

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide existing platted Drainage and Public Utility Easement situated at 9911 Bavaria Rd., Fort Myers, Florida, located off of Treeline Ave. (Case No. VAC2004-00061)

**WHY ACTION IS NECESSARY:** To construct an industrial building on the combined Lots 7 and 8. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

**WHAT ACTION ACCOMPLISHES:** Vacates the Drainage and Public Utility Easement.

2. **DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT #: 5

04

5:00 #2

3. **MEETING DATE:**

03-22-2005


4. **AGENDA:**

5. **REQUIREMENT/PURPOSE:**  
(Specify)

6. **REQUESTOR OF INFORMATION:**

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

- STATUTE F.S. Ch. 177
- \_\_\_\_\_ ORDINANCE \_\_\_\_\_
- ADMIN. CODE 13-1
- \_\_\_\_\_ OTHER \_\_\_\_\_

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY:  2/17/05
- 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 22<sup>nd</sup> day of March 2005**. The completed petition to vacate, VAC2004-00061 was submitted by Keene Engineering, Inc. as the agent on behalf of petitioner, Treeline Properties, L.L.C.

**LOCATION:** The site is located at **9911 Bavaria Rd., Fort Myers, Florida 33913** and its strap number is 15-45-25-01-0000A.0080. Petition No. VAC2004-00061 proposes to vacate a 12-foot wide existing platted Drainage and Public Utility Easement **LESS and EXCEPT** the westerly 10-feet thereof and the easterly 72.5 feet lying east of the westerly line of the Stormwater Management Lake and Access Easement; lying in Section 15, Township 45 South, Range 25 East, being part of Lots 7 and 8, Block A, Airport Woods Commerce Center, as recorded in Plat Book 50 at Pages 64 through 68 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 <i>2/22/05</i>				G County Manager
					QA	OM	Risk	GC	
<i>Mam</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 2/22/05	<i>[Signature]</i> 2/22/05	<i>[Signature]</i> 2/22/05	<i>[Signature]</i> 2/22/05	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: *2/21/05*  
Time: *5:00*  
Forwarded To: \_\_\_\_\_

RECEIVED BY  
COUNTY ADMIN:  
*2/22/05*  
3:50  
COUNTY ADMIN  
FORWARDED TO:  
*[Signature]*

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2004-00061

WHEREAS, Petitioner **Treeline Properties, L.L.C., a Florida 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 Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the 22<sup>nd</sup> day of March 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

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. VAC2004-00061 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

# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

DESCRIPTION  
OF A PARCEL LYING IN  
SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(LOTS 7 & 8, BLOCK "A", AIRPORT WOODS COMMERCE CENTER)  
(PROPOSED VACATION OF DRAINAGE & UTILITY EASEMENT)

A PUBLIC DRAINAGE EASEMENT AND PUBLIC UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING PART OF LOTS 7 & 8, BLOCK "A", AIRPORT WOODS COMMERCE CENTER, AS RECORDED IN PLAT BOOK 50 AT PAGES 64 THROUGH 68 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

A PUBLIC DRAINAGE EASEMENT AND PUBLIC UTILITY EASEMENT (6 FEET WIDE) LYING 6 FEET EACH SIDE OF THE COMMON LOT LINE DIVIDING LOTS 7 AND 8, BLOCK "A" OF SAID AIRPORT WOODS COMMERCE CENTER.

LESS AND EXCEPT THE WESTERLY (FRONT) 10 FEET THEREOF AND THE EASTERLY (BACK) 72.5 FEET LYING EAST OF THE WESTERLY LINE OF THE STORMWATER MANAGEMENT LAKE AND ACCESS EASEMENT.

Certification for Description  
Surveyor and Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., LS #5430  
Metron Surveying & Mapping, LLC LB #7071  
5245 Ramsey Way, Suite #2  
Fort Myers, FL 33907

Signed: \_\_\_\_\_  
Date: 11/30/04

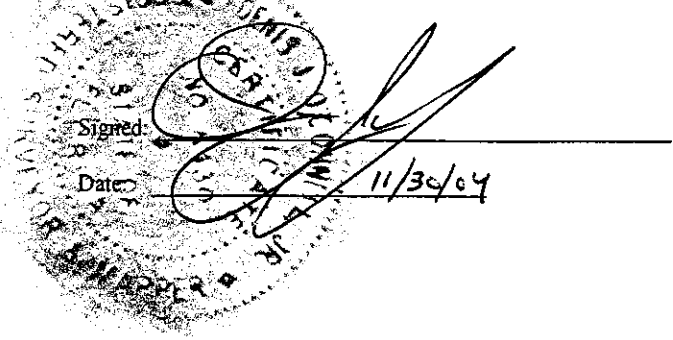


Exhibit "A"  
Petition to Vacate  
VAC2004-00061  
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# SKETCH

OF  
A PARCEL OF LAND  
SITUATED IN SECTION 15,  
TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

Exhibit "B"  
Petition to Vacate  
VAC2004-00061  
[Page One of One]

\*\*\* THIS IS NOT A SURVEY \*\*\*  
BY: DENIS J. O'CONNELL, P.E. PROFESSIONAL SURVEYOR AND MAPPING PLANNERS  
DATE: 11/15/07  
LBM 7071

LOTS 7 & 8, BLOCK A  
AIRPORT WOODS COMMERCE CENTER

TITLE: SKETCH OF DESCRIPTION

**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
LBM 7071  
www.metronfl.com  
3245 RAMSEY WAY, SUITE #2  
FLORIDA 32907  
PHONE: (888) 725-8575  
FAX: (386) 275-8457

FILE NAME: 5701SK/EASE.DWG PROJECT NO: 5701 SHEET: 2 OF 2  
SURVEY DATE: 03-29-2004 DRAWN BY: DJO SCALE: 1"=100' CHECKED BY: JDF FILE NO. (S-T-4): 15-45-25  
REVISED: 11-29-2004 DJO

