

LEE COUNTY RESOLUTION NO. 07-09-30

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY FLORIDA DESIGNATING SOUTHERN EXTENSION OF THREE OAKS PARKWAY FROM THE INTERSECTION OF IMPERIAL STREET AND EAST TERRY STREET TO THE NORTHERN MUNICIPAL CORPORATE BOUNDARY AS A CONTROLLED ACCESS FACILITY IN ACCORDANCE WITH CHAPTER 10 OF THE LEE COUNTY LAND DEVELOPMENT CODE, AND ESTABLISHING PERMANENT ACCESS POINTS.

WHEREAS, the Board of County Commissioners (Board) is considered the transportation authority in Lee County by virtue of the authority granted in Florida Statutes, Section 125.01(m), to provide and regulate roads; and,

WHEREAS, the Board, as transportation authority, has the power to establish, designate, and regulate controlled access facilities in accordance with Chapter 10 of the Land Development Code (LDC); and,

WHEREAS, on May 27, 2003, Lee County and the City of Bonita Springs 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 was subsequently amended on February 7, 2006 and,

WHEREAS, the County and the City entered into an Interlocal Agreement Pertaining to the Designation of Three Oaks Parkway South Extension as a Controlled Access Facility on February 27, 2007. In that agreement, the parties agreed that the Three Oaks Parkway south extension should be designated as a Controlled Access Facility with fixed access points. It was agreed that the controlled access designation would preserve safety and travel capacity and, therefore, was in the best interest of the public; 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 Board desires to designate and establish the southern extension of Three Oaks Parkway, from the intersection of Imperial Street and East Terry Street to the northern municipal corporate boundary, as a controlled access facility with fixed access points; and,

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

WHEREAS, the Board finds that the designation of this roadway corridor as a controlled access facility will preserve safety and traffic capacity and, therefore, is in the best interest of the public.

NOW, THEREFORE, be it resolved by the Board of County Commissioners that:

1. The southern extension of Three Oaks Parkway, from the intersection of Imperial Street and East Terry Street to the northern municipal corporate boundary, is hereby designated as a controlled access facility with fixed access points in accordance with Chapter 10 of the LDC.

2. The fixed access points along this roadway corridor are set forth in detail in the attached exhibit and map/sketch.

3. The Board's adoption of this resolution does not guarantee, create, or vest in any property owner a right or property interest with respect to a designated access point, median opening, or turning movement.

4. Approval for the construction of a new, or use of an existing access point, median opening, or turning movement is reserved to the County. 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. Board approval of such requests will be based upon facts and circumstances applicable to the request at the time of application for development order or permit submittal.

5. This resolution was adopted by an affirmative vote of a super majority of the Board of County Commissioners.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

Duly passed and adopted this 18<sup>th</sup> day of September 2007.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Kathleen A. Metz  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Robert P. Janes, Chair

Approved as to form by:

[Signature]  
Donna Marie Collins  
County Attorney's Office



Exhibit 1: Three Oaks South Extension/Imperial Road Access Map