

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00049 to Vacate (3) 12-foot wide Public Utility Easements common to Lots 6/7, 7/8, and 8/9, Block 10, Unit 5, a subdivision of Lehigh Acres, in Lehigh Acres, Florida.

WHY ACTION IS NECESSARY: To develop a commercial business on the combined lots. The vacation of the public utility easements will not alter existing utilities and the easements are not necessary to accommodate any future utility requirements.

WHAT THE ACTION ACCOMPLISHES: Vacates a 12-foot wide Public Utility Easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #1

3. MEETING DATE:

12-10-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY *[Signature]* 11/15/02
Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 10th day of December, 2002.

LOCATION:

Petition # VAC2002-00049 proposes to vacate three (3) 12-foot wide Public Utility Easements centered on the lot lines common to Lots 6 & 7, 7 & 8 and 8 & 9, Block 10, Unit 5, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 85, LESS and EXCEPT the east 6-feet and the west 6-feet thereof, Section 04, Township 45 South, Range 26 East, of the Public Records of Lee County, Florida. The site is located at 1511 Gretchen Avenue South, Lehigh Acres, Florida 33936.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 11/19/02	<i>[Signature]</i> 11/21/02	<i>[Signature]</i> 11/20/02	<i>[Signature]</i> 11/20/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

4-20-02
11-15-02
11/19/02
[Signature]

RECEIVED BY
 COUNTY ADMIN. *[Signature]*
 11-19-02
 COUNTY ADMIN. *[Signature]*
 FORWARDED TO: *BH*
 11/20/02

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: VAC2002-00049

WHEREAS, Petitioner **B & B Cool Air, Inc., a Florida Corporation** 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 December, 2002; 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. VAC2002-00049 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

LEGAL DESCRIPTION

A 12-foot utility easement centered on the lot line common to Lots 6 & 7, Block 10, Unit 5, in Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 85, of the Official Records of Lee County, Florida, Section 4, Township 45 South, Range 26 East, LESS and EXCEPT the east 6-feet and the west 6-feet thereof.

A 12-foot utility easement centered on the lot line common to Lots 7 & 8, Block 10, Unit 5, in Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 85, of the Official Records of Lee County, Florida, Section 4, Township 45 South, Range 26 East, LESS and EXCEPT the east 6-feet and the west 6-feet thereof.

A 12-foot utility easement centered on the lot line common to Lots 8 & 9, Block 10, Unit 5, in Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 85, of the Official Records of Lee County, Florida, Section 4, Township 45 South, Range 26 East, LESS and EXCEPT the east 6-feet and the west 6-feet thereof.

EXHIBIT "A"

