

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20030953

1. **REQUESTED MOTION:**

Approving Petition JJ

ACTION REQUESTED: Adopt a Resolution VAC2003-00008 to vacate a 12-foot wide public utility and drainage easement between 1864 & 1865 Lockhaven Court, in Lehigh Acres, Florida. (Blue Sheet # 20030953)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. The vacation of this easement will not alter existing drainage and/or utility conditions and the easement is not necessary to accommodate any future drainage and/or utility requirements.

WHAT ACTION ACCOMPLISHES: Vacates the public utility and drainage easement.

2. **DEPARTMENTAL CATEGORY:**
COMMISSION DISTRICT #: 5

04 Community Development

5:00 #1

3. **MEETING DATE:**

08-26-2003

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: *[Signature]* *8/12/03*

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on August 26, 2003.

LOCATION: Petition No. VAC2003-00008 proposes to vacate a 12-foot wide public utility and drainage easement centered on the lot lines common to lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida; Less and Except the North six feet (6') and South six feet (6') of this easement.

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 Resources	D Other	E County Attorney	F Budget Services <i>Apr 8/14/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>Mam Gibbs</i>	N/A	N/A	N/A	<i>John J DiGeorge 8-13-03</i>	<i>[Signature]</i> <i>8/13/03</i>	<i>[Signature]</i> <i>8/13/03</i>	<i>[Signature]</i> <i>8/13/03</i>	<i>[Signature]</i> <i>8/13/03</i>	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *8/13/03*
Time: *2:20 PM*
Forwarded To:
Co. Adm.
8/13/03

RECEIVED BY
COUNTY ADMIN: *TD*
8/13 4:15
COUNTY ADMIN
FORWARDED TO: *BVA*
8/13 4:00

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: **VAC2003-00008**

WHEREAS, Petitioner **Dorje Ying - Tibetan Buddhist Nyingmapa Meditation Center Corp.** 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 at **5:00 PM on August 26, 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. **VAC2003-00008** 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 **26th of August, 2003**.

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

Legal Description:

A twelve-foot (12') wide **Public Utility and Drainage Easement** centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida.

Less and Except: The Northerly six feet (6') and Southerly six feet (6') of this easement as measured perpendicular from the boundary line of the property.

Exhibit A

Petition to Vacate
VAC2003-00008

