

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a portion of Platted Waterway/Canal and Public Utility Easement located at 1386 Sunrise Dr., North Fort Myers, Florida 33917, (Case No. VAC2003-00075) and authorize the Chairman to accept the donation of a replacement drainage easement. *JH*

WHY ACTION IS NECESSARY: To construct a concrete patio, retaining wall and pool as additions to an existing single-family dwelling unit, and also to restore the original developer's intent for this lot to abut the waterway. **The vacation of the canal and utility easement will not alter existing waterway/canal and utility conditions and the easement is not necessary to accommodate any future waterway/canal and utility requirements.** The Board must accept all real estate conveyances to the County. *JH*

WHAT ACTION ACCOMPLISHES: Vacates the Platted Waterway/Canal and Public Utility Easement, and provides the County with a necessary replacement drainage easement. *JH*

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: **4**

04

5:00 #1

3. MEETING DATE:

04-27-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE: *JH*
(Specify) F.S.Ch. 125&
F.S. Ch. 177

STATUTE

ORDINANCE

ADMIN. CODE **13-1**

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY: *[Signature]* 4/15/04

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 27th, 2004**.

LOCATION: Petition No. VAC2003-00075 proposes to vacate a portion of Platted Waterway/Canal Beginning at the northerly most corner of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; and a six-foot wide Public Utility Easement located along the easterly (rear) lot line of said Lot 95.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares. The Petitioner will pay the recording costs and doc. stamp fee of the replacement easement. 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
					QA	OM	Risk	GC
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 4-16-04	<i>[Signature]</i> 4/16/04	<i>[Signature]</i> 4/16	<i>[Signature]</i> 4/16	<i>[Signature]</i> 4/16/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
CO. ATTY.
3:15 P.M.
4/15/04
CO. ATTY.
FORWARDED TO:

RECEIVED BY
COUNTY ADMIN: *TD*
4/16/04
9:50 AM SLT
COUNTY ADMIN
FORWARDED TO: *PP*
4/16/04 10:10 AM

RECEIVED
PUBLIC RESOURCES
2004 APR 16 AM 10:16
 RECEIVED
PUBLIC RESOURCES
2004 APR 16 AM 10:16

BA

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: VAC2003-00075

WHEREAS, Petitioner **Thomas D. Harrell and Vicki J. Harrell** 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 27th, 2004 ; 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. VAC2003-00075 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
VAC2003-00075

Legal Description of
Portion of Platted Waterway/Canal and
Public Utility Easement to be Vacated

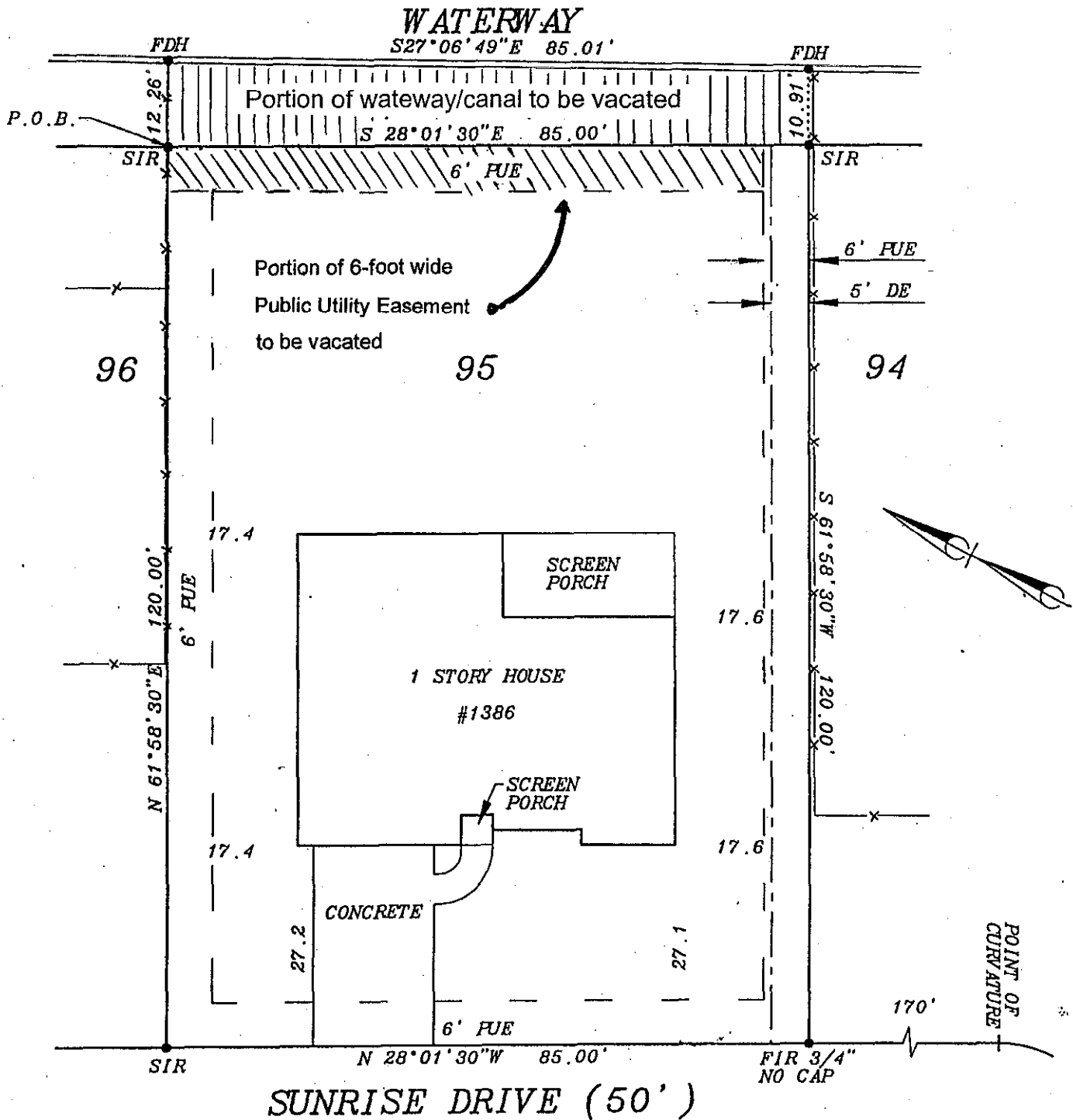
Portion of Platted Waterway/Canal to be Vacated

Beginning at the northerly most corner of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; Thence North 61° 58' 30" East along the easterly prolongation of the line between Lot 96 of the aforesaid Plat and said Lot 95 a distance of 12.26 feet to a point on the water-face of the existing seawall; Thence South 27° 06' 49" East along said seawall face a distance of 85.01 feet; Thence South 61° 58' 30" West along the easterly prolongation of the line between Lot 94 of the aforesaid Plat and said Lot 95 a distance of 10.91 feet; Thence North 28° 01' 30" West along the line between said Lot 95 and the platted waterway, a distance of 85.00 feet to the Point of Beginning. Parcel contains 984.5 square feet, more or less.

Portion of Public Utility Easement to be Vacated

The six-foot wide Public Utility Easement located along the easterly (rear) lot line of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; less and except the southerly six feet thereof.

Exhibit "B"
 Petition to Vacate
 VAC2003-00075



LOT 95
 PORT EDISON
 LEE COUNTY, FLORIDA
 PLAT BOOK 11 PAGES 19-20



THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

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Case Number: VAC2003-00075

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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. VAC2003-00075 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
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00075

Legal Description of
Portion of Platted Waterway/Canal and
Public Utility Easement to be Vacated

Portion of Platted Waterway/Canal to be Vacated

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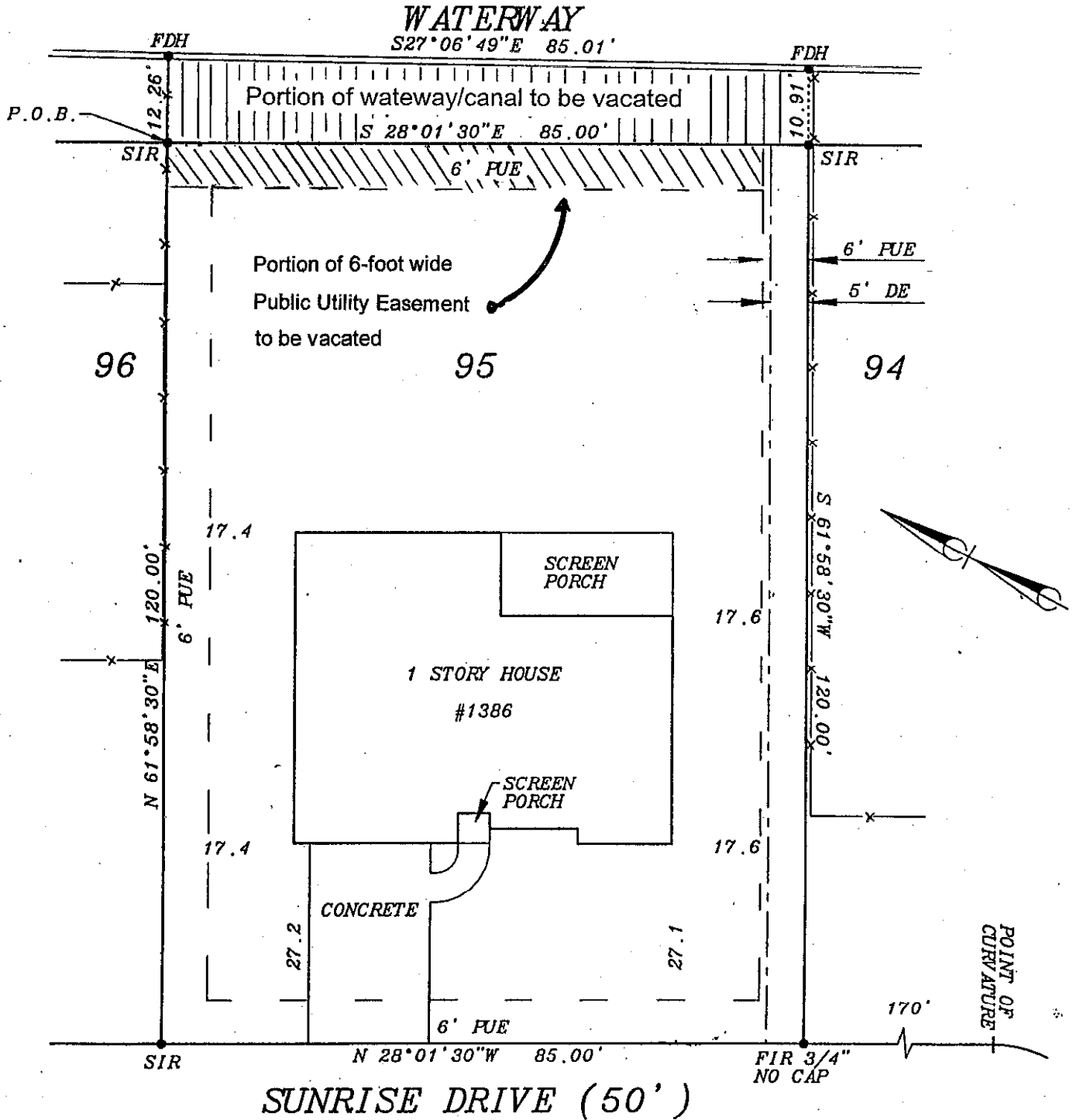
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Exhibit "B"

Petition to Vacate

VAC2003-00075



LOT 95
 PORT EDISON
 LEE COUNTY, FLORIDA
 PLAT BOOK 11 PAGES 19-20

