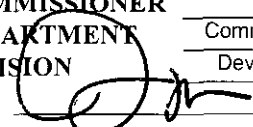


1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 10-foot Public Utility Easement located at 3331 Martina Court, North Fort Myers, Florida 33917, located off of Carefree Boulevard, and North Tamiami Trail. (Case No. VAC2004-00047)

WHY ACTION IS NECESSARY: To build a manufactured home on the combined lots. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. <u>DEPARTMENTAL CATEGORY:</u> COMMISSION DISTRICT #: 4		04 5:00 #2	3. <u>MEETING DATE:</u> 10-26-2004		
4. <u>AGENDA:</u> <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <u>TIME REQUIRED:</u>		5. <u>REQUIREMENT/PURPOSE:</u> (Specify) <input checked="" type="checkbox"/> STATUTE F.S. Ch. 177 <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE 13-1 <input type="checkbox"/> OTHER		6. <u>REQUESTOR OF INFORMATION:</u> A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY:  9/29/04 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 26th day of October, 2004.

LOCATION: The site is located at **3331 Martina Court, North Fort Myers, Florida 33917** and its strap number is 15-43-24-02-00000.M300. Petition No. VAC2004-00047 proposes to vacate a 10-foot wide Public Utility Easement centered on the common lot line between Lots M30 and M31, The Resort on Carefree Boulevard, as recorded in Plat Book 59 at Pages 39 through 45, Section 15, Township 43 South, Range 24 East, of the Public Records of Lee County, Florida; **LESS and EXCEPT** the westerly 7.5 feet thereof.

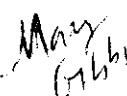
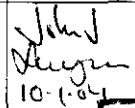

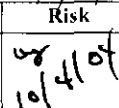
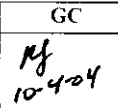
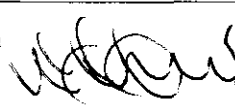
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
	N/A	N/A	N/A	 10-1-04	OM  10/4/04	Risk  10/4/04	GC  10-4-04	

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: **9/30/04**
 Time: **2:30**
 Forwarded To:
 CC Admin.
 10/1/04 12 PM

RECEIVED BY
 COUNTY ADMIN:
 10/1/04
 11:48 am sm TD
 COUNTY ADMIN
 FORWARDED TO:
 10/7/04 BH
 930

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: VAC2004-00047

WHEREAS, Petitioner Barbara K. Rapp & Linda W. Gragg 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 26th day of October, 2004 at 5 PM ; 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. VAC2004-00047 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



August 30, 2004

REVISED DESCRIPTION

**EASEMENT VACATION
BETWEEN LOTS M30 & M31, THE RESORT ON CAREFREE BLVD.
(PLAT BOOK 59, PAGES 39-45)
SECTION 15, T. 43 S., R. 24 E.
LEE COUNTY, FLORIDA**

A strip of land 10 feet wide between Lots M30 and M31, The Resort on Carefree Boulevard, as shown on plat recorded in Plat Book 59, at Pages 39 through 45 of the Public Records of Lee County, Florida, lying in Section 15, Township 43 South, Range 24 East, Lee County, Florida, which strip of land is described as follows:

From the northwest corner of said Lot M30 run N 00° 57' 02" E along east line of Martina Court, as shown on said plat, for 5.00 feet; thence run S 89° 02' 58" E for 70.00 feet to an intersection with the west line of Tract "D", as shown on said plat; thence run S 00° 57' 02" W along said west line for 10.00 feet; thence run N 89° 02' 58" W for 70.00 feet to the intersection with said east line of Martina Court; thence run N 00° 57' 02" E along said east line for 5.00 feet to the Point of Beginning.

LESS AND EXCEPT the westerly 7.5 feet thereof.

Containing 625 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of said Lot M30 to bear S 89° 02' 58" E.

Exhibit "A"
Petition to Vacate
VAC2004-000047
[Page One of One]

20044802 Easement Vacation CGR M30 Revised 083004