


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: 10-26-2004 |
| 4. AGENDA: <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON TIME REQUIRED: | 5. REQUIREMENT/PURPOSE: (Specify) <input checked="" type="checkbox"/> STATUTE F.S. Ch. 336 <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE 13-8 <input type="checkbox"/> OTHER | 6. REQUESTOR OF INFORMATION: A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY:  7/26/04 Peter J. Eckenrode, Director |

7. **BACKGROUND:**
The Board of County Commissioners continued the June 22, 2004 Public Hearing. The hearing is for 5:00 PM on the 14th day of September, 2004.

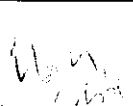

LOCATION: The site is located at the westerly end of Coconut Road in Estero. The County Road Right-of-Way Easement (Viewer's Road), and a smaller portion of County owned Road Right-of-Way is lying in the South one-half (S-1/2) of Government Lot 2, all in Section 7, Township 47 South, Range 25 East, as 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 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. The date is now set 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.

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 (LPM 7/26/04) | | | | G County Manager |
|--|---------------------------------|-------------------------|------------|------------------------------|---------------------------------------|---------|---------|---------|---|
| | | | | | OA | OM | Risk | GC | |
|  | N/A | N/A | N/A | John J. Rodriguez 7-27-04 | RR RR 7/27/04 | 7/28/04 | 7/28/04 | 7/26/04 |  |

10. **COMMISSION ACTION:**

APPROVED
 DENIED
 DEFERRED
 OTHER **CONTINUED TO 10/26/04 @ 5:00 PM**

| | |
|--|---|
| Rec. by CoAtty Date: 8/1/04 Time: 1:00 PM | RECEIVED BY COUNTY ADMIN: 7/27/04 2:00 pm COUNTY ADMIN FORWARDED TO: |
|--|---|

DH

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 14th day of September, 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. VAC2003-00023 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

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

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

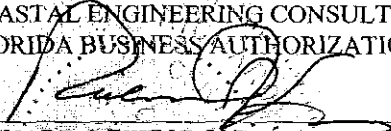
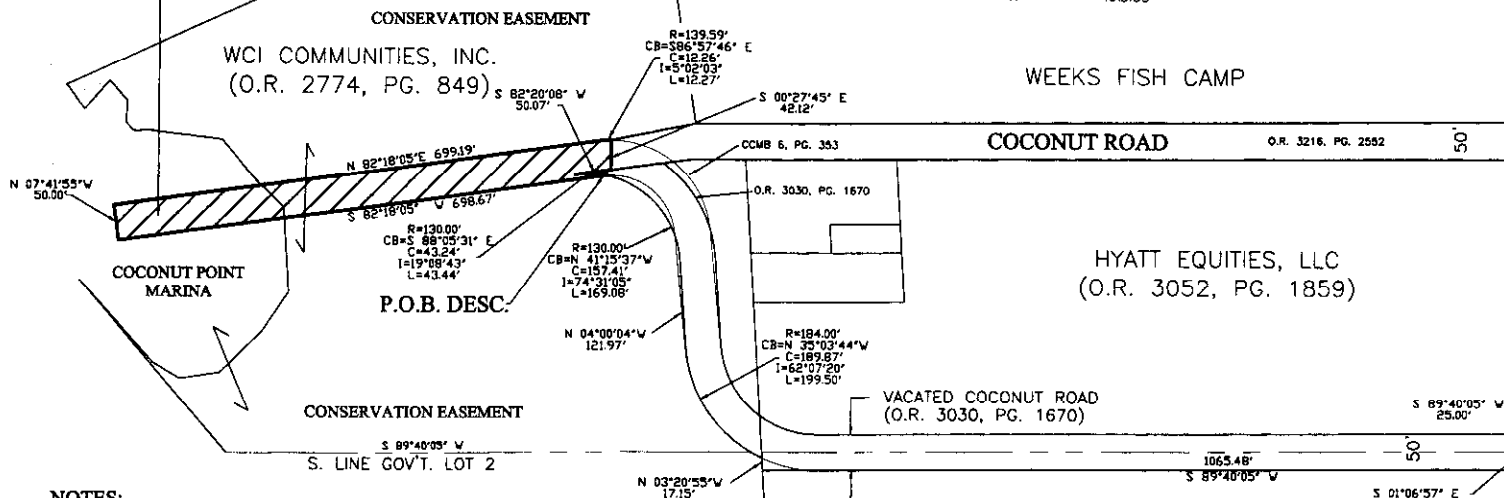
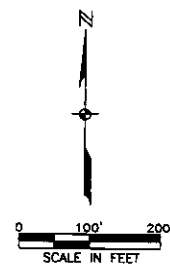

RICHARD J. EWING, V.P.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 03.117
DATE: 5-5-09

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, L.B. #42)
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) 334-3661
E.B. #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\21942ADDVAC.DWG

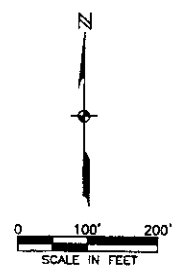
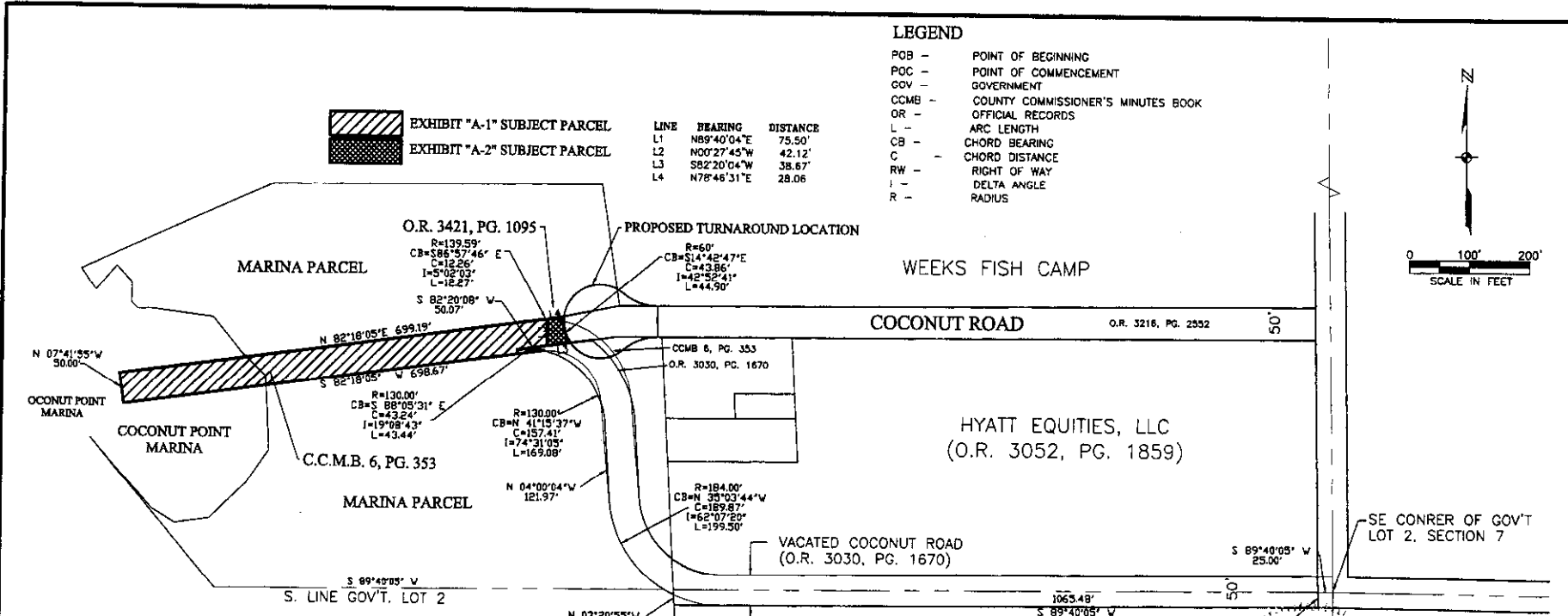


Exhibit "B-1" & "B-2"
Petition to Vacate
VAC2003-00023
[Page Three of Three]

THIS IS NOT A SURVEY.

Mark G. Wentzel
 MARK G. WENZEL (FOR THE FIRM - 306-642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5247
 DATE SIGNED: 5/10/04
 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) 334-0046
 FAX (941) 334-3681
 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 |