

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate several 6 foot wide Drainage and Public Utility Easements located at 3004 4th ST W and 3021 Lee Blvd Lehigh Acres, Florida. (Case No. VAC2003-00037)

WHY ACTION IS NECESSARY: To build a single-family residence 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.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

5:00 #4

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]* 9/26/03

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 14th October, 2003

LOCATION: Petition No. VAC2003-00037 proposes to vacate several 6 foot wide Drainage and Public Utility Easements adjacent to the following lot lines:

- The rear lot line of Lots 1 through 9, inclusive, and Lots 14 through 22, inclusive, Block 25; and
- The East lot line of Lots 1 and 22, Block 25; and
- The West lot line of Lots 9 and 14, Block 25; and
- The East and West lot line of Lots 2 through 8, inclusive, and 15 through 21, inclusive, Block 25

Less and except those portions of the 6 foot wide drainage and utility easements lying adjacent to Fourth Street, Lee Boulevard and the West lot line of Lots 1 and 22 and the East line of Lots 9 and 14, Block 25.

The site is located at 4th ST W and 3021 LEE BLVD, Lehigh Acres, Florida.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares. There are not objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

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 Risk			G County Manager
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>John Medina</i> 9-29-03	<i>QA</i> 9/30/03	<i>OM</i> 9/30/03	<i>GC</i> 9/30/03	<i>HE W</i> <i>WTH</i> 10-2-03

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: 9-26-03
 Time: 4:35
 Forwarded To:
Co. Admin.
 9/29/03 oph

RECEIVED BY
 COUNTY ADMIN: *TD*
 9/30
 COUNTY ADMIN
 FORWARDED TO: *HS*
 10/1/03

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: Vac2003-00037

WHEREAS, Petitioner **ASAP Storage of Lehigh Acres, Fl., L.C.** 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 _____; 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. VAC2003-00037 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
VAC2003-00037

Legal Description

Public utility and drainage easements in Block 25, Unit 4 of the Plat of Part of Units 3 & 6 all of 4 & 5, Section 25, 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 15, Page 70 of the of the Public Records of Lee County, Florida, and more particularly described as follows:

Six-foot (6') wide Public Utility and Drainage Easements adjacent to the following lot lines:

The south lot line of Lots 1 through 9, inclusive, and north lot line Lots 14 through 22, inclusive, Block 25, Unit 4; and

The east lot line of Lots 1 and 22, Block 25, Unit 4; and

The west lot line of Lots 9 and 14, Block 25, Unit 4; and

The east and west lot lines of Lots 2 through 8, inclusive, and Lots 15 through 21, inclusive, Block 25, Unit 3.

LESS AND EXCEPT those portions of the Six-foot (6') wide Public Utility and Drainage easements lying adjacent to Fourth Street, Lee Boulevard and the west line of Lots 1 and 22 and the east line of Lots 9 and 14, Block 25, Unit 4.

Exhibit "B"

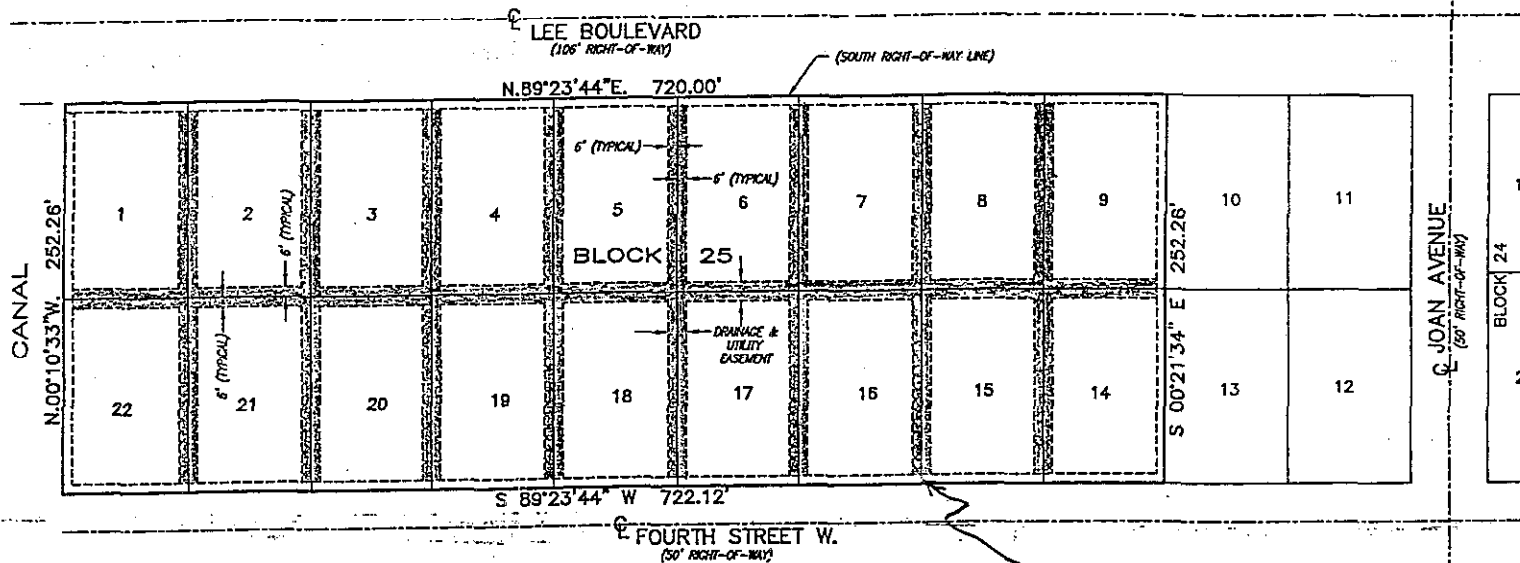
Petition to Vacate

VAC2003-00037

SKETCH OF DESCRIPTION

Public utility and drainage easements in Block 25, Unit 4 of the Plat of Part of Units 3 & 6 all of 4 & 5, Section 25, 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 15, Page 70 of the of the Public Records of Lee County, Florida.

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA
(DRAINAGE & UTILITY EASEMENT VACATION)



LEGEND:
⊕ INDICATES CENTERLINE

All darkened portions
are to be vacated

SEE SHEET 1 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Thomas R. Lemmert, Jr.
THOMAS R. LEMMERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH RIGHT-OF-WAY LINE OF LEE BOULEVARD AS BEARING N.89°23'44"E.

PREPARED 04-22-03

- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.