

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET NO: 20030548

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2003-00003 to Vacate a ten foot wide Drainage Easement lying along the common lot line between Lots 8 and 9, Fort Myers Shores, Unit 4, a Subdivision in Lee County, Florida.

WHY ACTION IS NECESSARY: As a result of a building permit being issued to build the house in 1978, and a permit to expand the structure in 1996, the easement was not detected and building took place over an existing easement. **The vacation of the Drainage Easement will not alter existing utilities and the easement is not necessary to accommodate any future drainage requirement.**

WHAT THE ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 05

5:00 #1

3. MEETING DATE:

05-27-2003

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]* 5/05/03
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Mathew D. Uhle, agent for Rodolfo Saludo.

LOCATION: The Drainage Easement is located between Lots 8 and 9, less and except the west 6 feet thereof, Fort Myers Shores, Unit 4, a subdivision in Sections 19 and 30, Township 43 S, Range 26 E, recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida. This site is located at 2234 Santiago Ave., Florida.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
					QA	PM	Risk	GC	
<i>[Signature]</i>	N/A	N/A		<i>John J. Medgum 5-9-03</i>	<i>[Signature] 5/19/03</i>	<i>[Signature] 5/12/03</i>	<i>[Signature] 5/12/03</i>	<i>[Signature] 5/12/03</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *5/17/03*
Time: *4:30 pm*
Forwarded To:
*Co. ADM.
5/19/03 3PM*

RECEIVED
C
5-9
3:30
FORWARDED TO:
[Signature]
5/13 10:00

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: VAC2003-00003

WHEREAS, Petitioner RODOLFO M. SALUDO 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 27th day of May, 2003 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. VAC2003-00003 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"

Petition to Vacate
VAC2003-00003

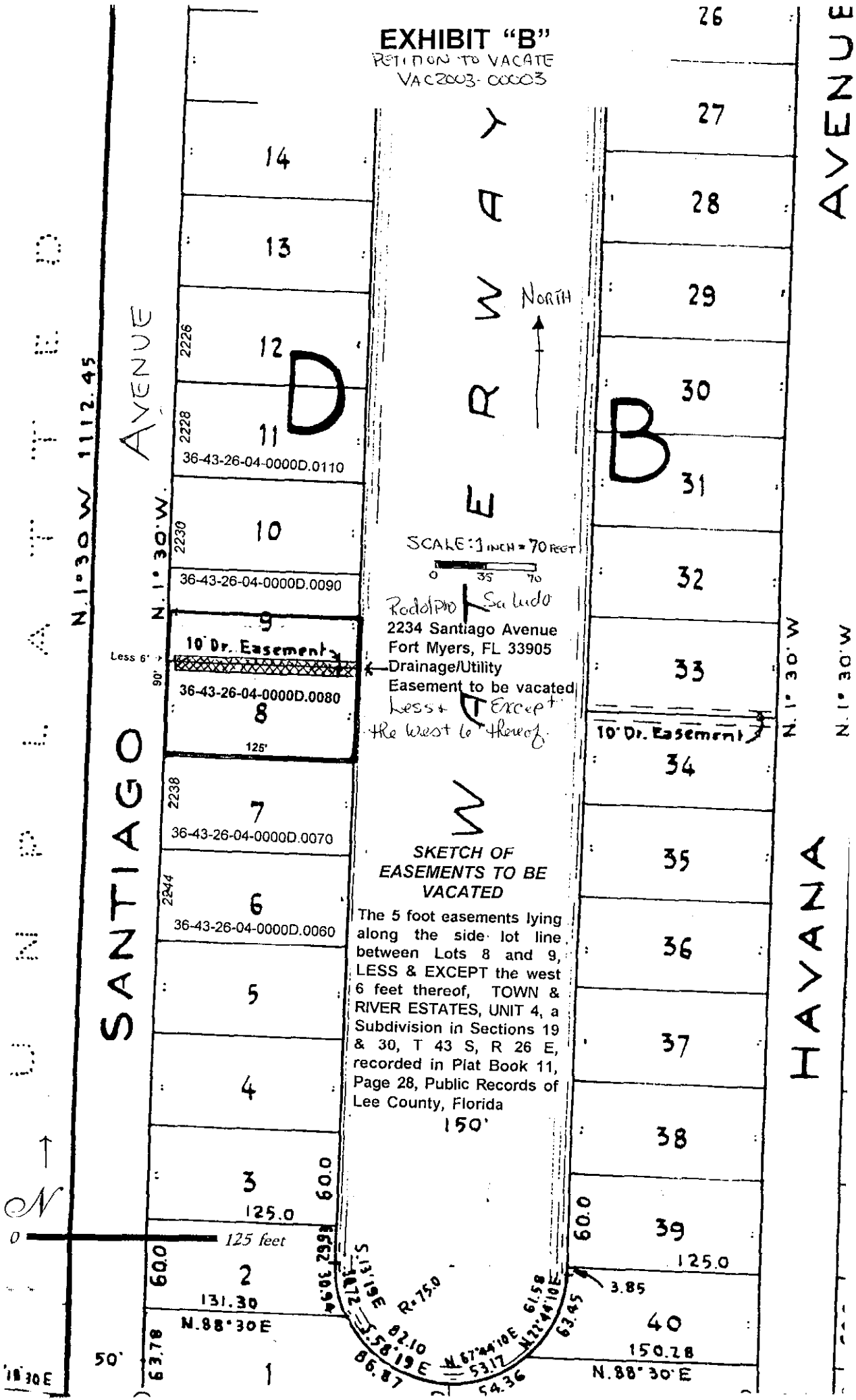
Legal Description of Drainage Easement to be Vacated:

A portion of the ten-foot wide drainage easement lying on the common lot line between Lots 8 and 9 of the Fort Myers Shores, Unit 4, a subdivision in Sections 19 and 30, Township 43 South, Range 26 East, as recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida, less and except the west 6 feet thereof.

EXHIBIT "B"

PETITION TO VACATE

VAC2003-00003

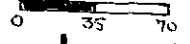


SKETCH OF EASEMENTS TO BE VACATED

The 5 foot easements lying along the side lot line between Lots 8 and 9, LESS & EXCEPT the west 6 feet thereof, TOWN & RIVER ESTATES, UNIT 4, a Subdivision in Sections 19 & 30, T 43 S, R 26 E, recorded in Plat Book 11, Page 28, Public Records of Lee County, Florida

Rodolfo T. Saludo
 2234 Santiago Avenue
 Fort Myers, FL 33905
 Drainage/Utility Easement to be vacated less & except the west 6 feet thereof.

SCALE: 1 INCH = 70 FEET



1	63.78	18.30 E	50'	1	150.28	N.88°30'E
2	600	131.30	125 feet	2	125.0	
3	600	125.0	60.0	3	60.0	
4				4		
5				5		
6	2844			6		
7	2238			7		
8				8		
9				9		
10	2230			10		
11	2228			11		
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NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2003-00003

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 27th day of May, 2003 the Board of County Commissioners of Lee County, Florida adopted Resolution No. . The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".

Please Govern Yourself Accordingly.

CHARLIE GREEN, CLERK

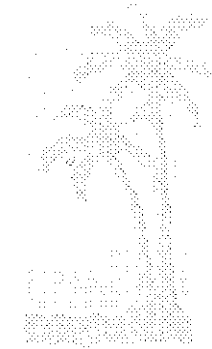
Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



LEE COUNTY

SOUTHWEST FLORIDA

Exhibit "A"

Petition to Vacate

VAC2003-00003

Legal Description of Drainage Easement to be Vacated:

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