

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030365

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt resolution on Petition VAC2002-00017 to Vacate an un-built portion of E. Town & River Dr. adjacent to Lot 17 & Tract "C", as recorded in Plat Book 12, Page 143, Lee County, Florida.

WHY ACTION IS NECESSARY: The applicant has maintained the area in the past and would like to continue to maintain the area. The applicant has complied with all of the requirements of A.C. 13-1 & A.C. 13-8 and all of the reviewing entities have issued review and recommendation letters of no objection. **The vacation of these rights-of-way will not alter traffic conditions and the rights-of-way are not necessary to accommodate any future traffic requirement.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

5:00 #2

3. MEETING DATE:

04-08-2003

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE F.S. Ch. 177 & 336

ORDINANCE

ADMIN. CODE 13-1 & 13-8

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY: *[Signature]* *3/24/03*

Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Pamela and Harry Balke.

LOCATION: An un-built portion of East Town and River Drive that is adjacent to Lot 17 and Tract "C", as recorded in Plat Book 12, Page 143, in the Official Records of the Public Records of Lee County, Florida and being more particularly described in the attached Exhibit "A". The site is located adjacent to 6525 East Town and River Drive in Section 21, Township 45 South, Range 24 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.

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 <i>2-11-03 3/26/03</i>				G County Manager
					QA	OM	Risk	GC	
<i>[Signature]</i> Marybeth	N/A	N/A	N/A	<i>[Signature]</i> 3-25-03	<i>[Signature]</i> 3/25/03	<i>[Signature]</i> 3/26/03	<i>[Signature]</i> 03/24/03	<i>[Signature]</i> 3-26-03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *3/25/03*
 Time: *12:00 noon*
 Forwarded To:
 CC: *ASM*
3/25/03 4PM

**RECEIVED BY
COUNTY ADMIN.** *[Signature]*
3-25-03
4:05
**COUNTY ADMIN.
FORWARDED TO:** *BN*
3/27 9:10
C

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: VAC2002-00017

WHEREAS, Petitioner Harry A. Balke, III, and Pamela J. Balke 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 Petition also included a request, in accordance with F.S. Chapter 336 and LCAC 13-8, 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"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning the Petition to Vacate on the 8th day of April 2003 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, the Petitioner is fee simple title holder to the underlying land sought to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, the Petitioner provided proof all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; 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 various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

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

1. Petition to Vacate No. VAC2002-00017 is hereby granted.
2. The public's interest in the easement, plat or portion of plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
4. A Notice of Resolution 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 the Resolution as Exhibit "D".
5. This Resolution will become effective upon 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

DESCRIPTION

Parcel in
Town and River Estates, Section 1 - Unit A
(Plat Book 12, Page 143, Lee County Records)
Section.21, Township 45 South, Range 24 East
Lee County, Florida

A tract or parcel of land in Town and River Estates, Section 1 - Unit A as recorded in Plat Book 12, Page 143, Lee County Records in Section 21, Township 45 South, Range 24 East Lee County, Florida said tract or parcel being more particularly described as follows:

From the northwest corner of Lot 17, Block D as shown on the record plat of said Town and River Estates Section 1 - Unit A run S 17° 43' 00" W along the westerly line of said Lot 17 and Tract C for 142.34 feet to an intersection with the South line of said Town and River Estates, Section 1 - Unit A; thence run S 89° 00' 14" W along said South line for 76.78 feet; thence leaving said South line run N 50° 38' 35" W for 21.94 feet to a point of curvature; thence run Northerly and Northeasterly along the arc of a curve to the right of radius 26.00 feet (delta 105° 38' 11") (chord bearing N 02° 10' 31" E) (chord 41.43 feet) for 47.94 feet to a point of reverse curvature; thence run Northeasterly along the arc of a curve to the left of radius 342.09 feet (Delta 22° 19' 54") (chord bearing N 43° 49' 40" E) (chord 132.49 feet) for 133.33 feet to an intersection with the extension of the Northerly line of said Lot 17; thence run S 72° 17' 00" E along said line for 45.90 feet to the Point of Beginning.

Containing 12,367 square feet, more or less.

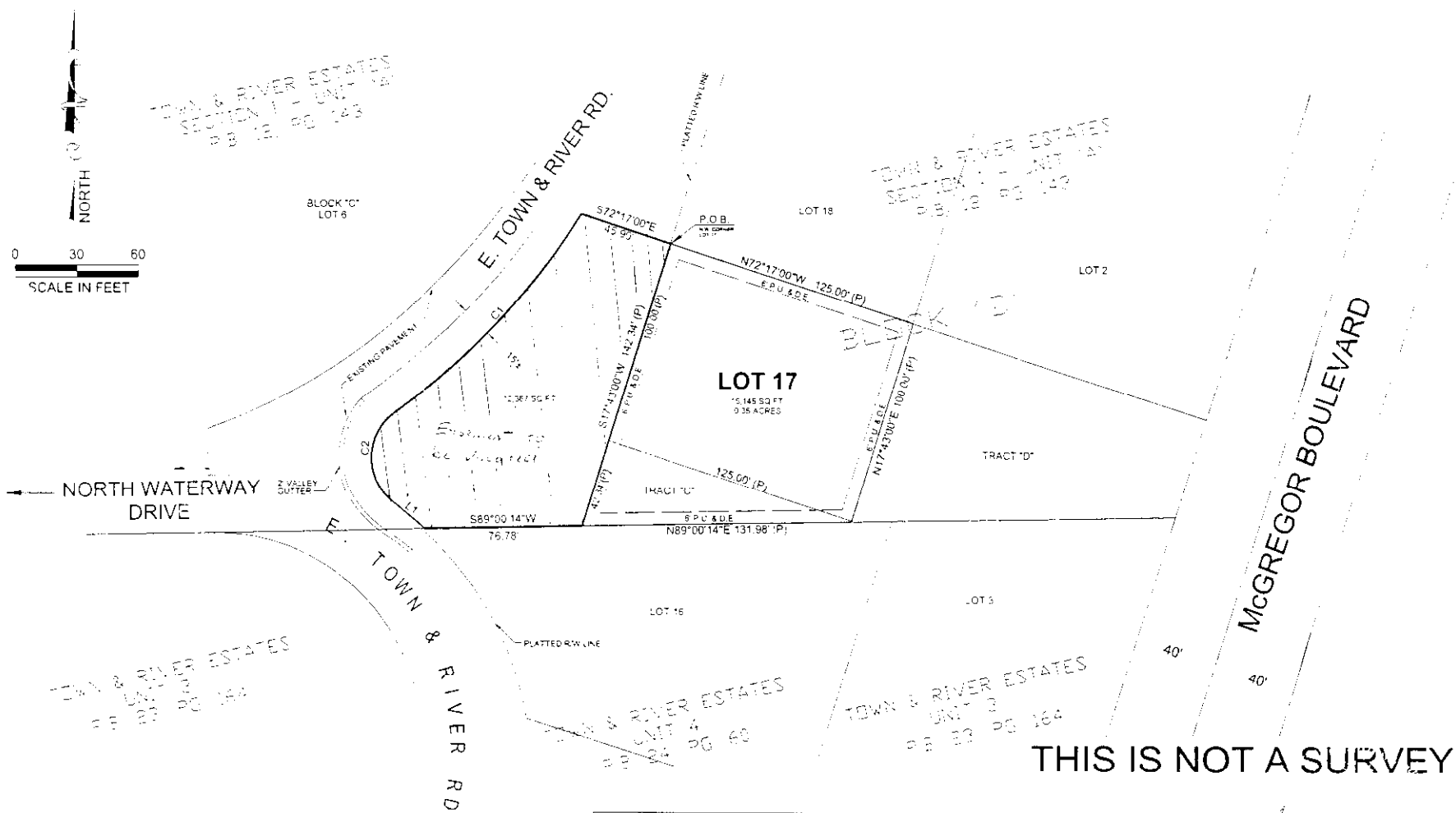
Bearings herein above mentioned are based on the Record Plat of Town and River Estates, Section 1 - Unit A, as recorded in Plat Book 12, Page 143 Lee County Records and the North line of Lot 17, Block D to bear N 72° 17' 00" W.

Scott A. Wheeler 2/21/02
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21692
2-21-02

Exhibit "A"





NOTE:

1. DESCRIPTION IS ATTACHED
2. BEARINGS SHOWN ARE BASED ON THE RECORD PLAT OF "TOWN & RIVER ESTATES SECTION 1 - UNIT A", AS RECORDED IN PLAT BOOK 12 AT PAGE 143, LEE COUNTY RECORDS, AND THE NORTH LINE OF LOT 17 BLOCK "D" TO BEAR N 72°17'00" W.

LINE TABLE		
CURVE	LENGTH	BEARING
L1	21.94'	N50°38'35"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DIST.
C1	133.33'	342.09'	22°19'54"	N43°49'40"E	132.49'
C2	47.94'	26.00'	105°38'11"	N02°10'31"E	41.43'

THIS IS NOT A SURVEY


Scott A. Wheeler 2/21/02
 SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5949

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

Barraco
 and Associates, Inc.
 CIVIL ENGINEERS, SURVEYORS AND
 LAND DEVELOPMENT CONSULTANTS
 www.barraco.net
 2771 MCGREGOR BOULEVARD
 SUITE 200
 FORT MYERS, FLORIDA 33907-2800
 PHONE: 888-461-1170
 FAX: 941-461-1181
 FLORIDA CERTIFICATE OF AUTHORIZATION
 ENGINEERING '95 SURVEYING LB 6940

**HARRY & PAM
 BALKE**
 46525
 EAST TOWN & RIVER ROAD
 FORT MYERS,
 FLORIDA 33919

PROJECT DESCRIPTION
 PARCEL IN
 TOWN & RIVER ESTATES
 SECTION 1 UNIT "A"
 PLAT BOOK 12 PAGE 143,
 LEE COUNTY RECORDS
 SECTION 21, TOWNSHIP 45
 SOUTH, RANGE 34 EAST
 LEE COUNTY, FLORIDA

PROJECT SURVEYOR

 NATIONAL DECLARATION: THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

TITLE	2771 MCGREGOR BOULEVARD
LAYOUT	LAYOUT
LOCATION	2771 MCGREGOR BOULEVARD
PL. DATE	FEBRUARY 21, 2002
PL. BY	SCOTT A. WHEELER

DRAWING DATA	
SURVEY DATE	2/15/02
DESIGNED BY	SCOTT A. WHEELER
CHECKED BY	SCOTT A. WHEELER
SCALE	AS SHOWN
FIELD BOOK	1675

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT FILE NO.	SHEET NUMBER
27002	2 OF 2