

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a portion of 200 feet wide County Road Right-of-Way known as Meeting Street located west of Lemon Street and east of Date Street, in between adjoining properties at 2421 and 2481 Lemon St., St. James City, Florida (Case No. VAC2004-00072)

**WHY ACTION IS NECESSARY:** Vacation of the public interest for this un-constructed road will allow assembly of a larger lot. The vacation of this right-of-way will not alter traffic and drainage conditions and the right-of-way are not necessary to accommodate any future traffic and drainage requirement.

**WHAT ACTION ACCOMPLISHES:** Vacates the Right-of-Way

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 1

04

5:00 #3

**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]* 2/17/05
- 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 22<sup>nd</sup> day of March 2005. The completed petition to vacate, VAC2004-00072 was submitted by Matthew J. and Elizabeth A. Mahl.

**LOCATION:** The site is located west of Lemon Street and east of Date Street, in between adjoining properties at 2421 and 2481 Lemon St., St. James City, Florida 33956 and its strap numbers are 02-46-22-05-00439.00C0 and 02-46-22-05-00439.00A0. The petitioners own both properties abutting the right-of-way to be vacated. Petition No. VAC2004-00072 proposes to vacate a portion of 200 feet wide County Road Right-of-Way known as Meeting Street, which is not constructed, Block 439, lying in Section 2, Township 46 South, Range 22 East, as recorded in Plat Book 3, Pages 35 and 36, of 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				G County Manager
					OM	Risk	GC		
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

**10. COMMISSION ACTION:**

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

Rec. by CoAtty  
Date: 2/21/05  
Time: 5:00  
Forwarded To: *[Signature]*

RECEIVED BY  
COUNTY ADMIN:  
2/22/05  
350 TD  
COUNTY ADMIN  
FORWARDED TO:  
*[Signature]*

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: VAC2004-00072

WHEREAS, Petitioner(s) **Matthew J. and Elizabeth A. Mahl** 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 22<sup>nd</sup> 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. VAC2004-00072 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



SURVEYING, INC.


P.O. BOX 423 OR 3105 STRINGFELLOW ROAD  
 ST. JAMES CITY, FLORIDA 33856  
 PHONE (941) 283-1518  
 LB # 2658

SPECIFIC PURPOSE SKETCH AND DESCRIPTION DELINEATING A PORTION OF MEETING STREET AS SHOWN ON THE PLAT OF ST. JAMES CITY AS RECORDED IN PLAT BOOK 3 AT PGES 35 AND 36 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO BE VACATED, LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, SEE PAGE 1 OF 2 FOR LEGAL DESCRIPTION.

COMMENCE AT THE SOUTHWEST CORNER OF SAID BLOCK 439; THENCE RUN N 01°00'00" W ALONG THE WEST LINE OF SAID BLOCK 439 AND THE EAST RIGHT OF WAY OF DATE STREET FOR 180.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF THE SOUTHWEST QUADRANT OF SAID BLOCK 439; THENCE CONTINUE N 01°00'00" W ALONG SAID EAST RIGHT OF WAY FOR 40.00 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUADRANT OF SAID BLOCK 439; THENCE RUN N 89°00'00" E ALONG THE SOUTH LINE SAID NORTHWEST QUADRANT AND THE NORTH RIGHT OF WAY OF MEETING STREET AS SHOWN ON THE AFDREMENTIONED PLAT OF ST. JAMES CITY FOR 200.00 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUADRANT OF BLOCK 439 AND THE WEST RIGHT OF WAY OF LEMON STREET; THENCE RUN S 01°00'00" E ALONG SAID WEST RIGHT OF WAY FOR 40.00 FEET TO THE NORTHEAST CORNER OF THE AFDREMENTIONED SOUTHWEST QUADRANT OF BLOCK 439; THENCE RUN S 89°00'00" W ALONG THE NORTH LINE SAID SOUTHWEST QUADRANT AND THE SOUTH RIGHT OF WAY OF SAID MEETING STREET FOR 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 8,000 SQUARE FEET OF LAND.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2004-00072**  
 [Page One of One]

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

  
 ALFRED J. WATSON  
 PROFESSIONAL SURVEYOR AND MAPPER  
 #2330 - STATE OF FLORIDA

THIS IS NOT A BOUNDARY SURVEY

FOR: MATTHEW MAHL AND ELIZABETH A. MAHL

JOB # 04-0679 F. B. L. 88-25

STRAP # \_\_\_\_\_

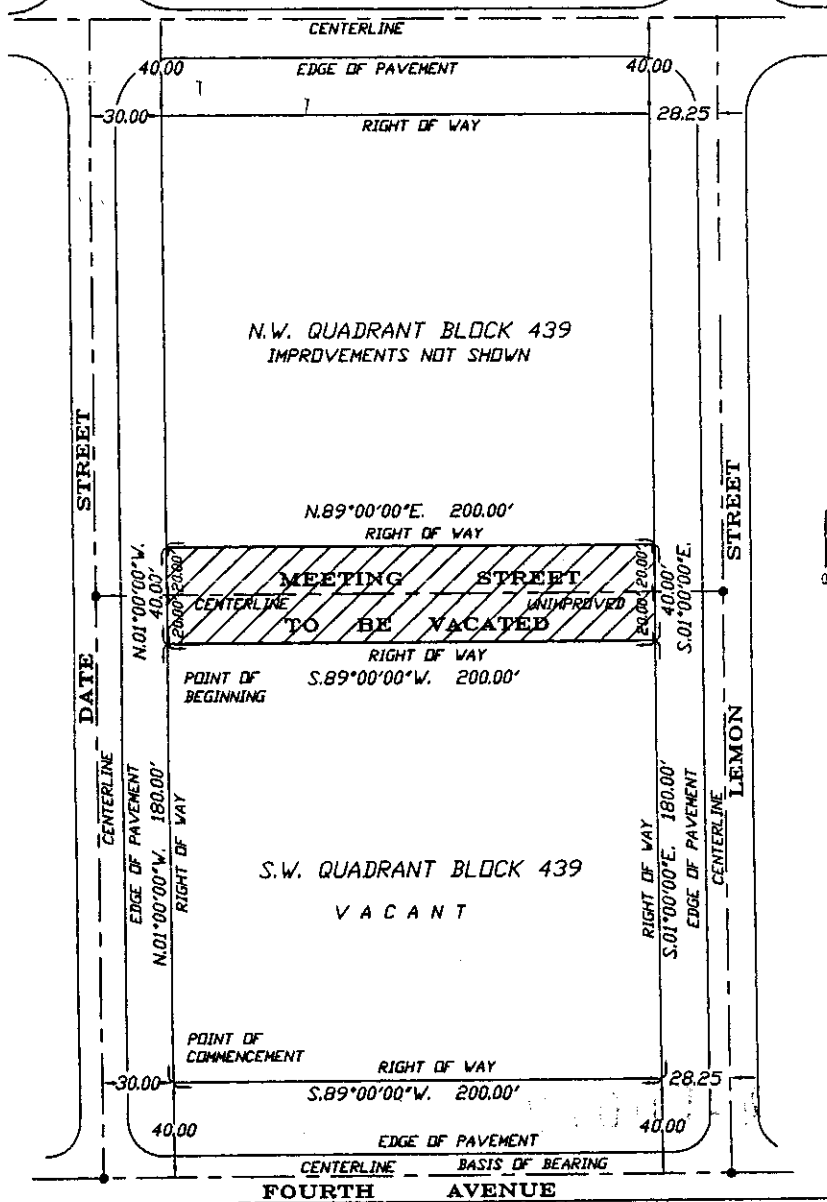
DATE: JANUARY 7, 2005



P.O. BOX 423 OR 3105 STRINGFELLOW ROAD  
ST. JAMES CITY, FLORIDA 33956  
PHONE (841) 283-1518  
LB # 2658

SURVEYING, INC.

FIFTH AVENUE



GRAPHIC SCALE

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2004-00072**  
[Page One of One]

SPECIFIC PURPOSE SKETCH AND DESCRIPTION DELINEATING A PORTION OF MEETING STREET AS SHOWN ON THE PLAT OF ST. JAMES CITY AS RECORDED IN PLAT BOOK 3 AT PGES 35 AND 36 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO BE VACATED, LYING IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 22 EAST, PINE ISLAND, LEE COUNTY, FLORIDA, SEE PAGE 1 OF 2 FOR LEGAL DESCRIPTION.

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-5, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

THIS IS NOT A BOUNDARY SURVEY

FOR: MATTHEW MAHL AND ELIZABETH A. MAHL

JOB # 04-0679 F. B. L. 88-25

STRAP # \_\_\_\_\_

SKETCH OF SURVEY  
SCALE 1" = 80'

*Alfred J. Watson*  
ALFRED J. WATSON

PROFESSIONAL SURVEYOR AND MAPPER  
#2330 - STATE OF FLORIDA

DATE: JANUARY 7, 2005