

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution to Vacate a 20-foot wide Lake Maintenance Easement at 16111 Bentwood Palms Drive, Fort Myers, Florida 33908, located off of McGregor Boulevard, north of Summerlin Road (Case No. VAC2003-00050).

**WHY ACTION IS NECESSARY:** Vacate the easement to allow issuance of an after-the-fact permit for the existing deck structure. **The vacation of this easement will not adversely impact the ability of the maintenance entity to provide proper lake maintenance.**

**WHAT ACTION ACCOMPLISHES:** Vacates the Lake Maintenance Easement.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 3

04

5:00 #3

**3. MEETING DATE:**

07-27-2004

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**  
(Specify)

**6. REQUESTOR OF INFORMATION:**

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

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

- A. COMMISSIONER *Mary Gibbs*
- B. DEPARTMENT *Community Development*
- C. DIVISION *Development Services*
- BY: \_\_\_\_\_

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 the 27<sup>th</sup> day of July, 2004.

**LOCATION:** The site is located at **16111 Bentwood Palms Drive, Fort Myers, Florida 33908**, and its strap number is 01-46-23-27-00000.0690. Petition No. VAC2004-00050 proposes to vacate a 20-foot wide Lake Maintenance Easement situated on the rear of lot 69, Coconut Creek Subdivision, Phase I, as recorded in Plat Book 48, Page 35 to 38, Section 1, Township 46 South, Range 23 East, of the Public Records of Lee County, Florida.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

The South Florida Water Management District could not recommend approval of the request. However, it deferred a decision on the appropriateness of the placement of the structure to the Coconut Creek Homeowners Association, the entity responsible for maintenance of the facility. After careful consideration, the HOA does not object to the placement of the structure, which is existing and further stated that its maintenance responsibility will not be impacted.

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>2pm 7/1/04</i>			G County Manager
					OA	OM	Risk	GC
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 6/24/04	<i>[Signature]</i> 6/28/04	<i>[Signature]</i> 6/28/04	<i>[Signature]</i> 6/24/04

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *6/27/04*  
Time: *1:20 PM*  
Forwarded To: *Co. Adm.*  
*6/24/04 9AM*

RECEIVED BY  
COUNTY ADMIN  
*6/24/04*  
*10:50am*  
COUNTY ADMIN  
FORWARDED TO:  
*7/1/04*  
*12:30 PM*

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: VAC2003-00050

WHEREAS, Petitioner Charles I. and Georgia J. Todd 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 27<sup>th</sup> day of July, 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. VAC2003-00050 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**  
**VAC2003-00050**

LEE COUNTY  
RECEIVED  
01 JUN 10 AM 11:48  
COMM. DEV/  
PUB. WRES. CNTR.  
SECOND FLOOR

**Legal Description of portion of Lake Maintenance Easement to be Vacated**

The twenty-foot wide Lake Maintenance Easement situated on the easterly twenty feet of Lot 69 of the Plat of Coconut Creek - Phase I, a subdivision lying in Section 1, Township 48 South, Range 23 East, as recorded in Plat Book 48, Pages 35 through 38 of the Public Records of Lee County, Florida; BUT NOT VACATING OR RELEASING any portion of the Seven and One-half foot wide drainage easement lying along the southerly lot line of the subject property to the extent this easement may lie within the portion of the above-described Lake Maintenance Easement to be vacated.

# COCONUT CREEK - PHASE I

A SUBDIVISION LYING IN  
SECTION 1, TOWNSHIP 48 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA.

LEE COUNTY  
RECEIVED

04 JUN 10 AM 11:48

COM. DEV.  
PUB. WRKS. CNTR.  
SECOND FLOOR

