

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Drainage and Public Utility Easement located at 6360 Maytree Circle, Lehigh Acres, Florida 33905 (Case No. VAC2004-00013)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined two (2) 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 Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

5:00 #3

3. MEETING DATE:

04-27-2004

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]* 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 27, 2004.

LOCATION: Petition No. VAC2004-00013 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 59 and 60, Block 13, East Part of Unit 3, Replat of Resubdivision of Block B, Northwest Section in Section 16, Township 44 South, Range 26 East, Buckingham Park, a subdivision of Lehigh Acres, as recorded in Plat Book 27, Page 190, of the Public Records of Lee County, Florida, **LESS and EXCEPT** the northerly 6-foot and the southerly 6-foot thereof. The site is located at 6360 Maytree Circle, Lehigh Acres, Florida 33905.

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.

RECEIVED
 PUBLIC RECORDS
 2004 APR 16 AM 10:16

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
					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> 4/16/04	<i>[Signature]</i> 4/16/04	<i>[Signature]</i> 4/16/04

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

REC'D.
 by CO. ATTY.
 3:15 P.M.
 4/15/04
 CO. ATTY.
 FORWARDED TO:

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 4/16/04
 9:50 AM SLT
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 4/16/04 10:42 AM

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: VAC2004-00013

WHEREAS, Petitioner Sherry L. Taylor 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 27, 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. VAC2004-00013 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
VAC2004-00013

**Legal Description of the Public Utility Easement
& Drainage Easement to be Vacated**

The twelve-foot (12') wide Public Utility Easement and Drainage Easement centered on the common lot line between Lots 59 and 60; all in Block 13, East Part of Unit 3, Replat of Resubdivision of Block B, Northwest Section in Section 16, Township 44 South, Range 26 East, Buckingham Park, a subdivision of Lehigh Acres, as recorded in Plat Book 27 at Page 190 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	103°30'10"	25.00'	45.16'	31.71'	39.27'	S 37°27'35"W

LOT 58 BLOCK 13
N 00°47'20"W 125.00'

LEGEND:
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 DUE = DRAINAGE & UTILITY EASEMENT

C/L
 MAYTREE CIRCLE

S 89°12'40"W 158.31'

6' DUE (TYP)

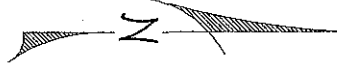
POC

N 00°47'20"W 113.00'

S 00°47'20"E 113.00'

12-foot wide Public
 Utility Easement
 & Drainage Easement
 to be vacated

ASTORIA AVENUE



LOT 2
 S 89°12'40"W 121.00'

LOT 1
 160.00'

80.00'

LOT 59

BLOCK 13

LOT 60

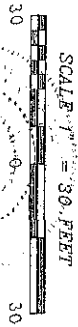
BLOCK 13

S 14°17'30"E 96.84'

R. K. BURNS SURVEYING, INC.
 W0#04-0007L

1000 Piedmont Avenue
 Fort Pierce, FL 34949
 (888) 936-4550 Business
 (888) 936-3667 Fax

THIS IS NOT A BOUNDARY SURVEY
 SKETCH TO ACCOMPANY LEGAL
 DESCRIPTION SHEET 1 OF 1



By: [Signature]
 John S. Burns, Sr., P.S. & M., 155583
 R.K. Burns Surveying, Inc., EB6133
 15 JAN 2004

LEGAL DESCRIPTION:
 AN EXISTING 12 FOOT DRAINAGE AND UTILITY EASEMENT AS DESCRIBED IN THE PLAT NOTES, LYING 6 FOOT EACH SIDE OF THE LINE BETWEEN LOT 59 AND LOT 60, OF BLOCK 13, LESS AND EXCEPT THE NORTH AND SOUTH 6 FEET THEREOF, AS SHOWN IN THE MAP OR PLAT OF THE EAST PART OF UNIT 3, OF THE REPLAT OF THE RESUBDIVISION OF BLOCK B, OF BUCKINGHAM PARK - NORTHEAST SECTION, AS RECORDED IN PLAT BOOK 27, PAGES 185 THROUGH 193, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID LOT 60, BEING THE SOUTHEAST CORNER OF AFORESAID LOT 59, BLOCK 13; THENCE N 00°47'20"W ALONG THE LINE BETWEEN SAID LOTS 59 & 60, A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING OF THE DRAINAGE AND UTILITY EASEMENT HEREIN DESCRIBED:
 THENCE S 89°12'40"W PARALLEL WITH THE SOUTH LINES OF SAID LOTS 59 AND 60, A DISTANCE OF 6 FEET TO THE WEST SIDE OF SAID DRAINAGE AND UTILITY EASEMENT; THENCE ALONG THE WEST SIDE OF SAID EASEMENT; N 00°47'20"W PARALLEL WITH THE LINE BETWEEN SAID LOTS 59 & 60, A DISTANCE OF 113 FEET TO A POINT 6 FEET FROM THE NORTH LINE OF SAID LOT 59; THENCE ALONG A LINE 6 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINES OF SAID LOTS 59 & 60 N 89°12'40"E 12 FEET TO THE EAST SIDE OF SAID DRAINAGE AND UTILITY EASEMENT; THENCE ALONG THE EAST SIDE OF SAID DRAINAGE AND UTILITY EASEMENT S 00°47'20"E PARALLEL WITH THE LINE BETWEEN SAID LOTS 59 & 60, A DISTANCE OF 113 TO A POINT 6 FEET FROM THE SOUTH SIDE OF SAID LOT 60; THENCE ALONG A LINE 6 FEET NORTH OF AND PARALLEL WITH THE SOUTH SIDE OF SAID LOT 60 A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING.

Exhibit "B"
 Petition to Vacate
 VAC2004-00013
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