

1. **REQUESTED MOTION:**

ACTION REQUESTED: Adopt a Resolution on Petition #VAC2002-00016 to Vacate a 100 foot wide Ingress, Egress, and Public Utility Easement that is 1 ¼ miles east of I-75 on Alico Rd in Lee County, as recorded in OR Book 1142, Page 1034, Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To remove an unnecessary encumbrance on the property in order to clear up title issues for future development. The vacation of these rights-of-way will not alter traffic conditions and the rights-of-way are not necessary to accommodate any future traffic requirement.

WHAT ACTION ACCOMPLISHES: Vacates the Ingress, Egress, and Public Utility Easement.

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

04 Community Development

5:00 #1

3. **MEETING DATE:**

07-09-2002

4. **AGENDA:**

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: *[Signature]* 6/6/02

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 July 2002.

LOCATION: A 100 foot wide Ingress, Egress, and Public Utility Easement as recorded in Official Record Book 1142, Page 1034, Public Records of Lee County, Florida and further described as a 100 foot strip of land lying 50 feet on each side of the Section line between Sections 1 and 2, Township 46 South, Range 25 East. The site is located 1 ¼ miles east of the intersection of I-75 and Alico Road. The site address is 11501 Alico Road, Lee County, Florida.

Gregory S. Hagen, Assistant Port Authority Attorney, has reviewed the attached easement against the Port Authority's Southwest Florida International Airport Master Plan and pending Midfield Terminal Complex construction plans. Based on that review the Port Authority has no objection to the vacation of the easement. This site is not located on airport property.

It is the sole intent to vacate all of the public interests in the Ingress, Egress, and Public Utility Easement created by virtue of Official Record Book 1142, Page 1034. It is understood that the Ingress, Egress, and Public Utility Easement and a portion of the Alico Road right-of-way description (Official Record Book 399, Page 334) overlap, and by virtue of the vacation request the right to the Alico Road right-of-way will remain intact and vested with Lee County.

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 Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OA	OM	Risk	GC
<i>Mary G. S. [Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 6/8/02	<i>[Signature]</i> 6/7/02	<i>[Signature]</i> 6/6/02	<i>[Signature]</i> 6/6/02

10. **COMMISSION ACTION:**

____ APPROVED
____ DENIED
____ DEFERRED
____ OTHER

REC'D.
by CO. ATTY.
6/7/02
11:00h
CO. ATTY.
FORWARDED TO:
Admin
6/7/02 3 PM

RECEIVED BY
COUNTY ADMIN.
6-7-02
4:05 pm
COUNTY ADMIN.
FORWARDED TO:
6/10 3:00

IP

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: VAC2002-00016

WHEREAS, Petitioner Alico 2500 Fund, LLC 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 July 2002 @ 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. VAC2002-00016 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

LEE COUNTY
 SOUTH WEST FLORIDA

APPROVED AS TO FORM

 County Attorney Signature

 Please Print Name

EXHIBIT "A"

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTIONS 1 AND 2, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(100' INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE,
LYING IN SECTIONS 1 AND 2, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING FURTHER
DESCRIBED AS FOLLOWS:

A 100 FOOT STRIP OF LAND LYING 50 FEET ON EACH SIDE OF THE SECTION LINE
BETWEEN SECTIONS 1 AND 2, TOWNSHIP 46 SOUTH, RANGE 25 EAST.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF
RECORD.

SUBJECT TO FACTS THAT MAY BE REVEALED BY AN ACCURATE BOUNDARY SURVEY.

DESCRIPTION PREPARED 01-14-02

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SHEET 1 OF 2

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2002-00016

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 9th day of July 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

EXHIBIT "A"

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SECTIONS 14xx1480 SURVEYING DESCRIPTIONS 1480_100_ACE_SKT.doc
SECTIONS 14xx1480 SURVEYING DESCRIPTIONS 1480_100_ACE_SKT.dwg

SHEET 1 OF 2