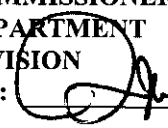


**REQUESTED MOTION:**

**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. <b>DEPARTMENTAL CATEGORY:</b> <b>COMMISSION DISTRICT #:</b> 3		04  <b>5:00 #1</b>	3. <b>MEETING DATE:</b>  <b>11-09-2004</b>
4. <b>AGENDA:</b>  <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <b>TIME REQUIRED:</b>		5. <b>REQUIREMENT/PURPOSE:</b> (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. <b>REQUESTOR OF INFORMATION:</b>  A. COMMISSIONER B. DEPARTMENT      Community Development C. DIVISION          Development Services BY:  <b>7/26/04</b>  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 14<sup>th</sup> 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 <i>(LHM 7/28/04)</i>				G County Manager
					OA	OM	Risk	GC	
<i>W. J. ...</i>	N/A	N/A	N/A	<i>John J. ... 7-27-04</i>	<i>RK ... 7/27/04</i>	<i>7/28/04</i>	<i>7/28/04</i>	<i>7/21/04</i>	<i>[Signatures]</i>

10. **COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER CONTINUED TO 10/26/04

Rec. by CoAtty  
 Date: **8/7/04**  
 Time: **10M**

RECEIVED BY  
 COUNTY ADMIN: *[Signature]*  
**7/27/04**  
*2:20 pm*  
 COUNTY ADMIN  
 FORWARDED TO: *[Signature]*

RSK/ July 26, 2004

**ON 9/14/04 @ 5:00 PM**  
**ON 10-26-04-Continued to 11-09-04 @ 5:00 PM**

*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 14<sup>th</sup> 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


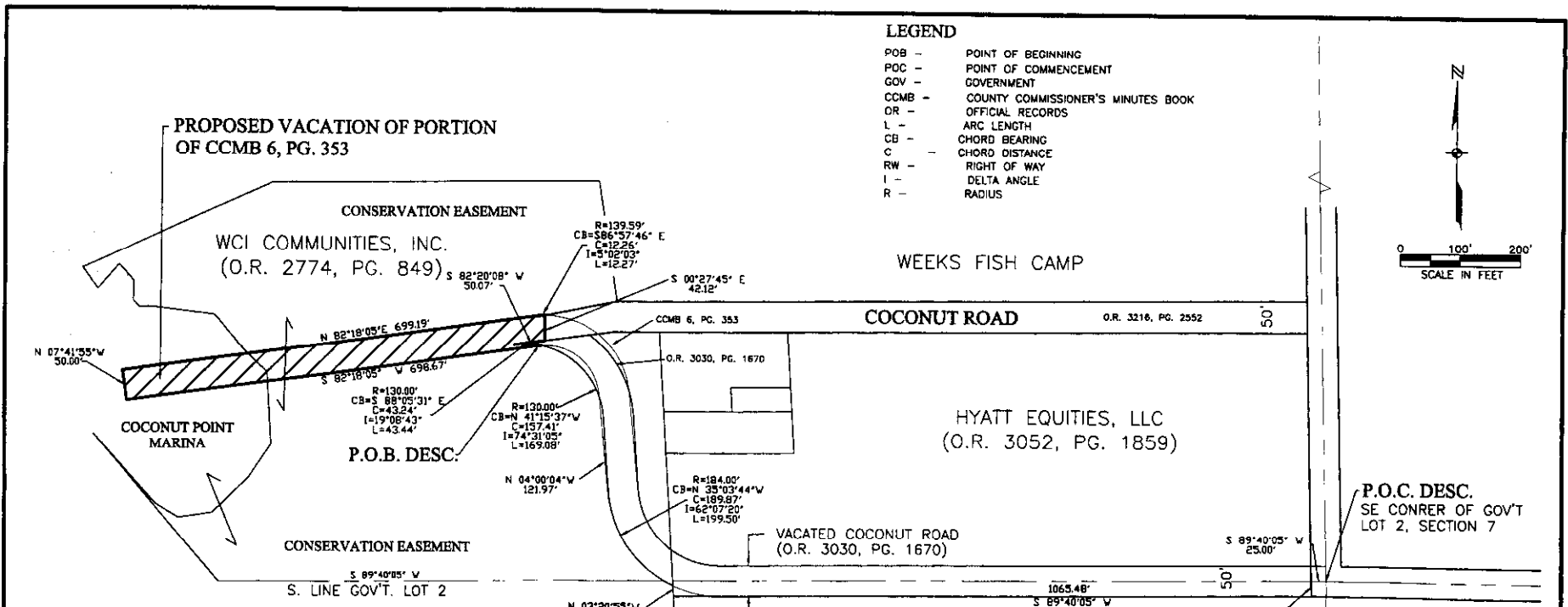
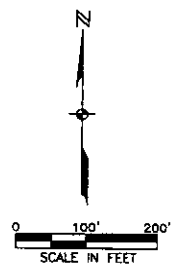
  
RICHARD J. EWING, V.P.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5295  
NOT VALID WITHOUT THE SIGNATURE AND  
THE ORIGINAL RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER  
CEC FILE NO. 03.117  
DATE: 5-5-09

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



- 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, P.L.B. #42)  
 PROFESSIONAL SURVEYOR AND MAPPER V.P.C.  
 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

S:\21942\21942ADDVAC.DWG

**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

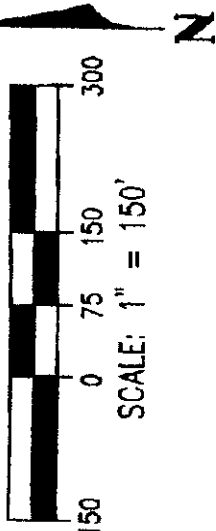


EXHIBIT "A-C"

LEGAL DESCRIPTION  
 GOVERNMENT LOT 2  
 GOVERNMENT TRACT

A PARCEL OF LAND LIES IN THE NORTH PART, (25-1/2%) OF IMPROVEMENT LOT 2, SECTION 7, TOWNSHIP 7 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. ALSO BEING A PORTION OF TRACT 200202, PART OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING RECORDED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 2, BEING POINT ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 7, AND S 89°40'05" E ALONG THE SOUTH LINE OF SAID LOT 2 FOR 75.50 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF TRACT 200202, RECORDED IN O.R. BOOK 3022, PAGE 1856 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THENCE ALONG SAID WESTERLY LINE OF TRACT 200202, BEING 42.12 FEET TO THE SOUTHWEST CORNER OF TRACT 200202, BEING 30.67 FEET TO THE POINT OF BEGINNING. THENCE ALONG SAID WESTERLY LINE OF TRACT 200202, BEING 26.08 FEET TO THE SOUTH LINE OF GOVERNMENT ROAD BEING 26.08 FEET TO THE POINT OF BEGINNING.

THENCE CONTAINING S 89°40'05" E 75.50 FEET TO THE POINT OF BEGINNING. THENCE S 89°40'05" E 75.50 FEET TO A POINT ON A CIRCULAR CURVE AND POINT OF BEGINNING. THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 42°24'44" AND A CHORD DISTANCE OF 41.90 FEET, BEING S 114°42'47" E TO THE POINT OF BEGINNING.

BEING THE POINT OF BEGINNING. THE AREA DESCRIBED APPROXIMATELY 1.20 SQUARE FEET OF LAND. SUBJECT TO EASEMENTS, RESTRICTIONS AND INCUMBRANCES OF RECORD.

**P.O.C.**  
 SOUTHEAST CORNER OF  
 GOVERNMENT LOT 2  
 EAST 1/4 CORNER  
 SECTION 7, TOWNSHIP  
 47 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA

**COASTAL ENGINEERING CONSULTANTS, INC.**  
 FLORIDA BUSINESS PROFESSIONAL SURVEYING AND MAPPING  
 RICHARD J. PAVES, P.E.  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5595  
 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: 5-14-04

GOVERNMENT ROAD  
 CONVEYED TO LEE COUNTY  
 (O.R. BOOK 3018, PAGE 2550)

200202  
 A. 55, 0.25 CON

HYATT  
 (O.R. BOOK 3022,  
 PAGE 1856)

S 89°40'05" W 1108.27'

N 08°50'45" W 199.50'

S 89°32'15" W 945.00±

SOUTHERLY 1250'± ALONG SHORELINE

MARINA PARCEL

GOVERNMENT POINT MARINA DRIVE

P.O.B. S 08°27'45" E  
 42.12'

"VACATION" PARCEL DESCRIPTION

MARINA PARCEL

780'±

S 89°40'05" N

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	S00°27'45" W	42.12'
L3	S82°20'04" W	30.67'
L4	N78°48'31" E	26.08'

CXX - CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	60.00'	42°24'44"	41.90'	43.06'	S114°42'47" E

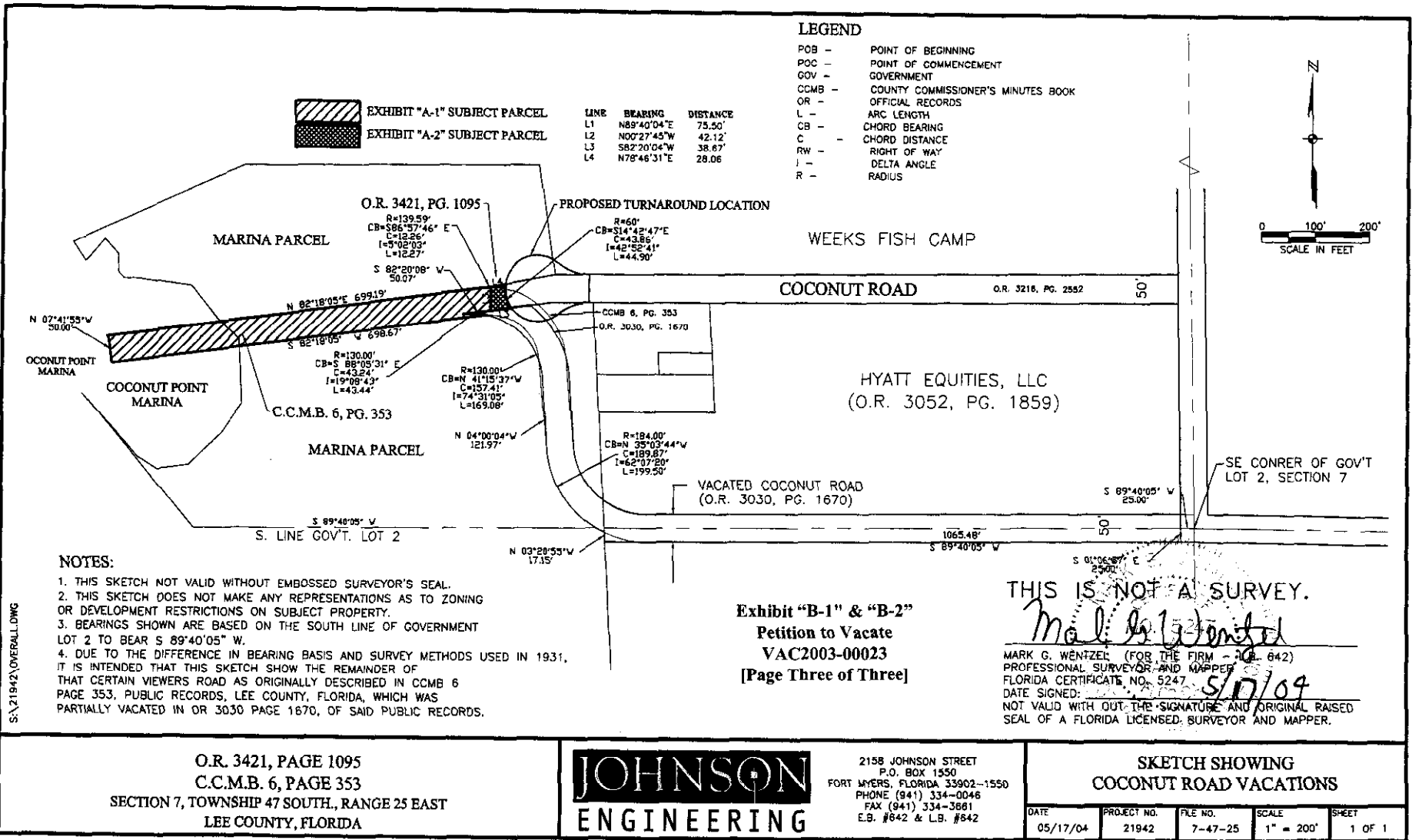
CIVIL ENGINEERING  
 SURVEY & MAPPING  
 COASTAL ENGINEERING  
 REAL ESTATE APPRAISAL  
 ENVIRONMENTAL ASSESSMENT

PHONE: (239) 443-2324  
 FAX: (239) 443-1143  
 www.coastal-engineering.com  
 E-Mail: enq@ceci.com

3100 SOUTH HARVESTREE DRIVE  
 NAPLES, FLORIDA 34104

WCI

SKETCH OF DESCRIPTION OF A PARCEL OF LAND LYING IN GOVERNMENT LOT 2  
 SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25, LEE COUNTY, FLORIDA.



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  
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 FORT MYERS, FLORIDA 33902-1550  
 PHONE (941) 334-0046  
 FAX (941) 334-3881  
 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

S:\21942\OVERALL.DWG



**MEMORANDUM**  
**FROM THE**  
**OFFICE OF COUNTY ATTORNEY**


**BY HAND DELIVERY**

DATE: October 22, 2004

To: Board of County Commissioners

FROM: John J. Fredyma  
Assistant County Attorney

RE: Request for Continuance  
 Public Agenda - 5 p.m., #1 (Case No. VAC2003-00023)  
 Tuesday, October 26, 2004

*on recap*  
*10-22-04*  


A request has been received from Attorney Neale Montgomery, legal counsel for WCI Communities, Inc., to continue the Public Hearing for the above-referenced Petition to Vacate a portion of Coconut Road. This case is currently scheduled as Agenda Item #1 of the 5 p.m. Public Hearing on Tuesday, October 26, 2004.

Ms. Montgomery has indicated an unavoidable conflict that will not allow her to attend the Public Hearing on this date. Therefore, she has requested the Board of County Commissioners continue this Public Hearing to Tuesday, November 23, 2004 at 5 p.m. in the Board's Chambers.

The request to continue has been reviewed by the Department of Community Development and the Office of the County Attorney. Neither office has any objection to the request. However, the Office of the County Attorney would recommend a readvertisement of the continued Public Hearing to ensure those interested in the case will be informed of the changed hearing date.

The Board of County Commissioners has the authority to determine whether or not a request to continue should be granted and Ms. Montgomery has indicated her client's willingness to pay for the cost of readvertisement.

Please do not hesitate to let me know if you have any questions.

JJF/mme

- cc: Robert Gray, Deputy County Attorney  
 Timothy Jones, Chief Assistant County Attorney, Land Use  
 Donna Marie Collins, Assistant County Attorney  
 Mary Gibbs, Director, DCD/Administration  
 Peter J. Eckenrode, Director, Dev. Services Division, DCD/Dev. Services  
 Scott Gilbertson, Director, DOT  
 Roland Ottolini, Deputy Director, Natural Resources  
 John Yarbrough, Parks & Recreation Director, Parks & Recreation  
 Neale Montgomery, Esq., Pavese, Haverfield, Dalton, et al. (via facsimile)  
 Thomas B. Hart, Esq., Knott, Consoer, Ebelini, Hart & Swett, P.A. (via facsimile)