

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 603 E. 7th Street, Lehigh Acres, Florida. (Case No. VAC2003-00032)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

5:00 #2

3. MEETING DATE:

09-09-2003

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]* 8/20/03

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 September 09, 2003.

LOCATION: Petition No. VAC2003-00032 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to the East 1/2 of Lot 12 and the West 1/2 of Lot 13, Block 43, Unit 11, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 42, Section 28, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6-feet and the South 25-feet thereof. The site is located at 603 E. 7th Street, Lehigh Acres Florida.

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 8/27/03				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 8-25-03	OP <i>[Signature]</i> 8/26/03	OM <i>[Signature]</i> 8/27/03	Risk <i>[Signature]</i> 8/26/03	GC <i>[Signature]</i> 8/26/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 8/21/03
Time: 3:52 PM
Forwarded To:
Co. Adm.
8/25/03 1PM

RECEIVED BY
COUNTY ADMIN
8-25-03
4:30
COUNTY ADMIN
FORWARDED TO:
BAT 8-27-03
PR 8-27-03 2:15

[Handwritten initials]

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: VAC2003-00032

WHEREAS, Petitioner **Raquel Reyes** 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 of September, 2003; 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. VAC2003-00032 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 9th day of September, 2003.

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

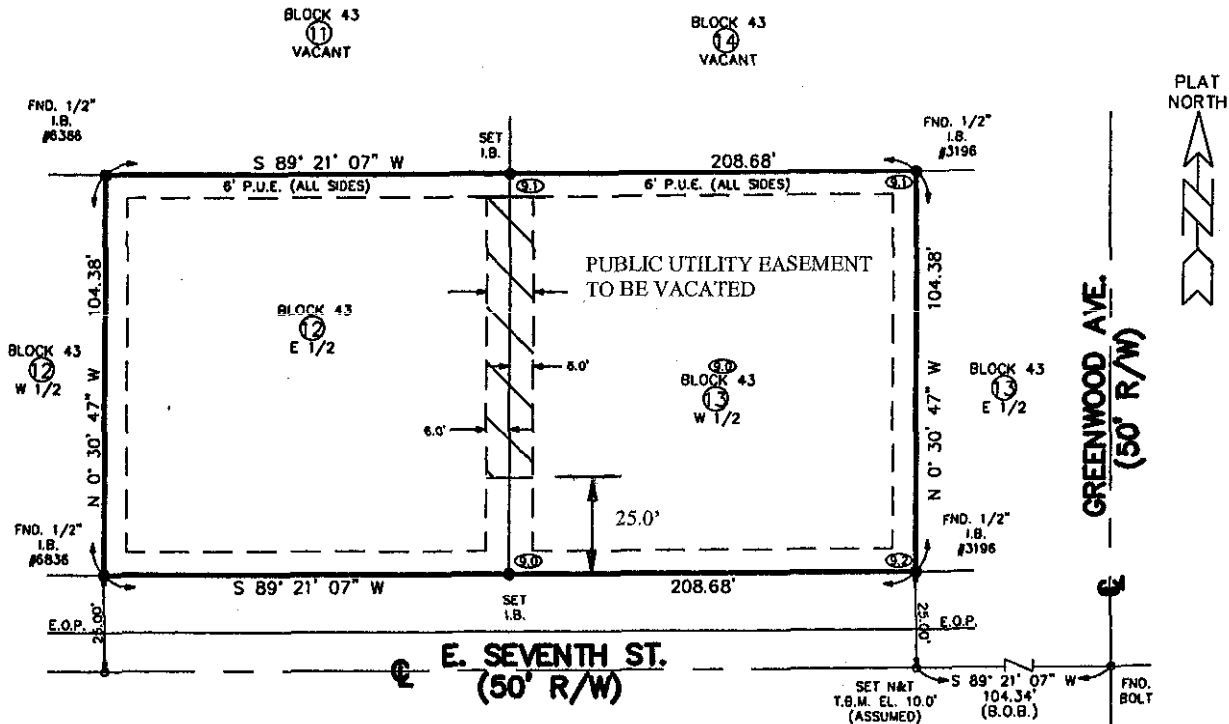
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00032

Legal Description

A twelve-foot (12') wide public utility easement centered on the common lot line separating Lots 12 and 13 of Block 43, Unit 11 of the plat of Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 42 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the northerly six feet (6.0') and the southerly twenty-five feet (25.0') thereof.



603 EAST SEVENTH STREET
 E 1/2 OF LOT 12 & W 1/2 OF LOT 13, BLOCK 43, UNIT 11
 SECTION 28, TOWNSHIP 44 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 42, AND
 DEED BOOK 263, PAGE 346, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

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) 388-7400 (941) 368-7885 (Fax)

DATE:	5-16-03
JOB NUMBER:	9486-167A
DRAWN BY:	C.B.S.
SCALE:	1" = 40'
SHEET:	EXHIBIT "B"