

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030361

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Adopt a Resolution on Petition VAC2002-00052 to vacate a 6-ft wide Drainage and/or Public Utility Easement along both side lot lines and across the rear lot line of Lot 45, Block A, Unit 2, Cross Creek Estates Subdivision, in Ft. Myers, Florida.

**WHY ACTION IS NECESSARY:** Rendering these easements would release unnecessary encumbrances and resolve the conflict of minimum setbacks and plated easements upon the property. **The vacation of these Drainage and/or Public Utility Easements will not alter existing or future Drainage and/or Public Utility requirements.**

**WHAT THE ACTION ACCOMPLISHES:** Vacates three individual 6-foot wide (both sides and rear) easements.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 2

*5:00 #1*

**3. MEETING DATE:**

*05-13-2003*

**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]* 4-10-03  
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 13th day of May, 2003.

**LOCATION:**

Petition # VAC2002-00052 proposes to vacate the 6-foot wide Drainage and/or Public Utility Easement along both side lot lines of Lot 45, LESS and EXCEPT the South 10-feet thereof, and vacate across the rear lot line a 6-foot drainage and/or Public Utility Easement on Lot 45, Block A, Unit 2, Cross Creek Estates Subdivision, Section 16, Township 45 South, Range 25 East, as recorded in Plat Book 55, Pages 93-97, of the Public Records of Lee County, Florida. The site is located at 12726 Kedleston Circle, Ft. Myers, Florida 33912.

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 <i>CMA 4/14/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 4-11-03	<i>[Signature]</i> 4/11/03	<i>[Signature]</i> 4/14/03	<i>[Signature]</i> 4/14/03	<i>[Signature]</i> 4/14/03	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *4/10/03*  
Time: *2:30 PM*  
Forwarded To:  
*CO. ADM.*  
*4/11/03 9AM*

RECEIVED BY  
COUNTY ADMIN. *TD*  
*4-10-03*  
*10:30*  
COUNTY ADMIN.  
FORWARDED TO:  
*4/15/03*  
*100*  
*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: VAC2002-00052

WHEREAS, Petitioner Frederick W. Schekorra and Kathy D. Schekorra 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 May 13<sup>th</sup>, 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. VAC2002-00052 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

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

## (PUBLIC UTILITY EASEMENT VACATION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND BEING A PART OF LOT 45, BLOCK A OF CROSS CREEK ESTATES UNIT 2, AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 45; THENCE N.32°24'09"W. ALONG THE WESTERLY LINE OF SAID LOT 45 FOR 10.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.32°24'09"W. ALONG SAID WESTERLY LINE FOR 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 45; THENCE N.57°35'51"E. ALONG THE NORTHERLY LINE OF SAID LOT 45 FOR 52.44 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 145.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 25°26'24" FOR 64.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 45; THENCE S.11°12'24"E. ALONG THE EASTERLY LINE OF SAID LOT 45 FOR 118.06 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 135.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.11°12'24"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°32'50" FOR 6.00 FEET; THENCE N.11°12'24"W. FOR 112.51 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 139.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.09°15'21"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°08'48" FOR 56.15 FEET; THENCE S.57°35'51"W. FOR 46.44 FEET; THENCE S.32°24'09"E. FOR 109.00 FEET; THENCE S.57°35'51"W. FOR 6.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.05 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE WESTERLY LINE OF LOT 45 BLOCK A AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING N.32°24'09"W.

DESCRIPTION PREPARED: 07-23-02

DESCRIPTION REVISED: 10-29-02

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\1320 SURVEYING\1320\_BLK A\_LOT45\_ESMF\_VAC.dwg  
S:\Jobs\1320 SURVEYING\1320\_BLK A\_LOT45\_ESMF\_VAC.dwg

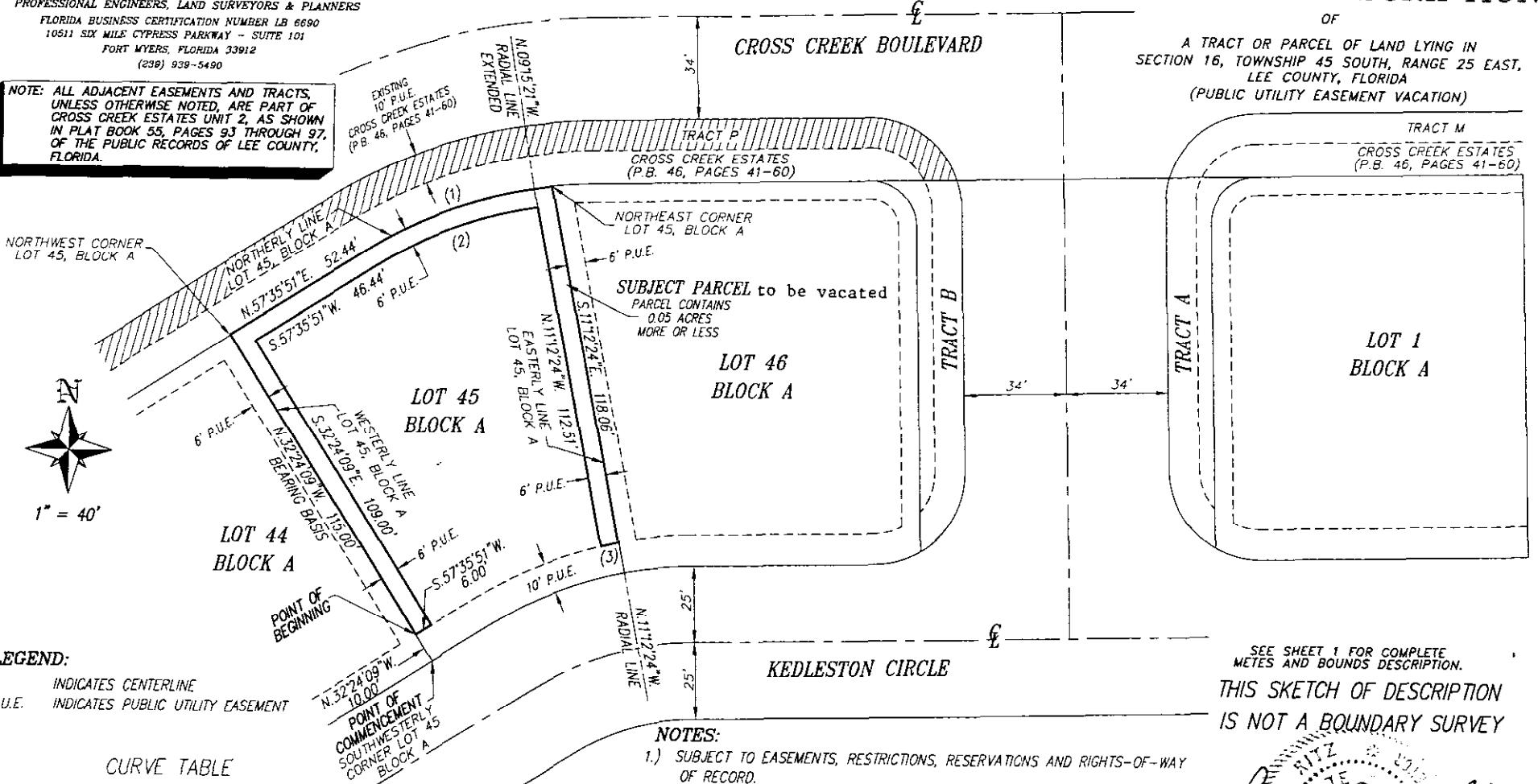
# Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 938-5490

NOTE: ALL ADJACENT EASEMENTS AND TRACTS, UNLESS OTHERWISE NOTED, ARE PART OF CROSS CREEK ESTATES UNIT 2, AS SHOWN IN PLAT BOOK 55, PAGES 93 THROUGH 97, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

# SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA  
 (PUBLIC UTILITY EASEMENT VACATION)



**LEGEND:**  
 ⊕ INDICATES CENTERLINE  
 P.U.E. INDICATES PUBLIC UTILITY EASEMENT

**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	145.00'	25°26'24"	64.38'	63.85'	N.70°19'04"E.
2	139.00'	23°08'48"	56.15'	55.77'	S.69°10'15"W.
3	135.00'	02°32'50"	6.00'	6.00'	S.77°31'11"W.

**NOTES:**  
 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.  
 2.) ASSUMED NORTH BASED ON THE WESTERLY LINE OF LOT 45, BLOCK A, CROSS CREEK ESTATES UNIT 2, AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING N.32°24'09"W.

REVISED 10-29-02  
 PREPARED 07-23-02  
 SHEET 2 OF 2

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.  
 THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4009  
 - THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**EXHIBIT "B"**

S:\JOBS\13xx\1320\SURVEYING\1320\_BLK-A\_LOT45\_ESI 3C.dwg, 10/29/2002 04:08:28 PM, Rick Ritz