

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00030 to Vacate four (4) Public Utility Easements located in the Glen Abbey Subdivision at Fiddlesticks Country Club.

WHY ACTION IS NECESSARY:

The Developer has revised the Fiddlesticks Site Plan to relocate proposed multi-family units, therefore, the Public Utility Easements are no longer required. **The vacation of these Public Utility Easements will not alter existing conditions and the easements are not necessary to accommodate any future requirements.**

WHAT THE ACTION ACCOMPLISHES: Vacates (2) 12-foot and (2) 10-foot wide Public Utility Easements.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 3

5:00 #2

3. MEETING DATE:

11-12-2002

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 *[Signature]* 10/18/02
Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 12th day of November, 2002.

LOCATION:

Petition # VAC2002-00030 proposes to vacate portions of two (2) 12-foot wide Public Utility Easements located west of Glen Abbey Circle, in Fiddlesticks Country Club, as recorded in Official Record Book 2207, Pages 3307-3316; one (1) 10-foot by 25-foot Public Utility Easement located west of Glen Abbey Circle and north of Glenfinnan Circle, in Glen Abbey Phases II & III, as recorded in Plat Book 64, Pages 3 and 4; one (1) 10-foot wide Public Utility Easement located on the north side of Glenfinnan Circle west of Fiddlesticks Boulevard, in Fiddlesticks Country Club, as recorded in Plat Book 34, Page 144, more particularly described in the attached Exhibit A1, A2, A3 and A4, in the Public Records of Lee County, Florida. The site is located adjacent to 7904 Glenfinnan Circle, Ft Myers, Florida 33912.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	CA <i>[Signature]</i> 10/25/02	OM <i>[Signature]</i> 10/28/02	Risk <i>[Signature]</i> 10/30/02	GC <i>[Signature]</i> 10/30/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *10/27/02*
Time: *2:40 pm*
Forwarded To:
Admin
10/24/02 2:30 PM

ADMIN. ID
10/27 330
COUNTY ADMIN.
FORWARDED TO: *BH*
10/31/100

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: VAC2002-00030

WHEREAS, Petitioner Fiddlesticks Country Club Properties, Inc. 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 November 12, 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

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. VAC2002-00030 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



July 10, 2002

DESCRIPTION**VACATION OF UTILITY EASEMENT
(10 FEET WIDE)
FIDDLESTICKS COUNTRY CLUB
SECTION 32, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA****PARCEL B1**

A tract or strip of land (10 feet wide) lying in Section 32, Township 45 South, Range 25 East, Lee County, Florida being a part of a 10 foot wide Utility Easement as shown on the plat of Fiddlesticks Country Club as recorded in Plat Book 34 at Page 144 through 160, Public Records of Lee County, Florida which 10 foot wide utility easement is described as follows:

From the southeast corner of the North Half (N-1/2) of the North Half (N-1/2) of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of said Section 32, Township 45 South, Range 25 East run N 00° 50' 20" W along the section line common to Sections 32 and 33 for 122.08 feet to a point on the westerly right-of-way line of Fiddlesticks Boulevard southeast as shown on said plat; thence run S 00° 50' 20" W for 10.01 feet to a point of curvature; thence run southwesterly along arc of said curve to the right of radius 30.00 feet (chord bearing S 42° 37' 43" W) (chord 41.28 feet) (delta 86° 56' 04") for 45.52 feet to a point of tangency; thence run S 86° 05' 45" W for 321.13 feet to a point of curvature; thence run southwesterly along arc of said curve to the right of radius 870.00 feet (chord bearing S 87° 32' 01" W) (chord 43.66 feet) (delta 02° 52' 32") for 43.66 feet to a point of tangency; thence run S 88° 58' 17" W for 65.25 feet to the southeast corner of Tract "H" as shown on the Plat of Glen Abbey Phase II & III as recorded in Plat Book 64 at Page 3 and 4 of the Public Records of Lee County, Florida; thence run N 02° 03' 12" W along the east line of said Tract "H" for 10.00 feet to the Point of Beginning.

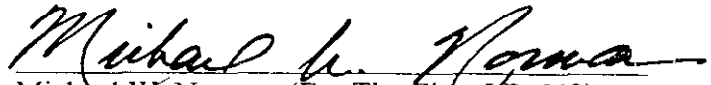
From said Point of Beginning continue N 02° 03' 12" W for 10.00 feet to the north line of said 10 foot Utility Easement; thence run N 88° 58' 17" E for 65.61 feet to a point of curvature; thence run northeasterly along the arc of said curve to the left of radius 850.00 feet (chord bearing N 87° 32' 01" E) (chord 43.16 feet) (delta 02° 52' 32") for 42.66 feet to a point of tangency; thence run N 86° 05' 45" E for 321.66 to a point of curvature; thence run northeasterly along said arc of said curve to the left radius 20.00 feet (chord bearing N 42° 37' 43" E) (chord 27.52 feet) (delta 86° 56' 04") for 30.35 feet to the point of reverse curvature and a point of cusp; thence run S 00° 50' 20" E for 10.01 feet to a point

EXHIBIT A1

of curvature; thence run southwesterly along arc of said curve to the right of radius 20.00 feet (chord bearing S 42° 37' 23" W) (chord 27.52 feet) (delta 86° 56' 55") for 30.35 feet to a point of tangency; thence run S 86° 05' 45" W for 321.12 feet to a point of curvature; thence run southwesterly along arc of said curve to the right of radius 860.00 feet (chord bearing S 87° 32' 01" W) (chord 42.66 feet) (delta 02° 52' 32") for 43.16 feet to a point of tangency; thence run S 88° 58' 17" W for 65.43 feet to the Point of Beginning.

Parcel contains 4,488 square feet, more or less.

Bearings hereinabove mentioned are based on the east line of the Northeast Quarter (NE-1/4) of Section 32, Township 45 South, Range 25 East to bear S 00° 50' 20" W.



Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500



July 10, 2002

DESCRIPTION

**VACATION OF UTILITY EASEMENT
(10 FEET WIDE)
GLEN ABBEY PHASES II & III
SECTION 32, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

PARCEL B2

A tract or strip of land (10 feet wide) lying in Section 32, Township 45 South, Range 25 East, Lee County, Florida being all of a 10 foot by 25 foot Utility Easement as shown on the Plat of Glen Abbey Phases II & III as recorded in Plat Book 64 at Pages 3 through 4, Public Records of Lee County, Florida which 10 foot wide Utility Easement is described as follows:

From the northeasterly most corner of Tract "H" as shown on said plat run S 02° 03' 12"E along the east line of said tract for 25.00 feet; thence run S 88° 58' 17" W for 10.00 feet; thence run N 02° 03' 12" W for 25.00 feet to the north line of said tract; thence run N 88° 58' 17" E along said north line for 10.00 feet to the Point of Beginning.

Parcel contains 250 square foot, more or less.

Bearings hereinabove mentioned are based on the east line of the Northeast Quarter (NE-1/4) of Section 32, Township 45 South, Range 25 East to bear S 00° 50' 20" W.

Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500



July 10, 2002

DESCRIPTION**VACATION OF UTILITY EASEMENT
(12 FEET WIDE)
FIDDLESTICKS COUNTRY CLUB
SECTION 32, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA****PARCEL B3**

A tract or strip of land (12 feet wide) lying in Section 32, Township 45 South, Range 25 East, Lee County, Florida, being a part of a utility easement (12 feet wide) as recorded in Official Record Book 2207 at Page 3307 of the Lee County Public Records, also being a part of the lands as described in deed recorded in Official Record Book 3389 at Page 3257 of said Public Records, which 12 foot wide utility easement is described as follows:

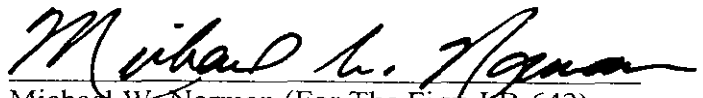
From the southeast corner of the North Half (N-1/2) of the North Half (N-1/2) of the Southeast Quarter (SE-1/4) of the Northeast Quarter (NE-1/4) of said Section 32, Township 45 South, Range 25 East, run N 00° 50' 20" W along the Section line common to Sections 32 and 33 for 122.08 feet; thence run S 00° 50' 20" E for 10.01 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 30.00 feet (delta 86° 56' 04") (chord bearing S 42° 37' 43" W) (chord 41.28 feet) for 45.52 feet to a point of tangency; thence run S 86° 05' 45" W for 321.13 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 870.00 feet (delta 02° 52' 32") (chord bearing S 87° 32' 01" W) (chord 43.66 feet) for 43.66 feet to a point of tangency; thence run S 88° 58' 17" W for 65.25 feet to the southeast corner of Tract H as shown on the Plat of Glen Abbey Phases II & III as recorded in Plat Book 64 at Pages 3 and 4 of said Public Records; thence run N 02° 03' 12" W along the east line of said Tract H for 103.02 feet to an intersection with the south line of said 12 foot utility easement and the Point of Beginning and a point designated "A". From said Point of Beginning continue N 02° 03' 12" W for 12.00 feet to an intersection with the north line of said 12 foot easement; thence run N 88° 58' 17" E along the north line of said easement for 73.46 feet to a point of curvature; thence run northeasterly along the arc of said curve to the left of radius 510.00 feet (delta 02° 52' 32") (chord bearing N 87° 32' 01" E) (chord 25.59 feet) for 25.60 feet to a point of tangency; thence run N 86° 05' 45" E for 125.78 feet to an intersection with a non-tangent curve; thence run southeasterly along the arc of said curve to the left of radius 57.00 feet (delta 37° 51' 49") (chord bearing S 74° 58' 20" E) (chord 36.99 feet) for 37.67

EXHIBIT A3

feet to an intersection with a non-tangent line being the south line of said 12 foot easement; thence run S 86° 05' 45" W for 160.76 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 522.00 feet (delta 02° 52' 32") (chord bearing S 87° 32' 01" W) (chord 26.20 feet) for 26.20 feet to a point of tangency; thence run S 88° 58' 17" W for 73.24 feet to the Point of Beginning.

Parcel contains 2,834 square feet (0.07 acres), more or less.

Bearings hereinabove mentioned are based on the Plat of Fiddlesticks Country Club as recorded in Plat Book 34 at Pages 144 through 160, Lee County Public Records.



Michael W. Norman (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4500

July 10, 2002

DESCRIPTION

VACATION OF UTILITY EASEMENT
(12 FEET WIDE)
FIDDLESTICKS COUNTRY CLUB
SECTION 32, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

PARCEL B4

A tract or strip of land (12 feet wide) lying in Section 32, Township 45 South, Range 25 East, Lee County, Florida, being a part of a utility easement (12 feet wide) as recorded in Official Record Book 2207 at Page 3307 of the Lee County Public Records, also being a part of the lands as described in deed recorded in Official Record Book 3389 at Page 3257 of said Public Records, which 12 foot wide utility easement is described as follows:

From the hereinabove point designated "A" run N 02° 03' 12" W for 12.00 feet; thence run S 88° 58' 17" W for 41.31 feet; thence run N 01° 01' 43" W for 20.00 feet to an intersection with the south line of said 12 foot utility easement and the Point of Beginning of Parcel 2.

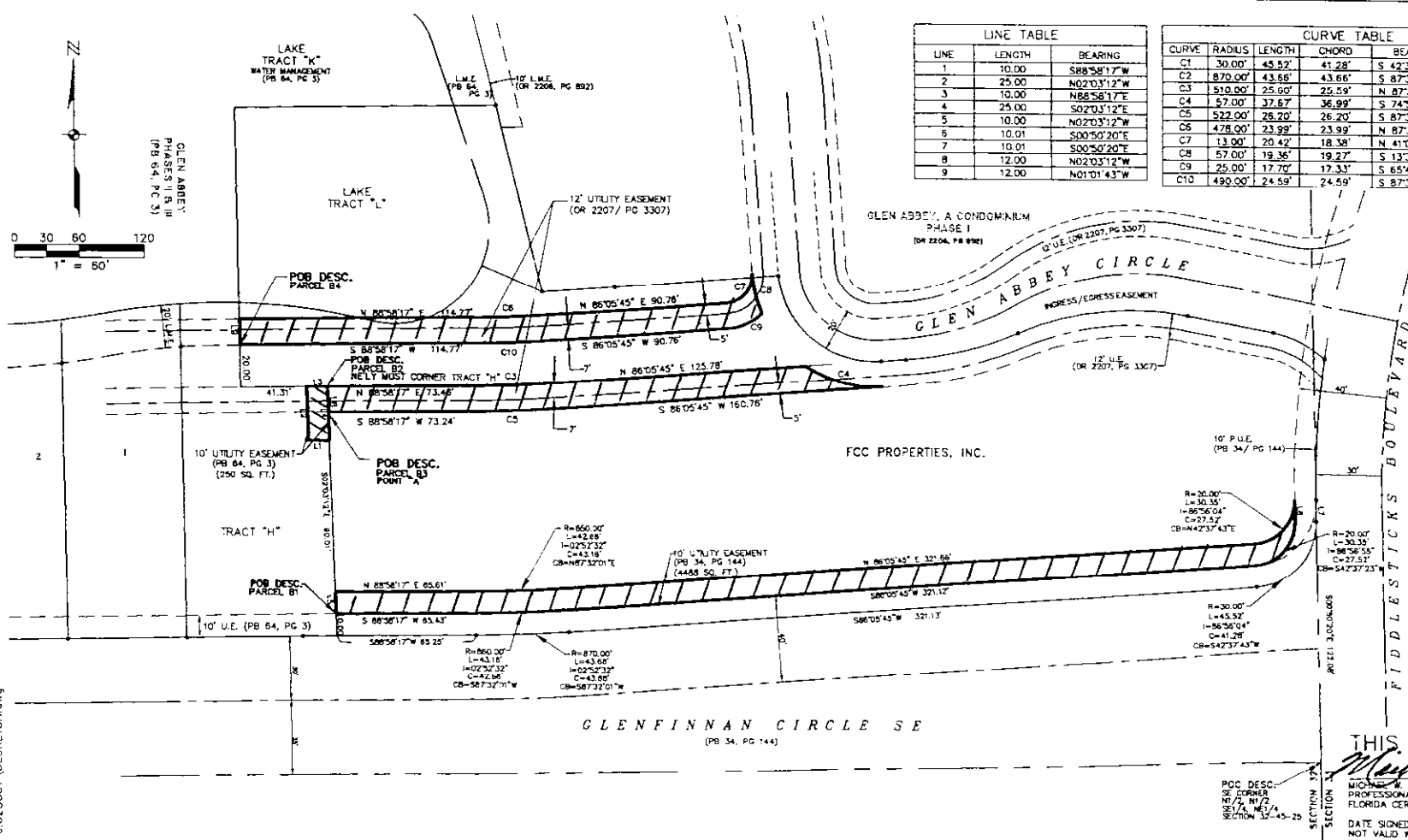
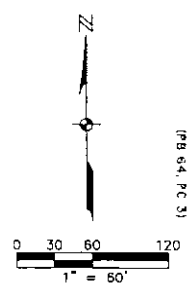
From said Point of Beginning continue N 01° 01' 43" W for 12.00 feet to an intersection with the north line of said 12 foot easement; thence run N 88° 58' 17" E along said north line for 114.77 feet to a point of curvature; thence run northeasterly along the arc of said curve to the left of radius 478.00 feet (delta 02° 52' 32") (chord bearing N 87° 32' 01" E) (chord 23.99 feet) for 23.99 feet to a point of tangency; thence run N 86° 05' 45" E for 90.76 feet to the beginning of a curve; thence run northeasterly along the arc of said curve to the left of radius 13.00 feet (delta 90° 00' 00") (chord bearing N 41° 05' 45" E) (chord 18.38 feet) for 20.42 feet to an intersection with a non-tangent curve and a point of cusp; thence run southeasterly along the arc of said curve to the left of radius 57.00 feet (delta 19° 27' 47") (chord bearing S 13° 38' 08" E) (chord 19.27 feet) for 19.36 feet to an intersection with a non-tangent curve; thence run southwesterly along the arc of said curve to the right of radius 25.00 feet (delta 40° 33' 47") (chord bearing S 65° 48' 51" W) (chord 17.33 feet) for 17.70 feet to a point of tangency; thence run S 86° 05' 45" W for 90.76 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 490.00 feet (delta 02° 52' 32") (chord bearing S 87° 32' 01" W) (chord 24.59 feet) for 24.59 feet to a point of tangency; thence run S 88° 58' 17" W for 114.77 feet to the Point of Beginning.

Parcels containing 2,959 square feet (0.07 acres), more or less

Bearings hereinabove mentioned are based on the Plat of Fiddlesticks Country Club as recorded in Plat Book 34 at Pages 144 through 160, Lee County Public Records.



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LINE	LENGTH	BEARING
1	10.00	S88°58'17\"
2	25.00	N02°03'12\"
3	10.00	N88°58'17\"
4	25.00	S02°03'12\"
5	10.00	N02°03'12\"
6	10.01	S00°50'20\"
7	10.01	S00°50'20\"
8	12.00	N02°03'12\"
9	12.00	N01°01'43\"

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	30.00'	45.52'	41.28'	S 42°37'43\"	W 86°56'04\"
C2	870.00'	43.66'	43.66'	S 87°32'01\"	W 02°52'32\"
C3	510.00'	25.60'	25.59'	N 87°32'01\"	E 02°52'32\"
C4	57.00'	37.67'	36.99'	S 74°58'20\"	E 37°51'49\"
C5	522.00'	26.20'	26.20'	S 87°32'01\"	W 02°52'32\"
C6	478.00'	23.99'	23.99'	N 87°32'01\"	E 02°52'32\"
C7	13.00'	20.42'	18.38'	N 41°05'45\"	E 90°00'00\"
C8	57.00'	19.36'	19.27'	S 13°38'08\"	E 19°27'47\"
C9	25.00'	17.70'	17.33'	S 65°48'51\"	W 40°33'47\"
C10	490.00'	24.59'	24.59'	S 87°32'01\"	W 02°52'32\"

- NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 45 SOUTH, RANGE 25 EAST TO BEAR N 00° 50' 20\"
 2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
 3. POC = POINT OF COMMENCEMENT.
 4. POB = POINT OF BEGINNING
 5. DESC. = DESCRIPTION
 6. OR = OFFICIAL RECORD BOOK
 7. PG. = PAGE
 8. LME = LAKE MAINTENANCE EASEMENT
 9. UE = UTILITY EASEMENT
 10. R/W = RIGHT-OF-WAY

THIS IS NOT A SURVEY
Michael W. Norman
 MICHAEL W. NORMAN (FOR THE FIRM E.B.N.)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. #500
 DATE SIGNED: _____
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

VACATION UTILITY EASEMENTS
 GLEN ABBEY, FIDDLESTICKS COUNTRY CLUB
 SECTION 32, TWP. 45 S., RGE. 25 E.



2159 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE (941) 334-0046
 FAX (941) 334-3661
 E.S. #642 & L.B. #642

SKETCH TO ACCOMPANY
 DESCRIPTION EXHIBIT "B"

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
03/06/02	2002.3067	32-45-25	1" = 60'	1 OF 1

J:\023067\UESKETCH.dwg