

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 33-foot wide Right-of-Way Easement located at 21500/510 Three Oaks Parkway, Estero, Florida. (Case No. VAC2003-00030)

WHY ACTION IS NECESSARY: To facilitate the development of the Estero Fire and Rescue District Station #3 with associated administrative offices. **The subject right-of-way is not constructed and the vacation of this 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 #: 03

04

3. MEETING DATE:

5:00 #2

02-22-2005

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- _____ CONSENT
- _____ ADMINISTRATIVE
- _____ APPEALS
- PUBLIC
- _____ WALK ON
- _____ TIME REQUIRED:

- STATUTE F.S. Ch. 336
- _____ ORDINANCE
- ADMIN. CODE 13-8
- _____ OTHER

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 1/28/05

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 February 22, 2005.

The subject easement is recorded in OR Book 60 at Page 73 of the Public Records of Lee County, Florida. The easterly portion of the easement to be vacated is located on the site of the main fire station constructed in 2002. The vacation of the easement through this tract was required by Condition #4 of the Special Exception for the Fire Station approved under Case SEZ2000-00013. The westerly portion of the easement is located on the parcel immediately west of the main fire station. This tract was acquired by the Fire District for expansion of the existing facility and is now the subject of a pending rezoning under Case DCI2003-00026. A permanent turn around at the end of Horne Lane has been approved by the County under Case LDO2004-00455 and will be constructed prior to conducting the Public Hearing to consider the vacation request.

LOCATION: The site is located at 21500/510 Three Oaks Parkway, Estero, Florida 33928.

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
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	OM	Risk	GC	<i>[Signature]</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 1/28/05
Time: 11:00
Forwarded To:

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
1/28/05
COUNTY ADMIN FORWARDED TO:
1/28/05

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: VAC2003-00030

WHEREAS, Petitioner Cody Vaughan-Birch, agent for the owner 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 22nd of February, 2005 at 5:00 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 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. VAC2003-00030 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 22nd of February, 2005 at 5:00 pm.

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

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors

FORT MYERS ♦ CHARLOTTE ♦ NAPLES ♦ SARASOTA

DESCRIPTION OF A PARCEL LYING IN
SECTION 34, T-46-S, R-25-E,
LEE COUNTY, FLORIDA.

(ESTERO FIRE AND RESCUE - 3 OAKS ROADWAY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PART OF THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3795, PAGE 3873, AND OFFICIAL RECORDS BOOK 3234, PAGE 1877, AS DESCRIBED IN LEE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF TRACT E, COLONIAL OAKS, PLAT BOOK 71, PAGE 60, SAID PUBLIC RECORDS; THENCE S.89°24'11"W., ALONG THE NORTH LINE OF SAID TRACT E, FOR 200.02 FEET; THENCE N.00°58'25"E., ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3795, PAGE 3873, FOR 35.88 FEET; THENCE S.88°31'07"E., ALONG THE NORTH LINE OF A 33 FOOT WIDE ROADWAY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 60, PAGE 73, SAID PUBLIC RECORDS, FOR 180.01 FEET; THENCE CONTINUE S.88°31'07"E., ALONG SAID NORTH EASEMENT LINE AND THE NORTH LINE OF LOT C-30, FLORIDA GULF COAST LAND COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 59, SAID PUBLIC RECORDS, FOR 230.00 FEET TO THE NORTHEAST CORNER OF SAID LOT C-30; THENCE S.00°58'25"W., ALONG THE EAST LINE OF SAID LOT AND THE WEST LINE OF THREE OAKS PARKWAY, FOR 33.00 FEET; THENCE N.88°31'07"W., FOR 207.01 FEET TO THE WESTERLY LINE OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3234, PAGE 1877; THENCE N.33°43'43"W., ALONG SAID WESTERLY LINE OF SAID PARCEL, FOR 5.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 13374 SQUARE FEET OR 0.31 ACRE, MORE OR LESS.

BEARINGS ARE BASED THE NORTH LINE OF SAID TRACT E AS BEARING S.89°24'11"W.

BANKS ENGINEERING, INC.
FLORIDA LICENSED BUSINESS NO. LB6690

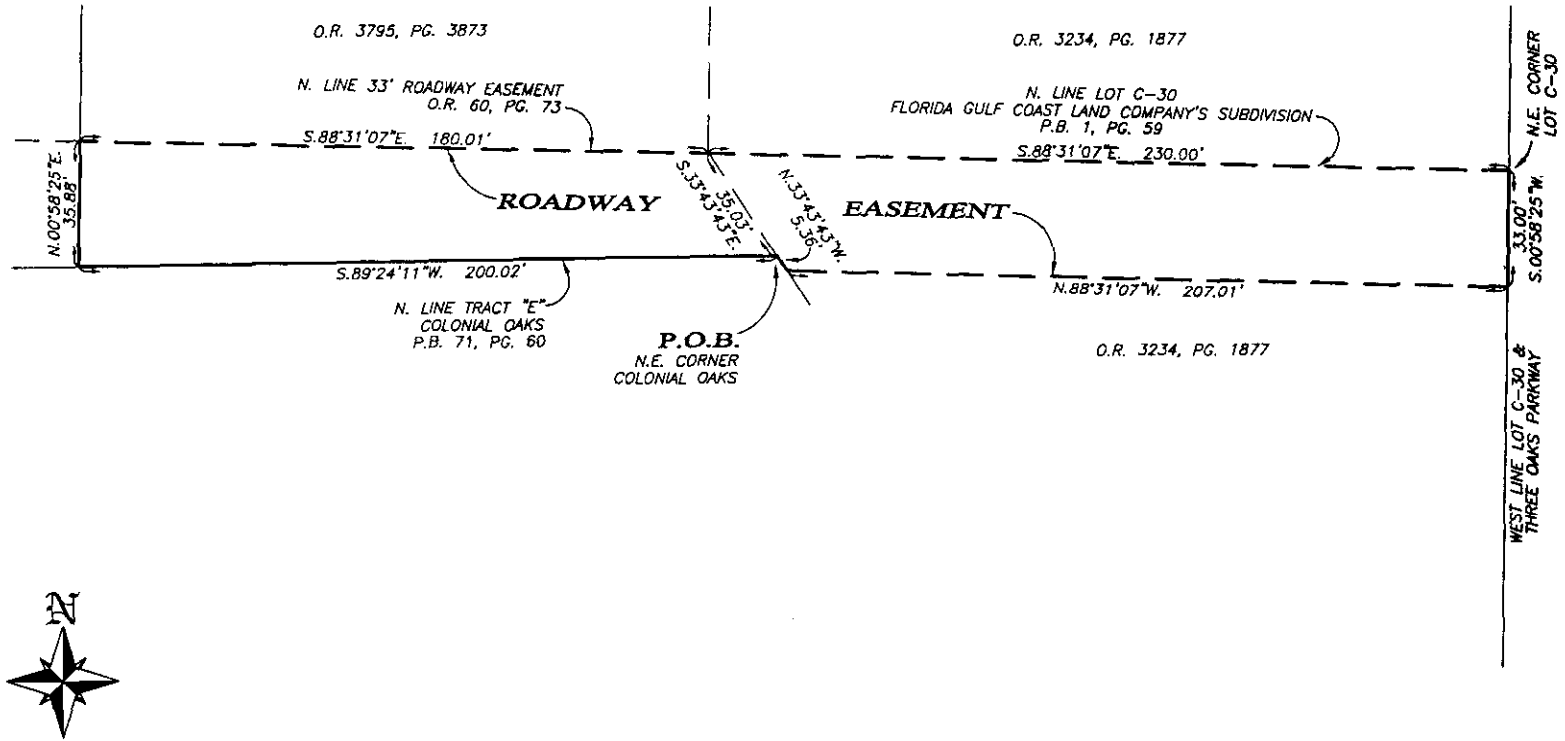
SEPTEMBER 8, 2004

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

EXHIBIT "A"

LEGEND

O.R. LEE COUNTY OFFICIAL RECORDS
 PG. AT PAGE
 P.B. LEE COUNTY PLAT BOOK
 P.O.B. POINT OF BEGINNING



THIS IS NOT A BOUNDARY SURVEY
 KENNETH E. TRASK
 FLORIDA CERTIFICATE NO. LS4684

SKETCH TO ACCOMPANY DESCRIPTION
 EASEMENT IN SECTION 34, T-46-S, R-25-E
 LEE COUNTY, FLORIDA

DATE	PROJECT	SHOWING	SECTION	TOWN	RANGE	SCALE	SHEET	FILE NO.
8-8-2004	1821	1821SK-80	KT	KT	KT	1"=50'	2 of 2	34-46-25

Banka Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • CHARLOTTE • NAPLES • SARASOTA
 1001 1/2 MILE EXPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33913
 PHONE (888) 538-5445 FAX (888) 538-5555
 WWW.BANKAENGINEERING.COM

EXHIBIT "B"

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 33-foot wide Right-of-Way Easement located at 21500/510 Three Oaks Parkway, Estero, Florida. (Case No. VAC2003-00030)

WHY ACTION IS NECESSARY: To facilitate the development of the Estero Fire and Rescue District Station #3 with associated administrative offices. **The subject right-of-way is not constructed and the vacation of this 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 #: 03

04 Community Development

3. MEETING DATE:


4. AGENDA:

_____ CONSENT
_____ ADMINISTRATIVE
_____ APPEALS
 PUBLIC
_____ WALK ON
_____ TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE F.S. Ch. 336
_____ ORDINANCE
 ADMIN. CODE 13-8
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6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
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BY:  1/28/05
Peter J. Eckenrode, Director

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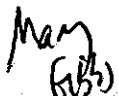
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8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					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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BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

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APPROVED AS TO FORM

County Attorney Signature

Please Print Name

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FORT MYERS ♦ CHARLOTTE ♦ NAPLES ♦ SARASOTA

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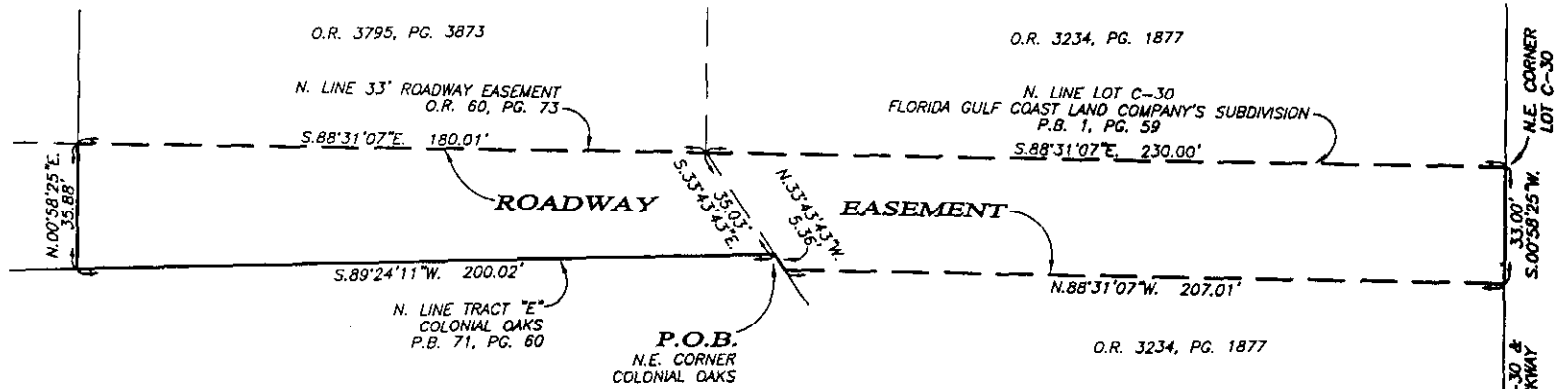
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SKETCH TO ACCOMPANY DESCRIPTION
 EASEMENT IN SECTION 34, T-46-S, R-25-E
 LEE COUNTY, FLORIDA

DATE	PROJECT	ISSUANCE	REVISION	SCALE	SHEET	TOTAL SHEETS
9-9-2004	1821SK-00	1821	KT	1"=50'	2	2
						FILE NO. 0-1-0
						34-44-25

Banks Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • CHARLOTTE • NAPLES • SARASOTA
 1801 W. MILITARY AVENUE, SUITE 101
 FORT MYERS, FLORIDA 33901
 PHONE: (888) 444-2444 FAX: (888) 444-2444
 SURVEY LICENSE # 15, 16, 17

EXHIBIT "B"

