

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate three (3) 12-foot wide Drainage and Public Utility Easements at 11360, 11340, 11320 and 11300 Lindbergh Blvd., Fort Myers, Florida, located off of Rickenbacker Parkway and Daniels Road. (Case No. VAC2004-00076)

WHY ACTION IS NECESSARY: To build a commercial building on the combined four (4) 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 #: 5

04

5:00 #1

3. MEETING DATE:

03-22-2005

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]* 02/16/05

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 the 22nd day of March 2005. The completed petition to vacate, VAC2004-00076 was submitted by Exceptional Engineering, Inc. as the agent on behalf of Dogwood Development, Inc.

LOCATION: The site is located at 11360, 11340, 11320 and 11300 Lindbergh Blvd., Fort Myers, Florida 33913 and its strap numbers are 24-45-25-01-00000.0020, 24-45-25-01-00000.0030, 24-45-25-01-00000.0040, and 24-45-25-01-00000.0050. Petition No. VAC2004-00076 proposes to vacate three (3) 12-foot wide Drainage and Public Utility Easements centered on the common line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly ten feet and southerly ten 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 Risk	G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 3/12/05
Time: 10:55
Forwarded To:

RECEIVED BY
COUNTY ADMIN
2/11/05
3:20 pm sm
COUNTY ADMIN
FORWARDED TO:
2/11/05
4:05

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: VAC2004-00076

WHEREAS, Petitioner **Dogwood Development, Inc., 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 22nd day of March 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. VAC2004-00076 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
VAC2004-00076

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 line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly ten feet and southerly ten feet thereof.

TRACT "C"
(60 WIDE)

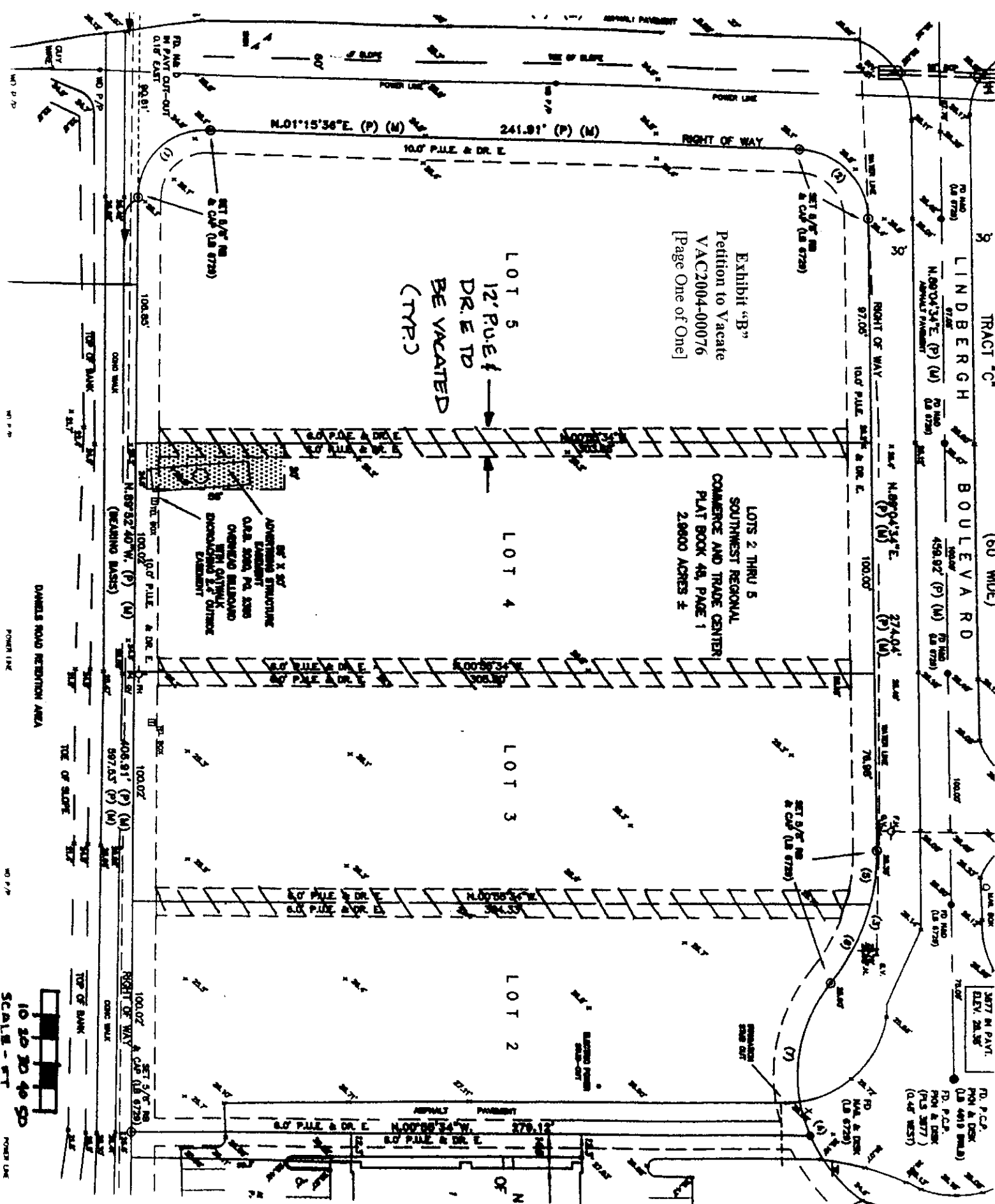
LINDERBERG BOULEVARD

Exhibit "B"
Petition to Vacate
VAC2004-00076
[Page One of One]

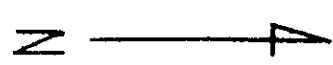
LOTS 2 THRU 5
SOUTHWEST REGIONAL
COMMERCE AND TRADE CENTER
PLAT BOOK 48, PAGE 1
2.8800 ACRES ±

LOT 5
12' P.U.E. &
D.R.E. TO
BE VACATED
(TRP)

ADVERTISING STRUCTURE
EXHIBIT
Q.A.B. 2004 P.L. 2389
OVERHEAD BILLBOARD
WITH CANTILEVER
ENCLOSURE & OUTRIGER
EXHIBIT



10 20 30 40 50
SCALE - FT



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WHY ACTION IS NECESSARY: To build a commercial building on the combined four (4) 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 #: 5

04 Community Development

3. MEETING DATE: 3/22/2005 @ 5 p.m.


4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

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

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

A. COMMISSIONER
B. DEPARTMENT Community Development
C. DIVISION Development Services
BY:  02/09/05

Peter J. Eckenrode, Director

7. BACKGROUND:

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There are no objections to this Petition to Vacate. Staff recommends adoption of this resolution.

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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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ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

LEE COUNTY
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
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VAC2004-00076

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TRACT "C" (6U WIDE)

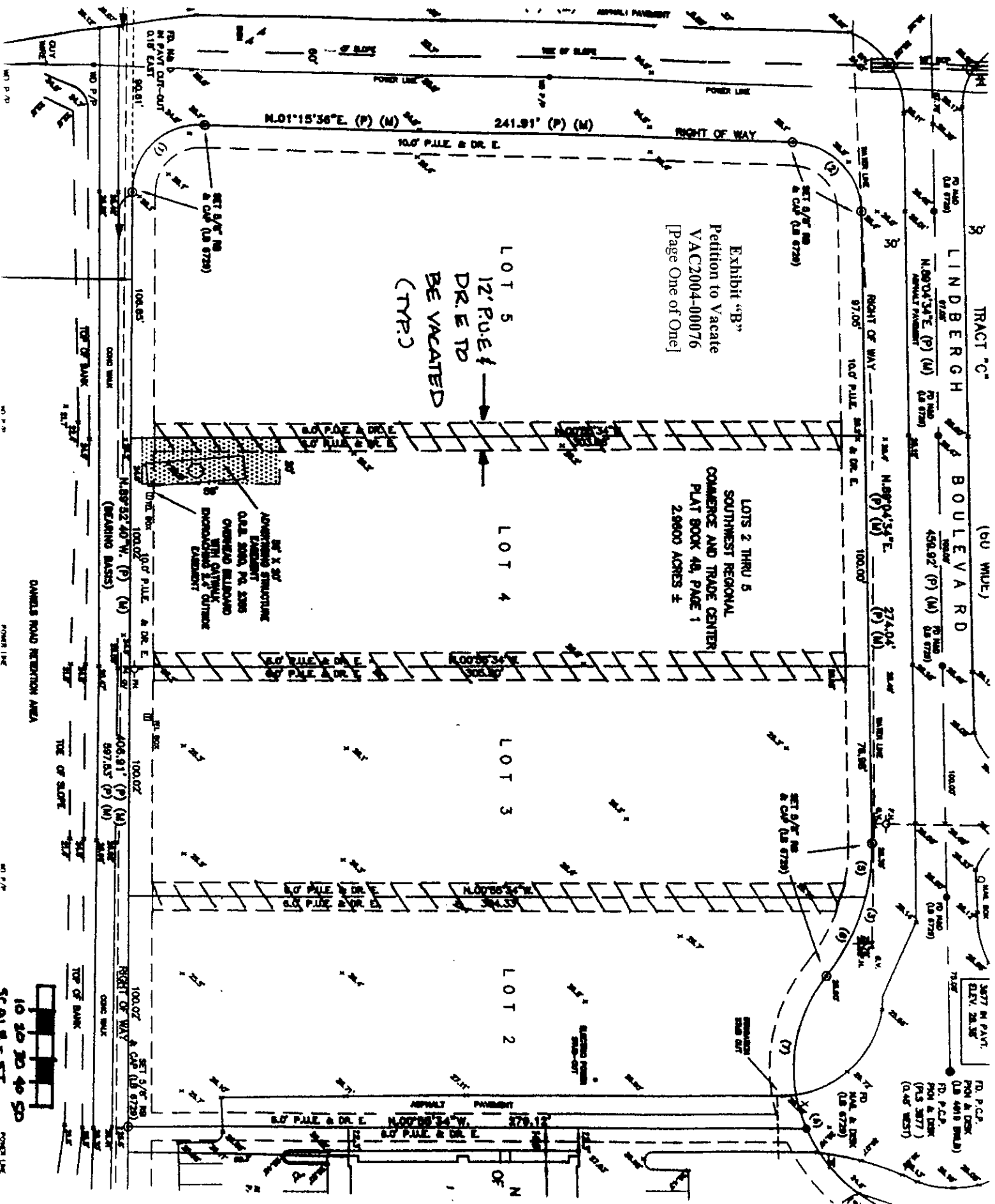
LINDERBERGH BOULEVARD

Exhibit "B"
 Petition to Vacate
 VAC2004-00076
 [Page One of One]

LOTS 2 THRU 5
 SOUTHWEST REGIONAL
 COMMERCE AND TRADE CENTER
 PLAT BOOK 48, PAGE 1
 2.9800 ACRES ±

LOT 5
 12' P.U.E. &
 D.R.E. TO
 BE VACATED
 (TRP)

ADVERTISING STRUCTURE
 EXHIBIT
 Q.A.S. 2004, PG. 2385
 OVERHEAD BILLBOARD
 WITH CANTILEVER
 ENCLOSURE & OUTDOOR
 CABINET



10 30 60 90 50
 SCALE - FT

