

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00015 to Vacate Beach Road Plaza frontage road as recorded in Official Record Book 2025, Pages 2984 - 2987 and Official Record Book 2133, Pages 3105 - 3109B, in the Public Records of Lee County, Florida and accept a replacement ingress/egress easement.

WHY ACTION IS NECESSARY: To allow the Beach Road Plaza property owner to locate a sign closer to Bonita Beach Road than would be permissible with the frontage road. The sign will still meet the minimum setback requirement from Bonita Beach Road. **Lee County Department of Transportation has determined the vacation of the frontage road will not alter traffic conditions and the easements are not necessary to accommodate any future traffic requirement.**

WHAT ACTION ACCOMPLISHES: Vacates the frontage road and accepts a replacement ingress/egress easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04 Community Development

5:00 #4

3. MEETING DATE:

04-09-2002

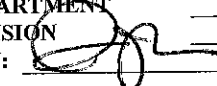
4. AGENDA:

- _____ 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:  03/22/02
- Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 9th day of April 2002.

The complete Petition to Vacate was submitted by Mr. Alan V. Roseman, Agent for John Kaptyn, Captain Investments, Inc.

LOCATION: The Beach Road Plaza frontage road is recorded in Official Record Book 2025, Pages 2984 - 2987 and Official Record Book 2133, Pages 3105 - 3109B, in the Public Records of Lee County, Florida and being more particularly described on the attached **Exhibit "A"**. The site is located at 3401 - 3431 Bonita Beach Road S.W., Bonita Springs, Florida, Section 04, Township 48 South, Range 25 East.

The County Attorney's Office has determined the County retained the frontage road in the Interlocal Agreement executed between Lee County and the City of Bonita Springs. Lee County's Petition to Vacate process is the right forum and the City Attorney and Public Works Manager issued memos stating they have no objections.

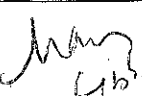
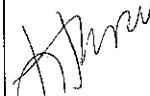
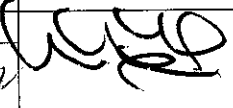
A replacement Access Road Easement Grant that was approved by Lee County Department of Transportation has been executed and will be recorded in conjunction with this vacation, if approved.

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 and Exhibit "A" - legal description.

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
					Admin	Risk	GC		
	N/A	N/A	N/A		3/27/02	3/27/02	3/27/02	3/27/02	

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 3/25/02

Time: 1140 Am

Forwarded To:
Admin
3/26/02 9:30

RECEIVED BY
COUNTY ADMIN.
3/26/02
2:56 pm
3/28 8AM

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: VAC2001-00015

WHEREAS, Petitioner John Kaptyn, Captian Investments, Inc. 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 9th day of April 2002 at 5:00 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. VAC2001-00015 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

10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 ■ (813)947-1144

JULY 17, 1987

EXHIBIT "A"

WEST BEACH ROAD PLAZA

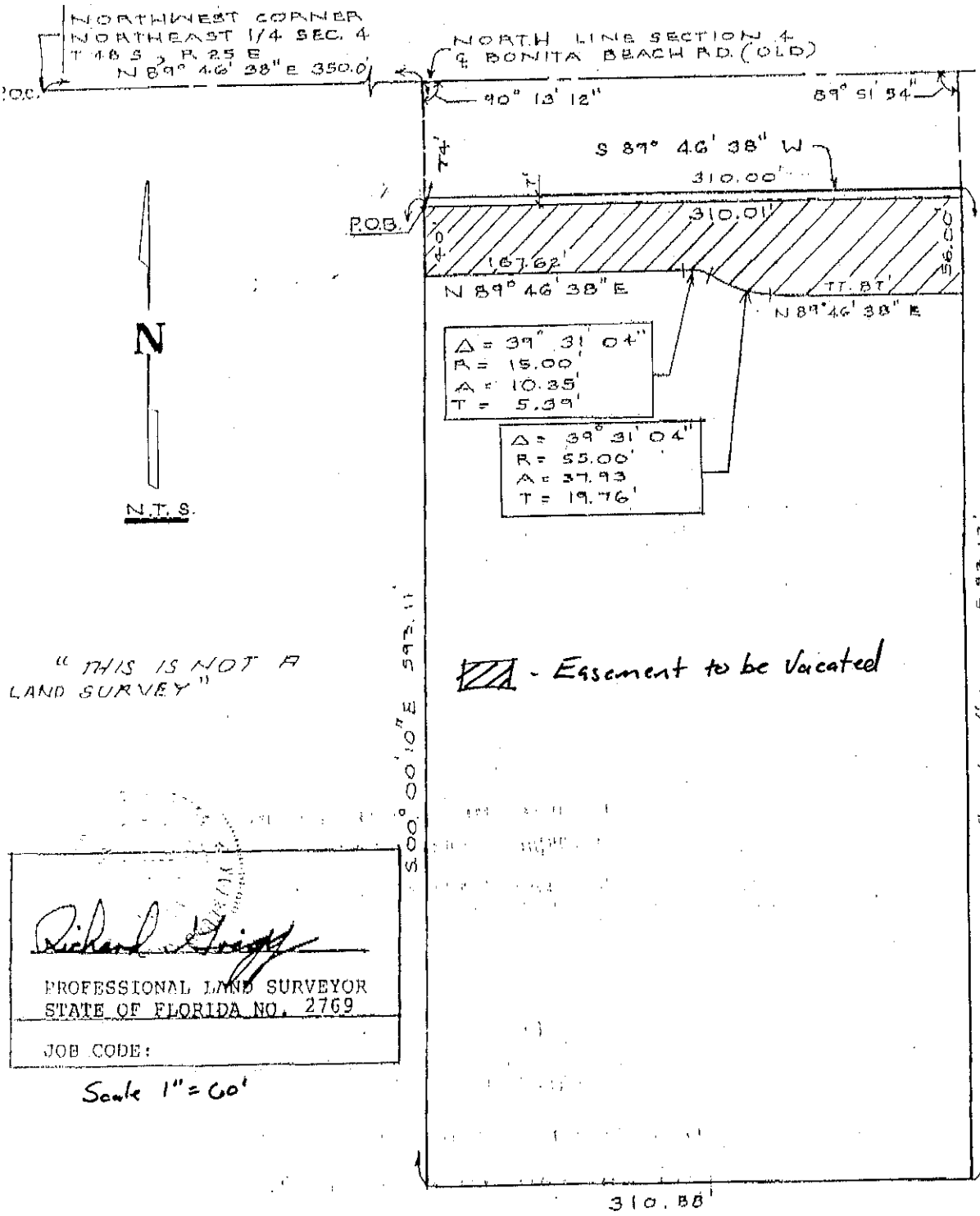
FRONTAGE ROAD EASEMENT

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST; LEE COUNTY, FLORIDA: THENCE ALONG THE NORTH LINE OF SAID SECTION 4 AND THE CENTER LINE OF BONITA BEACH ROAD N 89°46'38" E, 350.00 FEET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE S 00°00'10" E, 74.00 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE S 00°00'10" E, 40.00 FEET; THENCE N 89°46'38" E, 187.62 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET, THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 10.14 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 10.35 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 55.00 FEET THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 37.19 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 37.93 FEET; THENCE N 89°46'38" E, 77.87 FEET; THENCE N 00°05'16" W, 56.00 FEET; THENCE S 89°46'38" W, 310.01 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.32 ACRES MORE OR LESS.

July 17, 1989

EXHIBIT A-1

WEST BEACH ROAD PLAZA
FRONTAGE ROAD EASEMENT
SKETCH OF DESCRIPTION



"THIS IS NOT A
LAND SURVEY"

Richard Strick
 PROFESSIONAL LAND SURVEYOR
 STATE OF FLORIDA NO. 2769
 JOB CODE:

Scale 1" = 60'

Exhibit "B"

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2001-00015

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 9th day of April 2002 @ 5:00 p.m. the Board of County Commissioners of Lee County, Florida adopted Resolution No. . The effect of this Resolution is 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".

Please Govern Yourself Accordingly.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



LEE COUNTY

SOUTHWEST FLORIDA

10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 ■ (813)947-1144

JULY 17, 1987

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