

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
 AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020558

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition VAC2002-00011 to Vacate 12' wide Public Utility and Drainage Easement centered on the side and rear lot lines of Lots 6 & 7, 7 & 8, 8 & 13, 7 & 14, 13 & 14, 6 & 15, and 14 & 15, Block 20, Unit 11, Lehigh Acres, Florida, Plat Book 15 at Page 70 of the Public Records of Lee County, Florida.

**WHY ACTION IS NECESSARY:** To develop a commercial building site. The vacation of the public utility and drainage easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

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

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5

5:00 #3

**3. MEETING DATE:**

06-11-2002

**4. AGENDA**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY May Gibbs  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 11<sup>th</sup> day of 2002.

**LOCATION:** The 12' wide Public Utility and Drainage Easement centered on the following lot lines: the rear lot line of the East one half of Lot 6, Block 20 AND the rear lot line of the West one half of Lot 8, Block 20 AND the rear lot line of lot 7, Block 20 AND the West lot line of Lot 7, Block 20 AND the East lot line of Lot 7, Block 20 AND the West lot line of Lot 14, Block 20 AND the East lot line of Lot 14, Block 20, Lehigh Acres as recorded in Plat Book 15 Page 70 of the Public Records of Lee County Florida LESS AND EXCEPT those portions of the 6' wide Drainage and Utility Easement lying adjacent to Fifth Street and Lee Boulevard. This site is located at 3019 5<sup>th</sup> Street West, Lehigh Acres, Florida, Section 25, Township 44 South, Range 26 East.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office 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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
					QA	OM	Risk	GC	
<u>May Gibbs</u>	N/A	N/A	N/A	<u>[Signature]</u>	<u>5/16/02</u>	<u>5/16/02</u>	<u>5/16</u>	<u>5/16</u>	<u>[Signature]</u>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
 COUNTY ADMIN. PMC  
5/16 9:00  
 COUNTY ADMIN.  
 FORWARDED TO: BH  
5/16 11:30

REC'D.  
 BY CO. ATTY.  
5/15/02  
4:10 PM  
 CO. ATTY.  
 FORWARDED TO:  
Admin  
5/16/02 9:AM

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: VAC2002-00011

WHEREAS, Petitioner **Florida Landmark Communities, Inc.**  
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 June 11<sup>th</sup> 2002 ;  
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. VAC2002-00011 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

Deputy Clerk Signature

S O U T H W E S T

Please Print Name

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

Chairman Signature

F L O R I D A

Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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

# **Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF  
EASEMENTS  
LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
**(12' DRAINAGE & UTILITY EASEMENTS)**

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS AS DEDICATED IN PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS BEING CENTERED ON THE FOLLOWING LOT LINES:

THE REAR LOT LINE OF THE EAST ONE HALF OF LOT 6, BLOCK 20

AND

THE REAR LOT LINE OF THE WEST ONE HALF OF LOT 8, BLOCK 20

AND

THE REAR LOT LINE OF LOT 7, BLOCK 20

AND

THE WEST LOT LINE OF LOT 7, BLOCK 20

AND

THE EAST LOT LINE OF LOT 7, BLOCK 20

AND

THE WEST LOT LINE OF LOT 14, BLOCK 20

AND

THE EAST LOT LINE OF LOT 14, BLOCK 20

LESS AND EXCEPT THOSE PORTIONS OF THE 6 FOOT WIDE DRAINAGE AND UTILITY LYING ADJACENT TO FIFTH STREET AND LEE BOULEVARD.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY RECORDS.

ALL ABOVE REFERENCED LOT AND BLOCK INFORMATION REFERS TO PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS.

DESCRIPTION PREPARED MARCH 6, 2002

SHEET 1 OF 2

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*Exhibit "A"*