

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 4668 Little River Ln., Fort Myers, located off of Orange River Blvd., west of Buckingham Rd. (Case No. VAC2005-00006).

2. WHAT ACTION ACCOMPLISHES: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 5 5:00 #2

5. Meeting Date: 4-26-05

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 336
 Ordinance
 Admin. Code 13-8
 Other

8. Request Initiated:
Commissioner
Department Community Development
Division Development Services
By: *[Signature]* 3/30/05
 Peter J. Eckenrode, Director

9. Background:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for **5:00 PM on the 26th of April 2005**. The completed petition to vacate, VAC2005-00006 was submitted by Richard H. and Nola J. Houck.

LOCATION: The site is located at **4668 Little River Ln., Fort Myers, Florida 33905** and its strap number is 35-43-25-07-0000C.0120. Petition No. VAC2005-00006 proposes to vacate a twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 12 and 13, both in Block C, Orange River Hills, a subdivision of a part of Section 35, Township 43 South, Range 25 East, as recorded in Plat Book 29, Pages 34 - 39 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly ten feet and westerly six feet thereof.

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 the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

10. Review for Scheduling:

Department Director <i>[Signature]</i>	Purchasing or Contracts	Human Resources	Other	County Attorney <i>[Signature]</i>	Budget Services <i>[Signature]</i> 4/7/05	County Manager/P.W. Director <i>[Signature]</i>
				Analyst <i>[Signature]</i> 3/31/05	Risk <i>[Signature]</i> 4/4/05	Grants <i>[Signature]</i> 4/4/05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: 3/31/05
 Time: 2:05

RECEIVED BY
 COUNTY ADMIN:
 4-1-05 MP
 COUNTY ADMIN
 FORWARDED TO:
 4/7/05
 1pm

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: VAC2005-00006

WHEREAS, Petitioner **Richard H. and Nola J. Houck** 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 day of April, 2005 at 5 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. VAC2005-00006 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

EXHIBIT "A"
Petition to Vacate
VAC2005-00006

Legal Description of the Drainage and Public Utility Easement to be Vacated:

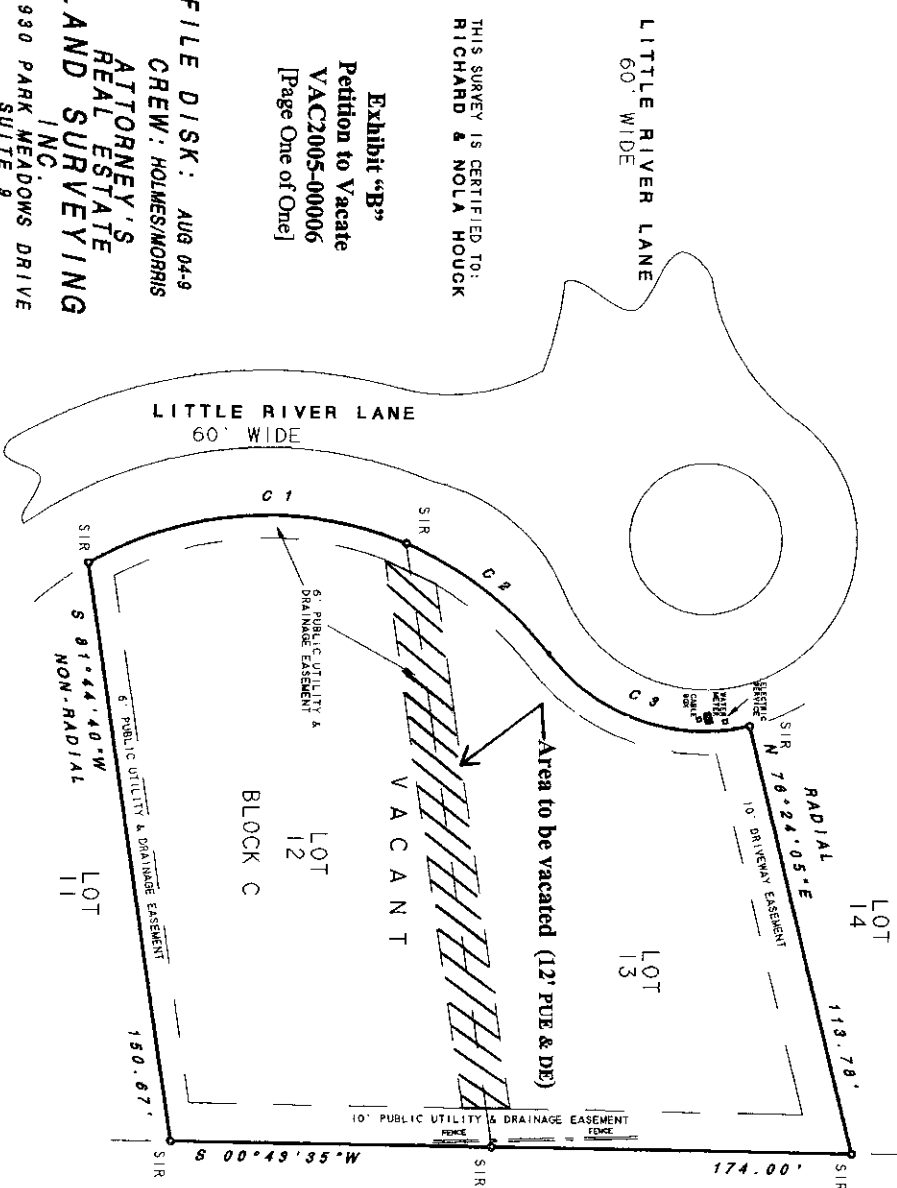
The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 12 and 13, both in Block C, Orange River Hills, a subdivision of a part of Section 35, Township 43 South, Range 25 East, as recorded in Plat Book 29, Pages 34 - 39 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly ten feet and westerly six feet thereof.

LAND SURVEY

LOTS 12 & 13, BLOCK C, ORANGE RIVER HILLS, AS RECORDED IN PLAT BOOK 29, PAGES 34-40. (INCLUSIVE) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
 THE PROPERTY SHOWN HEREON IS LYING IN ZONE AE OF THE NATIONAL FLOOD INSURANCE PROGRAM. ELEVATION - 8.

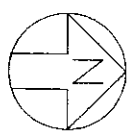
CURVE	DELTA ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
C 1	53°38'53"	90.00'	84.27'	81.23'	N 03°56'11"W
C 2	29°37'17"	90.00'	46.53'	46.01'	N 37°41'54"E
C 3	68°06'28"	50.00'	57.69'	54.54'	N 19°27'19"E



UNPLATTED

SURVEYORS NOTES:
 1) I.R. - FOUND 1/2" IRON ROD
 UNLESS SHOWN OTHERWISE.
 2) BEARINGS PER RECORDED PLAT CENTERLINE.
 3) I.R. - SET 1/2" IRON ROD #L85924.

PROPERTY ADDRESS:
 4669 LITTLE RIVER LANE
 FORT MYERS, FLORIDA



SCALE 1 INCH = 30 FEET
 0 30 60

DATE:
 AUGUST 6, 2004

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MEETING THE MINIMUM REQUIREMENTS OF THE FLORIDA SURVEYING BOARD AS PURSUANT TO CHAPTER 475, F.S. AND THE FLORIDA SURVEYING BOARD'S REGULATIONS. THE SURVEY WAS MADE BY THE SURVEYOR AND WAS CERTIFIED BY THE SURVEYOR. THE SURVEYOR'S SIGNATURE AND SEAL ARE SHOWN HEREON. THE SURVEYOR'S SIGNATURE AND SEAL ARE VALID WITHOUT FURTHER AUTHORIZATION.
 JAY NUMBER: 04-1060

FILE DISK: AUG 04-9
 CREW: HOLMES/MORRIS
ATTORNEY'S REAL ESTATE LAND SURVEYING INC.
 1930 PARK MEADOWS DRIVE
 SUITE 9
 FORT MYERS, FLORIDA
 (239) 277-7330
 (239) 277-7332 FAX

Exhibit "B"
 Petition to Vacate
 VAC2005-00006
 [Page One of One]

THIS SURVEY IS CERTIFIED TO:
 RICHARD & NOLA HOUCK

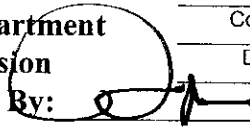
**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050446

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3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: COMMISSION DISTRICT #: <u>5</u>		5. Meeting Date: 4/26/05 @ 5 p.m.
6. Agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input checked="" type="checkbox"/> Statute	F.S. Ch. 336
	<input type="checkbox"/> Ordinance	
	<input checked="" type="checkbox"/> Admin. Code	13-8
	<input type="checkbox"/> Other	
		8. Request Initiated: Commissioner _____ Department _____ Community Development Division _____ Development Services By:  <u>3/30/05</u> Peter J. Eckenrode, Director

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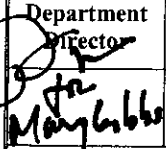
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					Analyst	Risk	Grants	Mgr.	
									

11. Commission Action:

- Approved
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- Denied
- Other

THIS INSTRUMENT PREPARED BY:

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

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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

LEE COUNTY
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
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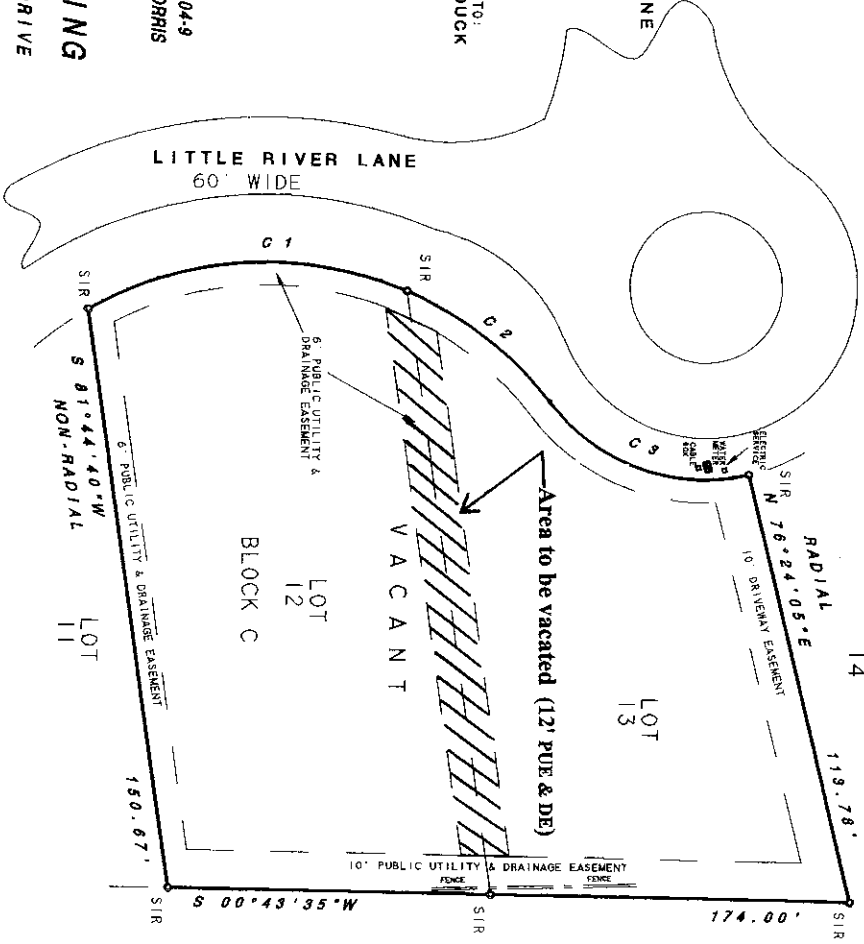
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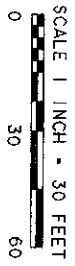
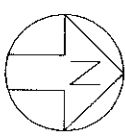
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 1) 1/2" IRON ROD FOUND 1/2" IRON ROD
 UNLESS SHOWN OTHERWISE.
 2) BEARINGS PER RECORDED PLAT CENTERLINE.
 3) 1/2" IRON ROD SET 1/2" IRON ROD #L85594.

PROPERTY ADDRESS:
 4668 LITTLE RIVER LANE
 FORT MYERS, FLORIDA



DATE:
 AUGUST 6, 2004

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MEETING HELD AT THE OFFICE OF THE SURVEYOR, LEE COUNTY, FLORIDA, ON AUGUST 4, 2004, AT 10:00 AM. THE MEETING WAS ATTENDED BY THE SURVEYOR, LARRY GARDNER, AND MAPPER #4294. THE SURVEYOR HAS REVIEWED THE SURVEY AND HAS DETERMINED THAT THE SURVEY IS ACCURATE AND CORRECT. THE SURVEYOR HAS THEREFORE AFFIXED HIS SIGNATURE AND SEAL TO THIS SURVEY. THE SURVEYOR'S SIGNATURE AND SEAL ARE VALID WITHOUT EMBOSSED SEAL.
 LARRY GARDNER, SURVEYOR AND MAPPER #4294
 JOB NUMBER: 04-1060