

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020602

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition VAC2002-00008 to vacate the south 30' of a 40' Buffer and Drainage easement located along the north side of lots 7 through 22, of Wellington Subdivision, Ft. Myers, FL, on Winkler Road, south of Gladiolus, according to the plat thereof as recorded in Plat Book 62, Pages 56 through 58 of the Public Records of Lee County, Florida, less and except the east 15' and the west 20.

**WHY ACTION IS NECESSARY:** To build ~~a~~ <sup>pools</sup> ~~pool~~ <sup>pit</sup>. The vacation of the public utility easement will not alter or otherwise impact existing utilities or drainage, and is not necessary to accommodate future drainage or utility requirements.

**WHAT THE ACTION ACCOMPLISHES:** Vacates the easement

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 03

5:00 #5

**3. MEETING DATE:**

06-11-2002

**4. AGENDA**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

**6. REQUESTOR OF INFORMATION:**

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

*[Signature]*  
6/22/02

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 11<sup>th</sup> day of June, 2001.

**LOCATION:** The Buffer and Drainage Easement is located along the north side of lots 7 through 22, of Wellington Subdivision, Ft. Myers, FL, on Winkler Road, south of Gladiolus, according to the plat thereof as recorded in Plat Book 62, Pages 56 through 58 of the Public Records of Lee County, Florida, less and except the east 15' and the west 20. The project is located on Winkler Road, south of Gladiolus.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	BA <i>[Signature]</i> 5/23/02	OM <i>[Signature]</i> 5/23/02	Risk <i>[Signature]</i> 5/23	GC <i>[Signature]</i> 5/23	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
by CO. ATTY.  
5/23/02  
3:25 PM  
CO. ATTY.  
FORWARDED TO:  
5/23/02 9:30 AM

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
5/23 9:45  
BLTY ADMIN. *[Signature]*  
5/23 3:00

David Edwards \_\_\_\_\_

Gary P. Deluccca \_\_\_\_\_

Tobert L. Tressel \_\_\_\_\_

Herbert F. Howard \_\_\_\_\_

Vincent J. Serrone \_\_\_\_\_

Michael E. Music \_\_\_\_\_

Anna K. Sexton \_\_\_\_\_

Norman J. Swiatek \_\_\_\_\_

Kelly Jo Obrien-Pastore \_\_\_\_\_

Gary Eugene Toops \_\_\_\_\_

Wendell J. McComb \_\_\_\_\_

Ernest Carpenter \_\_\_\_\_

Charles Witkoeski \_\_\_\_\_

Frederick J. Tyson \_\_\_\_\_

Claude Blackington \_\_\_\_\_

Exposito Antonio \_\_\_\_\_

Emily W. Edwards \_\_\_\_\_

Laura L. Delucca \_\_\_\_\_

Tasha N. Tressel \_\_\_\_\_

Lillian M. Howard \_\_\_\_\_

Linda Serrone \_\_\_\_\_

Christine P. Music \_\_\_\_\_

Kevin Godsea \_\_\_\_\_

Ruthann M. Swiatek \_\_\_\_\_

Regina Toops \_\_\_\_\_

M. Marilou McComb \_\_\_\_\_

Roberta Carpenter \_\_\_\_\_

Angie Witkoeski \_\_\_\_\_

Shirley J. Tyson \_\_\_\_\_

Sandra Blackington \_\_\_\_\_

Kathleen Milovich \_\_\_\_\_

LEE COUNTY  
SOUTHWEST FLORIDA

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: VAC2002-00008

WHEREAS, Petitioner **SEE ATTACHED PETITIONER LIST** 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 \_\_\_\_\_; 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. VAC2002-00008 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

LEE COUNTY  
SOUTH WEST FLORIDA  
APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

LEGAL DESCRIPTION:

THE SOUTH 30.00 FEET, OF THE NORTH 40.00 FEET, OF LOTS 7 THROUGH 22, OF WELLINGTON ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 56 THROUGH 58 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT

THE EAST 15.00 FEET OF LOT 7 OF WELLINGTON ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 56 THROUGH 58 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND LESS AND EXCEPT

THE WEST 20.00 FEET OF LOT 22 OF WELLINGTON ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGES 56 THROUGH 58 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

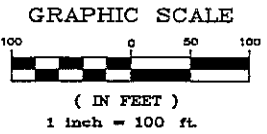
THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY Thomas M. Murphy P.S.M. #5628  
THOMAS M. MURPHY STATE OF FLORIDA

EXHIBIT A

South 30' of 40' Easement  
to be Vacated



FERNWALK - PHASE 2  
 PLAT BOOK 57  
 PAGES 79-80  
 BLOCK A

FERNWALK - PHASE 1  
 PLAT BOOK 56  
 PAGES 49-50  
 BLOCK A

TRACT 31  
 LEXINGTON COUNTRY CLUB  
 PLAT BOOK 56, PAGES 59-68

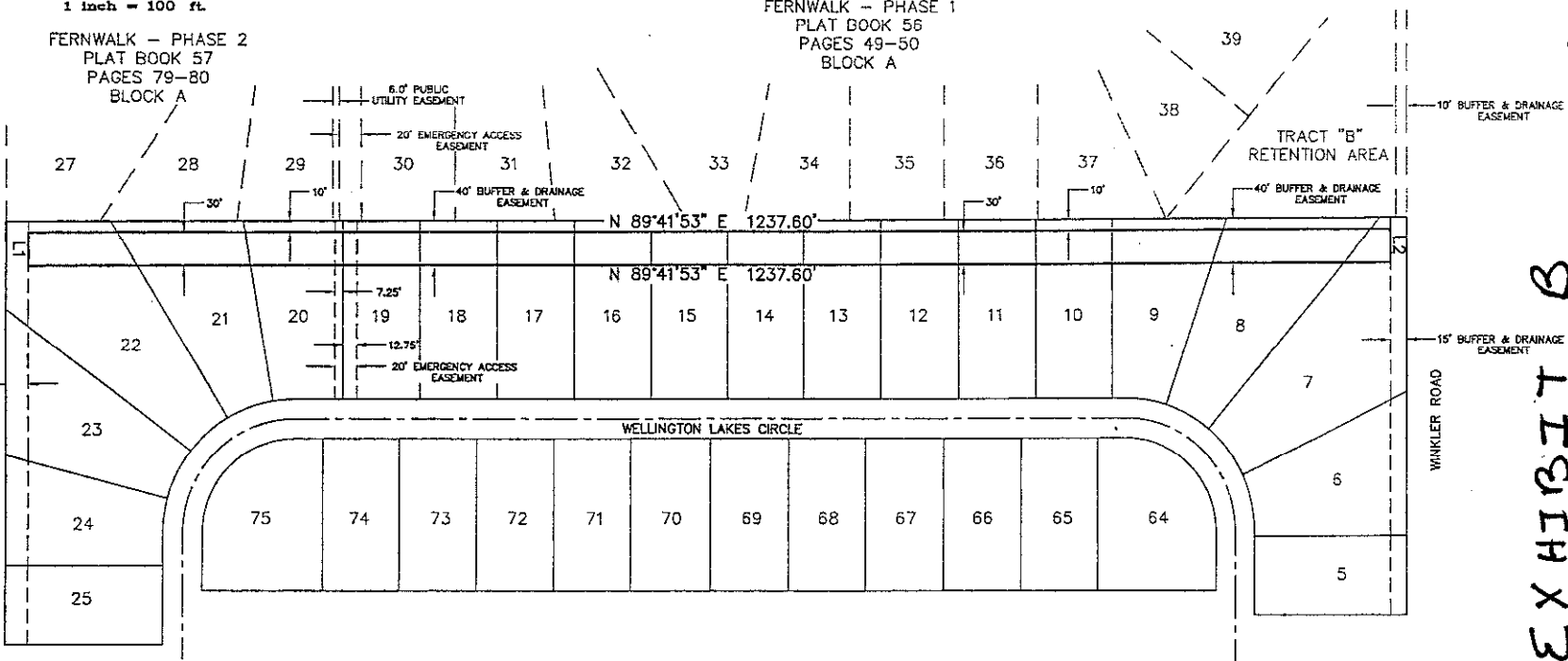


EXHIBIT B  
 I.D.D. CANAL Vacated per Resolution  
 91-03-84  
 See next sheet  
 Formerly

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 00°18'07" W	30.00'
L2	N 00°18'07" W	30.00'



950 Encore Way  
 Naples, Florida 34110  
 Phone: (941) 254-2000  
 Florida Certificate of  
 Authorization No.1772

NOT VALID WITHOUT  
 THE SIGNATURE AND  
 THE ORIGINAL RAISED  
 SEAL OF A FLORIDA  
 LICENSED SURVEYOR  
 AND MAPPER.

\* NOT A SURVEY \*

SKETCH TO ACCOMPANY  
 A LEGAL DESCRIPTION

OF A PORTION OF WELLINGTON  
 AS RECORDED IN P.B. 62, PGS 56-58

along Lots 7-22 FLORIDA

REVISION No.	DESCRIPTION	DATE
REVISIONS		
DRAWN BY: TH	DATE 11/01 F.B.	SECTION 3 TOWNSHIP 46
CHECKED BY: TMM	PAGE REFERENCE WELLINGTON	RANGE 24 PROJECT No. 8200 DRAWING No. B-3490