

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021002

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on Petition VAC2002-00003 to vacate a portion of a 110' wide right-of-way known as Old Pondella Road extending from the intersection with the southern edge of the right-of-way of State Route 78 (Pine Island Road) to a line approximately 250 south therefrom; in the Southwest Quarter of Section 5, Township 44 South, Range 24 East, Lee County, Florida and accept a replacement public utility easement.

WHY ACTION IS NECESSARY: To allow for more flexibility in developing this commercial property. *The vacation of this right-of-way will not alter existing drainage or utilities; nor is this right-of-way necessary to accommodate any future drainage or utility requirements.* "New" Pondella road has effectively replaced this right-of-way and made it redundant. A twenty-foot wide public utility easement is to be granted to Lee County Utilities along with this vacation to cover an existing water main.

WHAT ACTION ACCOMPLISHES: Vacates the right-of-way and accepts a replacement public utility easement.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 04

5:00 #2

3. MEETING DATE:

09-10-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S.336
- ORDINANCE
- ADMIN. CODE 13-8
- 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 September 10th, 2002..

LOCATION: The site is located at the intersection of State Route 78 (Pine Island Road) and Old Pondella Road in the Southwest Quarter of Section 5, Township 44 South, Range 24 East, Lee County, Florida.

The right-of-way to be vacated is 110' wide and is approximately the two hundred and fifty feet (250') of Old Pondella Road just south of the intersection of State Route 78 (Pine Island Road) and Old Pondella Road in the Southwest Quarter of Section 5, Township 44 South, Range 24 East, Lee County, Florida.

A more detailed legal description and sketch is attached to this bluesheet.

There is an existing water main within the right-of-way. A replacement utility easement has been approved by Lee County Utilities and is to be recorded in the Official Record Book upon approval of this vacation.

There are no objections to this Petition to Vacate. Staff recommends the 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 Resources	D Other	E County Attorney	F Budget Services	G County Manager								
<i>Mary Gibbs</i>	N/A	N/A		<i>Timothy</i>	<table border="1"> <tr> <td>OA</td> <td>QM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> </tr> </table>	OA	QM	Risk	GC	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
OA	QM	Risk	GC											
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>											

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN.
8/29 4:15 PM
COUNTY ADMIN.
FORWARDED TO:
8/29 4:30 PM

CO. ATTY.
8/29/02
4:10 PM
CO. ATTY.
FORWARDED TO:
Admin
8/29/02

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: VAC2002-00003

WHEREAS, Petitioner GREGORY W. EAGLE, Trustee 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 "B"; 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. VAC2002-00003 is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described and depicted in Exhibit "A" 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 "C".
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

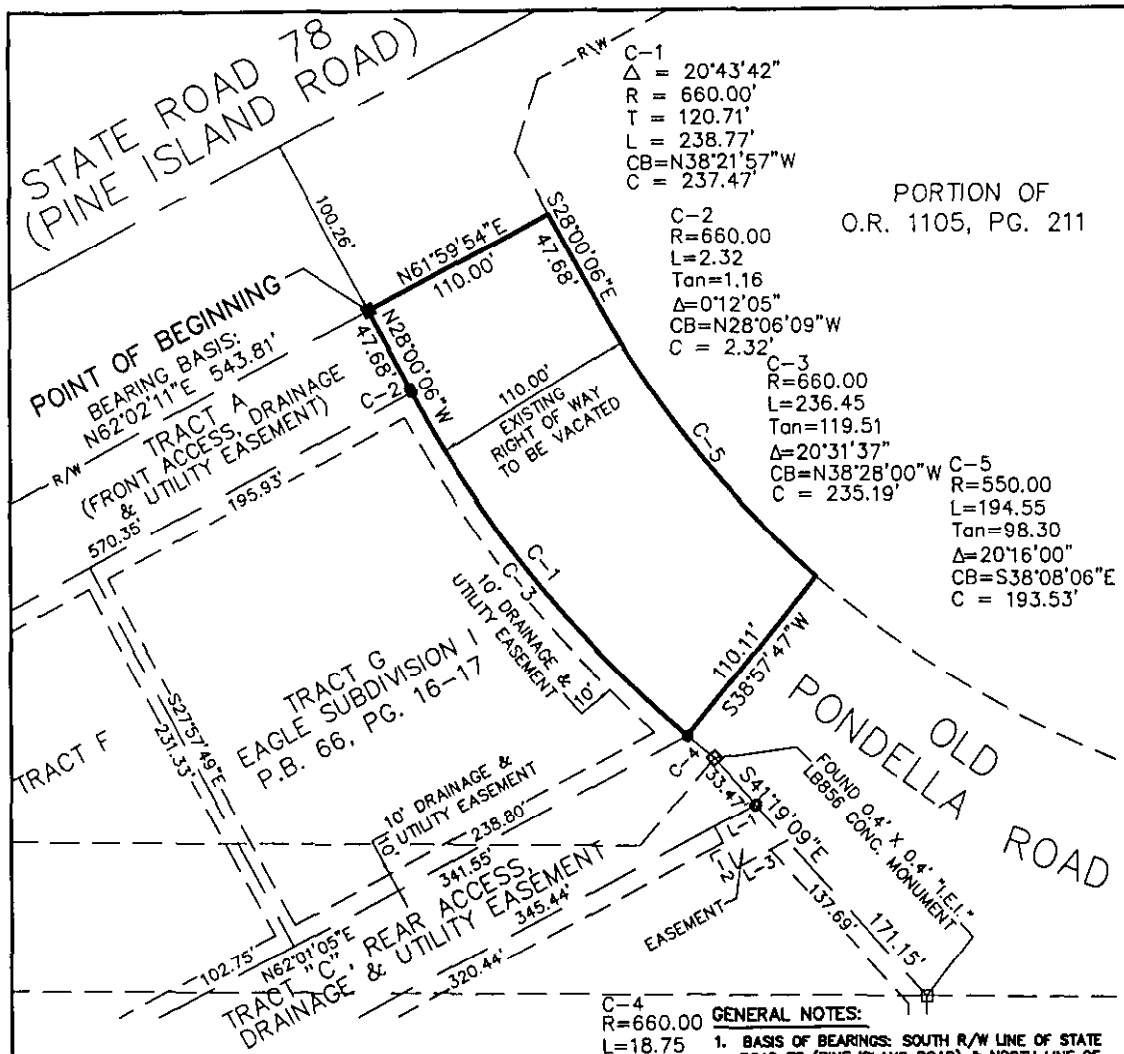
Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



C-1
 $\Delta = 20^{\circ}43'42''$
 $R = 660.00'$
 $T = 120.71'$
 $L = 238.77'$
 $CB = N38^{\circ}21'57''W$
 $C = 237.47'$

PORTION OF
 O.R. 1105, PG. 211

C-2
 $R = 660.00$
 $L = 2.32$
 $Tan = 1.16$
 $\Delta = 0^{\circ}12'05''$
 $CB = N28^{\circ}06'09''W$
 $C = 2.32'$

C-3
 $R = 660.00$
 $L = 236.45$
 $Tan = 119.51$
 $\Delta = 20^{\circ}31'37''$
 $CB = N38^{\circ}28'00''W$
 $C = 235.19'$

C-5
 $R = 550.00$
 $L = 194.55$
 $Tan = 98.30$
 $\Delta = 20^{\circ}16'00''$
 $CB = S38^{\circ}08'06''E$
 $C = 193.53'$

C-4
 $R = 660.00$
 $L = 18.75$
 $Tan = 9.38$
 $\Delta = 1^{\circ}37'40''$

GENERAL NOTES:

1. BASIS OF BEARINGS: SOUTH R/W LINE OF STATE ROAD 78 (PINE ISLAND ROAD) & NORTH LINE OF EAGLE SUBDIVISION I AS N62°02'11"E (PLAT).
2. UNDERGROUND STRUCTURES, IF ANY, NOT INCLUDED.
3. SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD.

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEASTERLY CORNER OF TRACT A, EAGLE SUBDIVISION I ACCORDING TO PLAT BOOK 66, PAGES 16 THROUGH 17 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING ALSO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 78 (PINE ISLAND ROAD) AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OLD PONDELLA ROAD; THENCE RUN N61°59'54"E FOR 110.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID OLD PONDELLA ROAD; THENCE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES: S28°00'08"E FOR 47.66 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 20°16'00" (CHORD=S38°08'06"E, 193.53 FEET) FOR 194.55 FEET; THENCE, LEAVING SAID EASTERLY RIGHT OF WAY LINE, RUN S38°57'47"W FOR 110.11 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE, BEING ALSO A POINT ON THE EASTERLY LINE OF SAID EAGLE SUBDIVISION I AND A POINT ON A CURVE CONCAVE TO THE NORTHEAST; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID EASTERLY LINE ON SAID CURVE HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 20°43'42" (CHORD=N38°21'57"W, 237.47 FEET) TO THE POINT OF TANGENCY, THEN RUN N28°00'08"W FOR 47.68 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 29,077 SQUARE FEET (0.668 ACRES), MORE OR LESS.

STREET RIGHT OF WAY VACATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION, NOT A SURVEY
 A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

DATE: 12-03-2001
 PLOT FILE: OLD PONDELLA

PREPARED FOR AVALON ENGINEERING

STOUTEN-STEVENOT AND ASSOCIATES, INC.
 SURVEYING AND MAPPING CONSULTANTS

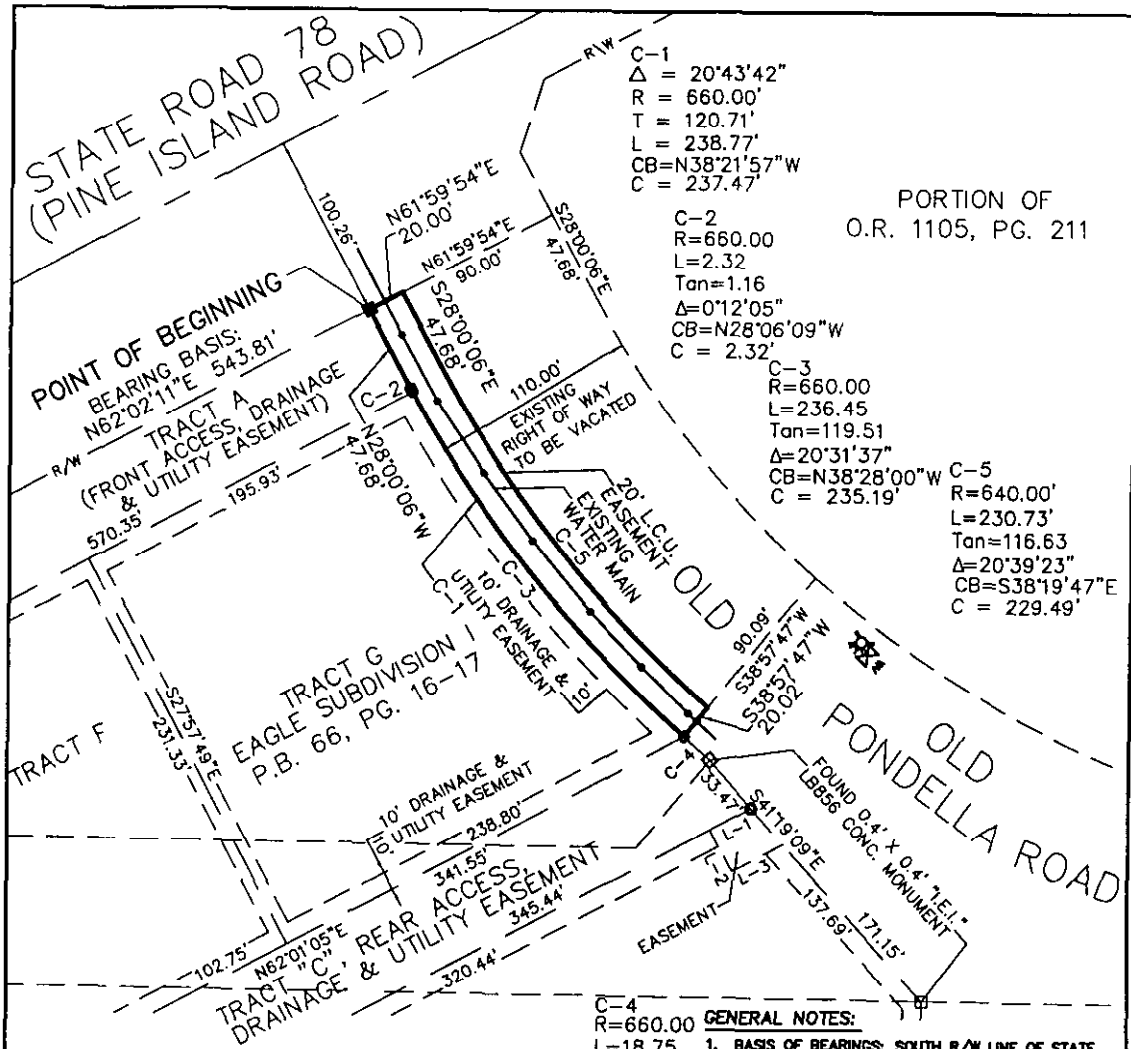
DONALD D. STOUTEN, P.S.M.
 CERTIFICATE # 3639



4423 S.E. 16th PLACE, NO. 18
 CAPE CORAL, FL. 33904
 TELEPHONE (813) 542-7499



NOT TO SCALE



PORTION OF
O.R. 1105, PG. 211

- GENERAL NOTES:**
1. BASIS OF BEARINGS: SOUTH R/W LINE OF STATE ROAD 78 (PINE ISLAND ROAD) & NORTH LINE OF EAGLE SUBDIVISION I AS N82°02'11"E (PLAT).
 2. UNDERGROUND STRUCTURES, IF ANY, NOT INCLUDED.
 3. SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD.

L.C.U. EASEMENT
LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF TRACT A, EAGLE SUBDIVISION I ACCORDING TO PLAT BOOK 66, PAGES 16 THROUGH 17 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING ALSO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 78 (PINE ISLAND ROAD) AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OLD PONDELLA ROAD; THENCE RUN N61°59'54"E FOR 20.00 FEET;

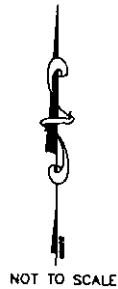
THENCE RUN THE FOLLOWING COURSES: S28°00'06"E FOR 47.68 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 20°39'23" (CHORD=S38°19'47"E, 229.49 FEET) FOR 230.73 FEET; THENCE RUN S38°57'47"W FOR 20.02 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE, BEING ALSO A POINT ON THE EASTERLY LINE OF SAID EAGLE SUBDIVISION I AND A POINT ON A CURVE CONCAVE TO THE NORTHEAST; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID EASTERLY LINE ON SAID CURVE HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 20°43'42" (CHORD=N38°21'57"W, 237.47 FEET) FOR 238.77 FEET TO THE POINT OF TANGENCY, THEN RUN N28°00'06"W FOR 47.68 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5649 SQUARE FEET (0.130 ACRES), MORE OR LESS.

20 FOOT WIDE WATER MAIN EASEMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION, NOT A SURVEY

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5 TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA



DATE: 1-03-2002
PLOT FILE: OLD PONDELLA

PREPARED FOR AVALON ENGINEERING
DONALD D. STOUTEN, PSM
CERTIFICATE # 3839

STOUTEN-STEVENOT AND ASSOCIATES, INC.
SURVEYING AND MAPPING CONSULTANTS

4423 S.E. 16th PLACE, NO. 18
CAPE CORAL, FL 33904
TELEPHONE (813) 542-7499