

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00024 to Vacate the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 & 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, of the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: It would eliminate the encroachment of a home that was built in 1974 on an existing Drainage Easement. The vacation of this easement portion will also provide clear title for future re-sale of the property. **The vacation of this five foot portion of Drainage Easement will not alter existing drainage and is not necessary to accommodate any future drainage requirements.**

WHAT THE ACTION ACCOMPLISHES: Vacates a 5-foot wide portion of a 25-foot wide drainage easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #5

3. MEETING DATE:

08-13-2002

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 [Signature] 7/12/02
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, 2001.

LOCATION: The subject parcel to vacate is the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 & 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, of the Public Records of Lee County, Florida. This site is located at 13879 Sleepy Hollow Lane, Ft Myers, Florida, Section 20, Township 43 South, Range 26 East.

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 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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
[Signature]	N/A	N/A	N/A	[Signature]	OA [Signature] 7/16/02	OM [Signature] 7/21/02	Risk [Signature] 7/16/02	GC [Signature] 7/16/02	[Signature]

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: 7/16/02
Time: 5:45pm
Forwarded To:
Admin
7/16/02 11:AM

RECEIVED BY
COUNTY ADMIN. TD
7/16/02
11:40am
7/23 2nd

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: VAC2002-00024

WHEREAS, Petitioner Dan E. and George Ann Ingram 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 August 13th, 2002; 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. VAC2002-00024 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

APPROVED AS TO FORM

County Attorney Signature

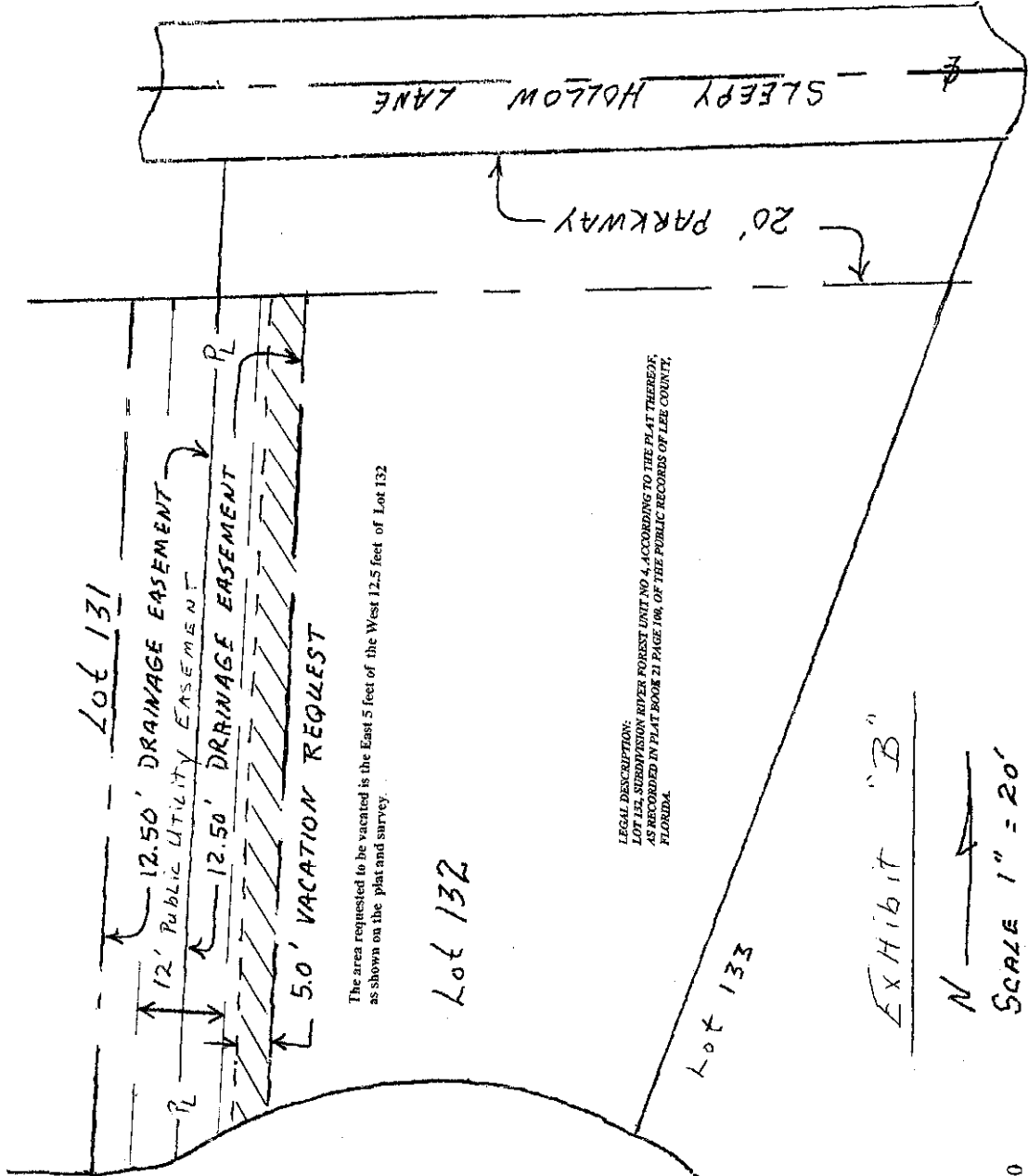
Please Print Name

VACATION REQUEST

Exhibit "A"

DESCRIPTION:

Vacate the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 and 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, located in Section 20, Township 43 South, Range 26 East, of the Public Records of Lee County, Florida.



Lot 131

12.50' DRAINAGE EASEMENT

12' PUBLIC UTILITY EASEMENT

12.50' DRAINAGE EASEMENT

5.0' VACATION REQUEST

The area requested to be vacated is the East 5 feet of the West 12.5 feet of Lot 132 as shown on the plat and survey.

Lot 132

20' PARKWAY

SLEEPY HOLLOW LANE

LEGAL DESCRIPTION:
LOT 132, SUBDIVISION RIVER FOREST UNIT NO. 4, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 21, PAGE 100, OF THE PUBLIC RECORDS OF LEE COUNTY,
FLORIDA.

Lot 133

EXHIBIT "B"

N

SCALE 1" = 20'

ON LEGAL SIZE DRAWING

N.T.S. IF REDUCED

WATER WAY

ADDRESS-13879 SLEEPY HOLLOW LANE
FT. MYERS, FL 33905

STRAP # 20-43-26-07-000000.1320

RIVER FOREST SUBDIVISION
UNIT #4

RECORDED IN PLAT BOOK #21, PAGE 100