

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020492

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00047 to vacate a six-foot wide public utility easement along the southernmost six feet of the rear of Lot 10, Block J, of PRINCIPIA Subdivision, as recorded in Plat Book 28, Page 43 of the official Public Records of Lee County, Florida **less and except** for the east six feet thereof.

WHY ACTION IS NECESSARY: To rectify a pool encroachment that has been in place over twenty years and through several different property owners. **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 #2

05-14-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE FS177
- 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 Petition to Vacate was submitted by Mr. and Mrs. S. Smith the current property owners

LOCATION: The easement in question is a six-foot wide public utility easement along the southernmost six feet of the rear of Lot 10, Block J, of PRINCIPIA Subdivision, as recorded in Plat Book 28, Page 43 of the official Public Records of Lee County, Florida **less and except** for the east six feet thereof.

LOCATION: The site is located at 856 Creighton Drive, Fort Myers, Florida, Section 22, Township 45 South, Range 24 East.

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

Attached to this Blue sheet is the Resolution for Petition to Vacate.

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
					W/H 5/3				
					OA	OM	Risk	GC	
N/A	N/A	N/A	N/A	[Signature]	5/3/02	5/3	5/3/02	5/3	[Signature]

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by County

Date: 5/3/02

Time: 10:50

Forwarded To:

Admin 11

5/3/02 11:00

RECEIVED BY

COUNTY ADMIN.

H/C 5/3/02

10:45

5/3/02 11:50am

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: VAC2001-00047

WHEREAS, Petitioner **Shannon L. and Kimberly Smith** 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 14th day of May, 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. VAC2001-00047 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 14th day of May, 2002.

ATTEST:
COMMISSIONERS
CHARLIE GREEN, CLERK

BOARD OF COUNTY
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

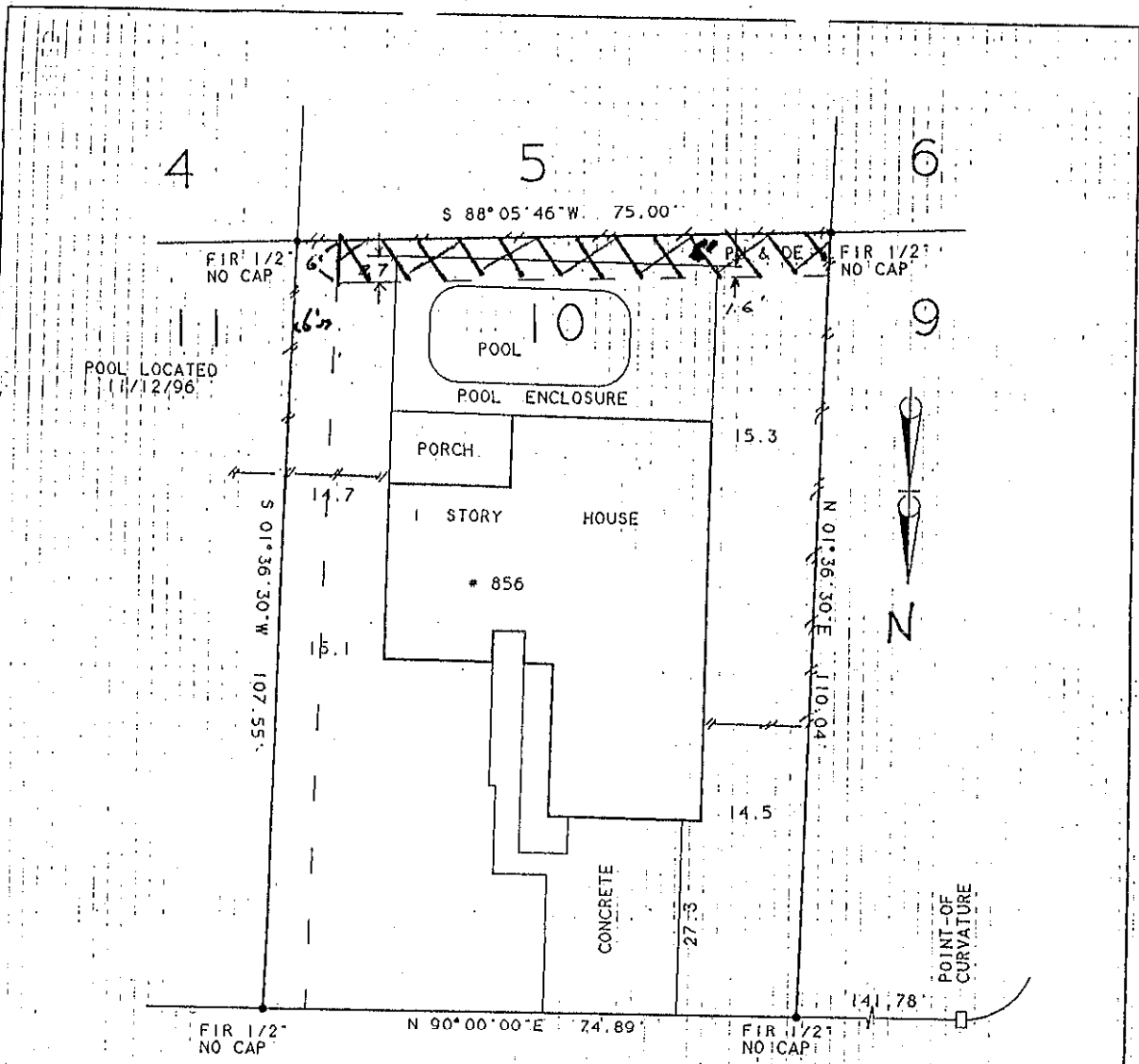
Please Print Name

LEGAL DESCRIPTION

The public utility easement to be vacated is comprised of:

The South six (6) feet of of Lot 10, Block J of the subdivision plat of "Principia" as recorded in the public records of Lee County, Florida at Plat Book 28, Page 43.

Less and except: The eastern six feet of the above easement.



CREIGHTON DRIVE (50')

BOUNDARY SURVEY

LOT 10, BLOCK J
 PRINCIPIA
 LEE COUNTY, FLORIDA
 PLAT BOOK 28 PAGES 42-44

CERTIFIED TO:
 FIRST OF AMERICAN BANK CORPORATION
 TERRY & JENNIFER KELLY
 FIDELITY NATIONAL TITLE INSURANCE CO.

Exhibit B

BASIS FOR BEARINGS: CREIGHTON DRIVE - PLAT		SCALE: 0 20	DATE: 10/30/96
COMMUNITY NUMBER 125124	PANEL NUMBER 325	SUFFIX C	DATE OF FIRM INDEX 9/20/96
FIRM ZONE A 10	BASE FLOOD ELEVATION 8	THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.	
LEGEND	PRM: PERMANENT REFERENCE MONUMENT	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	G.L. DAVIS, CERTIFICATE NO. 3196
FIR: FOUND IRON ROD	• 8.5 - EXISTING ELEVATION		
FIP: FOUND IRON PIPE	— TELEPHONE RISER		
FDH: FOUND DRILL HOLE	— WIRE FENCE		
FCM: FOUND CONCRETE MONUMENT	— BOARD FENCE		
SIR: SET IRON ROD 1/2" W/ CAP • 3196	• UTILITY POLE		
SDH: SET DRILL HOLE	(P) - PLAT		
SCM: SET CONCRETE MONUMENT	(F) - FIELD		
PUE: PUBLIC UTILITY EASEMENT	(D) - DEED		
PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT	(C) - COMPUTED		
SN&D: SET NAIL & DISK • 3196	FN&D: FOUND NAIL & DISK		

CHARLES E. DAVIS
 LAND SURVEYOR

4409 S.E. 16th PLACE SUITE 8
 CAPE CORAL, FLORIDA 33904
 TEL: (941) 540-6151 FAX: (941) 540-6152

JOB NUMBER:
 96-1794