

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate six (6) 12-foot wide Public Utility and Drainage Easements at Pangola Dr., North Fort Myers, Florida, located off of Orange Grove Blvd, which intersects Hancock Bridge Parkway. (Case No. VAC2004-00054)

**WHY ACTION IS NECESSARY:** To build six (6) single-family residences on the combined 12 lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

**WHAT ACTION ACCOMPLISHES:** Vacates the Drainage and Public Utility Easement.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 4

04  
**5:00 #3**

**3. MEETING DATE:**  
**01-11-2005**

**4. AGENDA:**  
 CONSENT  
 ADMINISTRATIVE  
 APPEALS  
 PUBLIC  
 WALK ON  
**TIME REQUIRED:**

**5. REQUIREMENT/PURPOSE:**  
(Specify)  
 STATUTE F.S. Ch. 177  
 ORDINANCE  
 ADMIN. CODE 13-1  
 OTHER

**6. REQUESTOR OF INFORMATION:**  
**A. COMMISSIONER**  
**B. DEPARTMENT** Community Development  
**C. DIVISION** Development Services  
**BY:** *[Signature]* 12/14/04  
 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 11<sup>th</sup> day of January 2005.

**LOCATION:** The site is at **Pangola Dr., North Fort Myers, FL 33903** located off of Orange Grove Blvd, which intersects Hancock Bridge Parkway. The strap numbers are 09-44-24-33-00000.0010 to 09-44-24-33-00000.0120. Petition No. VAC2004-00054 proposes to vacate six (6) 12-foot wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northwesterly 55 feet thereof.

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			G County Manager
					GA	OM	Risk	GC
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 12/20/04	<i>[Signature]</i> 12/26/04	<i>[Signature]</i> 12-20-04	<i>[Signature]</i> 12/20/04

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

**Rec. by CoAtty**  
**Date:** 12/17/04  
**Time:** 8:45  
**Forwarded To:**  
*[Signature]*  
 12/17/04

**RECEIVED BY**  
**COUNTY ADMIN:**  
 12/22/04  
 10:00 am  
**COUNTY ADMIN**  
**FORWARDED TO:**  
 12/22/04  
 1:30pm

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2004-00054

WHEREAS, Petitioner **Martins-Somrak Corp, a Florida Corporation** 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 11<sup>th</sup> day of January 2005 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

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. VAC2004-00054 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

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00054**

**Legal Description of the Public Utility and Drainage Easements to be Vacated:**

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida;

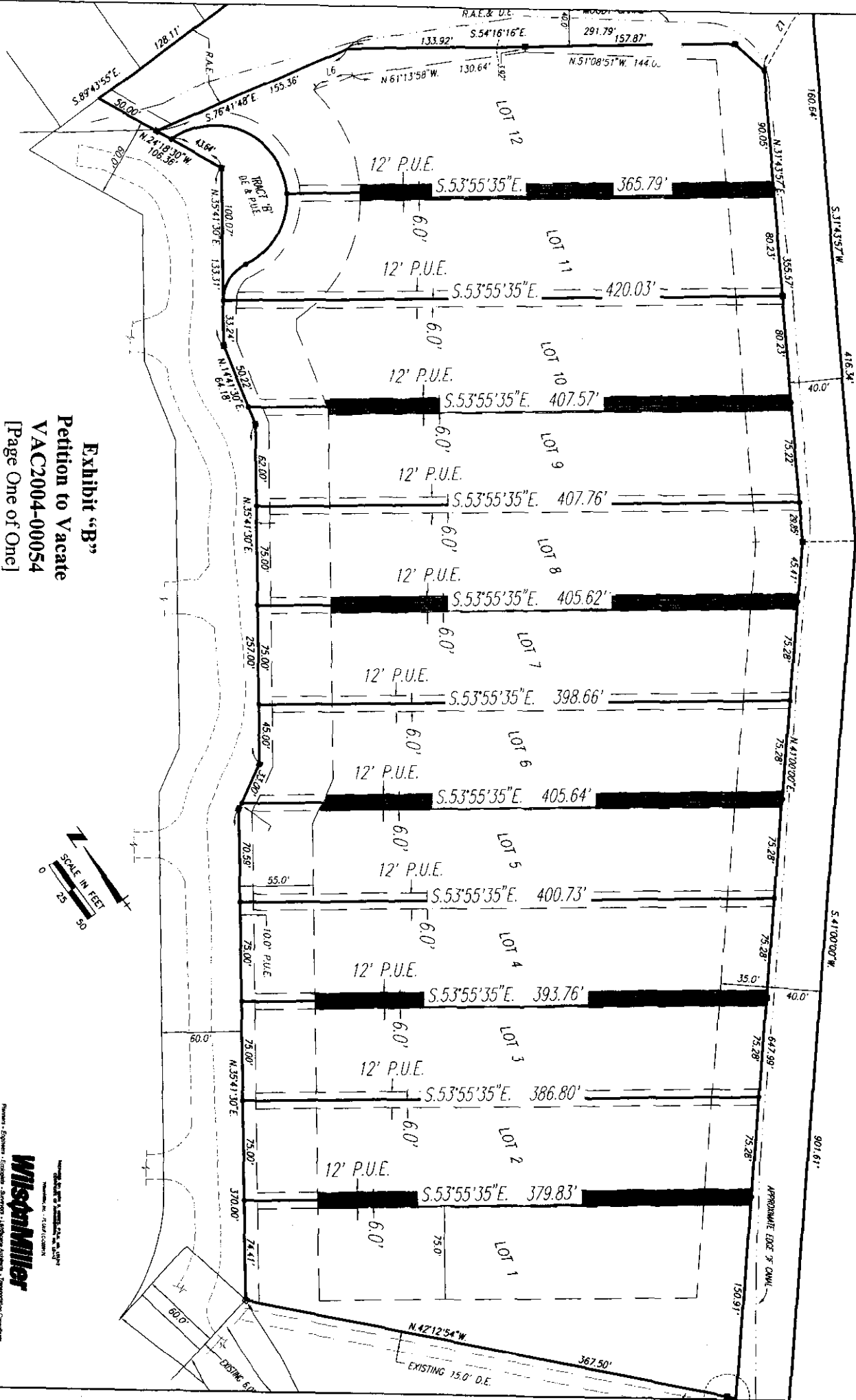
**LESS and EXCEPT** the northwesterly 55 feet thereof.

A SUBDIVISION OF PART OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA

**PANGOLA ESTATES**

■ EASEMENTS TO BE VACATED

PLAT BOOK PAGE  
SHEET 2 OF 2



**Exhibit "B"**  
Petition to Vacate  
VAC2004-00054  
[Page One of One]

**Wilschmiller**

Surveyors - Engineers - Architects - Planners  
19001 W. US Highway 90, Suite 100, Ft. Myers, FL 33907  
Phone: (813) 938-1111 Fax: (813) 938-1112  
www.wilschmiller.com

**1. REQUESTED MOTION:**

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**WHAT ACTION ACCOMPLISHES:** Vacates the Drainage and Public Utility Easement.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 4

04 Community Development

**3. MEETING DATE:**


**4. AGENDA:**

- \_\_\_\_\_ CONSENT
- \_\_\_\_\_ ADMINISTRATIVE
- \_\_\_\_\_ APPEALS
- PUBLIC
- \_\_\_\_\_ WALK ON
- \_\_\_\_\_ TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE F.S. Ch. 177
- \_\_\_\_\_ ORDINANCE
- ADMIN. CODE 13-1
- \_\_\_\_\_ OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BK:  12/14/04

Peter J. Eckenrode, Director

**7. BACKGROUND:**

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**LOCATION:** The site is at **Pangola Dr., North Fort Myers, FL 33903** located off of Orange Grove Blvd, which intersects Hancock Bridge Parkway. The strap numbers are 09-44-24-33-00000.0010 to 09-44-24-33-00000.0120. Petition No. VAC2004-00054 proposes to vacate six (6) 12-foot wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northwesterly 55 feet thereof.

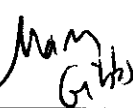
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**8. MANAGEMENT RECOMMENDATIONS:**

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A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A	N/A						

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Print Name

LEE COUNTY  
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name



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**VAC2004-00054**

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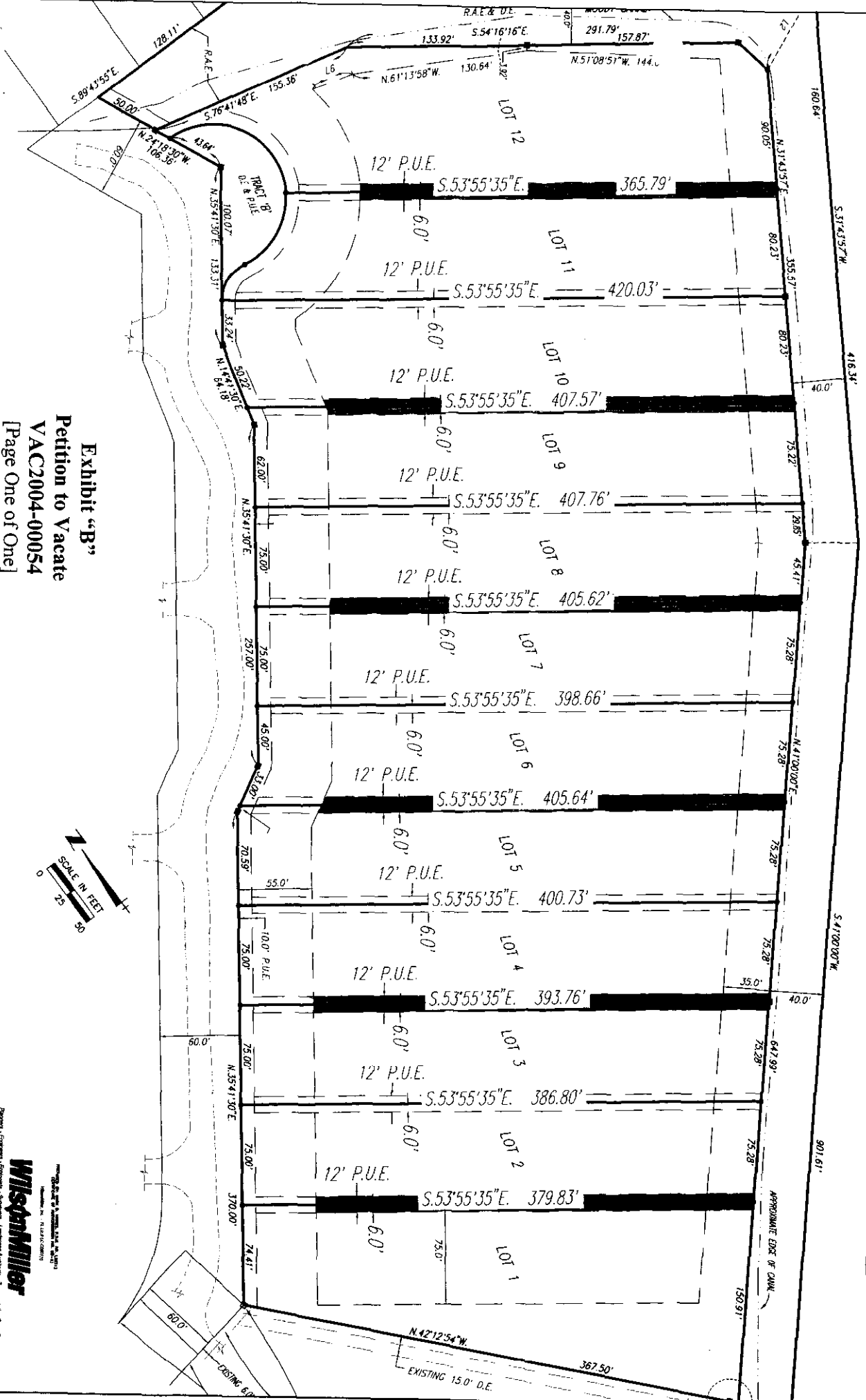
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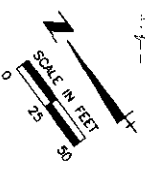
**PANGOLA ESTATES**  
 A SUBDIVISION OF PART OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA

**EASEMENTS TO BE VACATED**

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 SHEET 2 OF 2



**Exhibit "B"**  
 Petition to Vacate  
 VAC2004-00054  
 [Page One of One]



**Wilschmiller**  
 Surveyors - Engineers - Planners - Architects - Landscape Architects - Environmental Consultants  
 4077 Gateway Boulevard, Suite 100, Fort Myers, Florida 33907, Phone: 238.933.1237, Fax: 238.933.1238, Website: www.wilschmiller.com