

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021330

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on VAC2001-00024 to vacate the public's interest in that portion of a sixty-foot (60') wide platted right-of-way known as WAYCROSS ROAD S.E. within the platted subdivision of **B.F. INDUSTRIAL CENTER**; in Section 10, Township 44, Range 25; starting from a point six feet west of the eastern boundary of Lot 34 to it's northwestern terminus (approx. 1,150' long); and accept a replacement public utility easement.

WHY ACTION IS NECESSARY: To provide for installation of a security gate at the proposed terminus of the public right-of-way. *The vacation of the public interest in this right-of-way will not alter existing drainage or utilities; nor is this right-of-way necessary to accommodate any future drainage or utility requirements.* The road will remain the same but revert to private ownership. All public utility easements along the right-of-way will remain intact. A new replacement public utility easement is to be granted to cover any utilities within the actual right-of-way.

WHAT ACTION ACCOMPLISHES: Vacates the Right-of-Way and accepts a replacement Public Utility Easement.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 05

5:00 #2

3. MEETING DATE:

11-26-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE FS177
 - ORDINANCE
 - ADMIN. CODE 13-1 & 13-8
 - OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY: Peter J. Eckenrode, Director 11/14/02

7. BACKGROUND: The Board of County Commissioners adopted a Resolution on November 5th, 2002 to set a Public Hearing regarding this proposed vacation for 5:00 p.m. on November 26th, 2002.

LOCATION: The site is located at the northwestern end of Waycross Road in Section 10, Township 44, Range 25 near the intersection of I-75 and Luckett Road in Tice.

The portion of the right-of-way to be affected is sixty-foot (60') wide and is approximately the northwest one-thousand one-hundred and fifty feet (1,150') of Waycross Road S.E. starting from a point six feet west of the eastern boundary of Lot 34 to it's northwestern terminus. The right-of-way in question is within the platted subdivision of **B.F. INDUSTRIAL CENTER**; in Section 10, Township 44, Range 25 as recorded in Plat Book 47, Pages 91 and 92 of the official Public Records of Lee County, Florida.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

Attached to this Blue Sheet is the Resolution to Vacate 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								
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<table border="1"> <tr> <td>OA</td> <td>OM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> </tr> </table>	OA	OM	Risk	GC	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
OA	OM	Risk	GC											
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>											

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

cc. by county
Date: 11/14/02
Time: 1:30
Forwarded To:
Admin. *[Signature]*
11/14/02 1:45 PM

RECEIVED BY
COMM. ADMIN. TD
11-14-02
12:55 PM
11/14/02

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: VAC2001-00024

WHEREAS, Petitioner **Mark Stout Realty LLC**, an Indiana Limited Liability Company 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 Petition also included a request, in accordance with F.S. Chapter 336 and LCAC 13-8, 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"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning the Petition to Vacate on the **26th day of November, 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, the Petitioner is fee simple title holder to the underlying land sought to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, the Petitioner provided proof all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; 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 various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2001-00024 is hereby granted.
2. The public's interest in the easement, plat or portion of plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
4. A Notice of Resolution 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 the Resolution as Exhibit "D".
5. This Resolution will become effective upon 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 26th day of November, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

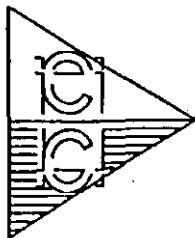
Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

MAY 7, 2001
JOB NO. 0013
0013SKT1.LGL

SHEET 1 OF 2

DESCRIPTION:

PART OF THE ROAD RIGHT OF WAY OF WAYCROSS RD. S.E., LYING IN B.F. INDUSTRIAL CENTER AS RECORDED IN PLAT BOOK 47 PAGE 91 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID WAYCROSS RD. S.E. LYING WEST AND NORTHWESTERLY OF "LINE A" DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE NORTHWEST CORNER OF LOT 33 OF SAID B.F. INDUSTRIAL CENTER; THENCE N.88°35'00"W. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID WAYCROSS RD. S.E. FOR 6.00 FEET TO THE POINT OF BEGINNING OF SAID "LINE A";

FROM SAID POINT OF BEGINNING; THENCE N.01°25'00"E. FOR 60.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID WAYCROSS RD. S.E. AND THE END OF SAID "LINE A".

CONTAINING 1.7993 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

REFER TO 8 1/2" X 11" SKETCH (SEE SHEET 2 OF 2)

INK ENGINEERING, INC. (LB 856)

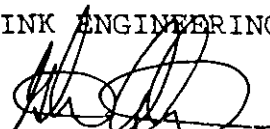
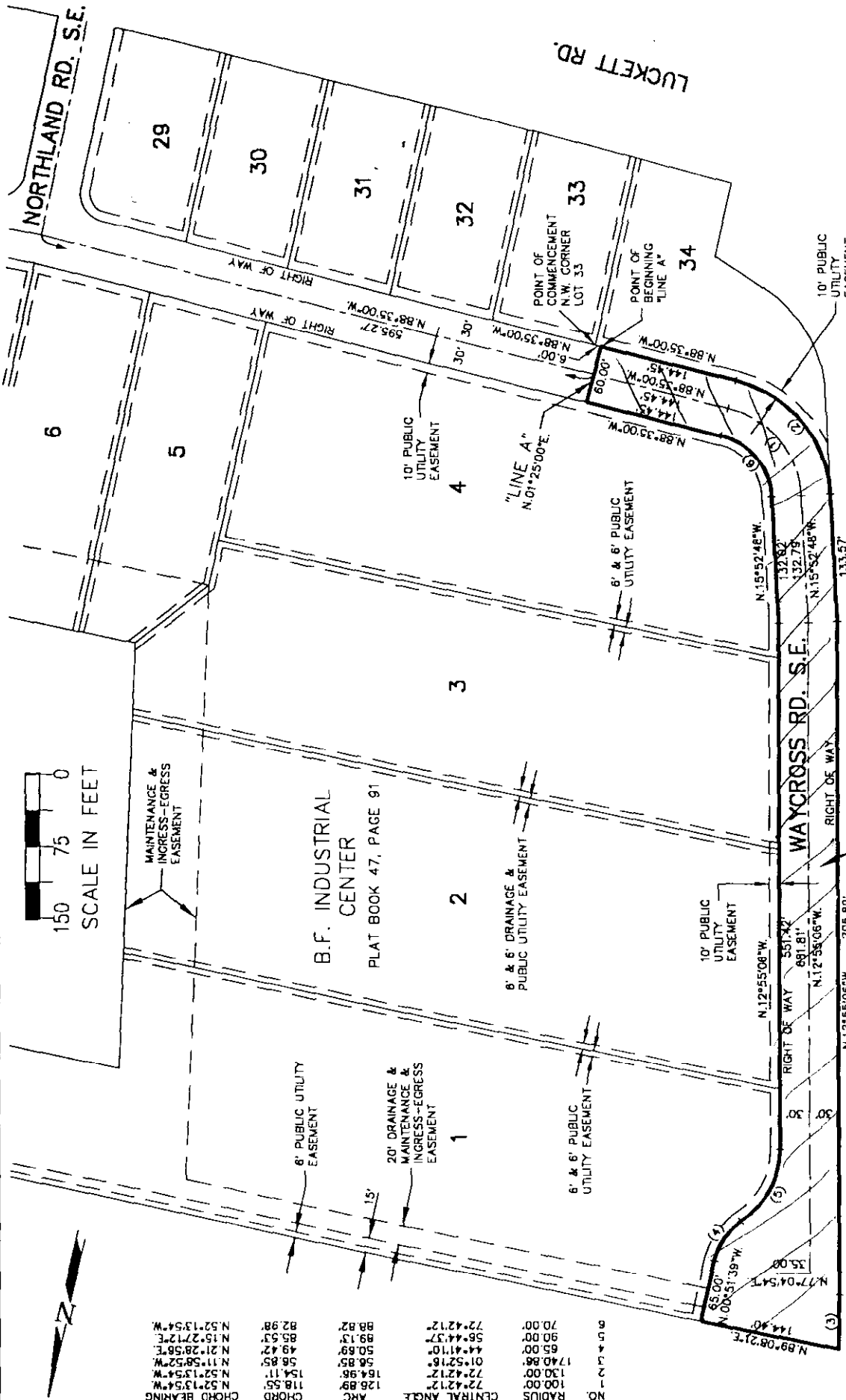

GLENN C. ADAMS
PROFESSIONAL LAND SURVEYOR
FL. CERT. NO. 6062

Exhibit A

Exhibit B

CURVE TABLE

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD BEARING	CHORD
1	100.00	72°42'12"	126.89	N.52°13'54"W	118.55
2	1740.88	01°52'18"	56.85	N.52°13'54"W	154.11
3	1730.00	72°42'12"	154.96	N.52°13'54"W	154.11
4	1740.88	01°52'18"	56.85	N.52°13'54"W	118.55
5	65.00	44°41'10"	50.89	N.21°28'58"E	49.42
6	90.00	56°44'37"	89.14	N.15°27'12"E	85.54
7	70.00	72°42'12"	88.82	N.52°13'54"W	82.98



REFER TO ATTACHED DESCRIPTION
 THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS OF WAY OF RECORD.
 BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF WAYCROSS RD. S.E. BEING N.12°55'06"W.

INTERSTATE 75
 1.7993±
 ACRES

DATE 5/07/01
 SCALE 1"=150'
 DRAWN G.C.A.
 CHECK
 APPROVED

INK ENGINEERING, INC.
 ENGINEERS SURVEYORS PLANNERS

GLENN C. ADAMS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 6062

INK ENGINEERING, INC.
 ENGINEERS SURVEYORS PLANNERS

(941) 931-0455 3660 CENTRAL AVE., SUITE 8 FT. MYERS, FLORIDA 33901

FILE NO: 0013SK11
 JOB NO: 0013

SKETCH (NOT A SURVEY)
 PART OF B.F. INDUSTRIAL CENTER
 PLAT BOOK 47, PAGE 91
 SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

DATE 5/07/01
 SCALE 1"=150'
 DRAWN G.C.A.
 CHECK
 APPROVED

INTERSTATE 75
 1.7993±
 ACRES

INK ENGINEERING, INC.
 ENGINEERS SURVEYORS PLANNERS

GLENN C. ADAMS, FOR THE FIRM
 PROFESSIONAL LAND SURVEYOR
 FLA. CERTIFICATE NO. 6062

INK ENGINEERING, INC.
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(941) 931-0455 3660 CENTRAL AVE., SUITE 8 FT. MYERS, FLORIDA 33901

FILE NO: 0013SK11
 JOB NO: 0013