

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2001-00042 to Vacate four 12' wide Public Utility Easement common to lots 29, 30, 31, 32, & 33, Block 28, Unit 4, Plat Book 12, Page 54, Lehigh Acres, Florida, as recorded in the Official Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To combine all of the lots into one commercial building site. **The vacation of the public utility easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.**

WHAT ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #: 5	04 Community Development 5:00 #2	3. MEETING DATE: 04-09-2002
4. AGENDA: _____ CONSENT _____ ADMINISTRATIVE _____ APPEALS <input checked="" type="checkbox"/> PUBLIC _____ WALK ON TIME REQUIRED:	5. REQUIREMENT/PURPOSE: (Specify) <input checked="" type="checkbox"/> STATUTE F.S. Ch. 177 _____ ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE 13-1 _____ OTHER	6. REQUESTOR OF INFORMATION: A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY: <i>[Signature]</i> 3/13/02 Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 9th day of April, 2002.

LOCATION: Four twelve-foot wide Public Utility Easements located between Lots 29 & 30, 30 & 31, 31 & 32, and 32 & 33, all being in Block 28, Unit 4, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 12, Page 54, in the Official Records of the Public Records of Lee County, Florida, less and except the easterly six feet and the westerly six feet thereof. The site is located at 104 Lee Boulevard, Lehigh Acres, Florida, Section 32, Township 44 South, Range 27 East.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 OM Risk GC			G County Manager	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 3/19/02	<i>[Signature]</i> 3/20/02	<i>[Signature]</i> 3/20	<i>[Signature]</i> 3-20-02	<i>[Signature]</i> 3-21-02

10. COMMISSION ACTION:

_____ APPROVED
 _____ DENIED
 _____ DEFERRED
 _____ OTHER

REC'D.
by CO. ATTY.
3/14/02
153322
CO. ATTY.
FORWARDED TO:
3/18/02
9:30 AM

RECEIVED BY
COUNTY ADMIN.
3/18 9:5
COUNTY ADMIN.
FORWARDED TO:
3/21 11:00

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: VAC2001-00042

WHEREAS, Petitioner Donald and Shirley Frankle 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 April 2002 @ 5:00 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. VAC2001-00042 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
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"

**Legal Description
(Vacation of Easements)**

A 12.0 foot wide public utility easement centered on Lots 29 & 30, Block 28, Unit 4, Section 32, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 12, page 54, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.

A 12.0 foot wide public utility easement centered on Lots 30 & 31, Block 28, Unit 4, Section 32, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 12, page 54, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof

A 12.0 foot wide public utility easement centered on Lots 31 & 32, Block 28, Unit 4, Section 32, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 12, page 54, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof

A 12.0 foot wide public utility easement centered on Lots 32 & 33, Block 28, Unit 4, Section 32, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 12, page 54, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof

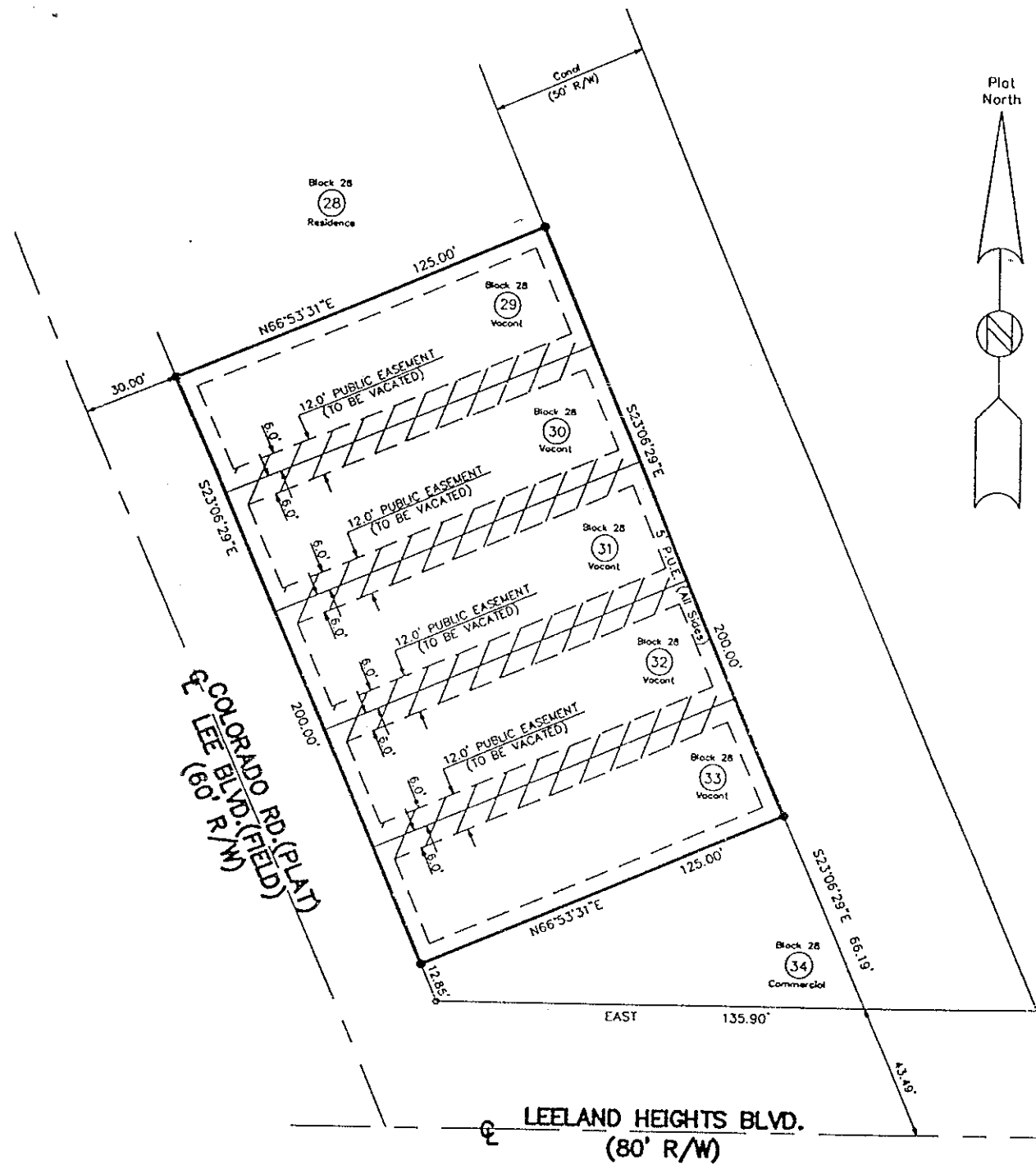
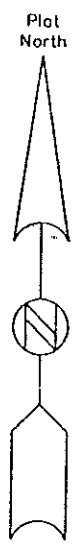


Exhibit "B"

NOT A SURVEY - SKETCH ONLY

S.T.A.R. Surveying, Inc. (LB5449)
 Professional Surveyors and Mappers
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936
 (941) 368-7400 (941) 368-7685 (Fax)

DATE:	5-21-01
JOB NUMBER:	9538-12A
DRAWN BY:	C.B.S.
SCALE:	1" = 50'
SHEET:	1 of 2