

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Approve an amendment to the Daniels Parkway Controlled Access Resolution to add a connection point on the south side of Daniels Parkway at STA 272+40+/-50.

2. WHAT ACTION ACCOMPLISHES: Addition of the connection point satisfies a court order and provides reasonable access to the parcel at 8300 Daniels Parkway.

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

4. Departmental Category: 09 Transportation

A9A

5. Meeting Date: _____

NOV 28 2006

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input type="checkbox"/> Consent	<input type="checkbox"/> Statute
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Appeals	<input checked="" type="checkbox"/> Admin. Code 11-10
<input type="checkbox"/> Public	<input type="checkbox"/> Other
<input type="checkbox"/> Walk-On	

Commissioner _____
 Department Transportation
 Division _____
 By: Scott M. Gilbertson

9. Background:

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 six times.

Recently, a July 10, 1984 Stipulated Final Judgement for Case No. 80-3468 CA-HES Parcel 35 (Frasketi) has been brought to staff's attention. The judgement includes "limitation of access from Parcel 35 to Daniels Road, to one access point, which access point is located at the intersection of the west property line of Parcel 35 and the Daniels Road right-of-way line." Subsequent to the court order, Daniels Road has been renamed Daniels Parkway. Parcel 35 is depicted in the court order as south and east of Shire Lane. STRAP 21-45-25-02-00000.0180 has a street address of 8300 Daniels Parkway. The subject parcel is currently listed in the property appraiser's geographic information system as owned by Joseph John Frasketi Jr. Resolution 89-10-11 and subsequent amendments did not include the access point. An access at the property line would allow a shared access point to the west and would also provide reasonable access to STRAP 21-45-25-02-00000.0090 at 8250 Daniels Parkway.

A resolution has been prepared for the Board's consideration in connection with this request. Staff recommends approval of the amendment adding the access point at the property line in conformance with the court order.

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.	
<i>10/24/06</i>				<i>D/M/C 10-30-06</i>	<i>RK/11</i>	<i>10/11/06</i>	<i>11/1/06</i>	<i>11/1/06</i>	<i>10-25-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
 COUNTY ADMIN:
 10/31/06
 3:00 PM
 COUNTY ADMIN
 FORWARDED TO:
 11/2/06 - P Res 9:00

Rec. by CoAtty
 Date: *10/31/06*
 Time: *4:00pm*
 Forwarded To:
AD Admin 10/30/06 5:10p

Schweers, Molly

From: Polito, Ann M.
Sent: Wednesday, November 15, 2006 8:07 AM
To: Schweers, Molly
Cc: Collins, Donna Marie
Subject: Bluesheet 20061424 -

Molly, this is the Frasketi bluesheet regarding Daniels Parkway Controlled Access. We will have to rehear this item even though it was approved by the Board on 11/14. It requires a super majority vote which is a 4-0 vote. The vote on 11/14 was 3-0. Please place this item on the 11/28/06 Administrative Agenda. Many thanks for your help. Ann

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 and

WHEREAS, Joseph John Frasketi Jr. requests an additional connection point to allow right-in/right-out access only on the south side of Daniels Parkway at highway station 272+38+/-50, approximately 670 feet west of Sophomore Lane.

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 south side of Daniels Parkway at highway station 272+38+/-50, approximately 670 feet west of Sophomore Lane.

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	_____
DOUGLAS R. ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairwoman

APPROVED AS TO FORM

BY: _____
Office of the Lee County Attorney

EXHIBIT "A"
 DANIELS PARKWAY
 DESIGNATED ACCESS POINTS

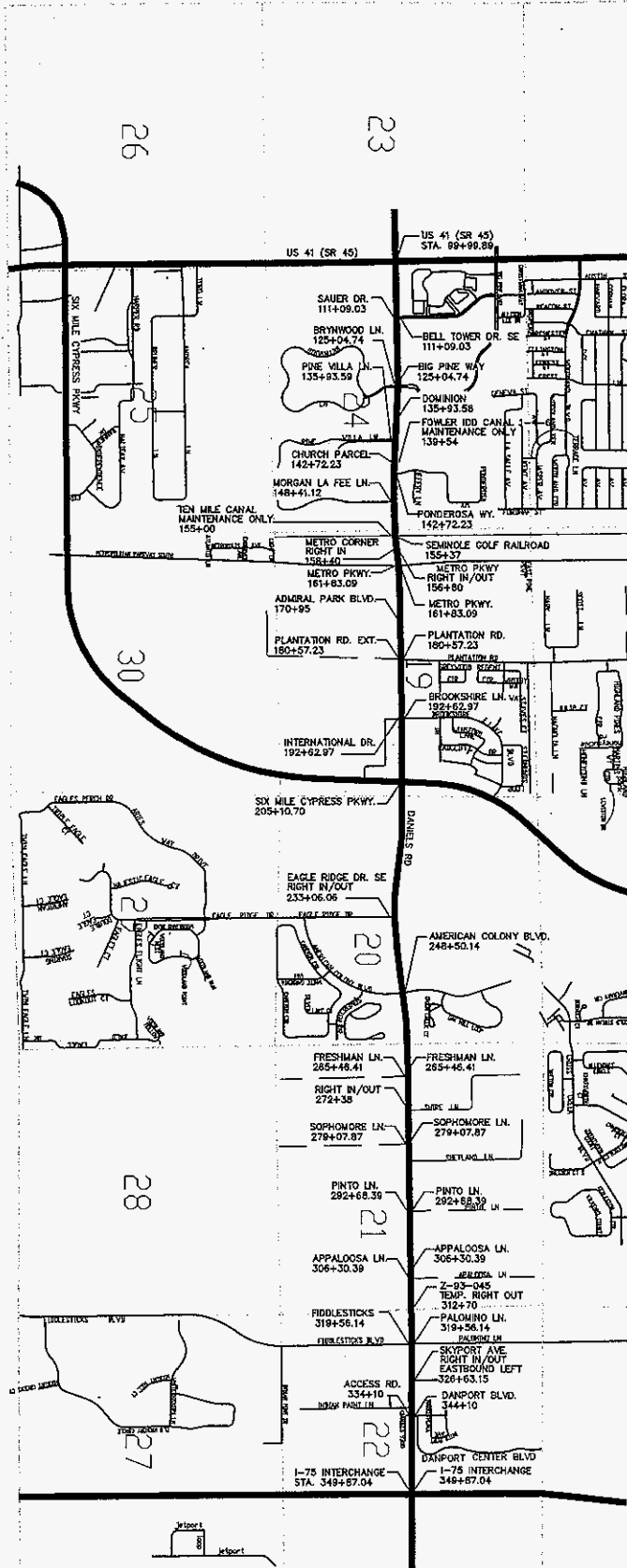
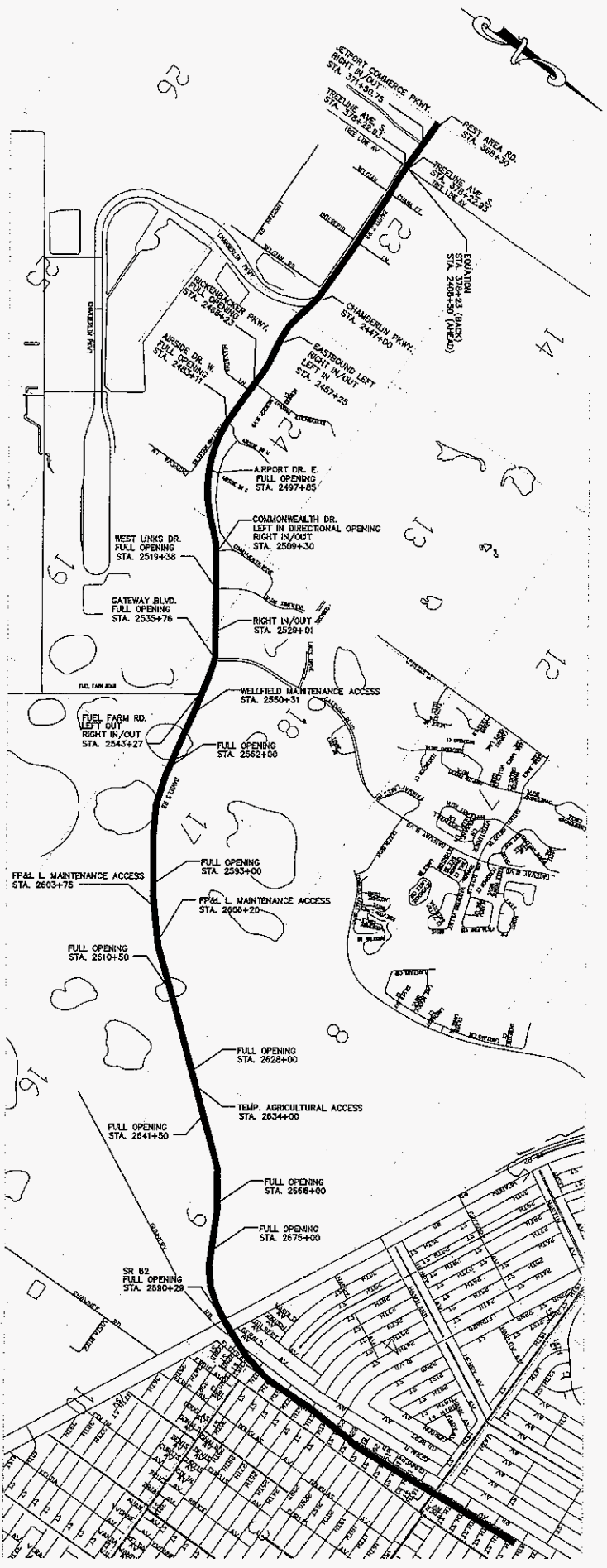


EXHIBIT "A"
 DANIELS PARKWAY
 DESIGNATED ACCESS POINTS



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+40 +/-50	S	694	n/a	4	Right in/out	
279+08 +/-50	F	668	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)

Daniels Parkway Extension Designated Access Points
Proposed Amendment to Resolution 89-10-11

STA	access	spacing south	spacing north	origin	movements	connection
2408+50 +/-50	F			1	All	Treeline Avenue (forward) STA estimated
*	S	TBD	TBD	1	Right in	Sabal Ridge Subdivision
*	S	TBD	TBD	1	Right out	Sabal Ridge Subdivision
2447+00 +/-50	F	3850	3850	1	All	Chamberlin Parkway STA estimated
2457+25 +/-50	N	1025	1025	1	EBL Right in/out	Relocation of North access road
2468+23 +/-50	F	1098	1098	2	All	Richenbacher Parkway/Radar Road
2483+11 +/-50	F	1488	1488	2	All	Airside Drive West
2497+85 +/-50	F	1474	1474	2	All	Airside Drive East
2509+30 +/-50	N	1145	1145	2	EBL Right in/out	Commonwealth Boulevard
2519+38 +/-50	F	1008	1008	2	All	West Links Drive
2529+01 +/-50	N	n/a	963	3	Right in/out	Gateway Charter School access road
2535+76 +/-50	F	1638	675	2	All	Gateway Boulevard
2543+27 +/-50	S	751	751	1	NBL Right in/out	Fuel Farm Road
2550+31 +/-50	N	n/a	n/a	1	Right in/out	Wellfield maintenance access
2562+00 +/-50	F	1873	1873	1	All	
2593+00 +/-50	F	3100	3100	1	All	
2603+75 +/-50	F	n/a	n/a	1	All	FPL maintenance access only
2606+20 +/-50	F	n/a	n/a	1	All	FPL maintenance access only
2610+50 +/-50	F	1750	1750	1	All	
2628+00 +/-50	F	1750	1750	1	All	
2634+00 +/-50	N & S	n/a	n/a	1	Right in/out	Temporary Agricultural Access
2641+50 +/-50	F	1350	1350	1	All	
2666+00 +/-50	F	2450	2450	1	All	
2675+00 +/-50	F	900	900	1	All	
2690+29 +/-50	F	1529	1529	1	All	State Road 82 (Immokalee Road)
average spacing		1333	1400			
			1367			

- 1 - original plan
- 2 - Development Order
- 3 - revision
- 4 - court order

*On January 23, 2001, the Board designated one right in and one right out access point to be located between Treeline Avenue (Sta 2408+50) and Chamberlin Parkway (Sta 2447+00) at DOT's discretion. The access points can be co-located or separate. However, only a total of one right in and one right out movement is granted in the event two access points are constructed. All costs related to the construction of the access point or points will be borne solely by the developer.

W 1/2 of NW 1/4 of NE 1/4 of SW 1/4
SECT 21, TOWNSHIP 45 S, RANGE 21 E

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

LEE COUNTY, FLORIDA, a)
political subdivision of)
the State of Florida,)
)
Plaintiff,)
vs.)
)
YUNUS GHOGHAWALA, et al)
)
Defendants.)

CASE NO. 80-3468 CA-HES
Parcel 35 (Fraskoti)

STIPULATED FINAL JUDGMENT AS TO PARCEL 35

THIS CAUSE came on to be heard upon the Stipulation of the attorney for the Petitioner and the attorney for the Defendant-Owners of Parcel 35 and the Court being fully advised in the premises, it is therefore,

ORDERED, ADJUDGED AND DECREED as follows:

1. The sum of \$28,975.00 is determined to be the full compensation due for said Parcel 35 taken, and is in satisfaction of all claims against the Petitioner including damages resulting to the remainder by virtue of the taking of said property and for all other damages of any nature arising from the condemnation of Parcel 35 including limitation of access from Parcel 35 to Daniels Road to one access point, which access point is located at the intersection of the west property line of Parcel 35 and the Daniels Road right-of-way line. Said damage award is allocated as follows:

Damage for taking Parcel 35 Land	\$15,750.00
Severance Damage	\$13,225.00
Total	\$28,975.00

2. Title to Parcel 35 which vested in Lee County by virtue of the Order of Taking herein and the deposit of the good faith estimate of value is hereby ratified and confirmed.

3. That the Petitioner shall, within 20 days from the

4. The Clerk of the Court shall forthwith pay from the funds on deposit in the Registry of the Court in the above-styled cause as to Parcel 35 the following amount to the following persons:

William G. Earle, Esq.
EARLE & PATCHEN
Attorneys for the Defendant-Owners
1000 Brickell Avenue, Suite 660
Miami, Florida \$8,275.00

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 18 day of July, 1984.

/s/ Hugh E. Starnes
HUGH E. STARNES, Circuit Judge

STIPULATION

THE UNDERSIGNED, being the attorneys for the Petitioner and Defendant-Owner respectively hereby stipulate to the entry of the above and foregoing Final Judgment as to Parcel 35 this

10 day of July, 1984.

PAVESE, SHIELDS, GARNER,
HAVERFIELD, DALTON & HARRISON
P. O. Drawer 1507
Fort Myers, Florida 33902
(813) 334-2195

By:

Stephen E. Dalton

EARLE & PATCHEN
1000 Brickell Avenue
Suite 600
Miami, Florida 33131
(305) 372-1112

By:

William G. Earle

Conformed copies furnished to:

William G. Earle, Esq.
Stephen E. Dalton, Esq.

LEE CO. v. GROGHAWALA
PARCEL No. 35

Area of Parent Tract = 4.94 Acres
Area of Taking = 0.70 Acres
Area of Remainder = 4.24 Acres
Section: 21-45-25

SHIRE
LANE

30

30

30

DANIELS ROAD

30

30

340.33

90

90

200

200

200' Setback Line

632.15

Scale: 1" = 100'