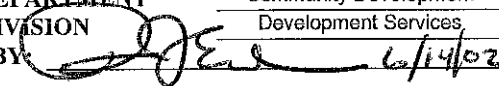


1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00028 to Vacate a portion of a viewers road as recorded in CCMB 10, Page 563, Public Records of Lee County, Florida, located in the Shadow Wood Preserve Subdivision and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 13th day of August, 2002.

WHY ACTION IS NECESSARY: As a condition of Zoning Resolution Z-00-015, prior to the first Certificate of Compliance this portion of the viewers road must be vacated and removed to reestablish water flows within Mullock Creek. **The vacation of this right-of-way will not alter traffic conditions and the right-of-way is not necessary to accommodate any future traffic requirement.**

WHAT ACTION ACCOMPLISHES: Vacates the right-of-way.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #: 3	04 Community Development <div style="font-size: 2em; text-align: center;">C4A</div>	3. MEETING DATE: <div style="font-size: 1.5em; text-align: center;">07-02-2002</div>
4. AGENDA: <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON TIME REQUIRED:	5. REQUIREMENT/PURPOSE: (Specify) <input checked="" type="checkbox"/> STATUTE F.S. Ch. 336 <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE 13-8 <input type="checkbox"/> OTHER	6. REQUESTOR OF INFORMATION: A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY:  6/14/02 Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Nettie Richardson, Agent for Long Bay Partners, LLC.

LOCATION: The viewers road to be vacated is approximately 458 feet in length extending west from U.S. 41 and being more particularly described in the attached **Exhibit "A"**. The viewers road is located in the Shadow Wood Preserve Subdivision and as condition of Zoning Resolution Z-00-015, prior to the first Certificate of Compliance this portion of the viewers road must be vacated and removed to reestablish water flows within Mullock Creek. The site is located at 18740 U.S. 41 South, Section 17, Township 46 South, Range 25 East, Lee County, Florida.

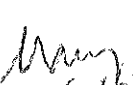

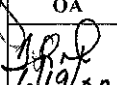
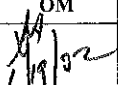
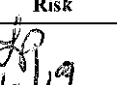
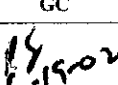

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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

Attached to this Blue sheet is the Petition to Vacate, the Resolution to set the Public Hearing, the Notice of Public Hearing and Exhibit "A".

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services Risk			G County Manager	
					OA	OM	GC		
	NIA	NIA	NIA		 6/19/02	 6/19/02	 6/19/02	 6-15-02	 6-20-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. TD
6/18 1100
COUNTY ADMIN. BH
FORWARDED TO:
6/20/02 10:50am

RECEIVED
by CO. CLERK
12:15 PM
CO. CLERK
FORWARDED TO
Admin
6/18/02 10:00 AM

May 30, 2002

DESCRIPTION

**PART A
PARCEL IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 17, south of Mullock Creek, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

From the southwest corner of said Section 17, run N 00° 08' 28" W along the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said section for 1291.24 to an intersection with the south line of a Roadway Easement for County Road as described in C.C.M.B. 10 at Page 563 and the Point of Beginning.

From the Point of Beginning continue N 00° 08' 28" W along the west line of said fraction of said section and the west line of roadway easement for 50.03 feet; thence run N 88° 01' 00" E along the north line of said roadway easement for 302 feet, more or less, to the centerline of Mullock Creek, thence run southeasterly along the meanders of the centerline of Mullock Creek for 30.00 feet, more or less, to an intersection with the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17; thence run N 88° 01' 00" E along said north line for 135 feet, more or less, to the northwest corner of lands described in Official Record Book 1906 at Page 2746 of the Public Records of Lee County, Florida, said point shall be called 'Point A'; thence run S 01° 59' 00" E for 25.00 feet to an intersection with the south line of said roadway easement; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) (as measured on a perpendicular) for 458.06 feet to an intersection with the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17 to the Point of Beginning.

Part A contains 0.44 acres, more or less.

TOGETHER WITH:

Commencing at the aforementioned 'Point A'; thence N 88° 01' 00" E a distance of 225.00 feet to the Point of Beginning for the following described Part B.

From the Point of Beginning run N 88° 01' 00" E along said north line for 550.16 feet to an intersection with the west line of U.S. 41 (State Road 45); thence run southeasterly along a non-tangent curve along said west line along the arc of a curve to the left of radius 2359.83 feet (chord bearing S 27° 42' 57" E) (chord 27.75 feet) (delta 00° 40' 26") for 27.75 feet to an intersection with the south line of a roadway easement for County Road as described in C.C.M.B. 10 at Page 563; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4)

Exhibit "A"

PETITION TO VACATE

Case Number: VAC 2002-0002B

Petitioner(s), Long Bay Partners LLC

requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 3451 Bonita Bay Boulevard, Suite 202 Bonita Springs, Fl. 34134
2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted

By: [Signature]
Petitioner Signature

DAVID H. GRAHAM
Printed Name

By: _____
Petitioner Signature

Printed Name

Vice President Bonita Bay Properties, Inc.
Managing Member Long Bay Partners, LLC



May 30, 2002

DESCRIPTION

PART A
PARCEL IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 17, south of Mullock Creek, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

From the southwest corner of said Section 17, run N 00° 08' 28" W along the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said section for 1291.24 to an intersection with the south line of a Roadway Easement for County Road as described in C.C.M.B. 10 at Page 563 and the Point of Beginning.

From the Point of Beginning continue N 00° 08' 28" W along the west line of said fraction of said section and the west line of roadway easement for 50.03 feet; thence run N 88° 01' 00" E along the north line of said roadway easement for 302 feet, more or less, to the centerline of Mullock Creek, thence run southeasterly along the meanders of the centerline of Mullock Creek for 30.00 feet, more or less, to an intersection with the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17; thence run N 88° 01' 00" E along said north line for 135 feet, more or less, to the northwest corner of lands described in Official Record Book 1906 at Page 2746 of the Public Records of Lee County, Florida, said point shall be called 'Point A'; thence run S 01° 59' 00" E for 25.00 feet to an intersection with the south line of said roadway easement; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) (as measured on a perpendicular) for 458.06 feet to an intersection with the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17 to the Point of Beginning.

Part A contains 0.44 acres, more or less.

TOGETHER WITH:

Commencing at the aforementioned 'Point A'; thence N 88° 01' 00" E a distance of 225.00 feet to the Point of Beginning for the following described Part B.

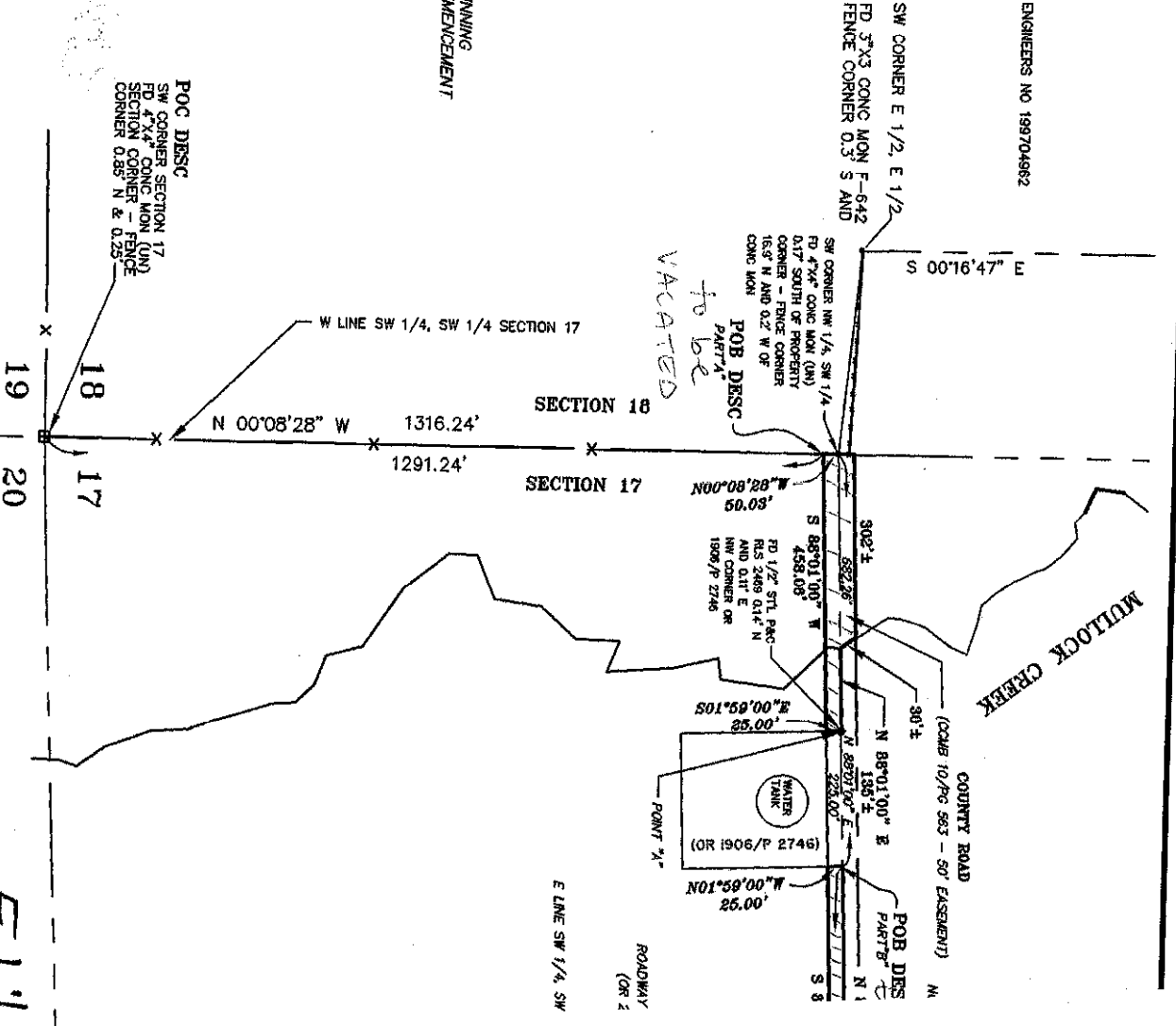
From the Point of Beginning run N 88° 01' 00" E along said north line for 550.16 feet to an intersection with the west line of U.S. 41 (State Road 45); thence run southeasterly along a non-tangent curve along said west line along the arc of a curve to the left of radius 2359.83 feet (chord bearing S 27° 42' 57" E) (chord 27.75 feet) (delta 00° 40' 26") for 27.75 feet to an intersection with the south line of a roadway easement for County Road as described in C.C.M.B. 10 at Page 563; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4)

Exhibit "A"

ARMY CORPS OF ENGINEERS NO 199704982

- NOTES**
1. POB = POINT OF BEGINNING
 2. POC = POINT OF COMMENCEMENT
 3. W/ = WITH
 4. FD = FOUND
 5. CONC = CONCRETE
 6. MON = MONUMENT
 7. C/L = CENTER LINE
 8. DESC = DESCRIPTION
 9. DESCRIPTION ATTACHED

POC DESC
 SW CORNER SECTION 17
 FD 4"x4" CONC MON (UN)
 SECTION CORNER - FENCE
 CORNER 0.85 N & 0.25



PARCEL IN
 SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

JOHNSON
 ENGINEERING

Exh. b.

ARMY CORPS OF ENGINEERS NO 199704962

SW CORNER E 1/2, E 1/2
FD 3"X3 CONC MON F-642
FENCE CORNER 0.3' S AND

SW CORNER NW 1/4, SW 1/4
FD 4"X4 CONC MON (LN)
0.17' SOUTH OF PROPERTY
CORNER - FENCE CORNER
15.0' N AND 0.2' W OF
CONC MON

POB DESC
PART A
to be vacated

MULLOCK CREEK

COUNTY ROAD
(COMB 10/PG 563 - 50' EASEMENT)

NORTH LINE SW 1/4, SW 1/4

SET 3/4" PPE W/
CAP LB 642
FD BENT PIV 0.73' S
& 1.10' W

POB DESC to be vacated
PART B

WATER TANK

POINT "A"

ROADWAY & UTILITY EASEMENT
(OR 2917/P 4032)

E LINE SW 1/4, SW 1/4 SECTION 17

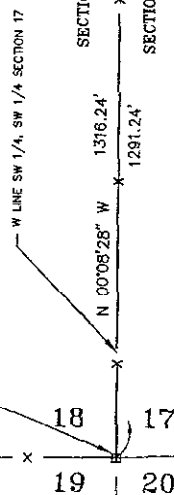
U.S. 41 (S.R. 45) (TAMM TRAIL)



NOTES

- 1. POB = POINT OF BEGINNING
- 2. POC = POINT OF COMMENCEMENT
- 3. W/ = WITH
- 4. FD = FOUND
- 5. CONC = CONCRETE
- 6. MON = MONUMENT
- 7. C/L = CENTER LINE
- 8. DESC = DESCRIPTION
- 9. DESCRIPTON ATTACHED

POC DESC
SW CORNER SECTION 17
FD 4"X4 CONC MON (LN)
SECTION CORNER - FENCE
CORNER 0.85' N & 0.25'



THIS IS NOT A SURVEY

MICHAEL A. WARD (FOR THE FIRM - LB#642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5301

DATE SIGNED: 5/30/02

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PARCEL IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
11/14/01	22069	17-46-25	1" = 300'	1

J:\22069\SKETCH-DESC-SOFT-E

**TAXES
TAX ROLL DETAIL
Real Estate**



NEW Property Appraiser, Clerk of Court, City of Cape Coral **LINKS on this page.**

PERMIT COUNTER

TO: Property Appraiser TO: City of Cape Coral TO: Clerk Of Court

Ad Valorem and Non Ad Valorem assessments due for the 2001 tax year.
IF TAXES ARE DUE, CLICK HERE FOR CURRENT AMOUNT DUE AND PAYMENT INSTRUCTIONS.

County of Lee Taxes and Assessments Due **IF PAID** in:

November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$22,926.47	\$23,165.29	\$23,404.11	\$23,642.92	\$23,881.74	\$24,598.19
Tax Status	PAID	Paid Amount	\$22,926.47	PIN Number	01-00246171
Mailing Address		Tax Year	Account Number Original Account Number		District
LONG BAY PARTNERS LLC 3451 BONITA BAY BLVD SUITE 202 BONITA SPRINGS FL 34134 USA		2001	17-46-25-00-00012.0000 17-46-25-00-00012.0000		054
Site Address		Legal Description			OR Book/Page
NEEDS ACCESS CONFIRMED		SW1/4 OF SW1/4 + NW1/4 OF SW1/4S+W OF CRK LES RD R/W +OR1906/2746+OR1800/4792			3065/3505
VALUES					
Just Value				\$1,171,970.00	
Assessed Value				\$1,171,970.00	
Assessed Save Our Homes Value				\$1,171,970.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$1,171,970.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$3,056.50	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$6,879.46	
LEE COUNTY CAPITAL IMP		1.0124		\$1,186.50	
LEE CO UNINCORPORATED - MSTU		1.2114		\$1,419.72	
LEE COUNTY GENERAL REVENUE		4.3277		\$5,071.93	
LEE COUNTY HYACINTH CONTROL		0.0358		\$41.96	
LEE COUNTY LIBRARY FUND		0.9630		\$1,128.61	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$421.32	
SAN CARLOS FIRE DISTRICT		2.5000		\$2,929.93	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$117.20	

WEST COAST INLAND WATERWAY	0.0400	\$46.88
LEE COUNTY ALL HAZARDS - UNINC	0.0733	\$85.91
SFL WATER MGMT-DISTRICT LEVY	0.5970	\$699.67
NON AD VALOREM ASSESSMENTS		
Levying Authority	Rebate/Base	Amount
EAST MULLOCK CREEK DRAINAGE	30.1000	\$796.15
COMBINED TOTAL		\$23,881.74

This web site is best viewed at 800 x 600 resolution, or higher, on your monitor.
 It will also help pages to print more completely if the Text Size on your browser set to "Medium or Smaller".
 The information on this web site is provided by the
Lee County Tax Collector's Office.

10-50 12,530.00
Documentary Tax Pd: \$ 12,530.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
SUSAN THOMPSON, Deputy Clerk

4551003

FOLIO NO: 17-46-25-00-00012.0000
17-46-25-00-00007.0030
17-46-25-00-00007.0040

WARRANTY DEED

THIS INDENTURE, made this 14 day of January, 1999, by ALAN C. FREEMAN, Individually and as Trustee under a certain unrecorded Land Trust Agreement with trust powers pursuant to Florida Statute Section 689.071 with the power and authority either to protect, conserve, and to sell, or to lease or to encumber or to otherwise manage and dispose of the real property described herein, whose post office address is 19091 Tamiami Trail SE, Ft. Myers, Florida 33908, party of the first part, and LONG BAY PARTNERS LLC, a Florida limited liability company, whose post office address is 3451 Bonita Bay Boulevard, Suite 202, Bonita Springs, Florida 34134, party of the second part.

DR3065 PG3505

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the party of the second part, its successors and assigns forever, the following described land, situate and being in the County of Lee, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The property is vacant land and is not now nor has it ever been homestead property of the Grantor.

Subject to: Restrictions, conditions, reservations, easements of record, provided nothing herein shall reimpose same; zoning ordinances; and taxes for the year 1998 and subsequent years.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
WITNESS

Alan C. Freeman
ALAN C. FREEMAN, Individually and as Trustee

[Signature]
WITNESS

RECORDED BY
SUSAN THOMPSON, D.C.

STATE OF FLORIDA
COUNTY OF LEE

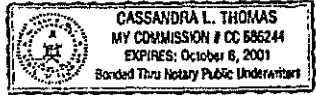
The foregoing instrument was acknowledged before me this 14 day of January, 1999, by ALAN C. FREEMAN, individually and as Trustee, who is personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: FLORIDA DL # F655-003-50-092-0

[Signature]
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME: Cassandra L. Thomas
COMMISSION NO.: _____
COMMISSION EXP. DATE: _____
Notary Name/Commission No./Exp. Date - type or printed

(Affix Notary Seal)



This instrument prepared by:
PAUL H. FREEMAN, ESQ.
1840 West 49th Street, Suite 700
Hialeah, Florida 33012 (305) 827-3331

EXHIBIT "A"

DESCRIPTION
PARCEL IN.

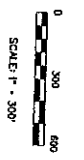
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 17,
Township 46 South, Range 25 East, Lee County,
Florida, which tract or parcel is described as
follows:

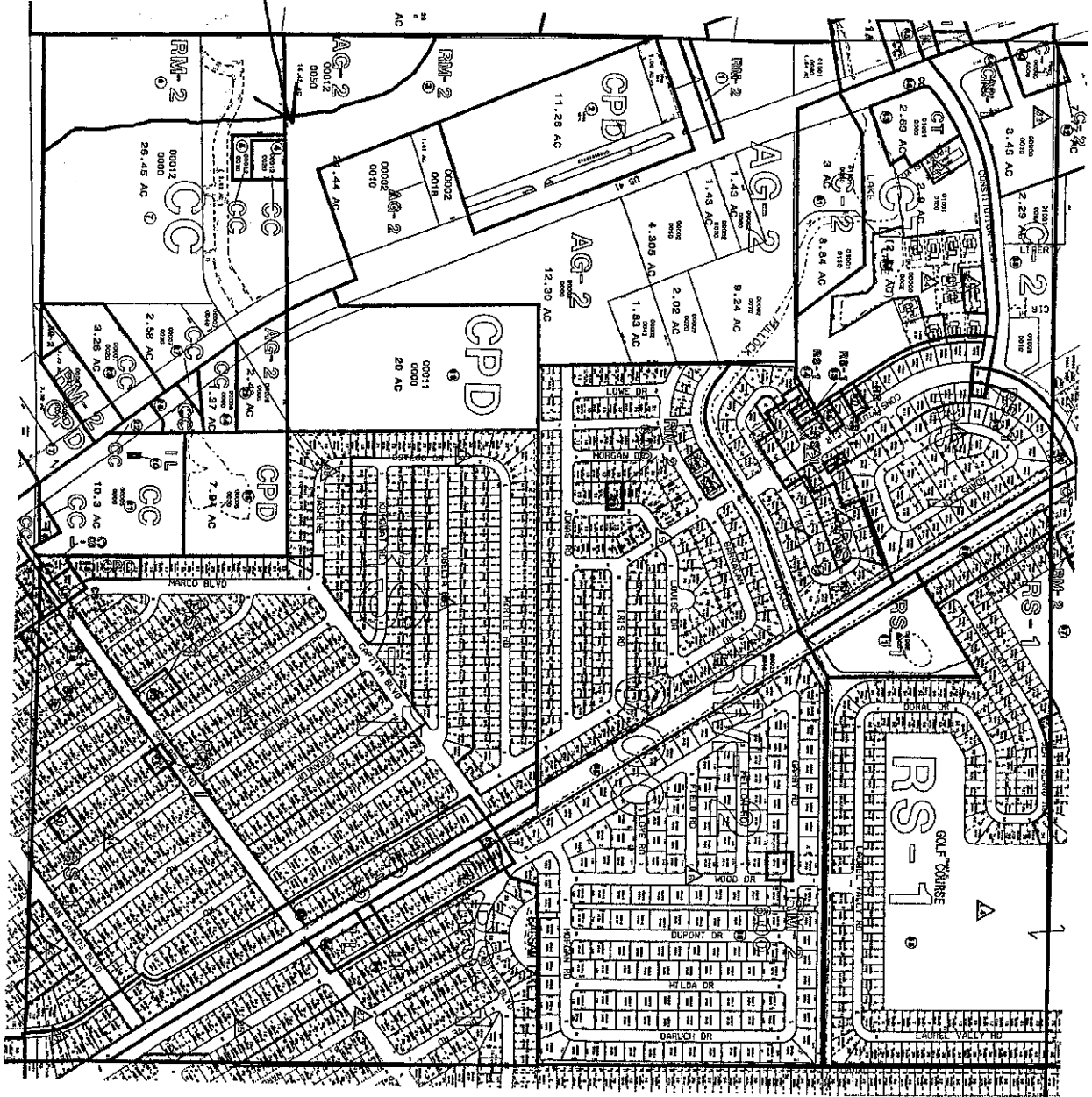
Beginning at the Southwest corner of said
Section 17 run N 00° 08' 28" W along the west
line of the Southwest quarter (SW-1/4) of
said Section 17 for 876.01 feet; thence run
N 88° 01' 00" E for 1136.00 feet to a point
of curvature; thence run northeasterly along
the arc of a curve to the left of radius
350.00 feet (chord bearing N 72° 03' 33" E)
(chord 192.45 feet) (delta 31° 54' 55") for
194.96 feet to a point of tangency; thence
run N 56° 06' 05" E for 128.29 feet to an
intersection with the southwesterly right-of-
way of U.S. 41 (State Road No. 45) being a
point on a non-tangent curve; thence run
southeasterly along said southwesterly right-
of-way along the arc of a curve to the left
of radius 2359.83 (chord bearing
S 36° 35' 07" E) (chord 21.27 feet) (delta
00° 30' 59") for 21.27 feet to a point of
tangency; thence run S 36° 58' 21" E along
said southwesterly right-of-way for 417.30
feet to the southeast corner of lands
described in Official Record Book 1525 at
Page 94, Lee County Records; thence run
S 53° 02' 16" W for 452.39 feet to an
intersection with the east line of the
Southwest quarter (SW-1/4) of the Southwest
quarter (SW-1/4) of said Section 17; thence
run S 00° 23' 13" E along said east line for
364.32 feet to an intersection with the south
line of said Section 17; thence run
S 87° 26' 22" W along said south line for
1328.70 feet to the Point of Beginning.
Containing 29.46 acres, more or less.

OR3065 P63506

99 JAN 21 PM 2:51
CHARLE GREEN, CLERK
LEE COUNTY, FL



LEE COUNTY, FLORIDA
T46-R25-S17



LEE COUNTY, FLORIDA
T46-R25-S17

22-17
22-16
22-50

- ▲ COUNTY SUES & CONDO'S
- ▲ SAN CARLOS PARK UNIT 1
- ▲ SAN CARLOS CENTER
- ▲ SAN CARLOS PARK UNIT 3 & 4
- ▲ SAN CARLOS PARK UNIT 5
- ▲ SAN CARLOS PARK UNIT 6
- ▲ SAN CARLOS PARK UNIT 7
- ▲ SAN CARLOS PARK UNIT 8
- ▲ SAN CARLOS PARK UNIT 9
- ▲ SAN CARLOS PARK UNIT 6A
- ▲ PORT SAN CARLOS UNIT 1A
- ▲ PORT SAN CARLOS UNIT 1B
- ▲ SAN CARLOS PARK GOLF COURSE ADDN
- ▲ SAN CARLOS PARK SW ADDN
- ▲ PORT SAN CARLOS GARDEN CONDO-2
- ▲ COLONY OF SAN CARLOS CONDO 1
- ▲ COLONY OF SAN CARLOS CONDO 2
- ▲ SPRINGS OF SAN CARLOS CONDO PH 1-4



RECEIVED

Florida Power & Light Company

MAY 21 2002

Johnson Engineering

May 18, 2002

Nettie Richardson
Johnson Engineering
P O Box 1550
Fort Myers, Florida 33902-1550

Re: Vacation of a portion of a public road (viewers road)
Located within Shadow Wood Preserve development

Dear Ms. Richardson:

There are no Florida Power & Light Company facilities located within the proposed portion of the public road right of way to be vacated.

Florida Power & Light Company has no objection to the vacation of a portion of a public road (viewers road) located within Shadow Wood Preserve, Section 17, Township 46 South, Range 25 East, Lee County, Florida (see attached description and sketch).

If you have any questions or concerns please contact me at (941) 415-1315.

Sincerely,

Florida Power & Light Company

A handwritten signature in cursive script that reads "Jeff Sanders".

Jeff Sanders

VAC 2002-00028
REC
JUN 03 2002
DUE 8-6-02
COMMUNITY DEVELOPMENT

301 Tower Road
Naples, FL 34113-8074
tel / 941-793-9600
fax / 941-793-1317



RECEIVED

APR 26 2002

Johnson Engineering

April 23, 2002

Nettie Richardson
Johnson Engineering
2158 Johnson Street
Fort Myers, Florida 33902-1550

Re: Vacation of a portion of a public road (viewers road) Located within Shadow Wood Preserve

Dear Ms. Richardson,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the above referenced road.

If you should require additional information, please feel free to contact me here at (941)432-1865.

Thank you,

A handwritten signature in cursive script that reads "Lucia Vera". The signature is written in black ink and is positioned above the typed name and title.

Lucia Vera
Project Coordinator
Comcast

VAC 2002-00028
RECEIVED
JUN 03 2002
Due 8-6-02
COMMUNITY DEVELOPMENT



RECEIVED
APR 30 2002
Box 370
Fort Myers, Florida 33902-0370

April 29, 2002

Mrs. Nettie Richardson
Johnson Engineering, Inc.
2158 Johnson Street
Post Office Box 1550
Fort Myers, FL 33902-1550

Ref: Vacation of a portion of a public road (viewers road)
Located within Shadow Wood Preserve development
Request for Letter of NO Objection

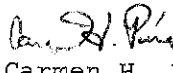
Dear Mrs. Mrs. Richardson:

In response to your letter of April 17th requesting the vacation of a portion of a public road mentioned above.

Please be advised that Sprint has no objection to this petition as described in your letter and as depicted in your attachment.

If I can be of further assistance, please contact me at 336-2192.

Sincerely,


Carmen H. Perez
Sprint - Associate Network Engineer

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COMMUNITY DEVELOPMENT



Gulf Environmental Services, Inc.

19910 S. Tamiami Trail, Suite A
Estero, FL 33928-2114
941/498-1000
FAX 941/498-0625

June 6, 2002

Ms. Nettie Richardson
Johnson Engineering, Inc.
P.O. Box 1550
Ft. Myers, FL 33902-1550

Re: Shadow Wood Preserve – Vacation of Portion of Viewer's Road

Dear Ms. Richardson:

Based on the information in your letter dated May 16, 2002, and the accompanying enclosure, Gulf Environmental Services, Inc. has no objection to the vacation of a portion of the Viewer's Road located within Shadow Wood Preserve.

If you have any questions, or need additional information, please do not hesitate to contact me at (239) 498-1000.

Sincerely,

Kathy Babcock
Administrative Manager

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JUN 07 2002

Johnson Engineering



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

June 14, 2002

Nettie Richardson
Johnson Engineering
2158 Johnson Street
Fort Myers, FL 33902

Re: Petition to Vacate a portion of a viewers road as recorded in CCMB 10, Page 563,
Public Records of Lee County, Florida.

Dear Ms. Richardson:

This office has received your request to vacate the above referenced portion of the above described right-of-way extending west from U.S. 41 in the Shadow Wood Preserve Subdivision. As a condition of Zoning Resolution Z-00-015, prior to the first Certificate of Compliance this portion of the viewers road must be vacated. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

You and your clients should be aware, however, that the Board of County Commissioner's approval of this petition will only extinguish the rights of the public to use the right-of-way. Private rights of use will remain in the rights-of-way to the extent that they exist. This means that until such time that the Petitioner is able to provide the County with a certification of fee ownership in the area of the rights-of-way being vacated, the County will be precluded from issuing any building permit(s) to construct any structure(s) within the area of the easement as it presently exists, occupied or otherwise.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode,
Director

PJE/jgh

U:\200206\VAC20020.002\8\reviewandrec private rights.wpd



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APR 23 2002

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Friday, April 19, 2002

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Nettie Richardson
Johnson Engineering, Inc.
2158 Johnson Street
Fort Myers, FL 33902

Re: Petition to Vacate a portion of a 50 (fifty) foot wide viewers road as recorded in CCMB 10, Page 563, Public Records of Lee County, Florida.

Dear Ms. Richardson:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject viewers road.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr., P.S.M.
Engineer II
Natural Resources Division

-cc: Don Blackburn, Development Services
Joan Henry, County Attorney's Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., NRD

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COMMUNITY DEVELOPMENT



BOARD OF COUNTY COMMISSIONERS

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MAY 22 2002

Johnson Engineering

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

May 20, 2002

Ms. Nettie Richardson
Johnson Engineering, Inc.
2158 Johnson Street
P. O. Box 1550
Fort Myers, FL 33902

**RE: Petition to Vacate
Portion of a Viewers Road described in
County Commissioner Minute Book 10, page 563,
Section 17, Township 46, Range 25,
Zoning Case Z-00-015, Shadow Wood Preserve Development**

Dear Ms. Richardson:

Lee County Department of Transportation has reviewed the request to vacate a portion of the 1948 viewers road as described above and offers no objection to the vacation. It is noted that as a condition of the zoning resolution prior to approval of the first Certificate of Compliance on the first local Development Order, that portion of the public viewers road located on the subject property west of the westerly boundary of the water storage plant must be vacated. The road is an unimproved dirt path that is not county maintained. The county has no long range plans for development of this right-of-way. The portion of the viewers road intended to be vacated is approximately 458 feet in length and 50 feet wide.

If you have any questions, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF TRANSPORTATION

Scott M. Gilbertson, P.E.
Director

MAL/SMG/mlb

Cc: Don Blackburn, Development Services
DOT PTV File Viewers Road/Shadow Wood Preserve/Johnson Eng.

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JUN 03 2002
Dues-6-02
COMMUNITY DEVELOPMENT

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Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

June 3, 2002

Nettie Richardson
Johnson Engineering
Post Office Box 1550
Fort Myers, Florida 33902-1550

RE: Vacation of A Portion of Public Road within Shadow Wood development

Dear Ms Richardson:

Our staff has conducted a review of your request to vacate a portion of the public road described in County Commissioners Minutes Book 10 Page 563, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of April 17, 2002, received by this office on May 31, 2002.

Based on this review, we offer "No Objections" to this vacation request.

Sincerely,

James W. Dunsford,
District R/W Administrator,
Property Management

JWD/jwd

cc: Scott Gilbertson, P.E. - Lee County
Walter McCarthy, P.E. - Lee County
Mike Rippe - FDOT
Tom Garcia - FDOT

VAC 2002 00028
RECEIVED
JWB
JUN 03 2002
Due 8-6-02
COMMUNITY DEVELOPMENT

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2002-00028

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2002-00028 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

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

Deputy Clerk Signature

Please Print Name

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

May 30, 2002

DESCRIPTION**PART A**
PARCEL IN
SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 17, south of Mullock Creek, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

From the southwest corner of said Section 17, run N 00° 08' 28" W along the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said section for 1291.24 to an intersection with the south line of a Roadway Easement for County Road as described in C.C.M.B. 10 at Page 563 and the Point of Beginning.

From the Point of Beginning continue N 00° 08' 28" W along the west line of said fraction of said section and the west line of roadway easement for 50.03 feet; thence run N 88° 01' 00" E along the north line of said roadway easement for 302 feet, more or less, to the centerline of Mullock Creek, thence run southeasterly along the meanders of the centerline of Mullock Creek for 30.00 feet, more or less, to an intersection with the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17; thence run N 88° 01' 00" E along said north line for 135 feet, more or less, to the northwest corner of lands described in Official Record Book 1906 at Page 2746 of the Public Records of Lee County, Florida, said point shall be called 'Point A'; thence run S 01° 59' 00" E for 25.00 feet to an intersection with the south line of said roadway easement; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) (as measured on a perpendicular) for 458.06 feet to an intersection with the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17 to the Point of Beginning.

Part A contains 0.44 acres, more or less.

TOGETHER WITH:

Commencing at the aforementioned 'Point A'; thence N 88° 01' 00" E a distance of 225.00 feet to the Point of Beginning for the following described Part B.

From the Point of Beginning run N 88° 01' 00" E along said north line for 550.16 feet to an intersection with the west line of U.S. 41 (State Road 45); thence run southeasterly along a non-tangent curve along said west line along the arc of a curve to the left of radius 2359.83 feet (chord bearing S 27° 42' 57" E) (chord 27.75 feet) (delta 00° 40' 26") for 27.75 feet to an intersection with the south line of a roadway easement for County Road as described in C.C.M.B. 10 at Page 563; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4)

(as measured on a perpendicular) for 562.20 feet to an intersection with the east line of said lands described in Official Record Book 1906 at Page 2746 of the Public Records of Lee County, Florida; thence run N 01° 59' 00" W along the east line of said lands for 25.00 feet to an intersection with said north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17 to the Point of Beginning.

Part B contains 0.32 acres, more or less.

Bearings hereinabove mentioned are plane coordinate for the Florida West Zone.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00028

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 13th day August 2002 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

May 30, 2002

DESCRIPTION

PART A PARCEL IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 17, south of Mullock Creek, Township 46 South, Range 25 East, Lee County, Florida, described as follows:

From the southwest corner of said Section 17, run N 00° 08' 28" W along the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said section for 1291.24 to an intersection with the south line of a Roadway Easement for County Road as described in C.C.M.B. 10 at Page 563 and the Point of Beginning.

From the Point of Beginning continue N 00° 08' 28" W along the west line of said fraction of said section and the west line of roadway easement for 50.03 feet; thence run N 88° 01' 00" E along the north line of said roadway easement for 302 feet, more or less, to the centerline of Mullock Creek, thence run southeasterly along the meanders of the centerline of Mullock Creek for 30.00 feet, more or less, to an intersection with the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17; thence run N 88° 01' 00" E along said north line for 135 feet, more or less, to the northwest corner of lands described in Official Record Book 1906 at Page 2746 of the Public Records of Lee County, Florida, said point shall be called 'Point A'; thence run S 01° 59' 00" E for 25.00 feet to an intersection with the south line of said roadway easement; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) (as measured on a perpendicular) for 458.06 feet to an intersection with the west line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17 to the Point of Beginning.

Part A contains 0.44 acres, more or less.

TOGETHER WITH:

Commencing at the aforementioned 'Point A'; thence N 88° 01' 00" E a distance of 225.00 feet to the Point of Beginning for the following described Part B.

From the Point of Beginning run N 88° 01' 00" E along said north line for 550.16 feet to an intersection with the west line of U.S. 41 (State Road 45); thence run southeasterly along a non-tangent curve along said west line along the arc of a curve to the left of radius 2359.83 feet (chord bearing S 27° 42' 57" E) (chord 27.75 feet) (delta 00° 40' 26") for 27.75 feet to an intersection with the south line of a roadway easement for County Road as described in C.C.M.B. 10 at Page 563; thence run S 88° 01' 00" W along said south line, 25.00 feet south of the north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4)

(as measured on a perpendicular) for 562.20 feet to an intersection with the east line of said lands described in Official Record Book 1906 at Page 2746 of the Public Records of Lee County, Florida; thence run N 01° 59' 00" W along the east line of said lands for 25.00 feet to an intersection with said north line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 17 to the Point of Beginning.

Part B contains 0.32 acres, more or less.

Bearings hereinabove mentioned are plane coordinate for the Florida West Zone.

August 4, 1948

Regular Meeting of Lee County Commissioners this date, with all members present.

Chairman called meeting to order 10 A.M.

F. F. Bailey and Mrs. Zeerypt of Sanibel, Florida appeared, requesting the board to make repairs to roads on Sanibel.

OATH OF VIEWERS

STATE OF FLORIDA |

COUNTY OF LEE | SS

Before me, the undersigned authority, personally appeared Maxie Moore and R. K. Trebell and Riggs Weeks, to me well known, and who being first duly sworn according to law, depose and say; that they are disinterested freeholders, residing in the County of Lee, State of Florida, appointed by the Board of County Commissioners of Lee County, Florida, to view and mark out the best route for the proposed road mentioned in the petition pursuant to their appointment; Affiants further say that they will perform their duties faithfully.

Maxie Moore
R. K. Trebell
Riggs Weeks

Sworn to and subscribed to before me
this the 4th day of August, A. D. 1948.
D. T. Farabee, Clerk Circuit Court,
Lee County, Florida.
Clk. Ct. Ct. Seal Affixed

To the Honorable Board of
County Commissioners of Lee County, Florida.

Gentlemen:

We, the undersigned viewers heretofore appointed by your Honorable Board as Viewers to mark out and view the best route for the proposed road as is hereinafter described, beg to report that we have taken the Oath required by law, and have personally viewed and marked out the best route for the said proposed road, and we beg to report herewith that the best route for the proposed road is as follows, to-wit:

North East Corner of South East Quarter of South East Quarter of Section 18,
Township 46 South Range 25 East and Run East to Tamiami Trail

We respectfully recommend that this report be accepted and that your Honorable Board will make and enter an order declaring the same to be a public road of Lee County, Florida, and that the same shall be a width of 50 feet.

Respectfully submitted this the 4 day of August, A. D. 1948.

Maxie Moore
R. K. Trebell
Riggs Weeks
Viewers

ORDER ACCEPTING VIEWERS REPORT

The report of Maxie Moore, R. K. Trebell, and Riggs Weeks, three disinterested citizens and free holders in the County of Lee, heretofore appointed to view and mark out the best route for the road hereinafter described, having been filed and after due and proper consideration thereof, upon motion of Commissioner Gibson, and seconded by Commissioner Keen, called and carried it is further ordered that the following be and the same is hereby declared as a public road, of Lee County, Florida, to-wit:

Commencing at North East Corner of South East Quarter of South East Quarter of Section 18, Township 46 South Range 25 East, and Run East to Tamiami Trail.

That such road shall be opened up to the width of 50 feet.

It is further ordered that this order shall not become final until after a notice thereof shall have been published for at least thirty days and after such publication as required by law, if no objection is made to the opening up of said road, this order shall become final.

It is further ordered that the Clerk of this Board publish such notice.

NOTICE OF ORDER GRANTING A PUBLIC ROAD.

NOTICE is hereby given that the Board of County Commissioners of Lee County, Florida, in regular session on the 4th day of August, 1948, made and entered an Order Declaring the following as a public Road of Lee County, Florida, such road to be opened up to the width of 50 feet. Said Road being described as follows to-wit:

Commencing at North East Corner of South East Quarter of South East Quarter of Section 18, Township 46 South Range 25 East, and run East to Tamiami Trail.

Any person or persons whomsoever having any objections to said Road being opened up and declared a public Road of Lee County, Florida, as aforesaid are hereby required to make their objections to the Board of County Commissioners of Lee County, Florida, within thirty days from the date hereof, otherwise such order so declaring the same to be a public road shall and will become final.

Done by order of the Board on this the 4th day of August, A. D. 1948.

D. T. Farabee
Clerk of the Board of County Commissioners
of Lee County, Florida.

SEAL AFFIXED

AFFIDAVIT OF POSTING

STATE OF FLORIDA,
County of Lee,

Personally appeared before me, D. T. Farabee, who first being duly sworn, upon his oath deposes and says that he did post a copy of foregoing NOTICE OF ORDER GRANTING A PUBLIC ROAD, attached hereto, at the Court House on the 7th day of August, 1948.
Dated this 9th day of August, 1948, at Fort Myers, Fla.

D. T. Farabee