

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate portions of the existing right-of-way of Treeline Avenue, located north of Daniels Parkway and south of Sun City (Pelican Preserve), Fort Myers, Florida (Case No. VAC2004-00051)

**WHY ACTION IS NECESSARY:** Establishes an alternative alignment for Treeline Avenue and provides for design, permitting and construction of the roadway and utility improvements by Worthington under the direction/supervision of Lee County. **The vacation of these rights-of-way will not alter traffic or drainage conditions and the rights-of-way are not necessary to accommodate any future traffic or drainage requirement.**

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

<b>2. DEPARTMENTAL CATEGORY:</b> <b>COMMISSION DISTRICT #:</b> <u>5</u>	04  5:00 #2	<b>3. MEETING DATE:</b>  02-08-2005
<b>4. AGENDA:</b>  <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <b>TIME REQUIRED:</b>	<b>5. REQUIREMENT/PURPOSE:</b> (Specify) <input checked="" type="checkbox"/> STATUTE <b>F.S. Ch. 336</b> <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE <b>13-8</b> <input type="checkbox"/> OTHER	<b>6. REQUESTOR OF INFORMATION:</b>  A. COMMISSIONER B. DEPARTMENT <u>Community Development</u> C. DIVISION <u>Development Services</u> BY: <u>[Signature]</u> <b>1-19-05</b>  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 8<sup>th</sup> day of February 2005**. The completed petition to vacate, VAC2004-00051 was submitted by Henderson, Franklin, P.A., and Cody Vaughan-Birch, Esq., as the agent for the petitioners, Worthington Holdings, L.L.C. and Worthington Holdings Southwest, L.L.C.

**LOCATION:** The rights-of-way are located on **Treeline Avenue, Fort Myers, Florida 33913** and its reference strap numbers are 11-45-25-P1-00001.0000, 11-45-25-P1-00001.0010, 11-45-25-P2-00003.0000 and 23-45-25-P1-00002.0000. The road to be vacated include portions of existing 60' and 125' Right-of-Way on Treeline Avenue, east 50' (E 1/2, SW 1/4) and west 50' (W 1/2, SW 1/4) Right-of-Way as recorded in O.R. Book 1552, Page 773, lying in Section 11 and Section 23 respectively, Township 45 South, Range 25 East, of the Public Records of Lee County, Florida.

Treeline Avenue Extension Agreement between Worthington Holdings Southwest, L.L.C. and Lee County was approved and executed by Lee County Board of County Commissioners at the regular Board meeting on March 30, 2004, and recorded in O.R. Book 4329, Pages 3276 – 3295. First Amendment to Treeline Avenue Extension Agreement between Worthington Holdings Southwest, L.L.C. and Lee County was made on 31<sup>st</sup> day of August 2004, as recorded in O.R. Book 4486, Pages 2157 – 2159. The executed "Warranty Deed for the Right-of-Way Realignment" and the "Grant of Temporary Public Utility Easement" documents will be held by Lee County pending the outcome of the Right-of-Way Vacation, and the Treeline Avenue Realignment and Extension will proceed as planned including relocation of the existing Lee County potable water facilities and necessary Drainage Easements for the right-of-way.

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 / Risk	G County Manager
Mam Gibbs	N/A	N/A	N/A	[Signature]	[Signatures]	[Signature]

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
 Date: 1/20/05  
 Time: 11:15  
 Forwarded To:  
 Admin. 1/20/05

RECEIVED BY  
 COUNTY ADMIN:  
 1/20/05  
 2:35 pm  
 COUNTY ADMIN  
 FORWARDED TO:  
 1/24/05

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: VAC2004-00051

WHEREAS, Petitioners **Worthington Holdings, L.L.C. and Worthington Holdings Southwest, L.L.C.** 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 8<sup>th</sup> 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. VAC2004-00051 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

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

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD TREELINE VACATION 1)  
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N.88°10'10"E.,  
ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, A  
DISTANCE OF 1,293.64 FEET; THENCE S.01°01'24"E., A DISTANCE OF 643.95 FEET TO THE **POINT**  
**OF BEGINNING**; THENCE N.13°29'05"E., A DISTANCE OF 239.50 FEET; THENCE S.01°01'24"E., A  
DISTANCE OF 909.59 FEET; THENCE S.88°07'59"W., A DISTANCE OF 60.01 FEET; THENCE  
N.01°01'24"W., A DISTANCE OF 678.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.09 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF  
SECTION 23 BEING N.88°10'10"E.

Certification for Description  
Surveyor and Mapper in Responsible Charge:  
**Denis J. O'Connell, Jr., LS #5430**  
**Community Engineering Services, Inc. LB #6572**  
**8991 Daniels Center Drive, Suite 103**  
**Fort Myers, FL 33912**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit "A-1"**  
**Petition to Vacate**  
**VAC2004-000051**  
[Page One of Three]

EXHIBIT "A-1"

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTION 11, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD TREELINE VACATION 2)  
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 11,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE S.89°03'32"W. ALONG  
THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11, A DISTANCE OF  
2645.22 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE S.89°04'48"W. ALONG  
THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11, A DISTANCE OF  
576.50 FEET TO THE POINT OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS  
POINT LIES N.89°22'40"W., A RADIAL DISTANCE OF 2,500.00 FEET; THENCE SOUTHERLY ALONG THE  
ARC, THROUGH A CENTRAL ANGLE OF 00°06'27", A DISTANCE OF 4.69 FEET TO THE **POINT OF**  
**BEGINNING**; THENCE ALONG A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES  
N.85°51'03"E., A RADIAL DISTANCE OF 1,170.50 FEET; THENCE SOUTHERLY ALONG THE ARC,  
THROUGH A CENTRAL ANGLE OF 19°12'10", A DISTANCE OF 392.30 FEET TO THE POINT OF A NON  
TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.80°59'23"W., A RADIAL  
DISTANCE OF 2,625.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE  
OF 20°45'11", A DISTANCE OF 950.80 FEET; THENCE S.29°45'48"W., A DISTANCE OF 618.63 FEET TO A  
POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,487.50 FEET AND A CENTRAL ANGLE OF  
28°50'26"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 748.75 FEET; THENCE S.00°55'22"W.,  
A DISTANCE OF 166.08 FEET; THENCE S.88°33'56"W., A DISTANCE OF 125.11 FEET; THENCE  
N.00°55'22"E., A DISTANCE OF 171.23 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS  
OF 1,612.50 FEET AND A CENTRAL ANGLE OF 28°50'26"; THENCE NORTHERLY ALONG THE ARC A  
DISTANCE OF 811.67 FEET; THENCE N.29°45'48"E., A DISTANCE OF 618.63 FEET TO A POINT OF  
CURVE TO THE LEFT HAVING A RADIUS OF 2,500.00 FEET AND A CENTRAL ANGLE OF 29°02'02";  
THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 1,266.84 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7.54 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 11  
BEING S.89°03'32"W.

Certification for Description  
Surveyor and Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., L.S.#5430  
Community Engineering Services, Inc. LB #6572  
8991 Daniels Center Drive, Suite 103  
Fort Myers, FL 33912

Signed: \_\_\_\_\_

Date: 3/2/04

Exhibit "A-2"  
Petition to Vacate  
VAC2004-000051  
[Page Two of Three]

EXHIBIT "A-2"

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTION 11, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(ARBORWOOD TREELINE VACATION 3)  
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 11,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST, AS RECORDED IN OFFICIAL RECORD BOOK 1552, AT PAGES  
773 THROUGH 775 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 50 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE EAST 50 FEET OF THE WEST  
1/2 OF THE SOUTHWEST 1/4, SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY,  
FLORIDA.

CONTAINING 6.07 ACRES, MORE OR LESS.

Certification for Description

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr., LS #5430

Community Engineering Services, Inc. LB #6572

8991 Daniels Center Drive, Suite 103

Fort Myers, FL 33912

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

3/8/04

Exhibit "A-3"  
Petition to Vacate  
VAC2004-000051  
[Page Three of Three]

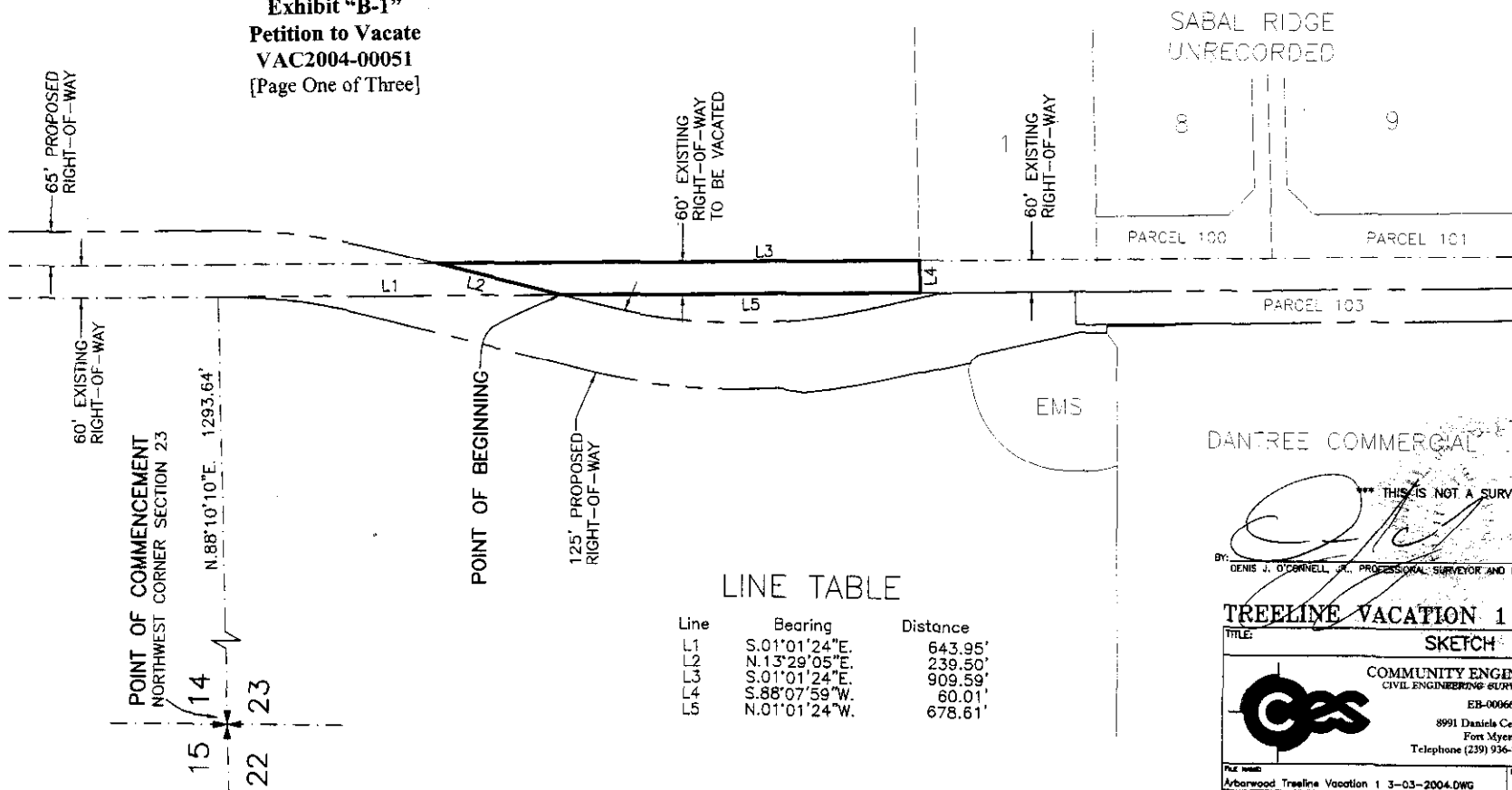
EXHIBIT "A-3"

# SKETCH OF TREELINE AVENUE VACATION OF RIGHT OF WAY

SITUATED IN SECTION 23,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA



**Exhibit "B-1"**  
**Petition to Vacate**  
**VAC2004-00051**  
[Page One of Three]



LINE TABLE

Line	Bearing	Distance
L1	S.01°01'24"E.	643.95'
L2	N.13°29'05"E.	239.50'
L3	S.01°01'24"E.	909.59'
L4	S.88°07'59"W.	60.01'
L5	N.01°01'24"W.	678.61'

DANTREE COMMERCIAL

\*\*\* THIS IS NOT A SURVEY \*\*\*

BY: *[Signature]* DENIS J. O'CONNELL, P.E., PROFESSIONAL SURVEYOR AND MAPPER L54/5430 DATE SIGNED 3/2/04

**TREELINE VACATION 1 3-03-2004**


TITLE: SKETCH	
 <b>COMMUNITY ENGINEERING SERVICES, INC.</b> CIVIL ENGINEERING SURVEYING PROJECT MANAGEMENT EB-0006613 LB 6572 8991 Daniela Center Drive, Suite 103 Fort Myers, Florida 33912 Telephone (239) 936-9777 Fax (239) 936-0064	
FILE NAME: Arborwood TreeLine Vacation 1 3-03-2004.DWG	PROJECT NO: 3737
SURVEY DATE: 3-03-2004	CHECKED BY: DJO
DRAWN BY: DJO	SCALE: NOT TO SCALE
CHECKED BY: DJO	FILE NO. (S-T-R): 10-45-25
SHEET 1 OF 1	

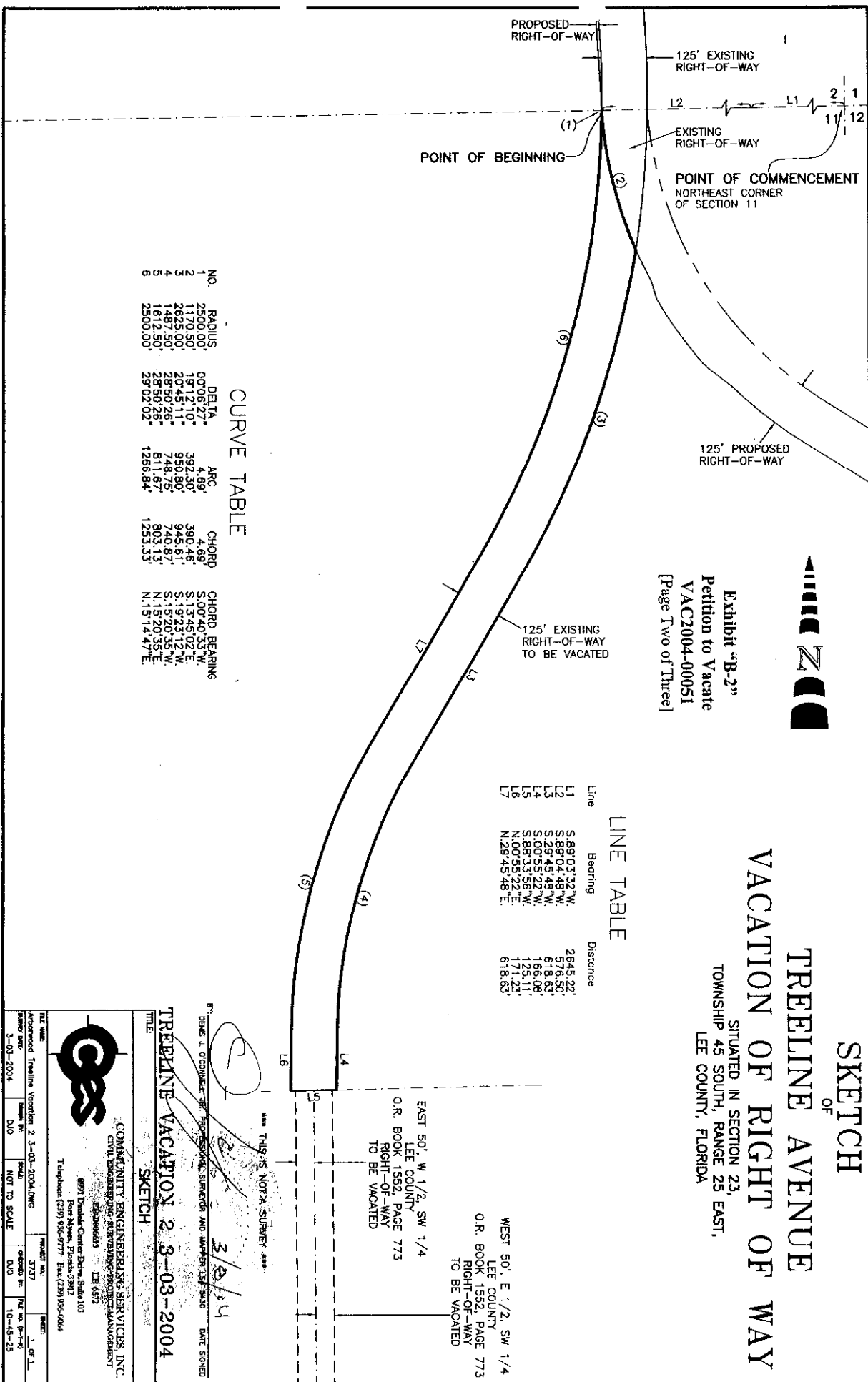
EXHIBIT "B-1"



# SKETCH OF TRELLINE AVENUE VACATION OF RIGHT OF WAY

Exhibit "B-2"  
Petition to Vacate  
VAC2004-00051  
[Page Two of Three]

SITUATED IN SECTION 23,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA



CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	2500.00'	00°06'27"	4.69'	4.69'	S.00°40'33"W.
2	1170.50'	19°12'10"	392.30'	390.46'	S.13°45'02"E.
3	2625.00'	20°45'11"	950.80'	945.61'	S.19°23'12"W.
4	1487.50'	28°50'26"	748.75'	740.87'	S.15°20'35"W.
5	1612.50'	28°50'26"	811.67'	803.13'	N.15°20'35"E.
6	2500.00'	29°02'02"	1266.84'	1253.33'	N.15°14'47"E.

LINE TABLE

Line	Bearing	Distance
L1	S.89°03'32"W.	2845.22'
L2	S.89°04'48"W.	576.50'
L3	S.29°45'48"W.	618.63'
L4	S.00°35'42"W.	168.08'
L5	S.88°35'26"W.	123.11'
L6	N.00°32'42"E.	171.83'
L7	N.29°45'48"E.	618.63'

WEST 50', E 1/2, SW 1/4  
LEE COUNTY  
O.R. BOOK 1552, PAGE 773  
RIGHT-OF-WAY  
TO BE VACATED

EAST 50', W 1/2, SW 1/4  
LEE COUNTY  
O.R. BOOK 1552, PAGE 773  
RIGHT-OF-WAY  
TO BE VACATED

\*\*\* THIS IS NOT A SURVEY \*\*\*

DATE SIGNED: 3/2/04

BY: DENIS J. O'CONNOR, PROFESSIONAL SURVEYOR AND MAPPER, L.S. 5340

TRELLINE VACATION 2, 3-03-2004  
SKETCH

**COMMUNITY ENGINEERING SERVICES, INC.**  
CIVIL ENGINEERING, SURVEYING, PROJECT MANAGEMENT

6971 Dundee Center Drive, Suite 101  
Lakeland, FL 34601  
Telephone: (239) 956-9777 Fax: (239) 956-0064

FILE NAME: Approved Trelline Vacation 2, 3-03-2004.dwg	PROJECT NO.: 3737	SHEET: 1 OF 1
DRAWN BY: DVO	SCALE: NOT TO SCALE	FILE NO. P-7-40
DATE: 3-03-2004		10-45-25





SKETCH  
OF  
TREELINE AVENUE  
VACATION OF RIGHT OF WAY

SITUATED IN SECTION 11,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

Exhibit "B-3"  
Petition to Vacate  
VAC2004-00051  
[Page Three of Three]

WEST 50', E 1/2, SW 1/4  
LEE COUNTY  
O.R. BOOK 1552, PAGE 773  
RIGHT-OF-WAY  
TO BE VACATED

EAST 50', W 1/2, SW 1/4  
LEE COUNTY  
O.R. BOOK 1552, PAGE 773  
RIGHT-OF-WAY  
TO BE VACATED

125' EXISTING  
RIGHT-OF-WAY  
TO BE VACATED

\*\*\* THIS IS NOT A SURVEY \*\*\*

*[Signature]* 3/2/04  
DONS J. CUMMINS, JR., PROFESSIONAL SURVEYOR AND MAPPER LS# 3430 DATE SIGNED

TREELINE VACATION 3 3-03-2004

TITLE:		SKETCH	
COMMUNITY ENGINEERING SERVICES, INC. CIVIL ENGINEERING - SURVEYING - PROJECT MANAGEMENT			
EB-0006613		LB 6572	
8991 Daniels Center Drive, Suite 103			
Fort Myers, Florida 33912			
Telephone (239) 936-9777 Fax (239) 936-0064			
FILE NAME:	PROJECT NO.:	SHEET:	
Arborwood Treeline Vacation 3 3-03-2004.DWG	3757	1 OF 1	
SURVEY DATE:	DRAWN BY:	SCALE:	CHECKED BY:
3-03-2004	DJO	NOT TO SCALE	DJO
FILE NO. (P-I-N)		10-45-25	

EXHIBIT "B-3"