

1. REQUESTED MOTION:

ACTION REQUESTED: Approve a Resolution vacating a portion of a 15-foot wide Drainage Easement located at 11545 Doddwood Drive, Estero, Florida. (VAC2003-00019, BS# 20030813)

WHY ACTION IS NECESSARY: To construct a swimming pool adjacent to a single family home. The vacation of this easement will not alter existing drainage conditions and the easement is not necessary to accommodate any future drainage requirement.

WHAT ACTION ACCOMPLISHES: Vacates the Drainage Easement.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: 5

5:00 #1

3. MEETING DATE:

08-12-2003


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:  7/10/03
- Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on August 12, 2003.

LOCATION: Petition No. VAC2003-00019 proposes to vacate a portion of a 15-foot wide Drainage Easement along the rear lot line of Lot 66, Villa Grande Subdivision, Tract 4A, as recorded in Plat Book 71, Page 1, Section 25, Township 46 South, Range 25 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the West 7.5-feet thereof. The site is located at 11545 Doddwood Drive, Estero Florida 33928.







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 Resources	D Other	E County Attorney	F Budget Services 7/15/03				G County Manager
					OM	OM	Risk	GC	
	N/A	N/A	N/A	John J. Redgar 7-14-03	 7/15/03	 7/15/03	 7/15/03	 7/15/03	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/11/03
Time: 12:28 PM

RECEIVED BY
COUNTY ADMIN: 
7-14-03
4:15
COUNTY ADMIN
FORWARDED TO: BT
7/15 500

Forwarded To:
7/14/03 104

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: **VAC2003-00019**

WHEREAS, Petitioner **Walter P. Pelletier** 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 of August 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. VAC2003-00019 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 12th of August 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

BBLs
SURVEYORS & MAPPERS INC.
1502-A RAIL HEAD BLVD.
NAPLES, FLORIDA 34110
TELEPHONE: 239-597-1315
FAX: 239-597-5207

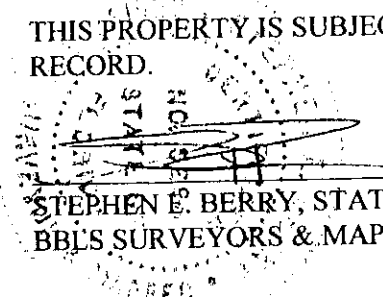
**LEGAL DESCRIPTION
(PORTION OF DRAINAGE EASEMENT TO BE VACATED)**

A PORTION OF LOT 66, VILLA GRANDE, ACCORDING TO THE PLAT THEREOF RECORDED ON PLAT BOOK 71, AT PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEASTERLY CORNER OF SAID LOT 66; THENCE S.45°14'46"W., ALONG THE EASTERLY LINE OF SAID LOT 66, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.45°14'46"W., ALONG SAID WESTERLY LINE, A DISTANCE OF 5.00 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING A RADIUS OF 197.50 FEET, A CENTRAL ANGLE OF 38°53'55", A CHORD BEARING OF N.64°12'11"W., AND A CHORD LENGTH OF 131.52 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 134.08 FEET TO THE END OF SAID CURVE; THENCE N.03°26'43"E., A DISTANCE OF 5.01 FEET A POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 202.50 FEET, A CENTRAL ANGLE OF 38°58'13" A CHORD BEARING OF S.64°14'20"E., AND A CHORD LENGTH OF 135.09 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 137.73 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 680 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BEARINGS REFER TO VILLA GRANDE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 71, AT PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.


04/11/03
STEPHEN E. BERRY, STATE OF FLORIDA, (P.S.M. #5296)
BBLs SURVEYORS & MAPPERS INC., (L.B. #6753)

0069EASEVACATE.LWP

PROOFED SEB DATE: 04/11/03

PROOFED _____ DATE: _____

Exhibit "A"
Petition to Vacate
VAC2003-00019

LEGEND

P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 P.B. PLAT BOOK
 PG. PAGE
 PGS. PAGES
 D.E. DRAINAGE EASEMENT
 GC GOLF COURSE



SCALE: 1" = 30'
 THIS EXHIBIT MAY HAVE BEEN ENLARGED OR REDUCED

LINE TABLE

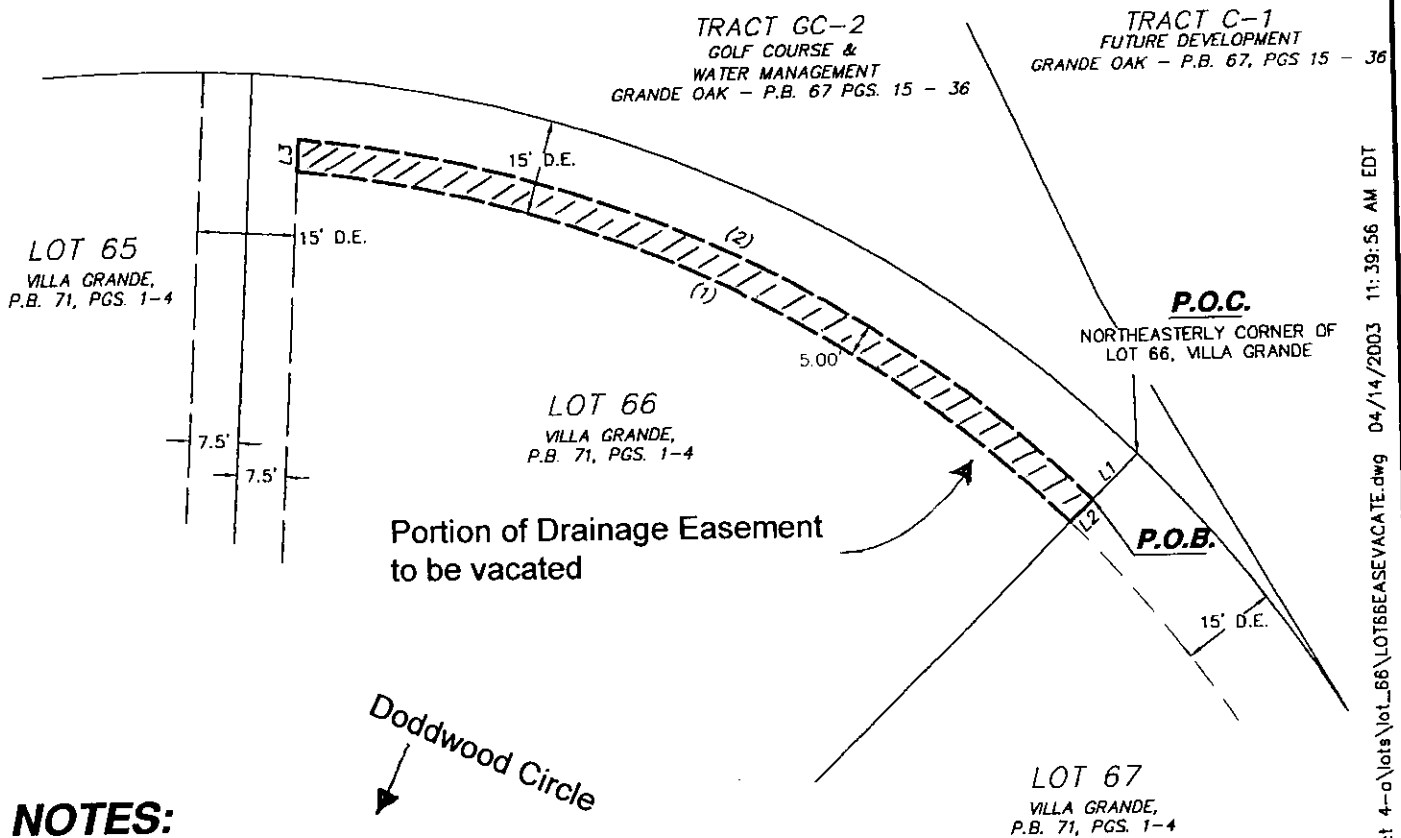
LINE	BEARING	DISTANCE
L1	S.45°14'46"W.	10.00'
L2	S.45°14'46"W.	5.00'
L3	N.03°26'43"E.	5.01'

Curve number 1

 Radius = 197.50'
 Delta = 38°53'55"
 Arc = 134.08'
 Tangent = 69.74'
 Chord = 131.52'
 Chord Brg. N.64°12'11"W.

Curve number 2

 Radius = 205.50'
 Delta = 38°58'13"
 Arc = 137.73'
 Tangent = 71.65'
 Chord = 135.09'
 Chord Brg. S.64°14'20"E.



NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO VILLA GRANDE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 71, AT PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THIS INSTRUMENT PREPARED BY:
BBL SURVEYORS & MAPPERS INC.
 1502-A RAIL HEAD BLVD.
 NAPLES, FLORIDA 34110 (239)597-1315

04/11/03

SKETCH

Exhibit "B"
Petition to Vacate
VAC2003-00019