



VILLAGE OF ESTERO STAFF REPORT

CASE TYPE: VACATION OF ROAD RIGHT-OF-WAY
NAME: PARK AVENUE & NORTHWEST DRIVE VACATION
CASE NUMBER: VAC 2015-E001
(CGA Project No. 15-8296)

Requested Action

The applicant has submitted a petition to vacate a portion of Northwest Drive, west of Park Avenue and US 41. Northwest Drive is within the plat of Trailside, which was created in 1926. The streets within the plat were dedicated to the use of the public and established easement rights, not fee simple ownership, over the platted right-of-ways. Northwest Drive was never improved or accepted for maintenance by any governmental entity.

The applicant owns Lots 13, 14, & 15 in Block 1 and Lots 1 thru 4 and 27 in Block 7 which abut both sides of Northwest Drive. There is a single family home, built in 1961 on the south side of Northwest Drive and the north side is vacant. The applicant is seeking to vacate the adjoining portion of Northwest Drive in order to include the unused right-of-way as future developable area along with the adjacent lots.

Staff Review and Recommendation

Staff has reviewed this request in the context of the Village's desire for an interconnected transportation network that enables people to easily access Estero's neighborhoods. The vacation of the requested portion of Northwest Drive will not diminish connectivity within the area since there are alternate connections points (Park Avenue and Poinciana Avenue) to Trailside Drive and South Tamiami Trail.

As such, staff has no objection to this request with the condition that the applicant records a Unity of Title for Lots 13, 14 & 15 in Block 1 and Lots 1 thru 4 and 27 in Block 7 within 30 days of the date of Council Approval.

Application Summary

Name: Park Avenue & Northwest Drive Vacation

Submitted By: Stacy Hewitt, Banks Engineering, Agent

Property Owner: Pooling Together, LLC

STRAP Numbers: 28-46-25-E1-02001.0130
28-46-25-E1-02007.0010

Location: Generally located west of Park Avenue, southwest of Trailside Drive and US 41 (South Tamiami Trail).

Zoning: *RSC-1 residential single-family conservation district.* The purpose and intent of the RSC-1 residential single-family conservation district is to recognize and protect existing single-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulation for other single-family residential districts set forth in this chapter, and to accommodate residential use of lawfully existing lots nonconforming under previous zoning regulations. This district is not available for new developments, but may be used only by property owners in existing developments that comply with the property development regulations.

Land Use: Suburban

Project History

Original Approval:

- Plat recorded 7/26/1926.

Subsequent Actions:

- On March 28, 1988, the Lee County Board of County Commissioners adopted Resolution Z-88-053 which rezoned the subject parcels from RS-1 to RSC-1.
- On June 2, 2009, the Lee County Board of County Commissioners adopted Resolution 09-06-07 (petition VAC 2008-00019) which vacated a portion of the unbuilt, platted right-of-way of easternmost portion of Northwest Drive.
- **Current Code Violations:** None
- **Related Applications:** None

Exhibits

1. Location Map
2. Utility Letters of No Objection
3. Sketch & Legal of Land Description
4. Resolution Z-88-053
5. Resolution 09-06-07

VAC2015-E001 – EXHIBIT

The plat for Trailside was created in 1926 which dedicated the streets to the use of the public which established easement rights, not fee simple ownership, over the platted right-of-ways. The streets were never improved or accepted for maintenance by any governmental entity. All lot owners within the subdivision have equal and undivided interest in the platted rights-of-way.

It should be noted that lots 5 and 26, Block 7 are also owned by the petitioner. The property has platted access on Park Avenue to the east Western Avenue to the west. Please see below aerial exhibit demonstrating access with white arrows and the petitioner's property highlighted in blue.



The proposed area to be vacated on Northwest Drive is an unimproved private right-of-way that is not needed for access. A portion of Northwest Drive was previously vacated in 2007.

Access to the parcels remains after the proposed vacation. The petitioner desires to include the unused right-of-way as developable area along with the adjacent lots.



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger J. Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

September 29, 2015

Ms. Jennifer M. Sheppard
Permitting Coordinator
Banks Engineering
10511 Six Mile Cypress Parkway
Suite 101
Fort Myers, FL 33966

Re: Petition to Vacate a Portion of the Northwest Drive Right-of-Way Located at
STRAP # 28-46-25-E1-02001.0130, 28-46-25-E1-02007.0010 and 28-46-25-E1-
02007.0260; Trailside Subdivision, Plat Book 8, Page 22, Estero 33928

Ms. Sheppard:

Lee County Department of Transportation received your request for a letter of no objection to vacate a right-of-way at the location described above. Lee County DOT has no objection to the petition to vacate request as proposed.

Very truly yours,

Howard Coachman
Technician II
Lee County Department of Transportation

cc: DOT File (Northwest Dr.)



BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

(239) 533-8124

Cecil L. Pendergrass
District Two

September 8, 2015

Larry Kiker
District Three

Brian Hamman
District Four

Jennifer Sheppard
10511 Six Mile Cypress Parkway
Suite 101
Ft. Myers, FL 33966

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Re: Right-of-way Petition to Vacate
Request for Letter of Review & Recommendation Strap No: 28-46-25-E1-02001.0130, 28-46-25-E1-02007.0010, & 28-46-25-E1-2007.0260

Donna Marie Collins
Hearing Examiner

Dear Ms. Sheppard:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the right of way within Strap No: 28-46-25-E1-02001.0130, 28-46-25-E1-02007.0010, & 28-46-25-E1-2007.0260.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY DIVISION OF NATURAL RESOURCES

Phil Gillogly
Project Manager

S:\SURFACE\DOCUMENT\vac2000-38.docx



Lee County Southwest Florida

BOARD OF COUNTY COMMISSIONERS

August 28th, 2015

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
Chief Hearing
Examiner

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Pkwy
Suite 101
Fort Myers, FL
33966

SUBJECT: VACATION OF DRAINAGE AND/OR PUBLIC UTILITY EASEMENT

STRAP(S) #: 28-46-25-E1-02001.0130, 28-46-25-E1-02007.0010 & 0260

ADDRESS(ES): 20174, 20180, & 20190 PARK AVE

Dear Ms. Sheppard,

Lee County Utilities has **no objection** to the proposed vacation of the right-of-way easement(s) as described in your recent letter and associated attachment.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 533-8150.

Sincerely,



David Reycraft
Utilities Database Manager, MA, GISP
Utilities Engineering Division
Lee County Utilities

Original Mailed: 08/28/2015

CC: Correspondence File



Florida Department of Transportation

RICK SCOTT
GOVERNOR

2981 NE Pine Island Road
Cape Coral, FL 33990

JIM BOXOLD
SECRETARY

September 1, 2015

Ms. Jennifer M. Sheppard
Permitting Coordinator
BANKS ENGINEERING
10511 Six Mile Cypress Parkway
Suite 101
Fort Myers, Florida 33966

RE: Right-Of-Way Petition to vacate a portion of right-of-way within the Trailside Subdivision.
STRAP NO: 28-46-25-E1-02001.0130; 28-46-25-E1-02007.0010 & 28-46-25-E1-02007.0260 as
recorded in the Plat Book 8, Page 22.

In response to your letter dated August 25, 2015 the Department reviewed the information your firm submitted. Since this request does not impact the Department of Transportation, we have no objection and "Defer to Lee County" this vacation request.

Sincerely,

A handwritten signature in black ink that reads "Martin W. Scheid".

Martin W. Scheid
Maintenance Program Manager
Fort Myers Operation Center

(239) 985-7800



September 9, 2015

Jennifer M. Sheppard
Banks Engineering
10511 Six Mile Cypress Pkwy Suite 101
Fort Myers, Florida 33966

**Re: RIGHT-OF-WAY PETITION TO VACATE
REQUEST FOR LETTER OF REVIEW & RECOMMENDATION
STRAP NO: 28-46-25-E1-02001.0130; 28-46-25-E1-02007.0010 & 28-46-25-E1-02007.0260**

Dear, Ms. Sheppard;

This letter is to serve that CenturyLink has no objection to the proposed vacation of current plat along with easements for the above mentioned strap numbers.

Should you require additional information or assistance, please feel free to contact me at 239-263-6342.

Sincerely

A handwritten signature in cursive script that reads "John Reynolds".

John Reynolds
Network Engineer II



Florida Power & Light Company, 15834 Winkler Rd, Fort Myers, FL 33908
Phone: 239-415-1319, Fax: 239-415-1350

October 14, 2015

Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL, 33966

Dear Stacy Ellis,

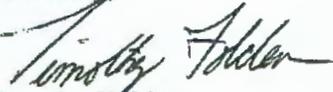
This letter is in response to your request for the release of a platted road right-of-way.

In meeting with your request, FPL has no objection to releasing our rights in the road right-of-way known as Section 28, Township 46 South, Range 25 East, and lying Within Northwest drive of Trailside, a subdivision recorded in plat book 8, page 22. A dedicated FPL easement will need to be granted upon release of the ROW by the new property owner.

The new easement is restricted to the following description: See exhibit "A"

Should you have any questions or concerns, please do not hesitate to contact Timothy Folden at 239-415-1319.

Sincerely,


Timothy Folden
Technical Specialist I



**12600 Westlinks Drive
Fort Myers, FL 33913
Phone: 239-432-1805**

August 28, 2015

Banks Engineering
C/O Jennifer Sheppard
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

Re: Strap # 28-46-25-E1-02001.0130, 28-46-25-E1-02007.0010 and 28-46-25-E1-02007.0260

Dear Jennifer Sheppard,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the easement referenced above.

Should you require additional information or assistance, please feel free to contact me here at 432-1805.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook
Project Coordinator

unbuilt, platted right-of-way, PB822, Board
 Resolution No. 08-02-09 - 9:30 PM-1
 CCMB/Pages2009R2322, Instrument No.
 2009000152929

TRAILSIDE

BEING A SUBDIVISION OF THAT PORTION OF THE E 1/2 OF
 THE NW 1/4 OF SEC. 28 TP. 46 R. 25 E. SOUTH OF
 TAMAMI TRAIL
 LEE COUNTY FLORIDA

ALVIN F. DEAN
 SURVEYOR & CIVIL ENGINEER
 FORT MYERS, FLORIDA
 Scale 1/2" = 100' July 1926.

CERTIFICATE OF SURVEY.

I the undersigned here by certify that the plat as shown is a correct representation of the land platted, and that permanent reference monuments have been placed as shown.

Alvin F. Dean, Surveyor & Civil Engineer

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned is the owner of the land hereon described, and has caused said land to be subdivided into lots, blocks, parts and streets as shown, and hereby dedicates said streets to the use of the public forever.

THE TRAIL HOLDING COMPANY INC.

W. H. ... President
... Secretary

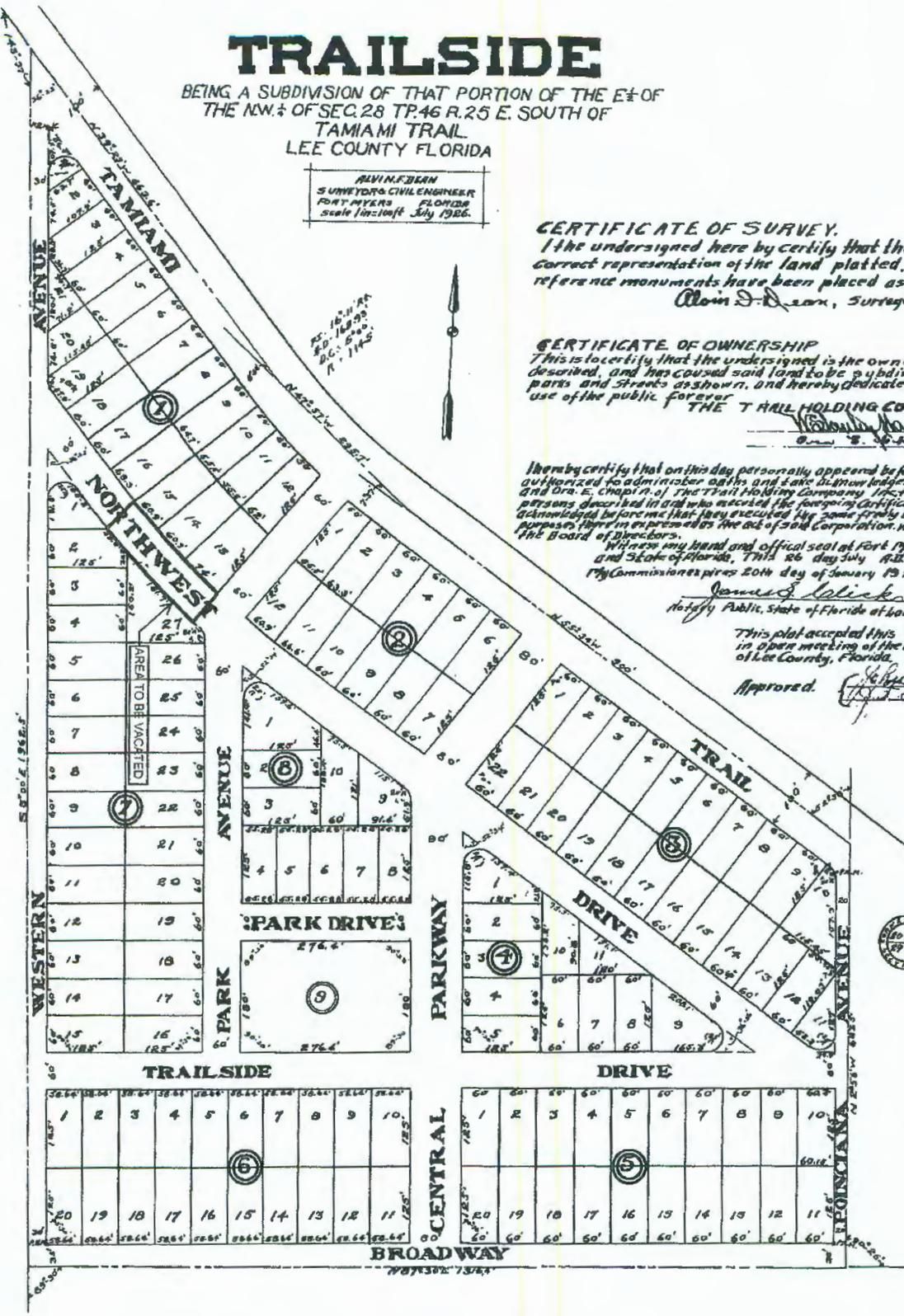
I hereby certify that on this day personally appeared before me an officer duly authorized to administer oaths and take acknowledgments, Wesley Nathan and Ora E. Chapin of The Trail Holding Company Inc. to me well known to be the persons described in and who executed the foregoing Certificate of Ownership, and acknowledged before me that they executed the same freely and voluntarily for the purposes here in expressed the act of said Corporation with due authority from the Board of Directors.

Witness my hand and official seal at Fort Myers, County of Lee and State of Florida, This 26 day July A.D. 1926
 My Commission expires 20th day of January 1929.

James J. ...
 Notary Public, State of Florida at large.

This plat accepted this 11 day of Aug. 1926 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: *...* Chairman
... Clerk



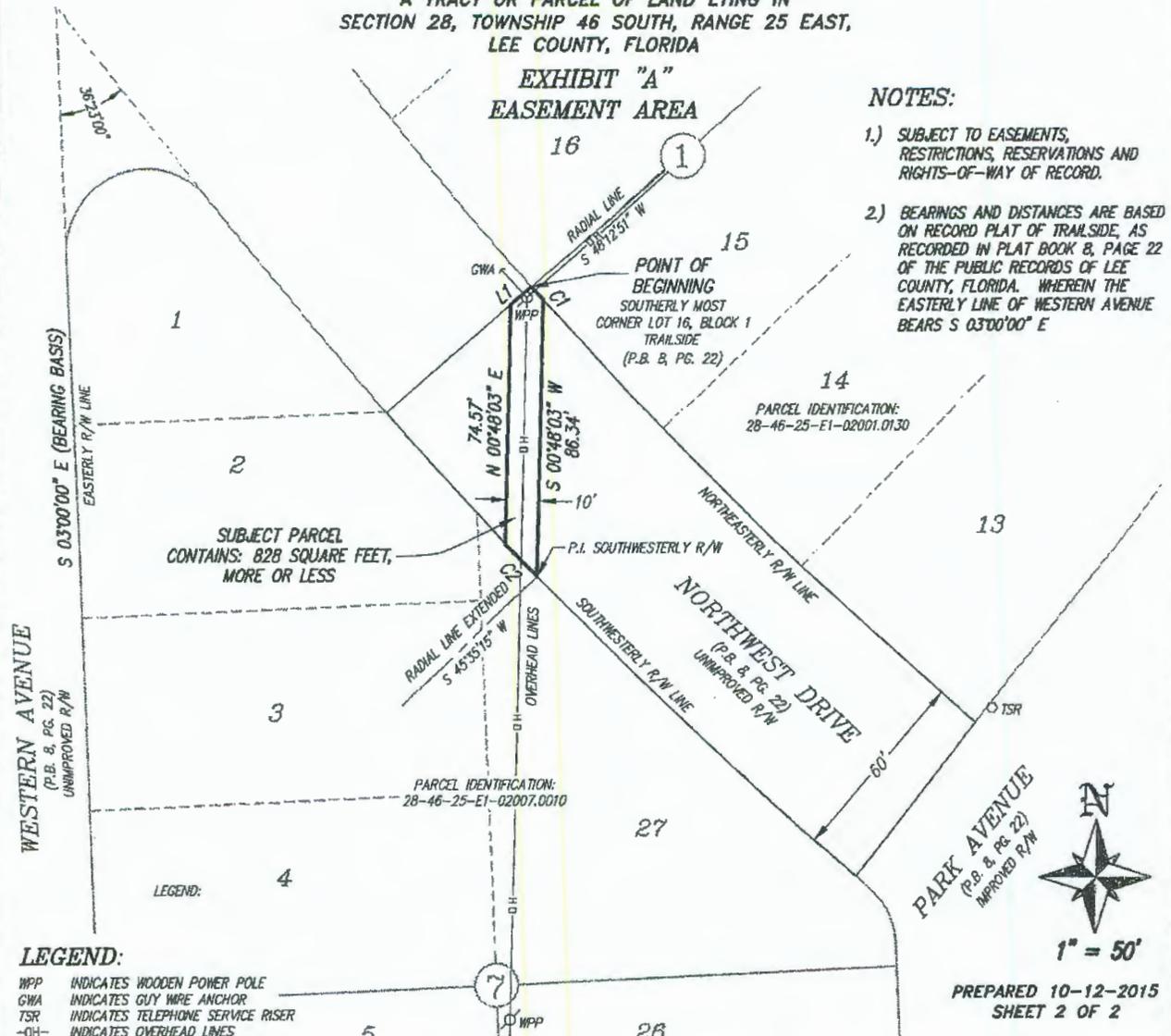
THE COUNTY CLERK
 LEE COUNTY, FLORIDA
 RECEIVED
 JUL 27 1926

P102, PCE 22

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

EXHIBIT "A" EASEMENT AREA



NOTES:

- 1) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2) BEARINGS AND DISTANCES ARE BASED ON RECORD PLAT OF TRAILSIDE, AS RECORDED IN PLAT BOOK 8, PAGE 22 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. WHEREIN THE EASTERLY LINE OF WESTERN AVENUE BEARS S 03°00'00" E

SUBJECT PARCEL
CONTAINS: 828 SQUARE FEET,
MORE OR LESS

LEGEND:

- WPP INDICATES WOODEN POWER POLE
- GWA INDICATES GUY WIRE ANCHOR
- TSR INDICATES TELEPHONE SERVICE RISER
- OH- INDICATES OVERHEAD LINES
- PG. INDICATES PAGE
- P.B. INDICATES PLAT BOOK
- R/W INDICATES RIGHT-OF-WAY
- LB INDICATES LICENSED BUSINESS
- P.I. INDICATES POINT OF INTERSECTION
- 3 INDICATES LOT NUMBER 3 PER PLAT
- ① INDICATES BLOCK NUMBER 1 PER PLAT

PARCEL IDENTIFICATION:
28-46-25-E1-02007.0050

PARCEL IDENTIFICATION:
28-46-25-E1-02007.0260

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 48°42'52" E	8.54'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1445.00'	00°12'51"	5.40'	5.40'	S 41°53'34" E
C2	1505.00'	00°32'20"	14.16'	14.16'	N 44°08'35" W

SEE SHEET 1 OF 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION

THOMAS R. LEHNERT, JR.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5541
- DATE SIGNED: 10-12-2015
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490
FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH OF DESCRIPTION
EXHIBIT "A" - 10' WIDE EASEMENT AREA
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
10-12-15	8029	FPL EASE	AMV	RMR	1"=50'	2	2	28-46-25

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

EXHIBIT "A"

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PORTION OF NORTHWEST DRIVE OF TRAILSIDE, AS RECORDED IN PLAT BOOK 8, PAGE 22 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

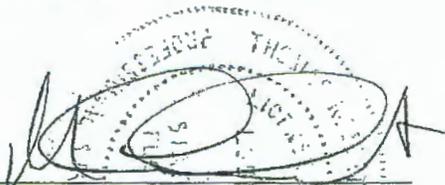
BEGINNING AT THE SOUTHERLY MOST CORNER OF BLOCK 1 OF THE RECORD PLAT OF SAID TRAILSIDE; THENCE S 38°13'05" W FOR 60.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,505.00 FEET TO WHICH POINT A RADIAL LINE BEARS S 40°21'39" W; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°52'24" FOR 206.81 FEET; THENCE N 48°42'52" E FOR 60.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,445.00 FEET TO WHICH POINT A RADIAL LINE BEARS S 48°12'51" W; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°45'52" FOR 195.82 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.28 ACRES, MORE OR LESS.

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

BEARINGS AND DISTANCES ARE BASED ON RECORD PLAT OF TRAILSIDE, AS RECORDED IN PLAT BOOK 8, PAGE 22 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. WHEREIN THE EASTERLY LINE OF WESTERN AVENUE BEARS S 03°00'00" E

DESCRIPTION PREPARED 9-12-2015.



THOMAS R. LEHNERT, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION NO. 5541
DATE SIGNED 9-15-2015

S:\Jobs\80xx\8029\Surveying\Descriptions\8029 RW EASE VACATE LGL.doc
S:\Jobs\80xx\8029\Surveying\Descriptions\8029 RW EASE VACATE SKT.dwg

SHEET 1 OF 2
• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

15.00
BILLED

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners has properly filed an application on a project known as Schulte's Tamiami Park, Trailside Subdivision, and Trail Acres Subdivision for a rezoning from RS-1 to MH-2 and RSC-1; and

WHEREAS, the subject property is located on the southwest side of U.S. 41 and the north side of Broadway, to the west of the intersection of these two roads, Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 46 South, Range 25 East, Lee County, Florida:

The following lands are found in Section 28, Township 46 South, Range 25 East, Lee County, Florida.

- (A) Lots 8 through 17 of Block N and Lots 13 through 17 of Block O, SCHULTE'S TAMIAMI PARK, according to the map or plat thereof recorded in Plat Book 5 at Page 33 of the Public Records of Lee County, Florida.
- (B) All of Block 1, 2, 6, 7 and 8; Lots 1 through 5 and 18 through 22 of Block 3 and Lots 1 through 8 and 13 through 20 of Block 5, TRAILSIDE, according to the map or plat thereof recorded in Plat Book 8 at Page 22 of the Public Records of Lee County, Florida.
- (C) All of Block B, TRAIL ACRES, according to the map or plat thereof recorded in Plat Book 7 at Page 46 of the Public Records of Lee County, Florida.

WHEREAS, the Board of County Commissioners has the authority under Section 800.A.2 of the Lee County Zoning Ordinance to initiate this application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Planning and Zoning Commission on March 7, 1988, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

OK 1982

PG 4603

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FEINSTRON, D.C.

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning from RS-1 to MH-2 and RSC-1 as indicated on Attachment C (also known as site plan 88-053); and

Site Plan-88-053 (also known as Attachment C) is attached hereto and incorporated herein by reference.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Mary Ann Wallace, and seconded by Commissioner Donald D. Slisher and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	AYE
Mary Ann Wallace	AYE
Bill Fussell	AYE
Donald D. Slisher	AYE

DULY PASSED AND ADOPTED this 28th day of March, A.D., 1988.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Charlie J. Wauke
Deputy Clerk

BY: Bill Fussell
Chairman

Approved as to form by:
[Signature]
County Attorney's Office

FILED

APR 8 1988

CLERK CIRCUIT COURT
BY Charlie Wauke D.C.

HEARING NUMBER 88-3-4

RESOLUTION NUMBER Z-88-053
Page 2 of 2

(3063Z/18)
(4294L)

OR1982

PG4604

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

INSTR # 2009000152929, Pages 4
Doc Type GOV, Recorded 06/04/2009 at 03:38 PM,
Charlie Green, Lee County Clerk of Circuit Court
Rec. Fee \$35.50
Deputy Clerk GKORTRIGHT
#1

RESOLUTION NO. 09-06-07 FOR PETITION TO VACATE

Case Number: VAC2008-00019

WHEREAS, Petitioner First Baptist Church of Estero, Inc., a Florida corporation 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 2nd Day of June, 2009; 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.

9:30PH 1

6-2-09

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2008-00019 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 2nd Day of June, 2009.

ATTEST:

CHARLIE GREEN, CLERK

Marcia Wilson
Deputy Clerk Signature

Marcia Wilson
Please Print Name

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Ray Judah
Chairman Signature

Ray Judah
Please Print Name



APPROVED AS TO FORM

Michael D. Jacob
County Attorney Signature

Michael D. Jacob
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2008-00019
[Page One of One]

PROPOSED LEGAL DESCRIPTION:

LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, BLOCK 3 AND ALL OF BLOCK 4, TRAILSIDE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF NORTHWEST DRIVE (60 FEET WIDE) ADJACENT TO LOTS 11, 12, 13, 14, 15, 16 & 17, BLOCK 3, AND LOTS 9 & 11, BLOCK 4, TRAILSIDE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 22, OF SAID BLOCK 3; THENCE S 55° 34'00" E ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3 FOR 300.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 17, BLOCK 3 AND THE POINT OF BEGINNING; THENCE CONTINUE S 55°34'00" E ALONG SAID SOUTHWESTERLY LINE OF SAID BLOCK 3 FOR 400.36 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 127°22'00", A RADIUS OF 25.00 FEET, A CHORD DISTANCE OF 44.82 FEET AND A CHORD BEARING OF N 60°45'00" E; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 55.57 FEET TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (70 FEET WIDE); THENCE S 02°56'00" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WESTWOOD DRIVE (60 FEET WIDE); THENCE S 87°30'00" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 205.04 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 9, BLOCK 4 AND A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 143°04'00", A RADIUS OF 25.00 FEET, A CHORD DISTANCE OF 47.43 FEET, A CHORD BEARING OF N 15°58'00" E; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 62.42 FEET TO A POINT OF TANGENCY; THENCE N 55°34'00" W ALONG SAID LOTS 9 & 11, BLOCK 4 FOR 258.08 FEET TO A POINT INTERSECTING THE PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 17, BLOCK 3; THENCE N 34°26'00" E FOR 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.45 ACRES, 193694.48 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (70 FEET WIDE) TO BEAR N 02°56'00" W AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Id	Bearing	Distance
L1	S 02° 56'00" E	27.62'
L2	N 34° 26'00" E	60.00'

Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	52° 38'00"	25.00'	22.97'	22.17'	S 29° 15'00" E
C2	127° 22'00"	25.00'	55.57'	44.82'	N 60° 45'00" E
C3	143° 04'00"	25.00'	62.42'	47.43'	N 15° 58'00" E
C4	127° 26'00"	25.00'	55.60'	44.83'	N 60° 43'00" E

THIS SKETCH NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Michael S. Young 3-25-08
MICHAEL S. YOUNG
PROFESSIONAL SURVEYOR AND MAPPER
LS 6230

MICHAEL YOUNG LAND SURVEYING
 18714 SPRUCE DRIVE W.
 FORT MYERS, FL. 33967
 TELEPHONE 239-267-1700
 FAX 866-626-4904

RECEIVED

JUN 24 2008



COMMUNITY DEVELOPMENT

SCALE 1" = 100 FEET

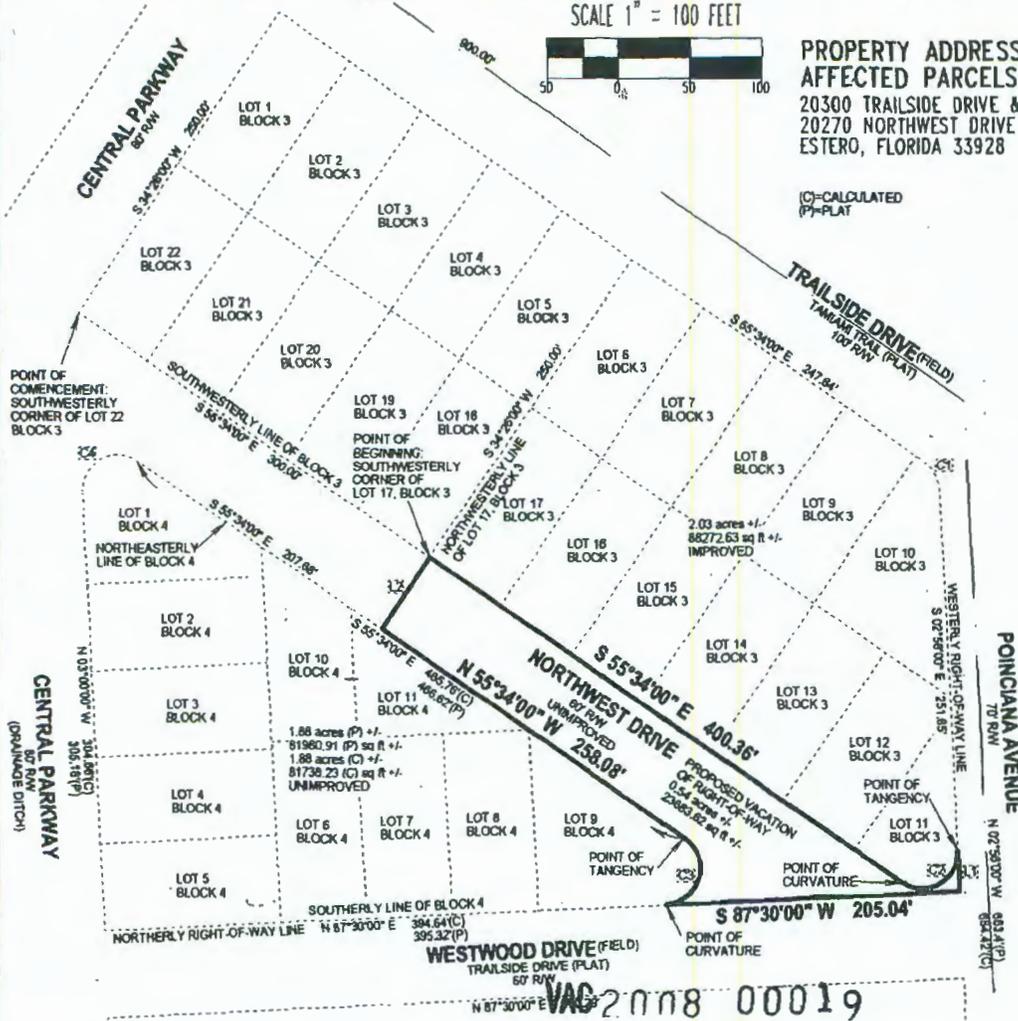


SKETCH AND DESCRIPTION

FILE NO. 7128A
 DATE: 3-25-08

PROPERTY ADDRESS:
 AFFECTED PARCELS
 20300 TRAILSIDE DRIVE &
 20270 NORTHWEST DRIVE
 ESTERO, FLORIDA 33928

(C)=CALCULATED
 (P)=PLAT



PROPOSED LEGAL DESCRIPTION:

A PORTION OF NORTHWEST DRIVE (60 FEET WIDE) ADJACENT TO LOTS 11, 12, 13, 14, 15, 16 & 17, BLOCK 3, AND LOTS 9 & 11, BLOCK 4, TRAILSIDE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 22, OF SAID BLOCK 3; THENCE S 55° 34' 00" E ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3 FOR 300.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 17, BLOCK 3 AND THE POINT OF BEGINNING; THENCE CONTINUE S 55° 34' 00" E ALONG SAID SOUTHWESTERLY LINE OF SAID BLOCK 3 FOR 400.36 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 127° 22' 00", A RADIUS OF 25.00 FEET, A CHORD DISTANCE OF 44.82 FEET AND A CHORD BEARING OF N 60° 45' 00" E; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 55.57 FEET TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (70 FEET WIDE); THENCE S 02° 56' 00" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WESTWOOD DRIVE (60 FEET WIDE); THENCE S 87° 30' 00" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 205.04 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 9, BLOCK 4 AND A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 143° 04' 00", A RADIUS OF 25.00 FEET, A CHORD DISTANCE OF 47.43 FEET, A CHORD BEARING OF N 15° 58' 00" E; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 62.42 FEET TO A POINT OF TANGENCY; THENCE N 55° 34' 00" W ALONG SAID LOTS 9 & 11, BLOCK 4 FOR 258.08 FEET TO A POINT INTERSECTING THE PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 17, BLOCK 3; THENCE N 34° 26' 00" E FOR 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.54 ACRES, 23683.62 SQUARE FEET, MORE OR LESS.
 BEARINGS BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (70 FEET WIDE) TO BEAR N 02° 56' 00" W AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Id	Bearing	Distance
L1	S 02° 56' 00" E	27.62
L2	N 34° 26' 00" E	60.00

Id	Delta	Radius	Arc Length	Chord	Ch Bear
C1	52° 38' 00"	25.00'	22.97'	22.17'	S 29° 15' 00" E
C2	127° 22' 00"	25.00'	55.57'	44.82'	N 60° 45' 00" E
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C4	127° 26' 00"	25.00'	55.60'	44.83'	N 60° 43' 00" E

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Michael S. Young 3-25-08
 MICHAEL S. YOUNG
 PROFESSIONAL SURVEYOR AND MAPPER
 LS 6250

Exhibit "B"
Petition to Vacate
VAC2008-00019
 [Page One of One]

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2008-00019

Notice is hereby given that on the 2nd Day of June, 2009 at 9:30 am in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

Marcia Wilson

Deputy Clerk Signature

Marcia Wilson

Please Print Name

APPROVED AS TO FORM

Michael D. Jacob
County Attorney Signature

Michael D. Jacob

Please Print Name

9:30PH 1

6-2-09

Exhibit "A"
Petition to Vacate
VAC2008-00019
[Page One of One]

PROPOSED LEGAL DESCRIPTION:

LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, BLOCK 3 AND ALL OF BLOCK 4, TRAILSIDE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF NORTHWEST DRIVE (60 FEET WIDE) ADJACENT TO LOTS 11, 12, 13, 14, 15, 16 & 17, BLOCK 3, AND LOTS 9 & 11, BLOCK 4, TRAILSIDE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 22, OF SAID BLOCK 3; THENCE S 55° 34'00" E ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 3 FOR 300.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 17, BLOCK 3 AND THE POINT OF BEGINNING; THENCE CONTINUE S 55°34'00" E ALONG SAID SOUTHWESTERLY LINE OF SAID BLOCK 3 FOR 400.36 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 127°22'00", A RADIUS OF 25.00 FEET, A CHORD DISTANCE OF 44.82 FEET AND A CHORD BEARING OF N 60°45'00" E; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 55.57 FEET TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (70 FEET WIDE); THENCE S 02°56'00" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WESTWOOD DRIVE (60 FEET WIDE); THENCE S 87°30'00" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 205.04 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 9, BLOCK 4 AND A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 143°04'00", A RADIUS OF 25.00 FEET, A CHORD DISTANCE OF 47.43 FEET, A CHORD BEARING OF N 15°58'00" E; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG SAID CURVE FOR AN ARC DISTANCE OF 62.42 FEET TO A POINT OF TANGENCY; THENCE N 55°34'00" W ALONG SAID LOTS 9 & 11, BLOCK 4 FOR 258.08 FEET TO A POINT INTERSECTING THE PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 17, BLOCK 3; THENCE N 34°26'00" E FOR 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.45 ACRES, 193694.48 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF POINCIANA AVENUE (70 FEET WIDE) TO BEAR N 02°56'00" W AS RECORDED IN PLAT BOOK 8, PAGE 22, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Id	Bearing	Distance
L1	S 02° 56'00" E	27.62'
L2	N 34° 26'00" E	60.00'

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Michael S. Young 3-25-08
MICHAEL S. YOUNG
PROFESSIONAL SURVEYOR AND MAPPER
LS 6230



PETITION TO VACATE
TRANSMITTAL FOR PUBLIC NOTICE
REQUIREMENTS

DATE: April 22, 2009

To: Kim Kirton

Public Resources

FROM: Ron Wilson

Development Services

BLUESHEET NUMBER: 20090422

CASE NUMBER: VAC2008-00019

Applicable Public Noticing Requirement:

PTV under AC13-1

1st Notice - 15 days prior to Public Hearing

2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8

One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and Michael Jacob, Assistant County Attorney (jacobmd@leegov.com).

9:30PH 1

6-2-09