

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. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

5:00 #1

3. MEETING DATE:

12-14-2004

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]* 11/29/04

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 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 Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services Risk	G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 12/1/04
Time: 3:35
Forwarded To: Admin. 12/1/04 4:15 pm.

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12/1/04
4:35 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
12/1/04 3pm

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: VAC2004-00059

WHEREAS, Petitioner **Roxanne V. Ruiz** 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. VAC2004-00059 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

LEE COUNTY
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County 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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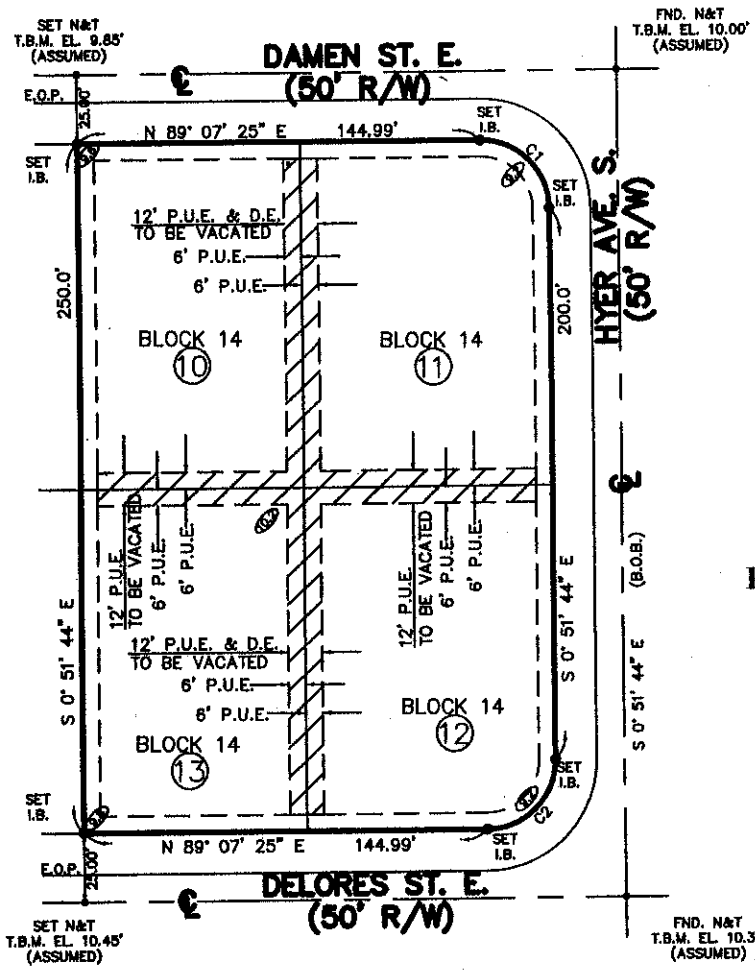


Exhibit "B"
Petition to Vacate
VAC2004-00059
 [Page One of One]

BOUNDARY SURVEY
 1226 DAMEN STREET EAST
 LOTS 10, 11, 12, & 13, BLOCK 14, UNIT 3
 SECTION 38, 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

PREPARED FOR:
 ROXANNE V. RUIZ

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH
C1	90°00'51"	25.00	39.28
C2	89°59'09"	25.00	39.28

Oliver & Smith
PSM 594
10-28-04

NOT A SURVEY— SKETCH ONLY

S.T.A.R. Surveying, Inc. (LB5449)
 Professional Surveyors and Mappers
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936
 (239) 368-7400 (239) 368-7885 (Fax)

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

1. REQUESTED MOTION:

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WHAT ACTION ACCOMPLISHES: Vacates the Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04 Community Development

3. MEETING DATE: 12/14/04 @ 5 p.m.


4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

CONSENT
 ADMINISTRATIVE
 APPEALS
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TIME REQUIRED:

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A. COMMISSIONER
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Peter J. Eckenrode, Director

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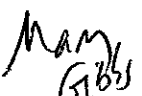
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9. RECOMMENDED APPROVAL:

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					OA	OM	Risk	GC	
	N/A	N/A	N/A						

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
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ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

LEE COUNTY
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

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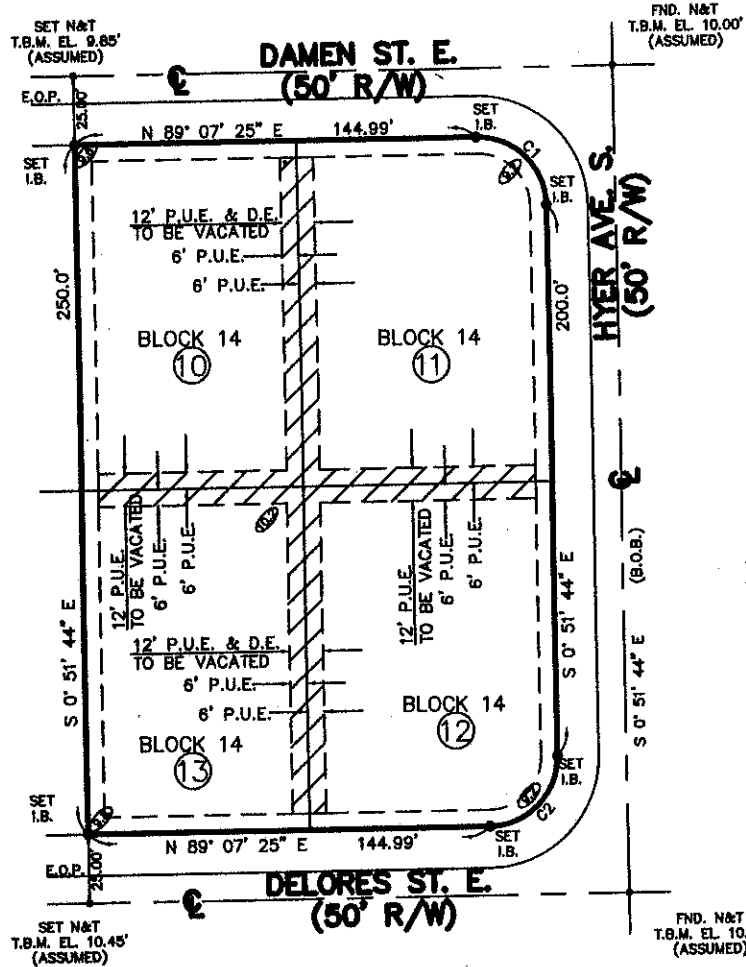


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S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers

1130-E Lee Boulevard, Lehigh Acres, Florida 33936

(239) 368-7400 (239) 368-7685 (Fax)

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SHEET:
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