

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. **20020187**

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00052 to **vacate** a twelve foot (12') wide public utility and drainage easement located six feet (6') to each side of the lot line common to lots 8 and 9 of Block 98; Unit 15 of Lehigh Acres Subdivision as recorded in Plat Book 18, Page 68 of the official Public Records of Lee County, Florida. **LESS AND EXCEPT** for the east six feet (6') and west six feet (6') thereof.

WHY ACTION IS NECESSARY: To construct a single family residence spanning both lots. **The vacation of this easement will not alter existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY: 04 Community Development

3. MEETING DATE:

COMMISSION DISTRICT # 05 **5:00 #4**

03-12-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S.177
- ORDINANCE _____
- ADMIN. CODE 13-1
- OTHER _____

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY: Peter J. Eckenrode, Director **02/20/02**

7. BACKGROUND: The Board of County Commissioner's has adopted a Resolution to set a Public Hearing for 5:00 p.m. on March 12th, 2002.

LOCATION: The easement in question is a twelve foot (12') wide public utility and drainage easement located six feet (6') each side of the lot line common to lots 8 and 9 of Block 98; Unit 15 of Lehigh Acres Subdivision as recorded in Plat Book 18, Page 68 of the official Public Records of Lee County, Florida. **LESS AND EXCEPT** for the east six feet (6') and west six feet (6') thereof.

The site is located at 836 Worth Avenue South, Lehigh Acres, Florida, Section 21, Township 45 South, Range 27 East.

There are no objections to this Petition to Vacate. Staff recommends adoption of this resolution.

Attached to this Blue sheet is the Resolution for Petition to Vacate, Legal Description and Sketch.

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
<i>Man</i>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
					OA <i>[Signature]</i> 2/21/02	OM <i>[Signature]</i> 2/21/02
					Risk <i>[Signature]</i> 2/21/02	GC <i>[Signature]</i> 02-21-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

**RECEIVED BY
COUNTY ADMIN.**

2/21 10:30

COUNTY ADMIN.
FORWARDED TO:

2/21 10:30

REC'D
by CO. ATTY.

2:05pm

CO. ATTY.

FORWARDED TO:

Admin
2/21/02 10:AM

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: VAC2001-00052

WHEREAS, Petitioner **Ms. Jutta Buhler** 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 12th day of March, 2002 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. VAC2001-00052 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 12th day of March, 2002.

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
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"

**Petition to Vacate
Drainage and Utility Easements
For
Parcel Strap #21-45-27-15-00098.0080
and #21-45-27-15-00098.0090**

Legal Description

Vacating drainage and utility easements on a portion of property within Block 98, Unit 15, Lehigh Acres Subdivision, Section 21, Township 45 South, Range 27 East, as recorded in Plat Book 18, page 68 of the public records of Lee County, Florida, and being more particularly described as follows:

A 12.00 foot wide public utility and drainage easement centered on the lot line common to Lots 8 and 9, LESS and EXCEPT the eastern and western 6.00 feet thereof.

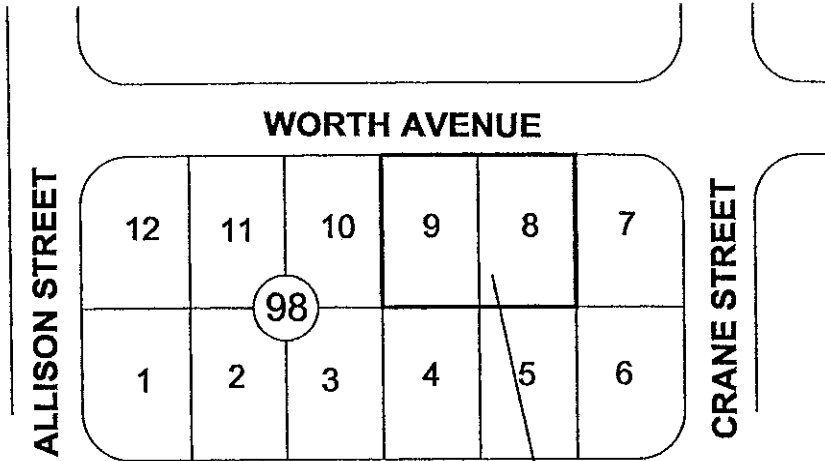
EXHIBIT "B"

SKETCH OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED

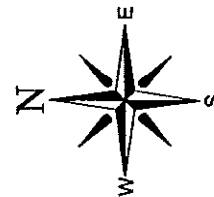
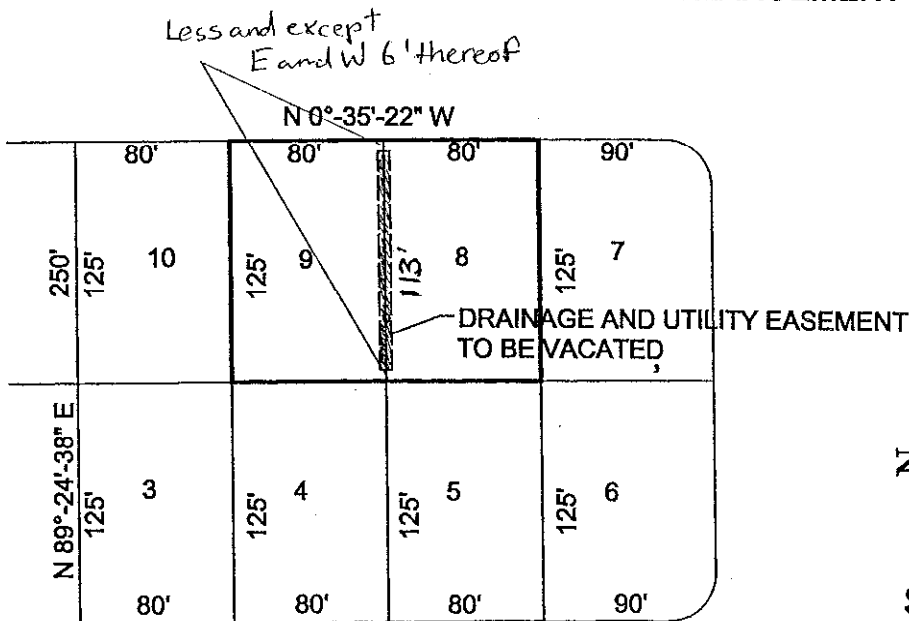
PARCEL STRAP #21-45-27-15-00098.0080
and STRAP #21-45-27-15-00098.0090

Owner: Jutta Buhler

Section 21, Township 45 South, Range 27 East
Lehigh Acres Subdivision, Unit 15
Plat Book 18, Page 68, public records of Lee County, Florida



AREA OF EASEMENTS TO BE VACATED
SEE ENLARGEMENT BELOW



Scale: 1"=100'