

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 640 Charwood Avenue South, Lehigh Acres, Florida. (Case No. VAC2003-00055)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

5:00 #1

3. MEETING DATE:

10-28-2003

4. AGENDA:

- _____ CONSENT
- _____ ADMINISTRATIVE
- _____ APPEALS
- X** PUBLIC
- _____ WALK ON
- _____ TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- X** STATUTE F.S. Ch. 177
- _____ ORDINANCE
- X** ADMIN. CODE 13-1
- _____ OTHER

6. REQUESTOR OF INFORMATION:

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

BY: *[Signature]* 10/6/03

Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on October 28th, 2003.

LOCATION: Petition No. VAC2003-00055 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 1 and 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27, Page 171, Section 16, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northwesternly 6-feet and the Southeasterly 6-feet thereof. The site is located at 640 Charwood Avenue South, 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 Resources	D Other	E County Attorney	F Budget Services (CCM 10/14/03)				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 10-10-03	<i>[Signature]</i> 10/10/03	<i>[Signature]</i> 10/10/03	<i>[Signature]</i> 10/13/03	<i>[Signature]</i> 10/13/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

10/19/03
3:00 PM
Co. Adm.
10/10/03 11:30
P.J.

RECEIVED BY
COUNTY ADMIN: *[Signature]*
10/10 230
COUNTY ADMIN
FORWARDED TO: *[Signature]*
10/15 500

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: VAC2003-00055

WHEREAS, Petitioner **Marcos Y. Que and Marilyn L. Que** 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 28th day of October, 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. VAC2003-00055 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 AS TO FORM

County Attorney Signature

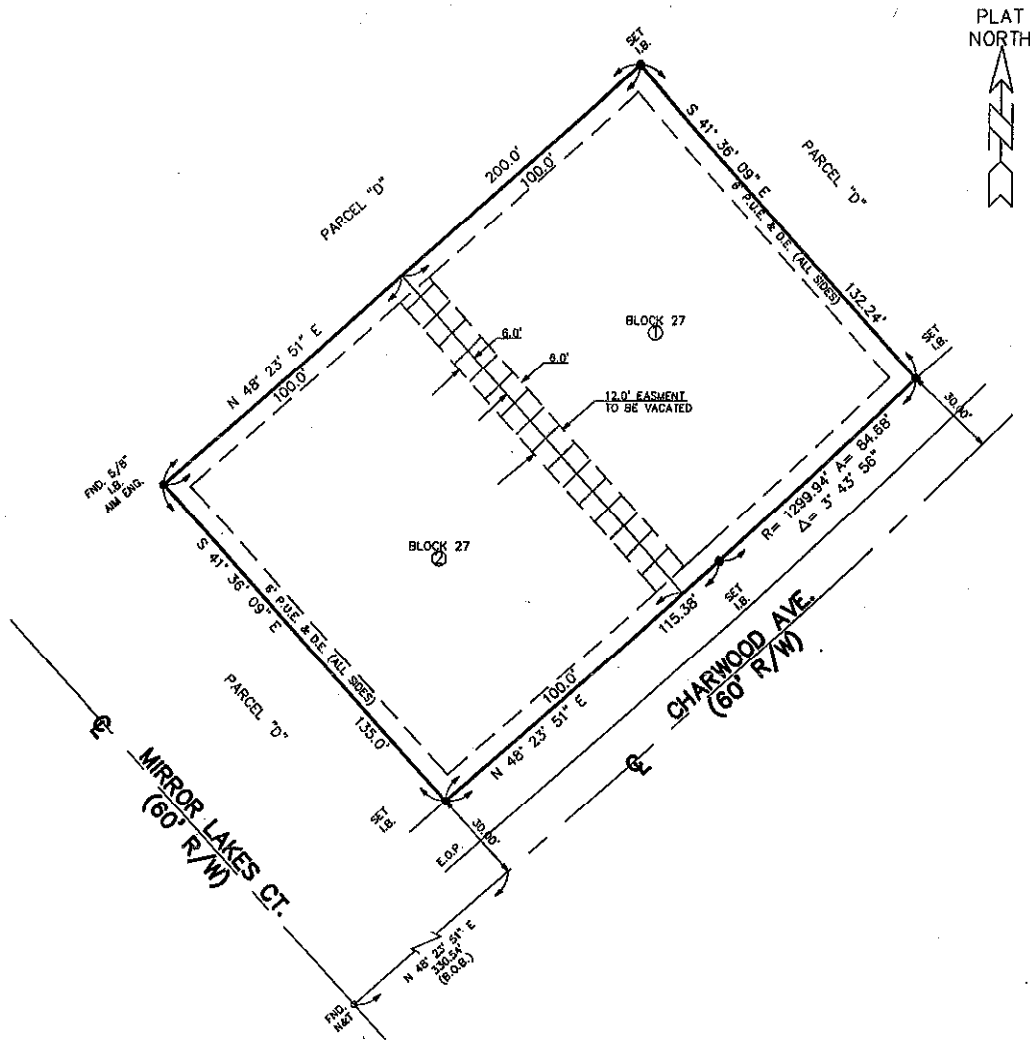
Please Print Name

EXHIBIT A
PETITION TO VACATE
VAC2003-00055

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27 at Page 171 of the Official Public Records of Lee County, Florida, LESS and EXCEPT the Northwesterly Six-feet and the Southeasterly Six-feet thereof.

EXHIBIT A



BOUNDARY SURVEY
 640 & 642 CHARWOOD AVENUE
 LOTS 1 & 2, BLOCK 27, UNIT B
 SECTION 16, TOWNSHIP 45 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 27, PAGE 171, AND
 PLATTED JUNE 13, 1973, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

PREPARED FOR:
 MARCOS QUE
 MARILYN QUE

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

LEGEND:	A - ARC	A/C - AIR CONDITIONER	AS - ASSESSMENT	C.B. - CABLE BOX	C.B.S. - CONCRETE BLOCK STRUCTURE	CH - CHORD	C.M. - CONCRETE MONUMENT	CONC. - CONCRETE	C.P. - CONCRETE PAD	COR. - CORNER	(D) - DEED	B.O.B. - BASIS OF BEARINGS	D.E. - DRAINAGE EASEMENT	DH - DRILL HOLE	ENC. - ENCROACHMENT	E.O.P. - EDGE OF PAYEMENT	ENC. - ENCROACHMENT	FOUND. - FOUND	I.B. - IRON BAR	MEAS. - 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.D.B. - POINT OF BEGINNING	(M) - MEASURED	P.O.C. - POINT OF COMMENCEMENT	P.P. - POWER POLE	P.R.C. - POINT OF REVERSE CURVATURE	(M) - CONCRETE PAD	(M) - MEASURED	P.R.M. - PERMANENT REFERENCE MONUMENT	P.T. - POINT OF TANGENCY	P.U.E. - PUBLIC UTILITY ENCROACHMENT	R - RADIUS	(R) - RADIAL	R/W - RIGHT-OF-WAY	SET 1/2" I.B. LBS449	S.P. - SCREENED PORCH	S.T. - SEPTIC TANK	T.B. - TELEPHONE BOX	(M) - MANHOLE	(PR) - PRORATED	T.B.M. - TEMPORARY BENCHMARK	U.P. - UTILITY PEDESTAL	UTL. - UTILITY	Δ - DELTA	CL - CENTER LINE	WF - WOOD FENCE	-X- - WIRE FENCE	PO - POWER POLE	FR - FIRE HYDRANT	-P- - POWER LINES	⊕ - TEMPORARY BENCHMARK
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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.

Elevations shown are based on data from the National Geodetic Vertical Datum of 1929 unless otherwise noted.
 There are no visible encroachments other than shown.
 Only improvements shown were field located.

Subject to restrictions, easements, and reservations of record.

EXHIBIT B

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 mopper. 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.


 5-30-03
 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: 5-21-03

REVISION:

DRAWN BY: B.J.P.

SCALE: 1" = 40'

SHEET: 1 OF 1

FILE NO: 0373