

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

Blue Sheet No.20031188

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a petition to vacate a 40-foot wide drainage easement located along the rear of 17100 Phlox Drive, Fort Myers, Florida. (Case No. VAC2003-00033)

**WHY ACTION IS NECESSARY:** In order to fulfill a requirement of a settlement agreement between Lee County and the property owners to allow parking in this easement area as a result of right-of-way taken by Lee County for Alico Road. **The vacation of this easement will not alter existing drainage and/or utility conditions and the easement is not necessary to accommodate any future drainage and/or utility requirements.**

**WHAT ACTION ACCOMPLISHES:** Vacates the drainage easement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #: 5

**5:00 # 2**

**3. MEETING DATE:**

**10-28-2003**


**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- 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:  10/6/03
- Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on October 28th, 2003.

**LOCATION:** Petition No. VAC2003-00033 proposes to vacate a 40 foot wide drainage easement centered on the lot lines common to Lots 1 through 4, Block 224, Unit 15, San Carlos Park Subdivision, as recorded at OR Book 50, Pages 509 through 512, in the public records of Lee County, Florida located in Section 9, Township 46 South, Range 25 East. The site is located at 17100 Phlox Drive, Fort 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 bluesheet is the Resolution 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 OM Risk GC			G County Manager
<i>Man (g/bh)</i>	N/A	N/A	N/A	<i>John 10-8-03</i>	<i>John 10/9/03</i>	<i>John 10/9/03</i>	<i>John 10/9/03</i>	<i>HS 10/9/03</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

**Rec. by COATEY**  
 Date: 10/8/03  
 Time: 1:00 PM  
 Forwarded To:  
Co. Admin.  
10/9/03 7 AM

**RECEIVED BY  
COUNTY ADMIN.** TD  
10/9/03  
**COUNTY ADMIN  
FORWARDED TO:**  
10/9/03  
3PM

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: VAC2003-00033

WHEREAS, Petitioners William J. Richards and Flora V. Rodrigues, and The Lee County Department of Transportation (Lee County, Florida) 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 28<sup>th</sup> of October, 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. VAC2003-00033 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 28<sup>th</sup> day of October, 2003.

ATTEST:  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

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

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Chairman Signature

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

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00033**

**Legal Description**

A Drainage Easement on a portion of Lots 1, 2, 3 and 4, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in Official Records (O.R.) Book 50, at Pages 509 through 512 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the Point of Commencement (P.O.C.) at the northwest corner of Section 9, Township 46 South, Range 25 East, Lee County, Florida; thence run South 01° 12' 39" East along the west line of the northwest quarter of said Section 9, for a distance 50.01 feet to a point 50.00 feet southerly of, as measured at right angles to, the north line of the northwest quarter of said Section 9 and a point on the original southerly right-of-way line of Alico Road, a right-of-way of variable width, the same being the northwest corner of Lot 1, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in O.R. Book 50, Pages 509 through 512 of the Public Records of Lee County, Florida; thence continue South 01° 12' 39" East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 25.50 feet to the Point of Beginning (P.O.B.) of the parcel of land herein described; thence continue South 01° 12' 39" East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 136.04 feet to the southwest corner of Lot 4, Block 224 of said Unit 15 of San Carlos Park; thence run North 88° 45' 11" East along the southerly boundary of said Lot 4, for a distance of 40.00 feet to a point 40.00 feet easterly of, as measured at right angles to, the westerly boundary of said Block 224; thence run North 01° 12' 39" West parallel with the westerly boundary of said Block 224, for a distance of 135.41 feet to a point 25.50 feet southerly of, as measured at right angles to, the northerly boundary of said Block 224; thence run South 89° 39' 11" West parallel with the northerly boundary of said Block 224, for a distance of 40.00 feet to the Point of Beginning (P.O.B); containing 5,428.9 square feet, more or less.

Bearings refer to the north line of Lot 1, Block 224, Unit 5 San Carlos Park, an unrecorded plat, according to the map recorded at O.R. Book 50, at Pages 509 through 512, of the Public Records of Lee County, Florida, as being South 89° 39' 11" West.

# Exhibit "B"

## Petition to Vacate

### VAC2003-00033

**PROPERTY DESCRIPTION**

A PORTION OF LOTS 1, 2, 3, AND 4, BLOCK 224, UNIT 15, SAN CARLOS PARK, AN UNRECORDED PLAT, ACCORDING TO THE MAP RECORDED IN O.R. BOOK 50 AT PAGES 509 THROUGH 512 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.01°12'39"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 50.01 FEET TO A POINT 50.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 AND A POINT ON THE ORIGINAL SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, A RIGHT-OF-WAY OF VARIABLE WIDTH, THE SAME BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 224, UNIT 15, SAN CARLOS PARK, AN UNRECORDED PLAT, ACCORDING TO THE MAP RECORDED IN O.R. BOOK 50 AT PAGES 509 THROUGH 512 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.01°12'39"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 AND ALONG THE WESTERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 25.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.01°12'39"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 AND ALONG THE WESTERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 136.04 FEET TO THE SOUTHWEST CORNER OF LOT 4, BLOCK 224 OF SAID UNIT 15 OF SAN CARLOS PARK; THENCE RUN N.88°45'11"E, ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 4, FOR A DISTANCE OF 40.00 FEET TO A POINT 40.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WESTERLY BOUNDARY OF SAID BLOCK 224; THENCE RUN N.01°12'39"W, PARALLEL WITH THE WESTERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 135.41 FEET TO A POINT 25.50 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY BOUNDARY OF SAID BLOCK 224; THENCE RUN S.89°39'11"W, PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; CONTAINING 5428.9 SQUARE FEET, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE NORTH LINE OF LOT 1, BLOCK 224, UNIT 15, SAN CARLOS PARK, AN UNRECORDED PLAT, ACCORDING TO THE MAP RECORDED IN O.R. BOOK 50 AT PAGES 509 THROUGH 512 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING S.89°39'11"W.

HOLE MONTES, INC.  
CERTIFICATION OF AUTHORIZATION LB #1772

BY *Thomas J. Carris*  
THOMAS J. CARRIS

P.L.S. #3741  
STATE OF FLORIDA

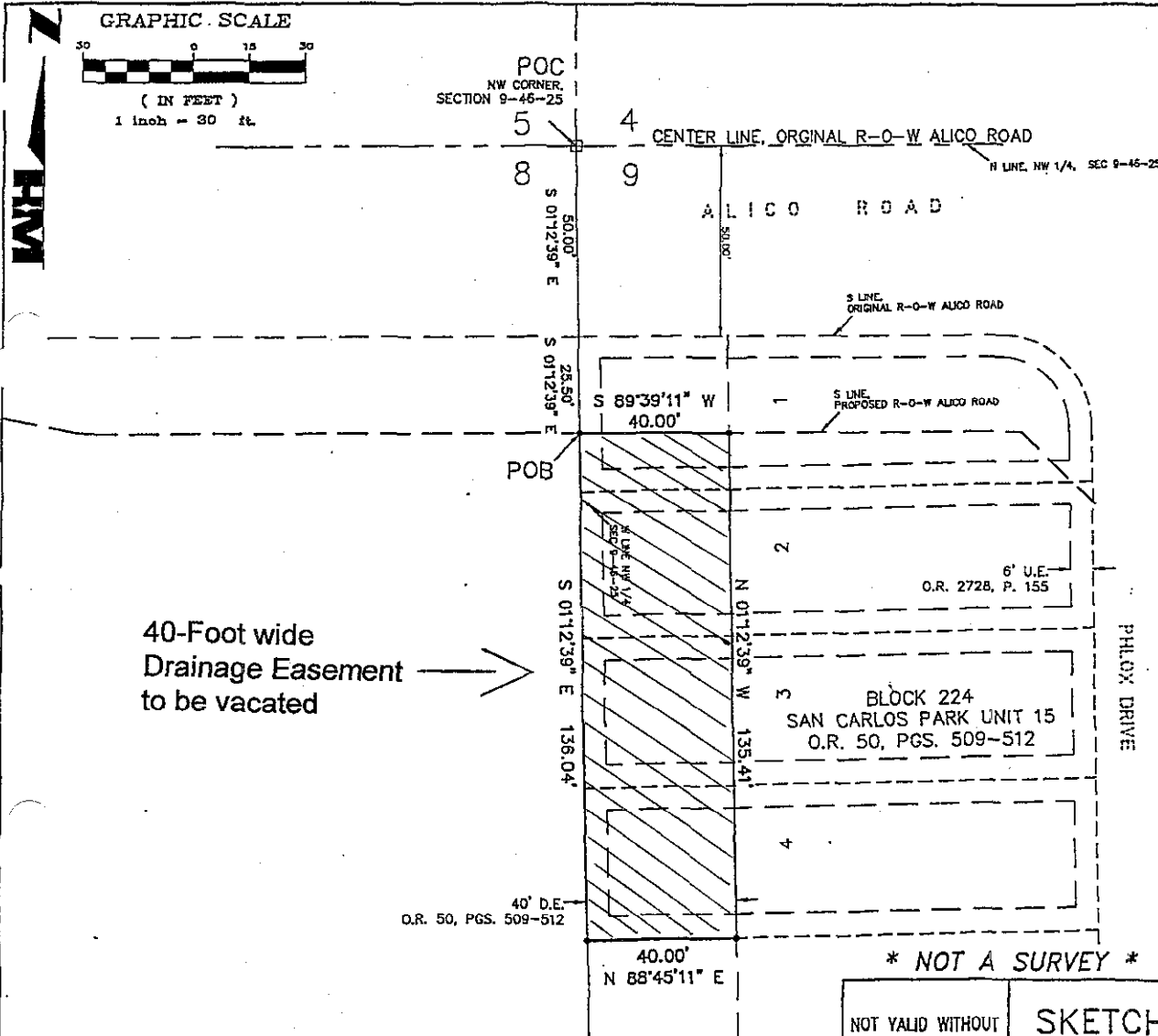
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

### SKETCH AND LEGAL DESCRIPTION

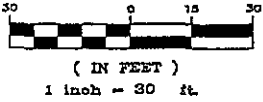
OF A PORTION OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST

LEE COUNTY FLORIDA

REVISION No.	DESCRIPTION	DATE
REVISIONS		
DRAWN BY:	DATE 8/02	SECTION 8
BEN	P.L. 837	TOWNSHIP 46
CHECKED BY:	PAGE 25-41	RANGE 25
TJG	REFERENCE	P15
		PROJECT No. 97.051
		DRAWING No. B-3957



**GRAPHIC SCALE**



**H.M.**

40-Foot wide  
Drainage Easement  
to be vacated

40' D.E.  
O.R. 50, PGS. 509-512

\* NOT A SURVEY \*

**LEGEND**  
FOC POINT OF COMMENCEMENT  
POB POINT OF BEGINNING

**H.M.**  
**HOLE MONTES**  
ENGINEERS · PLANNERS · SURVEYORS

950 Encore Way  
Naples, Florida 34110  
Phone: (941) 254-2000  
Florida Certificate of  
Authorization No.1772