

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020788

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00026 to Vacate a 12' wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 & 6, Block 5, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 2, of the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To construct a Single Family Residence. The vacation of the Drainage and Public Utility Easement will not alter existing drainage or utilities and the easement is not necessary to accommodate any future drainage or utility requirement.

WHAT ACTION ACCOMPLISHES: Vacates the Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04 Community Development

5:00 #4

3. MEETING DATE:

08-13-2002

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: *[Signature]* 6/27/02
- Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 13th day of August, 2002.

LOCATION: A 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6, Block 5, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26, at Page 2, of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof. The site is located at 3850 Hyde Park Drive, Section 03, Township 44 South, Range 26 East.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 <i>[Signature]</i>			G County Manager
					OA	OM	Risk	GC
<i>Mary Gibbs</i>	NIA	NIA	NIA	<i>[Signature]</i>	<i>[Signature]</i> 7/1/02	<i>[Signature]</i> 7/1/02	<i>[Signature]</i> 7/1/02	<i>[Signature]</i> 7/1/02

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

REC'D BY CO. ATTY. 6/29/02
300 PM
CO. ATTY. REFERRED TO: Co. Admin. 7/1/02 10:00 AM

REC'D BY ADMIN. TD 7/1/02 11:20 am
BY ADMIN. 7/1/02
INTD TO: BL
7/16 12:00

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: VAC2002-00026

WHEREAS, Petitioner Johnny and Mary Carbone 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 13th day of August 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. VAC2002-00026 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

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"

A legal description of the area proposed for vacation:

A twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6 Block 5 Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 2 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

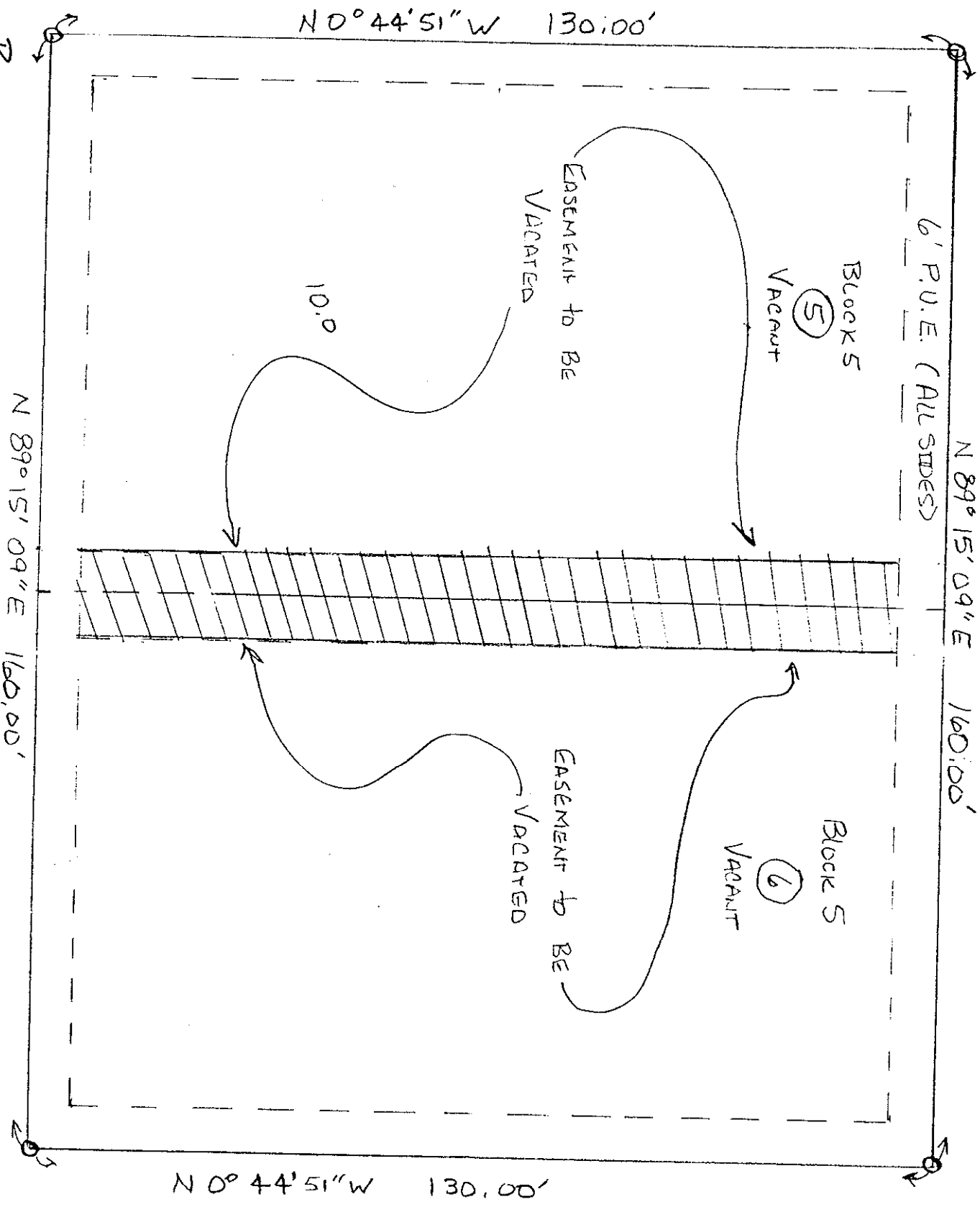
3850 HYDE PARK DR.
BLOCK 5 LOTS 5-6
UNIT 1 PLAT BOOK NO PAGEA

NEW PARCEL # 03-44-26-01-00005.0050

1" = 30'



Exhibit B



**Lee County Board Of County Commissioners
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2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04 Community Development

3. MEETING DATE: August 13, 2002

4. AGENDA:

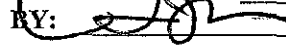
- CONSENT
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BY:  6/27/02

Peter J. Eckenrode, Director

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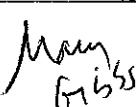
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A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
									

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
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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
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County Attorney Signature

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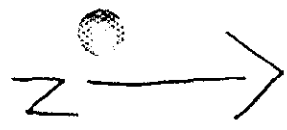


Exhibit B

