


**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition #VAC2002-00023 to Vacate a 12' wide Public Utility Easement on the common lot line between Tracts G & M of the College Pointe Plat, Plat Book 62, Page 76, Lee County, Florida.

**WHY ACTION IS NECESSARY:** To develop a commercial site. **The vacation of the Public Utility Easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.**

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility Easement.

|   |   |   |
|---|---|---|
| 2. <b>DEPARTMENTAL CATEGORY:</b><br>COMMISSION DISTRICT #: 2  | 04<br><br><b>5:00 #1</b>  | 3. <b>MEETING DATE:</b><br><br><b>09-10-2002</b>  |
| 4. <b>AGENDA:</b><br><br><input type="checkbox"/> CONSENT<br><input type="checkbox"/> ADMINISTRATIVE<br><input type="checkbox"/> APPEALS<br><input checked="" type="checkbox"/> PUBLIC<br><input type="checkbox"/> WALK ON<br><b>TIME REQUIRED:</b> | 5. <b>REQUIREMENT/PURPOSE:</b><br>(Specify)<br><input checked="" type="checkbox"/> STATUTE <u>F.S. Ch. 336</u><br><input type="checkbox"/> ORDINANCE<br><input checked="" type="checkbox"/> ADMIN. CODE <u>13-8</u><br><input type="checkbox"/> OTHER | 6. <b>REQUESTOR OF INFORMATION:</b><br><br>A. COMMISSIONER<br>B. DEPARTMENT <u>Community Development</u><br>C. DIVISION <u>Development Services</u><br>BY:  <b>8/19/02</b><br><br>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 10th day of September 2002.

**LOCATION:** A 12-foot wide Public Utility Easement centered on the common line between Tract G and Tract M of the College Pointe Plat, as recorded in Plat Book 62, Page 76, in the Public Records of Lee County, Florida, less and except the northerly 10 feet and the southerly 35 feet thereof. The site is located at 9100 and 9101 West College Point Drive, Section 16, Township 45 South, Range 24 East.


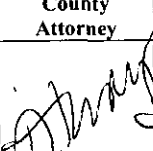
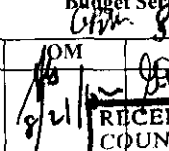
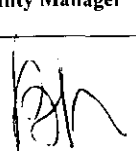
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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<br>Department Director   | B<br>Purchasing or Contracts | C<br>Human Resources | D<br>Other | E<br>County Attorney  | F<br>Budget Services   | G<br>County Manager   |
|--|------------------------------|----------------------|------------|---|--|---|
|  | N/A                          | N/A                  | N/A        |  | OM<br>Risk<br>GC<br> |  |

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: **8/19/02**  
Time: **3:20pm**

RECEIVED BY  
COUNTY ADMIN.  
**8-20-02**  
**9:30**  
COUNTY ADMIN.  
FORWARDED TO:

For info 198  
Act in 19  
**8/20/02 9:47AM**

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: VAC2002-00023

WHEREAS, Petitioner Lake Pointe Commons, L.L.P. and Lake Pointe Commons Professional Office Condominium Association, Inc. 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 10<sup>th</sup> day of September 2002 @ 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. VAC2002-00023 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

EXHIBIT "A"

LEGAL DESCRIPTION

Proposes 12-foot Public Utility Easement Vacation  
For  
Lake Pointe Commons, LLP

The 12-foot wide public utility easement centered on the common line between Tract G and Tract M of the College Pointe plat, PB 62, PG 76, Lee County, less and except the northerly 10-foot (the 10-foot PUE adjacent to West College Pointe Drive) and the southerly 35-foot (the 35-foot easement covering College Pointe Court) thereof