

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00039 to Vacate a 12-foot wide Public Utility and Drainage Easement on the common lot line between Lots 22 and 23, Block 35, Unit 9, a subdivision of Lehigh Acres.

WHY ACTION IS NECESSARY: To develop a single family residential building site. The vacation of the public utility and drainage easement will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirements.

WHAT THE ACTION ACCOMPLISHES: Vacates a 12-foot wide Public utility and Drainage Easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #1

3. MEETING DATE:

11-12-2002

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 [Signature] 10/18/02
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 12th day of November, 2002.

LOCATION:

Petition # VAC2002-00039 proposes to vacate a 12-foot wide Public Utility and Drainage Easement centered on the lot lines common to Lots 22 and 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 52, LESS and EXCEPT the east 6-feet and the west 6-feet thereof, Section 35, Township 44 South, Range 27 East, Lee County, Florida. The site is located at 219 Grant Avenue, Lehigh Acres, Florida 33972.

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 Rel.	D Other	E County Attorney	F County Administration <i>10/24/02</i>				G County Manager
					QA	PM	Risk	GC	
<i>Mason 6/15/02</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 10/25/02	<i>[Signature]</i> 10/28/02	<i>[Signature]</i> 10/30/02	<i>[Signature]</i> 10/31/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/22/02
Time: 2:40 p.m.
Forwarded To:
Admin
10/24/02
2:25 PM

10/24 3:00
10/31 11:00

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: VAC2002-00039

WHEREAS, Petitioner THEODORE & LIAS GARLOW
_____ 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 November 12, 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. VAC2002-00039 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

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

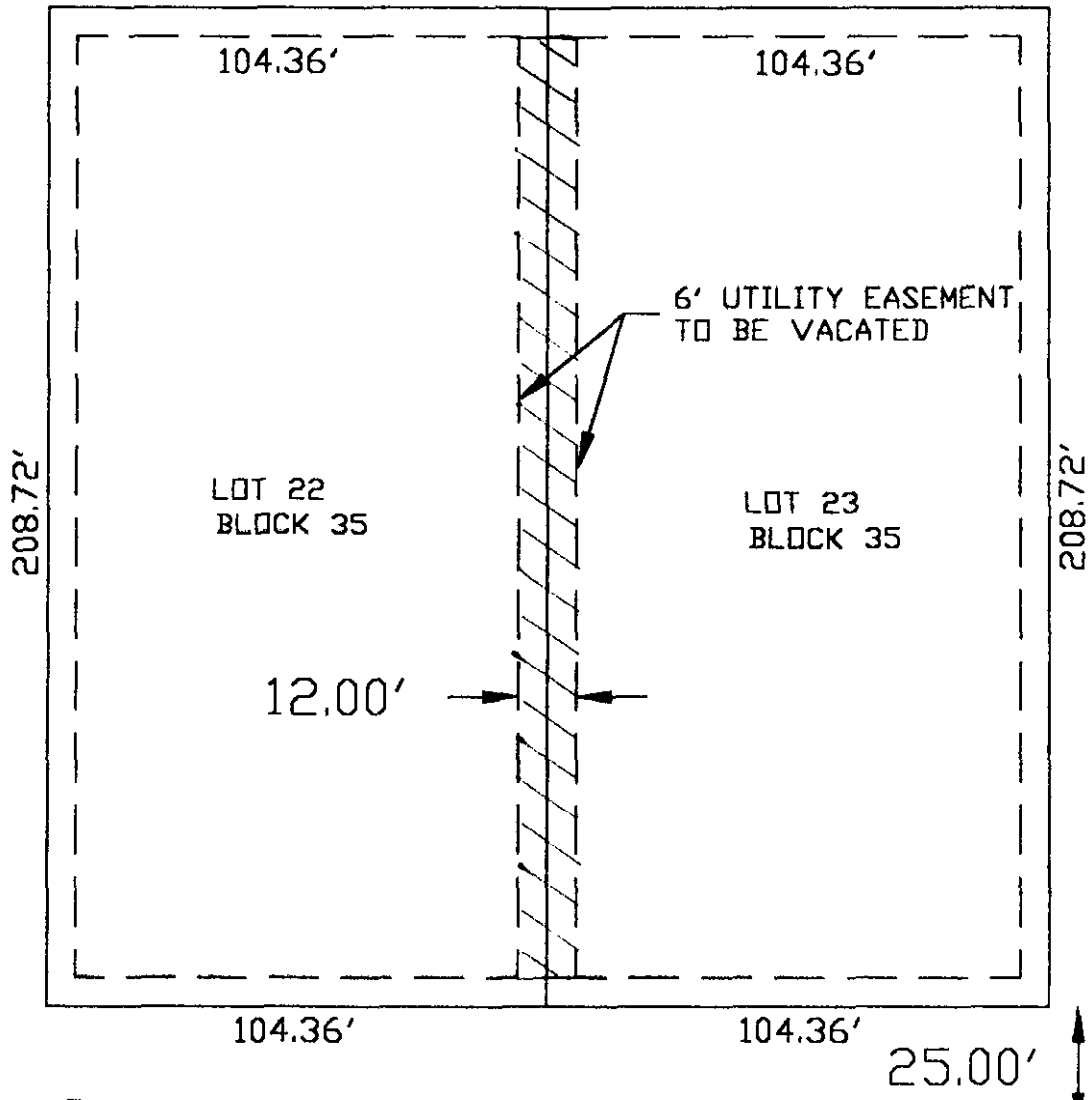
LEGAL

STRAP # 35-44-27 09-00035.0220

VAC2002-00039

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 22 & 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 52, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

PLAT OF SECTION 35
A SUBDIVISION OF LEHIGH ACRES
TOWNSHIP 44S RANGE 27E



GRANT AVENUE (50'R/W)



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.