

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20050441**

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a portion of the 50-foot IDD Canal L-1 Right-of-Way located at 6323 St. Andrew Circle S., Fort Myers, FL 33919, located off of McGregor Blvd. (Case No. VAC2004-00023)

**2. WHAT ACTION ACCOMPLISHES:** To construct a porch addition and re-roof to an existing single-family dwelling unit built in 1971. The existing structure is partially situated in the 50-foot IDD Canal easement. **The vacation will not alter existing drainage conditions and the easement is not necessary to accommodate any future drainage and canal maintenance requirements.**

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:**  
COMMISSION DISTRICT #: 2      5:00#3

**5. Meeting Date:** 4-26-05

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute      F.S. Ch. 336  
 Ordinance  
 Admin. Code      13-8  
 Other

**8. Request Initiated:**  
 Commissioner \_\_\_\_\_  
 Department      Community Development  
 Division      Development Services  
 By: [Signature]      3/30/05  
 Peter J. Eckenrode, Director

**9. Background:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for **5:00 PM on the 26<sup>th</sup> of April 2005**. The completed petition to vacate, VAC2004-00023 was submitted by James F. & Sarah Jane Kaserman.

**LOCATION:** The site is located at **6323 St. Andrew Circle S., Fort Myers, FL 33919** and its strap number is 03-45-24-09-0000C.0100. Petition No. VAC2003-00023 proposes to vacate a portion of the 50-foot IDD Canal L-1 Right-of-Way, containing 780 square feet more or less, Lot 10, Block C, a subdivision of McGregor Gardens, Section 3, Township 45 South, Range 24 East, as recorded in Plat Book 10, Pages 112 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 the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

**10. Review for Scheduling:**

<b>Department Director</b> <u>[Signature]</u>	<b>Purchasing or Contracts</b>	<b>Human Resources</b>	<b>Other</b>	<b>County Attorney</b> <u>[Signature]</u>	<b>Budget Services</b> <u>[Signature]</u> 4/7/05	<b>County Manager/P.W. Director</b> <u>[Signature]</u>
				<b>Analyst</b> <u>[Signature]</u> 4/1/05	<b>Risk</b> <u>[Signature]</u> 4/1/05	<b>Grants</b> <u>[Signature]</u> 4/1/05
					<b>Mgr.</b> <u>[Signature]</u> 4/1/05	

**11. Commission Action:**  
 Approved  
 Deferred  
 Denied  
 Other

**Rec. by CoAtty**  
 Date: 3/31/05  
 Time: 2:05  
 Forwarded To: \_\_\_\_\_

*TD WITH*

**RECEIVED BY COUNTY ADMIN**  
4-1-05 MK  
**COUNTY ADMIN FORWARDED TO:**  
4/7/05  
[Signature]

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: VAC2004-00023

WHEREAS, Petitioner(s) **James F. & Sarah Jane Kaserman** 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 26<sup>th</sup> day of April 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 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. VAC2004-00023 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

: 13591 McGregor Blvd.  
: Suite 19  
: Fort Myers, FL 33919  
: SandHLandSurvey@aol.com  
:


# S & H Land Survey Company, Inc.

## LEGAL DESCRIPTION:

Area of the IDD Canal to be vacated in Lot 10, Block C, McGregor Gardens as recorded in Plat Book 10, Page 112 of the Public Records of Lee County, Florida.

Commencing at the Northeast corner of Lot 10, thence run S 89°05'40" W, 89.60 feet along the North line of said lot; thence run S 00°54'20" E, 9.50 feet to the Northwest corner of the house on said lot and the Point of Beginning; thence continue S 00°54'20" E, 60.00 feet along the rear line of said house; thence run S 89°05'40" W, 13.00 feet; thence run N 00°54'20" W 60.00 feet; thence run N 89°05'40"E, 13.00 feet to the Point of Beginning.

Containing 780 square feet more of less.



R. L. SCHUMANN, RLS 2239  
NO. 2239  
Job # 15459  
11/29/04

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2004-00023**  
[Page One of One]

(239) 481-2366 Ft. Myers  
(239) 597-6936 Naples  
(239) 481-2437 Fax

.....

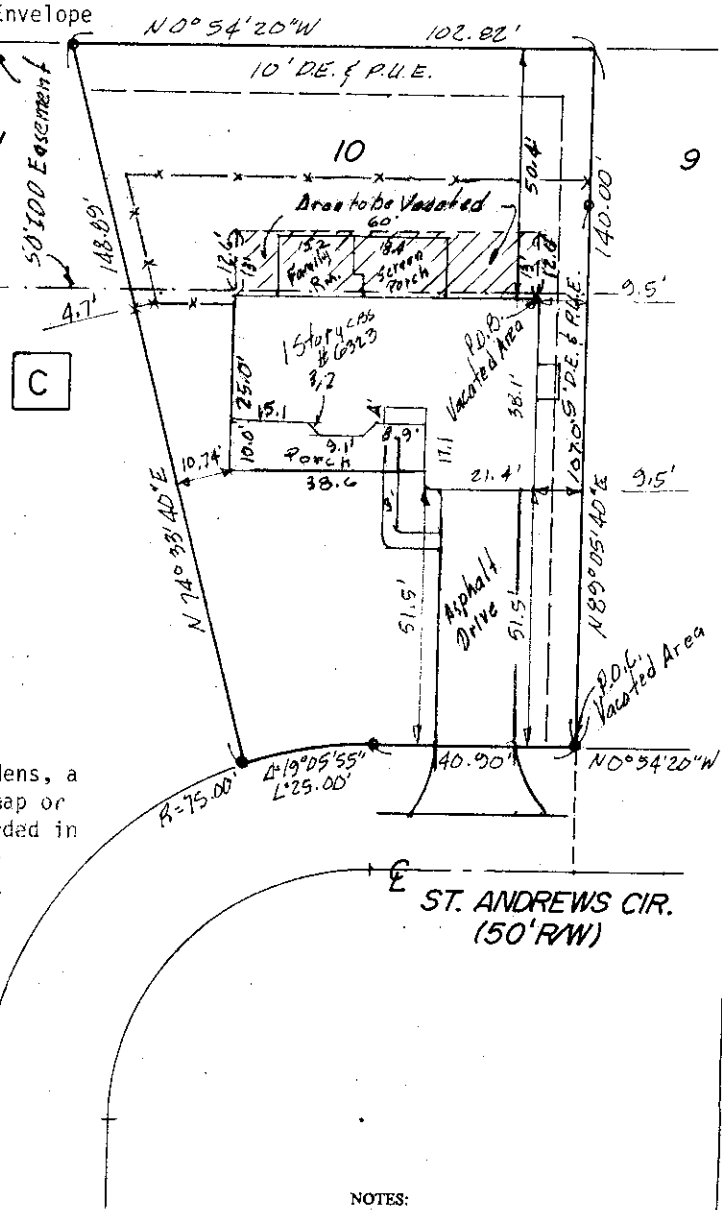
Plat Bearings   

Unplatted

Boundary & Location & House Envelope  
 Updated Survey 10/13/04  
 Revised 12/04/04 to show  
 area of IDD Canal to be  
 vacated

Subject Property Located in  
 FEMA Flood Zone: B  
 Panel: 12E124-0325-c  
 Dated: 11-4-92

6323 St. Andrews Circle  
 Ft. Myers, Fl. 33919



LEGAL DESCRIPTION:  
 Lot 10, Block C, McGregor Gardens, a  
 subdivision according to the map or  
 plat thereof on file and recorded in  
 Plat Book 10, Page 112, of the  
 Public Records of Lee County,  
 Florida.

Certified to:  
 James & Sarah Kaserman

Exhibit "B"  
 Petition to Vacate  
 VAC2004-00023  
 [Page One of One]

**LEGEND**

- |                                  |                                |
|----------------------------------|--------------------------------|
| o = 1/4" Iron/cap set            | P.O.C. = Point of Commencement |
| • = 1/2" Iron rod found          | C.B.S. = Concrete Block Stucco |
| ▲ = PK Nail set                  | N.G.V.D. = National Geodetic   |
| △ = PK Nail found                | Vertical Datum (1929)          |
| ■ = Concrete Monument Found      | P.P. = Power Pole              |
| P.U.E. = Public Utility Easement | T.PED = Telephone Pedestal     |
| D.E. = Drainage Easement         | F.H. = Fire Hydrant            |
| P.C. = Point of Curve            | C.B. = Catch Basin             |
| P.T. = Point of Tangent          | --- = Center Line              |
| P.R.C. = Point of Reverse Curve  |                                |
| R/W = Right of Way               |                                |
| P.O.B. = Point of Beginning      |                                |

**NOTES:**

1. Description as furnished by client. No search of the Public Records was Conducted by this firm.
2. Elevations as shown are based on N.G.V.D. 1929 Datum unless otherwise Stated.
3. Bearings are based on plat or deed.
4. Encroachments are based on plat.
5. There may be others easements not shown Hereon recorded in the Public Records of governing county.
6. No Determination of Hazardous Waste Materials have been made by this firm.
7. Signor limits liability only up to the Cost of the survey.
8. This survey is protected by copyright And all rights are reserved.
9. Not valid without signature and Raised Seal.

Date: 11/20/03  
 Scale: 1"=30'  
 Job #: 15459

S & H Land Survey Company  
 13591 McGregor Blvd., Suite 19  
 Fort Myers, Florida 33919  
 Tel. (239) 481-2366  
 Fax (239) 481-2437  
 SandHLandSurvey@aol.com