

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020324

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition Vac2001-00022 to vacate a 60' Right of Way known as Tech Road, for 340' along lot 3, Block 28, Buckingham Air Park Northeast Section, as recorded in Plat Book 9, Page 64 of the Public Records of Lee County Florida, Section 16, Township 44, Range 26., and accept the replacement easement. Located along the north east side of 6720 Cadet Ave.

WHY ACTION IS NECESSARY: The Right of Way (ROW) is currently undeveloped and the applicant wishes to utilize the ROW to pave an extension to an existing taxiway which is located on a previously vacated section of Tech Road. This extension will enable residents to move their aircraft from the runway to their on-lot private storage facilities.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #5

3. MEETING DATE:

04-09-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
 - B. DEPARTMENT _____
 - C. DIVISION Development Services
- BY Peter J. Eckenrode, Director

7. BACKGROUND: The Board of County Commissioners had adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 9th day of April, 2002.

LOCATION: The ROW Easement is 60' x 340' lying on the northeast side of 6720 Cadet Ave., lot 3, Block 28, Buckingham Air Park Northeast Section, as recorded in Plat Book 9, Page 64 of the Public Records of Lee County Florida, Section 16, Township 44, Range 26.

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 Resolution with exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>Manfili</i>	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i> 3/27/02	OM <i>[Signature]</i> 3/27/02	Risk <i>[Signature]</i> 3/27	GC <i>[Signature]</i> 3-27-02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 3/26/02
Time: 2:13pm

RECEIVED BY
COUNTY ADMIN.
3/26/02
4pm

Forwarded To:
Admin
3/26/02 3:30

3/28 SAM

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: VAC2001-00022

WHEREAS, Petitioner Wayne E. McDermott 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 9th day of April, 2002; 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. VAC2001-00022 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
LEE COUNTY

County Attorney Signature

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

Please Print Name

LEGAL DESCRIPTION
EXHIBIT A

PARCELS OF LAND SITUATED IN BLOCK 28, BUCKINGHAM PARK NORTHEAST SECTION, AS RECORDED IN PLAT BOOK 9, PAGE 64, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT:

COMMENCING AT A 4X4 CONCRETE MONUMENT AT THE NE CORNER OF SAID BLOCK 28, THENCE SOUTH 39 DEGREES 40'20" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF TECH ROAD (60' WIDE), A DISTANCE OF 364.10 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED, THENCE CONTINUE SOUTH 39 DEGREES 40' 20" EAST A DISTANCE OF 340.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CADET AVENUE (60' WIDE); THENCE NORTH 50 DEGREES 19' 40" EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 60'; THENCE NORTH 39 DEGREES 40' 20" WEST A DISTANCE OF 340 FEET; THENCE SOUTH 50 DEGREES 19' 40" WEST FOR A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2001-00022

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the _____ the Board of County Commissioners of Lee County, Florida adopted Resolution No. _____. The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".

Please Govern Yourself Accordingly.

CHARLIE GREEN, CLERK

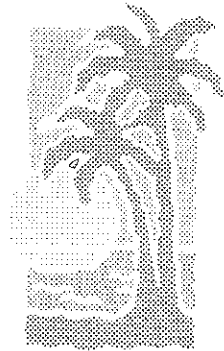
Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



LEE COUNTY

SOUTHWEST FLORIDA

LEGAL DESCRIPTION
EXHIBIT A

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EASEMENT

THIS INDENTURE, made this _____ day of _____, 2001, between WAYNE E. McDERMOTT of 6731 Cadet Avenue, Fort Myers, Florida 33905, hereinafter referred to as the party of the first part, and LEE COUNTY MOSQUITO CONTROL DISTRICT, Post Office Box 60005, Fort Myers, Florida 33906, hereinafter referred to as the party of the second part,

WITNESSETH: That for and in consideration of the sum of One (\$1.00) Dollar cash in hand paid, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold, and by these presents do bargain, sell, convey, transfer and deliver unto the party of the second part a permanent easement and right of way, including the perpetual right to enter upon the real estate hereinafter described, at any time that it may see fit, to clear, maintain and dig the existing ditch or canal that runs along said easement and right of way, and do such clearance and drainage work as may be necessary for an adequate control of mosquitoes, including the right to dig and do other work incidental to the construction of drainage ditches, to maintain patrols, and to make such application of larvicides as may be necessary to inhibit the reproduction of, and to destroy, mosquito larvae.

The real property affected by the grant of this easement and right of way is located in the County of Lee and State of Florida and is more particularly described as:

See Exhibit A attached hereto and made a part hereof

TO HAVE AND TO HOLD said Easement and right of way unto the party of the second part and unto its successors and assigns forever.

The party of the first part does hereby covenant with the party of the second part that it is lawfully seized and possessed of the real estate above described, that it has a good and lawful right to convey it, or any part thereof, that it is free from all encumbrances and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever. Said party of the first part further covenants not to build any fences, improvements or other obstacles on said easement and right of way.

As a part of the consideration for this grant, the party of the first part does hereby release any and all claims for damages from whatsoever cause incidental to the exercise of the rights herein granted, including damage to trees, growth, shrubbery and lawn and ornamental plants.

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed the day and year above written.

WITNESSES:

Patricia F. Ferrara

Printed Name of Witness

PATRICIA F. FERRARA

Wayne E. McDermott

WAYNE E. McDERMOTT

Jean T. Maurer

Printed Name of Witness

JEAN T. MAURER

STATE OF FLORIDA)
)
COUNTY OF LEE)

I HEREBY CERTIFY that on this 3rd day of December, 2001,
before me personally appeared WAYNE E. McDERMOTT, to me known to be the
person described in and who executed the foregoing Easement, and acknowledged the
execution thereof to be his free act and deed.

WITNESS my signature and official seal at Fort Myers, in the County of Lee and
State of Florida, the day and year aforesaid.

Linda L. Parks

Notary Public
My Commission expires 5-11-03



LEGAL DESCRIPTION
EXHIBIT A
EASEMENT TO BE GRANTED TO MOSQUITO CONTROL

PARCELS OF LAND SITUATED IN BLOCK 28, BUCKINGHAM PARK NORTHEAST SECTION, AS RECORDED IN PLAT BOOK 9, PAGE 64, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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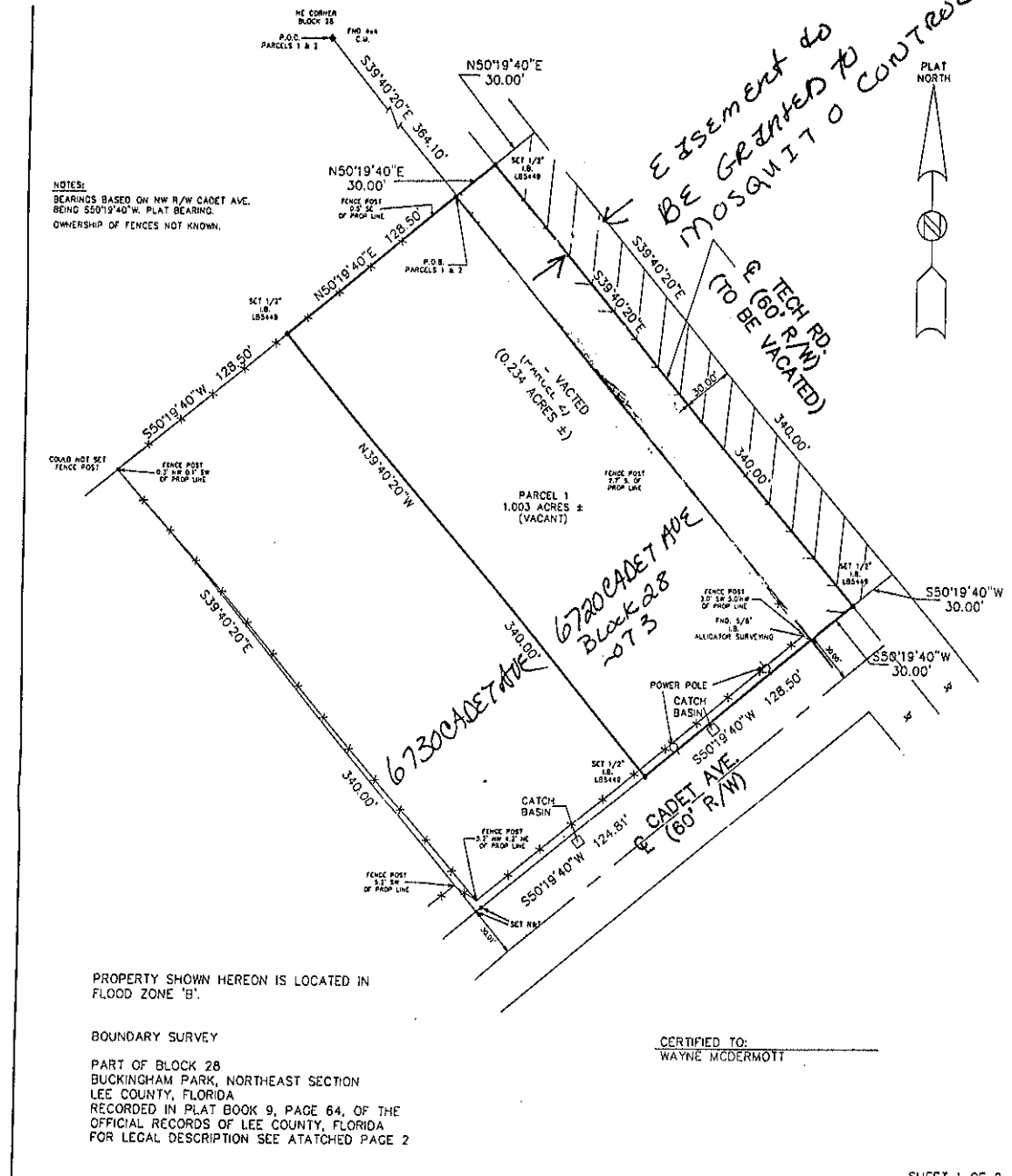
NOTES:
 BEARINGS BASED ON NW R/W CADET AVE.
 BEING S50°19'40"W PLAT BEARING.
 OWNERSHIP OF FENCES NOT KNOWN.

COULD NOT SET
 FENCE POST
 0.5' NW 0.1' SW
 OF PROP. LINE

PROPERTY SHOWN HEREON IS LOCATED IN
 FLOOD ZONE 'B'.

BOUNDARY SURVEY
 PART OF BLOCK 28
 BUCKINGHAM PARK, NORTHEAST SECTION
 LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 9, PAGE 64, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA
 FOR LEGAL DESCRIPTION SEE ATTACHED PAGE 2

Easement to
 BE GRANTED TO
 MOSQUITO CONTROL
 E. TECH RD.
 E (60' R/W)
 (TO BE VACATED)



CERTIFIED TO:
 WAYNE MCDERMOTT

SHEET 1 OF 2

LEGEND: A - ARC A/C - AIR CONDITIONER (C) - CALCULATED C.B. - CABLE BOX C.B.S. - CONCRETE BLOCK STRUCTURE CH - CHORD C.M. - CONCRETE MONUMENT CONC. - CONCRETE C.P. - CONCRETE PAD COR. - CORNER (D) - DEED D.E. - DRAINAGE EASEMENT DH - DRILL HOLE EL. - ELEVATION ENC. - ENCROACHMENT E.O.P. - EDGE OF PAVEMENT FND. - FOUND I.B. - IRON BAR (L) - LEASURED N & T - NAIL AND TAG N.T.S. - NOT TO SCALE O.R. - OFFICIAL RECORD (P) - PLAT P.B. - PLAT BOOK P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.E. - PEG, ENCLOSURE PG. - PAGE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.P. - POWER POLE P.R.C. - POINT OF REVERSE CURVATURE (P.W.) - CONCRETE PAD P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENCY P.U.E. - PUBLIC UTILITY EASEMENT R - RADIAL (R) - RADIAL R/W - RIGHT-OF-WAY SET I.B. - SET 1/2" I.B. LB5449 S.P. - SCREENED PITCH S.T. - SEPTIC TANK T.B. - TELEPHONE BOX U. - UMBRELLA T.B.M. - TEMPORARY BENCHMARK U.P. - UTILITY PEDestal WM - WATER METER Δ - DELTA ε - CENTER LINE W - WOOD FENCE -X- - WIRE FENCE ⊕ - POWER POLE ⊕ - FIRE HYDRANT ⊕ - POWER LINES * - TEMPORARY BENCHMARK

NOTES:
 This map of survey is only for the roads herein described and is not an instrument of title, zoning, or freedom of encumbrances.
 The legal description was furnished by the client or their agent.
 No title search was conducted by this office.
 Elevation shown are based on data from the National Geodetic Vertical Datum of 1929 unless otherwise noted.
 There are no visible encroachments other than shown.
 Only improvements shown were field located.
 Subject to restrictions, easements, and reservations of record.

NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a Florida Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. 6-14-01 ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3695 CHRISTOPHER B. STILL, REGISTERED LAND SURVEYOR NO. 5941 S.T.A.R. SURVEYING, INC. LB5449 1130-E LEE BLVD., LEHIGH ACRES, FL. 33936 (941) 368-7400 FAX (941) 368-7665	FIELD SURVEY: 6-13-01
	REV.:
	DRAWN BY: C.B.S.
	SCALE: 1" = 60'
	FILE NO: 9815-5