

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility Easement located at 400 and 402 Calvin Ave., Lehigh Acres, Florida 33936. (Case No. VAC2004-00031)

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

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility Easement.

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

04

5:00 #1

**3. MEETING DATE:**

09-14-2004

**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]* 8/10/04

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 14<sup>th</sup> day of September 2004.

**LOCATION:** The site is located at 400 and 402 Calvin Ave., Lehigh Acres, Florida 33936 and its strap numbers are 28-44-27-01-00004.0150 and 28-44-27-01-00004.0160. Petition No. VAC2004-00031 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

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
<i>May Elliott</i>	N/A	N/A	N/A	<i>John DiGregorio 8/12/04</i>	<i>OM 8/12/04 GC 8/12/04</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by COAtty  
Date: 8/11/04  
Time: 2:50  
Forwarded To:

RECEIVED BY  
COUNTY ADMIN:  
8/12/04  
1:20 pm  
COUNTY ADM.N  
FORWARDED TO: *[Signature]*

*cc: [unclear]  
8/12/04 9:44*

*8/12/04 4pm*

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2004-00031

WHEREAS, Petitioner Raymond Schilke, Jr. and Lynda K. Schilke 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 14<sup>th</sup> day of September, 2004 at 5 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.

**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00031

**Legal Description of the Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the easterly six feet and westerly six feet of each easement.

