

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY **BLUE SHEET NO: 20020208**

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00001 to vacate a 12' Public Utility and Drainage Easement between the common lot lines of lots 2,3, and 4, Block 36, Unit 13, Section 16, Township 45 South, Range 27 East, Lehigh Acres, Florida as recorded in Plat Book 27, Page 176, of the Public Records of Lee County Florida, less and except the north 20 feet thereof, and the east and west six feet thereof.

WHY ACTION IS NECESSARY: Combine 3 lots to build a Single Family home. The vacation of the Public Utility and Drainage 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:

COMMISSION DISTRICT # 5

5:00 #2

3. MEETING DATE:

03-26-2002

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:  Peter J. Eckenrode, Director

7. BACKGROUND: The 12' Public Utility and Drainage Easement between the common lot lines of lots 2,3, and 4, Block 36, Unit 13, Section 16, Township 45 South, Range 27 East, Lehigh Acres, Florida as recorded in Plat Book 27, Page 176, of the Public Records of Lee County Florida, less and except the north 20 feet thereof, and the east and west six feet thereof. The project is located at 704 Dubarry Avenue South, Lehigh Acres, FL


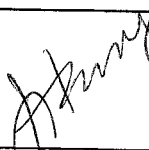

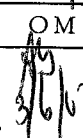
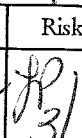

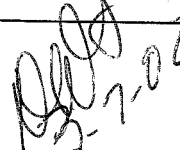
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommend approval.

Attached to this Blue Sheet is the Original 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			 3/4/02	 3/6/02	 3/6	 3/6	 3-7-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: 3/1/02

Time: 3:00 pm

Forwarded To:

Admin

3/4/02 12:PM

RECEIVED BY
COUNTY ADMIN.

3/4 200

COUNTY ADMIN.
FORWARDED TO:

3/7 100

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: VAC2002-00001

WHEREAS, Petitioner Kelly Angus 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 _____; 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. VAC2002-00001 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
SOUTH WEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

LEGAL DESCRIPTION

A 12' Public Utility and Drainage Easement centered on the common lot lines of lots 2, 3 & 4, Block 36, Unit 13, of Lehigh Acres, as recorded in the Plat Book 27, Page 476 of the Public Records of Lee County, Florida, Section 16, Township 45 South, Range 27 East, less and except the north 20 feet thereof, and the east and west 6 feet thereof.

SURVEY PLAT

OF
 LOTS 2, 3 & 4 BLOCK 36, LEHIGH ACRES UNIT 13
 AS RECORDED IN PLAT BOOK 36, PAGE 176
 LYING IN
 SECTION 16, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
 LEE COUNTY, FLORIDA

NOTES:

SURVEY PLAT BASED ON THE RECORD PLAT OF LEHIGH ACRES UNIT 13 AS RECORDED IN PLAT BOOK 27, PAGE 176 AND THE INFORMATION BEARING THEREON. THE CENTERLINE OF PARKWAY BOULEVARD, BEING N.68°37'47"E, ACCORDING TO RECORDED PLAT LEHIGH ACRES UNIT 13, PARCEL LIES IN FLOOD ZONE "B". NO BASE FLOOD ELEVATION THIS INFORMATION WAS TAKEN FROM FLOOD INSURANCE RATE MAP 125124 0025 B, NOT PRINTED ZONE B - AREAS BETWEEN LIMITS OF THE 100 YEAR FLOOD AND 500 YEAR FLOOD. AREAS BETWEEN LIMITS OF THE 100 YEAR FLOOD AND 500 YEAR FLOOD ARE SUBJECT TO 100 YEAR FLOODING WITH AVERAGE DEPTH LESS THAN 10 FEET AND WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE, OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.

THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON INFORMATION FROM THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH THE FEDERAL GOVERNMENT PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

PARCELS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

WETLANDS, IF ANY, WERE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OF ANY FEDERAL, STATE, FEDERAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY. NOT ALL TREES HAVE BEEN LOCATED.

ELEVATIONS ARE ASSUMED WITH +100.00 FEET AT CENTERLINE OF INTERSECTION. ALL DIMENSIONS PLAT AND FIELD VERIFIED.

DATE OF LAST FIELD WORK 08-14-01.

BY: *[Signature]*
 PROFESSIONAL SURVEYOR, JR.
 LICENSE NO. 15473
 EXPIRES 08-14-03
 FLORIDA CERTIFICATE NO. 15473

DATE SIGNED: 08/14/01

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS BOUNDARY SURVEY IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE. ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

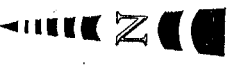
LOT 2, 3 & 4
 BLOCK 36, LEHIGH ACRES, UNIT 13
 BOUNDARY SURVEY



MERIDIAN
 SURVEYING & MAPPING, LLC
 LAND SURVEYORS & PLANNERS
 5245 RAINBOW WAY, SUITE 6
 FORT MYERS, FLORIDA 33907
 PHONE: (841) 275-4575
 FAX: (841) 275-4575
 www.meridianfl.com

FILE NAME:	15473SLWING	FIELD BOOK/PAGE:	CH/73	PROJECT NO.:	1547	SHEET:	1	OF 1
SURVEY DATE:	08-23-01	DRAWN BY:	MJM	SCALE:	1" = 50'	TLM:	16-45-27	

LOT 2, 3 & 4 BLK 36, LEHIGH ACRES, UNIT 13 PLAT BOOK 36, PAGE 176



Curve number 4
 Radius= 1236.86'
 Delta= 03°00'43"
 Arc= 65.02'
 Tangent= 32.52'
 Chord= 65.01'
 Chord Brg.= S.121°1'53"E

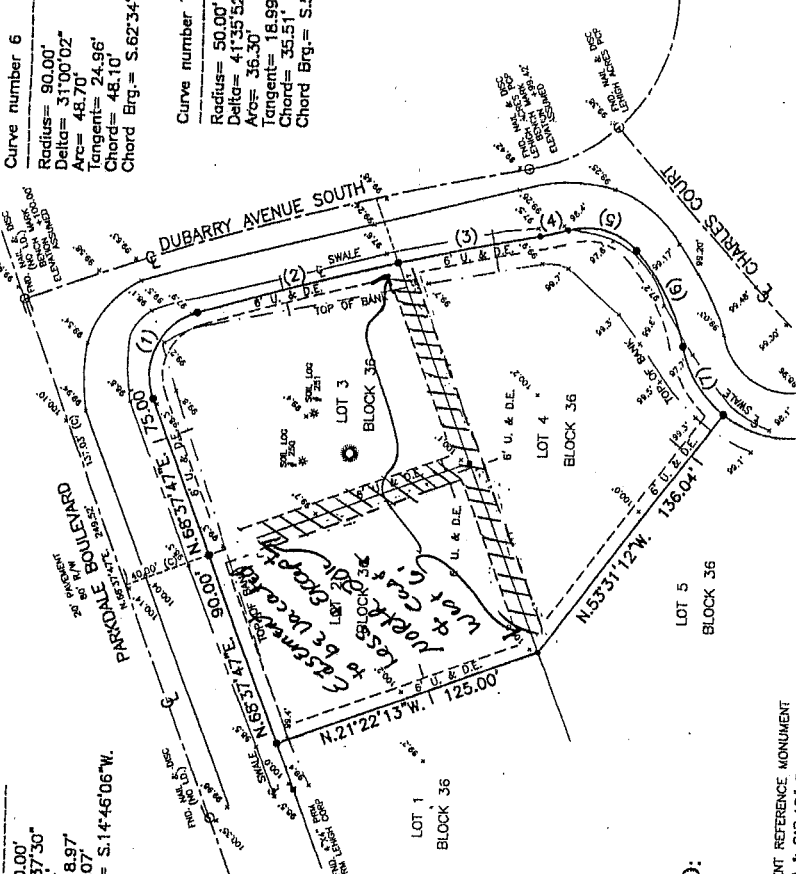
Curve number 6
 Radius= 80.00'
 Delta= 31°00'02"
 Arc= 48.70'
 Tangent= 24.96'
 Chord= 48.10'
 Chord Brg.= S.62°34'53"W

Curve number 7
 Radius= 50.00'
 Delta= 41°35'52"
 Arc= 35.30'
 Tangent= 18.99'
 Chord= 35.51'
 Chord Brg.= S.57°16'58"W

Curve number 3
 Radius= 110.00'
 Delta= 06°51'07"
 Arc= 13.15'
 Tangent= 6.59'
 Chord= 13.15'
 Chord Brg.= S.14°07'06"E

Curve number 2
 Radius= 1236.86'
 Delta= 04°20'28"
 Arc= 93.71'
 Tangent= 46.88'
 Chord= 93.69'
 Chord Brg.= S.15°52'29"E

Curve number 5
 Radius= 30.00'
 Delta= 64°37'30"
 Arc= 33.84'
 Tangent= 18.97'
 Chord= 32.07'
 Chord Brg.= S.14°46'06"W



FOR THE EXCLUSIVE USE OF:
 - MORTON T. ROSS & SON, L. MARJAND
 - TITLE SERVICES OF SOUTHWEST FLORIDA, INC.
 - LYONS HOUSING BOARD

704 Dubarry Ave
 Ephraim B

LEGEND:

- * = SOIL LOG
- FND. = FOUND
- (C) = CALCULATED
- PRM = PERMANENT REFERENCE MONUMENT
- SET IRON ROD & CAP LB# 7071
- = PERMANENT CONTROL POINT
- ⊙ = CENTER LINE
- ⊗ = 40 INCH OAK TREE
- U. & D.E. = UTILITY & DRAINAGE EASEMENT