

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Drainage and Public Utility Easement at 6420 Maytree Cir, Fort Myers, FL 33905, located off of Buckingham Road.
(Case No. VAC2004-00053)

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

2. <u>DEPARTMENTAL CATEGORY:</u> COMMISSION DISTRICT #: <u>5</u>	04 5:00 #2	3. <u>MEETING DATE:</u> 11-09-2004
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: <i>M. G. [Signature]</i> 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 9th day of November, 2004.**

LOCATION: The site is located at **6420 Maytree Cir, Fort Myers, FL 33905** and its strap number is 16-44-26-06-00013.0530. Petition No. VAC2004-00053 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 53 and 54; both in Block 13, East Part of Unit 3, Replat of Resubdivision of Block B, Buckingham Park, a subdivision of Lehigh Acres, Northwest Section in Section 16, Township 44 South, Range 26 East, 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 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 Risk			G County Manager	
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>Walter Deegan</i> 10/14/04	<i>CA</i> <i>[Signature]</i> 10/14/04	OM <i>[Signature]</i> 10/14/04	Risk <i>[Signature]</i> 10/14/04	GC <i>[Signature]</i> 10/14/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: **10/14/04**
Time: **8:00**
Forwarded to:
HESMT.DOC
[Signature]

VIP
10/14/04
3 25 pm 501
COUNTY ADMIN
FORWARDED TO:
[Signature]

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: VAC2004-00053

WHEREAS, Petitioner **William H. Walker** 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 9th day of November, 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. VAC2004-00053 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

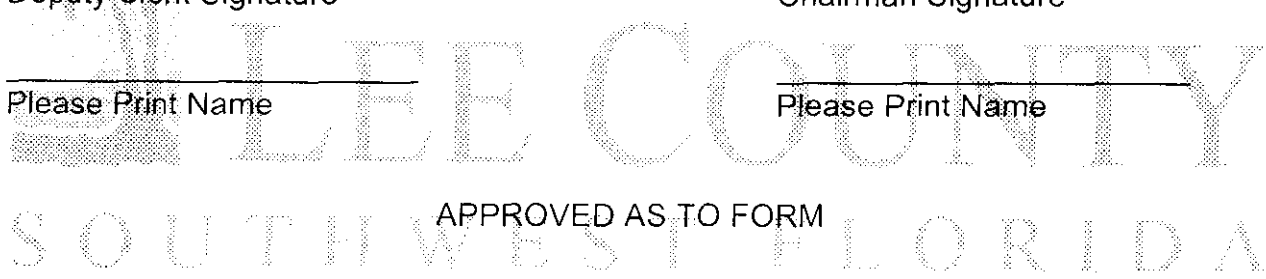
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name



APPROVED AS TO FORM

County Attorney Signature

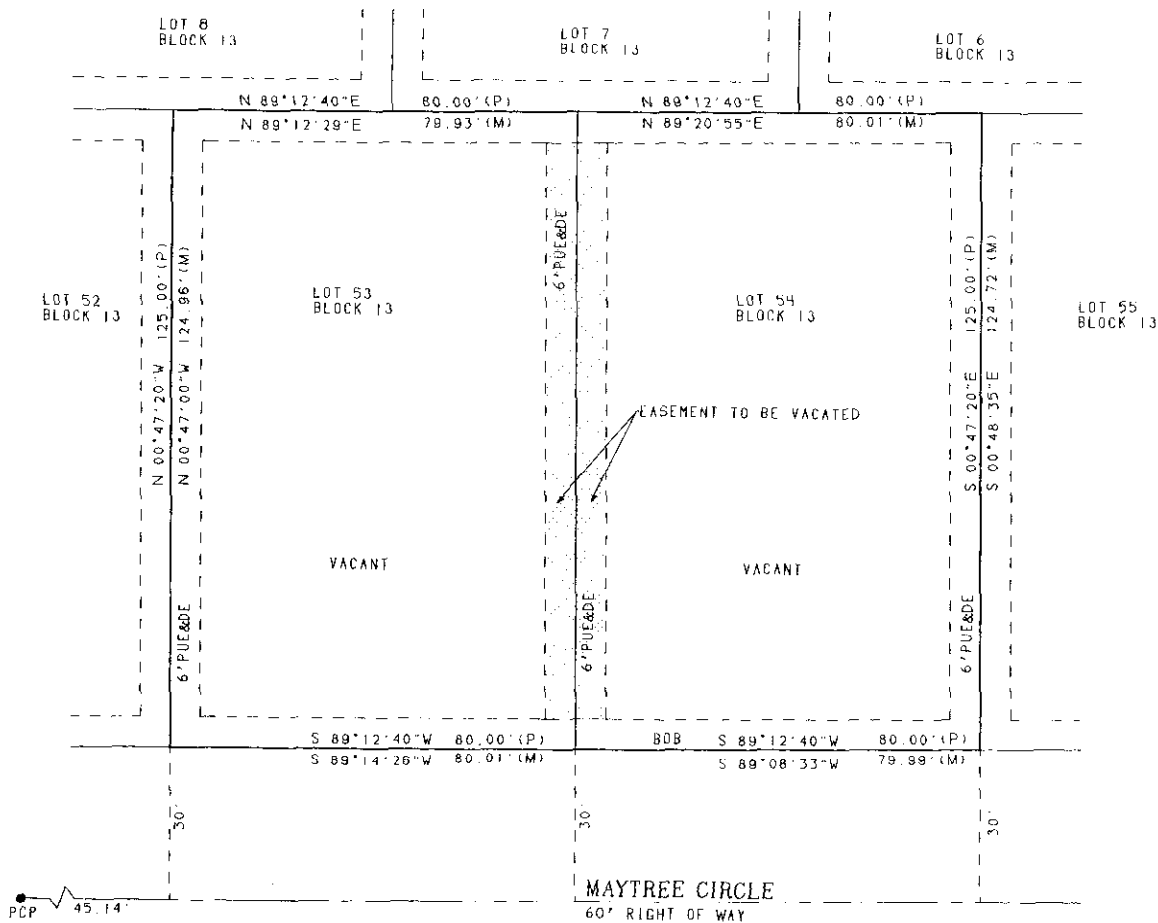
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2004-00053
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Legal Description of a Portion of a
Public Utility Easement and Drainage Easement
to be Vacated

The twelve-foot wide Public Utility Easement and Drainage Easement centered on the common lot line between Lots 53 and 54, both in Block 13 of the East Part of Unit 3 Replat of Resubdivision of Block B, Buckingham Park - Northwest Section in Section 16, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to Plat thereof, as recorded in Plat Book 27, Page 190 of the Public Records of Lee County, Florida;

Less and Except the northerly and southerly six feet thereof.



LEGEND

- BOB = BASIS OF BEARINGS
- DE = DRAINAGE EASEMENT
- (H) = AS MEASURED
- (P) = PER PLAT
- PCP = PERMANENT CONTROL POINT
- PUE = PUBLIC UTILITY EASEMENT

CERTIFIED TO:
William H. Walker

Exhibit "B"
Petition to Vacate
VAC2004-00053
[Page One of One]

LEGAL DESCRIPTION OF PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE VACATION:

The following Public Utility and Drainage Easement on Lots 53 and 54, Block 13, of the Plat of Buckingham Park, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court, recorded in Plat Book 27, Page 190, Public Records of Lee County, Florida, being more particularly described as follows:

The twelve foot wide Public Utility and Drainage Easement centered on the common lot line between lots 53 and 54, less and except the North and South six feet thereof.

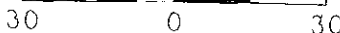
Notes:

- 1) Only improvements shown were located.
- 2) Dimensions are in feet and decimals thereof.
- 3) Parcel subject to easements, restrictions, reservations, and right-of-ways of record.
- 4) Easements shown on this plat are from the recorded plat. Any other easements or restrictions on the hereon described land(s) must be furnished to the surveyor by the client or the client's agent per Florida Statute 41-5-17-6.003(15e) of the Florida Administrative Code.
- 5) This survey is not to be construed as a deed and the original raised seal of the Florida State Surveyor and Mapper.
- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) Parcel was surveyed from information supplied by the client.
- 8) Underground utilities and structures were not field located.
- 9) This certification is only for the land described. It is not a certification of title, zoning, easement, freedom of encumbrance, ownership, or rights-of-way.
- 10) Abstract not reviewed.

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61B17-6, Florida Administrative Code.

BY: *Kenneth B. Sawyer*
Kenneth B. Sawyer
Professional Surveyor & Mapper
Certificate No. 6348

Scale 1" = 30'



PLATTED IN 1973

