

Date Critical

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020210

1. REQUESTED MOTION:

**ACTION REQUESTED:** Adopt a Resolution on Petition VAC2001-00056 to vacate the following two public utility and drainage easements on Lots 4 and 5 of Block 2; Unit 1 of Lehigh Acres Subdivision as recorded in Plat Book 15, Page 81 of the official Public Records of Lee County, Florida:

- 1) A twelve foot (12') wide easement located six feet (6') to each side of the lot line separating lots 4 and 5, less and except for the east six feet and west six feet thereof; and,
- 2) A six-foot wide public utility and drainage easement on the north side (lot 5 side) of the lot line separating lots 5 and 6, less and except for the east six feet and west six feet thereof.

**WHY ACTION IS NECESSARY:** To construct a commercial structure spanning both lots. *The vacation of this easement will not alter existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements.*

**WHAT ACTION ACCOMPLISHES:** Vacates the easement.

2. DEPARTMENTAL CATEGORY: 04 Community Development  
COMMISSION DISTRICT # 05

5:00 # 2

3. MEETING DATE: 03-12-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE: (Specify)

- STATUTE FS177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: Peter J. Eckenrode, Director

7. BACKGROUND: The Petition to Vacate was submitted by Ms. Kathy Morgan; Agent for Mr. Neel and Fox.

**LOCATION:** The easements in question are a twelve foot (12') wide public utility and drainage easement located six feet (6') to each side of the lot line separating lots 4 and 5, less and except for the east six feet and west six feet thereof; and, a six-foot wide public utility and drainage easement on the north side of the lot line separating lots 5 and 6, less and except for the east six feet and west six feet thereof of Block 2; Unit 1 of Lehigh Acres Subdivision as recorded in Plat Book 15, Page 81 of the official Public Records of Lee County, Florida.

The site is located at Wallace Avenue North, Lehigh Acres, Florida, Section 30, Township 44 South, Range 26 East.

**There are no objections to this Petition to Vacate. Staff recommends the adoption of this resolution.**

Attached to this Blue sheet is the Resolution for Petition to Vacate.

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
					OA	OM	Risk	GC	
<i>Man Gibbs</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECVS.  
by CO. ATTY.  
2/27/02  
1:00pm  
CO. ATTY.  
FORWARDED TO:  
Admin  
2/27/02 1:20pm

RECEIVED BY  
COUNTY ADMIN.  
2/27/02  
1:35pm  
COUNTY ADMIN.  
FORWARDED TO:  
2/28 4:00

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: VAC2001-00056

WHEREAS, Petitioner **James A. Neel and Randy Fox** 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 **12<sup>th</sup> day of March, 2002 at 5:00 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. VAC2001-00056 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 12<sup>th</sup> day of March, 2002.

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  
Drainage and Utility Easements  
For  
Parcel Strap #30-44-26-01-00002.0040**

**Legal Description**

**Vacating drainage and utility easements on a portion of property within Block 2, Unit 01, Lehigh Acres Subdivision, Section 30, Township 44 South, Range 26 East, as recorded in Plat Book 15, page 81 of the public records of Lee County, Florida, and being more particularly described as follows:**

**A 12.00 foot wide public utility and drainage easement centered on the lot line common to Lots 4 and 5, LESS and EXCEPT the eastern and western 6.00 feet thereof and;**

**A 6.00 foot wide public utility and drainage easement on the north side of the lot line common to Lots 5 and 6 (vacated), LESS and EXCEPT the eastern and western 6.00 feet thereof.**

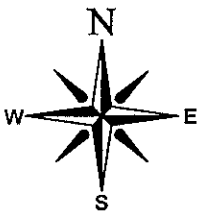
EXHIBIT "B"

# SKETCH OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED

PARCEL STRAP #30-44-26-01-00002.0040

Owners: James Neel & Randy Fox

Section 30, Township 44 South, Range 26 East  
Lehigh Acres Subdivision, Unit 01  
Plat Book 15, Page 81, public records of Lee County, Florida



Scale: 1"=100'

