

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 2910 Lee Blvd., Lehigh Acres, Florida 33971 (Case No. VAC2003-00078)

WHY ACTION IS NECESSARY: To build a commercial building on the combined six (6) 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

04

5:00 #3

3. MEETING DATE:

03-09-2004


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:  2/19/04

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 March 9th, 2004.

LOCATION: Petition No. VAC2003-00078 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between the following lots, all in the Block 24, Unit 3 of the Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida: Lots 6 and 15; Lots 5 and 6, 6 and 7, **less and except** the north six feet thereof; Lots 14 and 15, 15 and 16, **less and except** the south six feet thereof; The westerly fifty feet of Lots 7 and 14; The easterly fifty feet of Lots 5 and 16; The site is located at 2910 Lee Blvd., Lehigh Acres, Florida 33971.


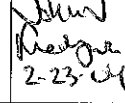
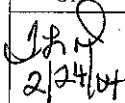
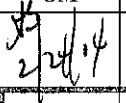
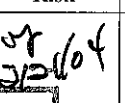
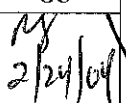

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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 GC				G County Manager
					OA	OM	Risk		
	N/A	N/A	N/A	 2-23-04	 2/24/04	 2/24/04	 2/24/04	 2/24/04	

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

Rec. by CoAtty
Date: 2-20-04
Time: 4:30
Forwarded To:
CO: MAM
2/23/04 1PM

RECEIVED BY
COUNTY ADMIN
2/23/04
3:50 pm
COUNTY ADMIN
FORWARDED TO:
2/25/04
846am

BF

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: VAC2003-00078

WHEREAS, Petitioner RODERICK W. WILLIS
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 March 9th, 2004 ; 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. VAC2003-00078 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
VAC2003-00078

**Legal Description of Public Utility and Drainage
Easements to be Vacated:**

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in the Block 24, Unit 3 of the Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

Lots 6 and 15;

Lots 5 and 6, 6 and 7, less and except the north six feet thereof;

Lots 14 and 15, 15 and 16, less and except the south six feet thereof;

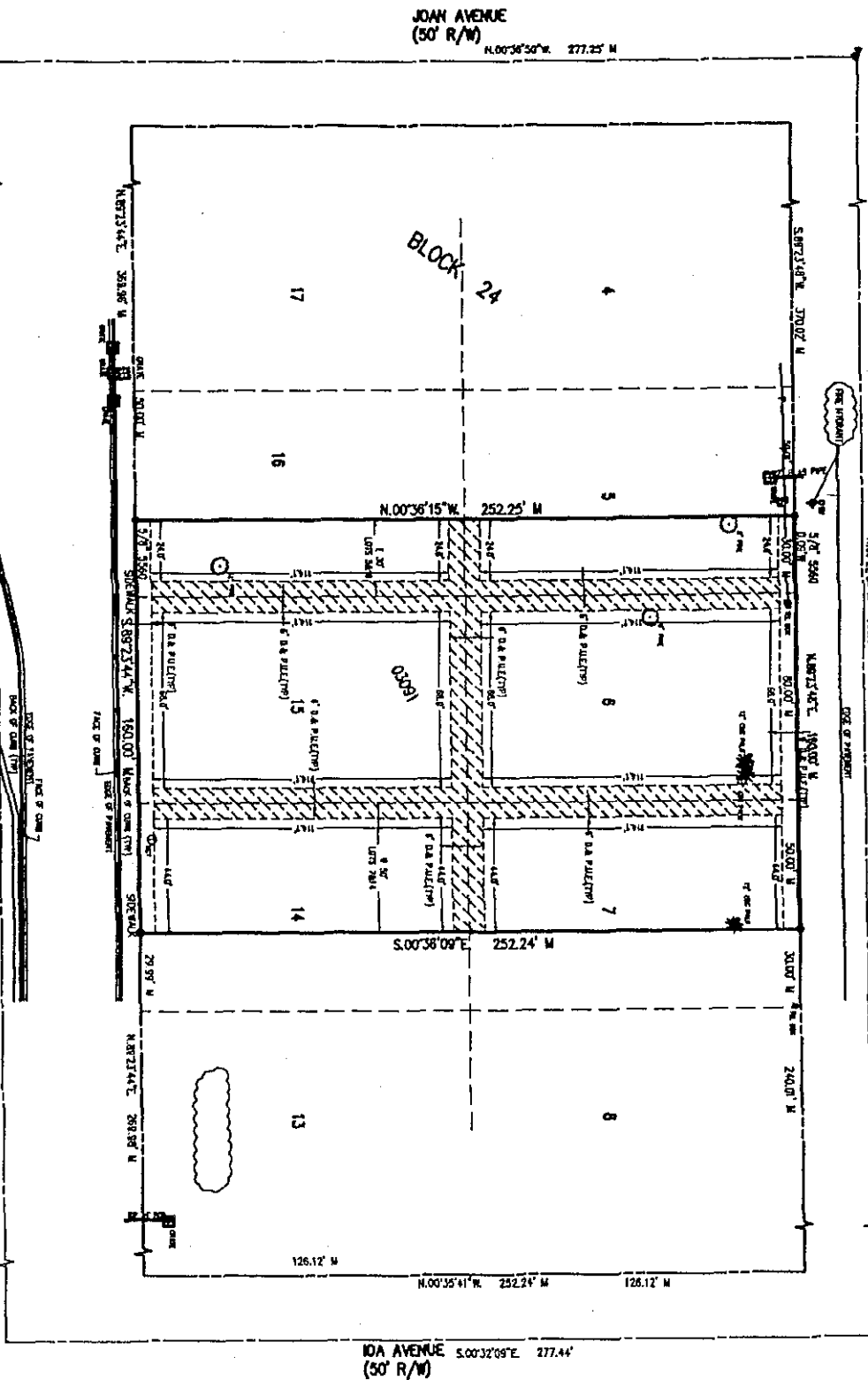
The westerly fifty feet of Lots 7 and 14; and

The easterly fifty feet of Lots 5 and 16;

Petition to Vacate VAC2003-00078

NOTE: RECORD LOT DIMENSIONS:
S 00°36'16" E 126.13'
N 89°23'44" E 80.00'

5TH STREET
(50' R/W)



Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

- ABBREVIATIONS**
- 1 - 1/2" CONC. FINISH
 - 2 - 1/2" CONC. FINISH
 - 3 - 1/2" CONC. FINISH
 - 4 - 1/2" CONC. FINISH
 - 5 - 1/2" CONC. FINISH
 - 6 - 1/2" CONC. FINISH
 - 7 - 1/2" CONC. FINISH
 - 8 - 1/2" CONC. FINISH
 - 9 - 1/2" CONC. FINISH
 - 10 - 1/2" CONC. FINISH
 - 11 - 1/2" CONC. FINISH
 - 12 - 1/2" CONC. FINISH
 - 13 - 1/2" CONC. FINISH
 - 14 - 1/2" CONC. FINISH
 - 15 - 1/2" CONC. FINISH
 - 16 - 1/2" CONC. FINISH
 - 17 - 1/2" CONC. FINISH
- LEGEND**
- 1 - 1/2" CONC. FINISH
 - 2 - 1/2" CONC. FINISH
 - 3 - 1/2" CONC. FINISH
 - 4 - 1/2" CONC. FINISH
 - 5 - 1/2" CONC. FINISH
 - 6 - 1/2" CONC. FINISH
 - 7 - 1/2" CONC. FINISH
 - 8 - 1/2" CONC. FINISH
 - 9 - 1/2" CONC. FINISH
 - 10 - 1/2" CONC. FINISH
 - 11 - 1/2" CONC. FINISH
 - 12 - 1/2" CONC. FINISH
 - 13 - 1/2" CONC. FINISH
 - 14 - 1/2" CONC. FINISH
 - 15 - 1/2" CONC. FINISH
 - 16 - 1/2" CONC. FINISH
 - 17 - 1/2" CONC. FINISH

"NOT A SURVEY"

LEE BOULEVARD
(108 R/W)

VAC 2003-00078
EXHIBIT B

NOTE: THIS SURVEY REFLECTS THE INFORMATION PROVIDED BY THE CLIENT AND IS NOT A GUARANTEE OF ACCURACY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ENCROACHMENTS OR UNLAWFUL INTERESTS. THE SURVEYOR HAS NOT CONDUCTED A PHYSICAL SURVEY OF THE PROPERTY AND HAS NOT MEASURED THE BOUNDARIES. THE SURVEYOR HAS NOT CONDUCTED A PHYSICAL SURVEY OF THE PROPERTY AND HAS NOT MEASURED THE BOUNDARIES.

I HEREBY CERTIFY THAT THE SURVEY AND DESCRIPTION WAS MADE BY ME OR BY A PERSON UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I AM NOT PROVIDING THIS SURVEY OR DESCRIPTION AS A GUARANTEE OF ACCURACY. THE SURVEYOR HAS NOT CONDUCTED A PHYSICAL SURVEY OF THE PROPERTY AND HAS NOT MEASURED THE BOUNDARIES.



H. L. BENNETT
201 WILSON AVENUE - 410, NUMBER 2017
ORLANDO, FLORIDA 32817
PH: (407) 912-8888

SECTION OF DESCRIPTION
OF A PARCEL IN
SECTION 25, TOWNSHIP 44 S, RANGE 27 E,
LEE COUNTY, FLORIDA

DATE OF SURVEY: 12/11/04
CLIENT: LENOVA CORP
PROJECT NUMBER: 00078