

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate two (2) 12-foot wide Public Utility Easement located at 5600, 5594 and 5584 6th Street West, Lehigh Acres, Florida 33971 (Case No. VAC2004-00020).

WHY ACTION IS NECESSARY: Future construction of a commercial building on 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 Drainage and/or Public Utility Easement.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: 5

5:00 #2

3. MEETING DATE:

06-08-2004

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]* 5/27/04

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 8TH day of June, 2004.

LOCATION: Petition No. VAC2004-00020 proposes to vacate two (2) 12-foot wide Public Utility Easement centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement. **The site is located at 5600, 5594 and 5584 6th Street West, Lehigh Acres, Florida 33971** and its strap number is 30-44-26-01-00009.0040, 30-44-26-01-00009.0050 and 30-44-26-01-00009.0060

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 <i>Admin 5/26/04</i>				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A	N/A	<i>John J. [Signature]</i> 5/26/04	<i>[Signature]</i> 5/26/04	<i>[Signature]</i> 5/26/04	<i>[Signature]</i> 5/26/04	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

CO. ATTY
5/26/04

RECEIVED BY
COUNTY ADMIN: *TD*
COUNTY ADMIN
FORWARDED TO: *JK*
5-26-04 4:45pm

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: VAC2004-00020

WHEREAS, Petitioner **David G. and Dawn L. Foote** 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 **8th day of June, 2004 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. VAC2004-00020 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"
Petition to Vacate
VAC2004-00020

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

Exhibit "B"
Petition to Vacate
VAC2004-00020
[Page One of One]

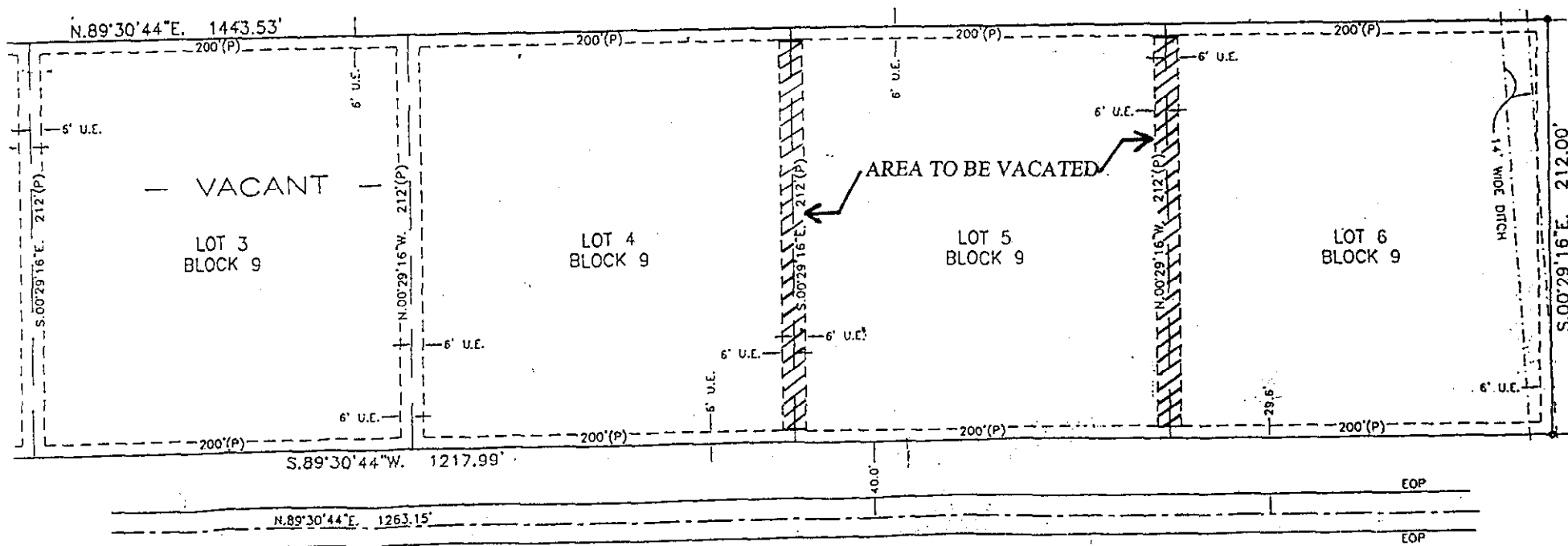


SCALE: 1 inch = 80 feet

PLAT OF
UNIT 1
LEHIGH ESTATES
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA

RECORDED IN PLAT BOOK 15,
PAGE 81 OF THE PUBLIC RECORDS,
LEE COUNTY, FLORIDA

ANGELFISH CANAL



SIXTH STREET S.W.