

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020603

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00045 to vacate all of the 20' alley and a 6' Public Utility Easement lying at the rear of lots 11, 12, 13 & 14, within Block 9, San Carlos Park Commercial Addition, a subdivision lying in portions of Section 8, Township 46 South, Range 25 East, Lee County, Florida, recorded in plat Book 28, Pages 18 and 19 of the Public Records of Lee County Florida.

WHY ACTION IS NECESSARY: To provide for the expansion of existing commercial businesses. These easements are not required to accommodate any future utility or right of way needs and the vacation will not impact any existing utilities.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 05

5:00 #4

3. MEETING DATE:

06-11-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 11th day of June, 2001.

LOCATION: The 20' alley and 6' Public Utility Easement lies at the rear of lots 11, 12, 13 & 14, within Block 9, San Carlos Park Commercial Addition, a subdivision lying in portions of Section 8, Township 46 South, Range 25 East, Lee County, Florida, recorded in plat Book 28, Pages 18 and 19 of the Public Records of Lee County Florida.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

There are no objections to this Petition to Vacate. Staff recommends adoption of this resolution.

Attached to this Blue sheet is the Resolution with exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>Manfili</i>	N/A	N/A	N/A	<i>Attorney</i>	<i>Admin 5/23</i>				<i>PM</i>
					OA	OM	Risk	GC	
					<i>IRD 5/23/02</i>	<i>5/23/02</i>	<i>5/23</i>	<i>5/23</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
by CO. ATTY.
5/23/02
3:23 PM
CO. ATTY.
FORWARDED TO:
Admin
5/23/02 9:30 AM

RECEIVED BY
COUNTY ADMIN. *PMC*
5/23 9:45 TD
COUNTY ADMIN.
FORWARDED TO *BL*
5/23 3:00

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2001-00045

WHEREAS, Petitioner Clifford Betts & Michael M. Strayhorn in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning a Petition to Vacate on the _____; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting and a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. _____ is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this _____.

ATTEST
 CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
 OF LEE COUNTY, FLORIDA

 Deputy Clerk Signature

 Chairman Signature

 Please Print Name

 Please Print Name



APPROVED AS TO FORM

 County Attorney Signature

 Please Print Name

**LEGAL DESCRIPTION
RIGHT OF WAY**

All of the 20' Alley lying within Block 9, San Carlos Park Commercial Addition, a subdivision lying in Section 8, Township 46 South, Range 25 East, Lee County, Florida recorded in Plat Book 28, Pages 18 and 19, of the Public Records of Lee County, Florida.

**LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT**

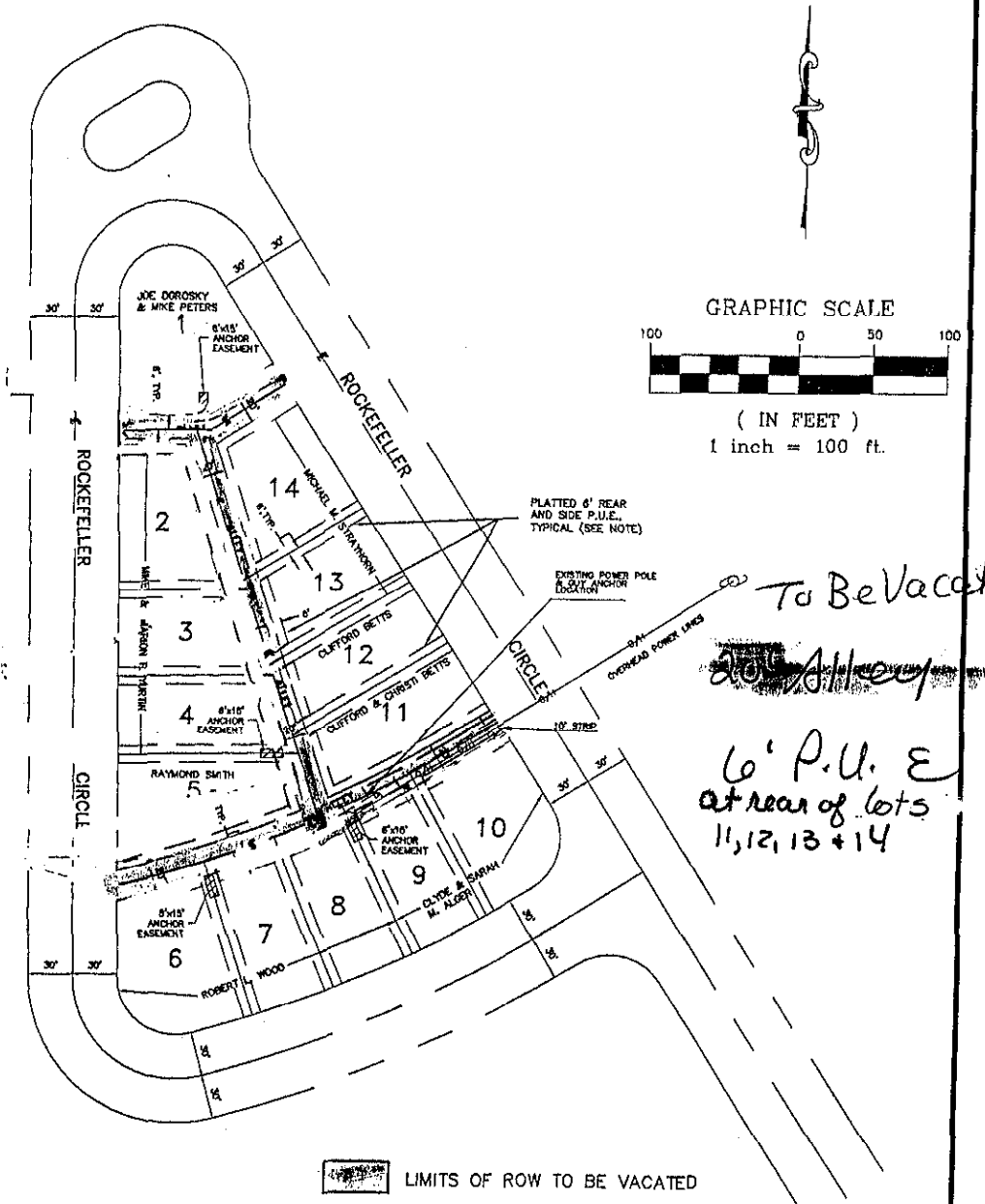
The 6' Public Utility Easement lying at the rear of lots 11, 12, 13 & 14, within Block 9, San Carlos Park Commercial Addition, a subdivision lying in Section 8, Township 46 South, Range 25 East, Lee County, Florida recorded in Plat Book 28, Pages 18 and 19, of the Public Records of Lee County, Florida.

EXHIBIT A

**SKETCH OF
PLATTED UTILITY EASEMENTS TO BE VACATED**

**VACATION, BLOCK 9, SAN CARLOS,
COMMERCIAL ADDITION**

A SUBDIVISION LYING IN PORTIONS
OF SECTIONS 8 & 17, TWP 46S, RGE 25E
LEE COUNTY, FLORIDA
AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19



James N. Wilkison
JAMES N. WILKISON
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA LICENSE NO. LS4876
 (FOR THE FIRM - LB 6773)

THIS IS NOT A SURVEY

JEFFREY C. COONER AND ASSOCIATES, INC.

SURVEYING AND MAPPING
 3900 COLONIAL BLVD., SUITE 4, FORT MYERS, FLORIDA 33912
 PHONE: (941)277-0722 FAX: (941)277-7179 EMAIL: SURVEYING@COONER.COM

CLIENT: CLIFFORD BETTS	DRAWN BY: JRF	CHECKED BY: RGA
SKETCH OF BLOCK 9, ALLEY ROW VACATION, SAN CARLOS PARK COMMERCIAL ADDITION	DATE: 2/13/01	SCALE: 1" = 100'
	PROJECT NO. 001103	SHEET 1 OF 1

JEFFREY C. COONER AND ASSOCIATES, INC.
SURVEYING AND MAPPING

November 29, 2001

Ms. Sharon Mihm
Development Review Technician
Lee County Development Services
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901-5500

Re: Proposed Right-of-Way Vacation
in San Carlos Park Commercial Addition
VAC2001-00045

Dear Sharon:

Attached are signed easement agreements from the property owners of Lots 8, 9, 10 and 11 for an easement inside the alley including a copy of the Letter of No Objection from Florida Power & Light. The original was mailed to you. Please schedule a Consent Hearing and notify me of the date and time.

Your assistance is appreciated. Should you have any questions, please give me a call.

Sincerely,



Mary Lou Missall

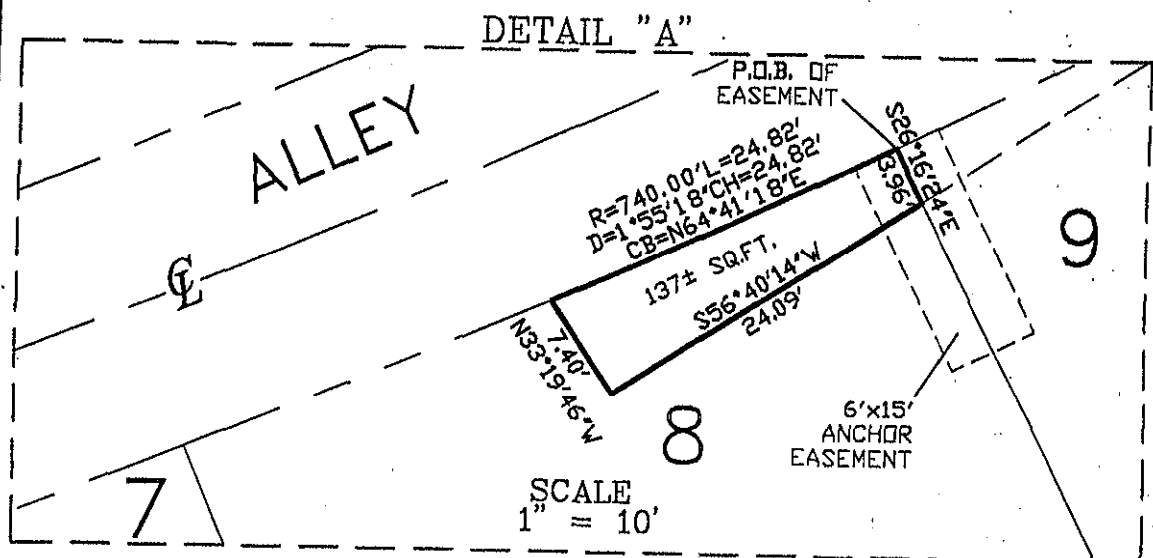
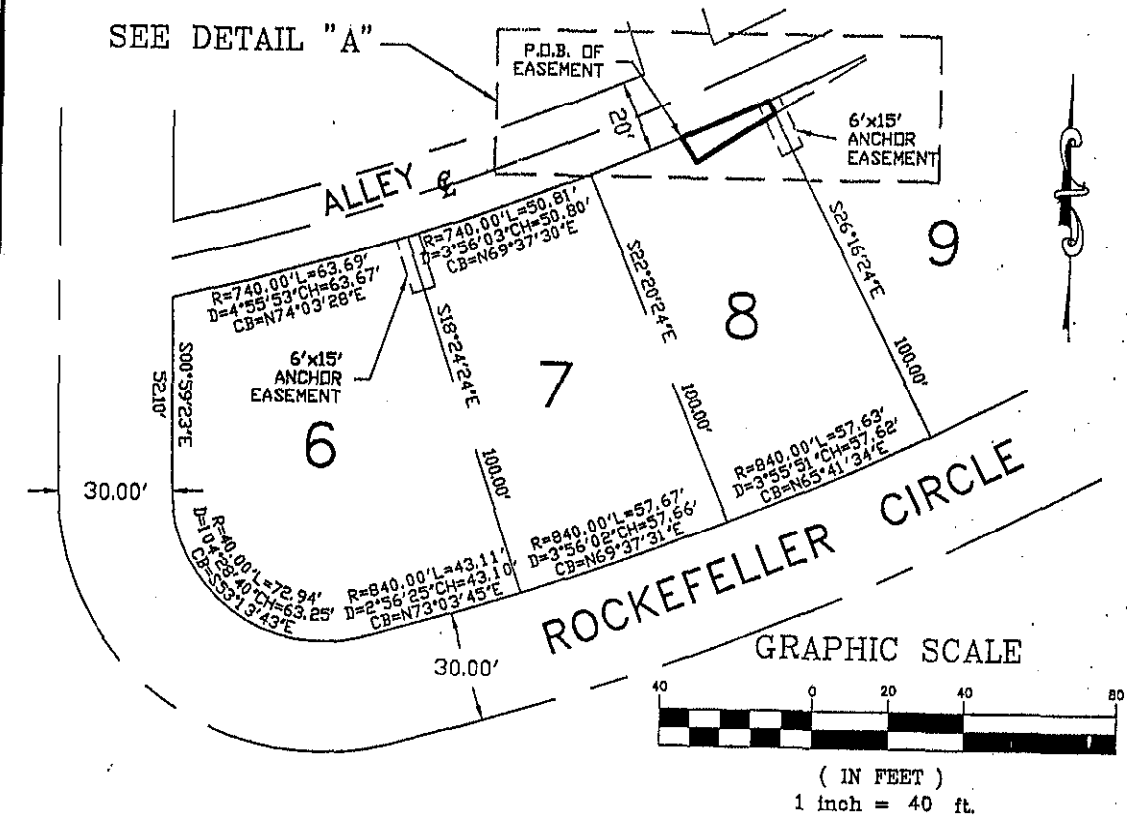
Enclosure
Cc: Cliff Betts
Mike Strayhorn
001103

3900 COLONIAL BOULEVARD, SUITE 4
FORT MYERS, FL 33912
TELEPHONE 941.277.0722 FAX 941.277.7179 E-MAIL SURVEYING@COONER.COM

EXHIBIT "A"

**SKETCH TO ACCOMPANY DESCRIPTION
OF A 10' WIDE FP&L EASEMENT**

LOT 8, BLOCK 9, SAN CARLOS PARK COMMERCIAL ADDITION
A SUBDIVISION AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19
LYING IN PORTIONS OF SECTIONS 8 & 17, TWP 46 S, RGE 25 E
LEE COUNTY, FLORIDA



THIS SKETCH IS NOT A SURVEY!

EXHIBIT "A"
SEE SHEET 2 OF 2
FOR DESCRIPTION

JEFFREY C. COONER AND ASSOCIATES, INC.

SURVEYING AND MAPPING
3900 COLONIAL BLVD., SUITE 4, FORT MYERS, FLORIDA 33912
PHONE: (941)277-0722 FAX: (941)277-7179 EMAIL: SURVEYING@COONER.COM

OWNER: ROBERT L. WOOD	DRAWN BY: BLI	CHECKED BY: RGA
PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF LOT 8, BLOCK 9	DATE: JUNE 7, 2001	SCALE: AS NOTED
PROJECT NO. 001103	SHEET 1 OF 2	

**DESCRIPTION OF A PORTION
OF A 10' WIDE FP&L EASEMENT**

LOT 8, BLOCK 9, SAN CARLOS PARK COMMERCIAL ADDITION
A SUBDIVISION AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19
LYING IN PORTIONS OF SECTIONS 8 & 17, TWP 46 S, RGE 25 E
LEE COUNTY, FLORIDA

DESCRIPTION:

A portion of Lot 8, Block 9, San Carlos Park Commercial Addition, a subdivision located in Sections 8 & 17, Township 46 South, Range 25 East, Lee County, Florida as recorded in Plat Book 28 at Pages 18 & 19 of the Public Records of Lee County, said portion being described as follows:

Commence at the Northeast corner of said Lot 8; said point being the Point of Beginning; thence run S 26°16'24" E along the Easterly line of said Lot 8 for 3.96 feet; thence run S 56°40'14" W for 24.09 feet; thence run N 33°19'46" W for 7.40 feet to the Northerly line of said Lot 8 and a point on a non-tangent curve; thence run Northeasterly along said Northerly line and the arc of a curve to the left of radius 740.00 feet (delta angle of 01°55'18") (chord of 24.82 feet) (chord bearing of N 64°41'18" E) for 24.82 feet to the Point of Beginning.

Said Parcel containing 137 square feet, more or less.

ABBREVIATIONS:

C = CENTERLINE
 CB = CHORD BEARING
 CH = CHORD
 D = DELTA ANGLE
 FP&L = FLORIDA POWER AND LIGHT
 L = LENGTH
 O.R. = OFFICIAL RECORD
 PB = PLAT BOOK
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 P.O.B. = POINT OF BEGINNING
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 SQ.FT. = SQUARE FEET
 TWP = TOWNSHIP
 ± = MORE OR LESS



 ROBERT G. AMANN, JR.
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATE NO. 5573
 (FOR THE FIRM - LB 8773)

EXHIBIT "A"
 SEE SHEET 1 OF 2
 FOR SKETCH OF DESCRIPTION

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SURVEYING AND MAPPING
 3900 COLONIAL BLVD., SUITE 4, FORT MYERS, FLORIDA 33912
 PHONE: (941)277-0722 FAX: (941)277-7179 EMAIL: SURVEYING@COONER.COM

OWNER: ROBERT L. WOOD	DRAWN BY: BLI	CHECKED BY: RGA
PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF LOT 8, BLOCK 9	DATE: JUNE 7, 2001	SCALE: NA
	PROJECT NO. 001103	SHEET 2 OF 2

Work Order No.

EASEMENT

This Instrument Prepared By

Sec. 08, Twp 46 S, Rge 25 E

Name: Nathan Sederstrom

Co. Name: FPL Co.

Parcel I.D. #15-00009.0070
(Maintained by County Appraiser)

Address: 16834 Winkler Rd

Ft Myers, FL 33908

Form 3722-A (Stocked) Rev. 7/94

pg 1 of 3

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The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 4 feet in width described as follows:

Reserved for Circuit Court

SEE ATTACHED EXHIBIT "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on November 26, 2001.

Signed, sealed and delivered in the presence of:

M. M. Strayhorn
(Witness Signature)

Print Name M.M. Strayhorn
(Witness)

Tony Clayton
(Witness Signature)

Print Name Tony Clayton
(Witness)

By: Robert Wood
(Grantor's signature)

Print Name: ROBERT WOOD

Print Address: 19528 OCALA Rd
FT. MYERS FL 33912

By: _____
(Grantor's signature)

Print Name: _____

Print Address: _____

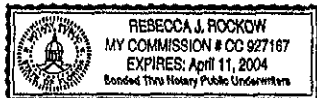
STATE OF Florida AND COUNTY OF Lee. The foregoing instrument was acknowledged before me this 26 day of November, 2001, by Robert Wood, and _____

_____, who is(are) personally known to me or has(have) produced _____ as identification, and who did (did not) take an oath.

My Commission Expires: _____ (Type of Identification)

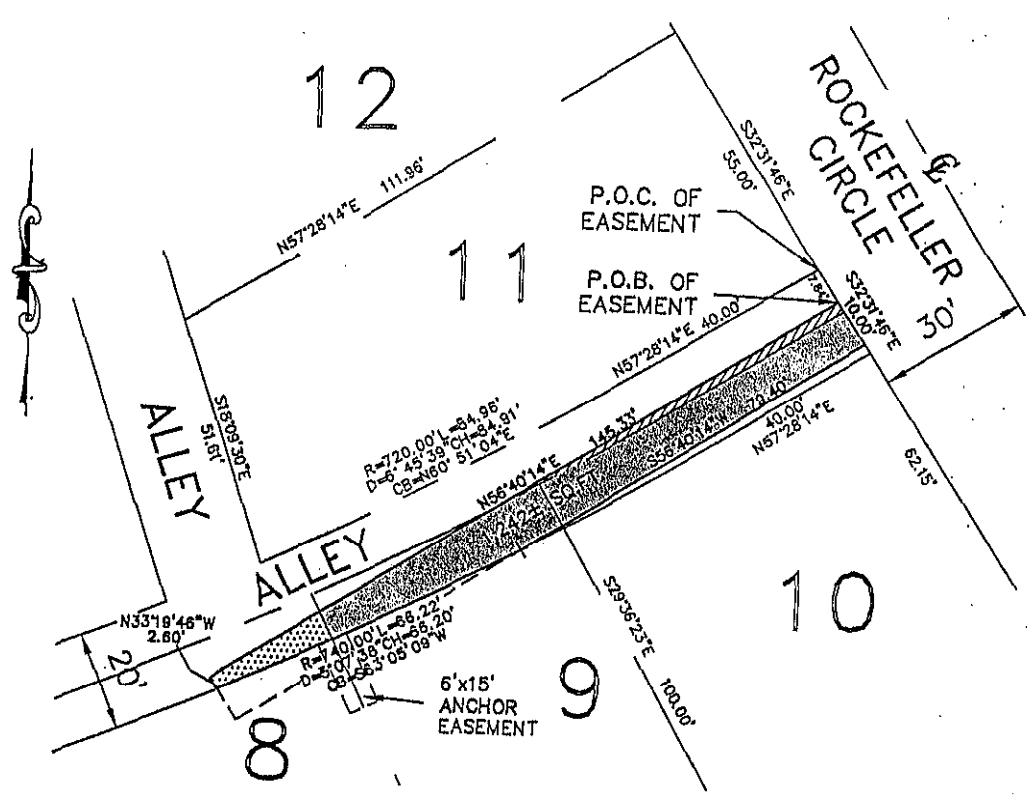
Rebecca J. Rockow
Notary Public, Signature

Print Name Rebecca J. Rockow



**SKETCH TO ACCOMPANY DESCRIPTION
OF A 10' WIDE FP&L EASEMENT**

A PORTION OF PROPOSED ALLEY R/W VACATION, BLOCK 9
SAN CARLOS PARK COMMERCIAL ADDITION, A SUBDIVISION
AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19
LYING IN PORTIONS OF SECTIONS 8 & 17, TWP 46 S, RGE 25 E
LEE COUNTY, FLORIDA



GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.

REVISED: 10/30/01




-  AREA "A" TO BE PART OF EASEMENT THAT REVERTS TO OWNER OF LOT 11 UPON VACATION
-  AREA "B" TO BE PART OF EASEMENT THAT REVERTS TO OWNER OF LOTS 9 & 10
-  AREA "C" TO BE PART OF EASEMENT THAT REVERTS TO OWNER OF LOT 8

EXHIBIT "A"
SEE SHEET 2 OF 2
FOR DESCRIPTION

THIS SKETCH IS NOT A SURVEY!

JEFFREY C. COONER AND ASSOCIATES, INC.

SURVEYING AND MAPPING
3900 COLONIAL BLVD., SUITE 4, FORT MYERS, FLORIDA 33912
PHONE: (941)277-0722 FAX: (941)277-7179 EMAIL: SURVEYING@COONER.COM

OWNER: CLIFFORD & CHRISTI BETTS	DRAWN BY: BLI	CHECKED BY: RGA
PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF PROPOSED ALLEY R/W VACATION	DATE: JUNE 7, 2001	SCALE: AS NOTED
	PROJECT NO. 001103	SHEET 1 OF 2

EXHIBIT A

**DESCRIPTION OF A PORTION
OF A 10' WIDE FP&L EASEMENT**

A PORTION OF PROPOSED ALLEY R/W VACATION, BLOCK 9
SAN CARLOS PARK COMMERCIAL ADDITION, A SUBDIVISION
AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19
LYING IN PORTIONS OF SECTIONS 8 & 17, TWP 46 S, RGE 25 E
LEE COUNTY, FLORIDA

DESCRIPTION:

A portion of a proposed alley right-of-way vacation, Block 9, San Carlos Park Commercial Addition, a subdivision located in Sections 8 & 17, Township 46 South, Range 25 East, Lee County, Florida as recorded in Plat Book 28 at Pages 18 & 19 of the Public Records of Lee County, said portion being described as follows:

Commence at the Southeast corner of Lot 11; thence run
S 32°31'46" E for 7.84 feet to the Point of Beginning.

From said Point of Beginning, continue S 32°31'46" E for 10.00 feet;
thence run S 56°40'14" W for 79.40 feet to a point of curvature;
thence run Southwesterly along the arc of a curve to the right
of radius 740.00 feet (delta angle of 05°07'38") (chord of 66.20 feet)
(chord bearing of S 63°05'09" W) for 66.22 feet to a point on a non-
tangent line; thence run N 33°19'46" W for 2.60 feet; thence run
N 56°40'14" E for 145.33 feet to the Point of Beginning.

Said Parcel containing 1,242 square feet, more or less.

ABBREVIATIONS:

- ☉ = CENTERLINE
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 ROBERT G. AMANN, JR.
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATE NO. 5573
 (FOR THE FIRM - LB 6773)

EXHIBIT "A"

SEE SHEET 1 OF 2
FOR SKETCH OF DESCRIPTION

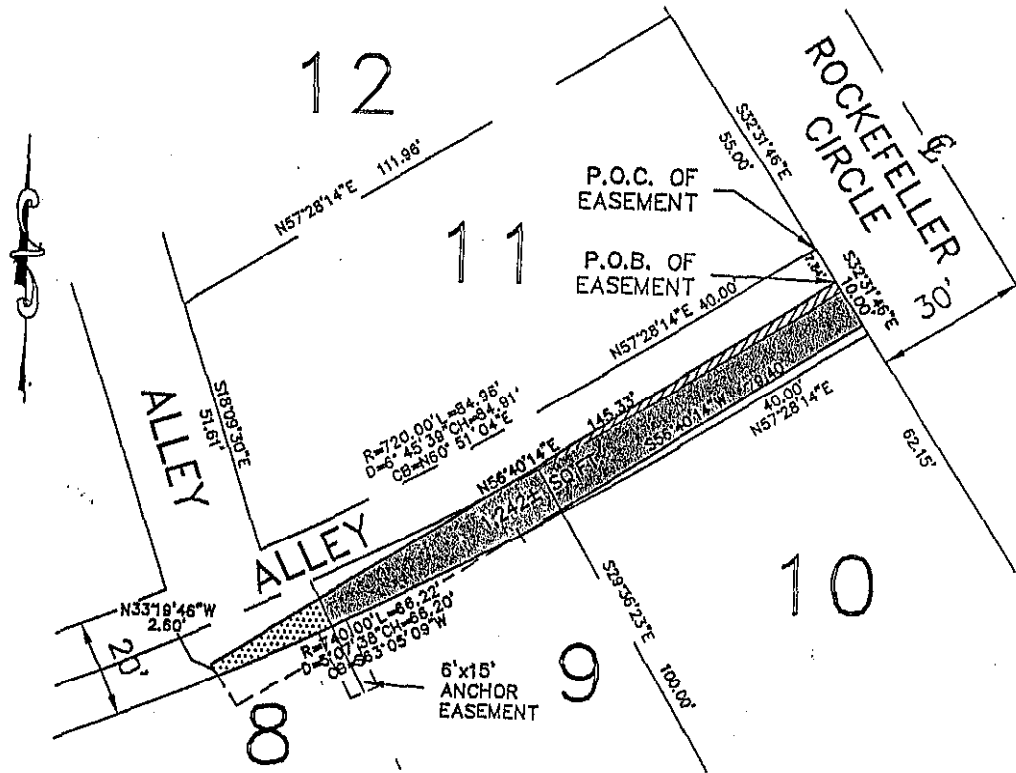
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OWNER: CLIFFORD & CHRISTI BETTS	DRAWN BY: BLI	CHECKED BY: RGA
PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF PROPOSED ALLEY R/W VACATION	DATE: JUNE 7, 2001	SCALE: NA
	PROJECT NO. 001103	SHEET 2 OF 2

**SKETCH TO ACCOMPANY DESCRIPTION
OF A 10' WIDE FP&L EASEMENT**

A PORTION OF PROPOSED ALLEY R/W VACATION, BLOCK 9
SAN CARLOS PARK COMMERCIAL ADDITION, A SUBDIVISION
AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19
LYING IN PORTIONS OF SECTIONS 8 & 17, TWP 46 S, RGE 25 E
LEE COUNTY, FLORIDA



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

REVISED: 10/30/01

- AREA "A" TO BE PART OF EASEMENT THAT REVERTS TO OWNER OF LOT 11 UPON VACATION
- AREA "B" TO BE PART OF EASEMENT THAT REVERTS TO OWNER OF LOTS 9 & 10
- AREA "C" TO BE PART OF EASEMENT THAT REVERTS TO OWNER OF LOT 8

EXHIBIT "A"
SEE SHEET 2 OF 2
FOR DESCRIPTION

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PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF PROPOSED ALLEY R/W VACATION	DATE: JUNE 7, 2001	SCALE: AS NOTED
PROJECT NO. 001103	SHEET 1 OF 2	

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LEE COUNTY, FLORIDA

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ROBERT G. AMANN, JR.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 6573
(FOR THE FIRM - LB 6773)

EXHIBIT "A"
SEE SHEET 1 OF 2
FOR SKETCH OF DESCRIPTION

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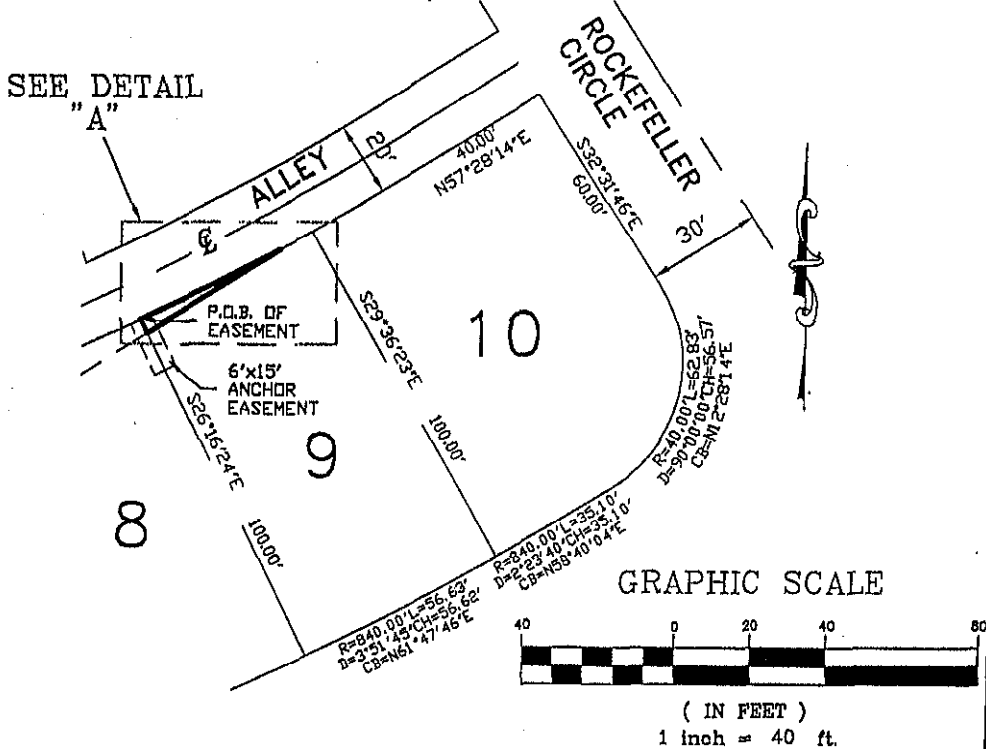
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OWNER: CLIFFORD & CHRISTI BETTS	DRAWN BY: BLI	CHECKED BY: RGA
PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF PROPOSED ALLEY R/W VACATION	DATE: JUNE 7, 2001	SCALE: NA
	PROJECT NO. 001103	SHEET 2 OF 2

EXHIBIT A

SKETCH TO ACCOMPANY DESCRIPTION OF A 10' WIDE FP&L EASEMENT

LOT 9, BLOCK 9, SAN CARLOS PARK COMMERCIAL ADDITION
A SUBDIVISION AS RECORDED IN PLAT BOOK 28, PAGES 18 & 19
LYING IN PORTIONS OF SECTIONS 8 & 17, TWP 46 S, RGE 25 E
LEE COUNTY, FLORIDA



DETAIL "A"

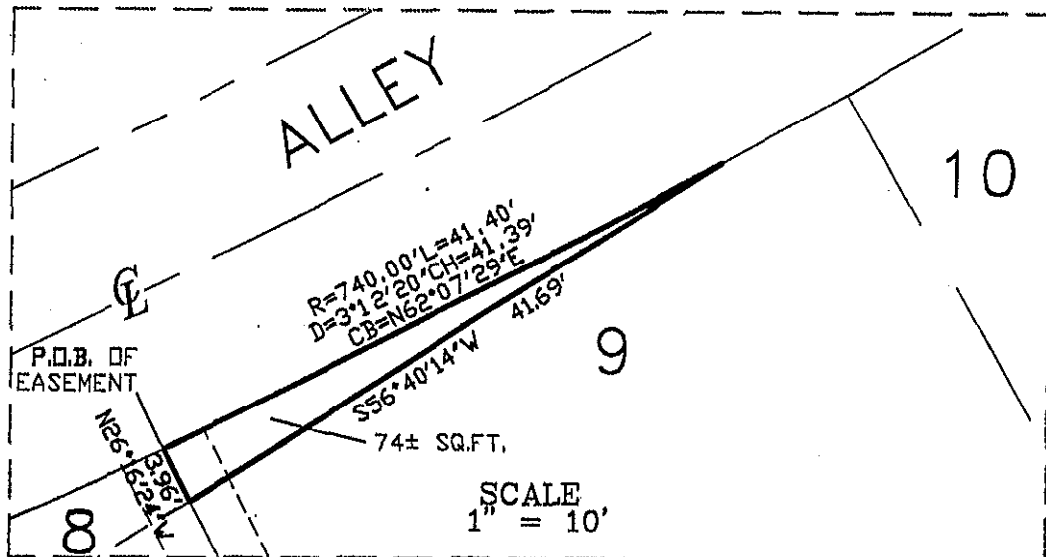


EXHIBIT "A"

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SEE SHEET 2 OF 2
FOR DESCRIPTION

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3900 COLONIAL BLVD., SUITE 4, FORT MYERS, FLORIDA 33912
PHONE: (941)277-0722 FAX: (941)277-7179 EMAIL: SURVEYING@COONER.COM

OWNER: CLYDE & SARAH M. ALGER	DRAWN BY: BLI	CHECKED BY: RGA
PARCEL DESCRIPTION: FP&L EASEMENT IN PORTION OF LOT 9, BLOCK 9	DATE: JUNE 7, 2001	SCALE: AS NOTED
	PROJECT NO. 001103	SHEET 1 OF 2