

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution to Vacate a 10-foot wide Public Utility Easement located off of Palm Beach Boulevard (S.R. 80), southeasterly of I-75 at 4290 Boatsway Rd., Fort Myers, Florida 33905, (Case No. VAC2004-00003).

**WHY ACTION IS NECESSARY:** To construct a multi story hotel. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility Easement, and provides the County with a replacement utility easement to FPL.

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

04

5:00 #1

**3. MEETING DATE:**

05-25-2004

**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
  - B: *[Signature]* 5/4/04
- 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 May 25, 2004.

**LOCATION:** Petition No. VAC2004-00003 proposes to vacate a 10-foot wide Public Utility Easement situated in Lot 1, Orange River Centre, as recorded in Plat Book 48, Page 67, Section 3, Township 44 South, Range 25 East, of the Public Records of Lee County, Florida, **LESS and EXCEPT** the northerly 10-feet and the southerly 12-feet of each easement. The site is located at 4290 Boatsway Rd., Fort Myers, Florida 33905 and its strap number is 03-44-25-10-00000.001A

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares. *JH*

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<br>Department Director | B<br>Purchasing or Contracts | C<br>Human Resources | D<br>Other | E<br>County Attorney         | F<br>Budget Services<br><i>at 7/5/04</i> |                              |                              | G<br>County Manager |
|--------------------------|------------------------------|----------------------|------------|------------------------------|--|------------------------------|------------------------------|---------------------|
|                          |                              |                      |            |                              | OM                                       | Risk                         | GC                           |                     |
| <i>Mary Gibbs</i>        | N/A                          | N/A                  | N/A        | <i>[Signature]</i><br>5-4-04 | <i>[Signature]</i><br>5/5/04             | <i>[Signature]</i><br>5/5/04 | <i>[Signature]</i><br>5/5/04 | <i>[Signature]</i>  |

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 5/4/04  
Time: 4:20 PM  
Forwarded To:  
SMT.DOC  
Co. Adm.  
5/5/04 9AM

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
05/05/04  
9:45am SLT  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
5-6-04  
8AM

*[Handwritten mark]*

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: VAC2004-00003

WHEREAS, Petitioner Fourstar Investment Group, 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 25<sup>th</sup> of May, 2004 at 5 PM; 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. VAC2004-00003 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

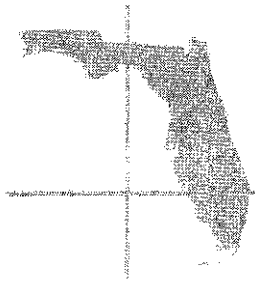
\_\_\_\_\_  
Please Print Name

LEE COUNTY  
SOUTHWEST FLORIDA

APPROVED AS TO FORM

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

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



# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION  
OF AN EASEMENT LYING IN  
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

(10' FLORIDA POWER & LIGHT EASEMENT)  
(TO BE VACATED)

A 10 FOOT WIDE FLORIDA POWER & LIGHT EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING OVER, ACROSS AND THROUGH A PART OF LOT 1, ORANGE RIVER CENTRE A SUBDIVISION RECORDED IN PLAT BOOK 48, PAGE 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S.88°45'42"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 227.03 FEET; THENCE N.00°34'52"W. FOR 12.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S.88°45'42"W. FOR 10.00 FEET; THENCE N.00°34'52"W. FOR 209.85 FEET; THENCE N.89°11'12"E. FOR 10.00 FEET; THENCE S.00°34'52"E. FOR 209.77 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 2,098 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, ORANGE RIVER CENTRE BEING S.88°45'42"W.

METRON SURVEYING & MAPPING, LLC  
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

3-9-2004

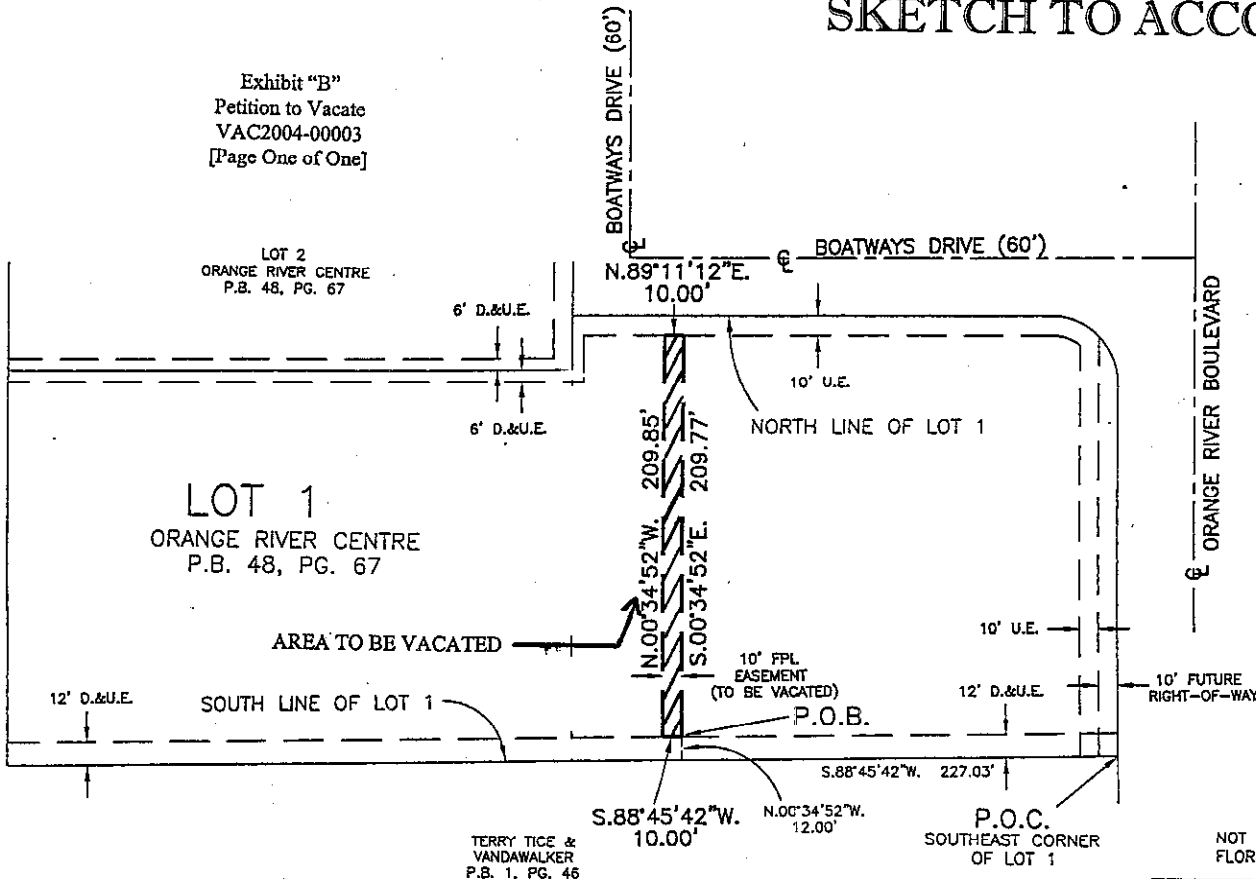
SCOTT M. SHORE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5743

DATE

Exhibit "A"  
Petition to Vacate  
VAC2004-00003  
[Page One of One]

# SKETCH TO ACCOMPANY DESCRIPTION

Exhibit "B"  
Petition to Vacate  
VAC2004-00003  
[Page One of One]



Curve number 1  
Radius= 35.00'  
Delta= 90°03'52"  
Arc= 55.02'  
Chord= 49.53'  
Chord Brg.= S.45°46'52\"E.



## ORANGE RIVER CENTRE

A REPLAT OF A PART OF TERRY-TICE & VANDAWALKERS SUBDIVISION INCLUSIVE OF LOTS 4, 5, & 8 1/2, AND UN-NAMED ROAD, PLAT BOOK 1, PAGE 46, AND A REPLAT OF PART OF ALTA VISTA SUBDIVISION (MISSOURI DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.


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

### LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- P.B. = PLAT BOOK
- PG. = PAGE
- FPL = FLORIDA POWER & LIGHT COMPANY
- U.E. = UTILITY EASEMENT
- D.&P.U. = DRAINAGE & UTILITY EASEMENT

### LINE TABLE

| Line | Bearing        | Distance |
|------|----------------|----------|
| L1   | N.00°48'48\"W. | 27.85'   |

|   |                         |  |                    |
|---|-------------------------|--|--------------------|
| TITLE: SKETCH OF DESCRIPTION  |                         |  |                    |
| <br><b>METRON</b><br>SURVEYING & MAPPING, LLC<br>LAND SURVEYORS-PLANNERS<br>LB# 7071 |                         | 5245 RAMSEY WAY, SUITE #2<br>FORT MYERS, FLORIDA 33907<br>PHONE: (239) 275-8575<br>FAX: (239) 275-8457<br><br>www.metronfl.com |                    |
| FILE NAME:<br>2911 LT2 SK.DWG   | FIELD BOOK/PAGE:<br>N/A | PROJECT NO.:<br>2911   | SHEET:<br>3-44-25  |
| SKETCH DATE:<br>3-9-2004  | DRAWN BY:<br>MJM        | SCALE:<br>1" = 80'   | CHECKED BY:<br>SMS |