

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00045 to Vacate a 12-foot wide Public Utility and Drainage Easement common to Lots 4 and 5, Block 7, Unit 2, a Subdivision of Lehigh Acres, in Alva, Florida.

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of the public utility and drainage easement will not alter existing utility and drainage conditions and the easements are not necessary to accommodate any future utility and drainage requirements.**

WHAT THE ACTION ACCOMPLISHES: Vacates a 12-foot wide Public Utility Easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #1

3. MEETING DATE:

11-26-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

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

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY:  11/26/02
Peter J. Eckebrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 26th day of November, 2002.

LOCATION:

Petition #VAC2002-00045 proposes to vacate a 12-foot wide Public Utility and Drainage Easement centered on the lot lines common to Lots 4 and 5, Block 7, Unit 2, a Subdivision of Lehigh Acres, as recorded in Deed Book 254, Page 100, and also recorded in Plat Book 15, Page 3, LESS and EXCEPT the east 6-feet and the west 6-feet thereof, Section 01, Township 44 South, Range 27 East, Lee County, Florida. The site is located at 2016 Louis Avenue in Alva, Florida 33920.

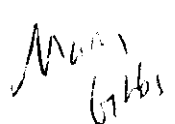
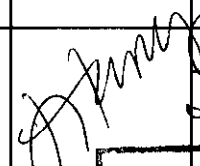
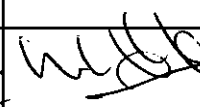
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
	N/A	N/A	N/A		OA 11/26/02	OM 11/26/02	Risk 11/26/02	GC 11/26/02	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/30/0
Time: 1:37
Pm
Forwarded To:
Admin
11/1/02 11:40

RECEIVED BY
COUNTY ADMIN. TD
11-1-02
11:05
COUNTY ADMIN.
FORWARDED TO: BH
11/7 11:30

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: VAC2002-00045

WHEREAS, Petitioner DAVID E. and SUSAN L. MOTTER 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 26TH November, 2002; 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. VAC2002-00045 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 _____ .

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

LEGAL

STRAP # 01-44-27-02-00007.0040

VAC2002-00045

A 12-foot wide Utility and/or Drainage Easement centered on the lot line common to Lots 4 and 5, Block 7, Unit 2, a Subdivision of Lehigh Acres, Section 01, Township 44 South, Range 27 East, as recorded in Deed Book 254, Page 100, of the Public Records of Lee County, Florida, (Also recorded in Plat Book 15, Page 3, of the Public Records of Lee County, Florida), LESS and EXCEPT the east 6-feet and the west 6-feet thereof.

BOUNDARY SURVEY

SURVEY DESCRIPTION:

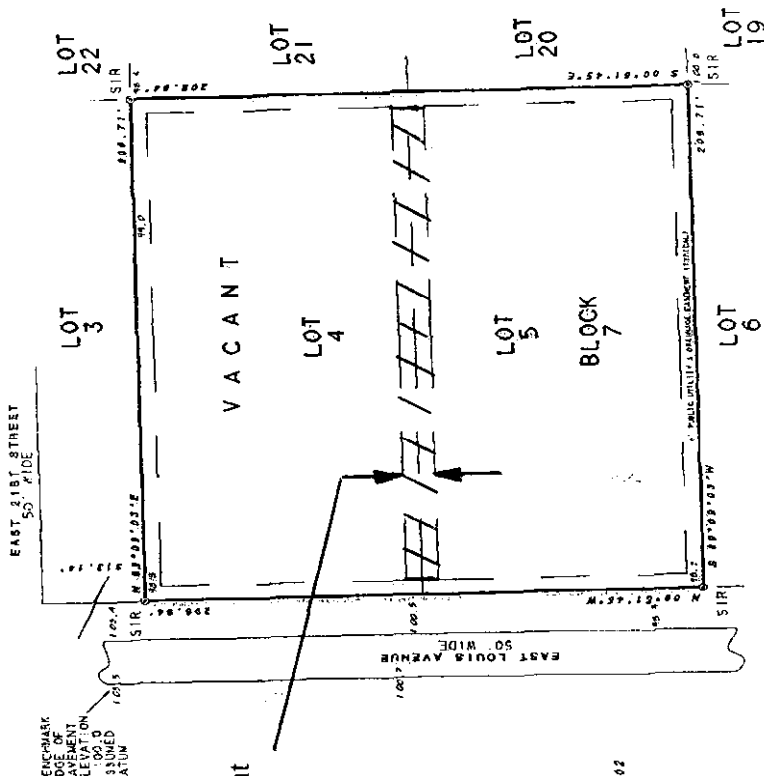
LOTS 4, 5, BLOCK 7, LEHIGH ACRES, UNIT 2, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 27 EAST, AS RECORDED IN DEED BOOK 3609 PAGES 53 AND 54 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA (ALSO RECORDED IN PLAT BOOK 5, PAGE 3, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA).

THE PROPERTY SHOWN HEREON IS LYING IN ZONE B OF THE NATIONAL FLOOD INSURANCE PROGRAM.

SURVEYORS NOTES:

- 1. BEAR - FOUND 1/2" IRON ROD UNLESS OTHERWISE SHOWN.
- 2. BEARINGS PER RECORDED PLAT CENTER LINE.
- 3. BEARINGS SET 1/2" IRON ROD WITH CAP #LB6594.
- 4. ELEVATIONS SHOWN THUS: ± 0 REFER TO ASSUMED DATUM AND ARE RELATIVE TO BENCHMARK SHOWN.

PROPERTY ADDRESS:
206 EAST LOUIS AVENUE
LEHIGH ACRES, FLORIDA



12-foot Easement
to be vacated

REVISION:

CORRECTED LEGAL DESCRIPTION 10/18/02

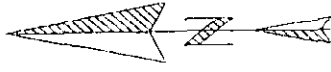
FILE DISK: DOT 02.7

DATE: MAY 7, 2002

CREW: NOBLEY/JONES

ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.

1930 PARK MEADOWS DRIVE
SUITE 9
FORT MYERS, FLORIDA
(239) 277-7330
(239) 481-0404
(239) 277-7332 FAX



SCALE 1 INCH = 30 FEET

THIS SURVEY IS HEREBY CERTIFIED TO THE PERSONS AND ENTITIES SHOWN HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 6107-5, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CERTIFIED FILE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES OR COMPARTMENTAL ZONIFICATION. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND IMPRESSES THIS DRAFTING SHEET, THIS IS NOT VALID FOR ANY PURPOSES OTHER THAN THE WRITTEN PERMISSION OF THE SURVEYING SURVEYOR.

THIS SURVEY IS CERTIFIED TO:
TED GROFF

L. LARRY GARDNER PROFESSIONAL SURVEYOR AND WATER MASTER
JOB NUMBER 02-0614