

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020270

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on Petition VAC2002-00005 vacating a twelve-foot wide public utility easement centered on the common lot line separating lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; LESS and EXCEPT, for the North six feet and South six feet thereof.

WHY ACTION IS NECESSARY: To construct a residential structure spanning both lots. *The vacation of this easement will not alter existing 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

5:00 #1

3. MEETING DATE:

04-09-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

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

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY: Peter J. Eckenrode, Director *3/15/02*

7. BACKGROUND: The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 P.M. on April 9th, 2002

LOCATION: A twelve foot (12') wide public utility easement located six feet (6') to each side of the lot line separating lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; LESS and EXCEPT, for the North six feet and South six feet thereof, The site is located at 4300 Ninth Street West, Lehigh Acres, Florida, Section 28, Township 44 South, Range 26 East.

There are no objections to this Petition to Vacate. Staff recommends the 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	GC	
N/A	N/A	N/A	N/A	N/A	3/19/02	3/19/02	3/20	3-20	3-21-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN.

3/19 10:20

COUNTY ADMIN.
FORWARDED TO:

3/21 11:00

REC'D.
by CO. ATTY.
3/19/02

CO. ATTY.
FORWARDED TO:
3/19/02 9:30 AM

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: VAC2002-00005

WHEREAS, Petitioners **Mr. and Ms. Lee** 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 9th day of April, 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. VAC2002-00005 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 9th day of April, 2002 at 5:00 p.m..

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

LEGAL DESCRIPTION OF PROPOSED VACATION

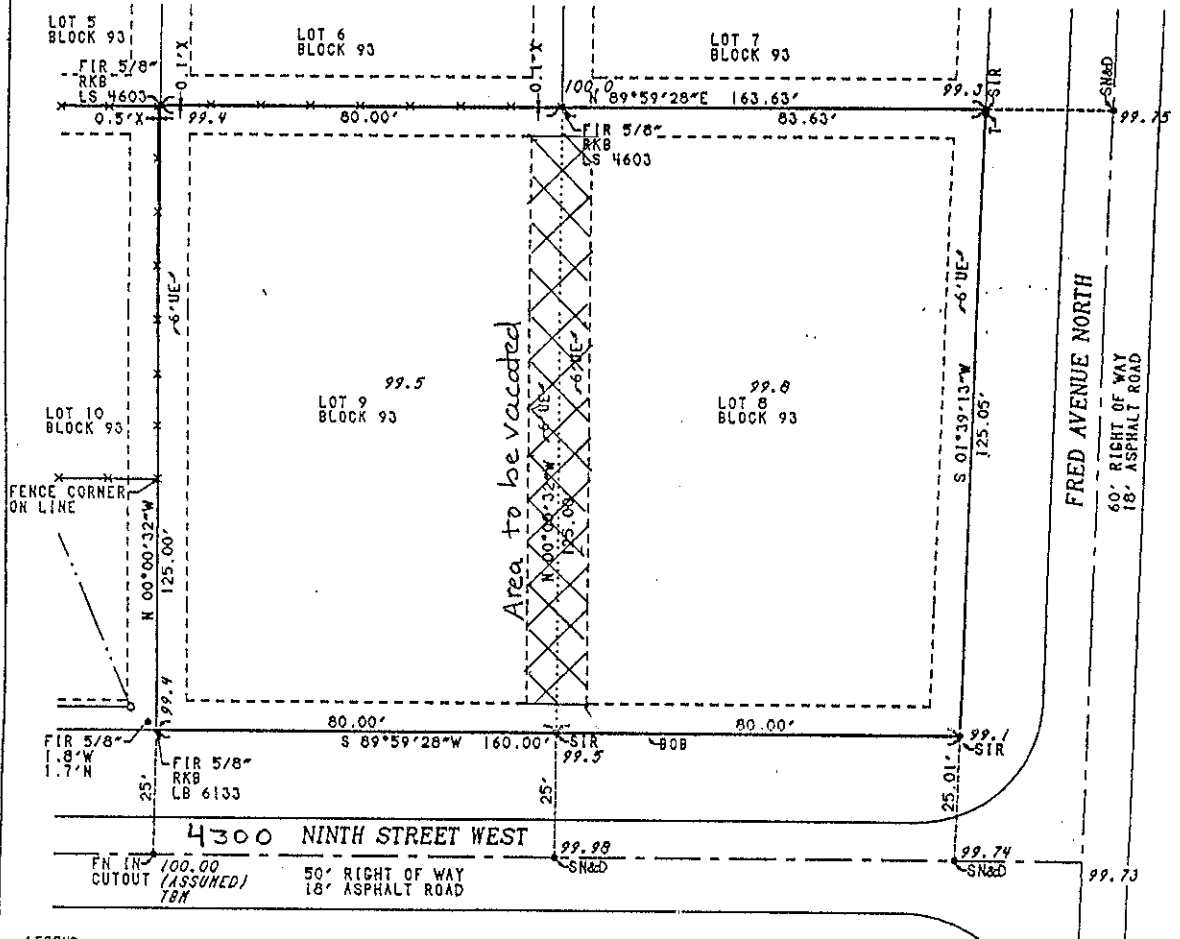
A twelve-foot wide public utility easement centered on the common lot line between lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; **LESS** and **EXCEPT**, for the north six feet and south six feet thereof.

EXHIBIT A



Certificate of authorization number LB 6611

© 2001 by Dove & Associates of Southwest Florida Inc.



LEGEND

- | | | | |
|--------------------------------|--|-----------------------------------|------------------------|
| BOB = BASIS OF BEARINGS | PUE = PUBLIC UTILITY EASEMENT | WM = WATER METER | —X— = CHAIN LINK FENCE |
| CONC = CONCRETE | SH&T = SET HUB & TACK | SD = STORM DRAIN | — — = WOOD FENCE |
| CSP = COVERED SCREENED PORCH | SIR = SET 5/8" IRON ROD & CAP | CT = CABLE TELEVISION SERVICE BOX | ⊠ = TELEPHONE SERVICE |
| DE = DRAINAGE EASEMENT | SN&D = SET NAIL & BRASS DISK | ⊙ = LIGHT POLE | ⊞ = ELECTRIC SERVICE |
| EOP = EDGE OF PAVEMENT | SWIR = SET WITNESS 5/8" IRON ROD & CAP STAMPED "WIT. COR. LB 6611" | ○ = POWER POLE | □ = CONCRETE |
| FCM = FOUND CONCRETE MONUMENT | S/W = 1.2" CONCRETE SEAWALL | — — — = OVERHEAD POWER LINE | |
| FDH = FOUND DRILL HOLE | TB = APPROXIMATE TOP BANK | | |
| FIR = FOUND IRON ROD | UE = UTILITY EASEMENT | | |
| FN = FOUND NAIL | VG = VALLEY GUTTER | | |
| FN&D = FOUND NAIL & BRASS DISK | YB = YARD | | |
| FN&T = FOUND NAIL & TAB | X = OUTSIDE PROPERTY | | |
| I = INSIDE PROPERTY | | | |
| O/S = OFFSET | | | |
| PC = POINT OF CURVE | | | |

CERTIFIED TO:
 John & Gloria Lee
 Fidelity National Title Insurance Company
 of NY
 First National Bank of Florida d/b/a C.A.,
 Its Successors and/or Assigns
 Gold Coast Homes of Lee County Inc.

PARCEL DESCRIPTION:
 Lots 8 & 9, Block 93, Unit 10, Section 28,
 Township 44 South, Range 26 East, Lehigh Acr
 according to the map or plat thereof on file
 in the office of the Clerk of the Circuit
 Court, recorded in Plat Book 15, Page 79,
 Public Records of Lee County, Florida.

Notes:

- 1) Only improvements shown were located.
- 2) Dimensions are in feet and decimals thereof.
- 3) Parcel subject to easements, restrictions, reservations, and right-of-ways of record.
- 4) Easements shown on this drawing are from the recorded plat. Any other easement(s) pertaining to the herein described land(s) must be furnished to the surveyor by the client or the clients agent per Florida Statute 61-0-17-6.0031(5e) of the Florida Administrative Code.
- 5) This survey is not valid without the signature and the original red wax seal or a Florida licensed surveyor and mapper.
- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) Parcel was surveyed from information supplied by the client.
- 8) Underground utilities and structures were not field located.
- 9) This certification is only for the land described. It is not a certification of title, zoning, easement, freedom of encumbrance, ownership, or rights-of-way.
- 10) Abstract not reviewed.
- 11) Parcel lies in Flood Zone B as per FIRNM 125124 0375 B panel not printed.
- 12) The elevations as shown hereon are assumed.
- 13) Added Individual Lot Dimensions - 13 DEC 01

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17-6, Florida Administrative code.

BY:
 Keith David Clay
 Registered Surveyor & Mapper
 Certificate No. 6267

Scale 1" = 30'