

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020209

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition VAC2001-00010 to vacate a 12 foot Public Utility and Drainage Easement on the common lot line between Lots 36 and 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of Public Records of Lee County, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 thereof, and accept a replacement easement.

**WHY ACTION IS NECESSARY:** Vacate the easement to build a Single family home. 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 requirements.

**WHAT THE ACTION ACCOMPLISHES:** Vacate the easement and provides a replacement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5

*5:00 #1*

**3. MEETING DATE:**

*03-26-2002*

**4. AGENDA**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

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

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER \_\_\_\_\_

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY *[Signature]* 3/26/02

Peter J. Eckenrode

**7. BACKGROUND:**

A 12' foot Public Utility and Drainage Easement on the common lot line between Lots 36 and 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of Public Records of Lee County, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 thereof. 8240 Matanzas Rd.

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

There are not objections to this Petition to Vacate. Staff recommends adoption of this resolution.

Attached to this Blue sheet is the Original Petition to Vacate.

**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
					OA	OM	Risk	GC	
<i>Nancy Gibbs</i>	N/A	N/A		<i>[Signature]</i>	<i>[Signature]</i> 3/8/02	<i>[Signature]</i> 3/11/02	<i>[Signature]</i> 3/12	<i>[Signature]</i> 3/11	<i>[Signature]</i> 3-12-02

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
by CO. ATTY.  
3/7/02  
JCC DM  
CO. ATTY.  
FORWARDED TO:  
*[Signature]*  
3/8/02

RECEIVED BY  
COUNTY ADMIN.  
3/8 9:30 AM  
COUNTY ADMIN.  
FORWARDED TO:  
3/12 3:00

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: VAC2001-00010

WHEREAS, Petitioner Vicki Ott 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 \_\_\_\_\_; 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. VAC2001-00010 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

LEE COUNTY  
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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

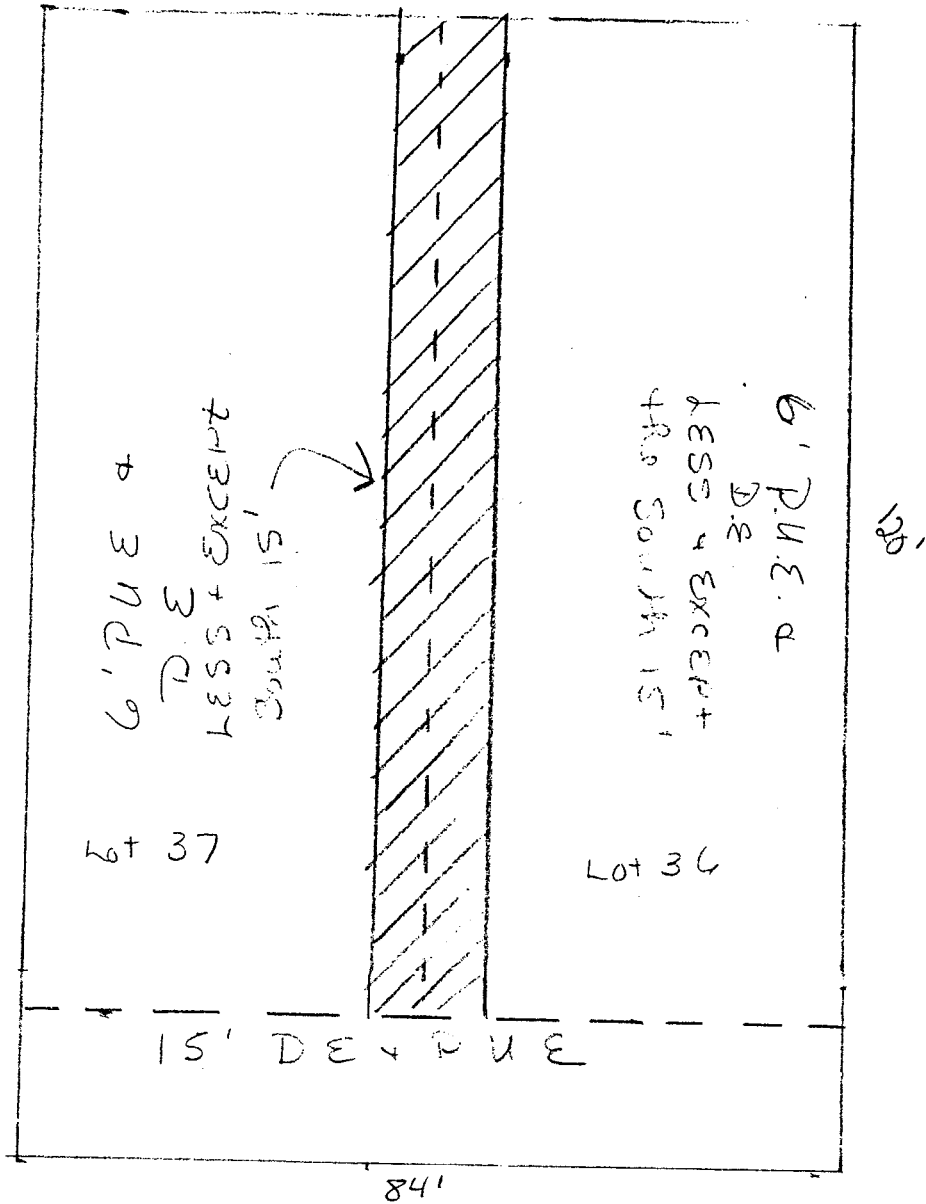
**EXHIBIT "A"**

A legal description of the area proposed for vacation:

A Twelve foot wide Drainage Easement centered on the common lot line between Lots 36 and 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 feet thereof.

↑  
North  
1" = 20'

8240 MATANZAS RD.



SAN CARLOS PARK.

Block 111  
0'S 30-2'  
end 7  
6-46 25-0700  
Vicki OT?

EXHIBIT C

This Instrument Prepared by:

Lee County Environmental Services Department  
Natural Resources Division

P.O. Box 398

Fort Myers, FL 33902-0398

STRAP Number: 16-46-25-07-0011.0 360

This Space for Recording

## PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Vicki Ott  
owner whose address is 3319 Whiddon Loop Rd. Immokalee (Grantor)  
and LEE COUNTY, a political subdivision of the State of Florida, whose address is  
P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. County/Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, there successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this 10 day of Dec, 2000.

Signed, sealed and delivered in presence of two separate witnesses:

*[Signature]*  
1<sup>st</sup> Witness Signature

Dottie Willard  
Printed Name of 1<sup>st</sup> Witness

*[Signature]*  
2<sup>nd</sup> Witness Signature

DEBRA ZARELLA  
Printed Name of the 2<sup>nd</sup> Witness

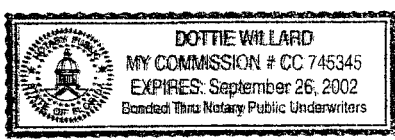
*[Signature]*  
By: \_\_\_\_\_  
GRANTOR

STATE OF FLORIDA )  
                                  )  
COUNTY OF LEE            )

The foregoing instrument was acknowledged before me this 10 day of December, 2000 by Vicki K Ott (name of person acknowledged) who is personally known to me or who has produced FL DL (type of identification) as identification.

*[Signature]*  
Signature of Notary Public

Dottie Willard  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)



**EXHIBIT A -/**

A legal description of the proposed relocation of drainage easement

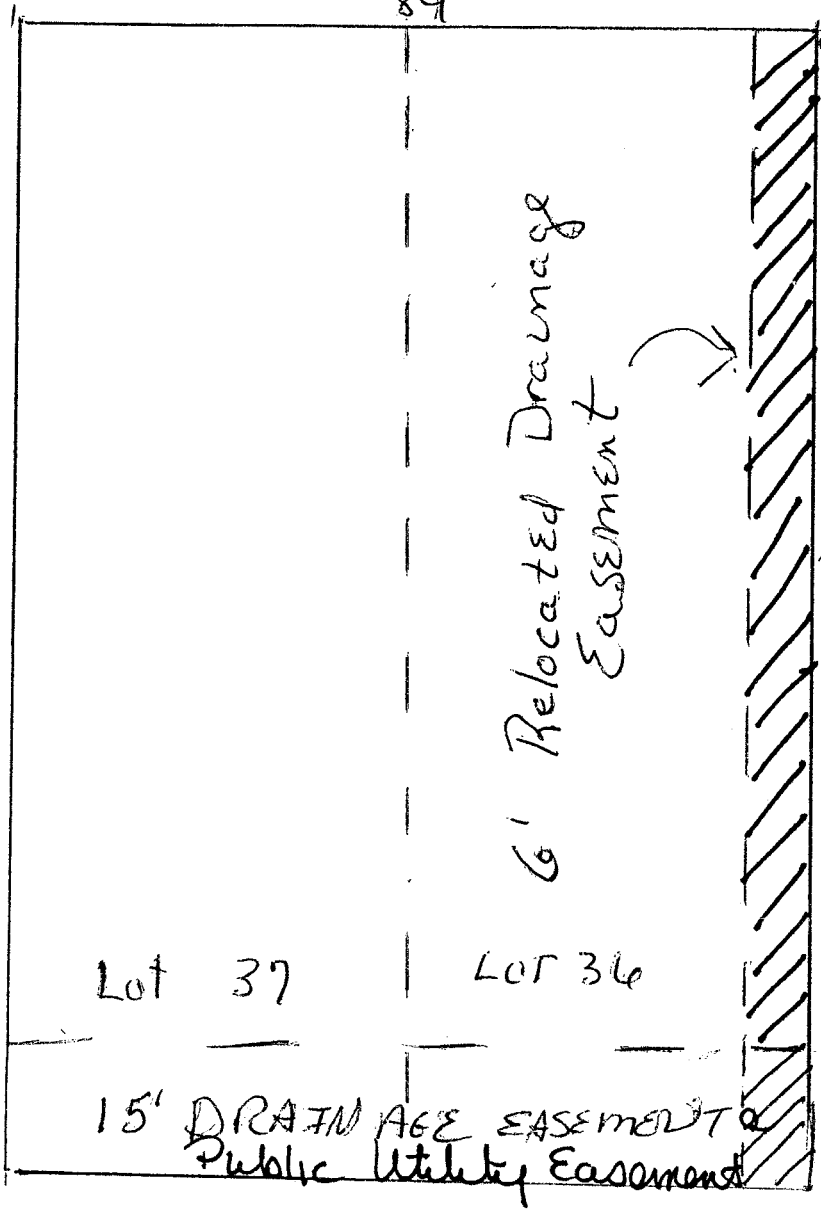
A 6 foot wide Drainage Easement on the east side of Lot 36, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46, Range 25 East.



NORTH  
↑  
1" = 20'

8240 MATANZAS RD

84'



Lot 37

LOT 36

15' DRAINAGE EASEMENT &  
Public Utility Easement

20'

Block 111  
Lots 36 + 37  
Unit 7  
16 46 25 07 0011 0360  
Vicki 077

SAN CARLOS Park

Replacement

EXHIBIT C-1