

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

Blue Sheet No. 20070741

**1. ACTION REQUESTED/PURPOSE:**

Request the BOCC to adopt the revised alternative alignment #4 for Three Oaks Parkway from north of Alico Road to Daniels Parkway as depicted in the attached exhibits. It is also requested that the BOCC direct DOT and County Lands to proceed with acquisition of right-of-way necessary for this project. This project has been evaluated with respect to the buffer guidelines as directed by the board. No buffers are recommended for this project.

**2. FUNDING SOURCE:** None.

**3. WHAT ACTION ACCOMPLISHES:**

This action enables DOT and County Lands to acquire right-of-way needed to construct Three Oaks Parkway from north of Alico Road to south of Daniels Parkway.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** 09

**A9A**

**6. Meeting Date:** 5/29/07

**7. Agenda:**

- Consent
- Administrative
- Appeals
- Public
- Walk-On

**8. Requirement/Purpose:** (specify)

- Statute
- Ordinance
- Admin. Code
- Other

**9. Request Initiated:**

Commissioner \_\_\_\_\_  
Department Transportation  
Division \_\_\_\_\_  
By: **Scott Gilbertson, Director**

**10. BACKGROUND:**

On February 27, 2001 the Board of County Commissioners approved a plan to obtain right-of-way and proceed with permitting as necessary for the construction of Three Oaks Parkway Alignment #4. Subsequent to approval of the alignment by the Board of County Commissioners an eagle's nest was documented adjacent to the north end of the proposed alignment. During the permitting process, the US Fish and Wildlife Service indicated that if the roadway could be shifted outside of the 750' primary protection zone of the nest, an incidental take permit would not be necessary. Lee County Department of Transportation staff is of the opinion that realignment of the roadway outside of the 750' eagle protection zone is in the best interest of the public.

This alignment was also revised on the south end of the project to facilitate the design and construction of the new entrance to the airport off I-75. This revised layout reflects coordination between the Port Authority and Lee County Department of Transportation to minimize the amount of right-of-way needed for both projects.

Additional background and chronology for this item was recently detailed in an e-mail to the Board which is attached here for reference.

Buffers are not recommended for this project as the project does not meet the guidelines agreed to by the BoCC. This project does not add lanes within 150' of any occupied residential property.

**Attachments: Current Status of Project, Legal Description (Proposed Centerline of Three Oaks Parkway), Typical Section, Project Location Layout (1 and 2).**

**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.	
Scott Gilbertson Date: 5/11/07				DMC 5/15/07	RK 5/16	MP 5/16/07	19 5/16/07	5/16/07	5-14-07

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <b>RF</b>
<b>5/16</b> 9:54 <b>MP</b>
COUNTY ADMIN FORWARDED TO: <b>AL</b>

Rec. by CoAtty
Date: <b>5/15/07</b>
Time: <b>3:35 PM</b>
Forwarded to: <b>ADMIN</b>

**Deberry, Donald A.**

---

**From:** Deberry, Donald A.  
**Sent:** Wednesday, May 02, 2007 4:29 PM  
**To:** Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann  
**Cc:** Stilwell, Donald D.; Lavender, James H.; Gibbs, Mary ; Gilbertson, Scott M.; Loveland, David M.; Hiatt, Betsie N.; Block, Alvin H.; Getch, Andrew J.  
**Subject:** Three Oaks North (From North of Alico to Daniels)  
**Attachments:** item(1).pdf

Commissioners:

As part of the discussions for the current round of plan amendments the status of the Three Oaks North project from north of Alico to Daniels was discussed. The same issue came up at the recent Three Oaks Parkway zoning hearing. In order to offer the current status of the project and to clarify a few questions asked by the Board I offer the following chronology:

1. The attached MOU was approved by the Board on 2/27/2001
2. From this date until August of 2005 we were in design process including negotiating with the permitting agencies, coordinating with Mr. Humphrey and the others supporting the eastern alignment, FDOT with respect to their needs for right of way for I-75 as well as the port authority with respect to the alignment of their new proposed entrance.
3. In August of 2005 we sent letter advising the owners we intended to modify the alignment per the agreement, to achieve permits
4. On April 4, 2006 Staff met with the County Attorney's office to discuss MOU and was advised that we had no recourse to force the property owners to comply with the MOU.
5. On April 28, 2006 we sent legal descriptions and sketches to the Frankels and on May 5, 2006 we sent legal descriptions and sketches to the Fitzgerald Group (Fitzgerald) requesting conveyance of the property per clause 3 of the MOU.
6. On May 26, 2006 Fitzgerald notified us of their choice not to execute the deeds nor comply with agreement. On June 9, 2006 the Frankels sold their property to STR & Associates who then immediately conveyed the property to Daniels View LLC (Daniels View).
7. We have exchanged correspondence with the new owners, their most recent correspondence however, indicates they are not interested in donating right of way. They have agreed to consider an offer for the necessary right of way in the form of impact fee credits.
8. 1/30/2007 received right of way estimate from County Lands of \$23,000,000.00 if we condemn all of the land for project, however the strategy is to wait (where practical) for a development proposal or voluntary sale in order to avoid the additional costs associated with condemnation. The additional right of way cost has been absorbed into the five year window as the draft CIP (FY 2010 – 2012) however the construction phase has now been shifted outside the five year window.
9. 3/2007 updated CIP to reflect increased right of way cost reflecting condemnation as opposed to donation.
10. 6/2007 project will be presented to the Board with balance of CIP

Donald DeBerry, P.E.  
 Public Works Operations Manager  
[ddeberry@leegov.com](mailto:ddeberry@leegov.com)  
 239-479-8503  
 Lee County Department of Transportation

5/11/2007

## DESCRIPTION

Proposed Centerline of Three Oaks Parkway in  
Sections 22, 27 and 34, Township 45 South, Range 25 East  
and Section 3, Township 46 South, Range 25 East  
Lee County, Florida

The Proposed Centerline of Three Oaks Parkway lying in Sections 22, 27 and 34, Township 45 South, Range 25 East and Section 3, Township 46 South, Range 25 East, Lee County, Florida, said centerline being more particularly described as follows:

Commencing at the West one-quarter ( $W \frac{1}{4}$ ) corner of said Section 22 run  $S00^{\circ}56'08''E$  along the West line of the Southwest one-quarter ( $SW \frac{1}{4}$ ) of said Section 22 for 9.86 feet to a point on the centerline of Daniels Parkway; thence run  $N89^{\circ}25'12''E$  along said centerline for 665.62 feet to a point which lies 21.79 feet Easterly from the centerline intersection of Daniels Parkway and Palomino Lane, said point being the POINT OF BEGINNING.

From said Point of Beginning run  $S00^{\circ}57'35''E$  on a line which is parallel to and 54.00 feet West of the Easterly right-of-way line of Fiddlesticks Boulevard S.E. for 911.37 feet to the Point of Curvature of a 1,000.00 foot radius curve concave to the Northeast, said curve having a central angle of  $11^{\circ}11'12''$ , a chord bearing and chord of  $S06^{\circ}33'11''E$ , 194.94 feet, run along the arc of said curve for 195.25 feet to an intersection with said Easterly right-of-way line of said Fiddlesticks Boulevard S.E.; thence continue running along said 1,000.00 foot radius curve concave to the Northeast, said curve having a central angle of  $58^{\circ}34'23''$ , a chord bearing and chord of  $S41^{\circ}25'59''E$ , 978.35 feet, run along the arc of said curve for 1,022.29 feet to the Point of Tangency; thence run  $S70^{\circ}43'10''E$  for 1,540.87 feet to the Point of Curvature of a 1,000.00 foot radius curve concave to the Southwest, said curve having a central angle of  $28^{\circ}22'54''$ , a chord bearing and chord of  $S56^{\circ}31'43''E$ , 490.31 feet, run along the arc of said curve for 495.35 feet to an intersection with the South line of said Section 22, being also the North line of said Section 27; thence continue running along said 1,000.00 foot radius curve concave to the Southwest, said curve having a central angle of  $41^{\circ}41'37''$ , a chord bearing and chord of  $S21^{\circ}29'27''E$ , 711.74 feet, run along the arc of said curve for 727.69 feet to the Point of Tangency, said point being 75.00 feet as measured perpendicularly West of the Westerly right-of-way line of Interstate 75; thence run  $S00^{\circ}38'39''E$  on a line which is parallel to and 75.00 feet West of said Westerly right-of-way line of said Interstate 75 for 4,623.56 feet to an intersection with the South line of said Section 27, being also the North line of said Section 34; thence continue running  $S00^{\circ}38'39''E$  on said line which is parallel to and 75.00 feet West of said Westerly right-of-way line of said Interstate 75 for 50.30 feet to the Point of Curvature of a 2,000.00 foot radius curve concave to the West, said curve having a central angle of  $02^{\circ}50'19''$ , a chord bearing and chord of  $S00^{\circ}46'30''W$ , 99.07 feet, run along the arc of said curve for 99.08 feet to the Point of Tangency; thence run  $S02^{\circ}11'40''W$  for 3,247.65 feet to the Point of Curvature of a 1,000.00 foot radius curve concave to the Northwest, said curve having a central angle of  $58^{\circ}32'54''$ , a chord bearing and chord of  $S31^{\circ}28'07''W$ , 977.98 feet, run along the arc of

said curve for 1,021.86 feet to the point of Tangency; thence run S60°44'34"W for 800.00 feet to the Point of Curvature of a 1,000.00 foot radius curve concave to the Southeast, said curve having a central angle of 50°23'59", a chord bearing and chord of S35°32'34"W, 851.55 feet, run along the arc of said curve for 879.64 feet to an intersection with the South line of said Section 34, Township 45 South, Range 25 East, being also the North line of said Section 3, Township 46 South, Range 25 East; thence continue running along said 1,000.00 foot radius curve concave to the Southeast, said curve having a central angle of 10°57'10", a chord bearing and chord of S04°52'00"W, 190.87 feet, run along the arc of said curve for 191.16 feet to the Point of Tangency; thence run S00°36'35"E for 2,287.15 feet to the end of said proposed centerline of Three Oaks Parkway, said point lying 75.00 feet Easterly from the Easterly line of a parcel described in Instrument No. 2005000068512 as measured perpendicularly, on the Westerly line of a parcel described in O.R. Book 2019, Page 1648 and on the Westerly line of a public road and utility easement as described in O.R. Book 3273, Page 3180.

Bearings hereinabove mentioned are based on the West line of the Southwest one-quarter (SW ¼) of said Section 22 as S00°56'08"E.

DATE	05-27-2007
BY	JACK SCHWABER
CHECKED	L.D.
IN CHARGE	JACK SCHWABER
PROJECT NO.	24070

DATE	05-27-2007
BY	JACK SCHWABER
CHECKED	L.D.
IN CHARGE	JACK SCHWABER
PROJECT NO.	24070

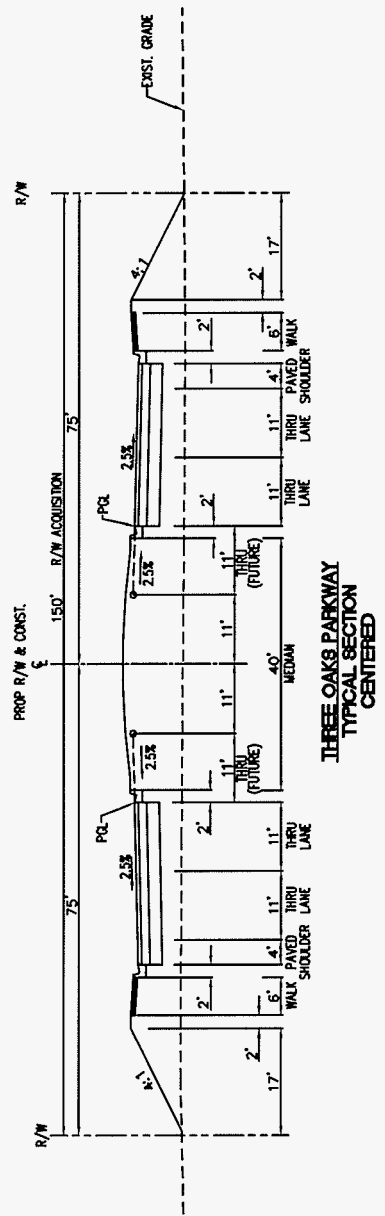
**AVOLON ENGINEERING, INC.**  
 1101 S. W. 10th St., Ft. Lauderdale, FL 33304  
 (954) 571-2077

**LEES COUNTY DEPARTMENT OF TRANSPORTATION**  
 (904) 499-8888

THREE OAKS PARKWAY EXTENSION  
 4200' NORTH OF LADY BLVD TO DANIELS RD.  
 LEES COUNTY, FLORIDA

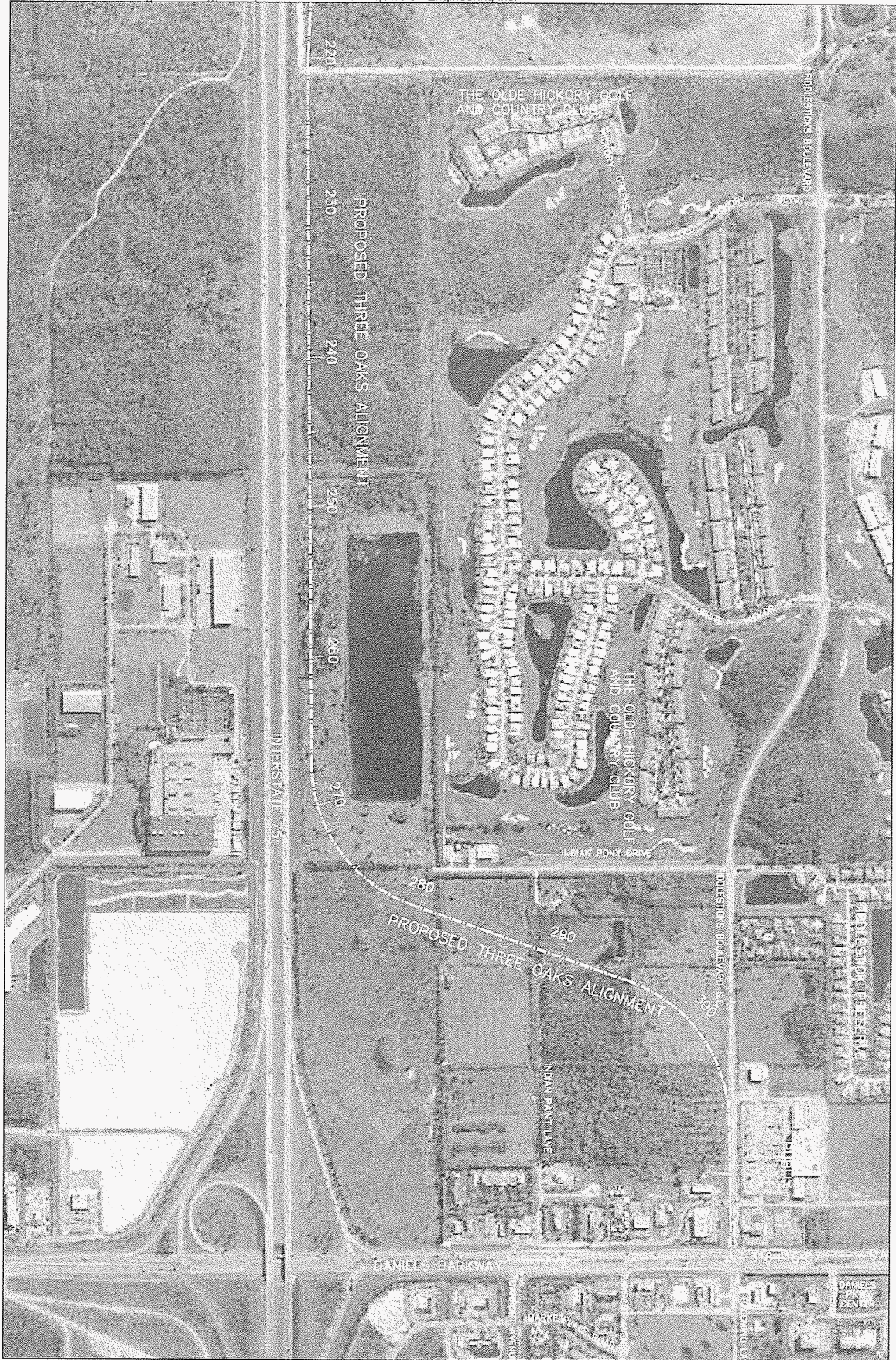
**CENTERED**  
 TYPICAL SECTION

1 of 1  
 SHEET



This Centered Typical Section will be applied to the entire roadway. Adjustments will be made at the Daniels Parkway intersection and super elevated sections.  
 Design Speed = 45 m.p.h.  
 Minimum Super Elevation rate = 2.5%

**THREE OAKS PARKWAY  
 TYPICAL SECTION  
 CENTERED**



SHEET 2 OF 2	Alternate Alignment Eagle's Nest / SWFA	THREE OAKS PARKWAY EXTENSION 4200' NORTH OF ALKO BLVD TO DANIELS RD. LEE COUNTY, FLORIDA	LEE COUNTY DEPARTMENT OF TRANSPORTATION (850) 478-1020	AVALON ENGINEERING, INC. 2501 DEL PRADO BLVD, SUITE 400 CAPE CORAL, FLORIDA 33904 PHONE: (813) 313-2217	DATE	BY	REVISION DESCRIPTION	DATE	BY
					10/07/07	JL	Initial Alignment	10/07/07	JL
								PROJ. 05-372	DATE: 05/08/07
								CAPO TECH	L.D.
								PROJ. MGR.	Jack Schwager
								CL. LOGSK	24070



SHEET 1 OF 13	<b>Alternate Alignment</b> Eagle's Nest / SWFLA	<b>THREE OAKS PARKWAY EXTENSION</b> 4200' NORTH OF ALED BLVD. TO DANIELS RD. LEE COUNTY, FLORIDA	LEE COUNTY DEPARTMENT OF TRANSPORTATION (888) 478-8800	<b>AVALON ENGINEERING, INC.</b> 2501 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 (888) 478-8800 (239) 313-2011	<table border="1"> <thead> <tr> <th>DATE</th> <th>BY</th> <th>REVISION DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1/20/06</td> <td>LD</td> <td>Initial alignment</td> </tr> <tr> <td>1/27/06</td> <td>LD</td> <td>Final alignment</td> </tr> <tr> <td>1/28/06</td> <td>LD</td> <td>Final alignment</td> </tr> </tbody> </table>	DATE	BY	REVISION DESCRIPTION	1/20/06	LD	Initial alignment	1/27/06	LD	Final alignment	1/28/06	LD	Final alignment	PROJ: 05-372    DATE: 06/15/09 CAD: ROK    L.D. PROJ MGR: Jack Schroger PL. LEVISE: 24070
	DATE	BY	REVISION DESCRIPTION															
	1/20/06	LD	Initial alignment															
1/27/06	LD	Final alignment																
1/28/06	LD	Final alignment																