

1. **REQUESTED MOTION:**

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 15-foot wide Public Utility Easement at the southernmost portion of Tract "V" and 10-foot wide Public Utility Easement at the northernmost portion of Tract "U" within HealthPark, Florida 33908 (Case No. VAC2003-00071)

WHY ACTION IS NECESSARY: To construct a gate at the entrance to a proposed residential subdivision. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any utility requirements.

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #: 1

04
5:00 #2

3. **MEETING DATE:**

03-09-2004

4. **AGENDA:**

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

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]* 2-19-04

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 March 9th, 2004.

LOCATION: Petition No. VAC2003-00071 proposes to vacate a 15-foot wide Public Utility Easement at the southernmost portion of Tract "V" and 10-foot wide Public Utility Easement at the northernmost portion of Tract "U". A tract of land lying in Section 33, Township 45 South, Range 24 East, as shown on the plat of Phase I-F, HealthPark Florida West as recorded in Plat Book 53 at Pages 81 through 90, of the Public Records of Lee County, Florida 33908. The strap number is 33-45-24-04-00T00.0000

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>Admin 2/24/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i> 2-23-04	<i>180</i> 2/24/04	<i>AB</i> 2/24/04	<i>2</i> 3/2/04	<i>168</i> 2-24-04	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 2-20-04
Time: 4:30

RECEIVED BY
COUNTY ADMIN
2/23/04
3:30 pm SLT
COUNTY ADMIN
FORWARDED TO:
2/25/04
gucam

*Forwarded to
Co. Admin.
2/23/04 1PM*

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: VAC2003-00071

WHEREAS, Petitioner LEE HEALTH VENTURES, INC.
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 March 9th, 2004; 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. VAC2003-00071 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

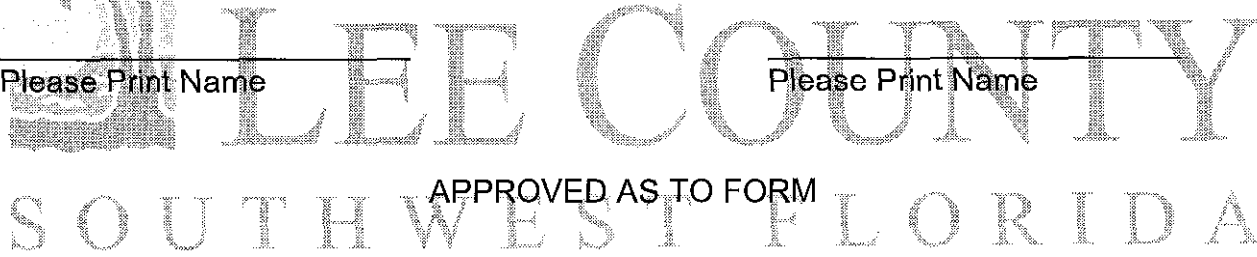
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name



APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
VAC 2003-00071
Page One of Two
July 3, 2003

DESCRIPTION

**VACATION OF PART OF A 15 FOOT UTILITY EASEMENT
PHASE I-F, HEALTHPARK FLORIDA WEST
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

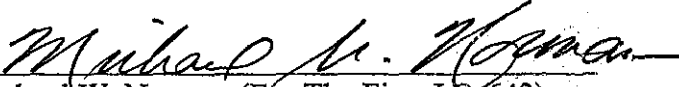
A strip of land 15 feet wide lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida being a part of a 15 Foot Utility Easement lying within Tract "V" and Tract "W" as shown on the Plat of Phase I-F, HealthPark Florida West as recorded in Plat Book 53 at Pages 81 through 90, Public Records of Lee County, Florida, which strip of land is described as follows:

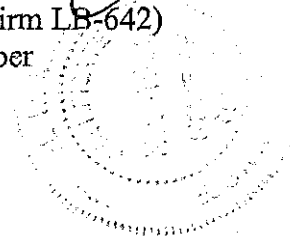
From the corner common to the northwest corner of Tract "T" with the southwest corner of Tract "W" as shown on said plat, run N 33° 03' 36" W along the west line of said Tract "W" for 15.05 feet to an intersection with a line that is 15.00 feet north of (as measured on perpendicular) and parallel with the north line of said Tract "T"; thence run N 61° 33' 44" E along said parallel line for 304.69 feet to an intersection with the east line of Tract "V" as shown on said plat; thence run S 47° 48' 20" E along said tract line for 15.90 feet to an intersection with the north line of said Tract "T"; thence run S 61° 33' 44" W along the north line of said tract also being the south line of Tract "V" and Tract "W" for 308.76 feet to the Point of Beginning.

Parcel contains 4,601 square feet, more or less.

~~SUBJECT TO easements, restrictions and reservations of record.~~

Bearings hereinabove mentioned are based on the Plat of Phase I-F, HealthPark Florida West as recorded in Plat Book 53 at Pages 81 through 90, Public Records of Lee County, Florida wherein the south line of Tract "T" bears S 61° 33' 44" W.


Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500



20033872/15' Utility Easement 070303

EXHIBIT "A"

VAC2003 - 00071

Page Two of Two

July 3, 2003

DESCRIPTION

**VACATION OF A 10 FOOT UTILITY EASEMENT
PHASE I-F, HEALTHPARK FLORIDA WEST
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA**

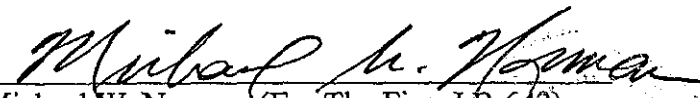
A strip of land 10 feet wide lying in Section 33, Township 45 South, Range 24 East, Lee County, Florida being all of a 10 Foot Wide Utility Easement as shown on the plat of Phase I-F, HealthPark Florida West as recorded in Plat Book 53 at Pages 81 through 90, Public Records of Lee County, Florida, which strip of land is described as follows:

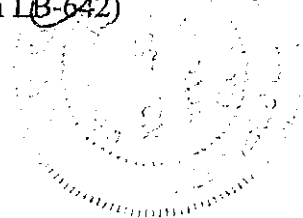
From the corner common to the southwest corner of Tract "T" with the northwest corner of Tract "U" as shown on said plat, run the following courses and distances along the perimeter of said 10 Foot Utility Easement: N 61° 33' 44" E for 281.10 feet along the line common to Tracts "U" and "T" to the northeast corner of said Tract "U"; thence run S 28° 26' 16" E along said easement for 10.00 feet; thence run S 61° 33' 44" W along a line that is 10.00 feet south of (as measured on perpendicular) and parallel with the south line of said Tract "T" for 281.10 feet to an intersection with the west line of said Tract "U"; thence run N 28° 26' 16" W for 10.00 feet to the Point of Beginning.

Parcel contains 2,811 square feet, more or less.

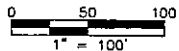
~~SUBJECT TO easements, restrictions and reservations of record.~~

Bearings hereinabove mentioned are based on the Plat of Phase I-F, HealthPark Florida West as recorded in Plat Book 53 at Pages 81 through 90, Public Records of Lee County, Florida wherein the south line of Tract "T" bears S 61° 33' 44" W.


Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500



20033872/Description 070303



TRACT W (2)

TRACT V (2)

LOT 9 (2)

LAKE

20' LAKE MAINTENANCE EASEMENT

15' UTILITY EASEMENT (PB 53, PG 81-90)

HEALTHPARK CIRCLE

15-foot wide utility easement to be vacated

TRACT G (1)

10' UTILITY EASEMENT (OR 2812, PG 1997)

PARCEL G-1

POB--PARCEL 1
NW CORNER TRACT "T"
SW CORNER TRACT "W"

PARCEL G-2

10' UTILITY EASEMENT (PB 53, PG 81-90)

20' LAKE MAINTENANCE EASEMENT

POB--PARCEL 2
SW CORNER TRACT "T"
NW CORNER TRACT "U"

TRACT U (2)

10-foot wide utility easement to be vacated

LAKE TRACT F (1)

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF PHASE I-F, HEALTHPARK FLORIDA WEST AS RECORDED IN PLAT BOOK 53, PAGES 81-90, IN LEE COUNTY PUBLIC RECORDS, WHEREIN THE SOUTH LINE OF TRACT "T" BEARS S61°33'44"W.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POB = POINT OF BEGINNING
4. DESC. = DESCRIPTION
5. DESCRIPTION ATTACHED.

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.05	N33°03'36"W
L2	15.90	S47°48'20"E
L3	10.00	N28°26'16"W
L4	10.00	S28°26'16"E

- (1) HEALTHPARK FLORIDA WEST PLAT BOOK 47, PAGES 1-9
- (2) PHASE I-F, HEALTHPARK FLORIDA WEST PLAT BOOK 53, PAGED 81-90

EXHIBIT "B"
VAC.2003-00071

THIS IS NOT A SURVEY

Michael W. Norman

MICHAEL W. NORMAN (FOR THE F.W.D.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4590

DATE SIGNED: OCT 29 2003

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

UTILITY EASEMENT VACATIONS
PHASE 1-F HEALTHPARK FLORIDA WEST
(PLAT BOOK 53, PAGES 81-90)
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
07/01/03	20033672	33-45-24	1" = 100'	1 OF 1

S:\033872\145-2-2-03\sketch.dwg (SHEET) KLL Oct 30, 2003 - 9:01am