

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

**Blue Sheet No. 20070241**

**1. ACTION REQUESTED/PURPOSE:** Execute Interlocal Agreement with the City of Bonita Springs regarding the designation of Three Oaks Parkway Extension South as a controlled access facility.

**2. FUNDING SOURCE:** No funds required.

**3. WHAT ACTION ACCOMPLISHES:** Allows for the County to pursue designating the Three Oaks Parkway South Extension as a Controlled Access Facility

**4. MANAGEMENT RECOMMENDATION:** Execute the agreement

<b>5. Departmental Category:</b> Transportation <b>A9A</b>		<b>6. Meeting Date:</b> 2-27-07
<b>7. Agenda:</b>	<b>8. Requirement/Purpose: (specify)</b>	<b>9. Request Initiated:</b>
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute 163.01	<b>Commissioner</b>
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	<b>Department</b> Transportation
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	<b>Division</b>
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other Existing	<b>By:</b>
<input type="checkbox"/> Walk-On	Interlocal Agreements with City of Bonita Springs	<b>Scott Gilbertson, Director</b>

**10. Background:**

The County and the City of Bonita Springs have maintained several interlocal agreements since their 2000 incorporation providing for road improvements within the municipal boundaries of the City. In 2003, the City and the County entered into an interlocal agreement to construct Three Oaks Parkway South Extension from the intersection of Imperial Street and East Terry Street to the northern municipal corporate boundary. That interlocal agreement delineated the funding and maintenance responsibilities of the respective parties and merged with pre-existing right-of-way funding agreements. That interlocal was subsequently amended in 2006 to further clarify issues pertaining to the design, permitting, right-of-way acquisition, and construction of the Three Oaks Parkway South Extension. The parties agree that the Three Oaks Parkway South Extension should be designated as a controlled access facility with fixed access points so as to allow for the safe and relatively unimpeded movement of large volumes of traffic.

(Continued on Page 2)

**11. Review for Scheduling:**

Depart. Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>2/15/07</i>	N/A	N/A	N/A	<i>DMC 2-14</i>	<i>RK2/14</i>	<i>MP 2/15/07</i>	<i>2/14/07</i>	<i>2/15/07</i>	<i>[Signature] 2-13-07</i>

**12. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:	<i>W</i>
<i>2/14</i>	<i>2:15 PM</i>
COUNTY ADMIN FORWARDED TO:	<i>PL</i>
<i>2/15/07</i>	<i>9:30 AM</i>

Rec. by CoAtty	<i>[Signature]</i>
Date:	<i>2/14/07</i>
Time:	<i>11:55 AM</i>
Forwarded To:	<i>2-14-07 2:00 ADMIN.</i>

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**Bluesheet #20070241**

**Subject: Interlocal Agreement pertaining to the Designation of Three Oaks Parkway South Extension as a Controlled Access Facility**

The proposed interlocal agreement confirms: 1) the local governments' conclusion that the designation of the Three Oaks Parkway South Extension road corridor as a controlled access facility is in the best interest of the public; and, 2) authorizes the County to pursue the designation through a Controlled Access Resolution. The proposed interlocal clarifies the procedures to be followed and the responsibilities of the respective governmental agencies in the pursuit of a formal designation of the roadway.

The Bonita Springs City Council voted on and executed the interlocal on January 17, 2007. Staff recommendation is that the BOCC execute the interlocal agreement as well.

**Attachment:** Interlocal Agreement pertaining to the Designation of Three Oaks Parkway South Extension as a Controlled Access Facility

INTERLOCAL AGREEMENT PERTAINING TO THE  
DESIGNATION OF THREE OAKS PARKWAY SOUTH EXTENSION  
AS A CONTROLLED ACCESS FACILITY

This agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2007, between Lee County, a political subdivision and Charter County of the State of Florida, herein after referred to as "County", and the City of Bonita Springs, a municipal corporation in the State of Florida, herein after referred to as "City."

WHEREAS, Chapter 163, Florida Statutes, has been established to encourage and ensure cooperation between and among municipalities and counties and to provide services in a manner that would accord best the geographic, economic, population, and other factors influencing the needs and development of local communities; and,

WHEREAS, the City and the County executed a Master Transportation System Agreement dated September 19, 2000, to jointly establish a five-year road improvement plan requiring resources of both the County and the City; and,

WHEREAS, the agreement contemplates the use of supplemental agreements to the master interlocal agreement for different stages of road work in Bonita Springs; and,

WHEREAS, the parties have entered into interlocal agreements to allow for the City advancement of funds to start the right-of-way acquisition process for the Three Oaks Parkway South Extension; and,

WHEREAS, on May 27, 2003, the parties entered into a "Fourth Joint Supplemental Agreement to the Master Interlocal Agreement to Construct Three Oaks Parkway South Extension," an arterial roadway from the intersection of Imperial Street and East Terry Street to the northern municipal corporate boundary. The agreement delineated the funding and maintenance responsibilities of the respective parties and merged with the right-of-way funding agreement; and,

WHEREAS, the Fourth Joint Supplemental Agreement for the Three Oaks Parkway South Extension was subsequently amended on February 7, 2006, to further clarify issues pertaining to the design, permitting, right-of-way acquisition, and construction of the Three Oaks Parkway South Extension; and,

WHEREAS, the parties have agreed that the Three Oaks Parkway South Extension should be designated as a controlled access facility with fixed access points; and,

WHEREAS, the County designates County roadways as controlled access facilities in order to allow for the safe and relatively unimpeded movement of large volumes of traffic; and,

WHEREAS, the County and the City find that the designation of the Three Oaks

Parkway South Extension Road Corridor as a controlled access facility will preserve safety and travel capacity and, therefore, is in the best interest of the public.

NOW, THEREFORE, CONSIDERATION of the foregoing and the mutual covenants contained herein, the County and the City do hereby agree as follows:

1. The County will adopt a Controlled Access Resolution in accordance with Section 10-298 of the Lee County Land Development Code to regulate access along Three Oaks Parkway South Extension. All requests for new access points and the relocation of existing access points will be considered by the County in accordance with the guidelines and standards set forth in Lee County Land Development Code and Lee County Administrative Code 11-10.
2. Applications for new access points, or the relocation of existing access points, within the boundaries of the City, will be first reviewed by the City Council in public session. The Council's recommendation will be given great weight by the County, but the County reserves the right to make a final determination in accordance with the Amended Joint Supplemental Interlocal Agreement between Lee County and the City of Bonita Springs under its Master Transportation Agreement: Three Oaks Parkway South Extension, executed on February 7, 2006.
3. Approvals of new or relocated access points will require a super majority vote of the full Board of the County Commissioners.
4. Once the Three Oaks Parkway South Extension has been designated as a controlled access facility, the City agrees to take the access plan depicted in the resolution into consideration at hearings pertaining to rezoning property along the road corridor in Bonita Springs. The City also agrees to take the access plan into consideration at the time of local development order approval for properties that may already be zoned at the time of designation.
5. Lee County Department of Transportation will be the entity in charge of permitting access to the roadway (driveway permitting). The approval of residential driveways, if any, must be consistent with Bonita Springs Ordinance No. 05-16.
6. The County will publish notice of a workshop to be held on the proposed designation of the road corridor as a controlled access facility. The County agrees to mail notice of the workshop to all abutting property owners. The County will hold the workshop within the municipal boundaries of the City and provide enlarged maps depicting the road corridor and the location of access points that will be recommended for approval as part of the initial designation of the road corridor. The public will be given an opportunity to review the maps, ask questions, and present additional access points for consideration at the workshop.
7. The County will publish notice of two public hearings to consider the adoption of the

resolution designating Three Oaks Parkway South Extension as a controlled access facility. Maps depicting the road corridor and recommended access points will be made available for public inspection at the County Division of Public Resources, as well as City offices.

8. The County agrees to mail notice of the public hearings before the County Commission to all abutting property owners.
9. The parties agree that the final resolution designating Three Oaks Parkway South Extension as a controlled access facility and recommended access points must be approved by a super majority of the Board of County Commissioners.
10. The adopting resolution will note that the procedure for amendment to add or relocate access points will be in accordance with the Lee County Land Development Code section 10-298 and Lee County Administrative Code 11-10. Applications to add or relocate access points along the portion of the roadway located within the City boundaries will require consideration by the City Council prior to scheduling a public hearing before the Board of County Commissioners.

IN WITNESS TO THIS AGREEMENT, the undersigned parties hereby affix their signatures.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Robert P. Janes  
Chair

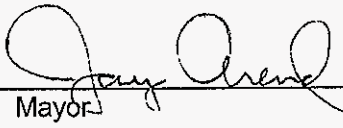
Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office

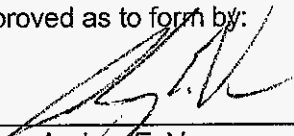
ATTEST:

CITY OF BONITA SPRINGS

BY:   
City Clerk

BY:   
Mayor

Approved as to form by:

  
Audrey E. Vance  
City Attorney