

Date Critical

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020203

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00057 to vacate a 20' alley lying between Prospect Avenue and Wood Avenue in, Block A of Eastland Park, as recorded in Plat Book 7, Page 47 of the Public Records of Lee County Florida, Section 09, Township 44, Range 25.

WHY ACTION IS NECESSARY: Combination of several lots for a commercial development. The Vacation of the Rights-of-Way will not alter existing rights-of-way, and is not necessary to accommodate future rights-of ways.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 2

5:00 #1

3. MEETING DATE:

03-12-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

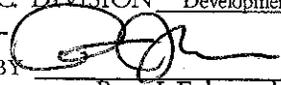
5. REQUIREMENT/PURPOSE:

(Specify)

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

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Community Development
- C. DIVISION Development Services

BY  02/26/02  
Peter J. Eckenrode, Director

7. BACKGROUND: The Alley is 20' x 267' lying between Prospect Avenue and Wood Avenue in; Block A of Eastland Park, as recorded in Plat Book 7, Page 47 of the Public Records of Lee County Florida, Section 09, Township 44, Range 25.

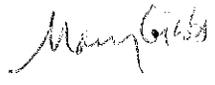
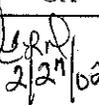
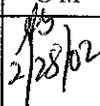
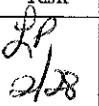
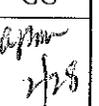
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff Recommends the scheduling of the Public Hearing.

Attached to this Blue Sheet is the The Resolution for 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	
	N/A	N/A			 2/27/02	 2/28/02	 2/28	 2/28	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
By CO. ATTY.  
2/27/02  
1:30 PM  
CO. ATTY.  
FORWARDED TO:  
2/27/02 1:30 PM

RECEIVED BY  
COUNTY ADMIN.  
2/27/02  
1:35 pm  
COUNTY ADMIN.  
FORWARDED TO:  
2/28/02

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: VAC2001-00057

WHEREAS, Petitioner Samuel V. Johnson and Jerry Johnson 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 Petition also included a request, in accordance with F.S. Chapter 336 and LCAC 13-8, to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning the 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 a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, the Petitioner is fee simple title holder to the underlying land sought to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, the Petitioner provided proof all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2001-00057 is hereby granted.
2. The public's interest in the easement, plat or portion of plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
4. A Notice of Resolution Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to the Resolution as Exhibit "D".
5. This Resolution will become effective upon recording of a fully executed Resolution, including all exhibits referred to above, 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

APPROVED AS TO FORM

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

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

**EXHIBIT "A"**

The 20' foot alley lying between Prospect Avenue and Wood Avenue in Block A of Eastland Park, as recorded in Plat Book 7, Page 47, Public Records of Lee County, Florida.

# EXHIBIT B

## SKETCH OF ALLEY VACATION EASTLAND PARK

A subdivision of the W1/2, W1/2, NW1/4, NW1/4, SEC 9, T44S, R25E, recorded in Plat Book 6, Page 47, of the Public Records of Lee County, Florida



SCALE 1 1/2" = 100 feet

09-44-25-08-0000A.0010

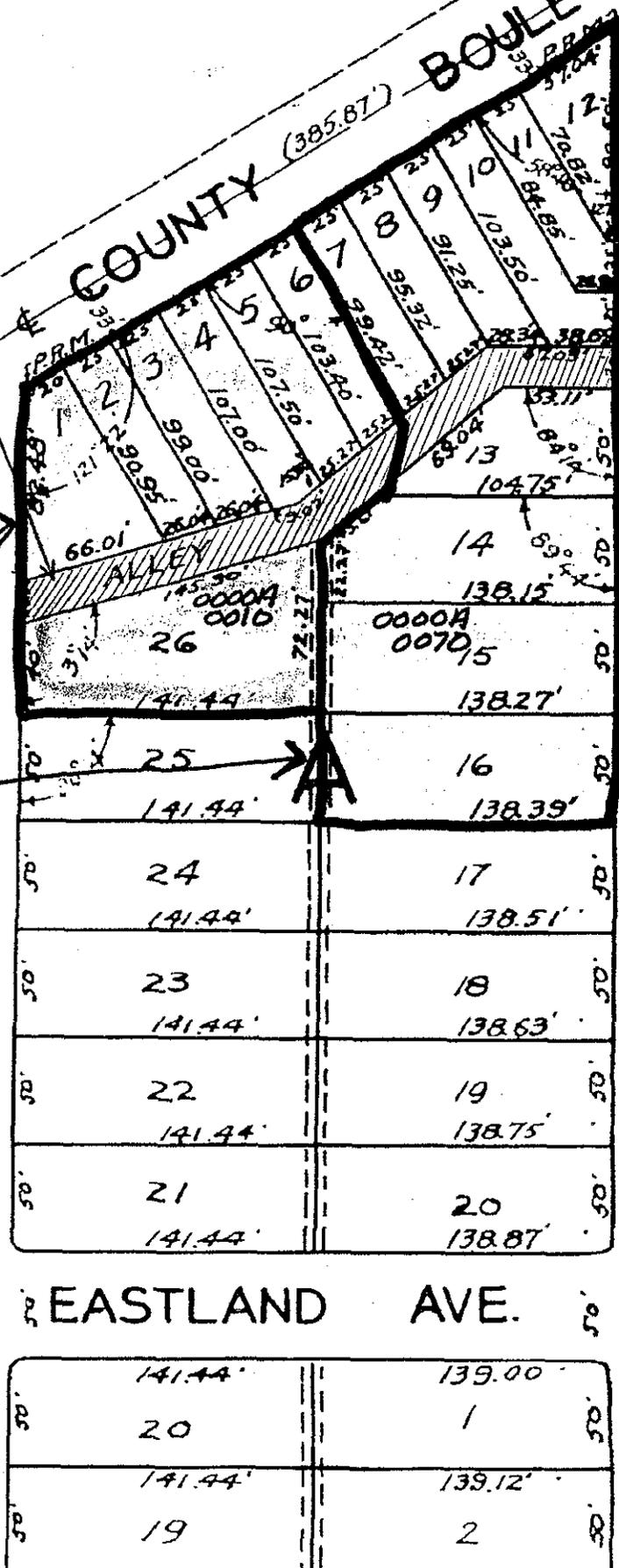
09-44-25-08-0000A.0070

LEE COUNTY BOULEVARD (385.87')

LEE

PROSPECT AVENUE

WOOD AVENUE



EASTLAND AVE.