

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 4905 Barth Street, Lehigh Acres, Florida 33971. (Case No. VAC2003-00038)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage or utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

5:00 #1

3. MEETING DATE:

10-14-2003

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: *[Signature]* 9/17/03

Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on October 14, 2003.

LOCATION: Petition No. VAC2003-00038 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 7 and 8, Block 99, Unit 14, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 49, Section 29, Township 44 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6-feet and the South 6-feet thereof. The site is located at 4905 Barth Street, Lehigh Acres, Florida 33971.

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 Resources | D Other | E County Attorney | F Budget Services <i>CPA</i> 9/19/03 | | | G County Manager |
|------------------------------|---------------------------------|-------------------------|------------|---|--|----------------|----------------|-----------------------------|
| | | | | | OM | Risk | GC | |
| <i>ham</i> <i>6/15/03</i> | N/A | N/A | N/A | <i>John</i> <i>Richard</i> <i>9-18-03</i> | <i>9/18/03</i> | <i>9/19/03</i> | <i>9/19/03</i> | <i>HS</i> <i>9/19/03</i> |

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

9/18/03
9:48 AM
CO. ATTY.
9/18/03 11:11 AM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
9/18/03
10:00
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9/19/03
4:48 PM

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: VAC2003-00038

WHEREAS, Petitioner **Khemraj and Mezaun Singh** 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 October 2003 at 5:00p.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. **VAC2003-00038** 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 **14th day of October 2003 at 5:00p.m.**

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
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00038

Legal Description

A twelve-foot (12') wide public utility AND drainage easement centered on the common lot line between Lots 7 and 8 of Block 99, Unit 14 of the plat of Section 29, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 26, Page 49 of the of the Public Records of Lee County, Florida.

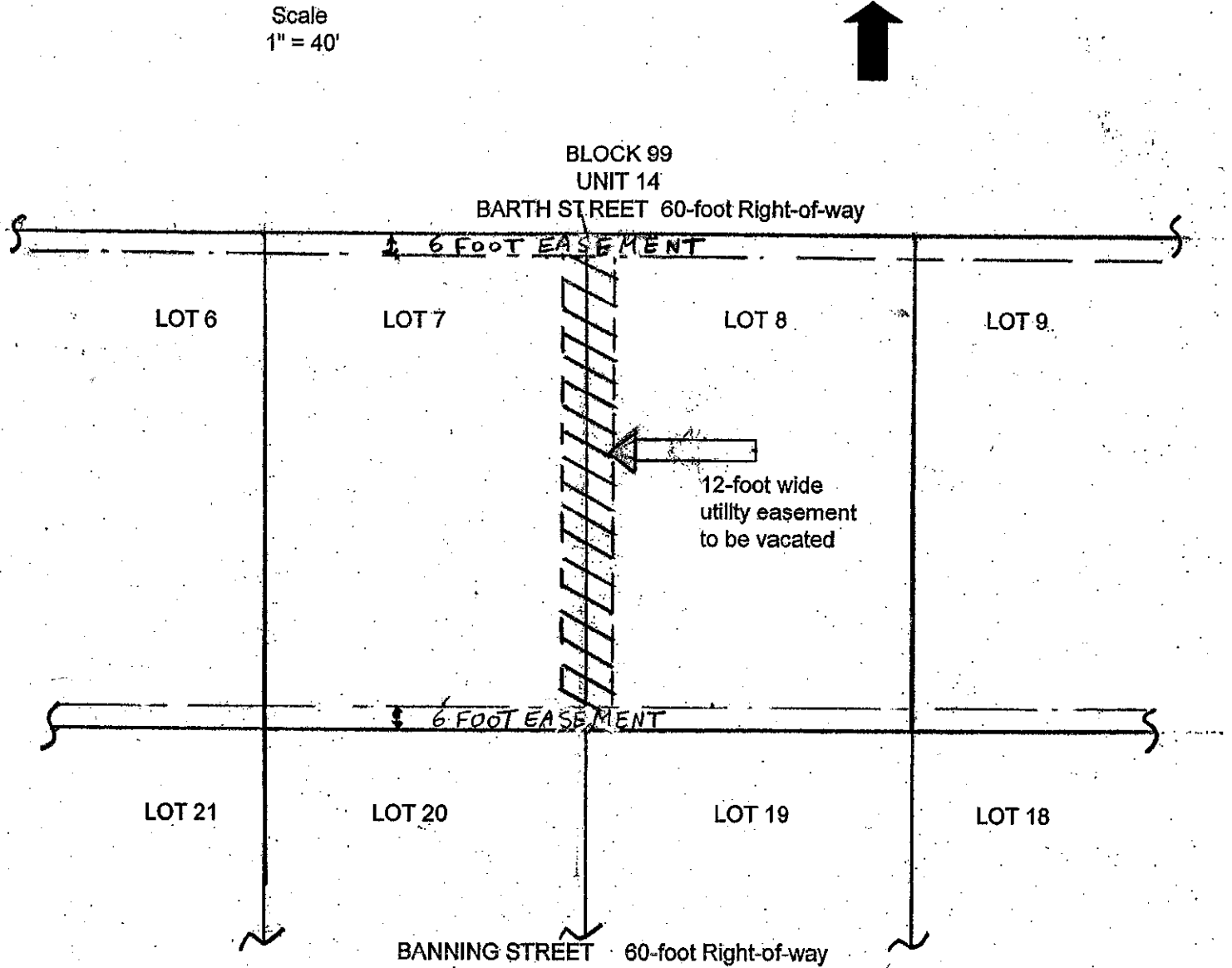
LESS AND EXCEPT the north six feet (6') and south six feet (6') thereof.

Exhibit "B"
VAC2003-00038

Section 29, Township 44 South, Range 26 East
A Subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 26 at Page 49 of the Public
Lee County Florida.

Scale
1" = 40'

NORTH



All lots subject to a 6 foot Utility Easement on both sides and back.