

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 1908 Westboro Loop, Lehigh Acres, Florida. (Case No. VAC2003-00049)

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 utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

WHAT ACTION ACCOMPLISHES: Vacates the Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

5:00 #5

3. MEETING DATE:

10-28-2003

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]* 10/1/03
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 October 28th, 2003.

LOCATION: Petition No. VAC2003-00049 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 14 and 15, Block 310, Unit 53 of Greenbriar, a subdivision of Lehigh Acres, as recorded in Plat Book 27, Page 76, Section 06, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the East 6-feet and the West 6-feet thereof. The site is located at 1908 Westboro Loop, Lehigh Acres, Florida 33972.

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>[Signature]</i> 10/6/03				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 10-2-03	<i>[Signature]</i> 10/3/03	<i>[Signature]</i> 10/3/03	<i>[Signature]</i> 10/3/03	<i>[Signature]</i> 10/3/03	<i>[Signature]</i> 10/3/03

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 10-2-03
Time: 4:40
Forwarded To:
Co. Adm.
10/3/03 9AM

RECEIVED BY
COUNTY ADMIN. *[Signature]*
10/4/03
10:10
COUNTY ADMIN *[Signature]*
FORWARDED TO: *[Signature]*
10/8/03

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: VAC2003-00049

WHEREAS, Petitioner Alan B. Deterra and Arlene L. Deterra 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 28th of October, 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. VAC2003-00049 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

LEE COUNTY
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

County Attorney Signature

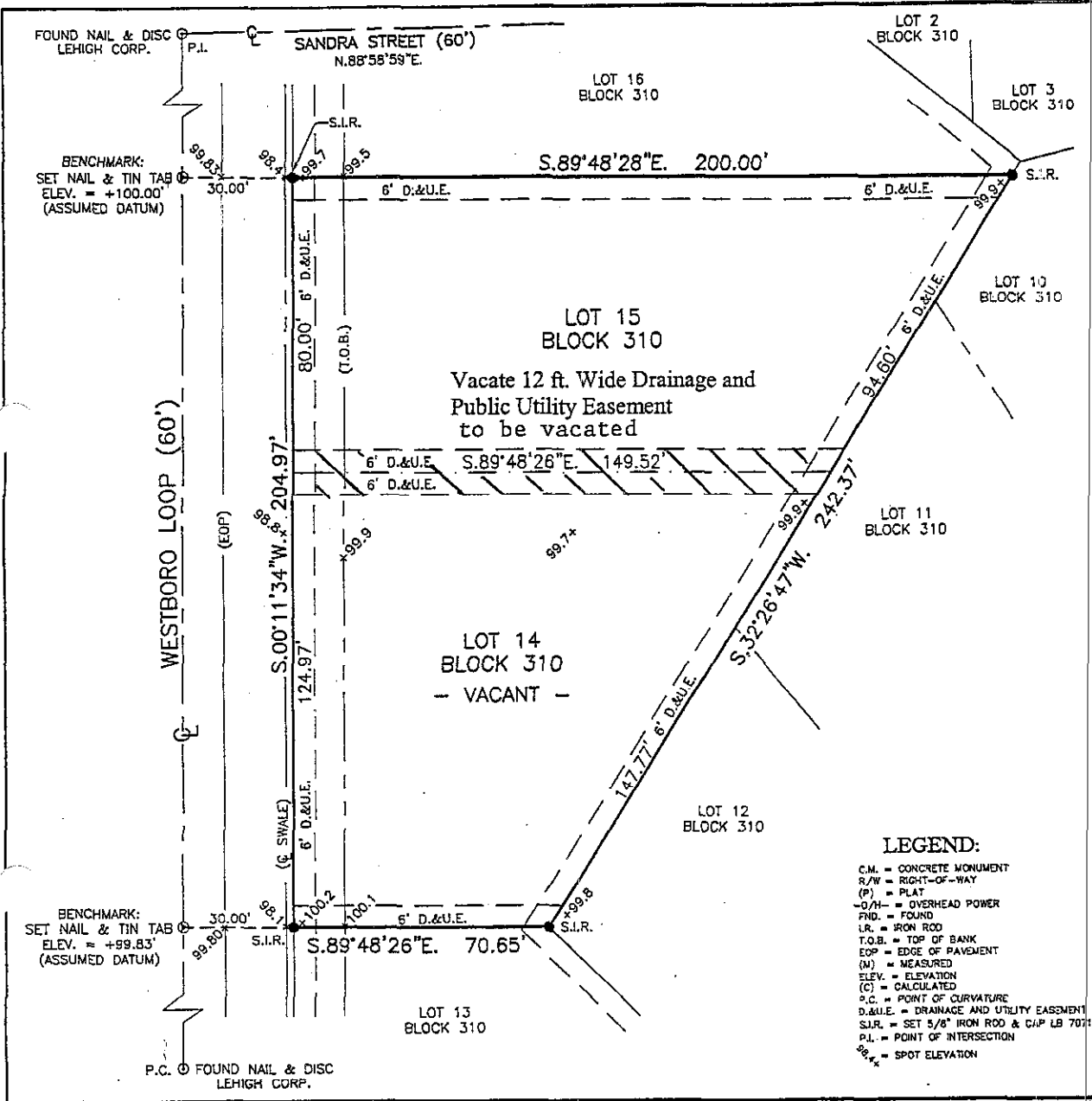
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00049

Legal description of a portion of a **Public Utility Easement and Drainage Easement** to be vacated:

A portion of a twelve-foot (12') wide **Public Utility Easement and Drainage Easement** centered on the common line between Lots 14 and 15 of Block 310, Unit 53 of the Plat of Section 6, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 27, Page 76 of the of the Public Records of Lee County, Florida.

Less and except the easterly six feet (6') and westerly six feet (6') of these easements as measured perpendicular from the boundary line of the property.



SURVEY PLAT

OF
 LOTS 14 & 15, BLOCK 310, UNIT 53 - GREENBRIAR
 A SUBDIVISION OF LEHIGH ACRES
 AS RECORDED IN PLAT BOOK 27, PAGE 76
 LYING IN
 SECTION 6, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
 LEE COUNTY, FLORIDA

NOTES:

SURVEY BASED ON THE RECORD PLAT OF UNIT 53, GREENBRIAR AS RECORDED IN PLAT BOOK 27, PAGE 76, AND EXISTING MONUMENTATION.
 BEARINGS BASED ON THE WEST RIGHT OF WAY LINE OF WESTBORO LOOP BEING S.0°11'38"W.

PARCEL LIES IN FLOOD ZONE "B". NO BASE FLOOD ELEVATION. THIS INFORMATION TAKEN FROM FLOOD INSURANCE RATE MAP 125124 0230 B, REVISION DATE 9-19-84.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

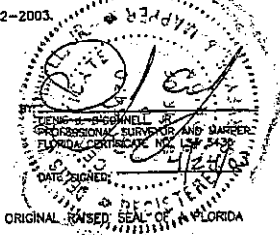
ABOVE GROUND OR UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

ALL DIMENSIONS PLAT AND FIELD VERIFIED, UNLESS OTHERWISE SHOWN.

DATE OF LAST FIELD WORK: 04-22-2003.



FOR THE EXCLUSIVE USE OF:
 - I & E DRAFTING TEAM, INC.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS BOUNDARY SURVEY IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

LOTS 14 & 15, BLOCK 310
 UNIT 53 - GREENBRIAR

TITLE: BOUNDARY & TOPOGRAPHIC SURVEY

	METRON SURVEYING & MAPPING, LLC		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457
	LAND SURVEYORS-PLANNERS LB# 7071		www.metronfl.com

FILE NAME: 4105SR.DWG	FIELD BOOK/PAGE: 119/76	PROJECT NO.:	4105	SHEET: 1 OF 1
SURVEY DATE: 04-22-2003	DRAWN BY: RAW	SCALE: 1" = 30'	CHECKED BY: DJD	FILE NO. (S-T-R): 6-44-27

EXHIBIT B
 VAC2003-00049