

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate the Public's Interest in a portion of the platted Right-of-Way of Dean Street adjacent to a residential lot located on 4991 Dean St., Fort Myers, Florida (Case No. VAC2005-00066)

WHY ACTION IS NECESSARY: To allow the property owner to convey title to the existing single-family residence on the subject parcel. Due to a construction error, which occurred when the home was constructed in 1958, a portion of the existing structure is located within the road right-of-way. **The vacation of this portion of right-of-way will not alter traffic or drainage conditions and the right-of-way is not necessary to accommodate any future traffic or drainage requirement.**

WHAT ACTION ACCOMPLISHES: Vacates the right-of-way.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 2

04

5:00 #1

3. MEETING DATE:

02-08-2005

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 336
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services

BY: 

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 8th of February 2005**. The completed petition to vacate, VAC2004-00066 was submitted by Henderson, Franklin, P.A., and Cody Vaughan-Birch, Esq., as the agent for the petitioner, Annette Willis.

LOCATION: The right-of-way is located on **4991 Dean St., Fort Myers, Florida 33905** and the reference strap number is 09-44-25-14-00012.0000. The road to be vacated include a portion of platted Right-of-Way being part of Dean Street, Lot 12, Ortiz Subdivision, as recorded in Plat Book 10, Page 47, lying in Section 9, Township 44 South, Range 25 East, of the Public Records of Lee County, Florida.


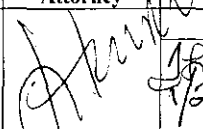
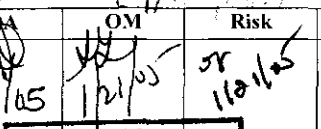
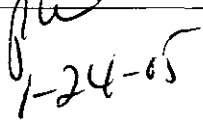
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. 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 Resources	D Other	E County Attorney	F Budget Services OM Risk GC	G County Manager
	N/A	N/A	N/A			

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN:
1/20/05
4/9 20 504
COUNTY ADMIN/NOO
FORWARDED TO: 25
1/24/05

Rec. by CoAtty
Date: 1/20/05
Time: 2:45

Forwarded To:
1/20/05
1/20/05 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: VAC2004-00066

WHEREAS, Petitioner **Annette Willis** 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 8th day of February 2005 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 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. VAC2004-00066 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

Deputy Clerk Signature

Please Print Name

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmooffice@bwk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description

A Tract or Parcel of Land
Lying in
Section 9, Township 44 South, Range 25 East
Lee County, Florida

A tract or parcel of land being a part of Dean Street, Ortiz Subdivision, as recorded in Plat Book 10 at Page 47 of the Lee County Records being further described as follows:

From the northeast corner of Lot 12, Ortiz Subdivision as recorded in Plat Book 10 at Page 47 of the Lee County Records, run N89°36'02"W for 74.00 feet to the northwest corner of said Lot 12; thence run S00°22'58"W for 120.97 feet to an intersection with the curved right-of-way line of Dean Street, being the southwest corner of said Lot 12 and the Point of Beginning.

From said Point of Beginning run S78°26'20"E for 25.00 feet; thence run S47°24'28"E for 20.00 feet; thence run S89°12'18"E for 27.34 feet to an intersection with the curved right-of-way line of Dean Street; thence run northwesterly, westerly and southwesterly along said right-of-way line along the arc of a curve, a radius 50.00 feet, chord bearing N74°07'38"W, chord 69.20 feet, delta 87°34'18" for 76.42 feet to the Point of Beginning.

Containing 779 square feet, more or less.

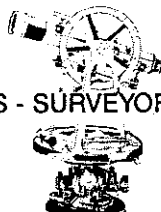
Bearings hereinabove mentioned based on the east line of said Lot 12 to bear N00°22'58"E.

W. Britt Pomeroy, Jr.
Professional Land Surveyor
Florida Certificate No. 4448

Exhibit "A" Petition to Vacate VAC2004-00066 [Page One of One]

35561DESC1

6/15/04



CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION
OF
PART OF DEAN STREET
ORTIZ SUBDIVISION
SECTION 9, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

P.O.C. DESC.
NE Corner
Lot 12

N89°36'02"W

74.00'

L1 = S78°26'20"E 25.00'
L2 = S47°24'28"E 20.00'
L3 = S89°12'18"E 27.34'

C1
R=50.00'
Δ=87°34'18"
L=76.42'
C=69.20'
CB=N74°07'38"W

S00°22'58"W 120.97'

LOT 12

S00°22'58"W 165.00'

N

LOT 11

P.O.B. DESC.

Area to be vacated

Asphalt Drive

C1

1 Story CBS

Ortiz Subdivision,
Lot 12,
Section 9, Twp 44S, Rge 25E
Recorded in Plat Book 10,
Page 47 of the Public Records,
Lee County, Florida

50'

DEAN STREET

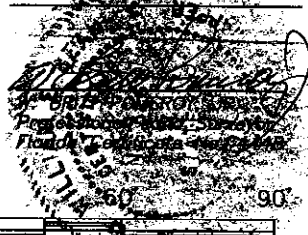
Asphalt Pavement

R = 50'

LOT 14

LOT 13

THIS IS NOT A SURVEY



P.O.C. = Point of Commencement
P.O.B. = Point of Beginning
DESC. = Description

Exhibit "B"
Petition to Vacate
VAC2004-00066
[Page One of One]



Bean, Whitaker, Lutz & Karih, Inc. (23 4819) CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS 12041-H MOOREBORO BOULEVARD, FORT MYERS, FLORIDA 33919-8916 (239) 481-1331					
SK35561.dwg					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-15-04	35561	WBP	1" = 30'	2 OF 2	9-44-25