

1. REQUESTED MOTION:

**ACTION REQUESTED:** Adopt a Resolution on Petition VAC2002-00038 to Vacate a 12 foot Public Utility Easement, located between the common lot lines of lots 15 & 16, Block 21, Lehigh Acres, Florida, less and except the east and west 6 feet thereof.

**WHY ACTION IS NECESSARY:** To vacate the easement in order to expand a Single Family Residence. **These easements are not required to accommodate any future Utility or tight of ways needs and the vacation will not impact any existing utilities..**

**WHAT ACTION ACCOMPLISHES:** Vacates the easement.

2. **DEPARTMENTAL CATEGORY:** 04  
**COMMISSION DISTRICT #:** 5

5:00 #3

3. **MEETING DATE:**

12-10-2002

4. **AGENDA:**

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]* 11/25/02

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 10h day of December, 2002.

**LOCATION:** The 12 foot Public Utility Easement is located between the common lot lines of lots 15 & 16, Block 21, Lehigh Acrs, Florida, Unit 6, Section 18, Township 44 South, range 27 East, less and except the east and west 6feet thereof. Property is located at 1305 Dixie Ave., Lehigh Acres, FL.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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, County Manager			G County Manager
<i>[Signature]</i> 11/25/02	N/A	N/A	N/A	<i>[Signature]</i> 11/26/02	OM <i>[Signature]</i> 11/27/02	Risk <i>[Signature]</i> 11/26/02	GC <i>[Signature]</i> 11-26-02	<i>[Signature]</i> 11-26-02

10. **COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

11/26/02

11/26/02	IN. TD
3:30pm	
	BH
11/26/02	500

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: VAC2002-00038

WHEREAS, Petitioner HELEN CHRISTINE SMITH a/k/a HELEN SMITH-CARELLI 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 DECEMBER @ 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

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.

## LEGAL DESCRIPTION

A12 Foot Public Utility Easement located on the common lot lines of lots 15 and 16, Block 21, Unit 6, Section 18, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof, on file in the office of the Clerk of Circuit Court, recorded in Deed Book 252, Page 456, Public Records of Lee County, Florida, less and except the east and west 6 feet thereof.

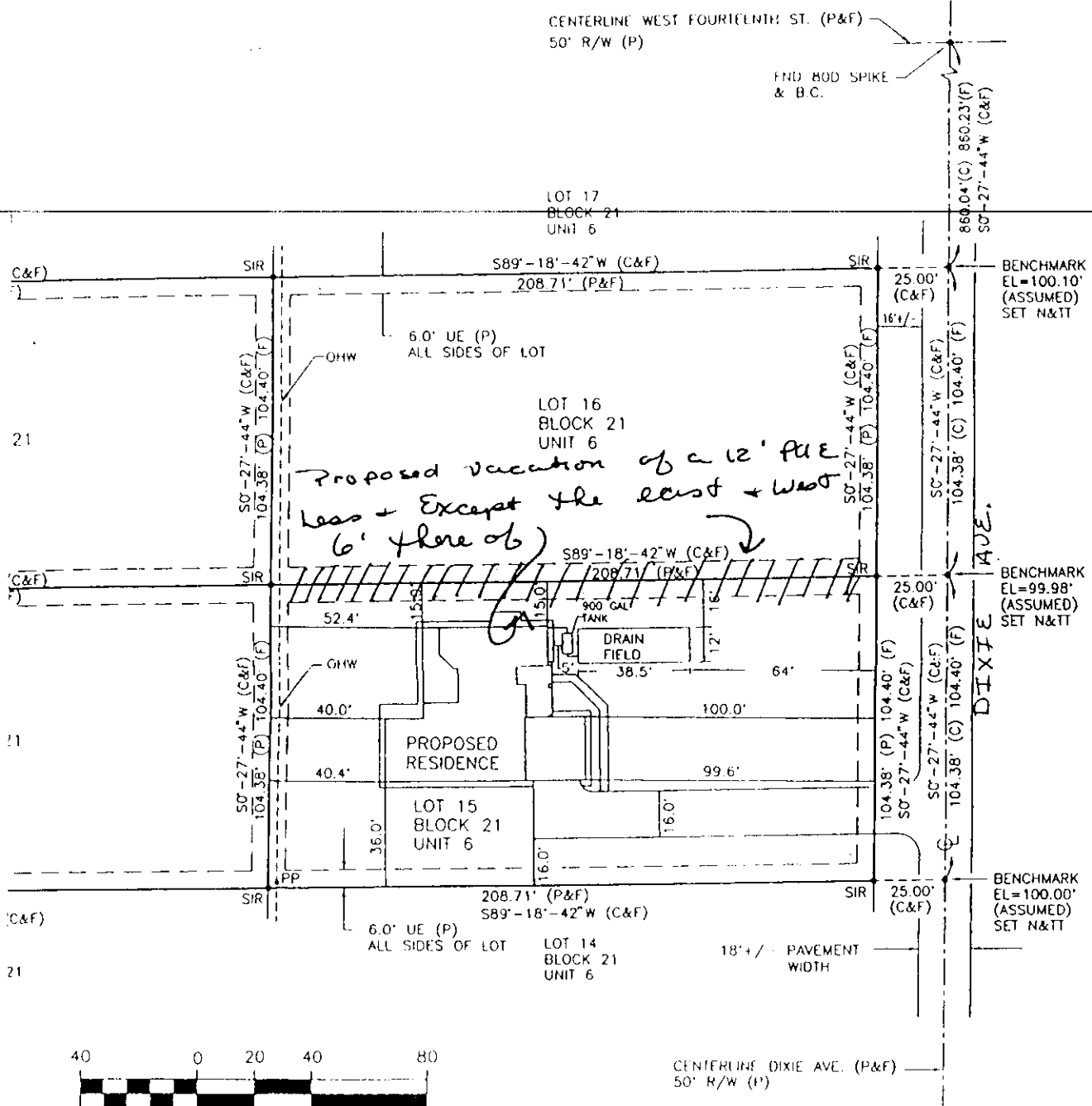
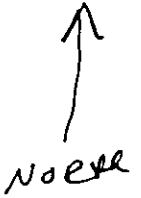
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**DESCRIPTION:**

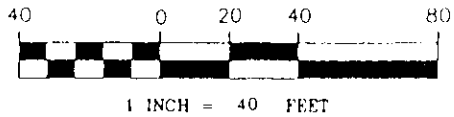
LOTS: 9,10,15,16 BLOCK: 21 IT: 6  
 SUBDIVISION: LEHIGH ACRES  
 SECTION: 18 TOWNSHIP 44 SOUTH RANGE 27 EAST  
 LEE COUNTY, FLORIDA  
 AS RECORDED IN:  
 PLAT BOOK 15 PAGE 22, OF THE PUBLIC RECORDS OF  
 LEE COUNTY, FLORIDA

CLIENT: HELEN C. SMITH  
 PROJECT NUMBER: 98-0185  
 FIELD BOOK 106, PAGES 12-16,20,21  
 SECTION 18  
 TOWNSHIP 44 SOUTH  
 RANGE 27 EAST

1305 Dixie Ave.



*Proposed vacation of a 12' PUE  
 less + Except the east + west  
 6' there of*



- REVISIONS: 1-29-99  
 1. ADDED PROPOSED IMPROVEMENTS.  
 2. REVISED NOTE #7  
 3. REVISED ELEVATIONS PER NOTE #7.

NOTIFIED TO:  
 HELEN CHRISTINE SMITH  
 PUBLIC BANK, DBA FLAGSHIP MORTGAGE SERVICES  
 BETWOOD TITLE CORPORATION  
 ELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

NOTE: "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE

SIGNATURE: *Robert J. Olson*  
 NAME: ROBERT J. OLSON  
 LICENSE NO.: LS 5528

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021380

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition VAC2002-00038 to Vacate a 12 foot Public Utility Easement, located between the common lot lines of lots 15 & 16, Block 21, Lehigh Acres, Florida, less and except the east and west 6 feet thereof.

**WHY ACTION IS NECESSARY:** To vacate the easement in order to expand a Single Family Residence. These easements are not required to accommodate any future Utility or tight of ways needs and the vacation will not impact any existing utilities..

**WHAT ACTION ACCOMPLISHES:** Vacates the easement.

2. **DEPARTMENTAL CATEGORY:** 04 Community Development  
**COMMISSION DISTRICT #:** 5

3. **MEETING DATE:** December 10, 2002  
 at 5:00 p.m.

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:  11/25/02

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:** The 12 foot Public Utility Easement is located between the common lot lines of lots 15 & 16, Block 21, Lehigh Acres, Florida, Unit 6, Section 18, Township 44 South, range 27 East, less and except the east and west 6feet thereof. Property is located at 1305 Dixie Ave., Lehigh Acres, FL.

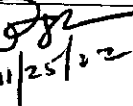
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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				G County Manager
					OA	OM	Risk	GC	
 11/25/02	N/A	N/A	N/A						

10. **COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

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: VAC2002-00038

WHEREAS, Petitioner HELEN CHRISTINE SMITH a/k/a HELEN SMITH-CARELLI 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 DECEMBER @ 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

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. VAC2002-00038 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

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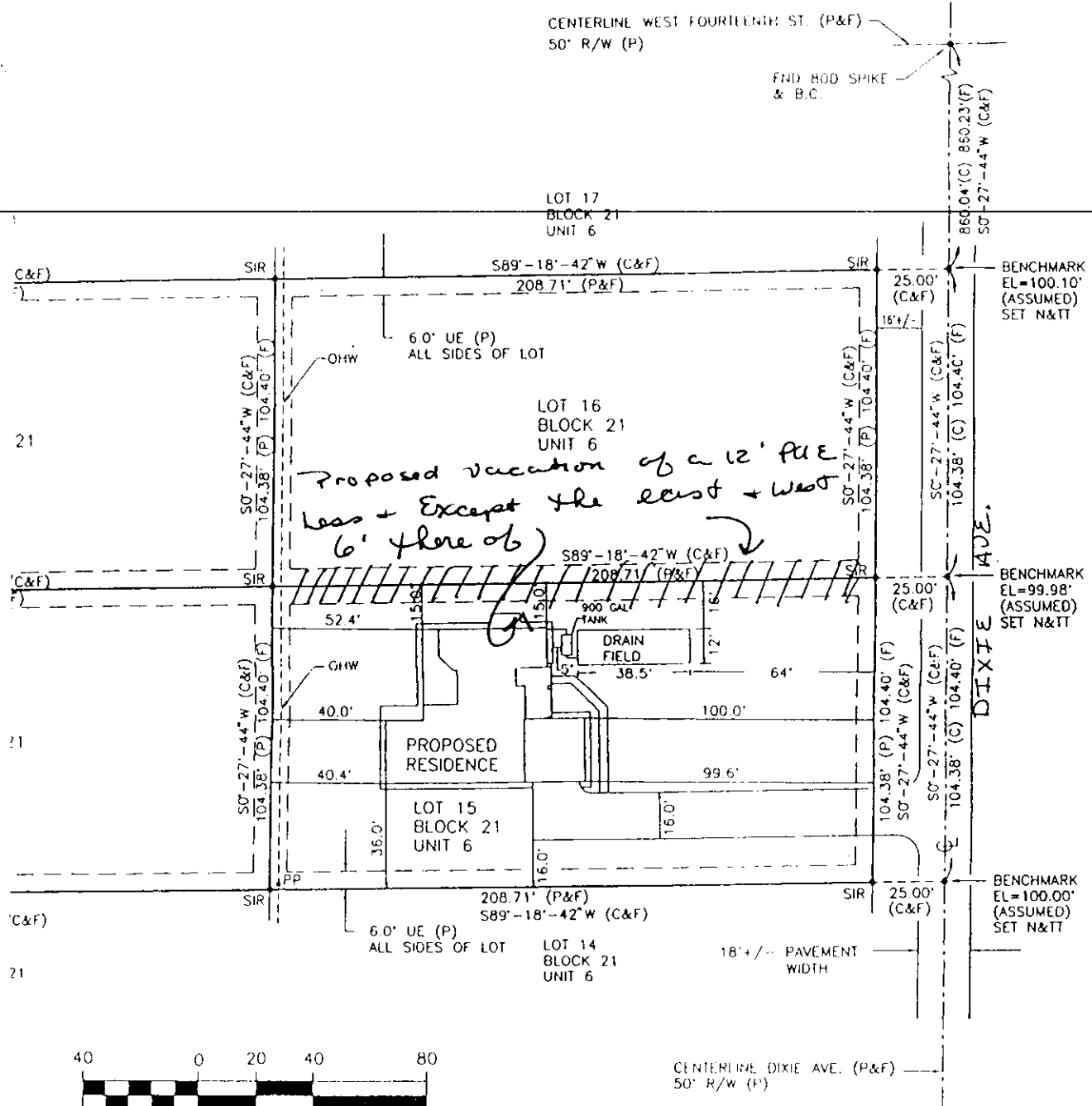
**DESCRIPTION:**

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 SUBDIVISION: LEHIGH ACRES  
 SECTION: 18 TOWNSHIP 44 SOUTH RANGE 27 EAST  
 LEE COUNTY, FLORIDA  
 AS RECORDED IN:  
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 LEE COUNTY, FLORIDA

CLIENT: HELEN C. SMITH  
 PROJECT NUMBER: 98-0185  
 FIELD BOOK 106, PAGES 12-16,20,21  
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 TOWNSHIP 44 SOUTH  
 RANGE 27 EAST

1305 Dixie Ave.

↑  
North



- REVISIONS: 1-29-99  
 1. ADDED PROPOSED IMPROVEMENTS.  
 2. REVISED NOTE #7.  
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CERTIFIED TO:  
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SIGNATURE: *Robert J. Olson*  
 NAME: ROBERT J. OLSON  
 LICENSE NO.: 15 6528