

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 829 Portland St. E, Lehigh Acres Florida. (Case No. VAC2003-00046)

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/or utility conditions and the easement is not necessary to accommodate any future drainage and/or utility requirements.

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

5:00 #3

3. MEETING DATE:

10-28-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

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

6. REQUESTOR OF INFORMATION:

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

BY: *[Signature]* 10/2/03

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 28th of October , 2003

LOCATION: Petition No. VAC2003-00048 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 1 and 2, Block 39, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 35, Page 8, Section 27, Township 45 South, Range 27 East, 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 829 Portland St. E. 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			G County Manager
					OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 10-3-03	<i>[Signature]</i> 10/6/03	<i>[Signature]</i> 10/6/03	<i>[Signature]</i> 10/6/03	HS 10/10/03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/3/03
Time: 1:00 PM
Forwarded To:
Co. Adm.
10/3/03 1PM

RECEIVED BY
COUNTY ADMIN
10/3
3:35 pm 2003
COUNTY ADMIN
FORWARDED TO:
HS
10/4/03

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: VAC2003-00048

WHEREAS, Petitioner **Keith W. and Kimberly Prospect**
_____ 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 28, 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. VAC2003-00048 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

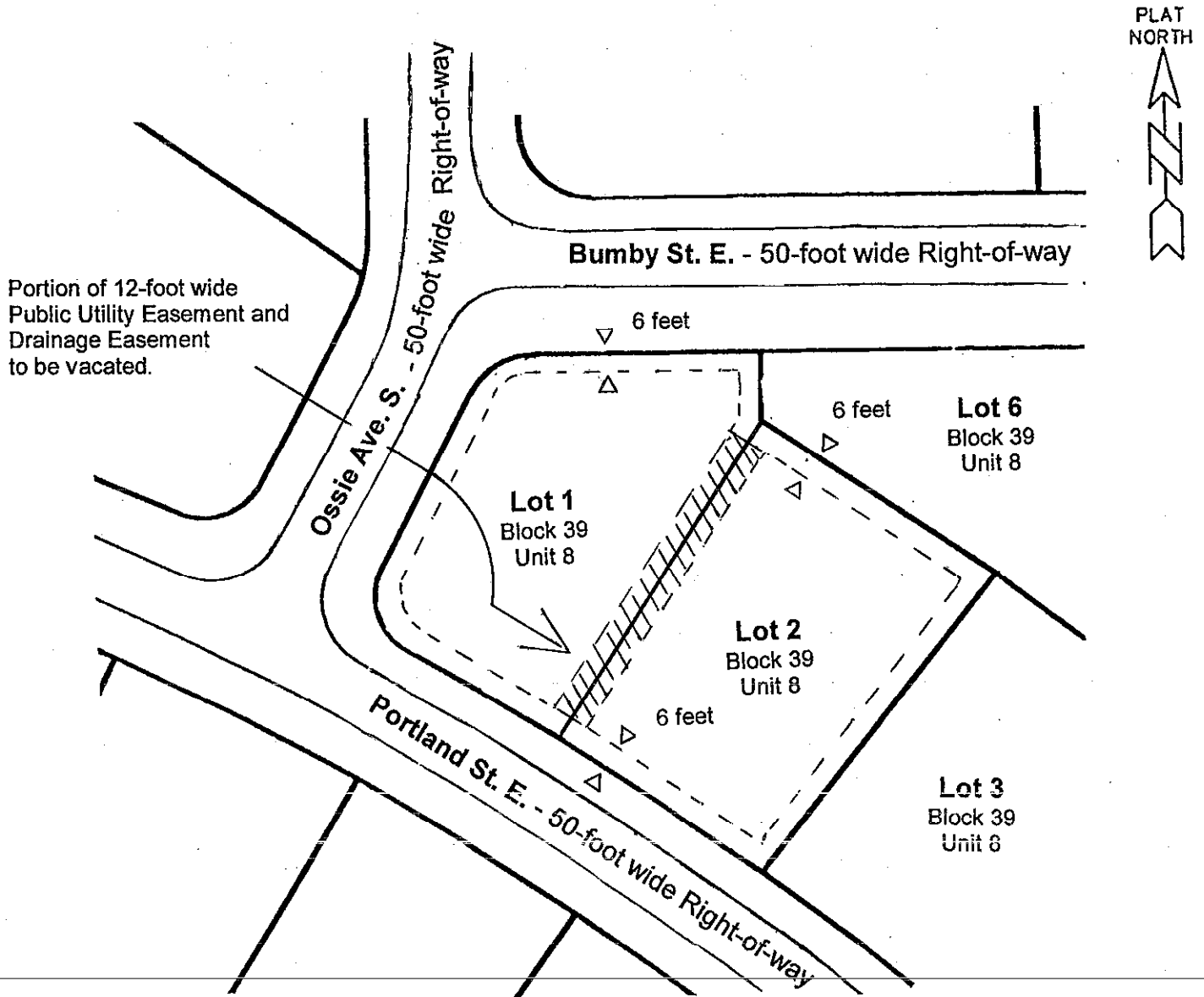
Exhibit "A"
Petition to Vacate
VAC2003-00048

Legal Description

A twelve-foot (12') wide Public Utility Easement AND Drainage Easement centered on the common lot line between Lots 1 and 2 of Block 39, Unit 8, A Replat of Part of Lehigh Acres, Section 27, Township 45 South, Range 27 East, Lee County, Florida, a Replat of Block 39, Unit 8, as recorded in Plat Book 18, at Page 131 of the Public Records of Lee County, Florida, according to map or plat there on file and recorded in Plat Book 35, Page 8 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the north six feet (6') and south six feet (6') thereof along the common lot line.

Exhibit "B"
Petition to Vacate
VAC2003-00048



Block 39, Unit 8, A Replat of Part of Lehigh Acres, Section 27, Township 45 South, Range 27 East, Lee County, Florida, a Replat of Block 39, Unit 8, as recorded in Plat Book 18, at Page 131 of the Public Records of Lee County, Florida, according to map or plat there on file and recorded in Plat Book 35, Page 8 of the of the Public Records of Lee County, Florida.

Scale
1 inch = 60 feet