

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate the Westerly 700 +/- feet of Coconut Road, a County Road Right-of-Way Easement (Viewer's Road), and a smaller portion of County owned Road Right-of-Way, located at Coconut Road, Estero, Florida (Case No. VAC2003-00023)

WHY ACTION IS NECESSARY: To permit the development of the Coconut Point Marina property and to provide a private road to the marina parcel.

WHAT ACTION ACCOMPLISHES: Vacates a portion of County Road Right-of-Way Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

5:00 #1

3. MEETING DATE:

08-10-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE **F.S. Ch. 336**
- ORDINANCE
- ADMIN. CODE **13-8**
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** Community Development
- C. DIVISION** Development Services
- BY:** *[Signature]* 6/8/04

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 the westerly end of Coconut Road in Estero. The County Road Right-of-Way Easement (Viewer's Road), and a smaller portion of County owned Road Right-of-Way is lying in the South one-half (S-1/2) of Government Lot 2, all in Section 7, Township 47 South, Range 25 East, as recorded in County Commissioner's Minutes Book 6, at Page 353; and as recorded in Official Record Book 3421, Page 1095, of the Public Records of Lee County, Florida.

This site is planned as a marina for WCI. This vacation was scheduled on the administrative agenda as a Board policy issue associated with public access to waterways on 6/1/04. At Board direction, staff was requested to provide additional documentation to verify the location of the right-of-way as it relates to a direct connection with the waters of the State and to clarify public access issues. This documentation is being researched and will be provided to the Board prior to the Public Hearing. This request was reviewed on 2/13/03 by the Waterway Advisory Committee (WAC) who recommended approval of the requested vacation.

A Turnaround Agreement providing for a cul-de-sac at the proposed terminus of Coconut Road was entered into the 25th day of May, 2004 between WCI Communities, Inc. and Lee County. There are no objections to this Petition to Vacate. Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares. 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			G County Manager
<i>Mam Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i> 6/8/04	OM <i>[Signature]</i> 6/9/04	Risk <i>[Signature]</i> 6/9/04	GC <i>[Signature]</i> 6/9/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
 - DENIED
 - DEFERRED
 - CONTINUED
 - OTHER TO 7/27/04
- ON 6/2/04*

Rec. by CoAtty
Date: 6/8/04
Time: 3:25 PM
6/8/04 4 PM

RECEIVED BY
COUNTY ADMIN
6/8/04
4:25 pm SLT
COUNTY ADMIN
FORWARDED TO: PHL
6-10-04 9am

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: July 30, 2004

To: Patricia Geren
Administrative Specialist
Public Resources

FROM: 
Peter J. Eckenrode
Director

Re: Petition to Vacate VAC2003-00023
Continuance of Public Hearing

At the request of the Petitioners, the Public Hearing continued to August 10, 2004 has been continued yet again and the Public Hearing is now set for September 14, 2004 at 5:00 P.M.

In order to avoid any confusion with respect to proper advertisement of the request, I would request that you withdraw the item from the August 10, 2004 agenda and upon receipt of the new bluesheet schedule and advertise the request for a Public Hearing on September 14, 2004.

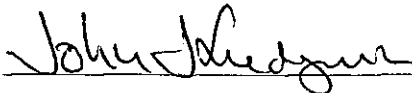
Please advise if you have any questions.

cc: Timothy Jones, Chief Assistant County Attorney (Land Use)
John Fredyma, Assistant County Attorney
Neale Montgomery, Esq., Pavese Law Firm

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: July 29, 2004

TO: Peter J. Eckenrode, Director
Development Services Division

FROM: 
John J. Fredyma
Assistant County Attorney

RE: **Petition to Vacate VAC2003-00023 - Continuance of Public Hearing**

The above-referenced Petition to Vacate was heard at Public Hearing by the Board of County Commissioners on June 22, 2004. The Public Hearing was continued to July 27, 2004; however, on June 29, 2004, the Public Hearing was continued yet again to August 10, 2004 at 5 p.m. Subsequently, at the request of the petitioners, the Public Hearing has now been set for September 14, 2004 at 5 p.m. and a new Blue Sheet asking the Board to conduct a Public Hearing on this date has been circulated.

Unfortunately, this leaves the matter of the Public Hearing, currently scheduled for August 10, 2004 at 5 p.m., unaddressed. To address this issue, would you please be kind enough to forward a memo to Patricia (Kathy) Geren at Public Resources advising her of your request, as the originating department of the Blue Sheet, to withdraw this item from the Public Hearing scheduled on August 10, 2004. The most recent Blue Sheet for this case will take care of the scheduling of the Public Hearing in September, but it did not address the original hearing that had been continued to August 10, 2004.

Please do not hesitate to call if you have any questions.

JJF/mme

cc: Timothy Jones, Chief Assistant County Attorney (Land Use)
Patricia Geren, Administrative Specialist, Public Resources
Neale Montgomery, Esq., Pavese Law Firm

1. REQUESTED MOTION:

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WHAT ACTION ACCOMPLISHES: Vacates a portion of County Road Right-of-Way Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

5:00

3. MEETING DATE:

08-10-2004


4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 336
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY:  6/8/04

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 the westerly end of Coconut Road in Estero. The County Road Right-of-Way Easement (Viewer's Road), and a smaller portion of County owned Road Right-of-Way is lying in the South one-half (S-1/2) of Government Lot 2, all in Section 7, Township 47 South, Range 25 East, as recorded in County Commissioner's Minutes Book 6, at Page 353; and as recorded in Official Record Book 3421, Page 1095, of the Public Records of Lee County, Florida.

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A Turnaround Agreement providing for a cul-de-sac at the proposed terminus of Coconut Road was entered into the 25th day of May, 2004 between WCI Communities, Inc. and Lee County. There are no objections to this Petition to Vacate. Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares. 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			G County Manager
MAM Gibbs	N/A	N/A	N/A	John Metzger 6/8/04	OM 6/9/04	Risk 6/9/04	GC 6/9/04	

10. COMMISSION ACTION:

- APPROVED
 - DENIED
 - DEFERRED
 - OTHER CONTINUED TO 7/27/04
- ON 6/22/04

Rec. by CoAtty
Date: 6/8/04
Time: 3:25 PM
6/8/04 4 PM

RECEIVED BY
COUNTY ADMIN. TD
6/8/04
4:25 am SLT
COUNTY ADMIN
FORWARDED TO: PJC
6-10-04 9am

RSK/ June 8, 2004
ON 06-29-04 Continued
To 08-10-04 @ 5:00 PM

BIX

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: VAC2003-00023

WHEREAS, **WCI Communities, 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 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 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. VAC2003-00023 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

January 22, 2004

REVISED DESCRIPTION**VIEWER'S ROAD VACATION
SECTION 7, T. 47 S., R. 25 E.
LEE COUNTY, FLORIDA**

A tract or parcel of land being a portion of a Viewer's Road recorded in County Commissioner's Minutes Book 6, at Page 353 of the Public Records of Lee County Florida, lying in the south one-half (S-1/2) of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, said tract or parcel being described as follows:

From the southeast corner of said Government Lot 2 run S 89° 40' 05" W along the south line of said Government Lot 2 for 25.00 feet to an intersection with the east line of that portion of Coconut Road (50 feet wide) vacated in Official Record Book 3030, at Page 1670 said public records; thence run the following six (6) courses along the easterly, southerly and southwesterly lines of said vacated Coconut Road; S 01° 06' 57" E for 25.00 feet; S 89° 40' 05" W for 1065.48 feet; N 03° 20' 55" W for 17.15 feet to a point on a non-tangent curve; northwesterly along an arc of a curve to the right of radius 184.00 feet (chord bearing N 35° 03' 44" W) (chord 189.87 feet) (delta 62° 07' 20") for 199.50 feet to a point of tangency; N 04° 00' 04" W for 121.97 feet to a point of curvature; northwesterly along an arc of a curve to the left of radius 130.00 feet (chord bearing N 41° 15' 37" W) (chord 157.41 feet) (delta 74° 31' 05") for 169.08 feet to the Point of Beginning.

From said Point of Beginning run S 82° 18' 05" W for 698.67 feet; thence run N 7° 41' 55" W for 50.00 feet; thence run N 82° 18' 05" E for 699.19 feet to a point on a non-tangent curve; thence run easterly along an arc of a curve to the right of radius 139.59 feet (chord bearing S 86° 57' 46" E) (chord 12.26 feet) (delta 05° 02' 03") for 12.27 feet to an intersection with the westerly line of that portion of Coconut Road described in Official Record Book 3216, Pages 2552 through 2554, said public records, and a point on a non-tangent line; thence run S 00° 27' 45" E along said westerly line for 42.12 feet to an intersection with the northerly line of that portion of Coconut Road vacated in Official Record Book 3030, at Pages 1670 through 1675, said public record; thence run S 82° 20' 08" W along said northerly line for 50.07 feet to an intersection with the southwesterly line of said vacated Coconut Road and a point of cusp; thence run easterly along said southwesterly line, along an arc of a curve to the right of radius 130.00 feet (chord bearing S 88° 05' 31" E) (chord 43.24 feet) (delta 19° 08' 43") for 43.44 feet to the Point of Beginning.

Parcel contains 0.81 acres, more or less.

Bearings hereinabove mentioned are based on the south line said Government Lot 2 to bear S 89° 40' 05" W.

21942 Vacation of ccmb 6 353 rev012204

Exhibit "A-1"
Petition to Vacate
VAC2003-00023
[Page One of Two]



A CECI GROUP COMPANY

CECI Group Services

Civil Engineering

Planning Services

Survey & Mapping

Coastal Engineering

Real Estate Appraisal

Website: www.coastalengineering.com

EXHIBIT "A-2"

LEGAL DESCRIPTION
WCI COCONUT POINT "VACATION" PARCEL

A PARCEL OF LAND LYING IN THE SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS PREVIOUSLY CONVEYED IN DEED TO LEE COUNTY RECORDED IN OFFICIAL RECORDS BOOK 3216, PAGE 2552 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2 SAID POINT ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 7, RUN S 89°40'05" W ALONG THE SOUTH LINE OF SAID LOT 2 FOR 1106.22 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THOSE LANDS RECORDED IN O.R. BOOK 3052, PAGE 1854 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE ALONG SAID WESTERLY LINE N 00°46'02" E FOR 210.01 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS RECORDED IN O.R. BOOK 1677, PAGE 3516 OF SAID PUBLIC RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID LANDS N 03°20'55" W 202.00 FEET TO THE SOUTH LINE OF COCONUT ROAD DEED AS RECORDED IN O. BOOK 3216, PAGE 2552 OF SAID PUBLIC RECORDS; THENCE ALONG SAID COCONUT ROAD DEED S 89°40'05" W 75.50 FEET; THENCE S 82°20'04" W 77.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 82°20'04" W 38.67 FEET; THENCE N 00°27'45" W 42.12 FEET; THENCE N 78°46'31" E 28.06 FEET TO A POINT ON A CIRCULAR CURVE AND POINT OF NON-TANGENCY; THENCE 44.90 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 42°52'41" AND A CHORD DISTANCE OF 43.86 FEET, BEARING S 14°42'47" E TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON ARE BASED ON THE EAST BOUNDARY LINE OF PELICAN'S NEST UNIT ONE, PLAT BOOK 41, PAGES 58 THROUGH 60, LEE COUNTY, FLORIDA.

THE ABOVE DESCRIBES APPROXIMATELY 1,300 SQUARE FEET OF LAND.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

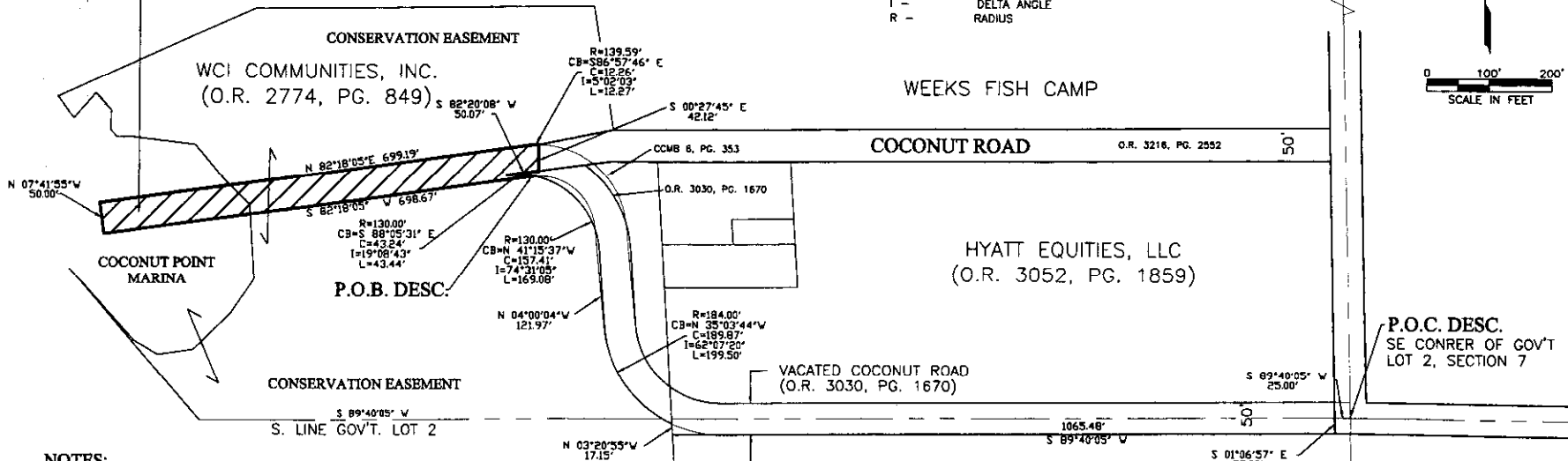
RICHARD J. EWING, V.P.:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 03.117
DATE: 5-5-09

Exhibit "A-2"
Petition to Vacate
VAC2003-00023
[Page Two of Two]

**PROPOSED VACATION OF PORTION
OF CCMB 6, PG. 353**

LEGEND

- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- GOV - GOVERNMENT
- CCMB - COUNTY COMMISSIONER'S MINUTES BOOK
- OR - OFFICIAL RECORDS
- L - ARC LENGTH
- CB - CHORD BEARING
- C - CHORD DISTANCE
- RW - RIGHT OF WAY
- I - DELTA ANGLE
- R - RADIUS



NOTES:

1. THIS SKETCH NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PROPERTY.
3. BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF GOVERNMENT LOT 2 TO BEAR S 89°40'05" W.
4. DUE TO THE DIFFERENCE IN BEARING BASIS AND SURVEY METHODS USED IN 1931, IT IS INTENDED THAT THIS LEGAL DESCRIPTION DESCRIBE THE REMAINDER OF THAT CERTAIN VIEWERS ROAD AS ORIGINALLY DESCRIBED IN CCMB 6 PAGE 353, PUBLIC RECORDS, LEE COUNTY, FLORIDA, WHICH WAS PARTIALLY VACATED IN OR 3030 PAGE 1670, OF SAID PUBLIC RECORDS.

Exhibit "B-1"
Petition to Vacate
VAC2003-00023
[Page One of Three]

THIS IS NOT A SURVEY.

Mark G. Wentzel
MARK G. WENTZEL (FOR THE FIRM, S.L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5247
DATE SIGNED: 1/22/04
NOT VALID WITH OUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISED 1/22/04 - BEARINGS CORRECTED
REVISED 3/31/03 - VACATION CHANGED

PROPOSED ROAD VACATION
C.C.M.B. 6, PAGE 353 (COCONUT ROAD)
SECTION 7, TOWNSHIP 47 SOUTH., RANGE 25 EAST
LEE COUNTY, FLORIDA

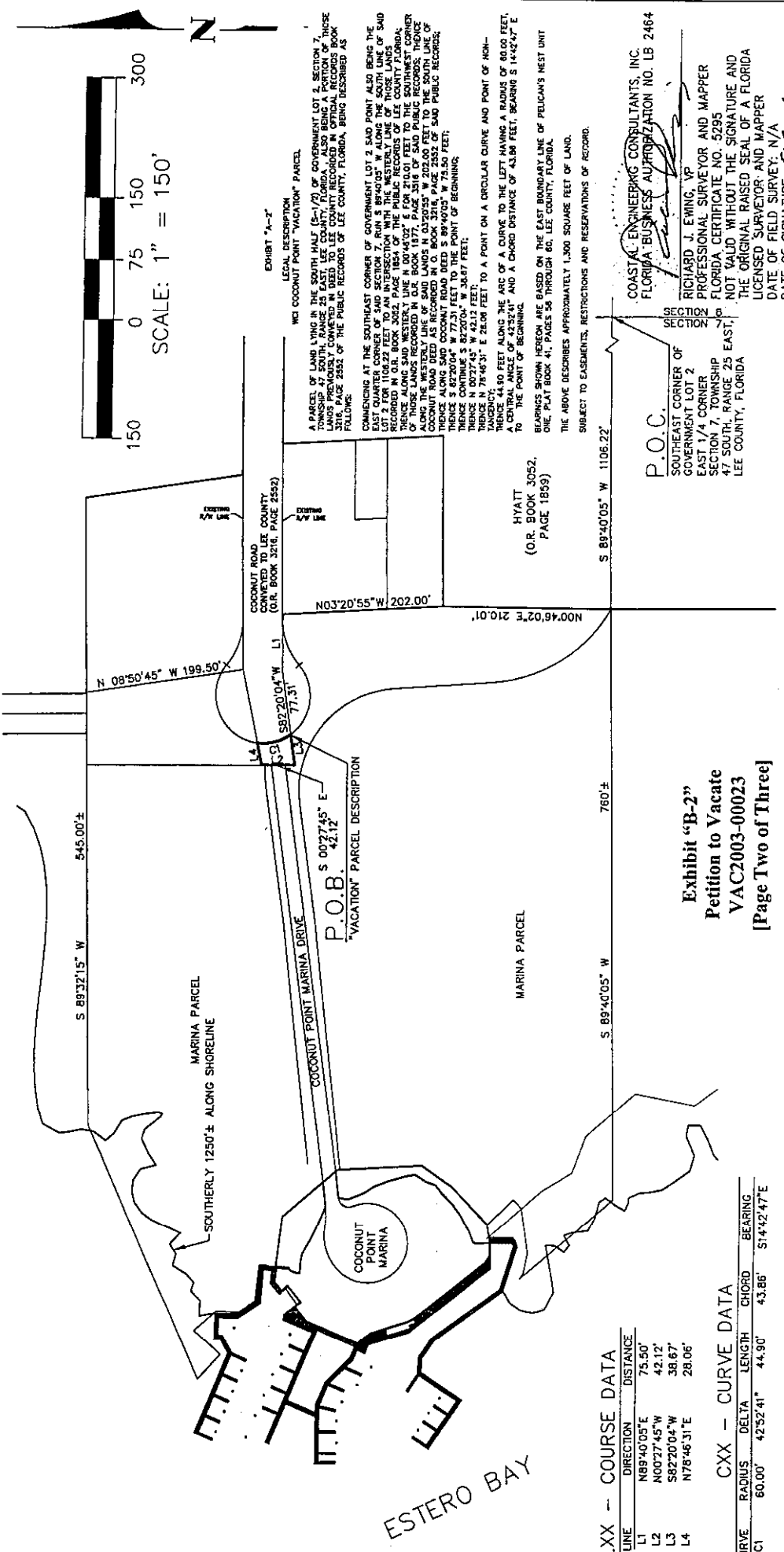
JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3861
E.G. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/28/03	21942	7-47-25	1" = 200'	1 OF 2

S:\21942\21942D00VAC.DWG



150 0 75 150 300
SCALE: 1" = 150'

EXHIBIT "A-2"
LEGAL DESCRIPTION
WCI COCONUT POINT "VACATION" PARCEL
A PARCEL OF LAND LYING IN THE SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2, SECTION 7,
TOWNSHIP 7 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE
LANDS REFERENCED IN D.E. BOOK 3216, PAGE 2532, AND D.E. BOOK 3216, PAGE 2532, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING DESCRIBED AS
FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 2 SAID POINT ALSO BEING THE
EAST QUARTER CORNER OF SAID SECTION 7, RUN S 89°40'05" W ALONG THE SOUTH LINE OF SAID
LOT 2 FOR 1100.22 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THOSE LANDS
RECORDED IN D.E. BOOK 3216, PAGE 2532, THEREUPON THE POINT OF BEGINNING, THENCE
ALONG SAID WESTERLY LINE N 04°40'00" E FOR 100.00 FEET TO THE POINT OF BEGINNING
OF THOSE LANDS RECORDED IN D.E. BOOK 1877, PAGE 3518 OF SAID PUBLIC RECORDS; THENCE
ALONG THE WESTERLY LINE OF SAID LANDS N 03°20'55" W 202.00 FEET TO THE SOUTH LINE OF
THOSE LANDS RECORDED IN D.E. BOOK 3216, PAGE 2532, THEREUPON THE POINT OF BEGINNING,
THENCE ALONG SAID COCONUT POINT MARINA DRIVE S 00°27'45" E 42.12 FEET,
THENCE S 82°20'04" W 77.31 FEET TO THE POINT OF BEGINNING,
THENCE CONTINUE S 82°20'04" W 38.67 FEET;
THENCE N 00°27'45" W 42.12 FEET;
THENCE S 78°46'31" E 28.06 FEET TO A POINT ON A CIRCULAR CURVE AND POINT OF NON-
TANGENCY;
THENCE 44.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET,
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THE ABOVE DESCRIBES APPROXIMATELY 1,300 SQUARE FEET OF LAND.
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

HYATT
(O.R. BOOK 3052,
PAGE 1859)
S 89°40'05" W 1106.22'
760'±
S 89°40'05" W
P.O.C.
SOUTHEAST CORNER OF
GOVERNMENT LOT 2
EAST 1/4 CORNER
SECTION 7, TOWNSHIP
47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
RICHARD J. EWING, VP
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
DATE OF FIELD SURVEY: N/A
DATE OF SIGNATURE: 5-5-04

Exhibit "B-2"
Petition to Vacate
VAC2003-00023
[Page Two of Three]



LXX - COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N89°40'05"E	75.50'
L2	N00°27'45"W	42.12'
L3	S82°20'04"W	38.67'
L4	N78°46'31"E	28.06'

CXX - CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	60.00'	42°52'41"	44.90'	43.86'	S14°42'47"E

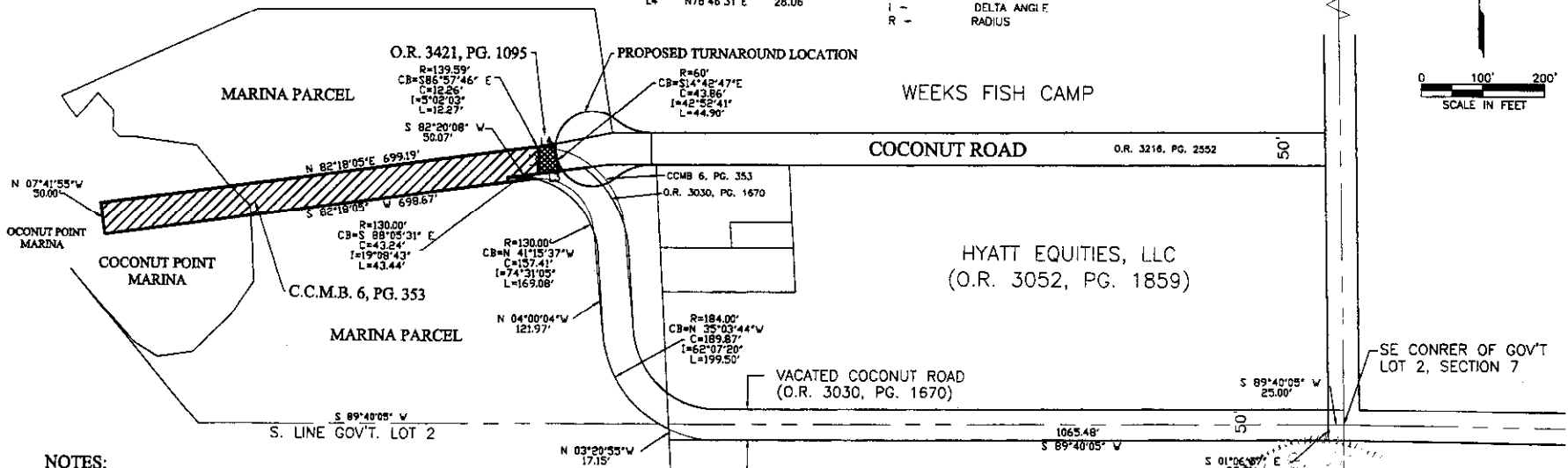
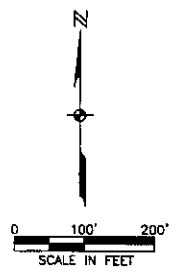
DATE: 1/16/04		SCALE: 1" = 50'
DRAWN: M.M.W./B.	N/A	
CHECKED: R.J.E./G.	N/A	
SEC. TWP. R1G.		
ACAD. NO. 03.117		
REF. NO.		
QUIT-CLAIM NO.		
DATE	BY	REVISION DESCRIPTION
CLIENT: WCI		
TITLE: SKETCH OF DESCRIPTION OF A PARCEL OF LAND LYING IN GOVERNMENT LOT 2 SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25, LEE COUNTY, FLORIDA.		
CIVIL ENGINEERING SURVEY & MAPPING COASTAL ENGINEERING CONSULTANTS, INC. BE STATE LICENSED PROFESSIONAL ENGINEERS ENVIRONMENTAL ASSESSMENT PHONE: (239) 643-2324 FAX: (239) 643-1143 www.coastalengineering.com E-Mail: engcallier@cecfll.com		
SHEET 1 OF 1 FILE NO.: 03.117		

 EXHIBIT "A-1" SUBJECT PARCEL
 EXHIBIT "A-2" SUBJECT PARCEL

LINE	BEARING	DISTANCE
L1	N89°40'04"E	75.50'
L2	N00°27'45"W	42.12'
L3	S82°20'04"W	38.87'
L4	N78°46'31"E	28.06'

LEGEND

- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- GOV - GOVERNMENT
- CCMB - COUNTY COMMISSIONER'S MINUTES BOOK
- OR - OFFICIAL RECORDS
- L - ARC LENGTH
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NOTES:

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2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PROPERTY.
3. BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF GOVERNMENT LOT 2 TO BEAR S 89°40'05" W.
4. DUE TO THE DIFFERENCE IN BEARING BASIS AND SURVEY METHODS USED IN 1931, IT IS INTENDED THAT THIS SKETCH SHOW THE REMAINDER OF THAT CERTAIN VIEWERS ROAD AS ORIGINALLY DESCRIBED IN CCMB 6 PAGE 353, PUBLIC RECORDS, LEE COUNTY, FLORIDA, WHICH WAS PARTIALLY VACATED IN OR 3030 PAGE 1670, OF SAID PUBLIC RECORDS.

Exhibit "B-1" & "B-2"
 Petition to Vacate
 VAC2003-00023
 [Page Three of Three]

THIS IS NOT A SURVEY.

Mark G. Wentzel
 MARK G. WENTZEL (FOR THE FIRM - 06 642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5247
 DATE SIGNED: 5/17/09
 NOT VALID WITH OUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\21942\OVERALL.DWG

O.R. 3421, PAGE 1095
 C.C.M.B. 6, PAGE 353
 SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA



2158 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0048
 FAX (941) 334-3861
 E.B. #642 & L.B. #642

SKETCH SHOWING
 COCONUT ROAD VACATIONS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/17/04	21942	7-47-25	1" = 200'	1 OF 1

the State, the State Chief Financial Officer would withhold state funds from any County that does not pay. Commissioner Albion clarified that the motion was that the County be listed as a plaintiff, and authorize expenditures. Attorney Gray noted that the amount of \$120,000.00 was to be cost shared by counties statewide. Commissioner Albion requested monthly updates on the costs. The motion was called and carried.

AT THIS TIME, COMMISSIONER JUDAH LEFT THE MEETING.

RESCHEDULE PUBLIC HEARING - Referring to a Petition to Vacate (VAC2003-00023) that was continued to the July 27 public hearings last Tuesday, Assistant County Attorney Timothy Jones noted that the petitioner had a conflict with the continued date; and requested that the Board reschedule the item for August 10 at 5:00 p.m. Commissioner Janes so moved, seconded by Commissioner Coy, called and carried.

AT THIS TIME, COMMISSIONER ALBION OFFERED AN ADDITIONAL COMMISSIONER ITEM. SEE THAT PORTION OF THE MEETING.

The Chairman adjourned the meeting at 11:40 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission

There are no objections to this Petition to Vacate.
(S3-T46S-R24E) (District #5) (#20040311-Development Services)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: The Petition to Vacate scheduled for 5:00 P.M. Agenda Item (1) will be withdrawn. County Attorney James G. Yaeger recommended that the Board should wait until the afternoon hearings to take any action. Assistant County Attorney Timothy Jones explained that the Petitioners had decided to withdraw the petition because the vacation was no longer needed, and that no Board action was required.

5:00 P.M. AGENDA ITEM - Public Hearing

(2) **ACTION REQUESTED:**

Adopt a resolution on Petition No. VAC2004-00014, submitted by Frederick E. and Joanne M. Raimann, to vacate a portion of a platted waterway/canal right-of-way, known as Scallop Harbor, in Unit 2, Sixth Addition to Island Harbors, as recorded in Plat Book 12, Page 39, Official Public Records of Lee County, Florida; and authorize the Chairman to accept a replacement drainage easement in favor of the County. The site is located at 11828 Island Avenue, Matlacha.

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 to restore the original developer's intent for this lot to abut the waterway. The vacation of the canal will not alter existing waterway/canal conditions, and the property 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.

There are no objections to this Petition to Vacate.

(S14-T44-R22) (District #1) (#20040689-Community Development)

Assistant County Attorney Timothy Jones approved as to legal form and sufficiency, the Affidavit of Publication for 5:00 p.m. Agenda Item (2); and briefly described this request. Commissioner Janes moved approval, seconded by Commissioner Judah. The Chairman called for public input; however, no one came forward. The motion was called and carried. RESOLUTION NO. 04-06-43

5:00 P.M. AGENDA ITEM - Public Hearing

(3) **ACTION REQUESTED:**

Adopt a resolution on Petition No. VAC2003-00023, submitted by WCI Communities, Inc., to vacate the westerly 700± feet of Coconut Road, a County road right-of-way easement (Viewer's Road), and a smaller portion of County-owned road right-of-way lying in the south 1/2 of Government Lot 2, as recorded in County Commissioners' Minutes Book (CCMB) 6, Page 353, Official Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY:

To permit the development of the Coconut Point Marina property, and to provide a private road to the marina parcel.

WHAT ACTION ACCOMPLISHES:

Vacates a portion of the County road right-of-way easement.

There are no objections to this Petition to Vacate.

(S7-T47S-R25E) (District #3) (#20040737-Development Services)

Assistant County Attorney Timothy Jones approved as to legal form and sufficiency, the Affidavit of Publication for 5:00 p.m. Agenda Item (3); and briefly described this request. Commissioner Judah commended Assistant County Attorney John J. Fredyma for his extensive research, and inquired as to the dispute regarding the road's connection to the water. Attorney Jones clarified that the legal description of the Viewer's Road specified a distance "to the end of the line" with no reference to the water, and noted that the current survey based on that description showed several feet of land between the end of the line and a bulkhead. He described the process by which County Surveyor Art Parsons used aerial photographs from the 1940s and later to determine that the description was intended to go to the water at the time the Viewer's Road was created. After indicating staff's concurrence with Mr. Parsons' determination, Attorney Jones mentioned that the vacation was part of an agreement by the Applicant to provide a turnaround to facilitate use of the road by school buses and emergency vehicles. Commissioner Judah remarked that public water access was at a premium in the County, pointed out that staff has considered possible public uses for the location, asserted that additional discussions between staff and the Applicant were required, and suggested that the request be brought back to the Board on July 27. Commissioner Albion expressed his concern that the Waterway Advisory Committee (WAC) did not have the new information when making their original recommendation, and recommended

that the WAC should be asked to reconsider the issue. The Chairman called for public input and the following concerned citizens came forward:

Lee County School Board representative Lou Karnbach stated that the proposed turnaround would provide a safer passage for school buses and others who used the road.

Town of Fort Myers Beach Deputy Manager John Gucciardo requested that the Board deny the request, and explained that the property might be needed for a bridge from the mainland to the Lovers Key/Black Island area, which is scheduled for evaluation by the Metropolitan Planning Organization (MPO) as a potential future project.

Attorney Neale Montgomery, of the law firm of Pavese, Haverfield, et al., representing the Applicant, expressed the disagreement of the Applicant's surveyor and legal counsel with Mr. Parsons' determination.

MR. GUCCIARDO ALSO OFFERED COMMENTS ON 5:00 P.M. AGENDA ITEM (6). SEE THAT PORTION OF THE MEETING.

In response to Commissioner Janes' question, Mr. Gucciardo stated that scheduling of the bridge study should be on the next MPO meeting agenda. Commissioner Judah moved to continue this item to 5:00 p.m. on July 27, 2004; seconded by Commissioner Janes. After Commissioner Albion requested that staff ask the WAC to meet before that date, the motion was called and carried.

5:00 P.M. AGENDA ITEM - Public Hearing

- (4) **ACTION REQUESTED:**
 Adopt a resolution on Petition No. VAC2004-00022, submitted by Raymond V. and Patricia A. Clemons, to vacate a twelve-foot wide public utility easement centered on the common lot line between Lots 6 and 7, Block 9, Unit 2, Lehigh Acres, as recorded in Plat Book 18, Page 72, Official Public Records of Lee County, Florida, less and except the northerly six feet and southerly six feet of each easement. The site is located at 732 Delridge Avenue South.
WHY ACTION IS NECESSARY:
 To build a single-family residence on the combined lots. 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.
 There are no objections to this Petition to Vacate.
 (S22-T45S-R27E) (District #5) (#20040731-Development Services)

Assistant County Attorney Timothy Jones approved as to legal form and sufficiency, the Affidavit of Publication for 5:00 p.m. Agenda Item (4); and briefly described this request. Commissioner Janes moved approval, seconded by Commissioner St. Cerny. The Chairman called for public input; however, no one came forward. The motion was called and carried. RESOLUTION NO. 04-06-44

AT THIS TIME, 5:00 P.M. AGENDA ITEMS (9) AND (10) WERE HEARD. SEE THOSE PORTIONS OF THE MEETING.

5:00 P.M. AGENDA ITEM - Public Hearing

- (5) **ACTION REQUESTED:**
 Adopt a Resolution of Final Assessment for the Cottage Point Waterline Municipal Services Benefit Unit (MSBU).
WHY ACTION IS NECESSARY:
 The Board is required by Ordinance to adopt a Resolution of Final Assessment.
WHAT ACTION ACCOMPLISHES:
 Allows staff to finalize the project, and to prepare and assess the property owners for the project cost.
 (#20040705-MSTBU Services)

Assistant County Attorney Scott Covert approved as to legal form and sufficiency, the Affidavit of Publication for 5:00 p.m. Agenda Item (5); and briefly described this request. Public Resources Manager Libby Walker mentioned that the total number of equivalent assessment units, shown as "60" on the Assessment Roll (Exhibit A in the Blue Sheet backup material), should be "61"; and that the assessment unit cost would be slightly less than shown.