

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030535

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00058 to Vacate aa portion of a Right of Way Easement known as Leetana Road, Section 21, Township 43 South, Range 25 East., and accept a replacement easement for Lee County Electric Cooperative.

WHY ACTION IS NECESSARY: To allow signage for a proposed subdivision. The vacation of the Right of Way easement will not alter existing Rights of Way and the easement is not necessary to accommodate any future Right of Way requirement.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 04

5:00 #2

3. MEETING DATE:

05-13-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC


TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY  5-1-03
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: The Right of Way Easement is located at the corner of Leetana and Pritchett Road, N. Ft. Myers, Florida, Section 21, Township 43 South, Range 25 East, and accept a replacement easement for Lee County Electric Cooperative.

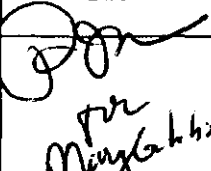

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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
	N/A	N/A	N/A	John J Pritchett 5-1-03	OA 5/1/03	OM 5/1/03	Risk 5/1/03	GC 5/1/03	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 5/1/03
Time: 9:07 AM
Forwarded To:
Cp. ASM
5/1/03 1144

FILED BY
5-1-03
1100
BY ADMIN. B/H
VEDED TO:
5/1/03

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: VAC2002-00058

WHEREAS, Petitioner Pritchett Development Co., Ltd.
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 May 13th, 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 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. VAC2002-00058 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

Banks Engineering, Inc.

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE S.00°06'48"W. ALONG THE WEST LINE OF SAID FRACTION FOR 1581.74 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF LEETANA DRIVE (86' WIDE); THENCE CONTINUE S.00°06'48"W. ALONG SAID WEST LINE FOR 95.27 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID LEETANA DRIVE AND A CURVE TO THE RIGHT HAVING A RADIUS OF 3978.06 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.25°53'42"E.; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 05°07'02.9" FOR 355.31 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 03°37'47.1" FOR 252.01 FEET; THENCE S.55°21'28"E. ALONG SAID SOUTHERLY LINE FOR 141.78 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3427.62 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 05°46'28.8" FOR 345.46 FEET TO AN INTERSECTION WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1150.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.50°45'17"W.; THENCE NORTHWESTERLY ALONG SAID CURVE PASSING THROUGH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LEETANA DRIVE AT A DISTANCE OF 264.66 FEET THROUGH A CENTRAL ANGLE OF 18°28'34" FOR 370.84 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF PRITCHETT PARKWAY THE SAME BEING A POINT OF CUSP AND A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.69°13'52"E.; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 145°24'40" FOR 76.14 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LEETANA DRIVE; THENCE N.55°21'28"W. ALONG SAID NORTHERLY LINE FOR 133.36 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID PRITCHETT PARKWAY AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH

EXHIBIT "A"
VAC 2002-00038
SHEET 1 OF 2

NOV 14 2002

A CENTRAL ANGLE OF 133°42'05" FOR 70.01 FEET TO A POINT OF CUSP AND A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.11°39'23"E.; THENCE WESTERLY ALONG SAID CURVE PASSING THROUGH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LEETANA DRIVE AT A DISTANCE OF 76.46 FEET THROUGH A CENTRAL ANGLE OF 28°51'13" FOR 276.97 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1.05 ACRES MORE OR LESS

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

BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST AS BEARING S.00°06'48"W.

DESCRIPTION PREPARED 10-24-01

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S:\Jobs\145\144733\Map\DESCRIPTIONS\1447_RW_ACS_SKI.dwg

EXHIBIT "A"
VAC 2002 CASE
SHEET 2 OF 2

VAC 2002 CASE

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2002-00058

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 13th Day of May, 2003 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

Banks Engineering, Inc.

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

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VAC 2002-0005E
SHEET 1 OF 2

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EXHIBIT "A"
VAC2002-0005E

SHEET 2 OF 2

VAC2002-0005E