

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**BLUE SHEET NO:** 20030624

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Approve a resolution to vacate a twelve-foot Public Utility Easement located on Lots 15 and 16, Metropolitan Business Park Subdivision.

**WHY ACTION IS NECESSARY:** To construct a Commercial Building in the center of two lots. The vacation of the public utility easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

**WHAT THE ACTION ACCOMPLISHES:** Vacates the easement. (Case # VAC2003-00011)

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5

**5:00 #3**

**3. MEETING DATE:**

**4. AGENDA**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)


- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1/13-8
- OTHER

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER \_\_\_\_\_

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY  5/23/03  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5 p.m. on the 10<sup>th</sup> day of June 2003.

**LOCATION:** The Public Utility Easement is between Lots 15 & 16, Metropolitan Business Park as recorded in Plat Book 44, page 85. The site is located at 13571 and 13771 Metropolitan Avenue, Fort Myers, Florida, Section 19, Township 45 South, Range 25 East.

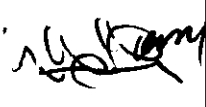
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A		John J Dredzinski 5-27-03	John D 5/28/03	K 5/28/03	W 5/28/03	M 5/28/03	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 5/27/03  
Time: 2:53  
2 pm  
Forwarded To:  
C. H. M.  
5/28/03 JHM

RECEIVED BY  
BY ADMIN. TD  
5/28 10:30  
BY ADMIN.  
FORWARDED TO: BH  
5/29 10:00

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: VAC2003-00011

WHEREAS, Petitioner **Bernard J. DeWolfe and Marvin Matheny, Co-trustees** 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 10<sup>th</sup> of June 2003 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

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. VAC2003-00011 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 10<sup>th</sup> of June 2003 at 5:00 p.m.

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



# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(941) 458-2388 • FAX: (941) 574-3719

APRIL 24, 2003  
JOB NUMBER 0268  
FILE: 0268L001.LGL

## DESCRIPTION

A PORTION OF THE 6.00 FEET WIDE AND 6.00 FEET WIDE PUBLIC UTILITY EASEMENTS LYING NORTH AND SOUTH OF THE COMMON LOT LINE LYING BETWEEN LOTS 15 AND 16, METROPOLITAN BUSINESS PARK, A SUBDIVISION LYING IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND RECORDED IN PLAT BOOK 44 AT PAGES 83 THRU 85, PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

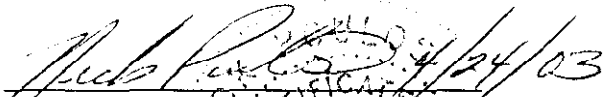
A 12.00 FEET WIDE STRIP OF LAND LYING 6.00 FEET NORTHERLY AND 6.00 FEET SOUTHERLY OF THE FOLLOWING DESCRIBED LOT LINE;

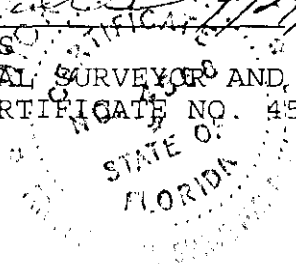
FROM THE NORTHWEST CORNER OF LOT 15, METROPOLITAN BUSINESS PARK; THENCE N.89°00'59"E. FOR 25.00 FEET ALONG THE COMMON LOT LINE LYING BETWEEN SAID LOT 15 AND LOT 16 TO THE POINT OF BEGINNING AND CENTERLINE OF SAID 12.00 FEET WIDE STRIP OF LAND; FROM SAID POINT OF BEGINNING; THENCE CONTINUE N.89°00'59"E. FOR 130.32 FEET ALONG SAID COMMON LINE TO AN INTERSECTION WITH THE WESTERLY SIDE OF A 29.00 FEET WIDE DRAINAGE EASEMENT AS SHOWN ON SAID PLAT AND THE POINT OF TERMINATION OF SAID CENTERLINE. SAID STRIP OR PARCEL OF LAND BEING 12.00 FEET IN WIDTH LYING 6.00 FEET ON EACH SIDE OF THE DESCRIBED CENTERLINE. THE SIDE LINES OF SAID STRIP OF LAND TO BE SHORTENED OR PROLONGED TO MEET AT THE WESTERLY SIDE OF SAID DRAINAGE EASEMENT.

BEARINGS MENTIONED HEREIN ARE BASED ON THE PLAT OF METROPOLITAN BUSINESS PARK. THE NORTH LINE OF LOT 15 BEARING N.89°00'59"E.

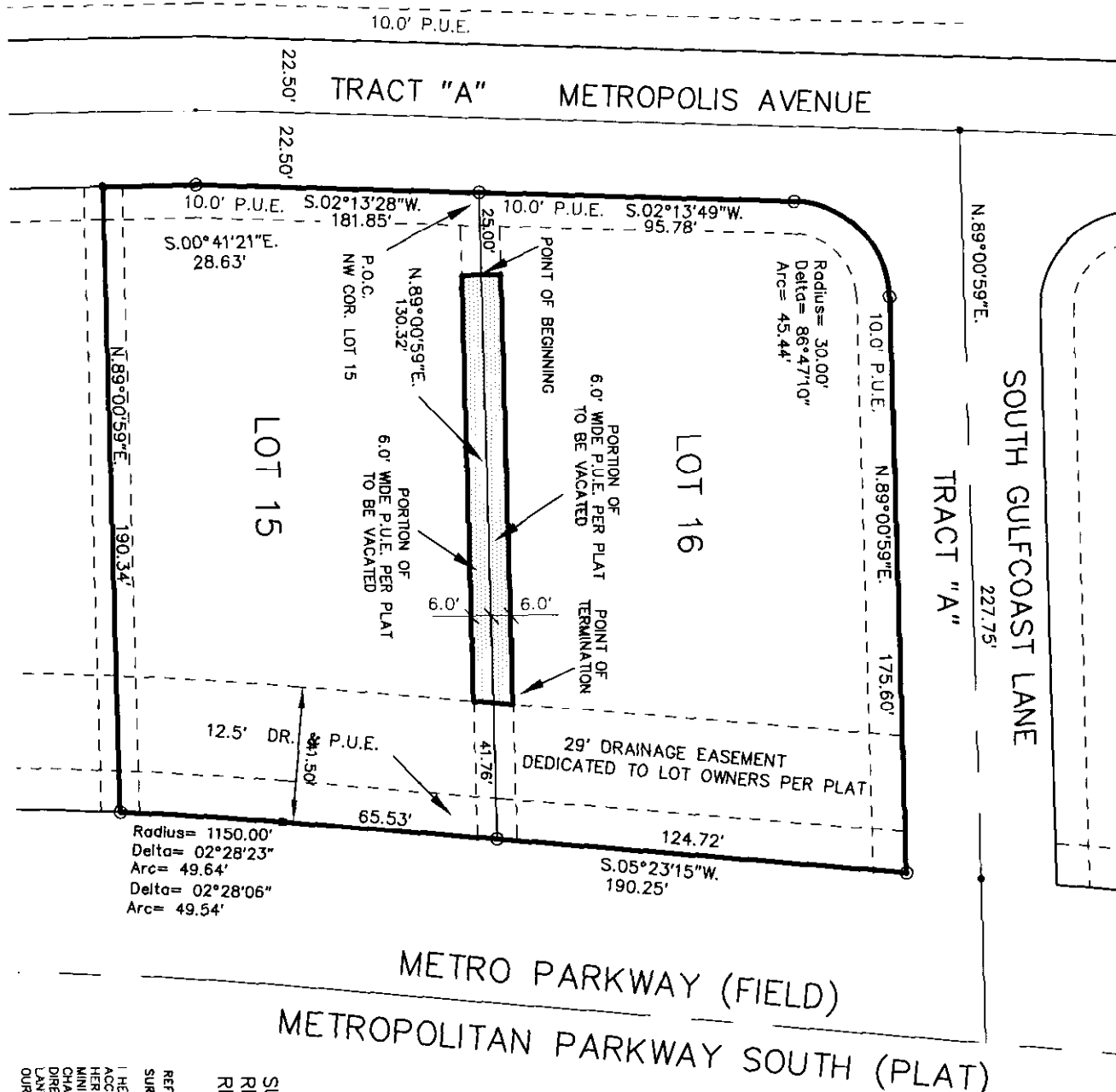
REFER TO 8 1/2" X 11" SKETCH

GULF SHORE SURVEYING, INC.

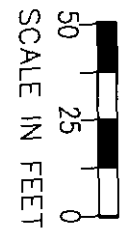
  
NICK POULOS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 4568



BEARINGS SHOWN HEREON ARE BASED ON PLAT OF METROPOLITAN BUSINESS PARK AS RECORDED IN PLAT BOOK 44, PAGES 83-85 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THE NORTH LINE OF LOT 15 BEING THE RECORD PLAT BEARING OF N.89°00'59"E.



METRO PARKWAY (FIELD)  
 METROPOLITAN PARKWAY SOUTH (PLAT)



SUBJECT TO EASEMENTS,  
 RESTRICTIONS, RESERVATIONS, AND  
 RIGHTS OF WAY OF RECORD,  
 REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION)  
 SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN  
 ACCURATE REPRESENTATION OF THE LANDS DESCRIBED  
 HEREON, WAS PREPARED IN ACCORDANCE WITH THE  
 MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING  
 CHAPTER 61G17-6 FAC, AND AS PREPARED UNDER THE  
 DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED  
 LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF  
 OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 04/23/2003

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED  
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SKETCH OF DESCRIPTION  
 (NOT A FIELD SURVEY)  
 PORTION OF 6.0' & 6.0' WIDE  
 PUBLIC UTILITY EASEMENT  
 LEE COUNTY, FLORIDA

DATE : 04/23/2003  
 SCALE : 1" = 50'  
 CADD : N.P.  
 CHECK : N.P.  
 FILE : 0268L001

GULF SHORE SURVEYING, INC.



LICENSED BUSINESS NO. 6729  
 LEE COUNTY:  
 2112 S.E. 11TH STREET  
 CAPE CORAL, FL. 33990  
 (941) 458-2388

CHARLOTTE COUNTY:  
 30930 OIL WELL ROAD  
 PUNTA GORDA, FL. 33955  
 (941) 639-7800

0268  
 L001