

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate 5-foot portion of a 20 feet wide Lake Maintenance Easement at 14013 Image Lake Court, Fort Myers, Florida, located off of Summerlin Road. (Case No. VAC2003-00029)

WHY ACTION IS NECESSARY: To legitimize the construction of an existing single-family residential swimming pool. The easement was not shown on the permit application, and the pool was constructed within the 20 foot wide Lake Maintenance Easement. **The vacation of this easement will not alter existing lake maintenance and drainage conditions, and the easement is not necessary to accommodate any future maintenance and drainage requirements.**

WHAT ACTION ACCOMPLISHES: Vacates a portion of the Lake Maintenance Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04
5:00 #1

3. MEETING DATE:
10-12-2004

4. AGENDA:

 CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)
 STATUTE F.S. Ch. 177
 ORDINANCE
 ADMIN. CODE 13-1
 OTHER

6. REQUESTOR OF INFORMATION:
 A. COMMISSIONER
 B. DEPARTMENT Community Development
 C. DIVISION Development Services
 BY: *[Signature]* 9/20/04
 Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on the 12th day of October, 2004.

LOCATION: The site is located at **14013 Image Lake Court, Fort Myers, Florida 33907** and the strap number is 26-45-24-07-00000.0550. Petition No. VAC2003-00029 proposes to vacate a 5-foot portion of a 20 feet wide Lake Maintenance Easement commencing at the southeasterly corner of Lot 55, Reflection Lakes, Unit Two, a subdivision as recorded in Plat Book 66, Pages 25 through 30, Section 26, Township 45 South, Range 24 East, 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. **The SFWMD has issued a modification to the existing Surface Water Management Permit for the project approving the encroachment.** 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 Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OA	OM	Risk	GC
<i>Mary Galt</i>	N/A	N/A	N/A	<i>John Madigan 9-22-04</i>	<i>[Signature] 9/22/04</i>	<i>[Signature] 9/22/04</i>	<i>[Signature] 9/22/04</i>	<i>[Signature] 9/22/04</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: **9/21/04**
 Time: **2:28**
 Forwarded To:

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
9/22/04
 4:30 pm
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
9/23/04
 4:00 pm

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: VAC2003-00029

WHEREAS, Petitioner **Peter and Dixie L. Melonis** 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 12th day of October, 2004 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

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. VAC2003-00029 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
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate VAC2003-00029

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(LOT 55 LAKE MAINT. EASE. VACATION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PART OF REFLECTION LAKES, UNIT 2, A SUBDIVISION RECORDED IN PLAT BOOK 66 AT PAGES 25 THROUGH 30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT 55; THENCE N.60°48'02"W. ALONG THE SOUTHERLY LINE OF SAID LOT 55 FOR 20.00 FEET TO THE NORTHWESTERLY LINE OF A 20.0 FEET WIDE LAKE MAINTENANCE EASEMENT; THENCE N.29°11'58"E. ALONG SAID NORTHWESTERLY LINE FOR 4.87 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 222.50 FEET; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 5°49'19" FOR A DISTANCE OF 22.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG SAID NORTHWESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 8°43'26" FOR A DISTANCE OF 33.88 FEET; THENCE S.75°20'48"E. ALONG A RADIAL LINE FOR 5.00 FEET TO AN INTERSECTION WITH A CONCENTRIC CURVE TO THE RIGHT HAVING A RADIUS OF 227.50 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.75°20'48"E.; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°43'26" FOR A DISTANCE OF 34.64 FEET; THENCE N.66°37'21"W. ALONG A RADIAL LINE FOR 5.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 170 SQUARE FEET, MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE SOUTHERLY LINE OF SAID LOT 55 AS BEARING N.60°48'02"W AS PER THE RECORDED PLAT.

EXHIBIT "B"

Petition to Vacate VAC2003-00029

SKETCH

OF A
PARCEL OF LAND
LYING IN
SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PART OF REFLECTION LAKES, UNIT 2, A SUBDIVISION RECORDED IN PLAT BOOK 66 AT PAGES 25 THROUGH 30 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:

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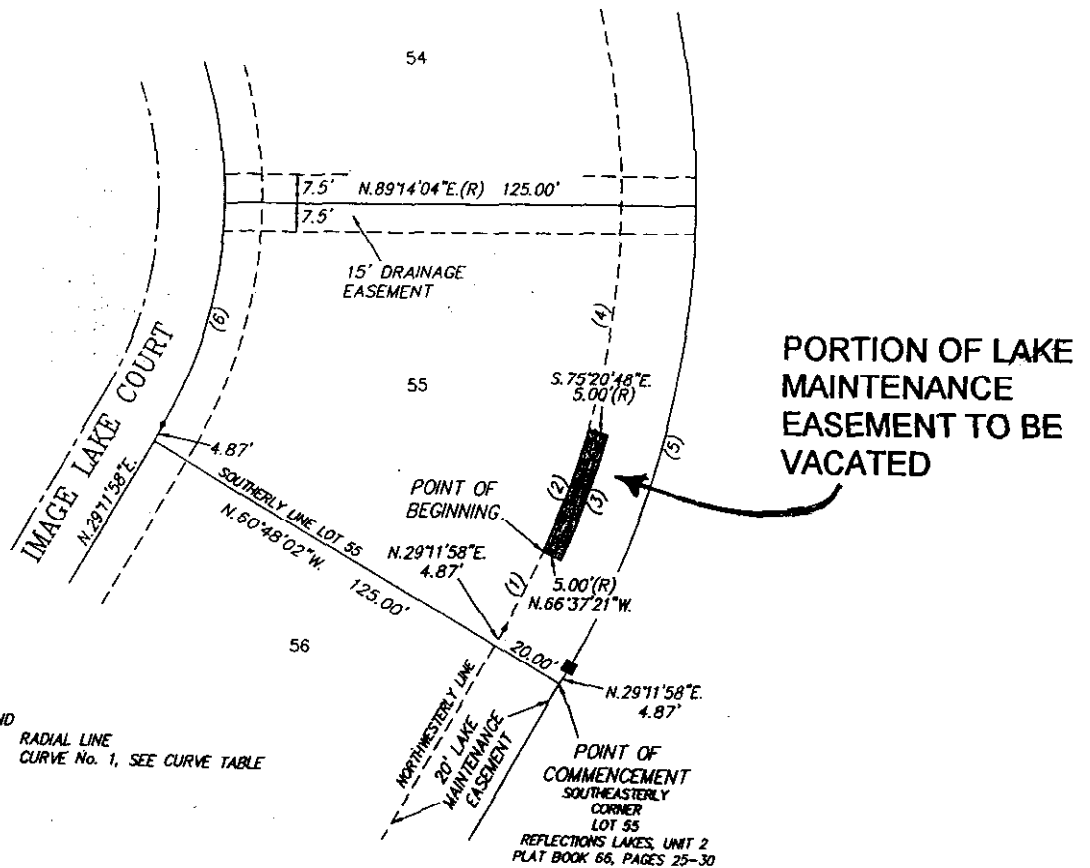
PARCEL CONTAINS 170 SQUARE FEET, MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE SOUTHERLY LINE OF SAID LOT 55 AS BEARING N.60°48'02"W AS PER THE RECORDED PLAT.



CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	222.50'	05°49'19"	22.61'	22.60'	N.26°17'18"E
2	222.50'	08°43'26"	33.88'	33.85'	N.19°00'56"E
3	227.50'	08°43'26"	34.64'	34.61'	S.19°00'56"W
4	222.50'	15°25'09"	59.88'	59.70'	N.06°56'38"E
5	242.50'	29°57'54"	126.82'	125.38'	N.14°13'01"E
6	117.50'	29°57'54"	61.45'	60.75'	N.14°13'01"E



LEGEND
(R) RADIAL LINE
(1) CURVE No. 1, SEE CURVE TABLE

REFLECTIONS LAKES, UNIT 2
PLAT BOOK 66, PAGES 25-30