| AGENDA: AGE | Lee County Board Of County Commissioners | | | | | | | | |
|--|--|--------------------------------|--|--------------------------------|-----------------|---|----------------|--|--|
| ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00047 to vacate a six-foot wide public utility easement along the southernmost six feet of the rear of Lot 10, Block J, of PRINCIPIA Subdivision, as recorded in Plat Book 28, Page 43 of the official Public Records of Lee County, Florida less and except for the east six feet thereof. WHY ACTION IS NECESSARY: To rectify a pool encroachment that has been in place over twenty years and through several different property owners. The vacation of this easement will not after existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements. WHAT ACTION ACCOMPLISHES: Vacates the easement. 2. DEPARTMENTAL CATEGORY: 04 Community Development COMMISSION DISTRICT #05 5. REQUIREMENT/PURPOSE: (Speelly) X STATUTE FS177 ACMMISSIONER AND CODE 13-1 AND COMMISSIONER BY: Peter J Edentrolog Directors LOCATION: The Petition to Vacate was submitted by Mr. and Mrs. S. Smith the current property owners LOCATION: The Petition to Vacate was submitted by Mr. and Mrs. S. Smith the current property owners LOCATION: The Petition to Vacate was submitted by Mr. and Mrs. S. Smith the current property owners LOCATION: The site is located at 856 Creighton Drive, Fort Myers, Florida, Section 22, Township 45 South, Range 24 East. There are no objections to this Petition to Vacate. Staff recommends the adoption of this resolution. Altached to this Blue sheet is the Resolution for Petition to Vacate. 8. MANAGEMENT RECOMMENDATIONS: 9. RECOMMENDED APPROVAL: BY: Peter J Edentrologo Directors County Budget Services County Budget Services COUNTY ADJYN. AND | | | Agend | a Item Sum | mary | Blue Sheet No. | 20020492 | | |
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THIS INSTRUMENT PREPARED BY:

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

| RESOLUTION NO FOR PETITION TO VACAT | RESOLUTION NO | FOR PETITION TO VACATI |
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Case Number: VAC2001-00047

WHEREAS, Petitioner <u>Shannon L. and Kimberly Smith</u> 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 14th day of May, 2002 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. <u>VAC2001-00047</u> 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 14th day of May, 2002.

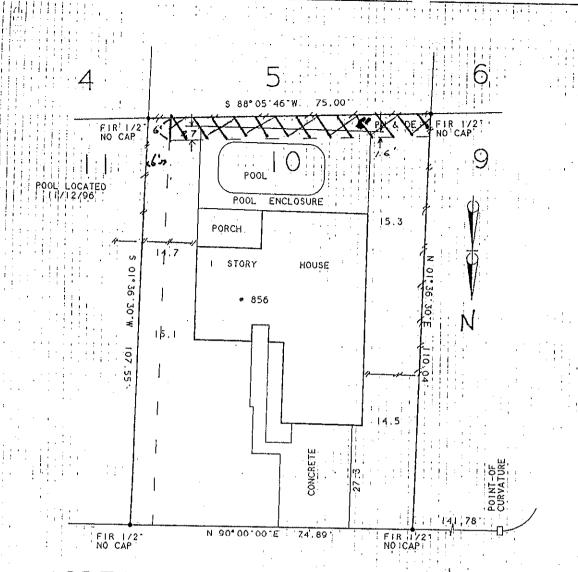
| ATTEST: COMMISSIONERS | BOARD OF COUNTY |
|--|---------------------------------------|
| CHARLIE GREEN, CLERK | OF LEE COUNTY, FLORIDA |
| Deputy Clerk Signature Please Print Name | Chairman Signature Please Print Name |
| | ROVED AS TO FORM () () A |
| Coun | ty Attorney Signature |
| P | lease Print Name |

LEGAL DESCRIPTION

The public utility easement to be vacated is comprised of:

The South six (6) feet of of Lot 10, Block J of the subdivision plat of "<u>Principia</u>" as recorded in the public records of Lee County, Florida at Plat Book 28, Page 43.

Less and except: The eastern six feet of the above easement.



CREIGHTON DRIVE (50

BOUNDARY SURVEY

CERTIFIED TO:

FIRST OF AMERICAN BANK CORPORATION

TERRY & JENNIFER KELLY

FIDELITY NATIONAL TITLE INSURANCE CO.

LOT 10 BLOCK J

PRINCIPIA

LEE COUNTY. FLORIDA

PLAT BOOK 28 PAGES 42-44

Exhibit B

| BASIS FOR BEARINGS: CREIGHTON DRIVE | - PLAT SCALE: 0 | 20 DATE: 10/30/96 |
|---|--|--|
| COMMUNITY 125124 PANEL 325 S | UFFIX C PATE OF 9/20/96 | FIRM A 10 BASE FLOOD 8 |
| FIR: FOUND IRON ROD FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FOM: FOUND CONCARTE MONUMENT SIR: SET IRON ROD IZ: W/ CAP * 3190 SDH: SET DRILL HOLE SCM: SET CONCARTE MONUMENT PUE: FUBLIG UTILITY EASDMENT PUE: FUBLIG UTILITY AND PUI: A DE: PARAIMOR EASEMENT SNAD: SET RAIL A DISK * 3190 FNAD: FOUND HAIL A | VATION A NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND NAPPER | THIS SURVEY IS HEREBY CERTIFIED AS NEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027. FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE ZONING, OR FREEDOM FROM ENCUMBRANCES. |
| CHARLES E. DAVIS | 4409 S.E. 16th PLACE SUIT CAPE CORAL, FLORIDA 3390 | E 8 JOB NUNBER: |