

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition 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 and adopt a resolution setting a Public Hearing for 5:00 PM on the 14th day of September, 2004. (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.

ACTION ACCOMPLISHES: Set the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

C4C

3. MEETING DATE:

08-17-2004

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]* 8/02/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00023 was submitted by Neale Montgomery, Esq. as the agent on behalf of WCI Communities, Inc.

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 private marina for WCI. This Petition to Vacate was heard on the 5:00 Public Hearing agenda on 6/22/04. At Board direction, the Public Hearing was continued to August 10, 2004. This Public Hearing date has been withdrawn at the request of the applicant. Approval of this consent item will set a new public hearing date for September 14, 2004. Staff was additionally requested to hold another Waterway Advisory Committee (WAC) meeting, which is scheduled on 8/12/04 at 9:30 a.m. The WAC meeting results and documentation will be provided to the Board prior to the Public Hearing.

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

Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and 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>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 8-3-04	OM 8/7/04 Risk 8/10/04 GC 8/14/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by Coatty
Date: 8/3/04
Time: 1:00 pm

RECEIVED BY
COUNTY ADMIN:
8/3/04
3:55 pm SLT
COUNTY ADMIN
FORWARDED TO: *[Signature]*

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2003-00023

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2003-00023 is set for the
_____ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

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]

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00023

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 14th day of September 2004 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

January 22, 2004

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