

LEE COUNTY RESOLUTION NO. 09-~~11~~-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE CONTROLLED ACCESS RESOLUTION FOR BEN C. PRATT SIX MILE CYPRESS PARKWAY (fka SIX MILE CYPRESS PARKWAY) TO AUTHORIZE AN ADDITIONAL ACCESS ON THE EAST SIDE OF THE ROAD CORRIDOR SOUTH OF CHALLENGER BOULEVARD

WHEREAS, the Board of County Commissioners 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, 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 September 15, 1993, the Board of County Commissioners adopted Resolution No. 93-09-51 designating the portion of Ben C. Pratt Six Mile Cypress Parkway between and including its intersections with State Road 884 and U.S. 41 as a controlled access facility, and established forty-seven (47) permanent access points; and

WHEREAS, Resolution No. 93-09-51 was subsequently amended on October 28, 1997 by Resolution No 97-051A which relocated two designated access points on the west side of Six Mile Cypress Parkway; (1) at Station 681+00 to Station 678+00, a full access point; and, (2) at Station 671+52 to 669+00 for right-in and right-out access only; and

WHEREAS, the Florida Department of Transportation, as part of FDOT Permit #98-A-192.0013 added an access point at Station 419+34 on the north side of Ben C. Pratt Six Mile Cypress Parkway for a right-in and right-out access only; and

WHEREAS, as part of an Action by the Board of County Commissioners, the name of Six Mile Cypress Parkway was officially changed to Ben C. Pratt Six Mile Cypress Parkway; and

WHEREAS, Resolution No. 93-09-51 was subsequently amended on April 18, 2000 by Resolution No. 00-04-09 to approve an access point on the east side of Ben C. Pratt Six Mile Cypress at Station 770+70.5 on the east side of Ben C. Pratt Six Mile Cypress Parkway for a right-in and right-out access only; and

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WHEREAS, Six Mile Preserve, LLC, filed a request to add an access point at Station 745+15 on the east side of Ben C. Pratt Six Mile Cypress Parkway for a right-in and right-out access only; and

WHEREAS, the Lee County Department of Transportation has concluded that, on balance, this additional 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 Resolution No 93-09-51 is hereby further amended to add an access point at Station 745+15 on the east side of Ben C. Pratt Six Mile Cypress Parkway for a northbound right-in access only; and conditionally allow a northbound right-out access only with the understanding that a covenant will be recorded in conjunction with approval of LDO2009-00121 indicating the right-out access is subject to removal upon the request of Lee County Department of Transportation.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Janes, and seconded by Commissioner Mann, upon being put to a vote, the result was as follows:

Robert P. Janes	<u>Aye</u>
Brian Bigelow	<u>Aye</u>
Ray Judah	<u>Aye</u>
Tammara Hall	<u>Absent</u>
Frank Mann	<u>Aye</u>

DULY PASSED AND ADOPTED this 10 day of Nov. 2009.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

BY: Ray Judah  
Ray Judah, Chair



Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office