

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution to Vacate a portion of Harbour Landing Drive Right-of-Way Easement, located in the Subdivison of Gulf Harbour.

**WHY ACTION IS NECESSARY:** The project's site plan has been modified and this right-of-way easement is no longer needed to provide access to the project. **The vacation of this right-of-way easement will not alter traffic conditions and the easement is not necessary to accommodate any future traffic requirement.**

**WHAT THE ACTION ACCOMPLISHES:** Vacates the Right-of-Way Easement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 3

*5:00 #1*

**3. MEETING DATE:**

*10-22-2002*

**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 *Peter J. Eckenrode*  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for Petition VAC2002-00029 at 5:00 p.m. on the 22 day of October, 2002.

**LOCATION:**

A portion of Harbour Landing Drive Right-of Way Easement, in Tract A, Harbour Landings, a Subdivision of Gulf Harbour, Plat Book 57, Pages 46 & 47 of the Public Records of Lee County, Florida, Section 30, Township 45 South, Range 24 East, more particularly described in the attached **Exhibit "A"**. This site has no assigned address but is located in Gulf Harbour, adjacent to 14490 Vista River Drive, Ft Myers, Florida 33908.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the 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	O'M	Risk	GC	
<i>M...</i>	N/A	N/A	N/A	<i>Attorney</i>	<i>9/25/02</i>	<i>9/25/02</i>	<i>9/25/02</i>	<i>9/25/02</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

*11/24/02*  
10:55 PM  
CO. ATTY.  
FORWARDED TO:  
*Admin*  
*11/24/02 2:20 PM*

RECEIVED BY  
COUNTY ADMIN  
9/24/02  
COUNTY ADMIN.  
FORWARDED TO:  
*BT*  
9/25/02

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: VAC2002-00029

WHEREAS, Petitioner Shores at Gulf Harbour Limited Partnership 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 October 22<sup>nd</sup>, 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 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. VAC2002-00029 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

**BBLs**  
**SURVEYORS & MAPPERS INC.**  
1502-A RAILHEAD BLVD.  
NAPLES, FLORIDA 34110  
TELEPHONE: 941-597-1315  
FAX: (941) 597-5207

**LEGAL DESCRIPTION**  
**A PORTION OF**  
**TRACT "A" TO BE VACATED**

A PORTION OF TRACT A, HARBOUR LANDINGS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57 AT PAGES 46 THROUGH 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

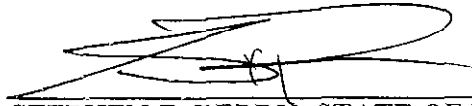
**BEGINNING** AT THE NORTHEASTERLY CORNER OF SAID TRACT A; THENCE S.03°02'24"E., ALONG THE EASTERLY LINE OF SAID TRACT A, A DISTANCE OF 51.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 27°42'36", A CHORD BEARING OF S.16°53'42"E. AND A CHORD LENGTH OF 41.67 FEET; THENCE ALONG SAID EASTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 42.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 55.50 FEET, A CENTRAL ANGLE OF 05°37'25", A CHORD BEARING OF S.27°56'13"E. AND A CHORD LENGTH OF 5.45 FEET; THENCE ALONG SAID EASTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 13°24'26", A CHORD BEARING OF N.43°29'10"W. AND A CHORD LENGTH OF 11.32 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 11.35 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 105°50'09", A CHORD BEARING OF N.89°42'01"W. AND A CHORD LENGTH OF 84.56 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 97.90 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 190.00 FEET, A CENTRAL ANGLE OF 00°58'33", A CHORD BEARING OF N.70°51'17"W. AND A CHORD LENGTH OF 3.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 3.24 FEET TO THE WESTERLY LINE OF SAID TRACT A, THE SAME BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 117.00 FEET, A CENTRAL ANGLE OF 21°51'29", A CHORD BEARING OF N.15°18'42"E. AND A CHORD LENGTH OF

44.36 FEET; THENCE ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 44.64 FEET TO THE END OF SAID CURVE; THENCE N.04°22'57"E., ALONG SAID WESTERLY LINE, A DISTANCE OF 37.19 FEET; THENCE N.84°28'49"E., ALONG THE NORTHERLY LINE OF SAID TRACT A, A DISTANCE OF 63.78 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.11 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO HARBOUR LANDINGS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57 AT PAGES 46 THROUGH 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA..

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.



03/26/02

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)  
BLS SURVEYORS & MAPPERS INC., (L.B. #6753)

W:\LEGALAID DESCRIPTIONS\9825\TRACTA TO BE VACATED.LWP

PROOFED BY SEB

(SEE ATTACHED SKETCH- TRACT A TO BE VACATED.dwg)

Exhibit "A" 2 OF 3

**LEGEND**

- P.O.C POINT OF COMMENCEMENT
- P.O.B POINT OF BEGINNING
- D.E DRAINAGE EASEMENT
- C.U.E COUNTY UTILITY EASEMENT
- (L) LINE LABEL
- P.B PLAT BOOK
- P.C PAGE NUMBER
- N.D NO. OF DEGREES
- B.LVD BOULEVARD



SCALE 1" = 40'  
 1" = 20' 40" 80' 80"  
 THIS EXHIBIT MAY  
 HAVE BEEN REDUCED

**TRACT D**  
 HARBOUR LANDINGS  
 P.B. 57, PGS. 46 AND 47

**TRACT B**  
 GULF HARBOUR  
 YACHT AND COUNTRY CLUB  
 P.B. 55, PGS. 6-27

**P.O.B.**  
 NORTHEASTERLY CORNER  
 OF TRACT A  
 HARBOUR LANDINGS  
 P.B. 57, PGS. 46 AND 47

**TRACT B**  
 GULF HARBOUR  
 YACHT AND COUNTRY CLUB  
 P.B. 55, PGS. 6-27

**EASTERLY LINE TRACT A**  
 HARBOUR LANDINGS  
 P.B. 57, PGS. 46-47

**LINE TABLE**

Line	Bearing	Distance
L1	N 04° 22' 57" E	37.19'

**TRACT C**

HARBOUR LANDINGS  
 P.B. 57, PGS. 46 AND 47

**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	46.50'	37° 10' 16"	31.75'	16.46'	31.18'	N 68° 56' 28" W
2	46.50'	33° 24' 26"	27.70'	15.70'	27.32'	N 63° 52' 07" W
3	150.00'	00° 56' 53"	5.24'	71.65'	85.35'	N 90° 57' 17" W
4	117.00'	27° 51' 25"	44.64'	22.59'	44.36'	N 15° 18' 42" E
5	67.00'	27° 45' 36"	42.09'	21.46'	41.62'	S 16° 53' 42" E
6	55.50'	05° 37' 25"	5.45'	2.73'	5.45'	S 27° 56' 13" E

**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO HARBOUR LANDINGS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57 AT PAGES 46 AND 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

**THIS IS NOT A SURVEY**

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

A PORTION OF TRACT A  
 HARBOUR LANDINGS  
 PLAT BOOK 57, PAGES 46 AND 47  
 LEE COUNTY, FLORIDA

SCALE	1" = 40'
APPROVED	SEB
DRAWN BY	MAC
FILE	TRACT "A" TO BE VACATED
DATE	03/27/02

**BBL SURVEYORS & MAPPERS INC.**  
 1502-A RAIL HEAD BLVD.  
 NAPLES, FLORIDA 34110 (841) 597-1315

Exhibit "B" 3 of 3

**NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE**

Case Number: VAC2002-00029

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the October 2<sup>nd</sup>, 2002 the Board of County Commissioners of Lee County, Florida adopted Resolution No.                     . The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".

Please Govern Yourself Accordingly.

CHARLIE GREEN, CLERK

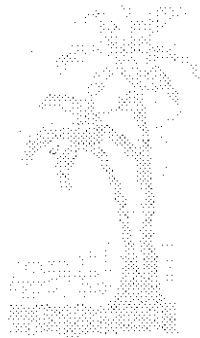
\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name



LEE COUNTY

SOUTHWEST FLORIDA

**BBLs**  
**SURVEYORS & MAPPERS INC.**  
1502-A RAILHEAD BLVD.  
NAPLES, FLORIDA 34110  
TELEPHONE: 941-597-1315  
FAX: (941) 597-5207

**LEGAL DESCRIPTION**  
**A PORTION OF**  
**TRACT "A" TO BE VACATED**

A PORTION OF TRACT A, HARBOUR LANDINGS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57 AT PAGES 46 THROUGH 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE NORTHEASTERLY CORNER OF SAID TRACT A; THENCE S.03°02'24"E., ALONG THE EASTERLY LINE OF SAID TRACT A, A DISTANCE OF 51.11 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 27°42'36", A CHORD BEARING OF S.16°53'42"E. AND A CHORD LENGTH OF 41.67 FEET; THENCE ALONG SAID EASTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 42.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 55.50 FEET, A CENTRAL ANGLE OF 05°37'25", A CHORD BEARING OF S.27°56'13"E. AND A CHORD LENGTH OF 5.45 FEET; THENCE ALONG SAID EASTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 13°24'26", A CHORD BEARING OF N.43°29'10"W. AND A CHORD LENGTH OF 11.32 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 11.35 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 53.00 FEET, A CENTRAL ANGLE OF 105°50'09", A CHORD BEARING OF N.89°42'01"W. AND A CHORD LENGTH OF 84.56 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 97.90 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 190.00 FEET, A CENTRAL ANGLE OF 00°58'33", A CHORD BEARING OF N.70°51'17"W. AND A CHORD LENGTH OF 3.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 3.24 FEET TO THE WESTERLY LINE OF SAID TRACT A, THE SAME BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 117.00 FEET, A CENTRAL ANGLE OF 21°51'29", A CHORD BEARING OF N.15°18'42"E. AND A CHORD LENGTH OF

Exhibit "A"

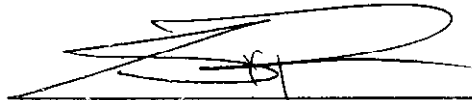


44.36 FEET; THENCE ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 44.64 FEET TO THE END OF SAID CURVE; THENCE N.04°22'57"E., ALONG SAID WESTERLY LINE, A DISTANCE OF 37.19 FEET; THENCE N.84°28'49"E., ALONG THE NORTHERLY LINE OF SAID TRACT A, A DISTANCE OF 63.78 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.11 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO HARBOUR LANDINGS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57 AT PAGES 46 THROUGH 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA..

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.



03/26/02

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)  
BBL S SURVEYORS & MAPPERS INC., (L.B. #6753)

W:\LEGAL\AID DESCRIPTIONS\0825\TRACTA TO BE VACATED.LWP

PROOFED BY SAB

(SEE ATTACHED SKETCH- TRACT A TO BE VACATED.dwg)

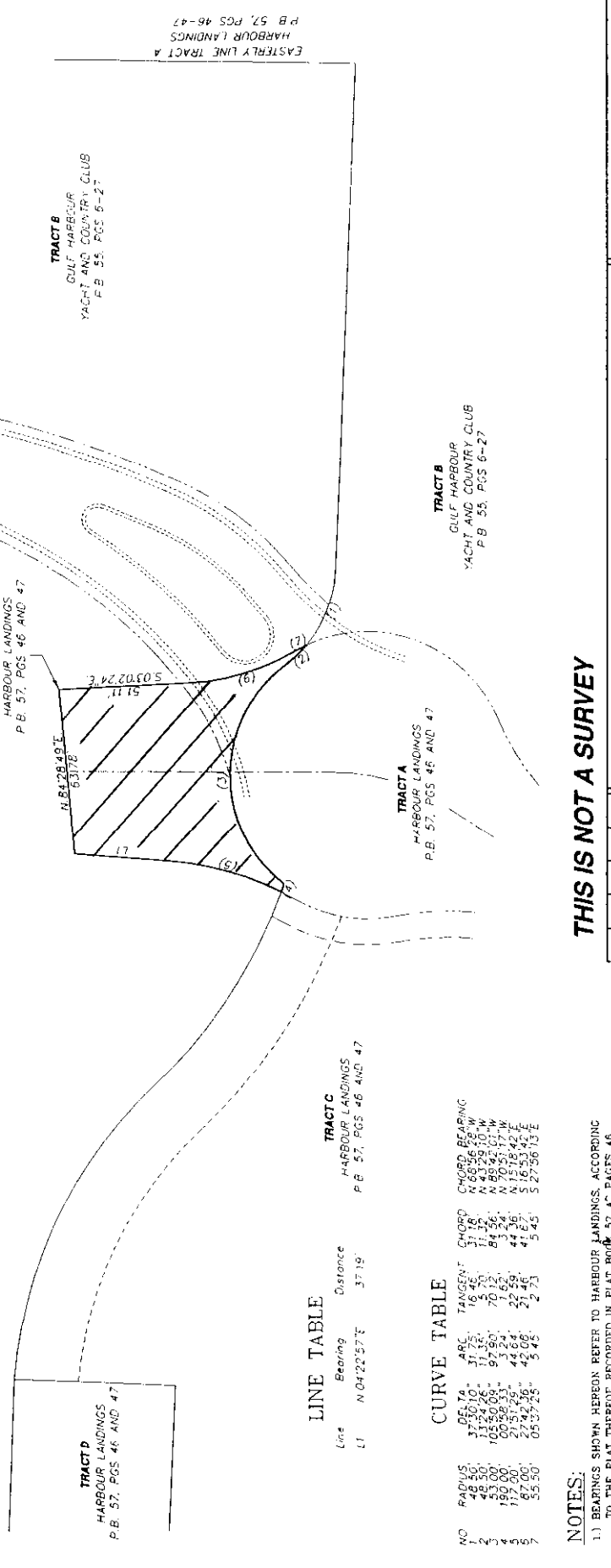
Exhibit "A" 2 OF 3

**LEGEND**

- P.O.C POINT OF COMMENCEMENT
- P.O.B POINT OF BEGINNING
- D.E DRAINAGE EASEMENT
- C.U.E COUNTY UTILITY EASEMENT
- (1) CURVE LABEL
- P.B PLAT BOOK
- P.C PAGE
- N.O. NUMBER
- B.V.C BOULEVARD



SCALE 1" = 40'  
 0' 20" 40' 60' 80'  
 THIS EXHIBIT MAY  
 HAVE BEEN REDUCED



**LINE TABLE**

Line	Bearing	Distance
L1	N 04°22'57"E	37.19'

**CURVE TABLE**

NO	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	48.50'	37°10'10"	37.75'	16.46'	37.16'	N 69°56'28" W
2	48.50'	132°24'26"	11.260'	5.730'	11.324'	N 83°29'10" W
3	180.00'	100°50'33"	93.24'	51.324'	51.324'	N 90°51'17" W
4	117.00'	27°51'25"	44.64'	22.59'	44.36'	N 15°18'42" E
5	67.00'	274°2'36"	42.09'	21.46'	41.82'	S 16°53'45" E
6	55.50'	05°37'25"	5.45'	2.73'	5.45'	S 27°36'13" E

**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO HARBOUR LANDINGS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 57 AC, PAGES 46 AND 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

**THIS IS NOT A SURVEY**

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

A PORTION OF TRACT A  
 HARBOUR LANDINGS  
 PLAT BOOK 57, PAGES 46 AND 47  
 LEE COUNTY, FLORIDA

SCALE 1" = 40'
APPROVED SEB
DRAWN BY MAC
FILE TRACT "A" TO BE VACATED
DATE 03/27/02

**BBL SURVEYORS & MAPPERS INC.**  
 1502-A RAIL HEAD BLVD.  
 NAPLES, FLORIDA 34110 (941) 597-1315

Exhibit "B" 3 of 3