

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 20685 Casaly Drive, Alva, Florida. (Case No. VAC2003-00044)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. 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: 04
COMMISSION DISTRICT #: 5

5:00 #1

3. MEETING DATE:

09-09-2003

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: *[Signature]* 8/18/03
- 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 September 9, 2003.

LOCATION: Petition No. VAC2003-00044 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 12 and 13, Block 1, Unit 1, River Oaks subdivision, as recorded in Plat Book 12, Page 133, Section 28, Township 43 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the South 6-feet thereof. The site is located at 20685 Casaly Drive, Alva, Florida 33920.

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				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 8/20/03	<i>[Signature]</i> 8/20/03	<i>[Signature]</i> 8/20/03	<i>[Signature]</i> 8/20/03	<i>[Signature]</i> 8/21/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 8/19/03
Time: 3:43 PM
Forwarded To:
Co. Adm.
8/20/03 1 PM

RECEIVED BY
COUNTY ADMIN. *[Signature]*
8/20/03
3:05 pm
COUNTY ADMIN.
FORWARDED TO: *[Signature]*
8/21/03
[Signature]

[Handwritten mark]

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: VAC2003-00044

WHEREAS, Petitioner **Bruce A. and Raelene M. Totterdale** 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 September 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. VAC2003-00044 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 September 2003 at 5:00p.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"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide public utility and drainage easement centered on the common lot line between lots 12 and 13, Block 1, Unit 1, River Oaks Subdivision, as recorded in Plat Book 12 at Page 133 of the Public Records of Lee County, Florida, less and except the south six feet thereof.

Exhibit "B"

Petition to Vacate

VAC2003-00044

Lots 12 and 13 in
 Unit 1, River Oaks, a subdivision in Gov' Lot 2 & Sec. 28, T 43 S, R 27 E
 Alva, Florida, as recorded in the Public Records of Lee County, Florida,
 in Plat Book 12, Page 133

