

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Adopt a Resolution on Petition VAC2003-00005 to Vacate the East 10-foot portion of a 20-foot wide Drainage and/or Public Utility Easement on Lot 14, The Timber Subdivision, as recorded in Plat Book 41, Pages 51-53, of the Public Records of Lee County, Florida.

**WHY ACTION IS NECESSARY:** It would eliminate the encroachment of a pool and pool cage that was inadvertently permitted and built in 1998. The vacation of this easement will also provide clear title for future re-sale of the property. The vacation of this 10-foot portion of the Drainage and/or Public Utility Easement will not alter existing or future drainage and/or utility requirements.

**WHAT THE ACTION ACCOMPLISHES:** Vacates the East 10-foot portion of a 20-foot wide Drainage and/or Public Utility Easement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 02

5:00 #1

**3. MEETING DATE:**

04-22-2003

**4. AGENDA**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

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

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER \_\_\_\_\_

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY [Signature] 3/19/03  
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 22nd day of April, 2003.

**LOCATION:**

Petition # VAC2003-00005, for the subject parcel to vacate is the East 10-foot portion of a 20-foot wide Drainage and/or Public Utility Easement, LESS an EXCEPT the North 6-feet and the South 6-feet thereof, on the rear lot line of Lot 14, Block B, The Timber Subdivision, as recorded in Plat Book 41, Pages 51-53, located in Section 08, Township 45 South, Range 25 East, of the Public Records of Lee County, Florida. The site is located at 11670 Timberline Circle, Ft Myers, Florida.

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
<u>[Signature]</u> for Mary Gubbs	N/A	N/A	N/A	John J Bredy 3-25-03	-OA 3/25/03	OM 3/25/03	Risk 3/24	GC 3/25/03 Ry	<u>[Signature]</u>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 3/20/03  
Time: 1:05 PM  
Forwarded To:  
Co. ADM.  
3/25/03 9 AM

RECEIVED BY  
COUNTY ADMIN. TD  
3-25-03  
9:30  
COUNTY ADMIN.  
FORWARDED TO: BH  
3/26/03

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: VAC2003-00005

WHEREAS, Petitioner Michael D. and Bethany D. Randolph 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 22<sup>nd</sup> April, 2003; 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. VAC2003-00005 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

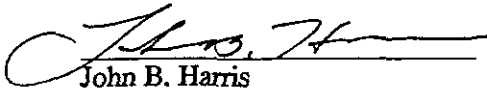
\_\_\_\_\_  
Please Print Name

DESCRIPTION:

The East 10.00 feet of part of a 20.00 foot wide Drainage and Public Utility Easement lying over and across Lot 14, Block B, The Timbers Subdivision, described as follows:

Commencing at the Northwest corner of the aforesaid Lot 14; thence run N.84°29'01"E. along the Northerly line of said Lot 14 for 10.03 feet; thence run S.01°16'48"E. for 6.02 feet to the point of beginning; thence run N.84°29'01"E. for 10.03 feet to a point on the East line of the aforesaid 20.00 foot wide easement; thence run S.01°16'48"E. along the East line of said easement for 79.47 feet; thence run S.88°43'12"W. for 10.00 feet; thence run N.01°16'48"W. for 78.72 feet to the point of beginning

Said tract contains 790.95 square feet, more or less.



John B. Harris

P.S.M. #4631

February 24, 2003

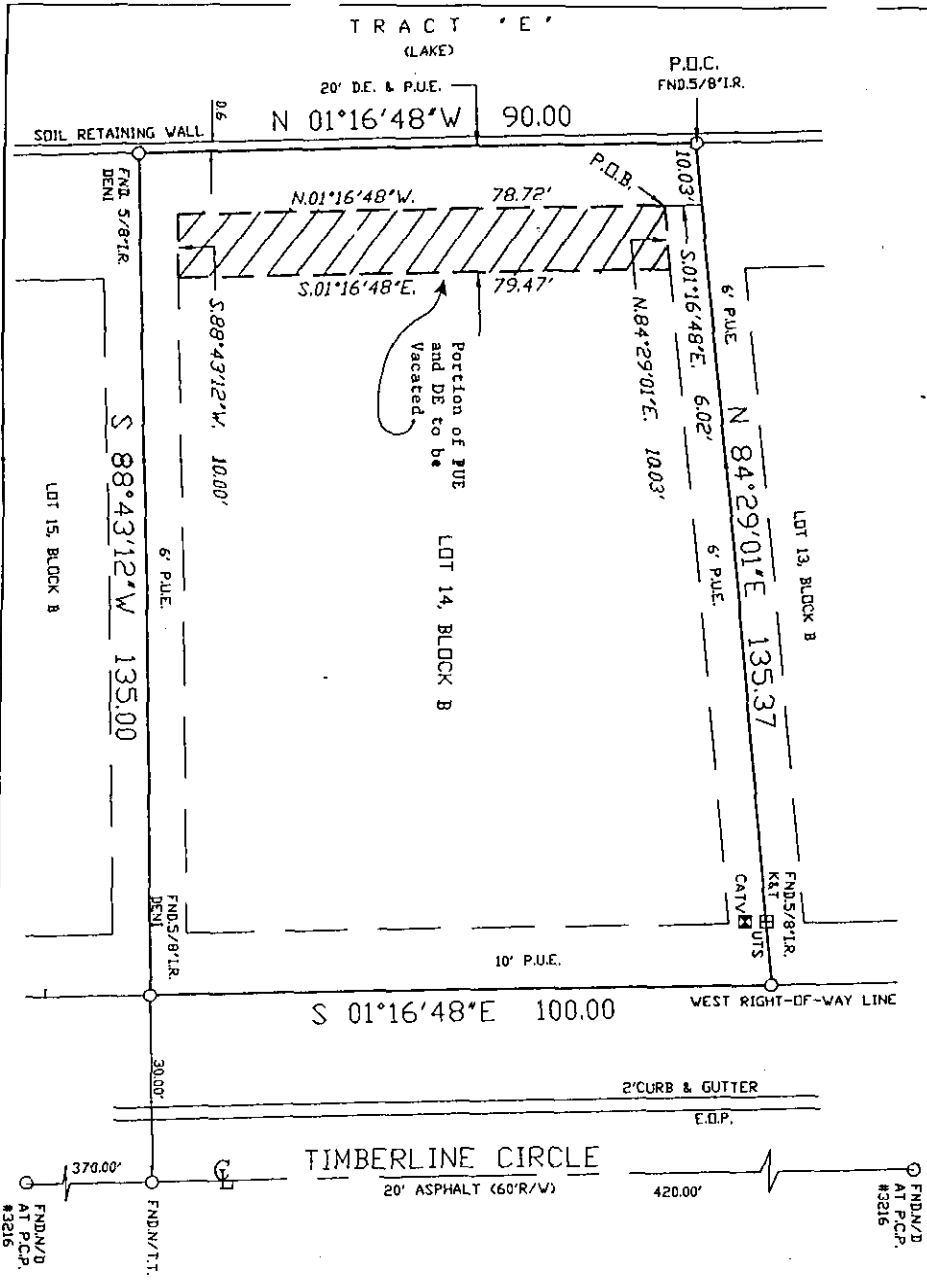
HARRIS - JORGENSEN, INC.  
 2706 S.E. SANTA BARBARA PLACE  
 CAPE CORAL, FLORIDA  
 PHONE (941) 772-9939  
 FAX (941) 772-1315

**DESCRIPTION:**

The East 10.00 feet of part of a 20.00 foot wide Drainage and Public Utility Easement lying over and across Lot 14, Block B, The Timbers Subdivision, described as follows:

Commencing at the Northwest corner of the aforesaid Lot 14; thence run N.84°29'01"E. along the Northernly line of said Lot 14 for 10.03 feet; thence run S.01°16'48"E. for 6.02 feet to the point of beginning; thence run N.84°29'01"E. for 10.03 feet to a point on the East line of the aforesaid 20.00 foot wide easement; thence run S.01°16'48"E. along the East line of said easement for 79.47 feet; thence run S.88°43'12"W. for 10.00 feet; thence run N.01°16'48"W. for 78.72 feet to the point of beginning.

Said tract contains 790.95 square feet, more or less.



SKETCH OF  
**EASEMENT RELEASE**  
**LOT 14, BLOCK "B"**  
**THE TIMBERS SUBDIVISION**

SECTION 8, TOWNSHIP 45 SOUTH, RANGE 29 EAST  
 (PLAT BOOK 41, PAGES 51-53)  
 LEE COUNTY, FLORIDA

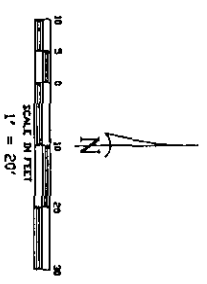
**LEGEND:**

- |   |                                |   |      |
|---|--------------------------------|---|------|
| N | NORTH                          | E | EAST |
| S | SOUTH                          | W | WEST |
| ○ | SET IRON PIN (CAP #4631)       |   |      |
| ○ | FOUND IRON PIN (FINDLX)        |   |      |
| □ | CONCRETE MONUMENT (CMO)        |   |      |
| □ | PERMANENT REFERENCE MONUMENT   |   |      |
| □ | PERMANENT CONTROL POINT        |   |      |
| ○ | AS PER DEED                    |   |      |
| ○ | AS PER SURVEY                  |   |      |
| ○ | AS MEASURED                    |   |      |
| ○ | AS PER PLAT                    |   |      |
| ○ | AS PER SURVEY                  |   |      |
| ○ | AS MEASURED                    |   |      |
| ○ | PUBLIC UTILITY EASEMENT        |   |      |
| ○ | LIME LAKE MAINTENANCE EASEMENT |   |      |
| ○ | DE. DRAINAGE EASEMENT          |   |      |
| ○ | CONCRETE BLOCK STRUCTURE       |   |      |
| ○ | RECLAIMED WATER BOX            |   |      |
| ○ | ELEV. ELEVATION                |   |      |
| ○ | FLAG. NOT HANDLED & WIRE       |   |      |
| ○ | N/T/D. N/TIT & INT'AB          |   |      |
| ○ | D/H. DRILL HOLE                |   |      |
| ○ | P.O.B. POINT OF BEGINNING      |   |      |
| ○ | P.O.C. POINT OF COMMENCEMENT   |   |      |
| ○ | P.G. POINT OF CURVATURE        |   |      |
| ○ | DR. DELTA OF CURVE             |   |      |
| ○ | R. RADIUS OF CURVE             |   |      |
| ○ | C. CHORD BEARING               |   |      |
| ○ | CB. CHORD BEARING              |   |      |
| ○ | CB. CHORD BEARING              |   |      |
| ○ | A/C. AIR CONDITIONER           |   |      |
| ○ | OV. OVERHEAD POWERLINES        |   |      |
| ○ | P.P. POWER POLE                |   |      |
| ○ | V.M. WATER METER               |   |      |
| ○ | UTS. TELEPHONE BOX             |   |      |
| ○ | E.B. ELECTRIC BOX              |   |      |
| ○ | EDP. EDGE OF PAVEMENT          |   |      |
| ○ | C/G. CURB/GUTTER               |   |      |
| ○ | CE. CENTERLINE                 |   |      |
| ○ | R/W. RIGHT-OF-WAY              |   |      |
| ○ | BM. BENCHMARK                  |   |      |
| ○ | ○. TYPICAL ELEVATION           |   |      |

**SURVEY NOTES:**

1. BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF TIMBERS CIRCLE, ASSUMED TO BEAR S.01°16'48"E.
  2. FIELD NOTES IN THE TIMBERS.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
  5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
  6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
  7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
  9. ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.).
  10. FLOOD ZONE: "F". ELEVATION: N/A. M.G.V.D.
  11. COMMUNITY: "125124". PANEL: "0250".
  12. SUFFIX: "B". REVISION DATE: 9/19/84.
- THIS SURVEY IS CERTIFIED TO:

VAC2003-00005  
 EXHIBIT "B"



PROJECT # 97-686	FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921
JOB # T-B14	
SURVEY DATE: 10/23/97	
FINAL SURVEY: 4/21/98	
RELEASE SKETCH: 9/6/02	
REVISE RELEASE: 2/24/03	
	JOHN B. HARRIS, PSM FLORIDA LAND SURVEYOR #4631