

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

Blue Sheet No. 20061732

1. ACTION REQUESTED/PURPOSE: Approve an amendment to the Daniels Parkway Controlled Access Resolution to add a connection point on the north side of Daniels Parkway at STA 2545+76+/-50.

2. WHAT ACTION ACCOMPLISHES: Addition of the connection point provides access to a development parcel 1,000 feet east of Gateway Boulevard on Daniels Parkway.

3. MANAGEMENT RECOMMENDATION: Approve the amendment adding the connection point.

4. Departmental Category: DOT

CAC

5. Meeting Date:

FEB 06 2007

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 Transportation
<input type="checkbox"/> Appeals	<input checked="" type="checkbox"/> Admin. Code 11-10	Division
<input type="checkbox"/> Public	<input type="checkbox"/> Other	By: Scott Gilbertson, Director
<input type="checkbox"/> Walk-On		

9. Background:

A Warranty Deed for this section of Daniels Parkway, dated July 7, 1982, was recorded in OR Book 1644 Page 1739. Condition "a" of the Deed reserves the right to construct accesses at 660 feet intervals. The right-of-way in the deed was realigned to the south in the extension of Daniels Parkway from Gateway Boulevard to State Road 82. Regardless of the earlier deed provisions or discussions, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety and welfare of the traveling public.

On October 4, 1989, the Board adopted Resolution 89-10-11, designating Daniels Parkway as a "controlled access" facility to which permanent access points are restricted. The resolution has been amended seven times. An amendment in Resolution 01-01-28 included this section of Daniels Parkway. The amendment included an access point to an extension of Commerce Lakes Drive but did not include an access point at the requested location.

Local Development Order case DOS2006-00168, Westlinks East Business Park, includes a technical analysis to add an access point to the development. The submittal satisfies the technical requirements of Administrative Code AC-11-10. Staff believes the access point will not threaten the health, safety and welfare of the traveling public. Approval of a modification to a controlled access facility is at the discretion of the Board of County Commissioners.

A resolution has been prepared for the Board's consideration in connection with this request. Staff recommends approval of the amendment adding the proposed access point.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgt.	
<i>[Signature]</i>				<i>Dmc 1/23/07</i>	<i>RK/24</i>	<i>MP 1/29/07</i>	<i>1/23/07</i>	<i>1/25/07</i>	<i>[Signature] 1.17.07</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN:
✓ 9:45 MP
24 to RK
COUNTY ADMIN
FORWARDED TO:
105 PP

Rec. by CoAtty
Date: 1/23/07
Time: 10:25 AM
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ADMIN 1/23/07

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Time: 10:30 AM
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Resolution.wpd

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 89-10-11, AS AMENDED, WHICH DESIGNATED DANIELS ROAD AS A CONTROLLED ACCESS ROAD AND ESTABLISHED PERMANENT ACCESS POINTS

WHEREAS, Section 10-285(h) of the Lee County Land Development Code provides for the designation of certain streets in Lee County as “controlled access” facilities to which permanent access points are restricted to locations established and set by design study and plans adopted by resolution of the Lee County Board of County Commissioners; and

WHEREAS, the Board of County Commissioners retains the right and authority to exercise its police power to modify roadway median openings, access points and turning movements to protect the health, safety and welfare of the traveling public; and

WHEREAS, on October 4, 1989, the Board of County Commissioners adopted Resolution No. 89-10-11, which designated Daniels Road as a controlled access road, from U.S. 41 to State Road 82, and established permanent access points; and

WHEREAS, Resolution No. 89-10-11 was subsequently amended on April 5, 1993 by Resolution No. Z-92-073, to add a connection point and median opening at Station 170+95 +/-50 on the south side;

WHEREAS, Resolution No. 89-10-11 was further amended by Board Resolutions adopted as follows:

1. Resolution No. Z-93-045, adopted September 15, 1993, to add a connection point at Station 312+86 +/-50 on the north side for a temporary right-in/right-out access only; and
2. Resolution No. 97-12-04, adopted December 2, 1997, to add a connection point at Station 135+93.59 on the north side for a full movement connection point at an existing median opening; and
3. Resolution No. 98-03-07, adopted March 24, 1998, to add a right-turn in only connection point at Station 158+40± on the south side of Daniels Parkway; and
4. Resolution No. 99-08-23, adopted August 17, 1999, to add a right-in/right-out only connection point at Station 156+80 on the north side of Daniels;

5. Resolution No. 01-01-28, adopted January 23, 2001, identified and designated access points on Daniels Parkway from Treeline Avenue to State Road 82;
6. Resolution No. 04-04-05, adopted April 6, 2004, added a right-in/right-out only connection point at Station 2529+01 on the north side of Daniels;
7. Resolution No. 06-11-28, adopted November 28, 2006, added a right-in/right-out only connection point at Station 272+38 on the south side of Daniels and

WHEREAS, Westlinks East Associates, LLC, requests an additional connection point to allow right-in/right-out access only on the north side of Daniels Parkway at highway station 2545+76+/-50, approximately 1000 feet east of Gateway Boulevard.

WHEREAS, the Lee County Department of Transportation has concluded that the designated connection point will not hinder traffic capacity nor be contrary to the protection of the health, safety and welfare of the citizens of Lee County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida that:

1. Daniels Parkway, from U.S. 41 to State Road 82, including its intersections, is designated as a controlled access road facility.
2. Absent subsequent Board action in accordance with applicable County regulations, the connection points are limited to those identified on attached Exhibit "A." Provided, however, no vested right to a particular connection point location is granted by virtue of adopting Exhibit "A." The County retains full power and authority to exercise its police power to modify connection points, median openings and turning movements to protect the health, safety and welfare of the traveling public.
3. Resolution No. 89-10-11 is further amended to add a new connection point to Daniels Parkway, a controlled access facility from U.S. 41 to State Road 82, for right in/right out access only on the north side of Daniels Parkway at highway station 2545+76+/-50, approximately 1000 feet east of Gateway Boulevard.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner _____, and seconded by Commissioner _____ and, upon being put to a vote, the result was as follows:

ROBERT P. JANES _____
BRIAN BIGELOW _____
RAY JUDAH _____
TAMMARA HALL _____
FRANK MANN _____

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Robert Janes, Chairman

APPROVED AS TO FORM

BY: _____
Office of the Lee County Attorney

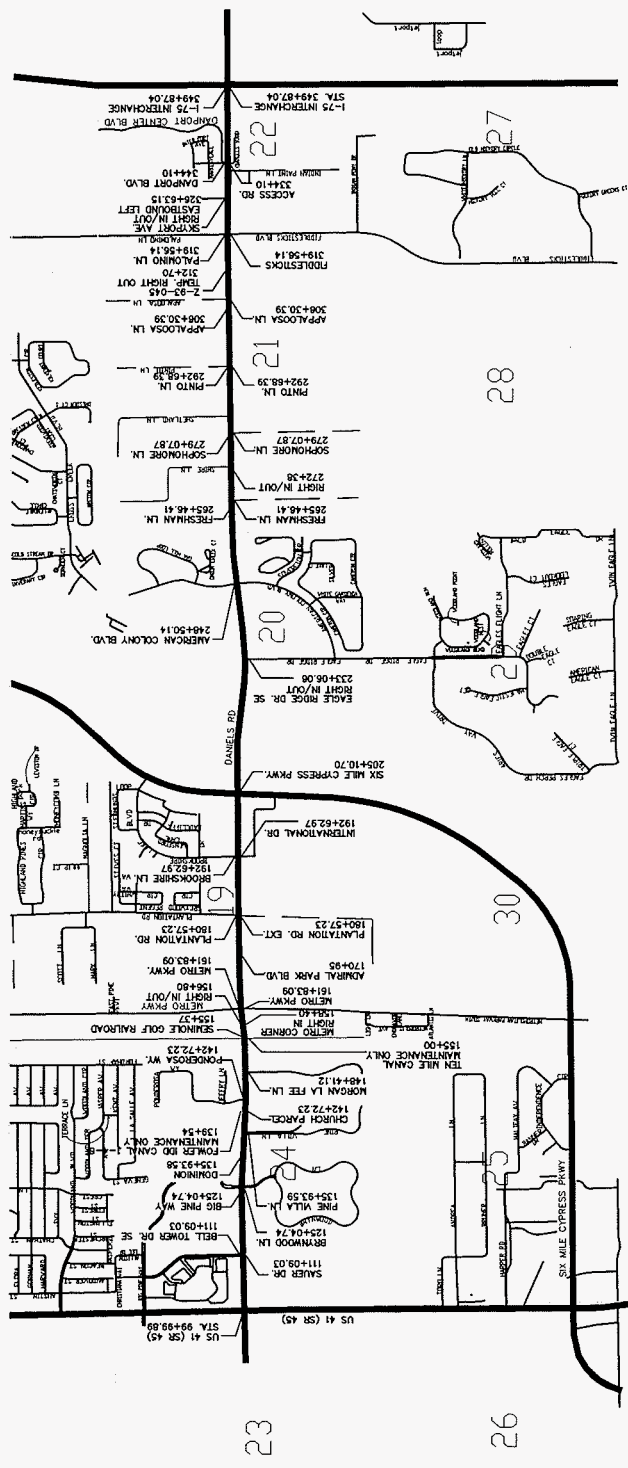


EXHIBIT "A"
DANIELS PARKWAY
DESIGNATED ACCESS POINTS

STA	access	spacing south	spacing north	origin	movements	connection
100+00 +/-50	F			1	All	US 41
111+09 +/-50	F	1109	1109	1	All	Bell Tower Drive/Sauer Drive
125+05 +/-50	F	1396	1396	1	All	Big Pine Way/Brynwood Lane
135+94 +/-50	F	1089	1089	1	All	Dominion Apts/Pine Villa Lane
139+54 +/-50	F	n/a	n/a	1	All	Fowler IDD Canal maintenance access only
142+72 +/-50	F	678	678	1	All	Church Parcel/Ponderosa Way
148+41 +/-50	S	569	569	1	EBL NBL Rt in/out	Morgan La-Fee Lane
155+00 +/-50	F	n/a	n/a	1	All	Ten Mile Canal maintenance access only
155+37 +/-50	N	n/a	n/a	1	All	Seminole Gulf Railway
156+80 +/-50	N	n/a	839	3	Right in/out	
158+40 +/-50	S	999	n/a	3	Right in/out	Metropolis Avenue
161+83 +/-50	F	343	503	1	All	Metro Parkway
170+95 +/-50	F	912	912	3	All	Admiral Park Boulevard
180+57 +/-50	F	962	962	1	All	Plantation Road
192+63 +/-50	F	1206	1206	1	All	Brookshire Lakes Drive/International Drive
205+11 +/-50	F	1248	1248	1	All	Ben C. Pratt/Six Mile Cypress Parkway
233+06 +/-50	S	2795	n/a	1	Right in/out	Eagle Ridge Drive
248+50 +/-50	F	1544	4339	1	All	Cross Creek /American Colony Boulevard
265+46 +/-50	F	1696	1696	1	All	Freshman Lane
272+38 +/-50	S	692	n/a	4	Right in/out	
279+08 +/-50	F	670	1362	1	All	Sophomore Lane
292+68 +/-50	F	1360	1360	1	All	Pinto Lane
306+30 +/-50	F	1362	1362	1	All	Appaloosa Lane
319+56 +/-50	F	1326	1326	1	All	Palomino Lane/Fiddlesticks Boulevard
326+63 +/-50	N	707	707	1	EBL SB Rt in/out	Skyport Avenue
334+10 +/-50	F	747	747	1	All	Danport Boulevard
349+87 +/-50	F	1577	1577	1	All	I-75
368+30 +/-50	N	1843	1843	1	EBL SBL SB Rt in/out	Rest Area; Recommend closing SBL
371+51 +/-50	S	321	n/a	1	Right in/out	Jetport Commerce Parkway
378+23 +/-50	F	672	993	1	All	Treeline Avenue (back)

