

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20030122

1. **REQUESTED MOTION:**

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00054 to Vacate a 12-foot wide Public Utility Easement centered on Lots 22 and 23, Town and River Estates, Unit 2, as recorded in Plat Book 23, Page 56, Lee County, Florida.

WHY ACTION IS NECESSARY: To demolish two existing homes and combine the lots into one residential building 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. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #: 3

04

5:00 #1

3. **MEETING DATE:**

02-25-2003


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:  1-28-03

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 25th day of February 2003.

LOCATION: A 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East, as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida. The site is located at 778 & 794 Cypress Lake Circle.

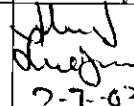
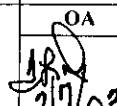
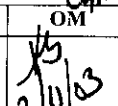
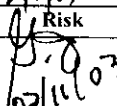
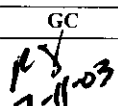
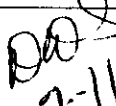
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 2/11/03				G County Manager
					OA	OM	Risk	GC	
1-001 Gibbs	N/A	N/A	N/A	 2-7-03	 2/7/03	 2/11/03	 2-11-03	 2-11-03	 2-11-03

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 1/31/03
Time: 11:45 AM
Forwarded To:
CO. ADM.
2/7/03 11AM

RECEIVED BY
COUNTY ADMIN. 
2-7-11-03
COUNTY ADMIN. 
FORWARDED TO:
2-11-03
2-11-03 3:00 PM

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: VAC2002-00054

WHEREAS, Petitioner **High Tide Real Estate Partnership, Frank Galenna, Jr., and Jamie Beth Gates Galenna** 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 25th day of February 2003 ; 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. VAC2002-00054 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"

A 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East, as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida.

SKETCH OF EASEMENTS TO BE VACATED

The 6 foot easements lying along the side lot line between Lots 22 and 23, TOWN & RIVER ESTATES, UNIT 2, a Subdivision in N 1/2 Section 20, T 45 S, R 24 E, recorded in Plat Book 23, Page 56, Public Records of Lee County, Florida

