

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Adopt a Resolution on Petition VAC2002-00061 to Vacate a 12-foot wide Public Utility Easement common to Lots 10 and 10A, Block 36, Units 7 and 9, a subdivision of Lehigh Acres, in Lehigh Acres, Florida.

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

**WHAT THE ACTION ACCOMPLISHES:** Vacates a 12-foot wide Public Utility Easement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5

5:00 #1

**3. MEETING DATE:**

03-11-2003

**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 Peter J. Eckenrode, Director 2-14-03

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 11th day of March, 2003.

**LOCATION:**

Petition # VAC2002-00061 proposes to vacate the East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and the West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof. The site is located at 969 Villagebrook Avenue, Lehigh Acres, Florida 33936

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				G County Manager
<i>Mary G. ...</i>	N/A	N/A	N/A	<i>John J. ...</i> 2-14-03	QA <i>3/17/03</i>	OM <i>2/17/03</i>	Risk <i>2/17/03</i>	GC <i>2/17/03</i>	<i>Will ...</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

2/14/03  
4:03 PM

CO. ADM.  
2/17/03 9AM

RECEIVED BY COUNTY ADMIN. TD
2-17-03
9:45
COUNTY ADMIN. FORWARDED TO: PR
2/18/03
8:35 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: VAC2002-00061

WHEREAS, Petitioner Joe K. and Charlotte A. Whitman 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 11<sup>th</sup> March, 2003; 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. VAC2002-00061 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

## EXHIBIT "A"

A legal description of the area proposed for vacation:

The East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and

The West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

# LAND SURVEY

LOT 10, BLOCK 36, UNIT 9, PLAT OF LEHIGH ACRES, SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH:  
 LOT 10A, BLOCK 36, UNIT 7, PLAT OF LEHIGH ACRES, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 27 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 43, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

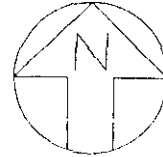
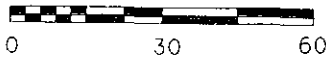
THE PROPERTY SHOWN HEREON IS LYING IN ZONE B OF THE NATIONAL FLOOD INSURANCE PROGRAM.

## SURVEYORS NOTES:

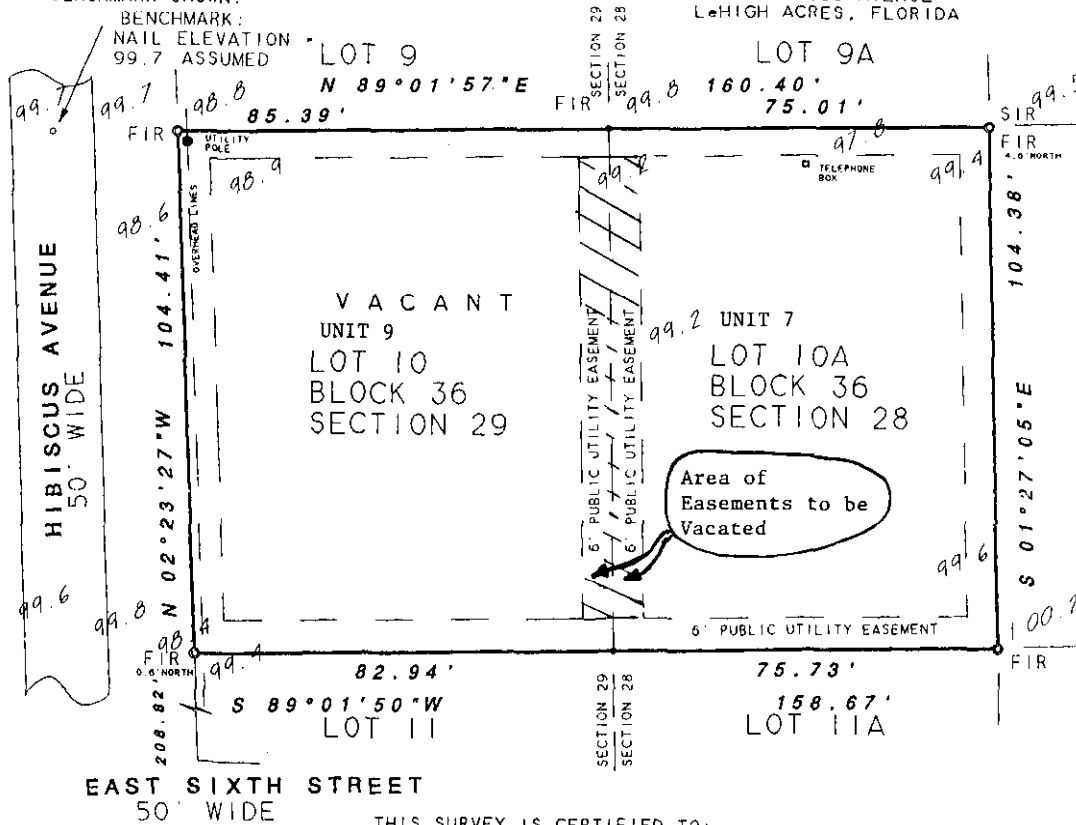
- 1) FIR - FOUND 1/2" IRON ROD UNLESS SHOWN OTHERWISE.
- 2) BEARINGS PER RECORDED PLATS.
- 3) SIR - SET 1/2" IRON ROD #LB6594
- 4) ELEVATIONS SHOWN THUS: REFER TO AN ASSUMED DATUM AND ARE RELATIVE TO BENCHMARK SHOWN.

BENCHMARK:  
 NAIL ELEVATION 99.7 ASSUMED

SCALE 1 INCH = 30 FEET



PROPERTY ADDRESS:  
 604 HIBISCUS AVENUE  
 LEHIGH ACRES, FLORIDA



**EAST SIXTH STREET**  
50' WIDE

THIS SURVEY IS CERTIFIED TO:  
**BRENCO CONSTRUCTION**

VAC2002-00061

EXHIBIT "B"

Page 1 of 1

THIS SURVEY WAS PREPARED FOR MORTGAGE PURPOSES. LANDS SHOWN HEREON WERE NOT ABSTRACTED AND ARE SUBJECT TO ALL DEDICATIONS, LIMITATIONS, RESERVATIONS, RESTRICTIONS, AND EASEMENTS OF RECORD.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. NO COPIES SHALL BE MADE WITHOUT WRITTEN AUTHORIZATION.

DATED: **OCTOBER 9, 2002**

REVISION:

FILE DISK: **OCT 02 - 8**

CREW: **LEWIS/GRAHAM**

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17.6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.02, FLORIDA STATUTES.

**L. LARRY GARDNER**  
 SURVEYOR & MAPPER #4294



**ATTORNEY'S REAL ESTATE LAND SURVEYING, INC. ©**

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