

**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 1701 North Ave., Lehigh Acres, Florida. (Case No. VAC2004-00024)

**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 #2

**3. MEETING DATE:**

09-14-2004

**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: *[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 **1701 North Ave., Lehigh Acres, Florida 33972**, and its strap number is 09-44-27-04-00013.0110. Petition No. VAC2004-00024 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot lines between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 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 8/12/04			G County Manager
					OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 8/11/04	<i>[Signature]</i> 8/12/04	<i>[Signature]</i> 8/12/04	<i>[Signature]</i> 8/12/04	<i>[Signature]</i>

**10. COMMISSION ACTION:**

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

Rec. by CoAtty  
Date: 8/11/04  
Time: 2:50  
Forwarded To: *[Signature]*  
8/12/04

RECEIVED BY  
COUNTY ADMIN:  
8/12/04  
COUNTY ADMIN  
FORWARDED TO:  
8/12/04 40m

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: VAC2004-00024

WHEREAS, Petitioner **Herman and Evelyn Sizemore** 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.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2004-00024 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

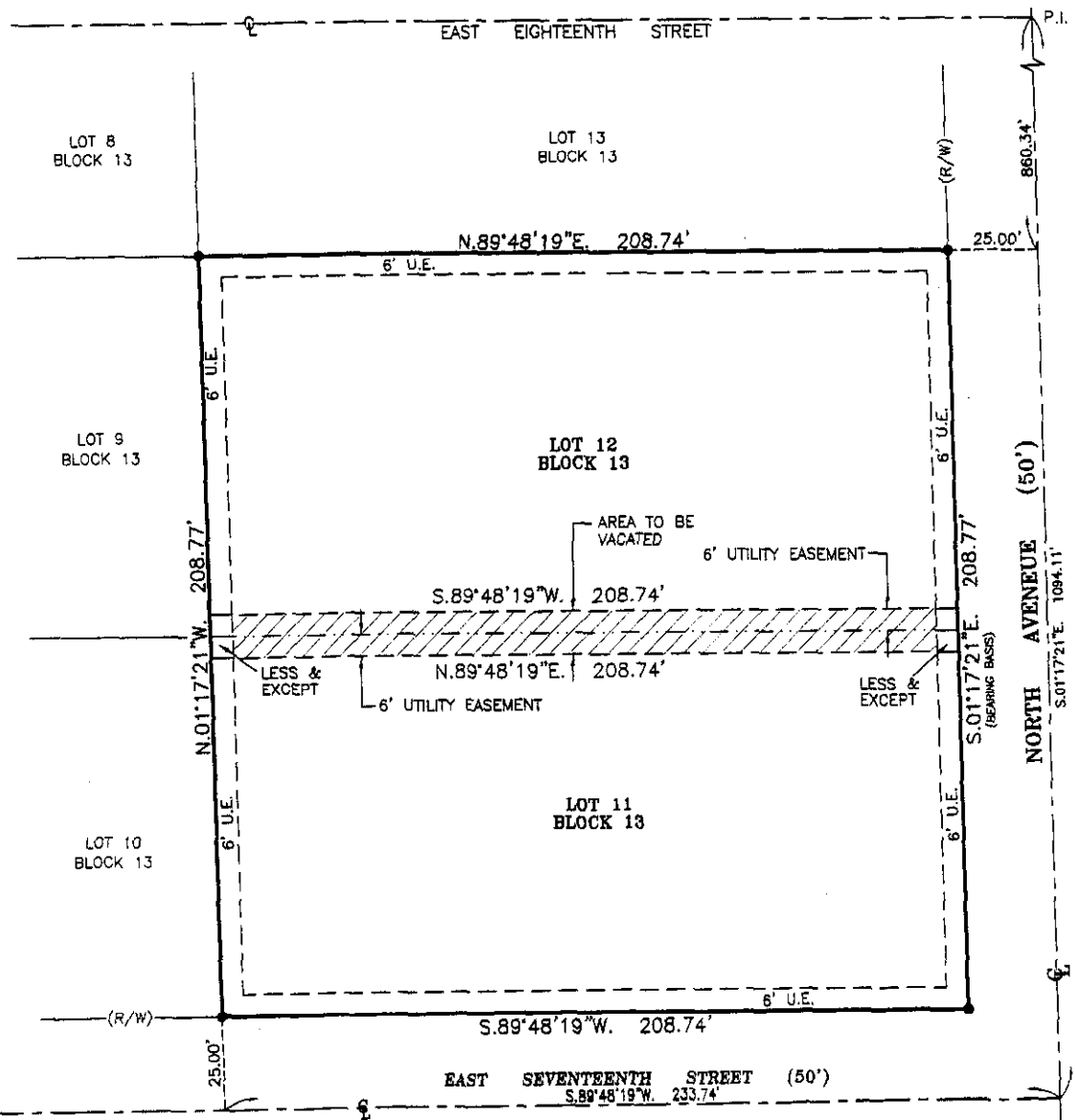
\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00024**

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

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 of the Public Records of Lee County, Florida;

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



# SKETCH

OF  
 LOTS 11 & 12, BLOCK 13, LEHIGH ACRES UNIT 4  
 AS RECORDED IN PLAT BOOK 15, PAGE 11  
 LYING IN  
 SECTION 9, TOWNSHIP 44 SOUTH, RANGE 27 EAST,  
 LEE COUNTY, FLORIDA

Exhibit "B"  
 Petition to Vacate  
 VAC2004-00024  
 [Page One of One]

\*\*\* THIS IS NOT A SURVEY \*\*\*  
 BY: *[Signature]* 4/20/04  
 DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER L.S.# 5430 DATE SIGNED

LOTS 11 & 12, BLOCK 13, LEHIGH ACRES UNIT 4

TITLE: SKETCH OF DESCRIPTION

**METRON**  
 SURVEYING & MAPPING, LLC  
 LAND SURVEYORS-PLANNERS  
 LB #7071  
 www.metronfl.com

5246 RAMSEY WAY, SUITE #2  
 FORT MYERS, FLORIDA 33907  
 PHONE: (239) 275-8875  
 FAX: (239) 275-8457

FILE NAME: 56955K.dwg	FIELD BOOK/PAGE: 126/26	PROJECT NO.:	SHEET:
SURVEY DATE: 04-20-2004	DRAWN BY: RAW/DJO	CHECKED BY: DJO	FILE NO. (3-1-4) 09-44-27