

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030752

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a resolution to vacate a Public Utility Easement located at 2379 Dover Avenue, Fort Myers Villas subdivision. (VAC 2003-00025)

**WHY ACTION IS NECESSARY:** To rectify a pool encroachment that has been in place over twenty years and through several different property owners. **The vacation of the public utility easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.**

**WHAT THE ACTION ACCOMPLISHES:** Vacates the easement.

**2. DEPARTMENTAL CATEGORY:** 04

COMMISSION DISTRICT # 2

5:00 #2

**3. MEETING DATE:**

07-08-2003

**4. AGENDA**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

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

**6. REQUESTOR OF INFORMATION:**

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

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY [Signature] 6/20/03  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5 p.m. on the 8<sup>th</sup> day of July, 2003  
Fort Myers Villas *jt*

**LOCATION:** The Public Utility Easement is along the north six feet of lot 26, Block 46, Unit 4A, Part 1. The site is located at 2379 Dover Ave., Fort Myers, Florida, Section 13, Township 45 South, Range 24.

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 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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>Mam Gibby</i>	N/A	N/A		<i>[Signature]</i> 6/23/03	<i>[Signature]</i> 6/23/03	OM <i>[Signature]</i> 6/24/03	Risk <i>[Signature]</i> 6/24/03	GC <i>[Signature]</i> 6/24/03	<i>[Signature]</i> 6/20/03

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 6/23/03  
Time: 2:28  
am  
For forward to:  
OS: #001  
6/23/03 3:04

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
6/23/03  
1:45pm  
6/20/03  
2:30pm

*[Handwritten mark]*

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: **VAC2003-00025**

WHEREAS, Petitioner **Alece Martino**  
\_\_\_\_\_ 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 **8<sup>th</sup> of July 2003 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. VAC2003-00015 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 8<sup>th</sup> of July 2003 at 5:p.m.

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ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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Deputy Clerk Signature

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Chairman Signature

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Please Print Name

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Please Print Name

APPROVED AS TO FORM

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County Attorney Signature

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Please Print Name

### **Legal Description:**

A six-foot (6') wide **Public Utility Easement** located along the North six feet of lot 26, Block 46, Unit No. 4-A, Part 1, in the subdivision of Fort Myers Villas; as recorded in Plat Book 13, Page 19 of the official Public Records of Lee County, Florida.

**Exhibit A**

VAC2003-00025

IDD Canal (60' Wide)

N89d29'0"E 118.09'

6' wide Public Utility Easement

To Be Vacated

Unit No. 4-A

Part 1

FORT MYERS VILLAS

Sect.13-Town.45s-Rng.24e

N0°01'11.0"E 110.13' PPN

N0°29'30"E 85.44'

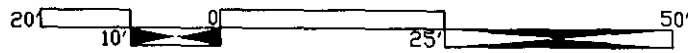
Dartmouth Street (50' Wide)

LOT 26

N89d29'0"E 91.60'

R=25', S=38.84'

Dover Avenue (50' Wide)



SCALE

EXHIBIT B

VAC2003-00025