Lee	nty Board Of County Commissioners
	Agenda Item Summary

Blue Sheet No. 20041614

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 located at 1226 Damen St. E., Lehigh Acres, FL 33936. (Case No. VAC2004-00059)

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> :	04	3. MEETING DATE:
COMMISSION DISTRICT #: 5	5:00 #1	12-14-2004
4. <u>AGENDA</u> :	5. <u>REQUIREMENT/PURPOSE</u> :	6. REQUESTOR OF INFORMATION:
	(Specify)	
CONSENT	X STATUTE F.S. Ch. 177	A. COMMISSIONER
ADMINISTRATIVE	ORDINANCE	B. DEPARTMENT Community Development
APPEALS	X ADMIN. CODE 13-1	C. DIVISION Development Services
X PUBLIC	OTHER	BY: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
WALK ON		
TIME REQUIRED:		Peter J. Eckenrode, Director
7 PACKCDOUND.		

BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on 14th day of December, 2004. The completed petition to vacate, VAC2004-00059 was submitted by Roxanne V. Ruiz.

LOCATION: The site is located at 1226 Damen St. E., Lehigh Acres, FL 33936 and its strap number is 36-45-27-03-00014.0100. Petition No. VAC2004-00059 proposes to vacate the twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot lines between Lots 10 and 11, 11 and 12, 12 and 13, and 13 and 10; all in Block 14, Unit 3, Section 36, Township 45 South, Range 27 East, Lehigh Acres, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 141 of the Public Records of Lee County, Florida; LESS and EXCEPT the Northerly six-feet (6') of the easement on the common lot line between Lots 10 and 11; LESS and EXCEPT the Easterly six-feet (6') of the easement on the common lot line between Lots 11 and 12; LESS and EXCEPT Southerly six-feet (6') of the easement on the common lot line between Lots 12 and 13; LESS and EXCEPT Westerly six-feet (6') of the easement on the common lot line between Lots 13 and 10.

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	В	C	D	E			F			G
Department	Purchasing	Human	Other	County	1	/Budge	et_Services	:	County	Manager
Director	or Contracts	Resources		Attorney	1	19 6h	an		v	
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10. <u>ČOMMI</u>	SSION ACTI		OVED	Date	12/1/04			COUNTY A	DMIN!\\	20 12
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RSK/ No	ovember 29, 200	4					ngn\RLLIESH			

THIS INSTRUMENT PREPARED BY:

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

RESOLUTION NO.	FOR PETITION TO VACATE
NEGOLOTION NO.	_ FOR PETITION TO VACATE

Case Number: VAC2004-00059

WHEREAS, Petitioner <u>Roxanne V. Ruiz</u> 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 14th day of December, 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. <u>VAC2004-00059</u> 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.

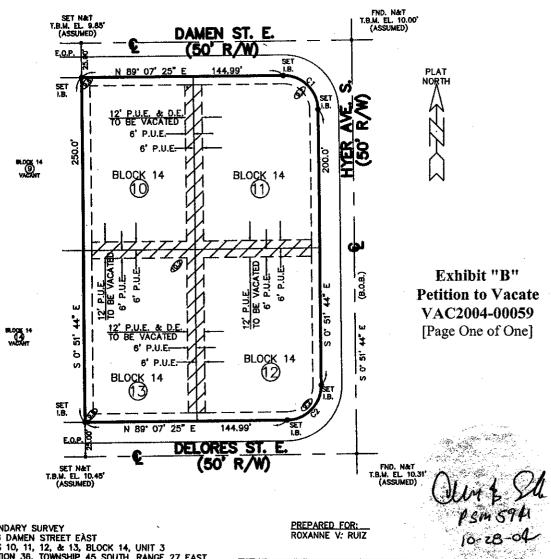
County Commissioners of Lee Co	by voice and entered into the minutes of the Board of ounty, Florida, this
ATTEST: CHARLIE GREEN, CLERK	BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA
Deputy Clerk Signature	Chairman Signature
Please Print Name	Please Print Name
SOUTH	PROVED AS TO FORM OR IDA
Co	punty Attorney Signature
	Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00059
[Page One of One]

Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot lines between Lots 10 and 11, 11 and 12, 12 and 13, and 13 and 10; all in Block 14, Unit 3, Section 36, Township 45 South, Range 27 East, Lehigh Acres, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 141 of the Public Records of Lee County, Florida,

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BOUNDARY SURVEY BOUNDARY SURVEY
1226 DAMEN STREET EAST
LOTS 10, 11, 12, & 13, BLOCK 14, UNIT 3
SECTION 36, TOWNSHIP 45 SOUTH, RANGE 27 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 18, PAGE 141,
PLATTED NOVEMBER 27, 1963, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

NUMBER DELTA ANGLE RADIUS ARC LENGTH 25.00 25.00 90'00'51

NOT A SURVEY- SKETCH ONLY

C1 C2

S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers 1130-E Lee Boulevard, Lehigh Acres, Florida 33936 (239) 368-7400 (239) 368-7685 (Fax)

DATE: 7-22-04
JOB NUMBER: 0364
DRAWN BY: T.J.K.
SCALE: 1" = 70'
 SHEET: 1 of 2

	Lee	nty Board Of C Agenda Item		issioners) Blu	e Sheet No	o. 20041614
1. REQUESTED MOTION:	I	B	<u> </u>			0.01100111	
ACTION REQUESTED: Cor Public Utility Easement locate	duct a Publ ed at 1226 [lic Hearing to adopt Damen St. E., Lehig	a Resolution h Acres, FL	on Petitic 33936. (C	on to Vacat Case No. V	e a 12-foo 4C2004-0	ot wide Drainage and 0059)
WHY ACTION IS NECESSA will not alter existing draina drainadrainage and utility require	ige and uti	ld a single-family res lity conditions and	sidence on th I the easem e	ne combinent is not	ed lots. Th	ie vacatio / to accoi	on of this easement mmodate any future
WHAT ACTION ACCOMPL	ISHES: Vac	cates the Drainage a	and Public U	tility Ease	ment.		
2. DEPARTMENTAL CATE COMMISSION DISTRICT		04 Community Dev	velopment	3.	MEETING	DATE: 1	2/14/04 @ 5 p.m.
4. AGENDA:	5	s. <u>REQUIREMENT</u> (Specify)	PURPOSE:	6.	REQUEST	OR OF IN	FORMATION:
CONSENT ADMINISTRATIVE APPEALS X PUBLIC WALK ON		STATUTE ORDINANCE ADMIN. CODE OTHER	F.S. Ch. 1	В.	COMMISS DEPARTM DIVISION BY:	IEN	Community Development Development Services
TIME REQUIRED: 7. BACKGROUND:						Pet	er J. Eckenrode, Director
December, 2004. The complete COCATION: The site is located 20014.0100. Petition No. VACE assements centered on the country of the Peasement on the common lot he common lot line between the common lot line between Lots 12 and 13; if and 10. Documentation pertaining to the common to this attached to this Blue sheet is	ed at 1226 C2004-0005 ommon lot I 45 South, R ublic Record line betwee Lots 11 and LESS and I his Petition s Petition to	Damen St. E., Lehi 59 proposes to vaca ines between Lots 1 lange 27 East, Lehi ds of Lee County, F n Lots 10 and 11; L 12; LESS and EXC EXCEPT Westerly s to Vacate is availab Vacate. Staff recor ion with exhibits.	gh Acres, F te the twelve 10 and 11, 1 gh Acres, a s lorida; LESS ESS and EX EPT Southe ix-feet (6') of	L 33936 a e-foot (12') I and 12, subdivision and EXC CCEPT the erly six-feet the ease	ind its strap wide Publi 12 and 13, n of Lehigh EPT the N E Easterly s et (6') of the ment on the	number and 13 are Acres, as ortherly since ix-feet (6') e easemer e commor	is 36-45-27-03- nd Drainage nd 10; all in Block 14, recorded in Plat x-feet (6') of the) of the easement on nt on the common lot
		9. RECOMMEN	NDED APPR	OVAL:			
A B	С	D E			TP.	***************************************	
Department Purchasing H		Other County Attorney			G County Manager		
Mamy N/A N/A	. N //	4	OA	ОМ	Risk	GC	
0. <u>COMMISSION ACTION</u> :				-			
	APPROVE DENIED DEFERRE OTHER						

THIS INSTRUMENT PREPARED BY:

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

NEODED HOLL IN TO VACALI	RESOLUTION NO.	FOR PETITION TO	VACATE
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This Resolution pass County Commissioners of Lo		into the minutes of the Board of
ATTEST: CHARLIE GREEN, CLERK		O OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA
Deputy Clerk Signature Please Print Name		Chairman Signature Please Print Name
SOUTH	APPROVED AS TO FOI	
	Please Print Name	

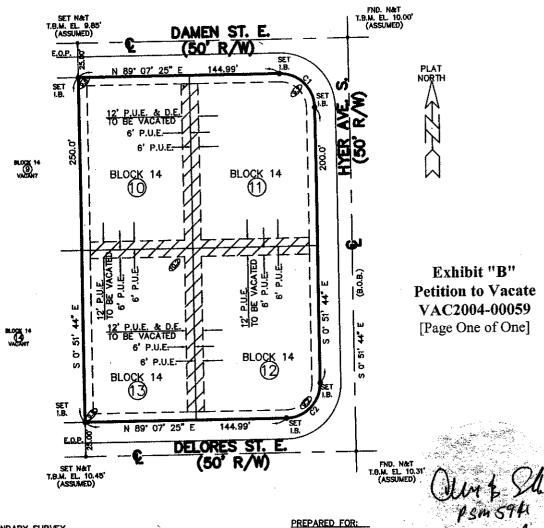
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Petition to Vacate VAC2004-00059 [Page One of One]

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