

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 50-foot wide non-county Road Right-of-Way Easement located off of Winkler Road Extension at Brook Hollow Lane, Fort Myers, Florida 33908, and authorize the Chairman to accept a replacement public utility and drainage easement (Case No. VAC2003-00065).

WHY ACTION IS NECESSARY: To vacate the public's interest in a portion of the Right-of-Way in order to convey that portion to Belle Meade Property Owners Association, Inc. **The vacation and conveyance of the road will not alter traffic conditions and the road is not necessary to accommodate any future traffic requirement.**

WHAT ACTION ACCOMPLISHES: Vacates the Right-of-Way.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: 3

5:00 #1

3. MEETING DATE:

07-27-2004

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

X PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

X STATUTE

F.S. Ch. 336
(PTV) & 125

ORDINANCE

X ADMIN. CODE

13-8 (PTV)

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT

Community Development

C. DIVISION

Development Services

BY:

[Signature]

6/16/04

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 the 27th day of July, 2004.

LOCATION: The site is located at **Brook Hollow Lane, Fort Myers, Florida 33908**. The 50 foot wide non-county maintained Road Right-of-Way is lying in Section 10, Township 46 South, Range 24 East, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Page 47 through 50, of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65, of 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. The Petitioner has provided a replacement utility and drainage easement in favor of the county, which easements will be held in trust by the county pending the outcome of the public hearing on the requested vacation. With respect to the replacement easement, the Board must accept all real estate conveyances to Lee County. Staff recommends the scheduling of this request and the acceptance of the replacement public utility and drainage easement. The Petitioner will pay the necessary costs of recording the replacement easement if the Petition to Vacate is approved. 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 Risk			G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 6-17-04	OA <i>[Signature]</i> 6/24/04	OM <i>[Signature]</i> 6/24/04	GC <i>[Signature]</i> 6/24/04	<i>[Signature]</i>

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 6/17/04
Time: 4:45
Forwarded To:
[Signature]
6/18/04 9AM

RECEIVED BY
COUNTY ADMIN:
6/18/04
11:35 am SC
COUNTY ADMIN
FORWARDED TO:
[Signature]
6/18/04

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: VAC2003-00065

WHEREAS, **Belle Meade Property Owners Association, Inc.** Petitioner in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning a Petition to Vacate on the 27th day of July, 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 a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2003-00065 is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, 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

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"
LEGAL DESCRIPTION

VAC2003-00065

RIGHT-OF-WAY, DRAINAGE & PUBLIC UTILITY EASEMENTS

A fifty (50) foot wide parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Pages 47 through 50 of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida; said parcel of land being a part of a 50 Ft. Road as shown on said plat of Seminole Gardens and referenced as Brook Hollow Lane on said plat of Belle Meade.

Commencing at the northeast corner of said Section 10; thence S 01°20'35" E (basis of bearings being the centerline of Winkler Road Extension Right-of-Way Map) along the east line of Section 10 for 1231.08 feet to the northeast corner of said Belle Meade; thence S 88°43'03" W along the north line of said Belle Meade, being also the north line of the former Lot 5 of said Seminole Gardens, for 1290.41 feet to the northwest corner of Lot 33 of said Belle Meade and the Point of Beginning; thence S 01°15'35" E for 990.07 feet along a line passing through the west lines of Lots 33, 55, 47 and 46 of said Belle Meade, also being the west line of former Lots 5, 6, and 7 of said Seminole Gardens, to the southwest corner of said Lot 46 of said Belle Meade, also being the southwest corner of former Lot 7 of Seminole Gardens; thence S 88°42'34" W, more or less, for 50.00 feet to the southeast corner of Lot 26 of Seminole Gardens; thence N 01°15'35" W along line passing through the east line of Lot 26 of Seminole Gardens and the east line of Lots 20 and 32 of Belle Meade, being also the east line of former Lots 27 and 28 of Seminole Gardens, for 990.09 feet, more or less, to the northeast corner of said Lot 32 of Belle Meade and former Lot 28 of Seminole Gardens; thence N 88°43'34" E for 50.00 feet to the Point of Beginning.

Containing 1.14 acres, more or less.

LEGAL DESCRIPTION AND ACCOMPANYING SKETCH PREPARED BY DENI ASSOCIATES, INC. SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA
CERTIFICATE OF AUTHORIZATION No. LB 3542.

FOR: BELLE MEADE ASSOC.

PROJECT: 20030603

JUNE 17, 2003

Ben R. Homola

BEN R. HOMOLA - PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION LICENSE No. LS 3950



Deni Associates, Inc.

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

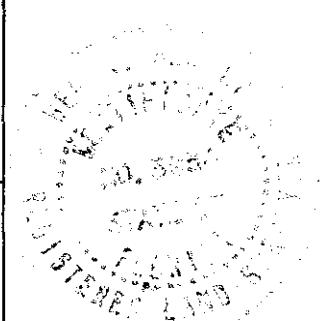
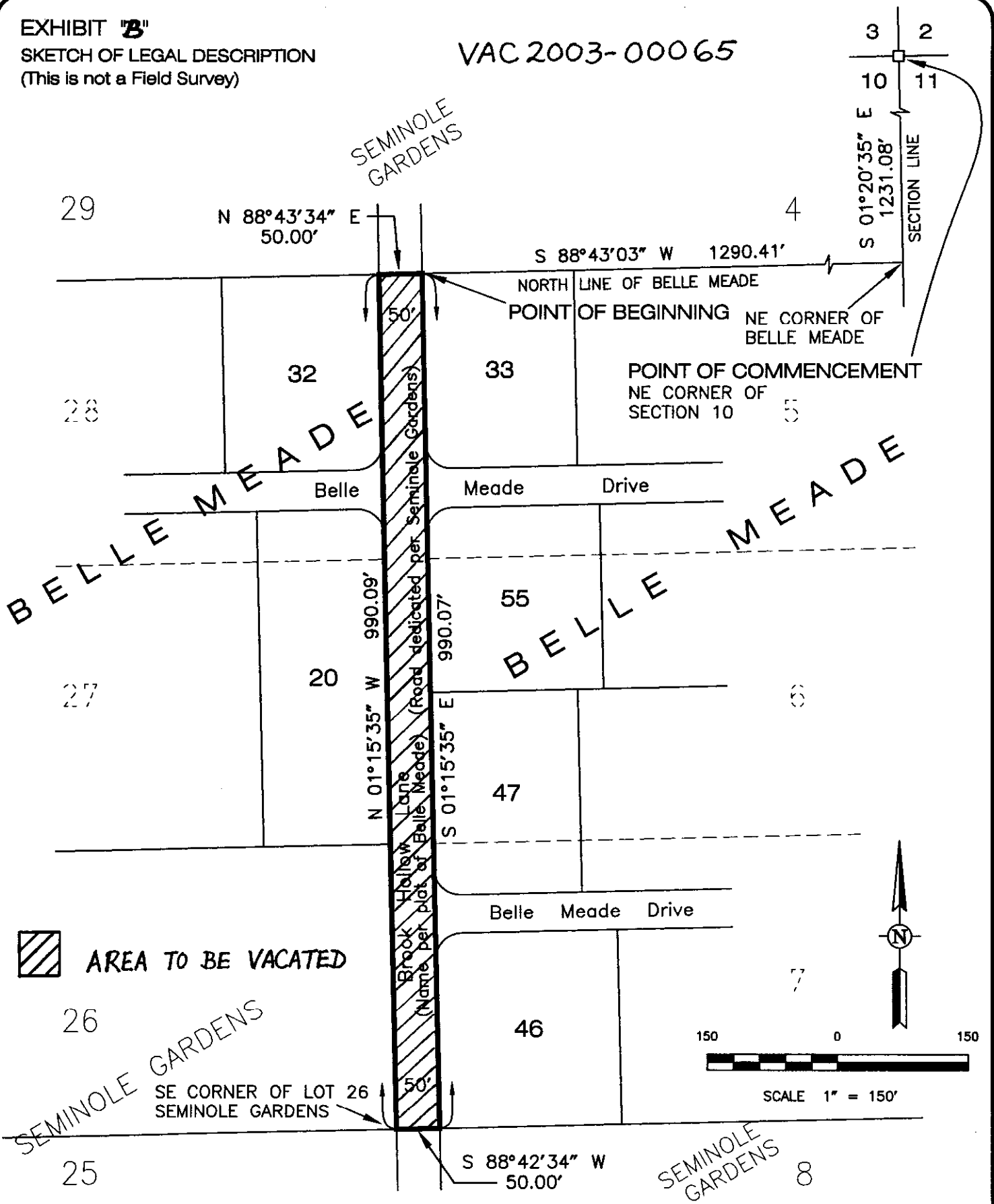


EXHIBIT "B"

SKETCH OF LEGAL DESCRIPTION
(This is not a Field Survey)

VAC 2003-00065



Deni Associates, Inc.

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PROFESSIONAL SURVEYORS AND MAPPERS

FOR: BELLE MEADE ASSOCIATION

PROJECT: 20030603

JUNE 17, 2003