

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET NO: 20030621

1. REQUESTED MOTION:

ACTION REQUESTED: Approve a resolution to vacate a twelve-foot Public Utility and Drainage Easement located between two lots in the LEHIGH ACRES subdivision.

WHY ACTION IS NECESSARY: To construct a single family home in the center of the two lots. The vacation of the public utility and drainage easements will not alter existing utilities or drainage and the easements are not necessary to accommodate any future utility or drainage requirement.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement. (Case # VAC2003-00018)

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #2

3. MEETING DATE:

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1/13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY [Signature] 5/23/03
Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5p.m. on the 10th day of June, 2003.

LOCATION: The Public Utility and Drainage Easement is between Lots 1 & 2, Block 77, Unit 14, Lehigh Acres, as recorded in Plat Book 18, page 15. The site is located at 487 Lemhurst Avenue S., Lehigh Acres, Florida, Section 10, Township 45 South, Range 27 East.

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
					QA	OM	Risk	GC	
	N/A	N/A		<u>John J. [Signature]</u> 5-28-03	<u>[Signature]</u> 5/28/03	<u>[Signature]</u> 5/28/03	<u>[Signature]</u> 5/28/03	<u>[Signature]</u> 5/28/03	<u>[Signature]</u>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 5/27/03
Time: 2:30
Forwarded To:
[Signature]
5/28/03

RECEIVED BY
COUNTY ADMIN. TD
5/28 10:30
COUNTY ADMIN.
FORWARDED TO: BH
5/29 10:00

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: VAC2003-00018

WHEREAS, Petitioner Joseph H. and Lisa M. Scofield 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 10th of June 2003 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. VAC2003-00018 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 10th of June 2003 at 5 p.m.

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

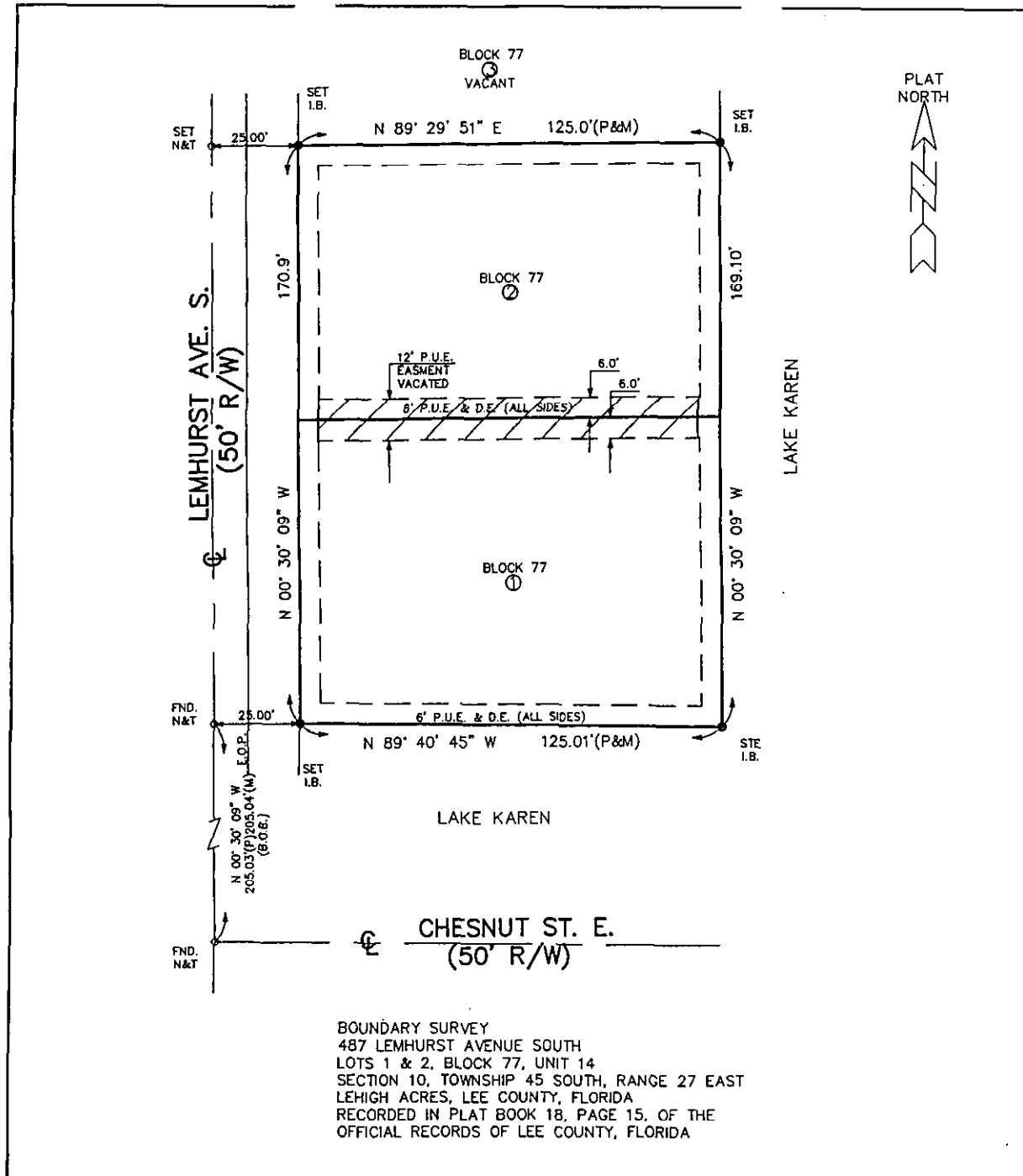
Please Print Name

VAC2003-00018

Exhibit "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide public utility and drainage easement centered on the common lot line between lots 1 and 2, Block 77, Unit 14, Section 10, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 18 at Page 15 of the Public Records of Lee County, Florida, less and except the easterly six feet and the westerly six feet thereof.



VAC2003-00018
Exhibit "B"

BOUNDARY SURVEY
487 LEMHURST AVENUE SOUTH
LOTS 1 & 2, BLOCK 77, UNIT 14
SECTION 10, TOWNSHIP 45 SOUTH, RANGE 27 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 18, PAGE 15, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

COMMUNITY-PANEL NUMBER: 125124 0375 B DATE OF MAP: NOT PRINTED FLOOD ZONE: B BASE FLOOD ELEVATION: N/A

<p>LEGEND:</p> <ul style="list-style-type: none"> A - AIR CONDITIONER A/C - AIR CONDITIONER (C) - CALCULATED CB - CABLE BOX C.B.S. - CONCRETE BLOCK STRUCTURE CH - CHORD C.M. - CONCRETE MONUMENT CON - CONCRETE C.P. - CONCRETE PAD COR. - CORNER (D) - DEED B.O.A. - BASIS OF BEARINGS D.E. - DRAINAGE EASEMENT DH - DRILL HOLE EL - ELEVATION ENC. - ENCROACHMENT E.O.P. - EDGE OF PAVEMENT FND. - FOUND IS. - IRON BAR (M) - MEASURED N & T - NAIL AND TAB N.T.S. - NOT TO SCALE O.R. - OFFICIAL RECORD (P) - PLAT P.B. - PLAT BOOK P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.E. - POOL ENCLOSURE PG. - PAGE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.P. - POWER POLE P.R.C. - POINT OF REVERSE CURVATURE CP - CONCRETE PAD (M) - MEASURED P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENCY P.U.E. - PUBLIC UTILITY EASEMENT R - RADIALS (R) - RADIAL R/W - RIGHT-OF-WAY SET I.B. - SET 1/2" I.B. LB5448 S.P. - SCREENED PORCH S.T. - SEPTIC TANK T.B. - TELEPHONE BOX (M) - MARKER (PR) - PRORATED T.B.M. - TEMPORARY BENCHMARK U.P. - UTILITY PEDESTAL WM - WATER METER Δ - DELTA CL - CENTER LINE --- - WOOD FENCE -X- - WIRE FENCE + - POWER POLE -H- - FIRE HYDRANT -P- - POWER LINES ⊕ - TEMPORARY BENCHMARK

NOTES: This map of survey is only for the lands herein described and is not an instrument of title, zoning, or freedom of encumbrances. The legal description was furnished by the client or their agent. No title search was conducted by this office. Deviations shown are based on data from the National Geodetic Vertical Datum of 1929 unless otherwise noted. Subject to restrictions, easements, and reservations of record. There are no visible encroachments other than shown. Only improvements shown were field located.

NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a Florida Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

3-12-03

ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3695
CHRISTOPHER B. STILL, REGISTERED LAND SURVEYOR NO. 5941
S.T.A.R. SURVEYING, INC. LB5449
1130-E LEE BLVD., LEHIGH ACRES, FL. 33936
(239) 368-7400 FAX.(239) 368-7685

FIELD SURVEY: 3-11-03
REVISION:
DRAWN BY: B.J.P.
SCALE: 1" = 30'
SHEET: 1 OF 1
FILE NO: 9486-169