

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a portion of a 30-foot wide platted Utility and Drainage Easement located off of Winkler Road Extension at 8683 South Lake Circle, Fort Myers, FL 33908. (Case No. VAC2003-00058)

WHY ACTION IS NECESSARY: To construct a new single-family residence, pool and lanai on the lot. 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 Utility and Drainage Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04
5:00 #2

3. MEETING DATE:

04-13-2004

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]* 3/23/04
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 April 13, 2004.

LOCATION: Petition No. VAC2003-00058 proposes to vacate the northerly 10 feet of a 30-foot wide Drainage and Utility Easement located on the south 30 feet of Lot 34, Stonebridge South Subdivision, Section 3, Township 46 South, Range 24 East, according to the plat thereof as recorded in Plat Book 41, Pages 93 and 94 of the Public Records of Lee County, Florida. The site is located at 8683 South Lake Circle, Fort Myers, FL 33908.

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			G County Manager
					OA	OM	Risk	GC
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>John P. Resgus</i> 3/24/04	<i>1/2/04</i> 3/25/04	<i>1/2/04</i> 3/25/04	<i>1/2/04</i> 3/25/04	<i>1/2/04</i> 3/25/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: **3/24/04**
Time: **1:25 PM**
Forwarded To: **CO. Adm.**
3/25/04

RECEIVED BY
COUNTY ADMIN: **TD**
3/25/04
10520030909
COUNTY ADMIN
FORWARDED TO: **PL**
3-25-04
4pm

BK

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: VAC2003-00058

WHEREAS, Petitioner **Clifford W. and Cynthia Robinson** 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 April 13, 2004 at 5 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. VAC2003-00058 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
VAC2003-00058

Legal Description of the **Drainage** and
Utility Easement to be vacated:

A ten-foot (10') wide strip being described as the north 10 feet of the south 30 feet of Lot 34, Stonebridge South Subdivision, Section 3, Township 46 South, Range 24 East, according to the plat thereof as recorded in Plat Book 41, Pages 93 and 94 of the Public Records of Lee County, Florida.

SKETCH AND LEGAL DESCRIPTION
 OF TEN FOOT WIDE STRIP LYING IN
 SECTION 3, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
 LEE COUNTY, FLORIDA

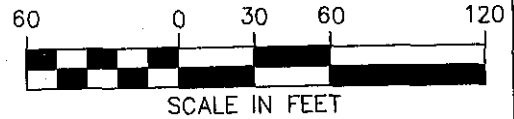
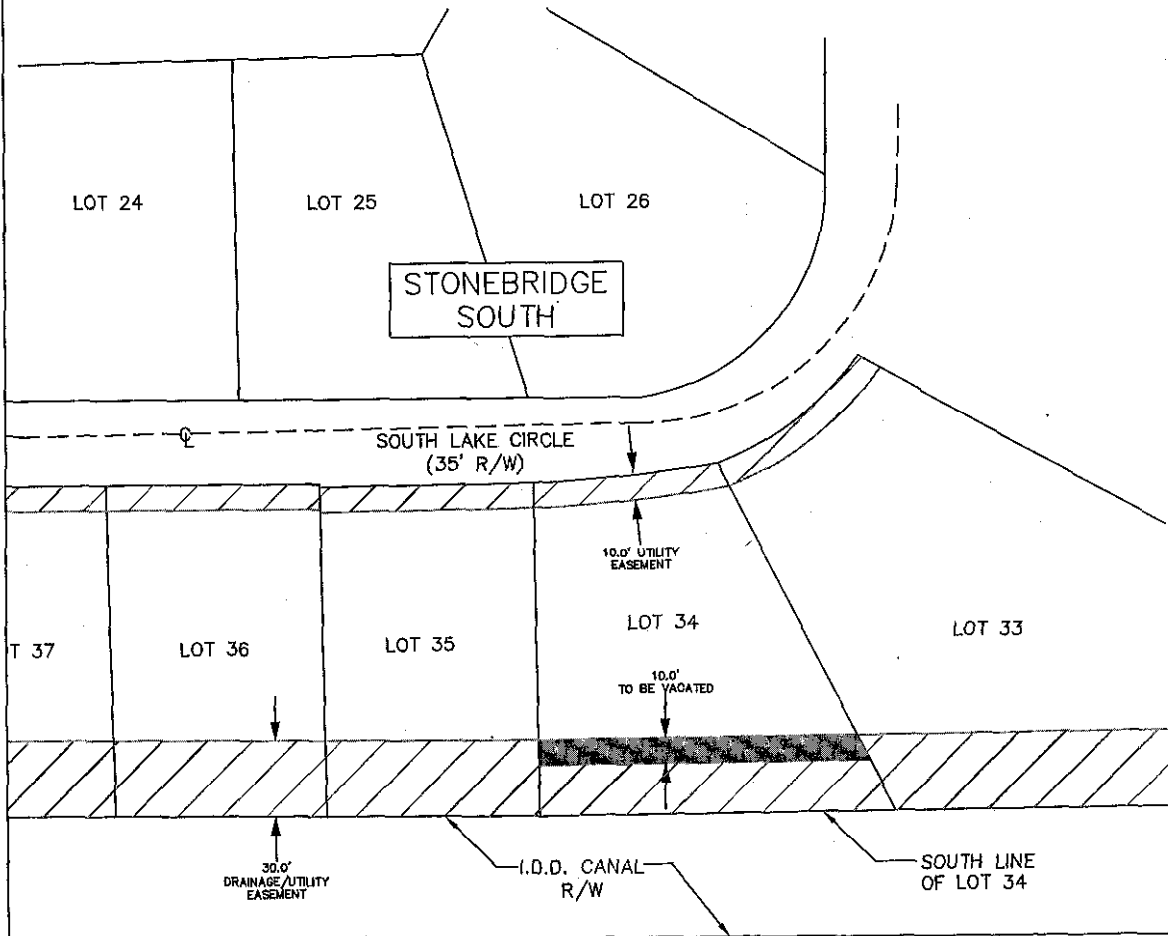


Exhibit "B"
 Petition to Vacate
 VAC2003-00058
 [Page One of One]



DESCRIPTION:

A 10 FOOT WIDE STRIP BEING DESCRIBED AS THE NORTH 10 FEET OF THE SOUTH 30 FEET OF LOT 34, STONEBRIDGE SOUTH, SECTION 3, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK 41, PAGE 94, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PREPARED BY
 AIM ENGINEERING & SURVEYING, INC.

Robert T. Simpson 1-14-04
 ROBERT TAD SIMPSON, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5359

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

THIS IS NOT A SURVEY SHEET 1 OF 1

ANY REVISIONS, ALTERATIONS, AND OR CHANGES TO AIM ENGINEERING & SURVEYING, INC. DRAWING(S) WITHOUT THE WRITTEN CONSENT OF APPROVAL BY AIM ENGINEERING & SURVEYING, INC. IS PROHIBITED.

<p>AIM Engineering & Surveying, Inc. CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT 5300 LEE BOULEVARD POST FORT MYERS, LEHIGH ACRES 239-332-4569 OFFICE BOX 1235 LABELLE 863-676-3696 LEHIGH ACRES, FLORIDA 33971 FAX 239-332-8734 E-Mail: engineering@aimengr.com CERTIFICATION OF AUTHORIZATION No. 00003114</p>	PROJECT NUMBER: 04-8578	DESCRIPTION: LEGAL AND SKETCH OF EASEMENTS TO BE VACATED	
	DRAWING BY: JSL	CLIENT: CYNTHIA AND CLIFFORD ROBINSON	
	DATE: 1/7/2004	SEC-TYP-ROE: 3-485-24E	FILE: ROBINSON
		COUNTY: LEE	