

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

Blue Sheet No. 20021339

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition #VAC2002-00047 to Vacate a Public Utility and Drainage Easement common to Lots 6 & 7, Block 72, Unit 13, a subdivision of Lehigh Acres

**WHY ACTION IS NECESSARY:** Vacating this easement will eliminate the encroachment of a home and play house that was built in 1985 and will also provide clear title for the property. **The vacation of the Public Utility and Drainage Easement will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirement.**

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility and Drainage Easement.

**2. DEPARTMENTAL CATEGORY:** 04  
**COMMISSION DISTRICT #:** 5

**3. MEETING DATE:**

*5:00 #2*

*12-10-2002*

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**  
(Specify)

**6. REQUESTOR OF INFORMATION:**

- \_\_\_\_\_ CONSENT
- \_\_\_\_\_ ADMINISTRATIVE
- \_\_\_\_\_ APPEALS
- PUBLIC
- \_\_\_\_\_ WALK ON
- \_\_\_\_\_ TIME REQUIRED:

- STATUTE F.S. Ch. 177
- \_\_\_\_\_ ORDINANCE
- ADMIN. CODE 13-1
- \_\_\_\_\_ OTHER

- A. COMMISSIONER \_\_\_\_\_
  - B. DEPARTMENT Community Development
  - C. DIVISION Development Services
- BYS [Signature] 11/18/02*

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 10th day of December 2002.

**LOCATION:** A 12-foot wide Public Utility and Drainage Easement common to Lots 6 & 7, Block 72, Unit 13, Section 25, Township 45 South, Range 27 East, Lehigh Acres, Lee County, Florida as recorded in Plat Book 18, Page 119, of the Official Records of Lee County, Florida. The site is located at 1118 Edgewood Street East.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GO	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>ebw 11-21-02</i>	<i>[Signature] 11/21/02</i>	<i>[Signature] 11/21/02</i>	<i>[Signature] 11-21-02</i>	<i>[Signature] 11-21-02</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

**Rec. by CoAtty**  
**Date:** *11/19/02*  
**Time:** *11:30 am*  
**Forwarded to:**  
*County Admin*  
*11/20/02*

**RECEIVED BY**  
**COUNTY ADMIN. ID**  
*11-20-02*  
*2:50*  
**COUNTY ADMIN. BH**  
**FORWARDED TO:**  
*11/21 2:30*

*1:15 P.M.*

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: VAC2002-00047

WHEREAS, Petitioner **Robert Gallagher** 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 10<sup>th</sup> day of December 2002 @ 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. VAC2002-00047 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.

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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

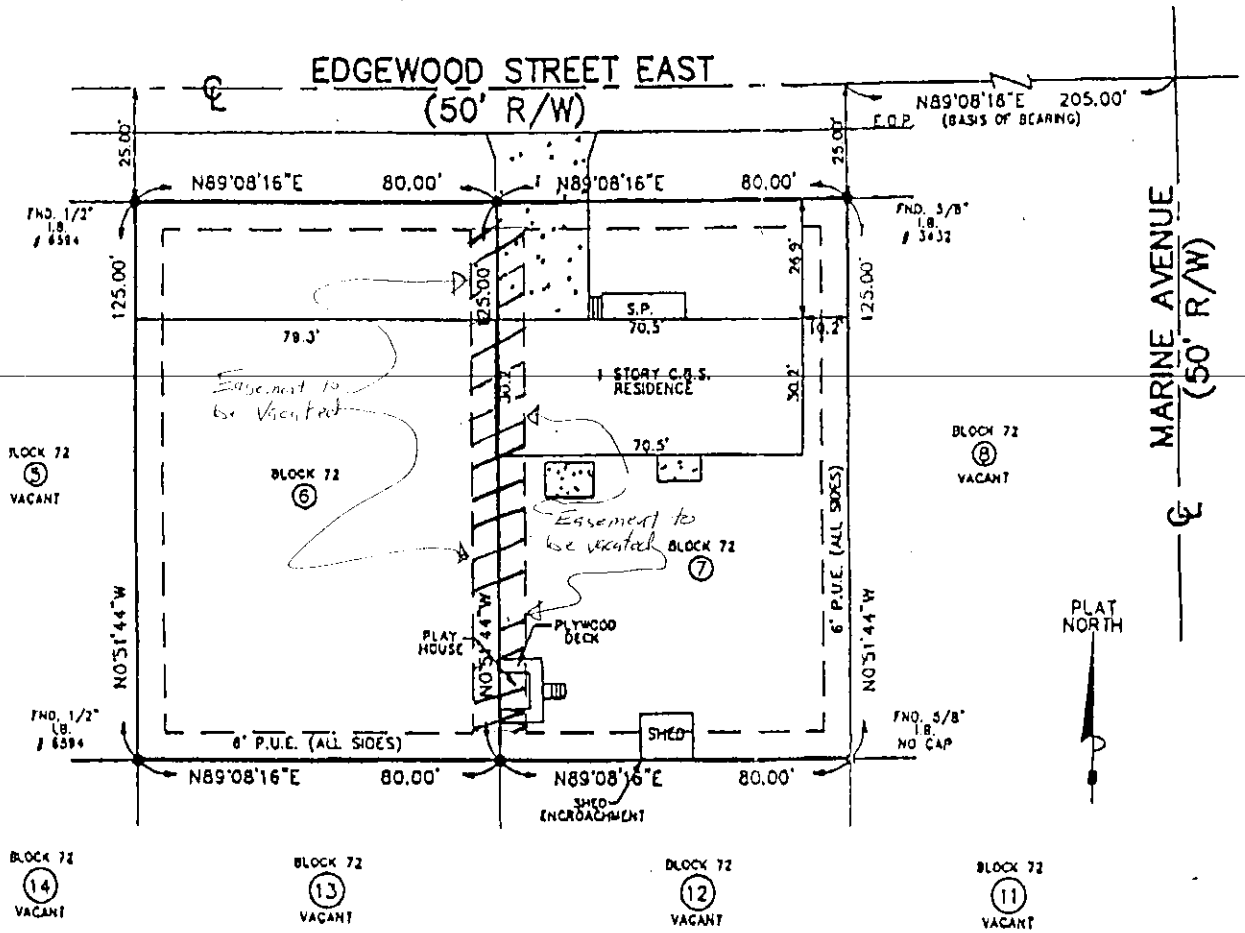
\_\_\_\_\_  
Please Print Name

## EXHIBIT "A"

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 72, Unit 13, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 119 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

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ABOVE PROPERTY IS LOCATED IN FLOOD ZONE 'B'

**BOUNDARY SURVEY**  
 1118 EDGEWOOD STREET EAST  
 LOTS 6 & 7, BLOCK 72, UNIT 13  
 SECTION 25, TOWNSHIP 45 SOUTH, RANGE 27 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 18, PAGE 119, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

**CERTIFIED TO:**  
 WACHOVIA MORTGAGE CORPORATION  
 MORGAN & ASSOCIATES TITLE COMPANY  
 AMERICAN PIONEER TITLE INSURANCE COMPANY  
 ISABELLA SHEAHAN  
 EAMONN SHEAHAN

*Exhibit "B"*

1 - L.I.C. 1/C - AIR CONDITIONER 2 - CALCULATED 3 - CEMENT BOX 3/4" L - CONCRETE BLOCK STRUCTURE 4 - DRIVE 5 - CONCRETE MONUMENT 6 - CONCRETE 7 - CONCRETE PAD 8 - CORNER 9 - DEER	D.E. - DRAINAGE EASEMENT D.H. - DRILL HOLE E.L. - ELEVATION E.N.C. - ENCROACHMENT E.O.P. - EDGE OF PAVEMENT F.O.D. - FOUND F.S. - FLOW EAR (M) - MEASURED N.B.T. - NAIL AND TAB N.T.S. - NOT TO SCALE O.A. - OFFICIAL RECORD	(P) - PLAT BOOK P.L. - PLAT BOOK P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.E. - POOL ENCLOSURE P.F. - PAGE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMPOUNDMENT P.P. - POWER POLE P.P.C. - POINT OF REVERSE CURVATURE P.P.D. - CONCRETE PAD	P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENCY P.U.E. - PUBLIC UTILITY EASEMENT R - RADIAL (R) - RADIAL R/O - RIGHT-OF-WAY R/T (L) - REF 1/2" LB LORRAIE S.P. - SCOTCHD PORCH S.T. - SPLIT TAP T - TELEPHONE BOX U - UNKNOWN	T.B.M. - TEMPORARY BENCHMARK U.P. - UTILITY PIEDestal W - WATER METER X - DELTA Y - CENTER LINE Z - MOOD PLING -// - WIRE FENCE - - - - - POWER POLE - - - - - FINE HYDRANT - - - - - FORCE MAIN + - TEMPORARY BENCHMARK
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**NOTES:**  
 We map of survey is only for the lines herein described and is not an instrument of title, tenancy, or freedom of encumbrances.  
 The plat distribution was furnished by the client or their agent.  
 No other work was conducted by this office.  
 Directions shown are based on data from the National Geodetic Survey Datum of 1928 unless otherwise noted.  
 There are no visible monuments other than shown.  
 Only improvements shown were field located.  
 Subject to restrictions, easements, and reservations of record

NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a Florida Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party are null and void.

FIELD SURVEY: 5-8-02  
 REVISION: