Lee County Board Of County Commissioners Agenda Item Summary

Blue Sheet No. 20020788

1. REQUESTED MOTION:

<u>ACTION REQUESTED</u>: 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.

| COMMISSION DISTRICT #: 5 | 5:00 #4 | 08-13-20 | 200 |
|--------------------------|--|------------------------|--|
| | , , | | |
| | EQUIREMENT/PURPOSE: pecify) | 6. REQUESTOR OF INFORM | <u>IATION</u> : |
| ADMINISTRATIVE O X A | TATUTE F.S. Ch. 177 DRDINANCE ADMIN. CODE 13-1 DTHER | C. DIVISION Deve | unity Development lopment Services 6/27/02- kenrode, 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: C D E County Manager Other County Human Purchasing Department Resources Attorney Director or Contracts \overline{GC} NIA NIA D BY ADMIN. TO 10. COMMISSION ACTION: APPROVED DENIED DEFERRED OTHER jgh/ June 26, 2002 G:\TIDEMARK DOCUMENTS\01-18-02 Blue Sheet.doc

THIS INSTRUMENT PREPARED BY:

Department of Community Development Development Services Division 1500 Monroe Street Fort Myers Florida 33901

| RESOLUTION NO. | FOR PETITION TO VACATE |
|----------------|------------------------|
| REGOLOTION NO. | |

Case Number: VAC2002-00026

WHEREAS, Petitioner <u>Johnny and Mary Carbone</u> 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 <u>13th day of August 2002 at 5:00 p.m.</u>; 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.

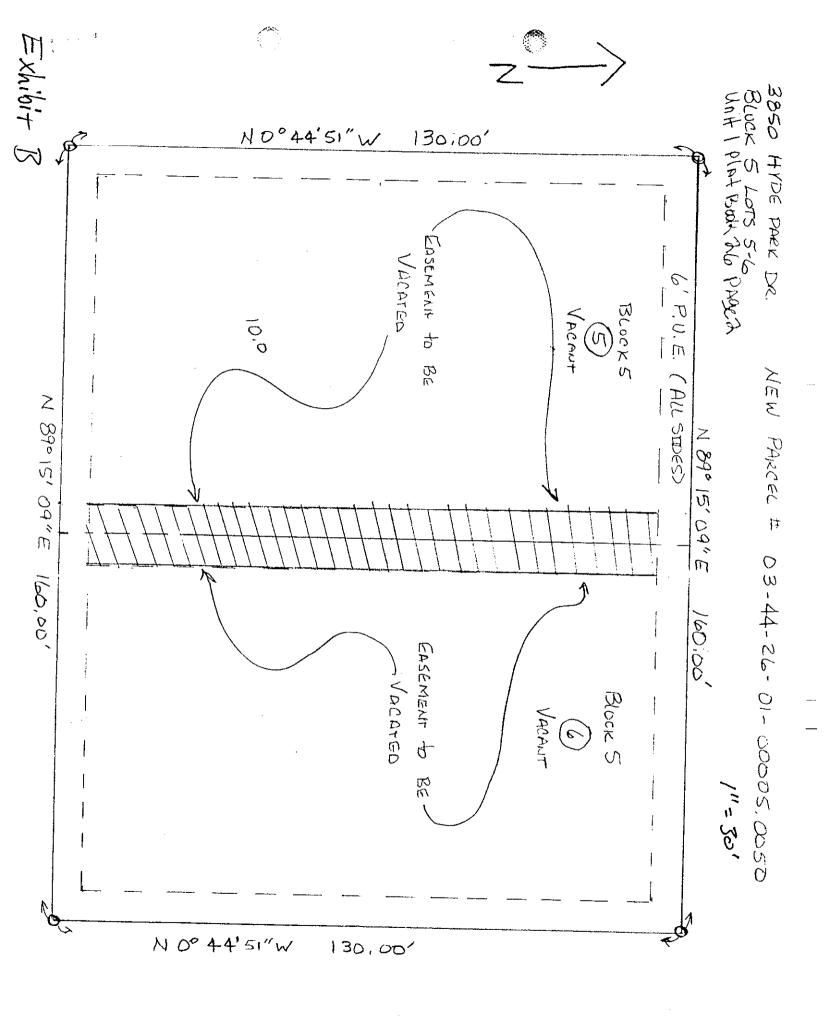
NOW therefore be it resolved by the Board of County Commissioners as follows:

| 1. | Petitio | n to Vacate No. <u>VAC2002-00026</u> 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. |
| Count | | Resolution passed by voice and entered into the minutes of the Board of missioners of Lee County, Florida, this |
| | LIE GF | BOARD OF COUNTY COMMISSIONERS REEN, CLERK OF LEE COUNTY, FLORIDA |
| | | Signature Chairman Signature Name Please Print Name |
| S (| | JAPPROVED AS TO FORM OR DA |
| | | 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.



| | | | | Board Of C Agenda Item | ounty Comm | ssioners | Rin | e Sheet No | 20020788 | |
|---|--|---|---|--|--|--|--|--|---|-----------|
| 1. <u>REQUES</u> | TED MOTIO | <u>N:</u> | | 19.00 | | i de la compania | | ing the service | | |
| Easement c | COUESTED: entered on th 6, Page 2, of | e common l | ot line betw | een Lots 5 8 | & 6, Block 5, | to Vacate Unit 1, a s | a 12' wide ubdivision | Drainage of Lehigh | and Public Utility Acres, as recorded | in s |
| Easement \ drainage o | ON IS NECE: vill not alter utility requi | existing dra rement. | iinage or u | tilities and | the easeme | nt is not n | ecessary | ne Drainag to accom | e and Public Utili modate any futur | ity 'e |
| | MENTAL CA | | 04 Com | munity Dev | velopment | 3. | MEETING | GDATE: | August 13, 2002 | |
| 4. AGENDA | 7: | • | 5. REQU | | PURPOSE: | 6. <u>I</u> | 6. REQUESTOR OF INFORMATION: | | | |
| | NSENT MINISTRATI | VE | X STA | * - | F.S. Ch. 17 | | COMMISS DEPARTM | _ | Community Developm | nent |
| | PEALS | | | IIN. CODE | 13-1 | C.] | pivision |) o o = | Development Service | es |
| | BLIC LK ON | | HTO | ER | · · · · · · · · · · · · · · · · · · · | | RY: | 701 | - 6/27/0 | 2- |
| ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | LK UN IE REQUIRE | D: | | | | | | Pete | r J. Eckenrode, Dire | ctor |
| 7. BACKG | | | | | | I | | | - 4. Lokelii 646, Bii 6 | 0101 |
| Block 5, Uni Florida, less 03, Townshi Documentat Department. | A 12-foot w t 1, a subdivis and except to p 44 South, F ion pertaining | sion of Lehig he north six Range 26 Ea to this Petit | h Acres, as feet and the st. ion to Vaca | recorded in e south six fo te is availab | n Plat Book 2 eet thereof. T ale for viewing | o, at Page he site is gat the Of | 2, of the F located at fice of the | Public Reco 3850 Hyde Clerk of C | veen Lots 5 and 6, ords of Lee County e Park Drive, Section ircuit Court, Minute | y, on |
| Attached to | this Blue shee | et is the Res | olution with | exhibits. | | · | | | | |
| B. MANAGI | EMENT REC | OMMENDA | TIONS: | | | - | | | | |
| | · | | 9. <u>R</u> | ECOMME | NDED APPR | OVAL: | ·. | | | |
| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | | Budge | F Services | · | G County Manager | r |
| 1 | or contracts | Accountes | | ZREGINCS | OA | OM | Risk | GC | | |
| May | | | | | | | | | | i |
| 0. COMMI | SSION ACTI | ON: | · . | <u> </u> | | | | 1 | - 1 | |
| · | | APPRODENII DEFE | RRED | | | | | | | |

THIS INSTRUMENT PREPARED BY:

Department of Community Development Development Services Division 1500 Monroe Street Fort Myers Florida 33901

described in the attached Exhibit "A"; and

| RESOLUTION NO. | FOR PETITION TO VACATE |
|--|--|
| Case Numl | ber: VAC2002-00026 |
| WHEREAS, Petitioner | hnny and Mary Carbone in accordance with |
| Florida Statute (F.S.) Chapter 177 ar | nd Lee County Administrative Code (LCAC) 13-1, filed |
| a Petition to Vacate the public's inte | erest in the easement, plat or portion of a plat legally |

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 |
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| 1. | Petitic | on to vacate No | VAC2002-00 | 0026 | is hereby | granted. | | |
|---------------|-------------------|--|------------------------------------|-------------------------|------------------------|---------------------------|-----------|-----------------|
| | 2. | The public's into described in Exh Exhibit "B" is here | ibit "A" and gra | easement aphically | t, plat or depicted | portion of in the sket | a plat le | egally ed as |
| | 3. | This Resolution win the public reco | vill become effe ords of Lee Co | ective upo unty, Flo | on recordi rida. | ing of a fully | executed | сору |
| Count | This F y Com | Resolution passed missioners of Lee | I by voice and County, Florid | d entered da, this _ | into the | minutes o | f the Boa | rd of |
| ATTE: CHAR | 001 v. NOOOOOgoo, | REEN, CLERK | | BOAF | | UNTY CON COUNTY, | | |
| | | Signature Name | | | | n Signature | • | Z |
| S (| | | APPROVED A | S TO FO |)RM | OR | | A |
| | | - 1 | County Attorne | ey Signa | ture | | | |
| | | | Please Pri | nt Name | | | | |

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