

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

Blue Sheet No. 20021400

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Petition VAC2002-00040 to Vacate a Public Utility Easement common to Lots 18 & 19, Block 4, a subdivision of Lehigh Acres, Plat Book 15, Page 64, Lee County, Florida.

WHY ACTION IS NECESSARY: To construct a Single Family Residence. 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 Public Utility Easement.

2. DEPARTMENTAL CATEGORY: 04 Community Development
COMMISSION DISTRICT #: 5

5:00 #1

3. MEETING DATE: January 14, 2003

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]* 12/05/02

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 14th day of January 2003

LOCATION: A 12-foot wide Public Utility Easement centered on the common lot line between Lots 18 and 19, Block 4, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 64 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof, being in Section 23, Township 44 South, Range 27 East. The site is located at 3413 19th Street West, Lehigh Acres, Florida.

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			G County Manager
					OA	OM	Risk	GC
<i>[Signature]</i> for Mary Gibbs	N/A	N/A	N/A	<i>John J. McGuire</i> 1-2-03	<i>EJC for TD</i> 1/2/03	<i>[Signature]</i> 1/2/03	<i>[Signature]</i> 01/02/03	<i>[Signature]</i> 1-2-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *12/15/02*
Time: *1:24 pm*
Forwarded To:

Rec. by CoAtty
Date: *1/2/03*
Time: *10:20 am*
Forwarded To:

RECEIVED BY COUNTY ADMIN.
1/2/03 1:15
COUNTY ADMIN. FORWARDED TO: *B*
12400

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: VAC2002-00040

WHEREAS, Petitioner **Gary and Rosemary Rowley** 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 January 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. VAC2002-00040 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

Exhibit "A"

A legal description of the area proposed for vacation:

A 12 - foot wide utility easement centered on the common lot line between Lots 18 and 19, Block 4, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 64 of the Public Records of Lee County, Florida, less and except the north and south 6 feet thereof.

C/L TENA AVENUE

SN&T LB 6/33
N 88°54'50"E 525.00'

SCALE
1" = 30'

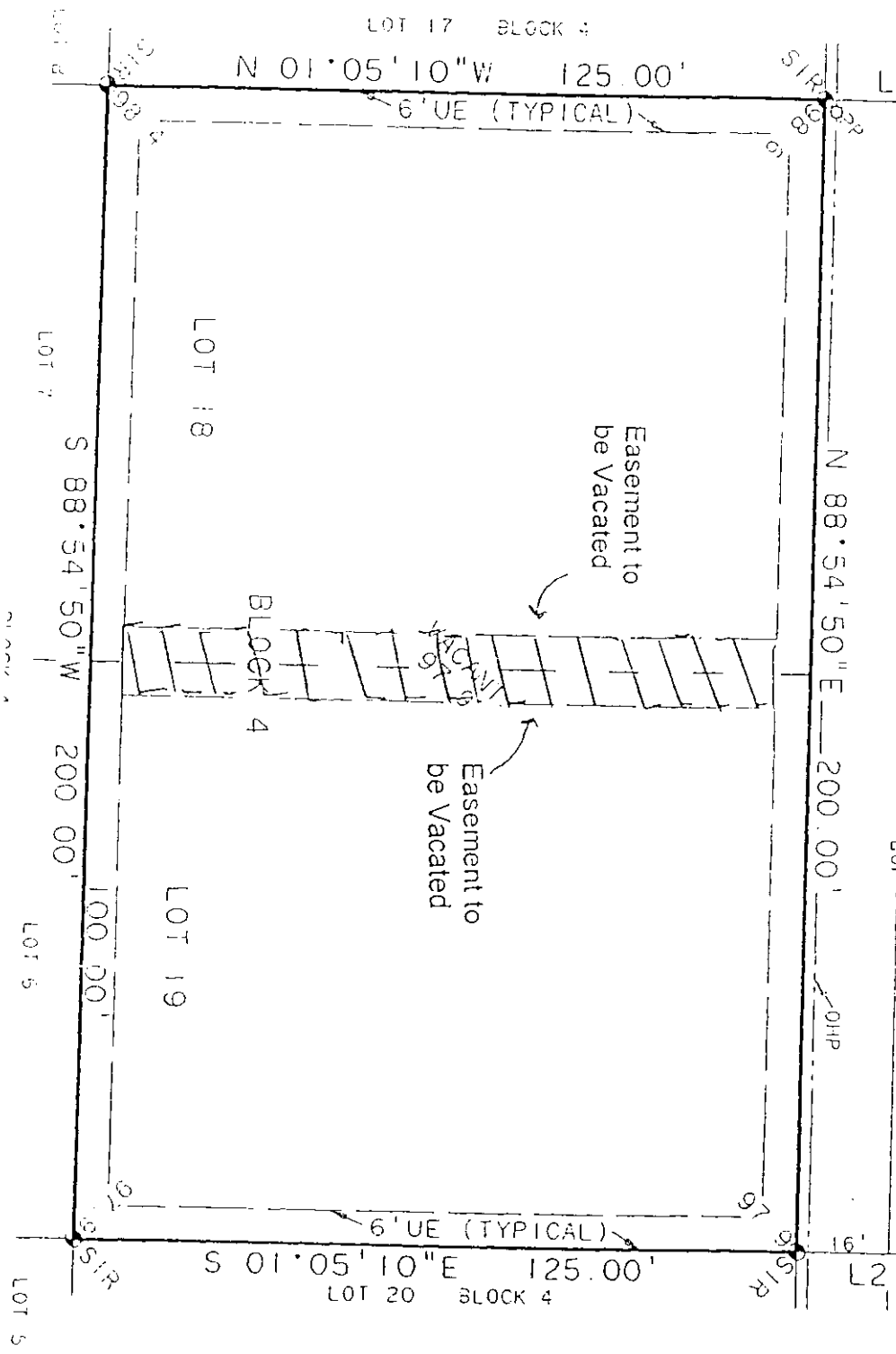
SN&T LB 6/33 TBM
100.00
ASSUMED

3413 - 19th Street West

50' ROW ASPHALT 18'
19th STREET WEST
N 88°54'50"E 200.00'
BASIS OF BEARINGS

EOP

SN&T LB 6/33 TBM
100.00
ASSUMED



LEGAL DESCRIPTION:
Lots 18 & 19, Block 4, Unit 1, Lehigh Park Subdivision, Plat Book 15, Page 64
Lee County Records

Exhibit B

1. **REQUESTED MOTION:**

ACTION REQUESTED: Adopt a Petition VAC2002-00040 to Vacate a Public Utility Easement common to Lots 18 & 19, Block 4, a subdivision of Lehigh Acres, Plat Book 15, Page 64, Lee County, Florida.

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2. **DEPARTMENTAL CATEGORY:** 04 Community Development
COMMISSION DISTRICT #: 5

3. **MEETING DATE:** January 14, 2003


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:  12/05/02

Peter J. Eckenrode, Director

7. **BACKGROUND:**

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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				G County Manager
					OA	OM	Risk	GC	
 for Mary Gibbs	N/A	N/A	N/A						

10. **COMMISSION ACTION:**

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

Rec. by CoAtty
Date: 12/5/02
Time: 1:04 PM
Forwarded To:

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: VAC2002-00040

WHEREAS, Petitioner Gary and Rosemary Rowley 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 January 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:

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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

Exhibit "A"

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C/L TENA AVENUE

SN&T LB 6133
N 88°54'50"E 525.00'

SCALE
1" = 30'

LOT 17 BLOCK 4

N 01°05'10"W 125.00'

SN&T LB 6133 TBM
100.00'
ASSUMED

50' ROW ASPHALT 18'
19th STREET WEST
N 88°54'50"E 200.00'
BASIS OF BEARINGS

3413 - 19th Street West

Easement to be Vacated

Easement to be Vacated

LOT 18

BLOCK 4

LOT 19

S 88°54'50"W 200.00'

LOT 8

LOT 7

LOT 6

LOT 5

S 01°05'10"E 125.00'

LOT 20 BLOCK 4

SN&T LB 6133 TBM
100.00'
ASSUMED

LEGAL DESCRIPTION:

Lots 18 & 19, Block 4, Unit 1, Lehigh Park Subdivision, Plat Book 15, Page 64
Lee County Records

Exhibit B

News-Press.com Online Public Notice: Detail**2002-12-30 Petition****NOTICE OF PUBLIC HEARING FOR
PETITION TO VACATE**

Case Number:
VAC2002-00040

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of January 2003 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

A legal description of the area proposed for vacation:

A 12-foot wide utility easement centered on the common lot line between Lots 18 and 19, Block 4, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 64 of the Public Records of Lee County, Florida, less and except the north and south 6 feet thereof.

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

P.O. Sekulski

REF.P123002-28

REF.P010603-29

Dec 30 Jan 6 No. 26478

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Tax Collector

Cathy Curtis

Lee County, Florida

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- [Hunting & Fishing](#)
- [Occupation](#)

Search...

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Real Property Information

Account	Tax Year	Status
23-44-26-08-00004.0180	2002	PAID
Original Account	Book/Page	
23-44-26-08-00004.0180	3592/3963	
Physical Address	Mailing Address	
ROWLEY GARY W + ROWLEY ROSEMARY 3413 19TH ST W LEHIGH ACRES FL 33971	ROWLEY GARY W + ROWLEY ROSEMARY 980 AUTO RANCH RD LOT 13 NAPLES FL 34114 USA	
Legal Description		
LEHIGH PARK UNIT 1 BLK 4 PB 15 PG 64 LOTS 18 + 19		
Total Amount Due as of 1/2/2003 \$		

See also:

Additional Information: [New Search](#)

District	060
Market Assessed Value	\$3,80
Agricultural Exemption	\$
Assessed SOH Value	\$3,80
Homestead Exemption	\$
Other Exemption	\$
Wholly Exemption	\$
Taxable Value	\$3,80
Senior Exemption	\$
Historical Exemption	\$
Economic Exemption	\$
Tax Amount	\$12

Ad Valorem Taxes		
Taxing Authority	Millage Rate	Taxes Le
PUBLIC SCHOOL - BY LOCAL BOARD	2.5990	\$
PUBLIC SCHOOL - BY STATE LAW	5.9730	\$2
LEE COUNTY CAPITAL IMP	1.0124	\$
LEE CO UNINCORPORATED - MSTU	1.2114	\$
LEE COUNTY GENERAL REVENUE	4.3277	\$1
LEE COUNTY HYACINTH CONTROL	0.0327	\$
LEE COUNTY LIBRARY FUND	0.9630	\$
LEE COUNTY MOSQUITO CONTROL	0.3294	\$
LEHIGH ACRES FIRE DISTRICT	3.0000	\$1
LEHIGH ACRES LIGHT - MSTU	0.3964	\$
SFL WATER MGMT-EVERGLADE CONST	0.1000	\$
WEST COAST INLAND WATERWAY	0.0400	\$


LEE COUNTY ALL HAZARDS - UNINC	0.0733	\$
SFL WATER MGMT-DISTRICT LEVY	0.5970	\$

Non Ad Valorem Taxes

Taxing Authority	Rate	Am
EAST COUNTY WATER CONTROL 060	88.1000	\$5

Nov 2002	Dec 2002	Jan 2003	Feb 2003	Mar 2003
\$124.42	\$125.71	\$127.01	\$128.30	\$129.60

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