

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050589

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 20-foot wide platted Drainage Easement at 12202 and 12196 Country Day Cir., Fort Myers, located off Daniels Parkway. (Case No. VAC2005-00010)

2. WHAT ACTION ACCOMPLISHES: To provide for development of two (2) residential lots. The existing drainage pipe and structure within the easement have been relocated to the northeast corner of the development and a replacement drainage easement has been provided for these facilities. **The vacation of this easement will therefore not alter existing drainage conditions and the easement is not necessary to accommodate any future drainage requirements.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 2 5:00 #2

5. Meeting Date: 05-24-2005

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177
 Ordinance
 Admin. Code 13-1
 Other

8. Request Initiated:
 Commissioner _____
 Department _____ Community Development
 Division _____ Development Services
 By: [Signature] 4/29/05
 Peter J. Eckenrode, Director

9. Background:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for **5:00 PM on the 24th day of May 2005**. The completed petition to vacate, VAC2005-00010 was submitted by Heidt & Associates, Inc. as the agent on behalf of Daniels Preserve Community Developers, Inc., a Florida corporation.

LOCATION: The site is located at **12202 and 12196 Country Day Cir., Fort Myers, Florida 33913** and its strap numbers are 18-45-26-09-00003.0080 and 18-45-26-09-00003.0090. Petition No. VAC2005-00010 proposes to vacate a twenty-foot (20') wide platted Drainage Easement centered on the common line between Lots 8 and 9, Block 3, containing 0.0574 +/- acres, Section 18, Township 45 South, Range 26 East, a subdivision of Daniels Preserve, as recorded in Plat Book 77, Pages 59-62 of the Public Records of Lee County, Florida.

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

The executed replacement drainage easement from Daniels Preserve Community Developers, Inc. to Gateway Services Community Development District is being held in trust by the County pending the outcome of the Public Hearing. There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director								
<u>M. G. [Signature]</u>				<u>[Signature]</u>	<table border="1"> <tr><td>Analyst</td><td>Risk</td><td>Grants</td><td>Mgr.</td></tr> <tr><td><u>[Signature]</u></td><td><u>[Signature]</u></td><td><u>[Signature]</u></td><td><u>[Signature]</u></td></tr> </table>	Analyst	Risk	Grants	Mgr.	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
Analyst	Risk	Grants	Mgr.											
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>											

11. Commission Action:

Approved
 Deferred
 Denied
 Other

Rec. by CoAtty
 Date: 5/3/05
 Time: 8:15
 Forwarded To: [Signature]

RECEIVED BY
 COUNTY ADMIN: [Signature]
 COUNTY ADMIN
 FORWARDED TO: [Signature]
5:16 PM
5/3/05

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: VAC2005-00010

WHEREAS, Petitioner **Daniels Preserve Community Developers, Inc., a Florida corporation** 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 May 2005 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. VAC2005-00010 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

**DANIELS PRESERVE, LOTS 8 & 9, BLOCK 3
SECTION 18, TOWNSHIP 45 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

DRAINAGE EASEMENT TO BE VACATED

20'

^
LEGAL DESCRIPTION: The DRAINAGE EASEMENT along the common line of Lots 8 and 9, of DANIELS PRESERVE, according to the Plat thereof, as recorded in Plat Book 77, at Pages 59 – 62 of the Public Records of Lee County, Florida.

Containing 0.0574 acres, more or less.

Lot 8 Address: 12202 Country Day Circle and Strap No. 18-45-26-09-00003.0080

Lot 9 Address: 12196 Country Day Circle and Strap No. 18-45-26-09-00003.0090

Prepared By:

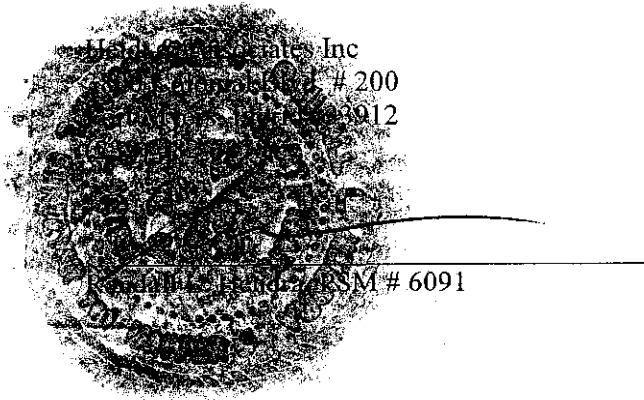


Exhibit "A"
Petition to Vacate
VAC2005-00010
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