor Flatwoods project are: to conserve and protect significant habitat for native species or endangered and threatened species; to conserve, protect, manage, or restore important ecosystems, landscapes, and forests, in

FNAI Elements	
<i>Beautiful pawpaw</i>	G1/S1
Florida panther	G4T1/S1
Florida black bear	G5T2/S2
Sherman's fox squirrel	G5T2/S2
Florida sandhill crane	G5T2T3/S2S3
Bald eagle	G3/S2S3
Gopher tortoise	G3/S3
<i>Florida beargrass</i>	G3/S3
18 elements known from project	

Placed on list	1992
Project Area (Not GIS Acreage)	23,762
Acres Acquired	14,380
at a Cost of	\$36,287,279
Acres Remaining	9,382
with Estimated (Tax Assessed) Value of \$12,712,610	

Charlotte Harbor Flatwoods - Group B/Full Fee

order to enhance or protect significant surface water, coastal, recreational, timber, fish or wildlife resources which local or state regulatory programs can adequately protect; and to provide areas, including recreational trails, for natural-resource-based recreation

Management Prospectus

Qualifications for state designation The Charlotte Harbor Flatwoods project has the size (18,000 acres), location (adjacent to the Babcock-Webb Wildlife Management Area), outstanding wildlife habitat (the largest stand of undisturbed flatwoods in southwest Florida) and wildlife resources (red-cockaded woodpeckers, Florida panthers, and Florida black bears, among others) to qualify as a wildlife management area.

Conditions affecting intensity of management Development surrounding and within the project, and the intense urbanization of southwest Florida, suggest a broad array of management problems. Trash dumping, other illegal trespass and the presence of numerous inholdings will certainly increase the need for intensive and careful management. Law enforcement and fire-control issues are expected to be at the forefront.

Timetable for implementing management and provisions for security and protection of infrastructure The first year of management activity will entail controlling public access with gates and/or fencing, and controlling the littering and dumping problems. Additional emphasis will be placed on planning and on establishing an adequate and appropriate fire regime. Subsequent years should result in this project becoming an integral part of the management scheme for Babcock-Webb WMA.

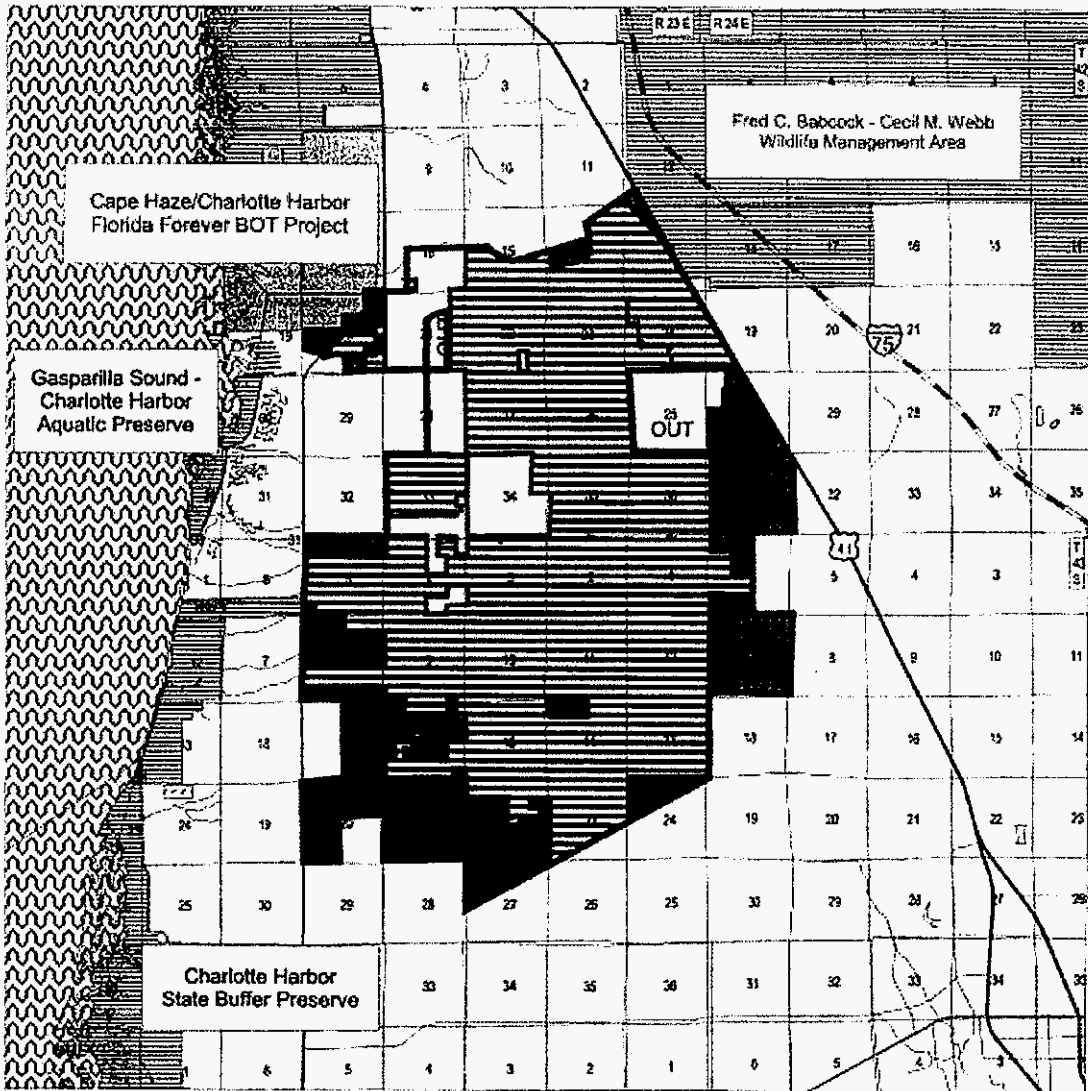
Revenue-generating potential Though this property contains significant timber resources, the timber revenue potential is low. There is little or no market for South Florida Slash Pine timber in Southwest Florida (in fact, very little timber market at all). Nevertheless, the potential for generating recreational revenue is significant, if new recreational user fees were to be implemented on this WMA.

Management costs and revenue source Revenues would likely come from the CARL Trust Fund and Pittman-Robertson return of excise tax.

Management Cost Summary/FWC

Category	1996/97	1997/98	1998/99
Source of Funds	CARL	CARL	CARL
Salary	\$54,200	\$54,200	\$55,000
OPS	\$0	\$0	\$2,000
Expense	\$10,000	\$10,000	\$12,500
OCO	\$0	\$0	\$0
FCO	\$0	\$0	\$0
TOTAL	\$64,202	\$64,202	\$69,500

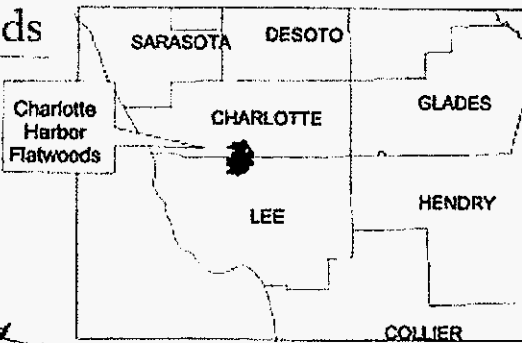
Charlotte Harbor Flatwoods - Group B/Full Fee



Charlotte Harbor Flatwoods

CHARLOTTE AND LEE COUNTIES

- Acquired
- Essential parcel(s) remaining
- Florida Forever BOT Project Boundary
- Federal land
- State land
- Local or private managed area
- Other Florida Forever BOT projects
- State Aquatic Preserve



July 2002

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

Blue Sheet No. 20061296

1. ACTION REQUESTED/PURPOSE: Adopt the attached resolution that formally establishes uniform terms of office for the Lee County appointees and the Commissioner selection to the Southwest Florida Expressway Authority governing board. Also, modify the authorization for the initial \$150,000 of funding for the Authority to allow up to \$25,000 of that amount to be used for any start-up or administrative costs.

2. WHAT ACTION ACCOMPLISHES: Normalizes the starting date and subsequent term limits for the Lee County Commission representative, the Commission-appointed citizen representative, and the Governor-appointed citizen representative from Lee County on the Expressway Authority Board. Provides limited spending flexibility for necessary start-up costs for the Authority.

3. MANAGEMENT RECOMMENDATION: Approve.

4. Departmental Category: <u>9</u> A9A		5. Meeting Date: OCT 17 2006
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"/>
	<input type="checkbox"/> Ordinance	<input type="checkbox"/>
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Other	<input type="checkbox"/>
		8. Request Initiated: Commissioner _____ Department <u>Transportation</u> Division _____ By: <u>David M. Loveland</u> Transportation Planning Mgr.

9. Background:

Appointment Dates

To satisfy the requirements of Section 348.9932(2)(b), F.S., the Lee County Commission selected Commissioner Albion to a two-year term as a voting member of the Southwest Florida Expressway Authority governing board, on November 1, 2005. On September 26, 2006 Commissioner John Albion removed himself from the Southwest Florida Expressway Authority and was replaced by Commissioner Tammara Hall to serve the remainder of his term.

Subsection (2)(a)1. also required the Commission to appoint to a four-year term a voting member of the governing board who is a permanent resident of Lee County, and the Commission appointed Mr. Bob Taylor in that role on February 7, 2006.

The statute also required the Governor to appoint a permanent Lee County resident for a four-year term from a list of five candidates submitted by the Lee County Commission, and the Governor appointed Ms. Katherine Green on April 4, 2006. The Gubernatorial appointments were very specific as to start dates and end dates.

(CONTINUED ON NEXT PAGE)

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>	NA	NA		<i>[Signature]</i>	<i>RK 10/2</i>	<i>5/10/06</i>	<i>10/3/06</i>	<i>10/3/06</i>	<i>9/28/06 by David Loveland</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN *[Signature]*

10/2/06 3:25 *mp*

COUNTY ADMIN
FORWARDED TO:

10/4/06 P.R. 030

9. Background: (CONTINUED)

A similar situation of varying appointment dates also exists with the Collier County representatives, and led to some confusion about when the clock on membership officially started for each member. The Expressway Authority Board discussed the issue on July 20, 2006 and decided, in order to formally establish uniform terms among the Board members, to ask each County Commission to adopt a resolution that matches its appointee and commissioner terms with the Gubernatorial appointee terms. This would result in following terms:

Lee County Commission Representative John Albion, now Tammara Hall	2/16/06-2/15/08
Lee County Commission Appointee Bob Taylor	2/16/06-2/15/10
Lee County Gubernatorial Appointee Katherine Green	4/4/06-2/15/10

Funding Approval

On August 1, 2006, the Commission approved execution of an interlocal agreement with the Southwest Florida Expressway Authority to provide up to \$775,000 in funding, but limited the initial funds to be released to \$150,000 for the "study". The "study" is the Preliminary Traffic & Revenue Study, looking at the toll feasibility of various lane configuration on the interstate, which the Authority intends to pay for with a \$650,000 loan from the State's Toll Facilities Revolving Trust Fund. Since the first phase of the study is being paid for with other funds, and there are other start-up expenses facing the Authority like travel costs and hiring a CPA to set up the finances and do audit preparation, the Board is being asked to expand the allowable use of \$25,000 of the initial \$150,000 to include start-up and administrative expenses. A similar request is being made of Collier County.

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS TO FORMALLY ESTABLISH UNIFORM TERMS OF OFFICE FOR THE APPOINTEES AND THE COMMISSIONER SELECTION TO THE SOUTHWEST FLORIDA EXPRESS AUTHORITY GOVERNING BOARD

This is a Resolution of the Board of County Commissioners, Lee County, Florida, a political subdivision of the State, establishing uniform terms of office for the appointees and the Commissioner selection to the Southwest Florida Expressway Authority governing board.

WHEREAS, on November 1, 2005, the Board of County Commissioners selected Commissioner John Albion to a two-year term as a voting member of the Southwest Florida Expressway Authority governing board; and

WHEREAS, on September 26, 2006 Commissioner John Albion removed himself as a member to the Southwest Florida Expressway Authority and was replaced by Commissioner Tammara Hall to serve the remainder of his term; and

WHEREAS, on February 7, 2006 the Board of County Commissioners appointed Bob Taylor to a four-year term as a voting member of the Southwest Florida Expressway Authority governing board; and

WHEREAS, on April 4, 2006 the Governor of Florida appointed Katherine Green to a four-year term as a voting member of the Southwest Florida Expressway Authority governing board.

NOW THEREFORE, BE IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

1. In order to provide for uniform terms of the Southwest Florida Expressway Authority governing board members, the Board of County Commissioners hereby establishes each Commissioner selection and appointee term as follows:

- Lee County Commission Representative John Albion, replaced by Commissioner Tammara Hall – 2/16/06-2/15/08
- Lee County Commission Appointee Bob Taylor – 2/16/06 – 2/15/10
- Lee County Gubernatorial Appointee Katherine Green – 4/4/06 – 2/15/10

2. The Clerk of the Circuit Court is hereby authorized and directed to transmit one (1) certified copy of this Resolution to the Southwest Florida Expressway Authority.

Commissioner _____ made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

DOUGLAS ST. CERNY	_____
BOB JANES	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairwoman

APPROVED AS TO FORM:

By: _____
Office of County Attorney