

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 509 Hines Avenue, Lehigh Acres, Florida. (Case No. VAC2003-00051)

**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

5:00 #5

**3. MEETING DATE:**

10-14-2003

**5. REQUIREMENT/PURPOSE:**  
(Specify)

<input checked="" type="checkbox"/>	STATUTE	F.S. Ch. 177
<input type="checkbox"/>	ORDINANCE	
<input checked="" type="checkbox"/>	ADMIN. CODE	13-1
<input type="checkbox"/>	OTHER	

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER  
B. DEPARTMENT Community Development  
C. DIVISION Development Services

BY: *[Signature]* 9/26/03

Peter J. Eckenrode, Director

CONSENT  
ADMINISTRATIVE  
APPEALS  
 PUBLIC  
WALK ON  
TIME REQUIRED:

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on October 14<sup>th</sup>, 2003.

**LOCATION:** Petition No. VAC2003-00051, proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 17 and 18, Block 14, Unit 4, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 36, Section 25, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Easterly 6-feet and the Westerly 6-feet thereof. The site is located at 509 Hines Avenue, Lehigh Acres, Florida.

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 Risk			G County Manager
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>John V. Reagin 9/22/03</i>	<i>OM 9/30/03</i>	<i>GC 9/30/03</i>	<i>GC 9/30/03</i>	<i>Watt 10/21/03</i>

**10. COMMISSION ACTION:**

APPROVED  
DENIED  
DEFERRED  
OTHER

Rec. by CoAtty  
Date: 9-26-03  
Time: 4:35  
Forwarded To:  
Co. Adm.  
9/29/03 5:04 PM

RECEIVED BY  
COUNTY ADMIN: *TT*  
9/30  
10:45 AM  
COUNTY ADMIN  
FORWARDED TO: *HS/OW*  
10/30

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: VAC2003-00051

WHEREAS, Petitioner Bradley L. Johnston 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 October 14<sup>th</sup>, 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. VAC2003-00051 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  
S O U T H W E S T F L O R I D A

APPROVED ASTO FORM

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

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00051**

**Legal description of a portion of a Public Utility Easement to be vacated:**

**A portion of a twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 17 and 18 of Block 14, Unit 4 of the Plat of Section 25, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 36 of the of the Public Records of Lee County, Florida.**

**Less and except the easterly six feet (6') and westerly six feet (6') thereof.**

BLOCK 14  
⑥  
VACANT

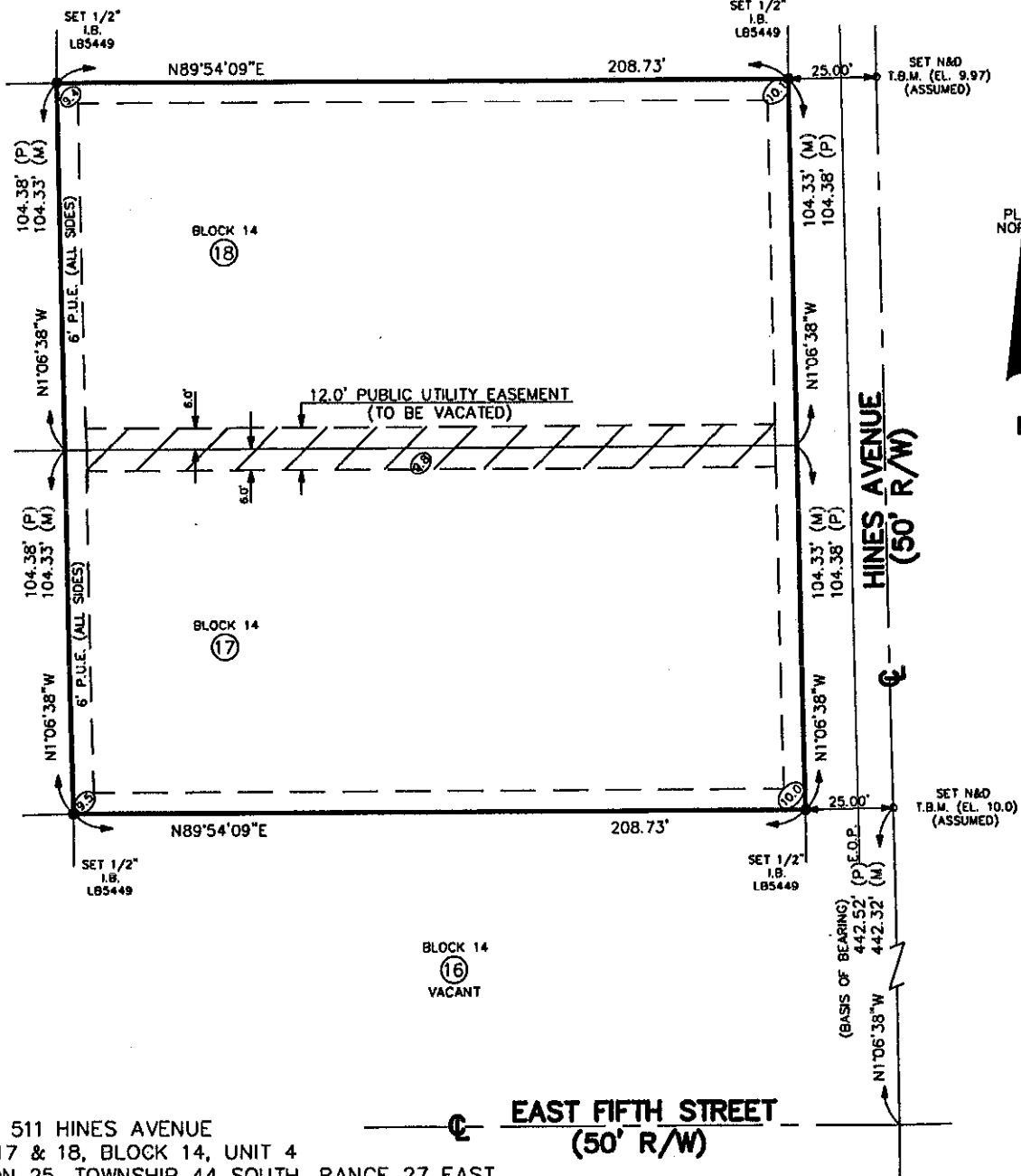
BLOCK 14  
⑬  
VACANT

BLOCK 14  
⑦  
VACANT

BLOCK 14  
⑧  
VACANT

BLOCK 14  
⑨  
VACANT

BLOCK 14  
⑯  
VACANT



509 & 511 HINES AVENUE  
 LOTS 17 & 18, BLOCK 14, UNIT 4  
 SECTION 25, TOWNSHIP 44 SOUTH, RANGE 27 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 15, PAGE 36, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

**NOT A SURVEY - SKETCH ONLY**

**S.T.A.R. Surveying, Inc.** (LB5449)  
 Professional Surveyors and Mappers  
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936  
 (941) 368-7400 (941) 368-7685 (Fax)

**EXHIBIT "B"**

DATE:	5-16-03
JOB NUMBER:	0264A
DRAWN BY:	C.B.S.
SCALE:	1" = 50'
SHEET:	