

Legislative Session 2020

Adopted October 1, 2019

State of
Florida



Lee County

2020 STATE LEGISLATIVE AGENDA - INTRODUCTION

This document represents the Board's state legislative program for the 2020 Session. While these priorities are intended to guide the County's advocacy efforts in Tallahassee, the list is not exhaustive and issues may arise or evolve that will require Board attention.

Commissioners, staff and contract lobbyists will pursue all of the legislative policies approved by the Board and place appropriate priority on the issues given the opportunities that arise during the legislative process. As usual, items of emphasis will include maintaining the County's home rule authority and opposing cost shifts or unfunded mandates.

The state legislative session will begin on January 14, 2020 and is scheduled to conclude on March 13.

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SUPPORT AND TRACKING ISSUES

BACKUP MATERIALS

LEE COUNTY COMMISSIONERS



JOHN MANNING – DISTRICT 1



CECIL L. PENDERGRASS – DISTRICT 2



RAY SANDELLI – DISTRICT 3



BRIAN HAMMAN – DISTRICT 4



FRANK MANN – DISTRICT 5

2020 STATE LEGISLATIVE AGENDA

PRIORITIES

- A. **Caloosahatchee River and Estuary Protection – SUPPORT** continued, dedicated state funding to complete construction of the C-43 West Reservoir Construction Project **AND** a water quality treatment component. **SUPPORT** funding to complete the C-43 Water Quality Treatment Testing Facility ("BOMA") pilot project on property purchased jointly by Lee County and the South Florida Water Management District.
- B. **Harmful Algal Blooms -- SUPPORT** state funding for research, monitoring, prediction, notification and mitigation efforts pertaining to Red Tide and Blue-Green Algae. **SUPPORT** Florida Department of Environmental Protection (DEP) efforts to eliminate algae blooms in Lake Okeechobee prior to discharge.
- C. **Big Cypress Basin – SUPPORT** amending the boundaries to include the area in Lee County that is south of the Caloosahatchee Watershed. This area is within the Everglades West Coast Watershed of the Big Cypress Basin and pays nearly \$4.5 million annually into the Okeechobee Basin fund.
- D. **Tourist Development Tax -- SUPPORT** amending 125.0104(5)(b), F.S., to allow Lee County to continue using bed tax revenue to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate or promote fishing piers.
- E. **Water Quality Funding Requests – SUPPORT** \$3,440,000 in state funding with a Lee County match of \$560,000. (See attached project descriptions)
 - i. Powell Creek Bypass Canal: Addresses water quality concerns within the Caloosahatchee and Powell Creek watershed by providing treatment through a proposed filter marsh.
 - ii. Deep Lagoon Preserve: Improve water quality by reducing elevated Nitrogen levels within the Caloosahatchee Estuary Basin and Deep Lagoon watershed.
 - iii. Artesian Well Abandonment Project: Prevents adverse impacts to water supply resources.
- F. **Wastewater Treatment Master Plan – SUPPORT** \$750,000 in state funding to collaboratively develop and implement a comprehensive plan for affordable, reliable and efficient collection and treatment systems to provide strong infrastructure for communities while protecting the environment.
- G. **Sanibel Causeway – SUPPORT** \$3,040,000 in state funding for shore stabilization, structured parking and enhanced amenities (with Lee County match of \$5 million for entire project).
- H. **Transportation Funding Requests – SUPPORT** 50% state funding matches for the following projects:
 - i. **Alico Road Extension** – Request \$2.5 million for a Project Development & Environment Study for a roadway to link RSW and FGCU to State Road 82 (PD&E estimated cost is \$5 million).
 - ii. **Burnt Store Road (South Segment)** – Request \$4.5 million for road widening from Tropicana to Pine Island Road (total estimated cost is \$15.1 million with a current \$3 million state allocation).
 - iii. **Corkscrew Road** – Request \$7.2 million for capacity and safety enhancements from Ben Hill Griffin Parkway to Bella Terra Boulevard (\$19.7 million cost with existing \$2.65 million state allocation).
 - iv. **Three Oaks Parkway** – Request \$2 million for construction of bridge and culvert crossing on a new road segment that will act as a major reliever to I-75 (\$4 million construction cost).

2020 STATE LEGISLATIVE AGENDA

The Lee County Board of Commissioners advocates for the preservation of local home rule and opposes any legislation, policies or regulations that would impose unfunded responsibilities upon the County.

SUPPORT ISSUES

Affordable Housing – **SUPPORT** retaining the full amount of dedicated documentary tax revenues to fund state and local affordable housing programs. Based on current state revenue estimates, a full SHIP distribution for Lee County would approach \$8.5 million in FY2019-20 (including \$3.1 million allocated for Cape Coral and Fort Myers).

Article V Court Funding – **SUPPORT** eliminating the mandates contained in Section 29.008(4)(a), F.S., that require counties to fund certain court expenditures by 1.5 percent over the prior county fiscal year. Support dedicated and stable state funding for Clerks of Court.

Beach Nourishment – **SUPPORT** full funding of the program that will now use newly created statutory criteria for the annual ranking of beach projects for state cost sharing; specifically, criteria that recognizes economic benefits and cost effectiveness, reduction in storm damage, and the ability to leverage federal dollars.

Behavioral Health System – **SUPPORT** increased funding for core mental health and substance abuse services as well as ancillary support and diversion programs.

Bob Janes Triage Center – **SUPPORT** continued funding for the Criminal Justice, Mental Health and Substance Abuse Local Matching Grant Program. The services provided by the Bob Janes Triage Center have a proven track record of enhancing public safety and reducing criminal justice expenditures.

Communications Services Tax – **SUPPORT** revising current law in a manner that is: 1) *revenue neutral*; 2) simplifies administration and collection of the current tax; 3) provides for a broad and equitable tax base; 4) provides for enhanced stability and reliability as an important revenue source for local government; and 5) provides the opportunity for market-based growth. **OPPOSE HB 693**, which would reduce revenue allocated to counties from the State's Communications Services Tax and preempt local authority to regulate permitting and fees with respect to the telecommunications industry.

Community Action Team – **SUPPORT** funding to maintain a team in Lee County that provides comprehensive community based services to children aged 11 to 21 with mental illness and behavioral health conditions. Community Action Teams provide a lower cost alternative to state run foster care, juvenile detention and residential treatment programs.

Consumer Protection – **SUPPORT** statewide regulation to protect consumers against credit card skimming and identity fraud at fuel pumps.

EMS Balance Billing – **OPPOSE** limitations on the ability of county EMS providers to seek reimbursement for out-of-network transports. **SUPPORT** requirements for private insurers to pay local governments for the actual cost of emergency service delivery.

EMS Regulation – **SUPPORT** maintaining a countywide regulatory system for EMS transport through the current Certificate of Public Convenience and Necessity (COPCN) process.

2020 State Legislative Agenda - Support Issues Continued

Florida Retirement System (FRS) – **SUPPORT** a requirement that all legislation potentially increasing FRS contribution rates be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local and state government in order to be eligible for consideration.

Florida Water and Land Conservation Amendment – **SUPPORT** allocating funds for county land conservation and management programs to acquire environmentally sensitive property for water quality improvement projects or storage. Lee County's Conservation 20/20 Program has spent nearly \$400 million to acquire, restore and preserve property.

Medicaid County Cost Cap – **SUPPORT** establishing a cap on growth in the individual county Medicaid costs under s. 409.915, F.S. to address the anticipated cost shifts that result from the transition to a Medicaid enrollee based cost-sharing system. **OPPOSE** efforts to shift more state Medicaid costs to counties.

Prison Inmates to Jails – **OPPOSE** any efforts to shift inmates with less than a year on their sentence at the time of sentencing to jails instead of prisons.

Regional Planning Councils – **SUPPORT** legislation to allow counties to opt out from mandatory membership in an RPC by majority vote of the county's governing body.

Shade Meetings (Executive Session) – **SUPPORT** legislation that allows senior staff to participate in attorney-client sessions as subject matter experts to provide Board members with technical knowledge needed to make informed decisions.

VISIT FLORIDA – **SUPPORT** reauthorizing Visit Florida, which is a vital partner to Lee County and local business in promoting tourism that bolsters Florida's economic prosperity, employment and international trade.

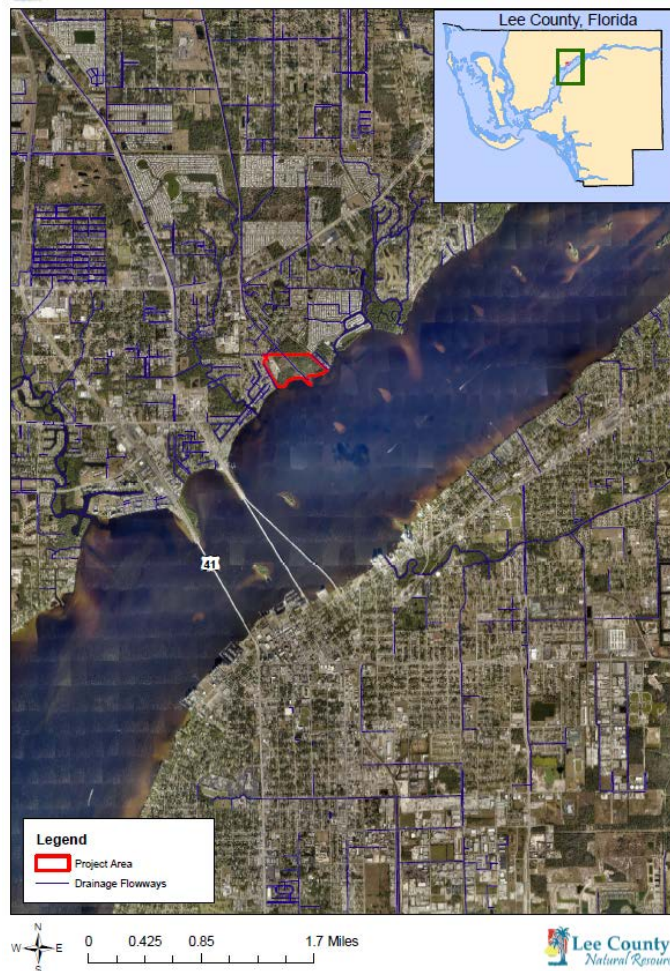
Contact

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gsalyer@leegov.com (239) 533-2221

Powell Creek Bypass Canal Water Quality Improvement Project



Lee County will address water quality concerns within the Caloosahatchee and Powell Creek watershed by providing additional treatment through the proposed filter marsh.

Background

The approximately 3.9 acre site is located on the west bank of the Powell Creek Bypass Canal, north of the Caloosahatchee. The site contains a former abandoned FDOT borrow area constructed under the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) for the Edison Bridge Replacement Soil Disposal Site project.

The Powell Creek Bypass Canal provides drainage from developed areas into the Caloosahatchee River, which has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan.

Proposal

This project proposes a detailed hydrology and hydraulic analysis of the water quality in the Powell Creek watershed and the section of the Caloosatchee nearest to the site to determine the most effective strategy to improve water quality within the site constraints. Conceptual design for the project anticipates diverting water directly from the Caloosahatchee into the proposed filter marsh for additional treatment. The abandoned borrow area would be retrofitted into a filter marsh. The project would also incorporate other Best Management Practices (BMPs) to attain additional water quality treatment. Consideration will be given to multiple layouts and flow rates to provide optimal nutrient removal.

Benefits

- Reduce nutrients discharging into the Caloosahatchee
- Improve wildlife habitat
- Provide a passive recreational area for the community

Funding

- **Requested from the state: \$720,000 in construction costs**
- **Lee County match: \$200,000 for design and in-kind project management services**
- **Total project cost: \$920,000**

Vital Southwest Florida Facts

- More than 75% of Florida's population lives within an estuary watershed and 78% of Florida's GDP is generated within estuary regions.
- Southwest Florida is experiencing the fastest growth in population, employment, and GDP among all U.S. estuary regions. Protecting or enhancing the region's estuaries is essential to support the regional economy.
- Lee County tourism, which depends on a healthy natural ecosystem, employs 1 in 5 workers. This includes the restaurant and hotel industries as well as ecosystem-based industries such as fishing and boating.
- Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

Contact

For details or additional discussion, please contact:

Roland Ottolini, Director, Lee County Department of Natural Resources

rottolini@leegov.com (239) 533-8127

Deep Lagoon Preserve Water Quality Improvement Project



Lee County will address elevated nitrogen levels within the Caloosahatchee Estuary Basin and Deep Lagoon watershed by providing treatment through structural best management practices.

Background

The Caloosahatchee River Estuary was identified as impaired by FDEP, and a Total Maximum Daily Load (TMDL) was subsequently established in the Caloosahatchee Estuary Report prepared by FDEP. The TMDL for the Caloosahatchee Estuary calls for a 23% reduction in Total Nitrogen (TN) loads throughout the watershed. This pollutant reduction applies throughout the watershed to each drainage basin and sub-watershed individually.

The Deep Lagoon Preserve watershed consists of several separated parcels that total approximately 383 acres and is located between the Caloosahatchee River to the north and Estero Bay to the south. Both surface water and groundwater flows within the area are significantly affected by the close proximity to the River and Bay. **The Deep Lagoon Preserve watershed provides drainage from developed areas into the**

Caloosahatchee River, which has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan.

Proposal

The Deep Lagoon Preserve Water Quality Improvement project consists of a series of structural and non-structural best management practices with the potential to provide the most pollutant load reduction at the least cost, with the primary focus on reducing nitrogen loading into the Caloosahatchee River. Consideration will be given to gravity-fed retention ponds, channel/ditch modifications, ditch blocks and pumped solutions.

Benefits

- Reduce nutrients discharging into the Caloosahatchee
- Enhance/Promote wildlife habitat

Funding

- **Requested from the state: \$2,640,000 in construction costs**
- **Lee County match: \$340,000 for design and in-kind project management services**
- **Total project cost: \$2,980,000**

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- Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

Contact

For details or additional discussion, please contact:

Roland Ottolini, Director, Lee County Department of Natural Resources

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Background

Uncontrolled, improperly constructed, deteriorated or abandoned artesian (free-flowing) wells can have an adverse impact on the quantity and quality of water in aquifers (the groundwater source) and other water bodies in Southwest Florida. Groundwater is used for many purposes such as public supply, business, agriculture, and landscaping, and incorrectly constructed free-flowing wells compromise the use of these key resources. Historically, few regulatory controls were placed on well placement and construction and subsequently non-permitted wells, free-flowing artesian wells, abandoned, and damaged wells have been reported. Containing wasteful water flow and maintaining healthy aquifers by avoiding contamination and/or saltwater intrusion are critical to our water resources being able to meet the needs of both Lee County's natural systems and the growing human population. This project is intended to assist well owners in complying with Florida law that requires well owners to control discharges from artesian wells by properly controlling the flow.

Proposal

- The work consists of permanent well abandonment (plugging from bottom to top of the well with cement grout) activities which will be performed by a state licensed water well contractor.
- Lee County representatives will conduct site visits, inventory the wells, coordinate with the landowners and appropriate agencies to organize participation, and oversee plugging operations.
- The total number of wells to be plugged is undetermined and will be dependent upon the project budget.

Benefits

Properly abandoning free-flowing wells helps prevent adverse impacts to water resources. Deterioration of the well casing occurs as a well ages, which can allow poor quality water to move upward into fresher zones used for drinking water supplies. Old free-flowing wells that were drilled into a deeper portion of the aquifer in certain locations may be susceptible to an increase in salinity. Proper plugging of these wells helps to prevent contamination of water supply. Free-flowing wells can potentially waste many millions of gallons of water per day, cause the water quality in the surface waters and other potable aquifers to decline, act as a conduit for sources of contaminants to enter the aquifer, and often contribute to mosquito problems.

Funding

- **Requested dollar amount: \$80,000**
- **Local matching funds pledged, along with a written copy of the vote or other commitment by a local elected body: \$20,000**
- **Total project cost/phase amount: \$100,000**

Vital Southwest Florida Facts

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- Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

Contact

For details or additional discussion, please contact:

Roland Ottolini, Director, Lee County Department of Natural Resources

rottolini@leegov.com (239) 533-8127

Background

Lee County wishes to collaboratively develop and implement a comprehensive plan for affordable, reliable and efficient collection and treatment systems to provide strong infrastructure for sustainable communities. The goal is to create a master plan that will provide a road map for:

- Maintaining existing communities and handling future development growth
- Prioritizing opportunities to reduce nutrient loading into our waterways
- Recommending cost-effective projects that improve property values while minimizing capital, operating and maintenance costs

Proposal

Task 1- Project Management, Stakeholder Engagement & Workshops

- Develop overall project management and stakeholder plan, budgeting and cost review
- Conduct meetings with County staff, County Management and the public during the study

Task 2- Data Compilation, Review & Analysis

- Compilation of existing data, information, and documents
- Review of collection system and WWTF, existing flows and customers, and onsite systems
- Review of environmental sampling information available and analysis of nutrient impacts-water quality hot spots

Task 3- Planning Level Analysis / Hydraulic Modeling

- Consider impacts of consolidation of private utilities and evaluate existing infrastructure
- Interconnection capabilities between WWTFs and collection system expansion
- Determine areas of prioritization for conversion

Task 4- Alternatives Analysis

- Compare different methods to convert from septic to sewer and provide costs and feasibility

Task 5- Recommendations for CIP

- Develop implementation plan for septic to sewer conversion
- Provide list of prioritized projects and estimated capital costs for each project

Task 6- Funding and Financing Options

- Identification of funding sources, include grant review and analysis
- Fiscal impact analysis, funding approach and recommendation

Funding

Based on comparable study pricing, the estimated cost is not-to-exceed \$750,000.



Sanibel Causeway Shoreline Stabilization and Amenities Enhancements

Background

The Sanibel Causeway Islands are heavily used recreational facilities. Roadway runoff and wave action causes erosion problems in the park. Shoreline erosion is exacerbated with storm events. County staff has been addressing the situation by adding fill to replace what erodes away after storms and hardening sections of the shoreline.

Proposal

The project will provide a more permanent fix to the erosion problems by repairing all of the scoured areas caused by roadway runoff and installing appropriate structures to reduce the shoreline erosion caused by wave and tidal effects.

In addition to repairing erosion along the shoreline, structured parking will be constructed on Causeway Islands A and B and a pavilion and restrooms will be constructed on Island A.

- Shore stabilization
- Structured, standardized parking
- Island A amenities, to include pavilion and restrooms

Funding

- Requested dollar amount: *\$3,040,000*
- Local matching funds pledged: *\$4,760,000*
- Total project cost/two phase amount: *\$7,800,000*

Contact

For details or additional discussion, please contact:
Jessie Lavender, Director, Lee County Parks & Recreation
jlavender@leegov.com 239-533-7443

CAUSEWAY ISLAND "A" CONCEPTUAL USE PLAN

-10/13/17-



0' 500'



CAUSEWAY ISLAND "B" CONCEPTUAL USE PLAN

-10/06/16-



0' 500'



30% DESIGN PLANS - SHORELINE STABILIZATION





Alico Road Extension/Connector Project Development & Environment Study

Background

An alignment study for an extension of Alico Road to SR82 began in December of 2006. The project is a segment of what had originally been known as the Alico Expressway or the Airport Expressway. There was considerable public input regarding the need for a link from Alico Road. to SR82. The BoCC adopted the alignment on September 29, 2009. During the Study DOT worked with property owners to establish an alignment that accommodates the on-going uses and reflects on-site environmental features.

Due to several environmentally sensitive areas, including a number of designated conservation areas, the County has programmed a Project Development and Environment Study in FY 2019/20. The Study is intended to analyze alternatives, involve the public and resource agencies, evaluate environmental impacts and obtain design concept acceptance.

Proposal

An alignment study for an extension of Alico Road to SR82 began in December of 2006. The project is a segment of what had originally been known as the Alico Expressway or the Airport Expressway. There was considerable public input regarding the need for a link from Alico Road. to SR82. The BoCC adopted the alignment on September 29, 2009. During the Study DOT worked with property owners to establish an alignment that accommodates the on-going uses and reflects on-site environmental features.

Due to several environmentally sensitive areas, including a number of designated conservation areas, the County has programmed a Project Development and Environment Study in FY 2019/20. The Study is intended to analyze alternatives, involve the public and resource agencies, evaluate environmental impacts and obtain design concept acceptance.

Funding

- Extension of Alico Road from the eastern end of Alico Road currently to SR 82 opposite Sunshine Boulevard.
- Requesting 50% matching funds (\$2.5 million) to prepare a Project Development and Environment Study
- Total project cost is \$108 million

Contact

For details or additional discussion, please contact:

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ALICO ROAD CONNECTOR

COLONIAL BLVD

SUNSHINE BLVD

SR 82

DANIELS PKWY

ALICO RD

CORKSCREW RD

Major Roads

— FDOT

— Lee County DOT



Burnt Store Road South Segment

Background

Lee County is widening Burnt Store Road from Van Buren Parkway to Pine Island Road. The project was broken into three phases from Van Buren Parkway to Diplomat Parkway, (North Segment) Diplomat Parkway to Tropicana Parkway (Central Segment) and Tropicana Parkway to Pine Island Road (South Segment). The project consists of widening from 2-lanes to 4-lanes with enough right-of-way for an ultimate 6-lane configuration.

The North Segment is complete and the Central Segment will be complete this year. DOT plans to start construction on the South phase in mid-2020.

Proposal

Burnt Store Road is part of a much larger regional transportation corridor that links together the urbanized areas of Punta Gorda, Cape Coral, Fort Myers and Lehigh Acres. The corridor connects to US 41 (and indirectly to I-75 via Jones Loop Road) as Burnt Store Road at the north end, and links to Veterans Parkway, the Midpoint Bridge, Colonial Boulevard (where it again crosses US 41 and I-75), Lee Boulevard, Leeland Heights Boulevard, and Joel Boulevard, ultimately terminating at SR 80 in Alva. The regional function of the corridor (including Burnt Store Road) is recognized by inclusion in the Lee County MPO's map of regional facilities.

Burnt Store Road serves as a major evacuation route for the residents of the City of Cape Coral as well as Matlacha and St. James City, with direct access to I-75.

Funding

- Widening of Burnt Store Road from Tropicana Parkway to Pine Island Road
- Requesting 50% matching funds (\$2.5 million) (already have \$2,962,302 in State TRIP funds)
- Total project cost is \$15.1 million (South segment)

Contact

For details or additional discussion, please contact:

Eileen Webster, Fiscal Manager, Lee County Department of Transportation

ewebster@leegov.com 239-533-8507

Burnt Store Road - South Segment

North Segment

Central Segment

South Segment



Corkscrew Road Capacity and Safety Improvements

Background

Corkscrew Road lies within the Environmental Enhancement & Preservation Communities Overlay (EEPCO) created by Lee County. The Overlay provides an opportunity to provide higher residential density in exchange for developer commitments to provide regional benefits. As part of the Overlay, the County is studying the Corkscrew Road corridor to identify enhancements to handle existing traffic and to prepare for future traffic increases. Design of the widening of Corkscrew Road in two phases has begun, the first phase from Ben Hill Griffin Parkway to Bella Terra Boulevard and the second from Bella Terra Boulevard to Alico Road. Construction of the first phase is expected to begin in early 2021.

Proposal

Corkscrew Road experiences major congestion and many intersections are deemed a safety concern. With the heavy mixture of passenger vehicles and trucks on the corridor, the widening project is a top priority for Lee County. There are over 500 homes permitted to be built to the east of the projects limit and Corkscrew Road is the only access for residents to travel westbound and to I-75.

Funding

- Widening of Corkscrew from Ben Hill to Bella Terra
- Requesting 50% matching funds (\$7.2 million) (\$2.6 million has already been awarded in State TRIP funding) for construction
- Total construction cost for phase I is \$19.7 million

Contact

For details or additional discussion, please contact:

Eileen Webster, Fiscal Manager, Lee County Department of Transportation

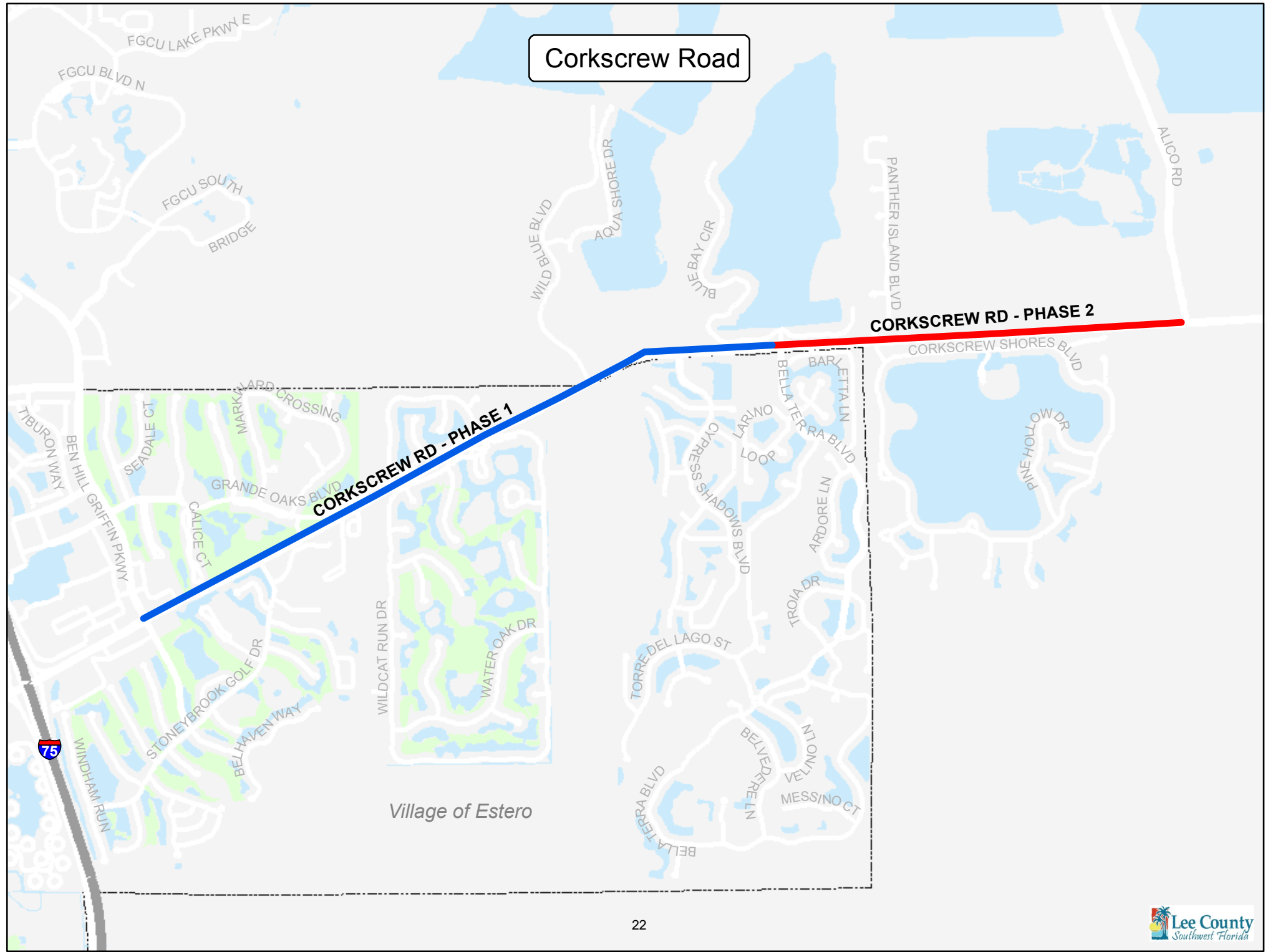
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Corkscrew Road

CORKSCREW RD - PHASE 1

CORKSCREW RD - PHASE 2

Village of Estero





Three Oaks Parkway Bridge and Culvert Crossing

Background

Lee County in partnerships with the City of Bonita Springs, FDOT and private developers has widened Three Oaks Parkway/Imperial Parkway from Alico Road to the Collier County line. The last phase of Three Oaks Parkway includes an extension from just north of Alico Road to Daniels Parkway. DOT has broken the project into phases and the first phase is a bridge and culvert crossing that is slated to begin mid-2020.

Proposal

This section of Three Oaks Parkway is the final section to be constructed of an overall corridor that runs parallel to 1-75 and US 41 from Radio Road in Collier County ultimately to Daniels Parkway in Lee County. Daniels Parkway is part of the State's Strategic Intermodal System and serves as a direct access route to Southwest Florida Regional Airport. The project will help to manage growth by providing travelers with an additional north/south roadway.

Funding

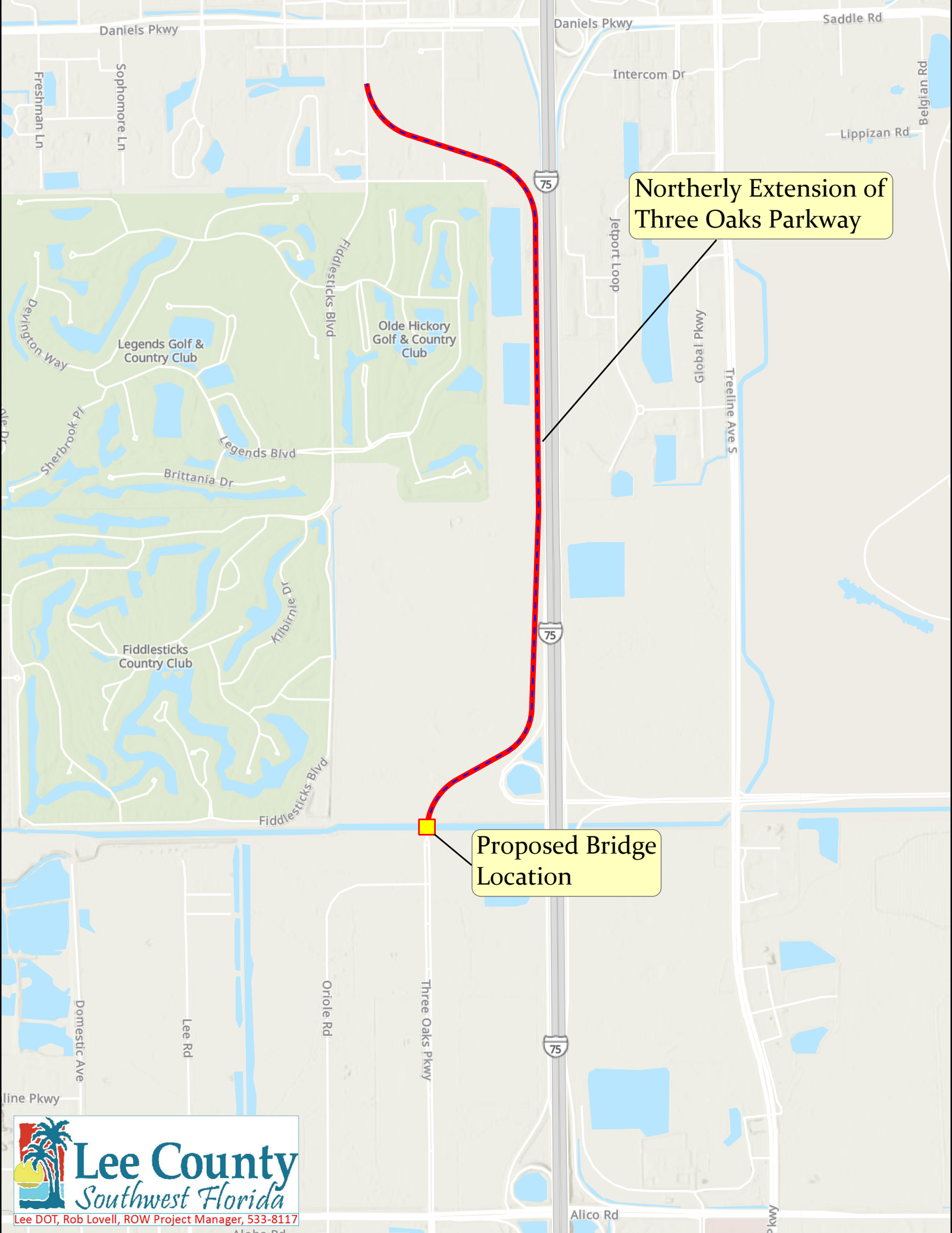
- Bridge and culvert crossing as part of the Three Oaks Project
- Requesting 50% matching funds (\$2 million) for construction
- Total project cost is \$104 million, cost of this phase is \$4 million

Contact

For details or additional discussion, please contact:

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Northerly Extension of Three Oaks Parkway

Proposed Bridge Location



Lee DOT, Rob Lovell, ROW Project Manager, 533-8117