

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition #VAC2002-00031 to Vacate a 3.5' x 36' portion of a 15-foot Drainage Easement located on Lot 28, Block D, West Bay Club Subdivision.

WHY ACTION IS NECESSARY: In order to complete construction of a pool deck. The vacation of the portion of the Drainage Easement is not necessary to accommodate any future drainage requirement.

WHAT ACTION ACCOMPLISHES: Vacates a portion of the Drainage Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

5:00 #3

3. MEETING DATE:

11-12-2002


4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

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

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
B. DEPARTMENT Community Development
C. DIVISION Development Services
BY:  10/18/02
 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 12th day of November 2002.

LOCATION: A 3.5' x 36' portion of a 15-foot wide Drainage Easement located on Lot 28, Block D, of the West Bay Club Subdivision, as recorded in Plat Book 62, Page 88 of the Public Records of Lee County, Florida and being more particularly described in the attached **Exhibit "A"**. The site is located at 22040 Red Laurel Lane, Estero, Florida, Section 05, Township 47 South, Range 25 East.

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

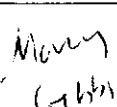

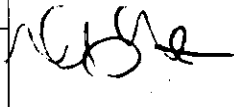
As a result of a signed and sealed survey prepared by a Professional Surveyor and Mapper showing the easement as a 10-foot wide Drainage Easement, a portion of the pool deck and spa was permitted in the Drainage Easement. When the mistake was discovered, construction on the pool deck was stopped. However, the pool and spa were already constructed. Development Services has contacted the design Engineer and vacating the 3.5' x 36' portion of this 15-foot Drainage Easement will not have any adverse effect to any future drainage needs.

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".

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
	N/A	N/A	N/A		OM 10/22/02 GC 10/23/02	

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by Comty
Date: 10/21/02
Time: 1:38 PM
Forwarded To: Admin 10/22/02 10:AM

RECEIVED BY
COUNTY ADMIN. TD
 10/22 10:30
COUNTY ADMIN.
FORWARDED TO: BH
 10/23 12:00



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.09°54'26"W. ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 28, BLOCK D, FOR A DISTANCE OF 36.00 FEET; THENCE DEPARTING FROM SAID WESTERLY LOT LINE, N.80°05'34"E. FOR A DISTANCE OF 11.51 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED; THENCE N.04°22'23"W. FOR A DISTANCE OF 36.18 FEET; THENCE S.09°54'26"E. FOR A DISTANCE OF 36.35 FEET; THENCE S.85°37'36"W. FOR A DISTANCE OF 3.51 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 63.43 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LOT LINE OF SAID LOT 28, BLOCK D, 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING N.09°54'26"W.

MERIDIAN SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT

19C 2002-00031

SHEET 1 OF 2

1269WBLOT28DSK.doc

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: VAC2002-00031

WHEREAS, Petitioner **Kingsley P. Wooten** 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 12th day of November 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

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. VAC2002-00031 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

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

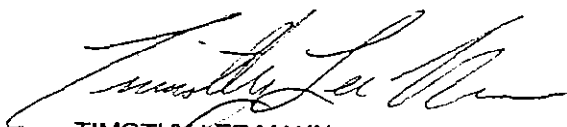
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.09°54'26"W. ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 28, BLOCK D, FOR A DISTANCE OF 36.00 FEET; THENCE DEPARTING FROM SAID WESTERLY LOT LINE, N.80°05'34"E. FOR A DISTANCE OF 11.51 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED; THENCE N.04°22'23"W. FOR A DISTANCE OF 36.18 FEET; THENCE S.09°54'26"E. FOR A DISTANCE OF 36.35 FEET; THENCE S.85°37'36"W. FOR A DISTANCE OF 3.51 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 63.43 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LOT LINE OF SAID LOT 28, BLOCK D, 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING N.09°54'26"W.

MERIDIAN SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071



TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

1269WBLOT28DSK.doc

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT

✓ AC 2002-00031