

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on 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.

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: 04 Community Development
COMMISSION DISTRICT #: 3

5:00 #3

3. MEETING DATE:

08-13-2002

4. AGENDA:

- _____ CONSENT
- _____ ADMINISTRATIVE
- _____ APPEALS
- PUBLIC
- _____ WALK ON
- _____ TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 336
- _____ ORDINANCE
- ADMIN. CODE 13-8
- _____ OTHER

6. REQUESTOR OF INFORMATION:

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

BY: *[Signature]* 7/10/02

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 13th day of August 2002.

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 Resolution with exhibits 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 7/15				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 7/10/02	<i>[Signature]</i> 7/12/02	<i>[Signature]</i> 7/15	<i>[Signature]</i> 7/15/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

[Stamp: RECEIVED BY COUNTY ADMIN. 7/10/02 5:PM]

[Stamp: RECEIVED BY COUNTY ADMIN. 7/10 3:30 COUNTY ADMIN. FORWARDED TO: 7/10 12:10]

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.

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: VAC2002-00028

WHEREAS, Petitioner Long Bay Partners, L.L.C 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 13th day of August 2002 at 5:00 p.m.; 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.

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)

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

1. Petition to Vacate No. VAC2002-00028 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

(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 Lec 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.