

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 #1

3. MEETING DATE:

06-22-2004

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
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>John J. Thegn</i> 3-24-04	<i>OAD</i> <i>John</i> 3/25/04	<i>OM</i> <i>John</i> 3/25/04	<i>Risk</i> <i>John</i> 3/25/04	<i>GC</i> <i>John</i> 3/25/04

10. COMMISSION ACTION:

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- OTHER

*Continued*

Rec. by CoAtty  
Date: 3/24/04  
Time: 1:25 PM  
Forwarded To: CC Doc  
3/25/04

RECEIVED BY  
COUNTY ADMIN: TD  
3/25/04  
COUNTY ADMIN  
FORWARDED TO: PR  
3-25-04  
4pm

*BH*

THIS INSTRUMENT PREPARED BY:

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

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**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

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

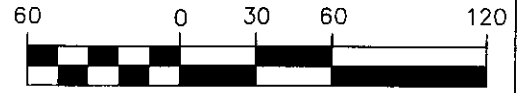
\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
Petition to Vacate  
VAC2003-00058

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

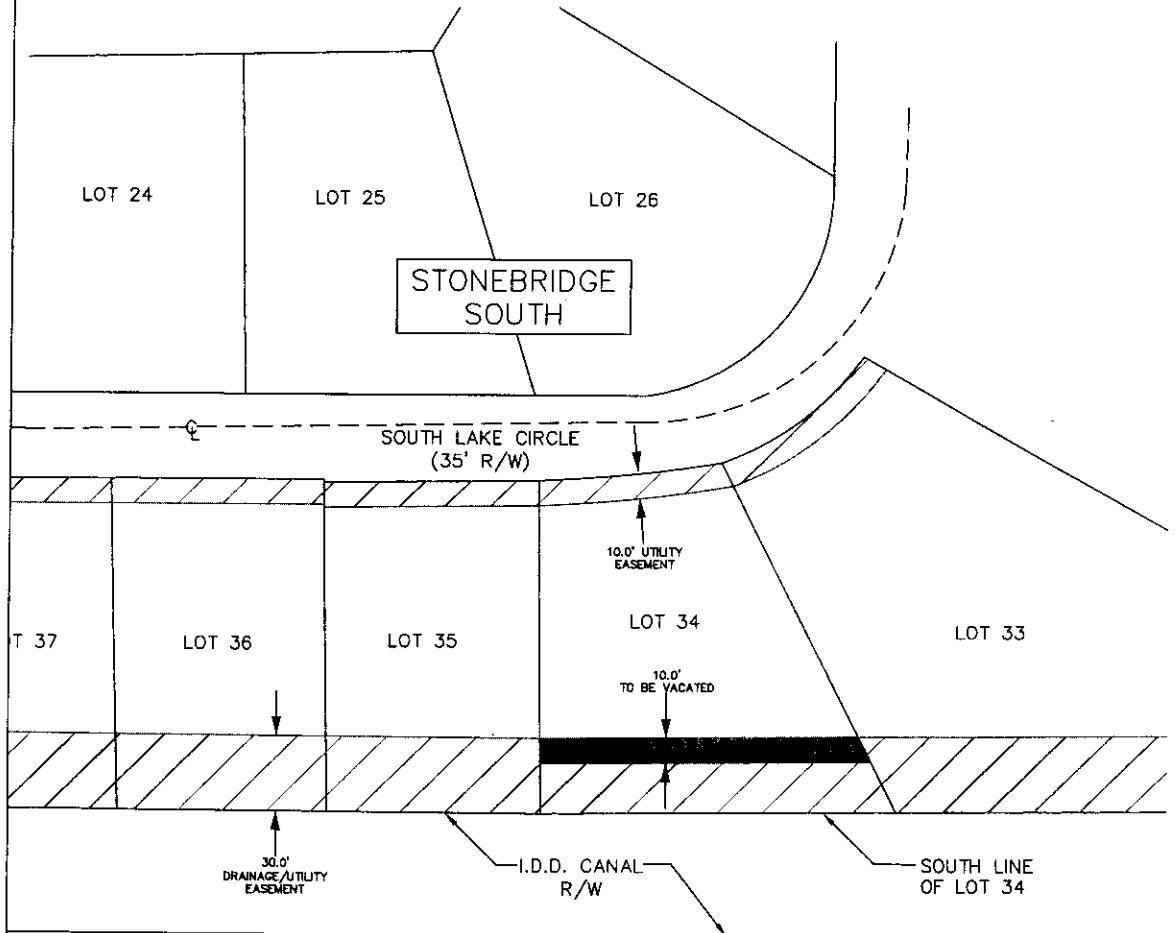
A ten-foot (10') wide strip being described as the north 10 feet of the south 30 feet of Lot 34, Stonebridge South Subdivision, Section 3, Township 46 South, Range 24 East, according to the plat thereof as recorded in Plat Book 41, Pages 93 and 94 of the Public Records of Lee County, Florida.

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



SCALE IN FEET

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 Tad Simpson* 1-14-04  
ROBERT TAD SIMPSON, P.S.M. DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5559

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><b>AIM Engineering &amp; Surveying, Inc.</b> CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT</p> <p>5300 LEE BOULEVARD POST OFFICE BOX 1235 LEHIGH ACRES, FLORIDA 33971 E-Mail: <a href="mailto:engineering@aimengr.com">engineering@aimengr.com</a></p> <p>FORT MYERS, LEHIGH ACRES 239-332-4569 LABELLE 863-675-3696 FAX 239-332-8734 CERTIFICATION OF AUTHORIZATION No. 00003114</p>	PROJECT NUMBER: 04-8576	DESCRIPTION: LEGAL AND SKETCH OF EASEMENTS TO BE VACATED		
	DRAWING BY: JSL	CLIENT: CYNTHIA AND CLIFFORD ROBINSON		
	DATE: 1/7/2004	SEC-TWP-RGE: 3-48S-24E	FILE: ROBINSON	COUNTY: LEE
	<p>THIS IS NOT A SURVEY SHEET 1 OF 1</p>			

**From:** John Fredyma  
**To:** Geren, Patricia  
**Date:** 4/22/04 6:03PM  
**Subject:** Withdrawal of Petition to Vacate

Cathy,

On April 13, 2004, at 5 PM, Petition to Vacate Case VAC2003-00058 (for Clifford and Cynthia Robinson) was presented to the BOCC as 5 PM Public Hearing Agenda Item #2.

I asked, and the BOCC approved, a request to continue that case to June 22, 2004 at 5 PM.

Subsequently, the Petitioners have requested to withdraw their Petition. DCD Staff has no objections and requested that I withdraw the item.

Who do I need to notify to effect the requested withdrawal?

John

**From:** John Fredyma  
**To:** Geren, Patricia  
**Date:** 4/23/04 8:13AM  
**Subject:** Re: Withdrawal of Petition to Vacate

That will be fine. Thank you.

John

>>> Patricia Geren 04/23/04 07:53AM >>>  
John,

Since the Public Hearing was continued to a date certain, I think it should be scheduled on the agenda with a notation that the Petition has been withdrawn. I will also note that on the recap sheet that is distributed.

Kathy

Patricia K. (Kathy) Geren  
Administrative Specialist  
Public Resources  
[gerenpk@leegov.com](mailto:gerenpk@leegov.com)  
Phone: 239-335-2215  
FAX: 239- 335-2449

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Administrative Specialist  
Public Resources  
[gerenpk@leegov.com](mailto:gerenpk@leegov.com)  
Phone: 239-335-2215  
FAX: 239- 335-2449

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