

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate two (2) 12-foot wide Public Utility Easements located at 5115/5117, 5119/5121 Leonard Blvd. S., and 5114/5116, 5118/5120 24th St. SW, Fort Myers (Case No. VAC2004-00074).

2. WHAT ACTION ACCOMPLISHES: To build four (4) multi-family residences on the combined lots. The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 2 **5:00 #2**

5. Meeting Date: 05-10-2005

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177
 Ordinance
 Admin. Code 13-1
 Other

8. Request Initiated:
Commissioner
Department Community Development
Division Development Services
By: *[Signature]* 4/13/05
 Peter J. Eckenrode, Director

9. Background:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for **5:00 PM on the 10th day of May 2005**. The completed petition to vacate, VAC2004-00074 was submitted by Hermann Kopper.

LOCATION: The site is located at **5115/5117, 5119/5121 Leonard Blvd. S., and 5114/5116, 5118/5120 24th St. SW, Fort Myers, Florida 33971** and its original strap numbers are 31-44-26-02-00004.0060 and 31-44-26-02-00004.0080. Petition No. VAC2005-00074 proposes to vacate two (2) twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 6 and 7, Lots 8 and 9, all in Block 4, Unit 2, Section 31, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northeasterly six feet and southwesterly feet thereof.

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 the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>APM 4/19/05</i>				County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i>	Analyst <i>[Signature]</i> 4/18/05	Risk <i>[Signature]</i> 4/18/05	Grants <i>[Signature]</i> 4/18/05	Mgr. <i>[Signature]</i> 4/18/05	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: 4/15/05
 Time: 8:55
 Forwarded To: *[Signature]*

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 4-15-05
 11:15
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 4/19/05
 2:45pm

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: VAC2004-00074

WHEREAS, Petitioner **Hermann Kopper** 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 10th day of May 2005 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. VAC2004-00074 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
VAC2004-00074

Legal Description of the Public Utility Easements to be Vacated:

The twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 6 and 7, Lots 8 and 9, all in Block 4, Unit 2, Section 31, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly feet thereof.

PLAT
NORTH

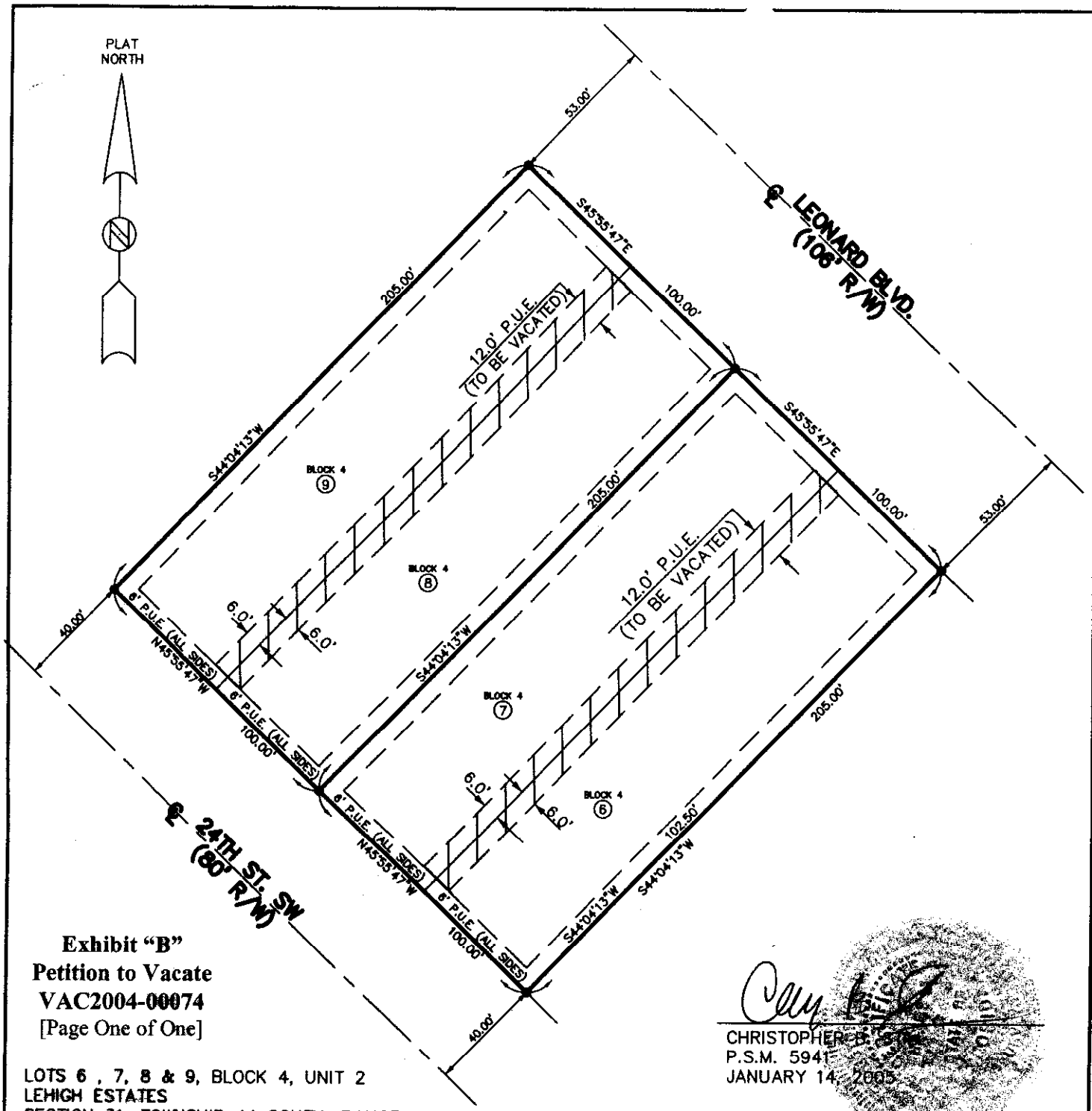


Exhibit "B"

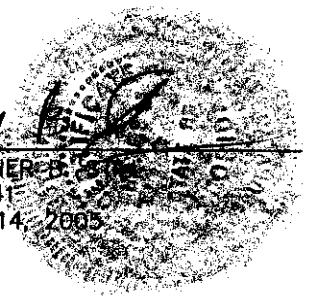
Petition to Vacate

VAC2004-00074

[Page One of One]

LOTS 6 , 7 , 8 & 9, BLOCK 4, UNIT 2
LEHIGH ESTATES
SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA

CHRISTOPHER B. ...
P.S.M. 5941
JANUARY 14, 2005



NOT A SURVEY – SKETCH ONLY

S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers

1130-E Lee Boulevard, Lehigh Acres, Florida 33936

(239) 366-7400 (239) 368-7685 (Fax)

DATE:
1-14-05

JOB NUMBER:
04242-1B

DRAWN BY:
C.B.S.

SCALE:
1" = 50'

SHEET:
1 of 2

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: VAC2004-00074

WHEREAS, Petitioner **Hermann Kopper** 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 10th day of May 2005 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. VAC2004-00074 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
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00074

Legal Description of the Public Utility Easements to be Vacated:

The twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 6 and 7, Lots 8 and 9, all in Block 4, Unit 2, Section 31, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly feet thereof.

PLAT NORTH

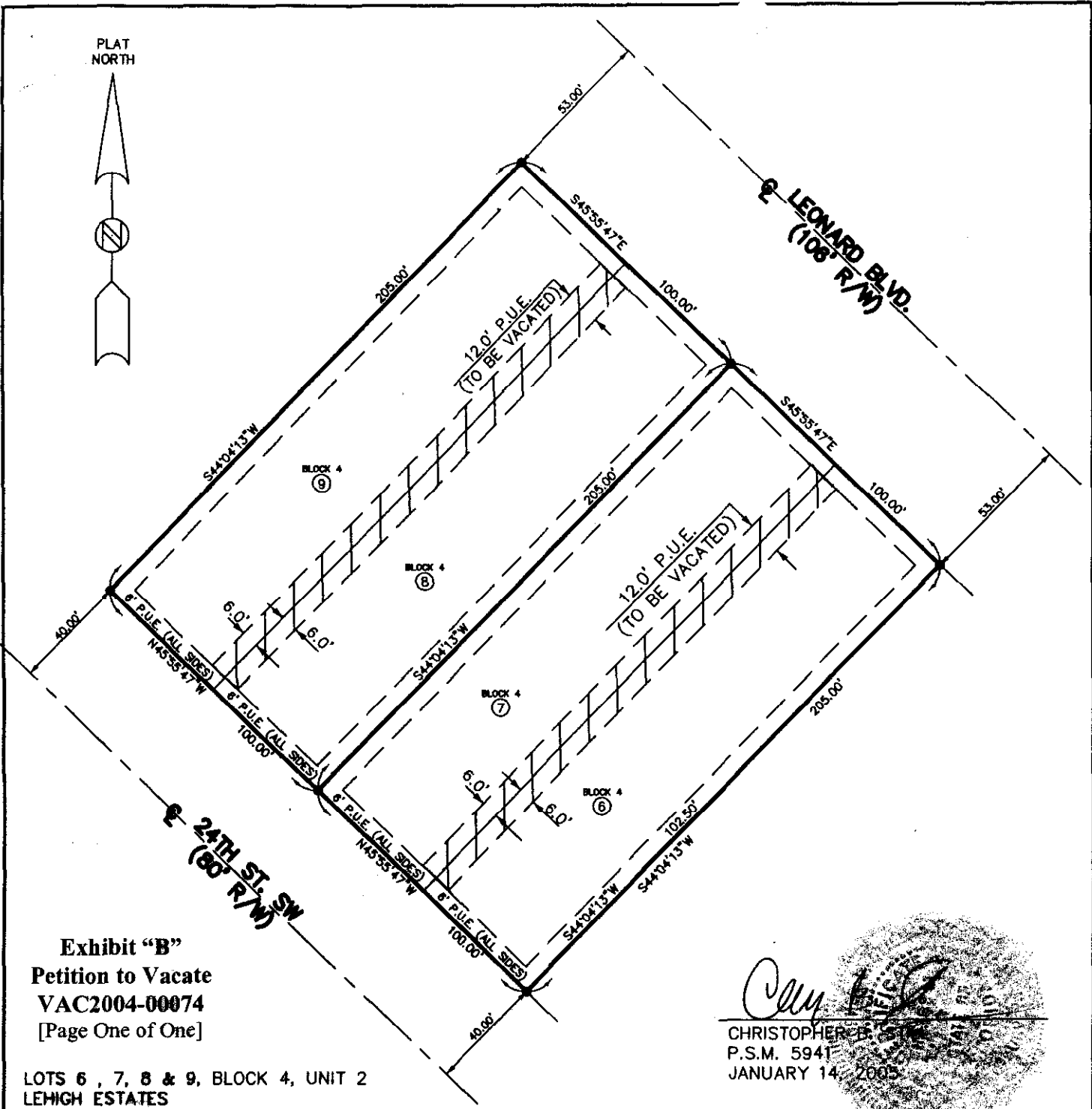


Exhibit "B"

Petition to Vacate

VAC2004-00074

[Page One of One]

LOTS 6 , 7, 8 & 9, BLOCK 4, UNIT 2
 LEHIGH ESTATES
 SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA

CHRISTOPHER B. ...
 P.S.M. 5941
 JANUARY 14, 2005

NOT A SURVEY – SKETCH ONLY

S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers

1130-E Lee Boulevard, Lehigh Acres, Florida 33938

(239) 368-7400 (239) 368-7885 (Fax)

DATE: 1-14-05

JOB NUMBER: 04242-1B

DRAWN BY: C.B.S.

SCALE: 1" = 50'

SHEET: 1 of 2