		I	Lee County Board Of Co Agenda Item		ners	Blue Sheet No. 2	20041726	
. REQUESTI	ED MOTIC	 N:	Agenda Hem	Summar y		Bide Sheet No. 2	20071720	
			ublic Hearing to adopt Lehigh Acres, Florida.				vide Public Utility	
VHY ACTION Vill not alter of equirements	existing ut	SSARY: To t ility condition	ouild a single-family resons and the easement	idence on the co	mbined lots ry to accon	. The vacation modate any ful	of this easement cure utility	
HAT ACTIO	ON ACCON	MPLISHES: \	Vacates the Public Utili	ty Easement.				
DEPARTM	ENTAL CA	ATEGORY:	04		3. MEET	ING DATE:		
COMMISSI			5:00	#5	01-11-2005			
AGENDA:			5. REQUIREMENT/ (Specify)	6. REQUESTOR OF INFORMATION:				
CONS			X STATUTE	A. COMMISSIONER B. DEPARTMENT Community Development				
	INISTRATI ALS	IVE	X ADMIN. CODE	13-1	C. DIVIS		Development Services	
X PUBLIC			OTHER		BY:	W	12/28/04	
WALI	K ON							
	REQUIRE	ED:				Peter	J. Eckenrode, Directo	
BACKGR	<u>OUND</u> :							
0010.0220. F ommon lot lin ubdivision of	Petition No ie between Lehigh Acr	. VAC2004-0 Lots 22 and es, as record	23 Fitch Ave., Lehigh 0058 proposes to vaca 23; both in Block 10, U ed in Plat Book 15 at F terly six feet thereof.	te a 12-foot wide nit 3, Plat of Sec	Public Utilit	ty Easement cen vnship 44 South,	tered on the Range 27 East, a	
ocumentatior	n pertaining	g to this Petiti	on to Vacate is availab	le for viewing at t	the Office of	f Lee Cares.		
here are no c	bjections t	o this Petition	to Vacate. Staff reco	mmends adoptior	n of this res	olution.		
ttached to thi	s Blue she	et is the Reso	olution with exhibits.					
. <u>MANAGEM</u>	MENT REC	OMMENDA [*]	ΓΙΟΝS:					
			9. <u>RECOMME</u>	NDED APPROVA	<u>\L</u> :			
A	В	С	D E	····F	F		G	
epartment	Purchasing or Contracts	Human Resources	Other County Attorney		Budget Servic	es 11/1/2/26/01	County Manager	
Joit.	N/A	N/A	N/A	OA (7)	DM Ri	sk GC RM 12/28/04	Watery	
Commiss	SION ACTI	ON:				RECEIVED BY		
		, DBD (WED	CO. ATTY. FORMARDED	1	COUNTY ADM	IIN:	
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		DEFER		11-71-12/04 10	2:01 4:11	COUNTY ADI	MIN	
		OTHE	N.			FORWARDEL		

COUNTY ADMIN

1025am

RSK/ December 28, 2004 U:\200412\20040929.102\9166250\BLUESHEETFORPHESMT.DOC

THIS INSTRUMENT PREPARED BY:

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

RESOLUTION NO FOR	PETITION TO VACATE
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Case Number: VAC2004-00058

WHEREAS, Petitioners <u>Daniel and Wendy Smitley</u> in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning a Petition to Vacate on the 11th day of January 2005 at 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 a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

NOW therefore be it resolved by the Board of County Commissioners as follows:

- 1. Petition to Vacate No. <u>VAC2004-00058</u> is hereby granted.
- 2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
- 3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
- 4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

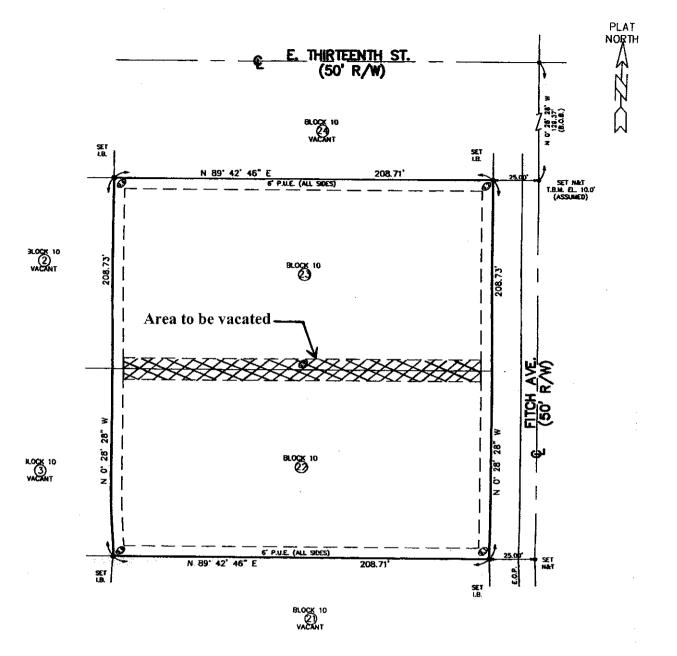
EXHIBIT "A"

Petition to Vacate VAC2004-00058

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 22 and 23; both in Block 10, Unit 3, Plat of Section 13, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 15 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet thereof.



BOUNDARY SURVEY
1223/1225 FITCH AVENUE
LOTS 22 & 23, BLOCK 10, UNIT 3
SECTION 13, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 15, AND
PLATTED FEBRUARY 15, 1956, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

Exhibit "B"
Petition to Vacate
VAC2004-00058
[Page One of One]

Company of the Compan	NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a	FIELD SURVEY: 2-28-04		
	Florido Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party or parties	REVISION:		
	is prohibited without written consent of the signing party or parties.			
	3-17-04			
	ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3695	DRAWN BY: B.J.P.		
And the state of t	CHRISTOPHER B. STILL, REGISTERED LAND SURVEYOR NO. 5941	SCALE: 1" = 40'		
	1130-E LEE BLVD., LEHIGH ACRES, FL. 33936	SHEET: _1_ OF _1_		
The state of the s	(239) 368-7400 FAX.(239) 368-7685	FILE NO: 0449		

				[,] Board Of C Agenda Item	County Comm Summary	ussioners	Rlue S	Sheet No.	20041726
I. REQUES	STED MOTI	<u>ON</u> :	<u> </u>	. agenua tiem	Summer of		Diuc		#UVTI/#U
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WHY ACT	ION IS NECE	ESSARY: To	build a sind	ale-family res	sidence on th	ne combined	lots. The	vacation	of this easement
will not alto	er existing u	tility conditi	ons and th	e easemen	t is not nece	ssary to ac	commoda	te any fu	ture utility
requireme	nts.								
WHAT AC	TION ACCO	MPLISHES:	Vacates the	e Public Utili	ity Easemen	t.			
	MENTAL C SSION DIST		04 Com	munity Dev	velopment	3. <u>M</u> E	EETING DA	<u>ATE</u> : 1/1	1/2005 @ 5 p.m.
. AGENDA	<u>A</u> :		5. REQU	JIREMENT/	PURPOSE:	6. <u>RE</u>	QUESTOR	OF INFO	ORMATION:
	NSENT		X STA		F.S. Ch. 1		OMM ISS IQ		
	MINISTRAT PEALS	IVE		OINANCE IIN. CODE	13-1		VISION_	· · r	Community Development Development Services
	BLIC		OTH		10-1	C. Di		TW	12/28/04
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	TIME REQUIRED: Peter J. Eckenrode, Director BACKGROUND:								
OCATION: 0010.0220 ommon lot ubdivision of XCEPT the ocumentat here are no	construction Blue she construction The site is dine between the pertaining of the pertaining of the she construction between the blue she construction between the she construction b	located at 12. VAC2004-0. Lots 22 and res, as record feet and wes g to this Petition this Petition et is the Res	23 Fitch Avious Pitch Avious Pi	ve., Lehigh beses to vaca Block 10, U Book 15 at F et thereof. te is availab . Staff recor exhibits.	Acres, FL 3 te a 12-foot value of Plat of Page 15 of the	3972 and its wide Public L Section 13, Te Public Record at the Office ption of this I	strap num Jtility Ease Township 4 cords of Lee e of Lee Ca	ber is 13- ment cent 14 South, e County,	44-27-03-
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A lepartment hirestor	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney		F Budget Services		G County Manager	
فأملى	N/A	N/A	N/A		OA	ОМ	Risk	GC	
. <u>COMMI</u>	SSION ACTI	ON:				-			
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RSK/ De	cember 28, 200	4	····						

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This Resolution County Commissione					minutes of	the Boa	rd of
ATTEST: CHARLIE GREEN, C Deputy Clerk Signatu			ВО	OF LEE	OUNTY COM COUNTY, I	FLORIDA	
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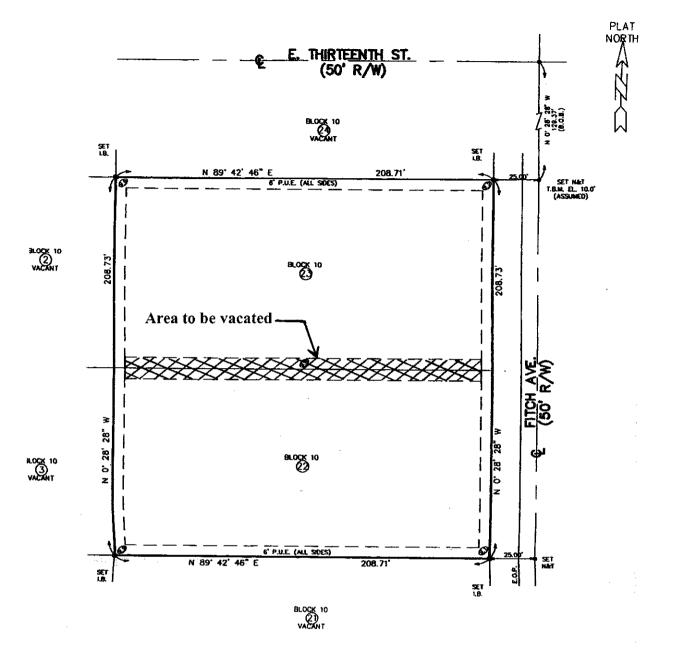
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- Annual State Control of the Contro	Florido Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.	REVISION:		
	Jun #51			
	ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3894	DRAWN BY: B.J.P.		
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