

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate an 8-foot wide strip of a 15-foot Drainage and Public Utility Easement at 5575 Sunrise Dr., Fort Myers, Florida 33919, located off of McGregor Boulevard (State Road 867), (Case No. VAC2004-00019).

WHY ACTION IS NECESSARY: To obtain permit to construct a pool and cage addition to an existing single-family residence. **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.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 2

04

5:00 #2

3. MEETING DATE:

07-27-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

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

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *Mam Gibbs*

Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on the 27th day of July, 2004.

LOCATION: The site is located at **5575 Sunrise Dr., Fort Myers, Florida 33919** and its strap number is 02-45-24-08-000K0.0120. Petition No. VAC2004-00019 proposes to vacate an 8-foot wide strip of a 15-foot wide Drainage and Public Utility Easement described as being the west 8 feet of the east 45 feet of Lot 12, Block K, Unit No. 2, McGregor Groves, a Subdivision in Sections 2 and 3, Township 45 South, Range 24 East, according to the Plat thereof as recorded in Plat Book 10, Pages 23 and 24 of the Public Records of Lee County, Florida.

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 Resources	D Other	E County Attorney	F Budget Services <i>Admin 7/6/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>Mam Gibbs</i>	N/A	N/A	N/A	<i>Head Diagnose 7/2/04</i>	<i>7/2/04</i>	<i>7/6/04</i>	<i>5/6 7/6/04</i>	<i>1/4 7/6/04</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *6/29/04*
Time: *4:30 pm*
Co. *Adm.*
7/2/04 2pm

RECEIVED BY
COUNTY ADMIN: *[Signature]*
2:45 pm 5/27
7/2/04
COUNTY ADMIN
FORWARDED TO: *P14*
7-17-04
[Signature]

PKX

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: VAC2004-00019

WHEREAS, Petitioner Meho and Bahra Hadzic, and Emina Hadzic 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 27th day of July, 2004 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. VAC2004-00019 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
VAC2004-00019
[Page One of One]

Legal Description of a
Portion of a **Drainage Easement** and
Public Utility Easement to be Vacated

That portion of the 15-foot wide Drainage Easement and Public Utility Easement described as being the west 8 feet of the east 45 feet of Lot 12, Block K, Unit No. 2, McGregor Groves, a Subdivision in Sections 2 and 3, Township 45 South, Range 24 East, according to the Plat thereof as recorded in Plat Book 10, Pages 23 and 24 of the Public Records of Lee County, Florida.

