

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 between 2 single-family lots at 11360 and 11370 Longwater Chase Court, Gulf Harbour. (VAC2003-00036)

WHY ACTION IS NECESSARY: To resolve title issues on both properties that resulted from improvements that were constructed within the easement. **The vacation of this easement will not alter existing drainage or 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 #2

3. **MEETING DATE:**

10-14-2003


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:  9/17/03

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 October 14th, 2003.

LOCATION: Petition No. VAC2003-00036 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as recorded in Plat Book 56, Pages 1-4, Section 30, Township 45 South, Range 24 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the South 10-feet thereof. The site is located between 11360 and 11370 Longwater Chase Court. Ft. Myers, Florida 33908.

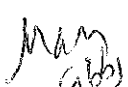
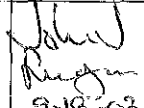
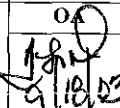
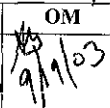
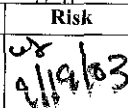
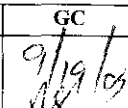

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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.

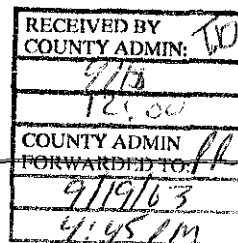
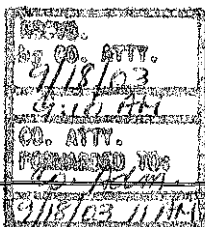
8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services 9/19/03				G County Manager
					OM	OM	Risk	GC	
	N/A	N/A	N/A						

10. **COMMISSION ACTION:**

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER



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: VAC2003-00036

WHEREAS, Petitioner **Paul S. Bush, (Trustee) and Jerry P. & Elsie E. Martin** 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 October 14th, 2003; 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. VAC2003-00036 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

Petition to Vacate - Case No. VAC2003-00036

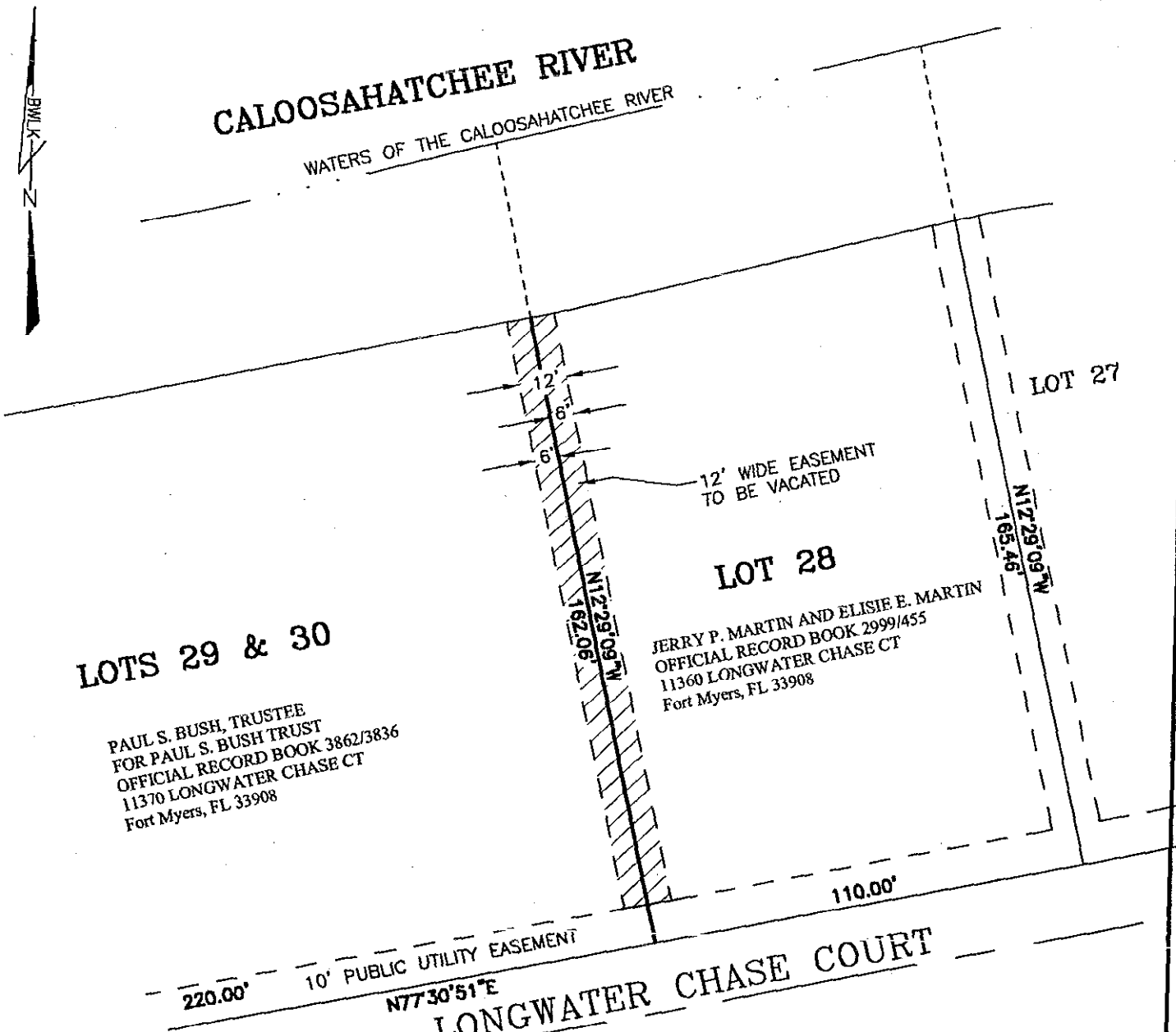
A legal description of the area proposed for vacation:

A Twelve (12) foot wide Drainage and Public Utility Easement lying Six (6) feet on either side of the common property line lying between Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as shown and recorded in Plat Book 56, Page 1, of the Public Records of Lee County, Florida, LESS and EXCEPT the South Ten (10) feet thereof.


SKETCH OF LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF THE AREA PROPOSED FOR VACATION:

A TWELVE (12) FOOT WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT LYING SIX (6) FEET ON EITHER SIDE OF THE COMMON PROPERTY LINE LYING BETWEEN LOTS 28 AND 29, GULF HARBOUR YACHT AND COUNTRY CLUB, PHASE ONE, AS SHOWN AND RECORDED IN PLAT BOOK 56, PAGE 1, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH TEN (10) FEET THEREOF.



****NOT A SURVEY****


JOSEPH L. LUTZ
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATION LS 3375
(FOR THE FIRM)



Bean, Whitaker, Lutz & Kareh, Inc. CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS 13041 MCGREGOR BLVD., SUITE 1, FORT MYERS, FL 33919 (941) 481-1331		
AUTHORIZATION NUMBER: EB4919 AND LB4919		
DRAFTING BY: J.L.L.	CHECKED BY: J.L.L.	SCALE: 1"=40'
PROJECT NUMBER 31149	DRAWING DATE 8-8-03	DRAWING FILE NAME SR31149

Exhibit "B"
VAC 2003-00036