

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a portion of Platted Waterway/Canal Right-of-Way located at 11828 Island Ave., Matlacha, Florida. (Case No. VAC2004-00014), and to authorize the Chairman to accept the donation of a replacement Perpetual Stormwater Drainage Easement Grant in favor of Lee County.

WHY ACTION IS NECESSARY: To extinguish any public rights to a narrow filled "hiatus strip" located between the homeowner's lot line and the existing limits of the excavated canal, and also to restore the original's developer's intent for this lot to abut the waterway. **The vacation of the canal will not alter existing waterway/canal conditions and the easement is not necessary to accommodate any future waterway/canal requirements.** The Board must accept all conveyances of real estate interests to the County.

WHAT ACTION ACCOMPLISHES: Vacates the Platted Waterway/Canal Right-of-Way, and provides a necessary replacement drainage easement to the County.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 1

04

5:00 #2

3. MEETING DATE:

06-22-2004

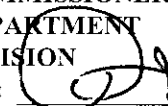
4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

- (Specify) F.S. Ch. 125 ^{vic}
- STATUTE F.S. Ch. 177
 - _____ ORDINANCE
 - ADMIN. CODE 13-1 (PTV) ^{ll}
 - _____ OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY:  5/26/04

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 **22nd day of June, 2004.**

LOCATION: The site is located at **11828 Island Ave., Matlacha, Florida 33993** and the strap number is 14-44-22-04-00000.4310. Petition No. VAC2004-00014 proposes to vacate a portion of Platted Waterway/Canal Right-of-Way beginning at the southeasterly corner of Lot 431, Scallop Harbor as shown on the plat of Unit no. 2 sixth addition to Island Harbors as recorded in Plat Book 12 at Page 93 among the Public Records of Lee County, Florida.

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. However, the replacement drainage easement is being held in trust by the County pending the outcome of the public hearing on the request to vacate, and Petitioner will pay recording costs. Staff recommends adoption of this resolution.

Attached to this Blue sheet is the Resolution with exhibits, and a copy of the replacement drainage easement.

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
	N/A	N/A	N/A	John J. Deery 5-27-04	OM	Risk	GC	
					5/28/04	5/28/04	5/28/04	

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 5/27/04
Time: 4:20 PM
Forwarded to: J. Adam, 5/28/04 7AM

RECEIVED BY
COUNTY ADMIN:
5/28/04
9:37am set TD
COUNTY ADMIN
FORWARDED TO:
5/28/04

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: VAC2004-00014

WHEREAS, Petitioner **Frederick E. & Joanne M. Raimann** 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 **22nd day of June, 2004 at 5 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. VAC2004-00014 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"
Petition to Vacate
VAC2004-00014

**Legal Description of the Portion of a Platted
Canal Right-of-Way to be Vacated**

A portion of a canal right-of-way know as Scallop Harbor as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors as recorded in the Official Records of the Public Records of Lee County, Florida in Plat Book 12, Page 93, being more particularly described as follows:

Beginning at the southeasterly corner of Lot 431 as shown on said Plat of Unit No. 2 Sixth Addition to Island Harbors; thence run North 05°01'00" West along the easterly line of said Lot 431 for 50.00 feet to the northeast corner of said Lot 431; thence run North 84°59'00" East perpendicular to the centerline of said Scallop Harbor for 6.46 feet to a point on the waterward side of the seawall; thence run South 07°55'49" East along said waterward side of the seawall for 47.90 feet to its intersection with the easterly extension of the southerly line of said Lot 431; thence run South 71°18'20" West along said line for 9.15 feet to the Point of Beginning. Containing 377 square feet of land, more or less.

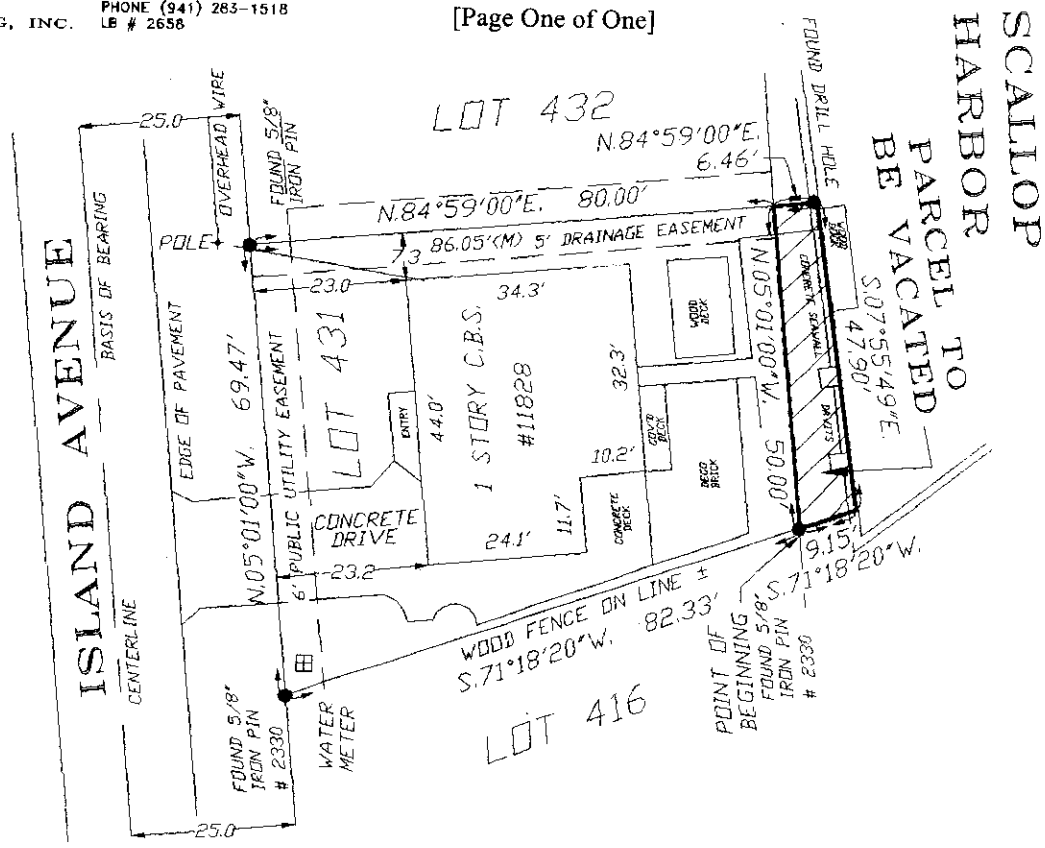
A. J. WATSON



SURVEYING, INC.

P.O. BOX 423 OR 2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE (941) 283-1518
LB # 2658

Exhibit "B"
Petition to Vacate
VAC2004-00014
[Page One of One]



DESCRIPTION OF A PORTION OF CANAL RIGHT-OF-WAY KNOWN AS SCALLOP HARBOR AS SHOWN ON THE PLAT OF UNIT NO. 2 SIXTH ADDITION TO ISLAND HARBORS AS RECORDED IN PLAT BOOK 12 AT PAGE 93 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA:

BEGIN AT THE SOUTHEASTERLY CORNER OF LOT 431 SAID UNIT NO. 2 SIXTH ADDITION TO ISLAND HARBORS; THENCE RUN N 05° 01' 00" W ALONG THE EASTERLY LINE OF SAID LOT 431 FOR 50.00 FEET TO THE NORTHEASTERLY CORNER SAID LOT 431; THENCE RUN N 84° 59' 00" E PERPENDICULAR TO THE CENTERLINE OF SAID SCALLOP HARBOR FOR 6.46 FEET TO A POINT ON THE WATERWARD SIDE OF A CONCRETE SEAWALL; THENCE RUN S 07° 55' 49" E ALONG SAID WATERWARD SIDE OF THE SEAWALL FOR 47.90 FEET TO ITS INTERSECTION WITH THE EASTERLY EXTENTION OF THE SOUTHERLY LINE OF SAID LOT 431; THENCE RUN S 71° 18' 20" W ALONG SAID LINE FOR 9.15 FEET TO THE POINT OF BEGINNING, CONTAINING 377 SQUARE FEET OF LAND.

NATIONAL FLOOD INSURANCE DATA, COMMUNITY PANEL NUMBER 125124 0165 B, FEDERAL FLOOD ZONE A9, ELEVATION 9' ELEVATIONS BASED ON N.G.V.D.-29, BENCH MARK

SPECIFIC PURPOSE SKETCH DELINEATING AND DESCRIBING A PORTION OF CANAL RIGHT-OF-WAY, (SCALLOP HARBOR) TO BE VACATED THAT IS CONTIGUOUS TO LOT 431, UNIT No. 2 SIXTH ADDITION TO ISLAND HARBORS AS RECORDED IN PLAT BOOK 12 AT PAGE 93 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED ABOVE.

This survey is in compliance with the minimum technical standards as set forth in Chapter 81G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

Alfred J. Watson

ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

FOR: RAIMANN
JOB # 01-0420 F.B. L 83-41
STRAP # 14-44-22-04-00000.4310

SKETCH OF SURVEY
SCALE 1" = 30'

DATE: OCTOBER 31, 2002
DATE: 1/8/04
DATE: