

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20030525

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on petition VAC2002-00062 to vacate SCHULTE SOUTH TAMIAMI PARK Subdivision as recorded in Plat Book 5, Page 33, located in Section 28, Township 46 South, Range 25 East, Lee County, Florida; **less and except** the following: all of Second Street (W. Broadway); all of Tamiami Trail; that portion of Logan Avenue adjacent to and between Lots 13 through 17 of Block O and Lots 8 through 12 of Block N; that portion of an unnamed twenty-foot (20') wide alley along the South side of Lots 13 through 17 of Block N; Lots 1 through 13 of Block D; Lots 13 through 17 of Block O; and Lots 8 through 17 of Block N.

WHY ACTION IS NECESSARY: To eliminate the platted lot lines, right-of-way, public utility and drainage easements to allow for new development. **The vacation of this easement will not alter existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 03

5:00 #3

3. MEETING DATE:

05-13-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE FS177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- 4-29-03*
BY: Peter J. Eckenrode, Director

7. BACKGROUND: Petitioners include Dwight S. Baird, Jr.; Nola P., John H., and Jorgine D. Boomer; and Marbella Estates, Ltd..

LOCATION: This petition proposes to vacate all of SCHULTE SOUTH TAMIAMI PARK Subdivision as recorded in Plat Book 5, Page 33, located in Section 28, Township 46 South, Range 25 East, Lee County, Florida; LESS and EXCEPT the following: all of Second Street; all of Tamiami Trail; that portion of Logan Avenue adjacent to and between Lots 13 through 17 of Block O and Lots 8 through 12 of Block N; that portion of an unnamed twenty-foot (20') wide alley along the South side of Lots 13 through 17 of Block N; Lots 1 through 13 of Block D; Lots 13 through 17 of Block O; and Lots 8 through 17 of Block N.

The site is located in Estero, and bounded on the North by US 41; on the East by Western Avenue; and on the West by Breckenridge Golf Course, and extends to within a few hundred feet of the Estero River on the South end.

There are no objections to this Petition to Vacate. Staff recommends the adoption of this resolution.

Attached to this Blue sheet is the Resolution to Vacate with exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager												
<i>[Signature]</i>	N/A	N/A	N/A	<i>John J. [Signature] 4-30-03</i>	<table border="1"> <tr> <td>OA</td> <td>QM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> </tr> <tr> <td>5/1/03</td> <td>5/1/03</td> <td>5/1/03</td> <td>5/1/03</td> </tr> </table>	OA	QM	Risk	GC	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	5/1/03	5/1/03	5/1/03	5/1/03	<i>[Signature]</i>
OA	QM	Risk	GC															
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>															
5/1/03	5/1/03	5/1/03	5/1/03															

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *4/30/03*
Time: *9:20*
[Signature]

Forwarded To:
CO. ADM.
4/30/03 4PM

RECEIVED BY
COUNTY ADMIN. *TD*
4-30-03
4:30
COUNTY ADMIN. *[Signature]*
5/1 500

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: **VAC2002-00062**

Dwight S.

WHEREAS, Petitioners Baird, Jr., Trustee, Nola P., John H., and Jorgine D. Boomer; and Marbella Estates, Ltd. 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 13th day of May, 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

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. VAC2002-00062 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 13th day of May, 2003 at 5:00 p.m.

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

LEGAL DESCRIPTION:

All of SCHULTE SOUTH TAMIAMI PARK Subdivision as recorded in Plat Book 5, Page 33, located in Section 28, Township 46 South, Range 25 East, Lee County, Florida.

LESS and EXCEPT the following:

All of Second Street.

All of Tamiami Trail.

That portion of Logan Avenue adjacent to and between Lots 13 through 17 of Block O and Lots 8 through 12 of Block N.

That portion of an unnamed twenty-foot (20') wide alley along the South side of Lots 13 through 17 of Block N.

Lots 1 through 13 of Block D.

Lots 13 through 17 of Block O.

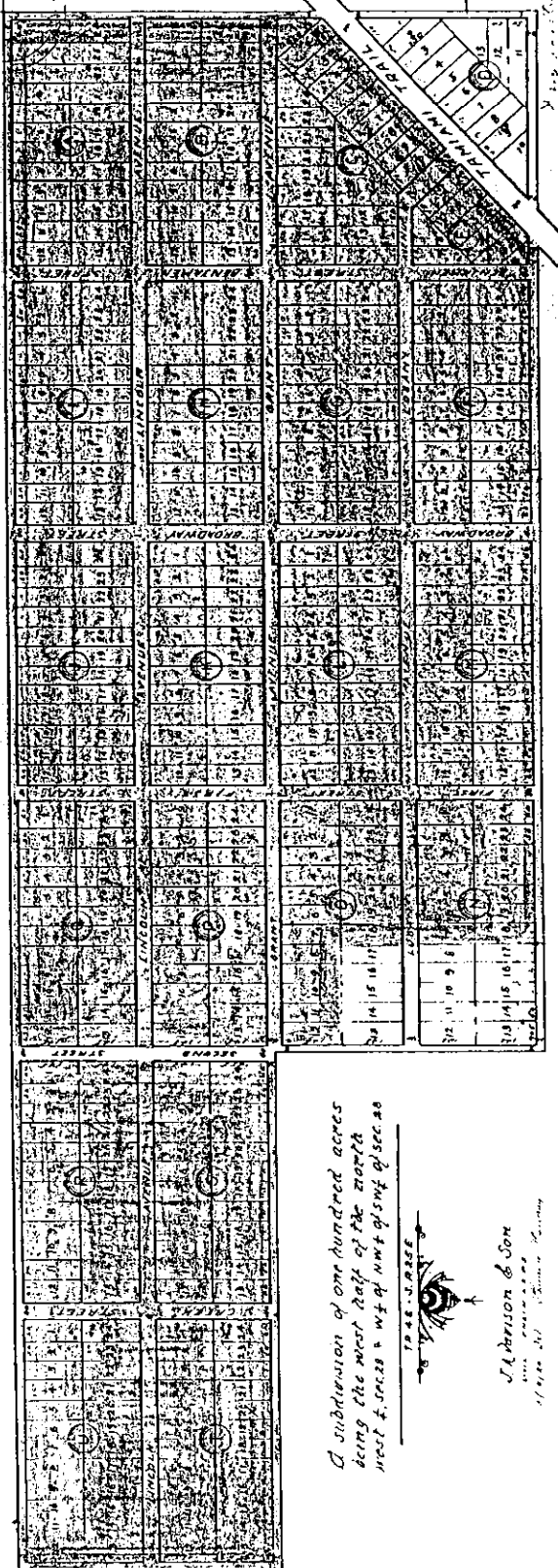
Lots 8 through 17 of Block N.

Exhibit A

SEHULTZ TAMIAMI PARK



SCALE 200 FT TO 1 IN.
SECTIONS
20 21



A subdivision of one hundred acres
being the west half of the north
west 1/4, sec 28 & w 1/4 of NW 1/4 of sec 20

1898-1899
J. Harrison & Son
1111 ...
St. Petersburg, Fla.

770,28654

FILED IN THE OFFICE OF THE
Clerk of the Circuit Court,
LEE COUNTY, FLA.
On this 12th day of ...
J. ...
Clerk of Circuit Court

To be Vacated