

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate the southern 190 feet of a 40-foot wide Frontage Road Right-of-Way (Ingress/Egress Easement) at 14181 S. Tamiami Trail, Fort Myers, Florida 33912, located south of Daniels Parkway. (Case No. VAC2004-00007)

WHY ACTION IS NECESSARY: To provide for the relocation of an on-site project identification sign. The existing frontage road on the north 160 feet of the parcel, which provides access to the adjacent tract will remain in place. **The vacation of the right-of-way will not alter traffic conditions and the right-of-way is not necessary to accommodate any future traffic requirement.**

WHAT ACTION ACCOMPLISHES: Vacates the right-of-way.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

5:00 #3

3. MEETING DATE:

10-26-2004

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]* 10/6/04

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 26th day of October, 2004.

LOCATION: The site is located at 14181 S. Tamiami Trail, Fort Myers, Florida 33912 and its strap number is 25-45-24-00-00001.1000. The southern 190 feet of a 40-foot wide Frontage Road Right-of-Way (Ingress/Egress Easement) is lying in the Northwest Quarter of Section 25, Township 45 South, Range 24 East, Lee County, Florida, as recorded in the Official Records Book 2193, Page 3108, in 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. 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 OM Risk	G County Manager
<i>M. G. [Signature]</i>	N/A	N/A	N/A	<i>John J. [Signature]</i> 10-12-04	<i>OM 10/13/04</i> <i>GC 10/14/04</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/7/04
Time: 1:10
Forwarded To:

RECEIVED BY
COUNTY ADMIN: TD
10/12/04
COUNTY ADMIN
FORWARDED TO:

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: VAC2004-00007

WHEREAS, Petitioner Larry G. Hendricks 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 26th day of October, 2004 at 5 PM; 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. VAC2004-00007 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

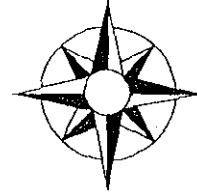
Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

E.F. Gaines Surveying Services, Inc.



Legal Description
For the Vacation of part of the Ingress-Egress Easement
Recorded in Official Record Book 2193, Page 3108,
Located in Section 25, Township 45 South, Range 24 East
Lee County, Florida

A parcel of land lying in the Northwest Quarter of Section 25, Township 45 South, Range 24 East, Lee County, Florida being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 45 South, Range 24 East, Lee County, Florida,

Thence, N 89°-09'-50" E, 83.56 feet along the north line of the Northwest Quarter of said Section 25, to the easterly right of way of Tamiami Trail (State Road No. 45)

Thence, S 00°-30'-00" E, 940.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45) to the **Point of Beginning**;

Thence, continue S 00°-30'-00" E, 190.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45);

Thence, leaving said easterly right of way, N 89°-09'-50" E, 40.00 feet, parallel with the north line of said Section 25;

Thence, N 00°-30'-00" W, 190.00 feet, parallel with said easterly right of way;

Thence, S 89°-09'-50" W, 40.00 feet, parallel with the north line of said Section 25, to the **Point of Beginning**.

Containing 7600 square feet, more or less.

~~Subject to easements and restrictions of record.~~

Bearings are based on the easterly right of way line of Tamiami Trail (State Road No. 45), being S 00°-30'-00" E, per the legal description found in Official Records Book 2193, page 3108, Lee County, Florida.

Exhibit "A"
Petition to Vacate
VAC2004-00007
[Page One of One]

E.F. Gaines Surveying Services, Inc.
8481 Yorkshire Lane
Ft Myers, Florida 33919

By: Andrew D. Johnson Date: 4-28-2004
Andrew D. Johnson, Professional Surveyor and Mapper LS#6256

Not valid without the signature and original raised seal of a Florida Licensed Professional Surveyor and Mapper.



SCALE: 1"=50'

POINT OF COMMENCEMENT
NORTHWEST CORNER
SECTION 25, TOWNSHIP 45 SOUTH,
RANGE 24 EAST

N 89°09'50" E
83.56'
NORTH LINE, SECTION 25

NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP, RESTRICTIONS OR SETBACKS.

2. THIS SKETCH AND THE ACCOMPANYING DESCRIPTION ARE BASED ON THE ORIGINAL SKETCH AND DESCRIPTION FOR THE 40 FOOT WIDE FRONTAGE ROAD EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 2193, PAGE 3108, LEE COUNTY, FLORIDA.

3. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

4. SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

POINT OF BEGINNING

S 00°30'00" E
940.00'

S 89°09'50" W
40.00'

EASTERLY
RIGHT OF WAY LINE
TAMIAMI TRAIL (S.R. 45)

S 00°30'00" E 190.00'

N 00°30'00" W 190.00'

N 89°09'50" E
40.00'

Exhibit "B"
Petition to Vacate
VAC2004-00007
[Page One of One]

THIS SKETCH TO ACCOMPANY THE DESCRIPTION OF:
THE PORTION OF A 40' INGRESS EGRESS EASEMENT TO BE VACATED

THIS IS NOT A SURVEY

E.F. Gaines Surveying Services, Inc.

8481 Yorkshire Lane
Fort Myers, Florida 33919
Phone: 239-418-0126 Fax: 239-418-0127

CLIENT: ANCHOR ENGINEERING
CONSULTANTS, INC.

SCALE: 1"= 50'
PROJECT NUMBER: 10330141

DRAWING FILE: 0141-002

REVISIONS/DATE:

SHEET 2 OF 2