

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 35-foot wide platted easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities at 6881 Martin's Way and 6887 Highland Park Circle, Fort Myers, Florida 33912, located off of Plantation Road. (Case No. VAC2004-00017)

WHY ACTION IS NECESSARY: To construct additions to each of the two existing homes. **This easement was originally dedicated to provide for future widening of Honeysuckle Road. Honeysuckle Road was never constructed and in fact was vacated by the BOCC in June 1995. Therefore, the vacation of this easement will not alter existing sidewalks, drainage and utility conditions and the easement is not necessary to accommodate any future sidewalks, drainage and utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates an Easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities.

2. **DEPARTMENTAL CATEGORY:** 04
COMMISSION DISTRICT #: 2

5:00 #5

3. **MEETING DATE:**
08-24-2004

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]* 8/16/04
 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 24th day of August, 2004.

LOCATION: The site is located at **6881 Martin's Way and 6887 Highland Park Circle, Fort Myers, Florida 33912** and its strap numbers are 18-45-25-08-00000.0830 and 18-45-25-08-00000.0840. Petition No. VAC2004-00017 proposes to vacate that portion of a 35-foot wide platted easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities over and across the westerly 35' of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40 at Page 69 of the Public Records of Lee County, Florida; **BUT NOT VACATING OR RELEASING** any portion of the 6-foot wide public utility easements lying along the side lot lines of Lots 83 and 84, to the extent these easements may lie within the portion of the above-described easement to be vacated.

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 OM Risk GC			G County Manager
<i>Mary G...</i>	N/A	N/A	N/A	<i>John J. ...</i>	<i>8/10/04</i>	<i>8/10/04</i>	<i>8/10/04</i>	<i>P.M. 8/9/04</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: 8/16/04
 Time: 4:10
 Forwarded To:
 Co. Adm.

RECEIVED BY
 COUNTY ADMIN
 8/19/04
 11:30am SGT
 COUNTY ADMIN
 FORWARDED TO:
 8/11/04
 2:45pm

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: VAC2004-00017

WHEREAS, Petitioners, **Antonio R. and Nina Paz G. Pizarro, and Jean W. LaRosa, as Trustee of the Jean W. LaRosa Revocable Trust** 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 24th day of August, 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. VAC2004-00017 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

VAC2004-00017

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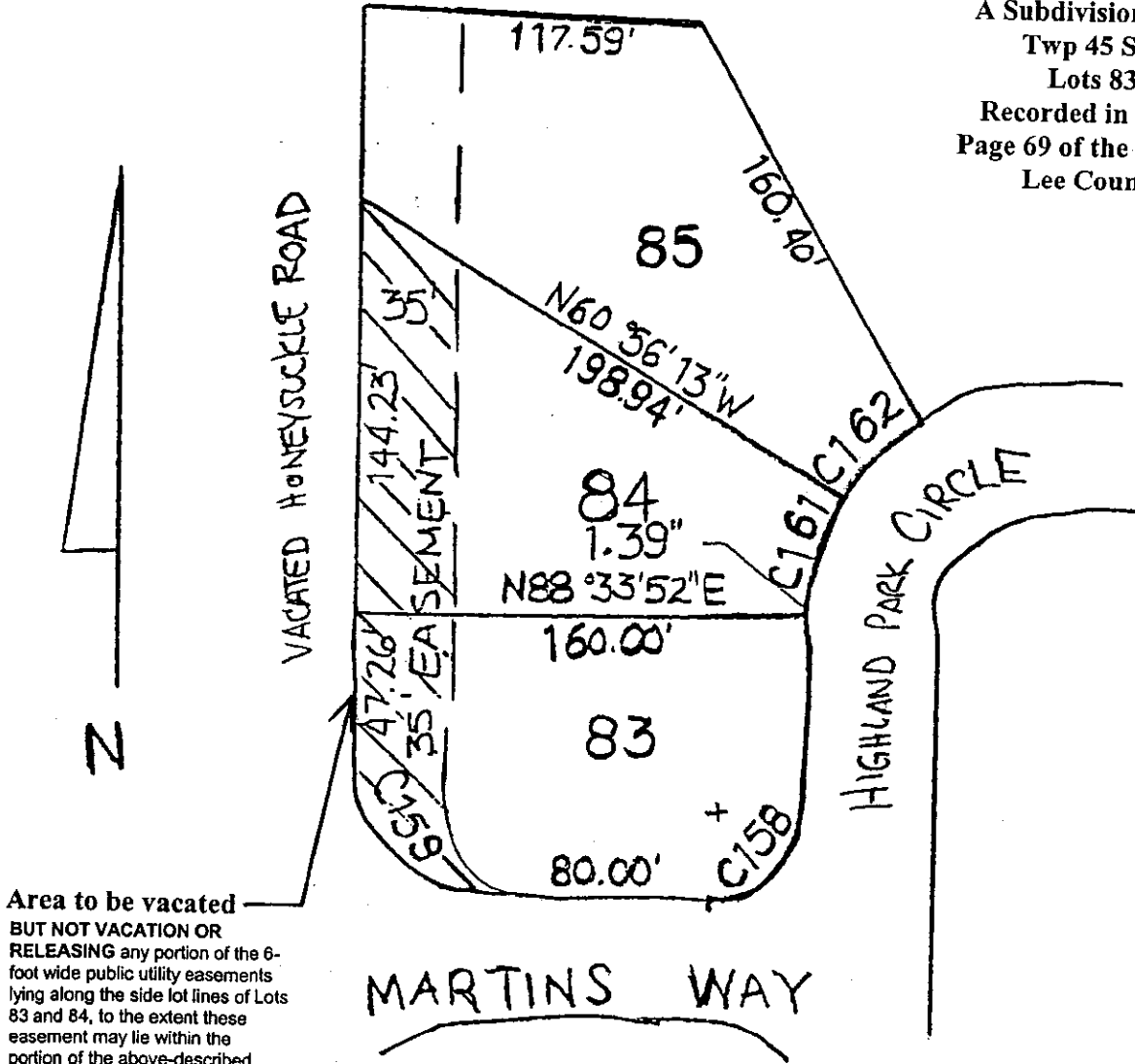
Legal Description of the Easement to be Vacated:

Vacating that portion of a 35-foot wide platted easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities over and across the westerly 35 feet of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40, at Page 69 of the Public Records of Lee County, Florida;

BUT NOT VACATION OR RELEASING any portion of the 6-foot wide public utility easements lying along the side lot lines of Lots 83 and 84, to the extent these easements may lie within the portion of the above-described easement to be vacated.

Exhibit "B"
 Petition to Vacate
 VAC2004-00017
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Highland Pines Estates,
 A Subdivision in Section 18,
 Twp 45 S, Rge 25 E,
 Lots 83 and 84,
 Recorded in Plat Book 40,
 Page 69 of the Public Records,
 Lee County Florida



Area to be vacated
 BUT NOT VACATION OR
 RELEASING any portion of the 6-
 foot wide public utility easements
 lying along the side lot lines of Lots
 83 and 84, to the extent these
 easement may lie within the
 portion of the above-described
 easement to be vacated.

100'
 Scale 1 1/2" = 100'

35' Foot easement over the
 Westerly side of lots 83 and 84