

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

Blue Sheet No. 20050588

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility Easement located at 711 and 713 Poinsettia Ave., Lehigh Acres (Case No. VAC2004-00056).

2. WHAT ACTION ACCOMPLISHES: 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.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: COMMISSION DISTRICT #: 5 5:00 #2 **5. Meeting Date:** 06-14-2005

6. Agenda:	<input type="checkbox"/> Consent	7. Requirement/Purpose: (specify)	<input checked="" type="checkbox"/> Statute	F.S. Ch. 177	8. Request Initiated:	
	<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance			Commissioner
	<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code	13-1		Department
	<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Other			Division
	<input type="checkbox"/> Walk-On					By: <u>[Signature]</u> <u>4/29/05</u>
					Community Development	
					Development Services	
					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 24th day of May 2005**. The completed petition to vacate, VAC2004-00056 was submitted by Michele Amburgey as the agent on behalf of Karas Venuse.

LOCATION: The site is located at **711 and 713 Poinsettia Ave., Lehigh Acres, FL 33936** and its strap number are 29-44-27-10-00039.0180 and 29-44-27-10-00039.0190. The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19, both in Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six 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	County Manager/P.W. Director
<u>M Gibbs</u>				<u>[Signature]</u>	<u>WH 5/5</u>	<u>[Signature]</u>
				<u>Analyst</u>	<u>Risk</u>	<u>Grants</u>
				<u>5/5/05</u>	<u>5/5/05</u>	<u>5/5/05</u>

11. Commission Action:

- Approved
- Deferred ON 05-24-05 TO THE
- Denied 06-14-05 BOCC MTG.
- Other CONTINUED

Rec. by CoAtty
Date: 5/3/05
Time: 8:30
Forwarded To:
[Signature]
5/5/05

RECEIVED BY
COUNTY ADMIN:
5-3-05 Mfg
[Signature]
COUNTY ADMIN
FORWARDED TO: 11
5/5/05
[Signature]

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: VAC2004-00056

WHEREAS, Petitioner **Karas Venuse** 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 June 2005 at 5:00 PM; 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. VAC2004-00056 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

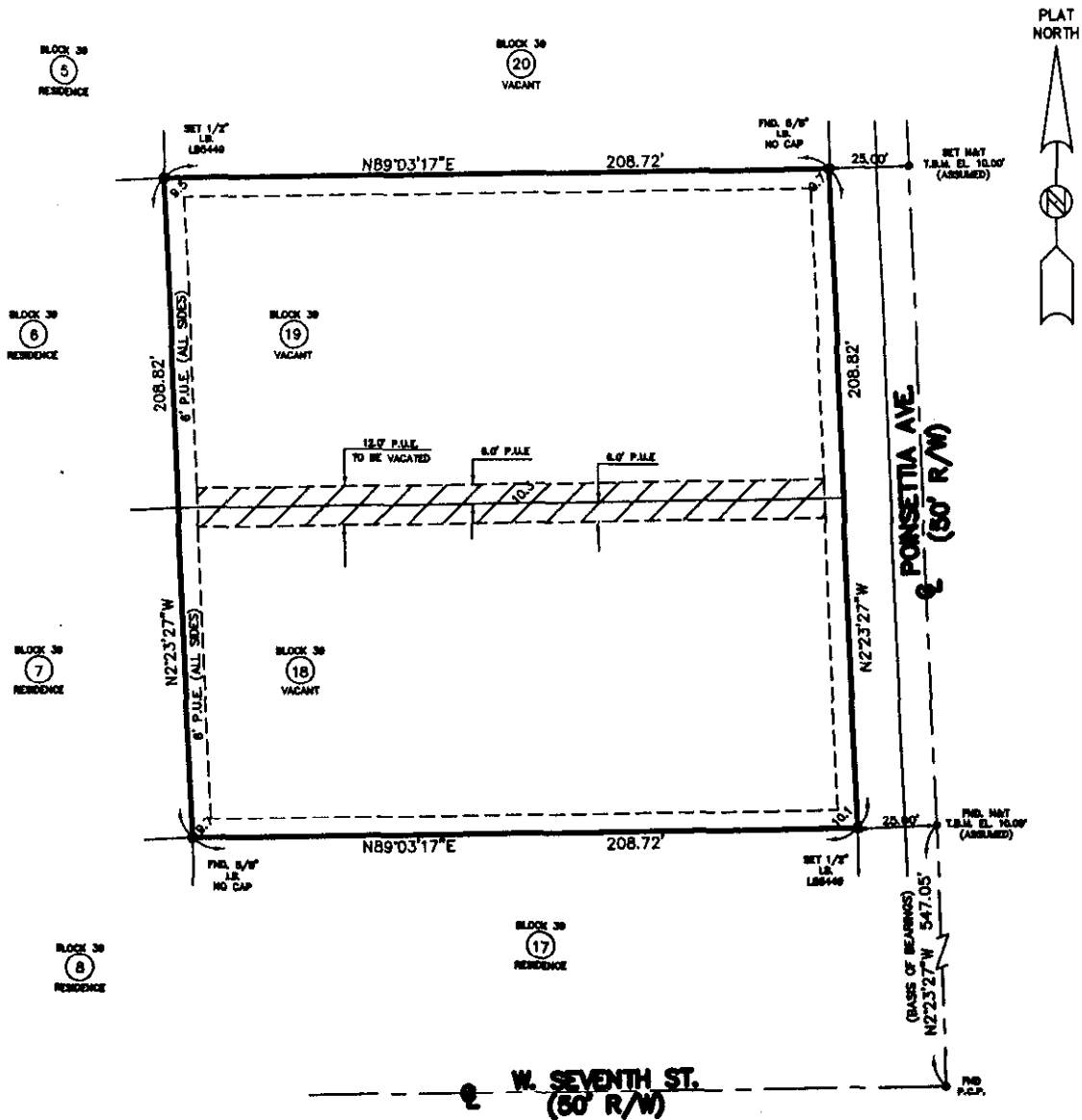
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00056

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19, both in Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44 of the Public Records of Lee County, Florida;

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



BOUNDARY SURVEY
 711 & 713 POINSETTIA AVENUE
 LOTS 18 & 19, BLOCK 39, UNIT 10
 SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 44, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

Exhibit "B"
 Petition to Vacate
 VAC2004-00056
 [Page One of One]

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:	5-12-04
JOB NUMBER:	8811-881
DRAWN BY:	C.B.S./B.J.P.
SCALE:	1" = 80'
SHEET:	1 of 1