

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020518

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2000-00024 to vacate a 12' Drainage Easement located between the common lot line of lots 105 and 106, Wildcat Run Subdivision, as recorded in Plat Book 36, Page 36 of the Public Records of Lee County Florida, Section 30, Township 46, Range 26 East, less and except the northeast 6 feet and the southwest 6 feet, and accept a replacement drainage easement.

WHY ACTION IS NECESSARY: To build a Single family residence. The vacation of the public utility Vacation of the easement will not alter or otherwise impact existing utilities or drainage, and is not necessary to accommodate future drainage or utility requirements.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 03

5:00 #2

3. MEETING DATE:

06-11-2002

4. AGENDA

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

STATUTE
 ORDINANCE
 ADMIN. CODE 13-1
 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 p.m. on the 11th day of June, 2001.

LOCATION: 12' Public Utility and Drainage Easement located between the common lot line of lots 105 and 106, Wildcat Run Subdivision, as recorded in Plat Book 36, Page 36 of the Public Records of Lee County Florida, Section 30, Township 46, Range 26 East. The property address is 20265 Tiger Court, Estero, Florida

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 5/16/02	<i>[Signature]</i> 5/16/02	<i>[Signature]</i> 5/16/02	<i>[Signature]</i> 5/16/02	<i>[Signature]</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: 5/13/02
Time: 3:12 pm

Forwarded To:
Admin
5/15/02 10:AM

RECEIVED BY
COUNTY ADMIN. AMC
5/15 AMS
COUNTY ADMIN. TD
5/16 11:30

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: VAC2000-00024

WHEREAS, Petitioner Robert W. & Marcia L. Wagner 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 11th day of June, 2002; 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. VAC2000-00024 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



ALLEN D. ROHDE, INC., LB 3708

17598 ROCKEFELLER CIRCLE
SUITE 101
FORT MYERS, FLORIDA 33912

LAND SURVEYING

Sec. 30, T46S, R26E

Phone: (941) 267-1

(sheet 2 of 2)

EXHIBIT "A"

Description of Proposed
DRAINAGE EASEMENT
(vacation)

A drainage easement, 12 feet wide, centered on the property line common to Lots 105 and 106, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

EXHIBIT "B"

Description of Proposed
PUBLIC UTILITY EASEMENT
(vacation)

A public utility easement, 12 feet wide, centered on the property line common to Lots 105 and 106, less and except the Northeasterly and Southwesterly 10 feet thereof, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 81817-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
6/20/00

Allen D. Rohde
ALLEN D. ROHDE PLS NO. 3997



ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING
 Sec.30,T46S,R26E
 Phone:(941) 267-1551

(sheet 1 of 2)

SKETCH OF DESCRIPTIONS: Proposed 12 foot drainage easement vacation & relocation, located in a part of Lots 105 & 106, Wildcat Run Subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.



CURVE LEGEND

R =radius
 CB=chord bearing
 C =chord distance
 L =length of curve

CURVE "C"

R =200.00'
 CB=S50°17'47"E
 C =140.55'
 L =143.61'

CURVE "C-1"

R =200.00'
 CB=S69°02'27"E
 C =12.75'
 L =12.75'

CURVE "A"

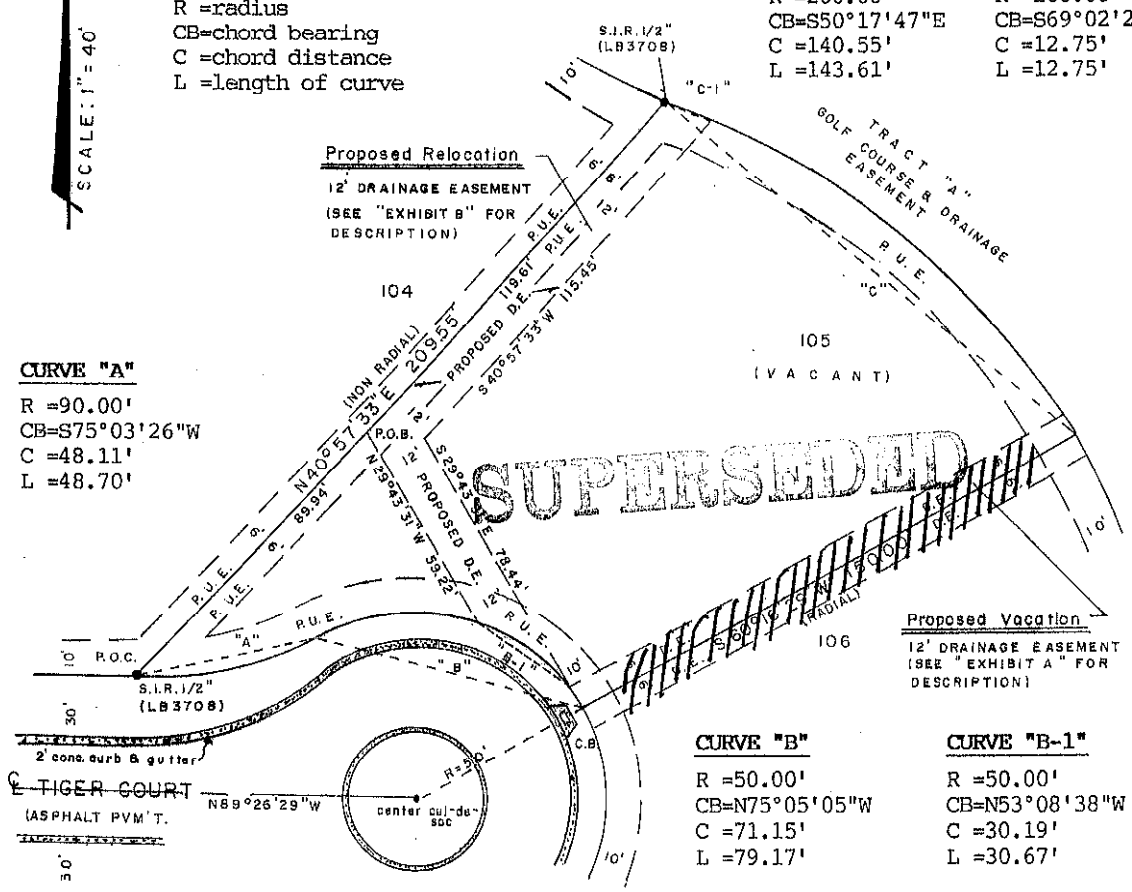
R =90.00'
 CB=S75°03'26"W
 C =48.11'
 L =48.70'

CURVE "B"

R =50.00'
 CB=N75°05'05"W
 C =71.15'
 L =79.17'

CURVE "B-1"

R =50.00'
 CB=N53°08'38"W
 C =30.19'
 L =30.67'



Proposed Relocation
 12' DRAINAGE EASEMENT
 (SEE "EXHIBIT B" FOR DESCRIPTION)

Proposed Vacation
 12' DRAINAGE EASEMENT
 (SEE "EXHIBIT A" FOR DESCRIPTION)

LEGEND

SIR =set iron rod
 PUE =public utility easement
 DE =drainage easement
 CB =catch basin
 FOC =point of commencement
 FOB =point of beginning
 LB =licensed business

SURVEYOR'S NOTES:

Bearings are referenced to the centerline of Tiger Court, assumed to bear N89°26'29"W.
 Contact appropriate utility companies prior to construction to field locate exact location of buried utilities.

*** THIS IS NOT A SURVEY, SKETCH OF DESCRIPTIONS ONLY ***

DATE OF SURVEY: 2/14/00	REVISIONS:
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

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DATE: 2/14/00

ALLEN D. ROHDE
 PLS NO. 3997

This Instrument Prepared by:

STRAP Number: 30-46-26-01-00000.1050

This Space for Recording

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between ROBERT W. + MARCIA L. WAGNER owner whose address is 20270 TIGER COURT ESTERO, FL. 33928 (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.

6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. County/Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, there successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this 11 day of March, 2002.

Signed, sealed and delivered in presence of two separate witnesses:

Linda Malenofsky
1st Witness Signature

Linda Malenofsky
Printed Name of 1st Witness

Leslie Lopez
2nd Witness Signature

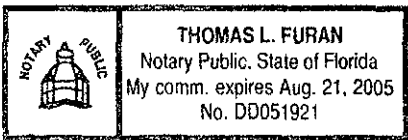
Leslie Lopez
Printed Name of the 2nd Witness

By: [Signature]
GRANTOR

[Signature]

STATE OF FLORIDA)
)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 11th day of March, 2002 by Robert & Marcia Wegner (name of person acknowledged) who is personally known to me or who has produced FLDL (type of identification) as identification.



[Signature]
Signature of Notary Public

Thomas L. Furan
(Name typed, printed or stamped)
(Title or Rank) Notary Public
(Serial Number, if any)

EXHIBIT 'A'

Description of Proposed
DRAINAGE EASEMENT
(relocation)

A drainage easement, 12 feet wide, described as follows: Commencing at the southwest corner of Lot 105, Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida; thence N40°57'33"E, 89.94 feet, along the northwesterly line of said Lot 105, to the POINT OF BEGINNING; thence continuing N40°57'33"E, 119.61 feet, along the northwesterly line of Lot 105 to the northwest corner of said Lot 105; thence along the arc of a curve to the right, radius 200.00 feet, (the chord of which bears S69°02'27"E, 12.75 feet) a distance of 12.75 feet; thence S40°57'33"W, 115.45 feet, parallel with the northwesterly line of said Lot 105; thence S29°43'31"E, 78.44 feet, perpendicular to the southeasterly line of Lot 105, to a point on a curve on the northeasterly right-of-way line of Tiger Court; thence along the arc a curve to the left, radius 50.00 feet, (the chord of which bears N53°08'38"W, 30.19 feet) a distance of 30.67 feet; thence N29°43'31"W, 59.22 feet, perpendicular with the southeasterly line of said Lot 105, to the POINT OF BEGINNING.



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(sheet 1 of 2)

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N
 SCALE: 1" = 40'

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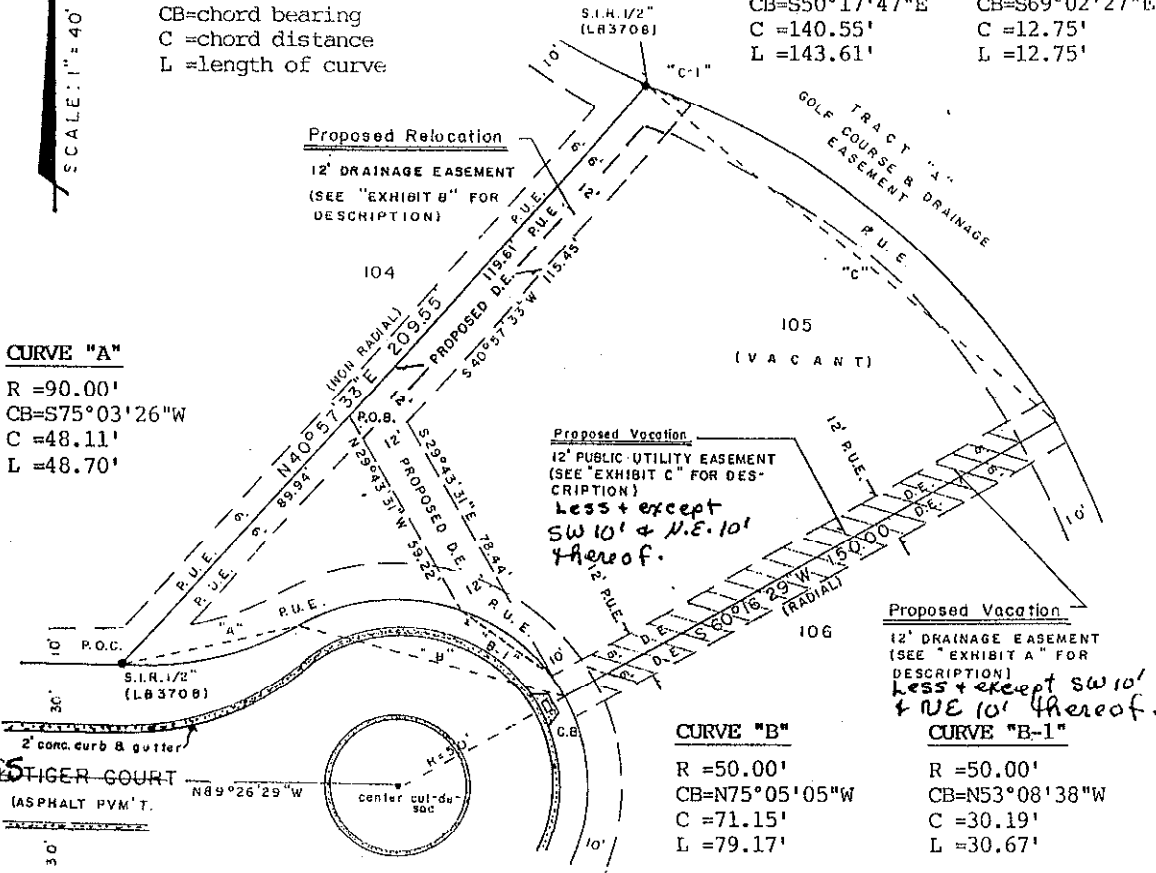
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CURVE "B"

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CURVE "B-1"

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 CB=N53°08'38"W
 C =30.19'
 L =30.67'



Proposed Vacation
 12' PUBLIC UTILITY EASEMENT
 (SEE "EXHIBIT C" FOR DESCRIPTION)
 Less + except
 SW 10' + NE 10'
 Hereof.

Proposed Vacation
 12' DRAINAGE EASEMENT
 (SEE "EXHIBIT A" FOR DESCRIPTION)
 Less + except SW 10'
 + NE 10' Hereof.

LEGEND

SIR =set iron rod
 PUE =public utility easement
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DE + mes Robert Wagoner

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DATE: 2/14/00
 6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997

EXHIBIT B