

**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 #1

**5. Meeting Date:** 06-14-2005

**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 24<sup>th</sup> 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. [Signature]</u> |                         |                 |       | <u>[Signature]</u> | <u>5/5</u>      | <u>[Signature]</u>           |
|                       |                         |                 |       | <u>[Signature]</u> | <u>5/5</u>      | <u>[Signature]</u>           |

**11. Commission Action:**

Approved  
 Deferred ON 05-24-05 TO THE  
 Denied 06-14-05 BOCC MTG.  
 Other CONTINUED

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

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

THIS INSTRUMENT PREPARED BY:

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

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**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 14th day of June 2005 at 5:00 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. 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'

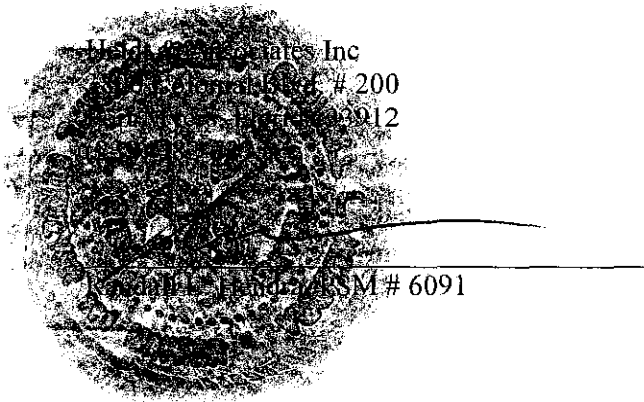
LEGAL DESCRIPTION: The DRAINAGE EASEMENT along the common line of Lots 8 and 9, of DANIELS PRESERVE, according to the Plat thereof, as recorded in Plat Book 77, at Pages 59 – 62 of the Public Records of Lee County, Florida.

Containing 0.0574 acres, more or less.

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

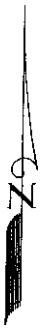
Lot 9 Address: 12196 Country Day Circle and Strap No. 18-45-26-09-00003.0090

Prepared By:

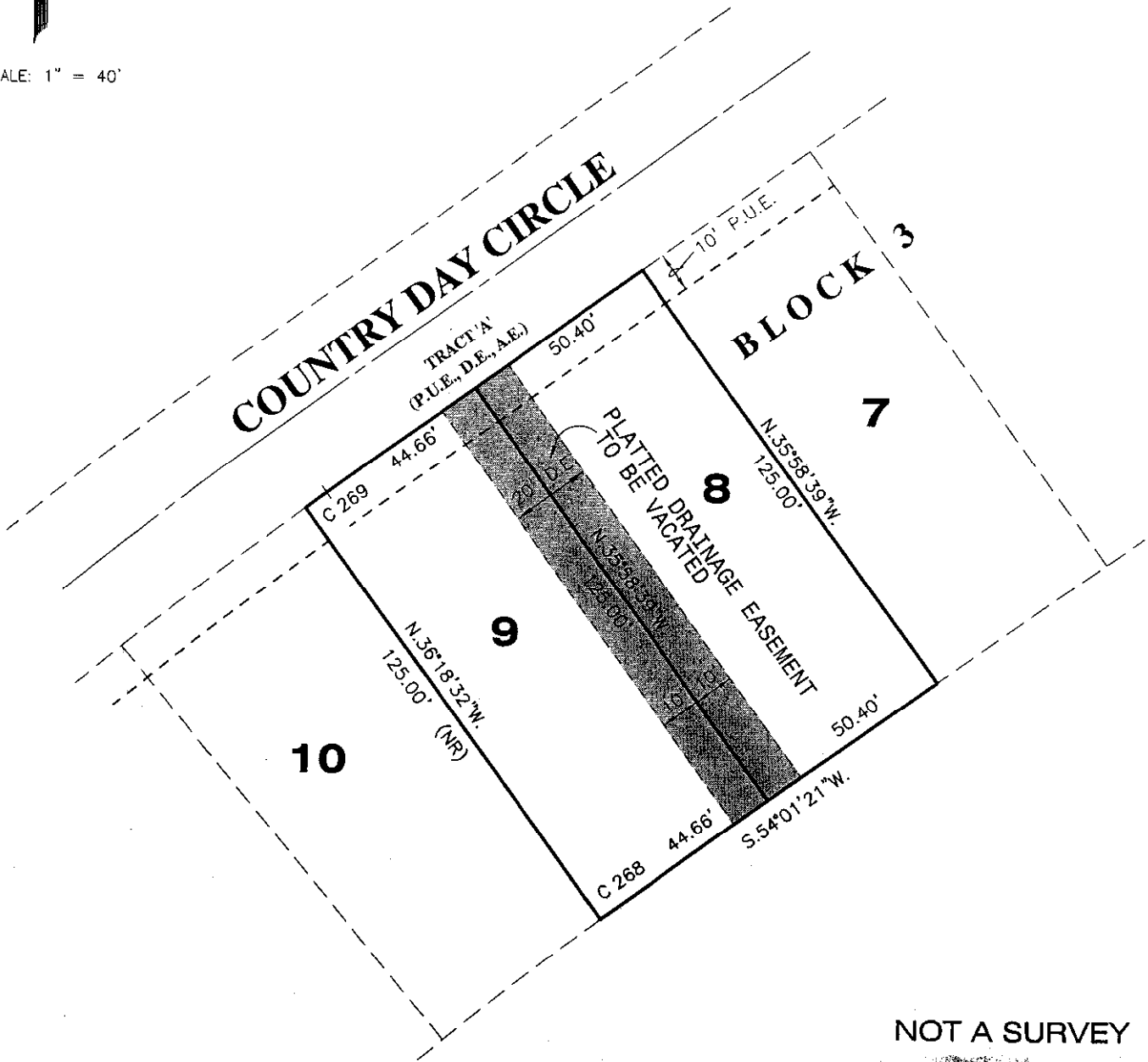


**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00010**  
[Page One of One]

# DRAINAGE EASEMENT TO BE VACATED



SCALE: 1" = 40'

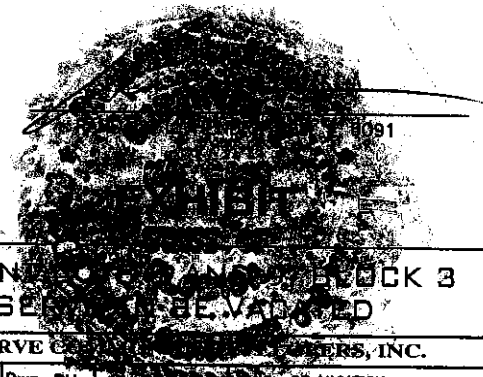


NOT A SURVEY

**LEGEND**

- DE - DRAINAGE EASEMENT
- PB - PLAT BOOK
- PG - PAGE
- OR - OFFICIAL RECORDS
- PUE - PUBLIC UTILITY EASEMENT

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2005-00010**  
 [Page One of One]



CERTIFICATE OF AUTHORIZATION NO. LB 148

PREPARED BY: **HEIDT & ASSOCIATES, Inc.**  
 Tampa ♦ Fort Myers



CIVIL ENGINEERING      Fort Myers Office  
 PLANNING                      3800 Colonial Blvd, Suite 200  
 SURVEYING                      Fort Myers, Florida 33912  
 ENVIRONMENTAL PERMITTING      Phone: 239-482-7275  
 LANDSCAPE ARCHITECTURE      FAX: 239-482-2103

**DRAINAGE EASEMENT TO BE VACATED**  
**DANIELS PRESERVE**

Prepared For: **DANIELS PRESERVE GROUP, INC.**

|         |                |              |
|---------|----------------|--------------|
| Dwn. RH | Date: 01/17/05 | Order No.: * |
|---------|----------------|--------------|

SECTION 18 TOWNSHIP 45 S RANGE 26 E  
 LEE COUNTY, FLORIDA