

**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 1044 Belmont Street East, Lehigh Acres, Florida. (Case No. VAC2003-00057)

**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 #4

**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]* 10/1/03
- 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 28<sup>th</sup>, 2003.

**LOCATION:** Petition No. VAC2003-00057 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 2 and 3, Block 56, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 199, Section 02, 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 1044 Belmont Street East, 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<br>Department<br>Director | B<br>Purchasing<br>or Contracts | C<br>Human<br>Resources | D<br>Other | E<br>County<br>Attorney  | F<br>Budget Services |                |                | G<br>County Manager |
|-----------------------------|---------------------------------|-------------------------|------------|--------------------------|----------------------|----------------|----------------|---------------------|
|                             |                                 |                         |            |                          | OM                   | Risk           | GC             |                     |
| <i>Man 6/15/03</i>          | N/A                             | N/A                     | N/A        | <i>addwd<br/>10-2-03</i> | <i>10/3/03</i>       | <i>10/3/03</i> | <i>10/3/03</i> | <i>10/16/03</i>     |

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: 10-2-03  
Time: 4:46  
Forwarded To:  
Co. Sec'y.  
10/3/03 JAA

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
10/14/03  
10:10  
COUNTY ADM.  
FORWARDED  
10/18/03

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: VAC2003-00057

WHEREAS, Petitioner John C. Grubb and Virginia T. Grubb 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 28<sup>th</sup> 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. VAC2003-00057 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  
SOUTH WEST FLORIDA

APPROVED AS TO FORM

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

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00057**

**Legal Description**

A twelve-foot (12') wide Public Utility Easement AND Drainage Easement centered on the common lot line between Lots 2 and 3 of Block 56, Unit 9, Section 2, Township 45 South, Range 27 East, a Subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, at Page 199 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.

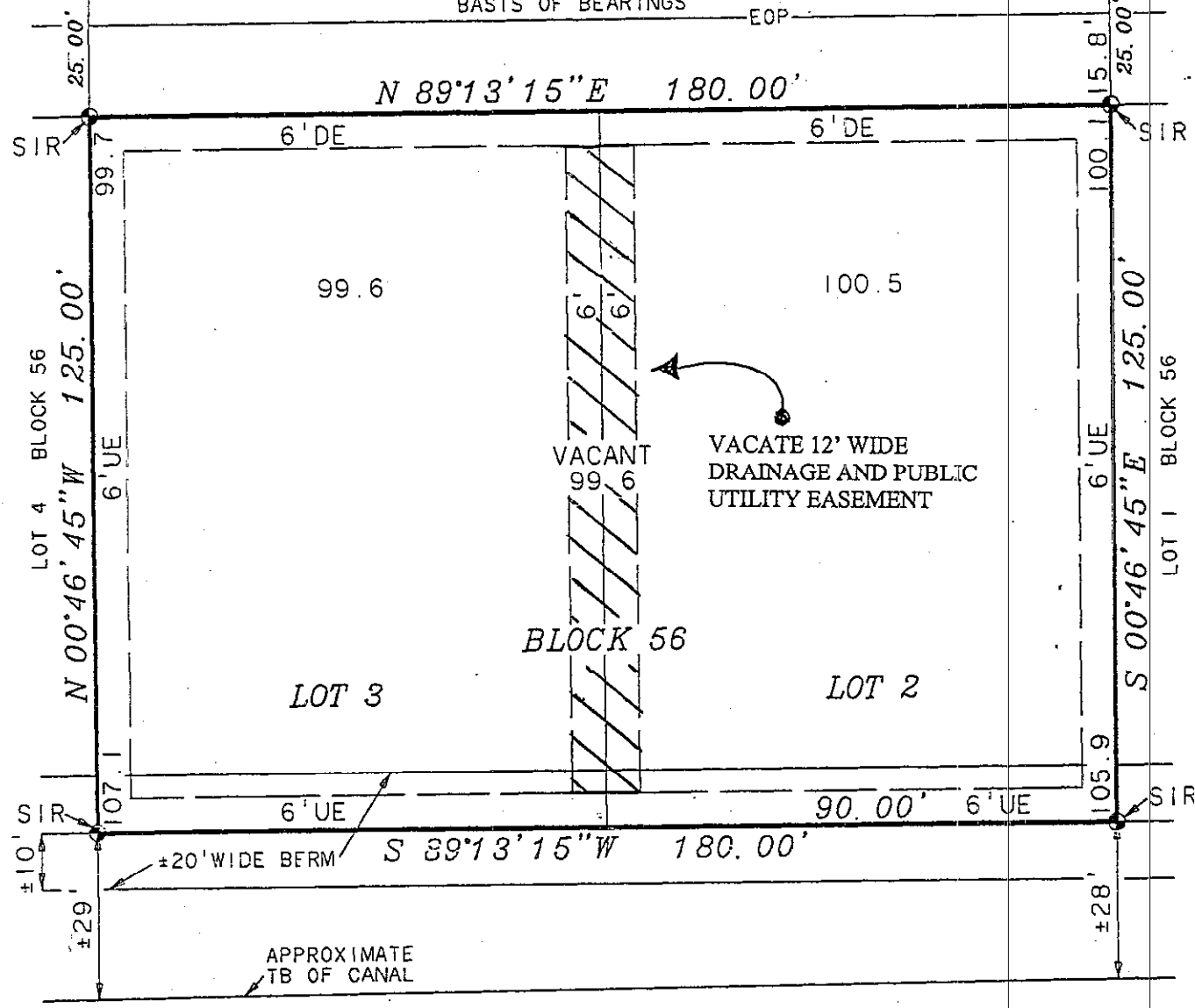
SN&T LB  
6133 TBM  
100.56

SN&T LB  
6133 TBM  
100.00

50' ROW ASPHALT 18.1'  
**BELMONT STREET E.**  
N 89°13'15"E 180.00'  
BASIS OF BEARINGS

C/L

N 89°13'15"E 170.00'



GRANT BOULEVARD - C/L

LOT 4 BLOCK 56  
N 00°46'45"W 125.00'

LOT 1 BLOCK 56  
S 00°46'45"E 125.00'

LOT 3

LOT 2

BLOCK 56

VACANT  
99.6

VACATE 12' WIDE  
DRAINAGE AND PUBLIC  
UTILITY EASEMENT

EXHIBIT B  
VAC2003-00057



VTG

North  
1" = 30'

LOCATED IN BLOCK 56, UNIT 9, OF LEHIGH ACRES,  
AS RECORDED IN PLAT BOOK 15, PAGE 199, OF THE  
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA.