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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2017 - 10

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING THE
VACATION OF PART OF A DRAINAGE EASEMENT FOR
THE ESTERO VETERINARY CLINIC; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, an application was filed for a partial vacation (VAC2017-E001) of a drainage easement on a project known as Estero Veterinary Clinic; and

WHEREAS, the property is known as Parcel A of Plaza Del Sol, a subdivision plat recorded in Plat Book 80, Pages 74 through 75, Lee County Records, and having a STRAP No. 35-46-25-E1-3100A.0000; and

WHEREAS, the property was rezoned to Commercial Planned Development (CPD) on December 5, 1994 for a commercial subdivision project (Resolution No. Z-94-050); and

WHEREAS, Florida Statutes, Chapter 177 and Administrative Code (AC-13-1) delineate vacation procedures; and

WHEREAS, the Village of Estero Planning and Zoning Board recommended approval of the partial vacation on March 21, 2017; and

WHEREAS, the notice of the vacation was properly advertised in the Fort Myers News Press on March 27, 2017 and April 3, 2017; and

WHEREAS, the legal description of the partially vacated drainage easement is attached as Exhibit A and the sketch of the description is attached as Exhibit B; and

WHEREAS, the following findings of fact are offered:

1. The vacation was reviewed by staff and meets the technical requirements of Chapter 177, Part 1 Florida Statutes and the technical requirements of Administrative Code AC-13-1.
2. The application was reviewed by the Village Attorney and meets legal requirements of Chapter 177, Part 1, Florida Statutes and Administrative Code AC-13-1.
3. There were no objections by the reviewing entities.
4. Adequate and appropriate drainage facilities and easement will be provided as part of pending development order No. DOS2016-E007.
5. The Planning and Zoning Board recommended approval at a public hearing on March 21, 2017.

45 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,
46 Florida:

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48 **Section 1.** The Estero Veterinary Clinic partial vacation of the drainage easement
49 is approved.

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51 **Section 2.** This Resolution shall take effect immediately upon adoption.

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53 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
54 19th day of April, 2017.

55
56 Attest:

VILLAGE OF ESTERO, FLORIDA

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59 By: Kathy Hall
60 Kathy Hall, MMC, Village Clerk

By: James R. Boesch
James R. Boesch, Mayor

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63 Reviewed for legal sufficiency:

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65
66 By: Burt H. Saunders
67 Burt Saunders, Esq., Village Attorney

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69
70 Attachments:

71 Exhibit A: Legal Description
72 Exhibit B: Sketch of Description
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GULF SHORE SURVEYING, INC.

EXHIBIT A

TIM J. PUFAHL, P.S.M.
30930 OIL WELL RD.
PUNTA GORDA, FL. 33955
(941) 639-7800

DECEMBER 30, 2016
JOB NO. 1515
FILE: 1515L01.DOC

DESCRIPTION

A PORTION OF PARCEL "A", PLAZA DEL SOL, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 80 AT PAGE 74; PUBLIC RECORDS OF LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE CENTERLINE OF INTERSECTION OF QUENTE WAY AND ARCOS AVENUE THENCE S.88°44'00"W. FOR 139.09 FEET ALONG SAID CENTERLINE OF QUENTE WAY; THENCE S.01°16'00"E. FOR 45.05 FEET ALONG THE EASTERLY LINE OF THE PLATTED DRAINAGE EASEMENT TO THE POINT OF BEGINNING. THENCE CONTINUE S.01°16'00"E. FOR 11.28 FEET ALONG SAID EASEMENT TO THE SOUTHERLY LINE OF THE PLATTED EASEMENT; THENCE S.88°44'00"W. FOR 15.00 FEET ALONG THE SOUTHERLY LINE OF SAID EASEMENT TO THE WESTERLY LINE OF THE PLATTED EASEMENT; THENCE N.01°16'00"W. FOR 11.28 FEET ALONG THE WESTERLY LINE OF THE PLATTED EASEMENT; THENCE N.88°44'00"E. FOR 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 169.2' SQUARE FEET OR 0.0039 ACRES OF LAND MORE OR LESS.

REFER TO 8/12"X11" SKETCH

Tim J. Pufahl 02/06/17

TIM J. PUFAHL
PROFESSIONAL SURVEYOR AND MAPPER
FL. CERTIFICATE NO. 4666

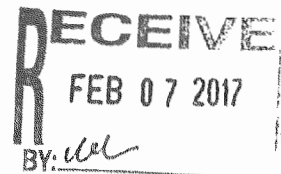
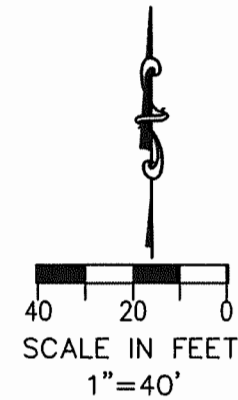
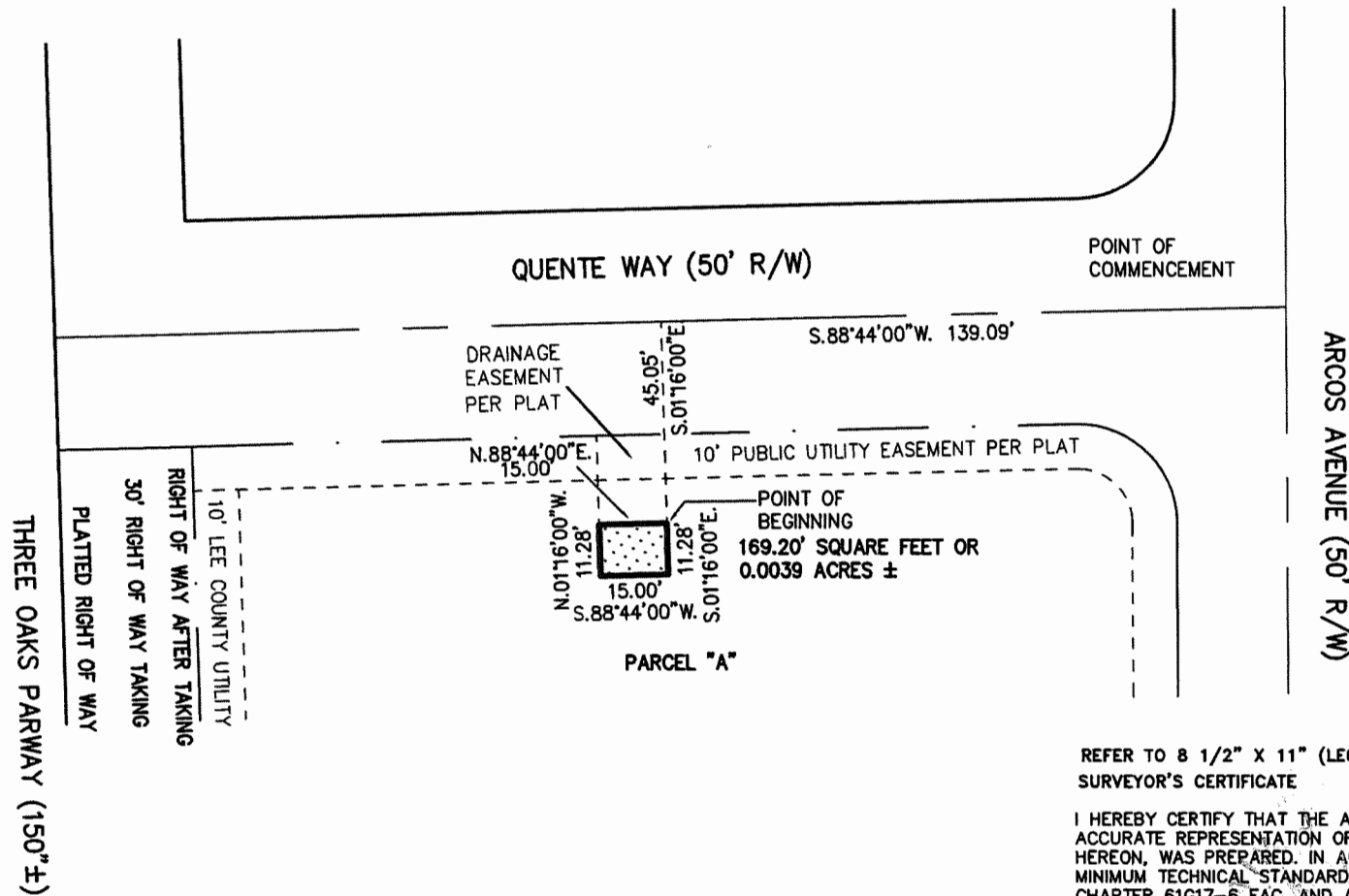


EXHIBIT B



RECEIVED
FEB 07 2017
BY: *[Signature]*

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: 02/06/17

[Signature]
TIM J. PUEHL
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4666

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

BEARINGS SHOWN HEREON ARE BASED ON PLAT OF PLAZA DEL SOL, AS RECORDED IN PLAT BOOK 80, PAGE 74 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. WITH THE CENTERLINE OF QUENTE WAY BEING S.88°44'00"W.

GULF SHORE SURVEYING, INC.

LICENSED BUSINESS NO. 6729
CHARLOTTE COUNTY:
30930 OIL WELL ROAD
PUNTA GORDA, FL 33955
(941) 639-7800



DATE : 12/30/2016
SCALE : 1"=40'
CADD : T.P.
CHECK : T.P.
FILE : 1515L01

SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)
PARCEL "A" PLAZA DEL SOL
PLAT BOOK 80, PAGE 74
LEE COUNTY, FLORIDA

JOB
1515
L01