

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020668

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00021 to Vacate 12' wide Public Utility and Drainage Easement lying 6 feet each side of the common lot lines dividing Lots 4 & 5 and 5 & 6, Block D, Airport Woods Commerce Center, as recorded in Plat Book 50, Pages 64-68, of the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To develop a commercial building site. The vacation of the public utility and drainage easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

WHAT THE ACTION ACCOMPLISHES: Vacates the Public Utility and Drainage Easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #3

3. MEETING DATE:

07-09-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1/13-8
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY:  6/2/02
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 9th day of July, 2001.

LOCATION: The subject 12 foot wide Public Utility and Drainage Easement lying 6 feet each side of the common lot lines dividing Lots 4 & 5, Block D, LESS AND EXCEPT the 10 foot adjoining Bavaria Road, and Lots 5 & 6, Block D, LESS AND EXCEPT the 10 foot adjoining Bavaria Road, in Airport Woods Commerce Center, as recorded in Plat Book 50, Pages 64-68, of the Public Records of Lee County, Florida. This site is located at 10046, 10060 and 10076 Bavaria Road SE., in Ft Myers, Florida, Section 14, Township 45 South, Range 25 East.



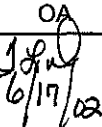
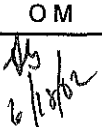
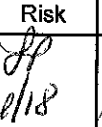
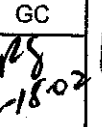
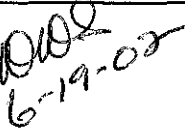
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
					OA	OM	Risk	GC	
	N/A	N/A	N/A		 6/17/02	 6/18/02	 6/18	 6/18/02	 6-19-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 6/13/02
Time: 3:50pm

Forwarded To:
Admin
6/17/02 10:41M

RECEIVED BY
COUNTY ADMIN. TD
6/17 10:00
COUNTY ADMIN.
FORWARDED TO: SS
6/19 12:00

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: VAC2002-00021

WHEREAS, Petitioner **Airport Woods Commerce Center, an Ohio General Partnership** in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the July 9th, 2002; 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

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

1. Petition to Vacate No. VAC2002-00021 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy 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

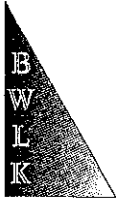
Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
Lying in
Section 14, Township 45 South, Range 25 East
Lee County, Florida
Proposed Vacation of Utility Easement
(Airport Woods Commerce Center Lots 4 and 5 Block "D")

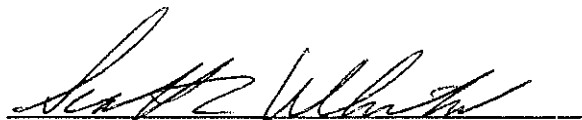
A public utility easement situated in the State of Florida, County of Lee, Section 14, Township 45 South, Range 25 East, being part of Lots 4 and 5, Block "D", Airport Woods Commerce Center, a subdivision, recorded in Plat Book 50, at Pages 64-68, Public Records, and further described as follows:

A drainage and public utility easement (12 feet wide) lying 6 feet each side of the common lot line dividing Lots 4 and 5, Block "D", said Airport Woods Commerce Center.

Less and Except the front drainage and public utility easement (10 feet wide) adjoining Bavaria Road as dedicated on the plat of Airport Woods Commerce Center as recorded in Plat Book 50, at Pages 64-68, Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. [LB4919]


Scott C. Whitaker, P.S.M. 4324

33118DESC7 05/07/02

Exhibit "A" Sheet 1 of 2

PRINCIPALS:

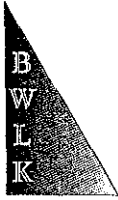
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE



Bean, Whitaker, Lutz & Kareh, Inc.

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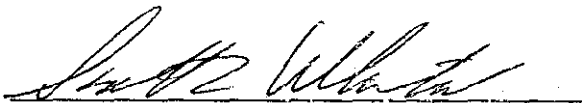
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Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. [LB4919]


Scott C. Whitaker, P.S.M. 4324

33118DESC8 05/07/02

Exhibit "A" Sheet 2 of 2

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

CHARLES O. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND
LYING IN
SECTION 14, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

Exhibit "B"

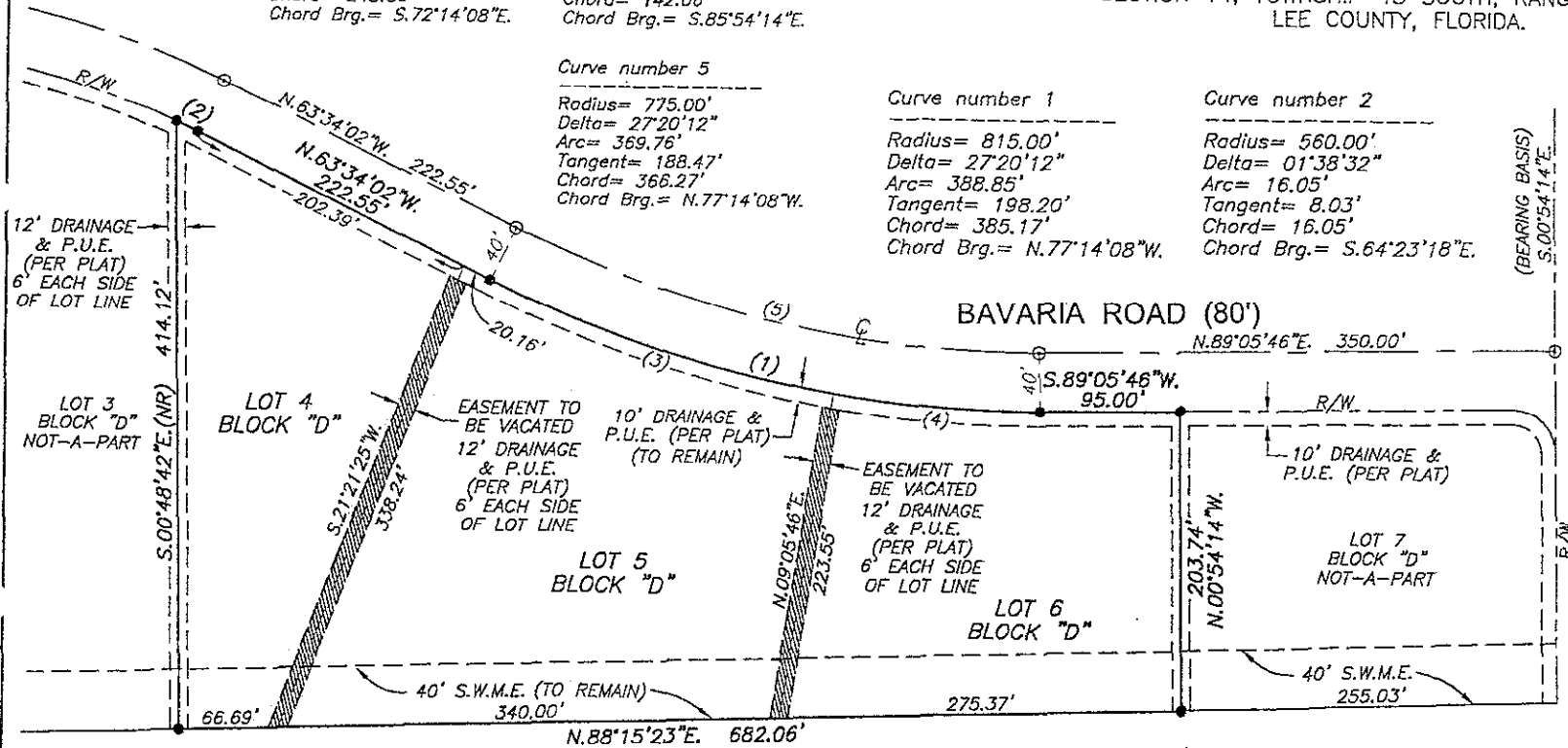
Curve number 3
Radius= 815.00'
Delta= 17°20'12"
Arc= 246.60'
Tangent= 124.25'
Chord= 245.66'
Chord Brg.= S.72°14'08"E.

Curve number 4
Radius= 815.00'
Delta= 10°00'00"
Arc= 142.24'
Tangent= 71.50'
Chord= 142.06'
Chord Brg.= S.85°54'14"E.

Curve number 5
Radius= 775.00'
Delta= 27°20'12"
Arc= 369.76'
Tangent= 188.47'
Chord= 366.27'
Chord Brg.= N.77°14'08"W.

Curve number 1
Radius= 815.00'
Delta= 27°20'12"
Arc= 388.85'
Tangent= 198.20'
Chord= 385.17'
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Curve number 2
Radius= 560.00'
Delta= 01°38'32"
Arc= 16.05'
Tangent= 8.03'
Chord= 16.05'
Chord Brg.= S.64°23'18"E.



TREE LINE AVENUE

*** THIS IS NOT A SURVEY ***
Bean, Whitaker, Lutz & Kareh, Inc.
Scott C. Whitaker
SCOTT C. WHITAKER, P.S.M.
Florida Certificate No. 4324

EASEMENT NOTE:
DRAINAGE, OVERHEAD AND/OR UNDERGROUND
PUBLIC UTILITY EASEMENTS ARE 6 FEET WIDE
ALONG THE SIDES OF EACH LOT AND 10 FEET WIDE
ALONG THE FRONT LINE ADJACENT TO ROAD
RIGHTS-OF-WAY (PER PLAT).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND
RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND
UNRECORDED).

UNPLATTED

R/W = RIGHT-OF-WAY
S.W.M.E. = STORM WATER MANAGEMENT EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
(NR) = NON-RADIAL

LOTS 4 THROUGH 6, BLOCK "D"
AIRPORT WOODS COMMERCE CENTER

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4918)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5610 (813) 481-1331

SK33118_EAS.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
5-07-02	33118	SHS	1" = 100'	1 of 1	14-45-25

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00021 to Vacate 12' wide Public Utility and Drainage Easement lying 6 feet each side of the common lot lines dividing Lots 4 & 5 and 5 & 6, Block D, Airport Woods Commerce Center, as recorded in Plat Book 50, Pages 64-68, of the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To develop a commercial building site. The vacation of the public utility and drainage easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

WHAT THE ACTION ACCOMPLISHES: Vacates the Public Utility and Drainage Easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

3. MEETING DATE:

July 9th, 2002 @ 5:00 p.m.

4. AGENDA

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)
 STATUTE
 ORDINANCE
 ADMIN. CODE 13-1/13-8
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
 B. DEPARTMENT Community Development
 C. DIVISION Development Services

BY:  6/6/02
 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 9th day of July, 2001.

LOCATION: The subject 12 foot wide Public Utility and Drainage Easement lying 6 feet each side of the common lot lines dividing Lots 4 & 5, Block D, LESS AND EXCEPT the 10 foot adjoining Bavaria Road, and Lots 5 & 6, Block D, LESS AND EXCEPT the 10 foot adjoining Bavaria Road, in Airport Woods Commerce Center, as recorded in Plat Book 50, Pages 64-68, of the Public Records of Lee County, Florida. This site is located at 10046, 10060 and 10076 Bavaria Road SE., in Ft Myers, Florida, Section 14, Township 45 South, Range 25 East.

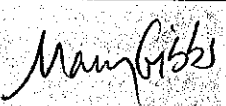
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
					OA	OM	Risk	GC	
	N/A	N/A	N/A						

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

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: VAC2002-00021

WHEREAS, Petitioner **Airport Woods Commerce Center, an Ohio General Partnership** in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the July 9th, 2002; 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

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

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3. This Resolution will become effective upon recording of a fully executed copy 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

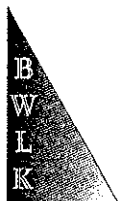
Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
Lying in
Section 14, Township 45 South, Range 25 East
Lee County, Florida
Proposed Vacation of Utility Easement
(Airport Woods Commerce Center Lots 4 and 5 Block "D")

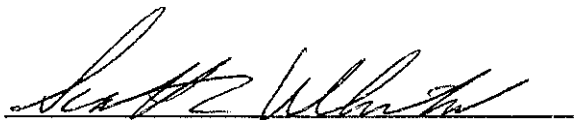
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Bean, Whitaker, Lutz & Kareh, Inc. [LB4919]


Scott C. Whitaker, P.S.M. 4324

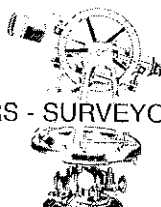
33118DESC7 05/07/02

Exhibit "A" Sheet 1 of 2

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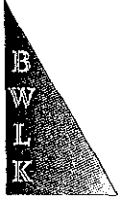
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JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

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ELWOOD FINEFIELD, PSM
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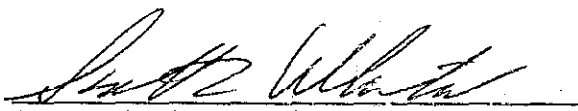
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Bean, Whitaker, Lutz & Kareh, Inc. [LB4919]



Scott C. Whitaker, P.S.M. 4324

33118DESC8 05/07/02

Exhibit "A" Sheet 2 of 2

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND
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LEE COUNTY, FLORIDA.

Exhibit "B"

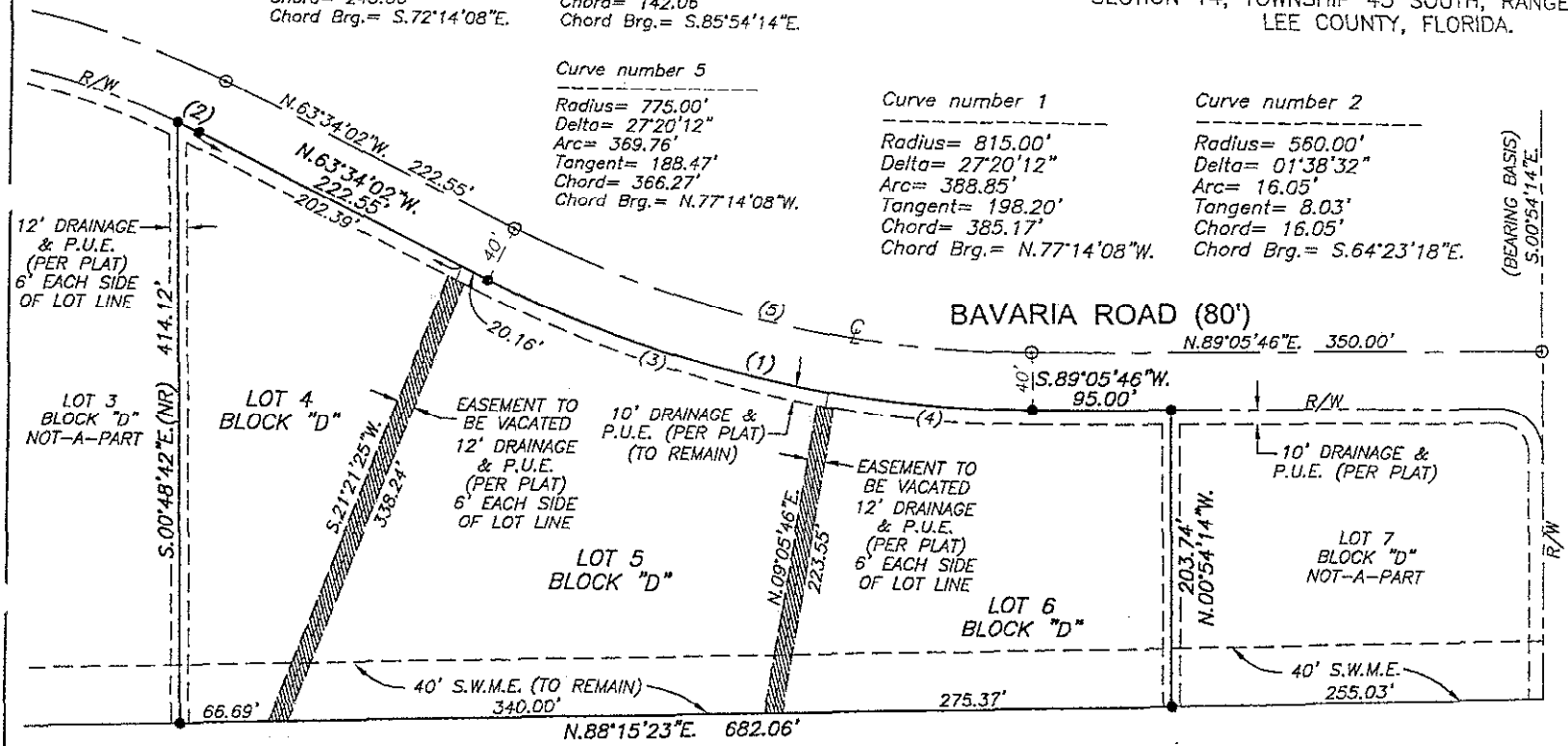
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Tangent= 124.25'
Chord= 245.66'
Chord Brg.= S.72°14'08"E.

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Curve number 5
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Curve number 2
Radius= 560.00'
Delta= 01°38'32"
Arc= 16.05'
Tangent= 8.03'
Chord= 16.05'
Chord Brg.= S.64°23'18"E.



12' DRAINAGE & P.U.E. (PER PLAT) 6' EACH SIDE OF LOT LINE

LOT 3 BLOCK "D" NOT-A-PART

LOT 4 BLOCK "D"

EASEMENT TO BE VACATED 12' DRAINAGE & P.U.E. (PER PLAT) 6' EACH SIDE OF LOT LINE

10' DRAINAGE & P.U.E. (PER PLAT) (TO REMAIN)

LOT 5 BLOCK "D"

EASEMENT TO BE VACATED 12' DRAINAGE & P.U.E. (PER PLAT) 6' EACH SIDE OF LOT LINE

LOT 6 BLOCK "D"

10' DRAINAGE & P.U.E. (PER PLAT)

LOT 7 BLOCK "D" NOT-A-PART

40' S.W.M.E. (TO REMAIN)

40' S.W.M.E. (TO REMAIN) 340.00'

BAVARIA ROAD (80')

TREE LINE AVENUE

*** THIS IS NOT A SURVEY ***
Bean, Whitaker, Lutz & Kareh, Inc.
Scott C. Whitaker
SCOTT C. WHITAKER, P.S.M.,
Florida Certificate No. 4324

EASEMENT NOTE:
DRAINAGE, OVERHEAD AND/OR UNDERGROUND PUBLIC UTILITY EASEMENTS ARE 6 FEET WIDE ALONG THE SIDES OF EACH LOT AND 10 FEET WIDE ALONG THE FRONT LINE ADJACENT TO ROAD RIGHTS-OF-WAY (PER PLAT).

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

UNPLATTED

R/W = RIGHT-OF-WAY
S.W.M.E. = STORM WATER MANAGEMENT EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
(NR) = NON-RADIAL

LOTS 4 THROUGH 6, BLOCK "D"
AIRPORT WOODS COMMERCE CENTER

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
19041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 39910-0910 (941) 481-1331

SK33118_EAS.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
5-07-02	33118	SHS	1" = 100'	1 OF 1	14-45-25