

1. **REQUESTED MOTION:**

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a ±290' long portion of a platted 20-foot wide Sanitary Sewer Easement located within Lot 10 of Market Square (Target Plaza on US 41 South), Fort Myers, Florida. (Case No. VAC2003-00061)

WHY ACTION IS NECESSARY: To construct a new commercial building. The vacation of this easement will not alter existing drainage utility conditions and the easement is not necessary to accommodate any future utility requirements.

WHAT ACTION ACCOMPLISHES: Vacates the Sanitary Sewer Easement.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #: 5

04

5:00 #1

3. **MEETING DATE:**

12-09-2003

4. **AGENDA:**

5. **REQUIREMENT/PURPOSE:**
(Specify)

STATUTE F.S. Ch. 177
 ORDINANCE
 ADMIN. CODE 13-1
 OTHER

6. **REQUESTOR OF INFORMATION:**

A. COMMISSIONER
B. DEPARTMENT Community Development
C. DIVISION Development Services
BY: *[Signature]* 11/25/03

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 December 9th, 2003.

LOCATION: Petition No. VAC2003-00061 proposes to vacate an approximately 290' long portion of a platted 20-foot wide Sanitary Sewer Easement located within Lot 10 of the subdivision of Market Square, as recorded in Plat Book 53, Pages 11 through 14, Section 24, Township 45 South, Range 24 East, of the Public Records of Lee County, Florida. The site is located between Target and Barnes & Noble in the Market Square Plaza at the southeast corner of US 41 & Daniels Road.

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 Resources	D Other	E County Attorney	F Budget Services <i>(11/25/03)</i>			G County Manager
					OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 11-25-03	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11/25/03	<i>[Signature]</i> 11-25-03	<i>[Signature]</i>

10. **COMMISSION ACTION:**

____ APPROVED
____ DENIED
____ DEFERRED
____ OTHER

Rec. by CoAtty
Date: 11/25/03
Time: 1:55
[Signature]
11/25/03 3PM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11/25/03
2:15pm SLT
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11/25/03

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: VAC2003-00061

WHEREAS, Petitioner **Christine Partners, 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 at 5:00 PM on December 9, 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. VAC2003-00061 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 9th of December 2003.

ATTEST:
CHARLIE GREEN, CLERK

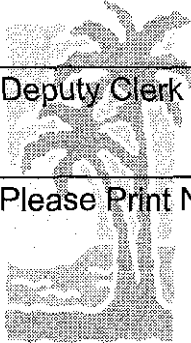
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name



LEE COUNTY

APPROVED AS TO FORM

SOUTH WEST FLORIDA

County Attorney Signature

Please Print Name

EXHIBIT "A"
VAC2003-00061

DESCRIPTION

**CENTERLINE SANITARY SEWER EASEMENT 10' WIDE
LOT 10, MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THROUGH 14)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA**


A STRIP OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 10 MARKET SQUARE AS RECORDED IN PLAT BOOK 53, PAGES 11 THROUGH 14, PUBLIC RECORDS OF LEE COUNTY, FLORIDA LYING 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

FROM THE SOUTHWEST CORNER OF SAID LOT 10 RUN N 89°07'22" E ALONG THE SOUTHERLY LINE OF LOT 10 FOR 325.53 FEET; THENCE N 01° 14'48" W FOR 30.59 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINE OF SAID 10 FOOT WIDE SANITARY SEWER EASEMENT: S 84°19'29" E FOR 84.31 FEET, N 88°45'12" E FOR 192.73 FEET, N 74°40'22" E FOR 11.28 FEET TO THE END OF SAID CENTERLINE EASEMENT.

CONTAINING 2,883 SQUARE FEET MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE EASTERLY RIGHT-OF-WAY OF U.S. 41 AS N 01°14'48" W PER SAID RECORD PLAT.

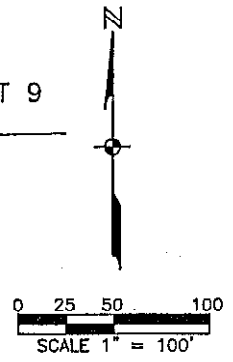


Leland Clayton Gates, III
Professional Surveyor and Mapper
Florida Registration No. 5710

N:\20030000\20033857\Lot 10 Market Square 4.lgl

EXHIBIT "B"
VAC2003-00061

LOT 9

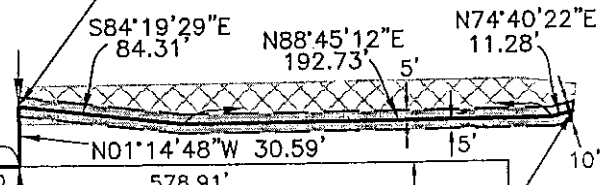


US 41 - TAMiami TRAIL
EASTERLY LINE OF US 41
N01°14'48"W BEARING BASIS

BARNES & NOBLE
31,315±SQ. FT.
(OR 2633, PAGE 2184)
PUBLIC RECORDS OF
LEE COUNTY, FLORIDA

LOT 10
MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THROUGH 14)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Easement to be vacated:
POINT OF BEGINNING CENTERLINE
10' WIDE UTILITY EASEMENT



N89°07'22"E 325.73'
N89°07'22"E SOUTHERLY LINE LOT 10 578.91'
ELECTRONICS LANE
50' WIDE INGRESS / EGRESS EASEMENT (OR 1177, PAGE 1033)

POINT OF COMMENCEMENT
SOUTHWEST CORNER LOT 10
MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THRU 14)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

POINT OF TERMINUS

NOT A SURVEY

LELAND CLAYTON GATES, III: (FOR THE FIRM LB: 642)
PROFESSIONAL SURVEYOR AND MAPPER,
FLORIDA REGISTRATION CERTIFICATE NO. 5710

DATE SIGNED: SEP 09 2003
NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

NOTES:

1. THIS SKETCH DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
2. DESCRIBED PARCEL CONTAINS 2883 SQUARE FEET MORE OR LESS.
3. BEARINGS ARE ASSUMED & BASED ON THE EASTERLY LINE OF US 41 AS N01°14'48"W.
4. SKETCH IS NOT VALID WITHOUT ACCOMPANYING DESCRIPTION.

J:\20030000\20033857\S & D LT 10 SAN.dwg (S & D LT 10 SAN) JUM Sep 09, 2003 - 5:03pm

JOHNSON
ENGINEERING

18501 MURDOCK CIRCLE, SUITE 404
PORT CHARLOTTE, FL 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #642 & L.B. #642

SKETCH TO
ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
07/24/03	20033857	24-45-24	AS SHOWN	2 OF 2