

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030758

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution to vacate a portion of a drainage easement located at 6636 Kestral Circle, Fort Myers, Florida. (Case No. VAC2003-00010)

WHY ACTION IS NECESSARY: To construct a Swimming Pool in the rear of the lot. The vacation of the drainage easement will not alter existing utilities or drainage.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 2

5:00 #1

3. MEETING DATE:

07-08-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1/13-8
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY [Signature] 6/19/03
Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5p.m. on the 8th day of July, 2003.

LOCATION: The Public Drainage Easement is located in the rear of Lot 27 of the Rookery Subdivision, as recorded in Plat Book 38, page 59. The site is at 6636 Kestrel Circle, Fort Myers, Florida, Section 18, Township 45, Range 25

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
<u>[Signature]</u>	N/A	N/A		<u>John V. Medgar</u> 6-23-03	OA <u>[Signature]</u> 6/23/03	OM <u>[Signature]</u> 6/24/03	Risk <u>[Signature]</u> 6/23/03	GC <u>[Signature]</u> 6/23/03	<u>US m</u> <u>WHL</u> <u>6/23/03</u>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. [Signature]
6/23/03
1:45 PM
6/24/03
2:30 PM

REC'D. ATTY.
6/20/03
3:05 PM
CO. ATTY.
FORWARDED TO:
CO. ATTY.
6/23/03

AK

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: VAC2003-00010

WHEREAS, Petitioner Rodney N. Marver and Victoria V. Marver 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 8th of July 2003 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. VAC2003-00010 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 8th of July, 2003 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

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00010

Vacating only a portion of the twenty-foot wide drainage easement located on the easterly twenty feet of Lot 27 of The Rookery, A Subdivision in the SW 1/4 of the NE 1/4 of Section 18, Township 45 South, Range 25 East, Lee County, Florida, as Recorded in the Office of the Clerk of the Circuit Court at Plat Book 38, Page 58 - 60 of the Public Records of Lee County, Florida.

The portion of the aforesaid drainage easement to be vacated being more particularly described as follows:

Beginning at the northeast corner of Lot 27 of The Rookery Subdivision;

Thence South 67°40' 19" West for 7.0 feet along the north property line to the Point of Beginning;

Thence continuing along the north property line South 67°40'19" West for 13.0 feet;

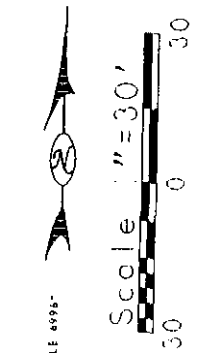
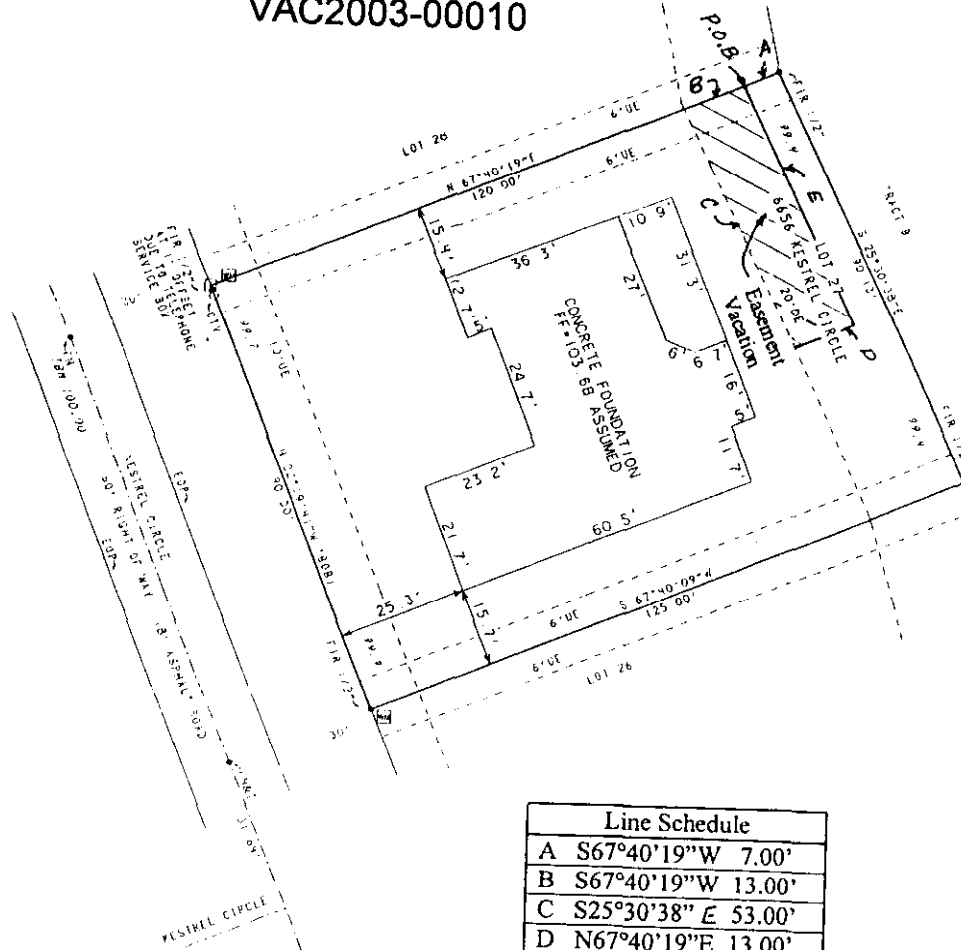
Thence South 25°30'38" East for 53.0 feet;

Thence North 67°40'19" East for 13.0 feet; and

Thence North 25°30'38" West for 53.0 feet to the Point of Beginning.

But not vacating any portion of the six-foot wide public utility easement located along either the northerly or easterly side of Lot 27 of The Rookery Subdivision.

Exhibit "B"
Petition to Vacate
VAC2003-00010



- SP * SCREENING BOHCY
 SM * SET WITH INSS FROM ROD & CAP -LE 4995'-
 SW * SET WALL
 U * UTILITY
 W * APPROXIMATE WATER'S EDGE
 WM * WALKWAY
- CF * FOUND BELL HOLE
 CFF * FINISHED FLOOR ELEVATION
 FPR * FOUND IRON ROD
 FNM * FOUND NAIL & TAG
 FR * FOUND RUSTY IRON
 M * MEASURED POWER LINE
 DMPL * OVERHEAD POWER LINE
- DB * BASIS OF BEING
 B * TELEVISION SERVICE BOX
 C * CABLE
 D * DRAINAGE EASEMENT
 DE * DEED DEED
 DP * DRIP
 F * FENCE
 G * FOUND CONCRETE FOUNDATION
 H * FOUND CONCRETE FOUNDATION
- ES * ELEC SERVICE BOX
 F * FIRE HYDRANT
 H * BARBED WIRE FENCE
 L * CHAIN LINK FENCE
 P * POWER POLE
 S * STORM DRAIN
 T * TELEPHONE SERVICE BOX
 W * WATER RETER
 X * WOOD FENCE

Line Schedule	
A	S67°40'19"W 7.00'
B	S67°40'19"W 13.00'
C	S25°30'38"E 53.00'
D	N67°40'19"E 13.00'
E	N25°30'38"W 53.00'

PARCEL DESCRIPTION
 LOT 27, THE ROOKERY, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 38, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO
 HARDEN HOGES
 RODNEY & VICTORIA HARVER
 FIRST NATIONAL BANK OF FLORIDA, DBA
 CAPE CORAL NATIONAL BANK, IT'S SUCCESSORS
 AND/OR ASSIGNS
 STEWART TITLE GUARANTY COMPANY
 EXECUTIVE TITLE INSURANCE SERVICE, INC

Notes:
 1) Parcel was surveyed from information supplied by the client; no abstract was reviewed.
 2) No underground utilities or structures, including wells or septic tanks, were located except as shown.
 3) Only improvements shown were located.
 4) Parcel is subject to restrictions, easements, reservations, and right-of-ways of record.
 5) Dimensions are in feet (to S. Survey Foot) and decimals thereof except where shown.
 6) This certification is only for the land described; it is not a certificate of title, ownership, freedom of encumbrance, zoning, easement, or rights-of-way.
 7) This document is invalid if altered in any way.
 8) This survey was performed for the express purposes of meeting the needs of the above named in any other forms or for any other purposes.
 9) Parcel lies in FLOOD ZONE B AS SHOWN ON FIRM 23124-0350-B DATED 19 SEP 84
 10) REVISION - ADDED CONCRETE FOUNDATION, 20 MAY 02

This survey is certified to the above named only, that it meets the minimum technical standards for surveys, set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17 of Florida Administrative Code.

B1
 John S. Burns Sr.
 Florida Professional Surveyor and Mapper # 5583

This survey is 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 or parties is prohibited without the written consent of the signing party or parties.

