


1. **REQUESTED MOTION:**

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00012 to Vacate a 12' wide Public Utility and Drainage Easement common to Lots 8 & 9, Block 35, Unit 8, Lehigh Acres, Florida, as recorded in Plat Book 26, Page 8, in the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To construct a single-family residence. The vacation of the Public Utility and Drainage Easement will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirement.

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

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #: 5	04 Community Development 5:00 #1	3. MEETING DATE: 04-23-2002
4. AGENDA: <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON TIME REQUIRED:	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:  04/03/02 Peter J. Eckenrode, Director

7. **BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 23rd day of April 2002.

LOCATION: A 12-foot wide Public Utility and Drainage Easement centered on the common lot line between Lots 8 & 9, Block 35, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 26, at Page 10, of the Public Records of Lee County, Florida, less and except the north six feet thereof and the south six feet thereof. The site is located at 3850 Highlight Street, Lehigh Acres, Florida, Section 03, Township 44 South, Range 26 East.

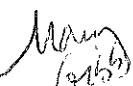
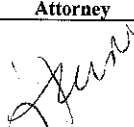

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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 OM, Risk, GC			G County Manager
	N/A	N/A	N/A		OM 4/8/02	Risk 4/9	GC 4-9-02	

10. **COMMISSION ACTION:**

APPROVED
 DENIED
 DEFERRED
 OTHER

RECEIVED
by CO. ATTY.
4/5/02
11:30 AM
CO. ATTY.
FORWARDED TO:
Admin
4/5/02 2:30 PM

RECEIVED BY
COUNTY ADMIN.
4/5 2:20
COUNTY ADMIN.
FORWARDED TO:
4/9 1:00

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: VAC2002-00012

WHEREAS, Petitioner Todd and Terisa Grgurich 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 9th day of April 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. VAC2002-00012 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
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"

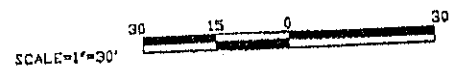
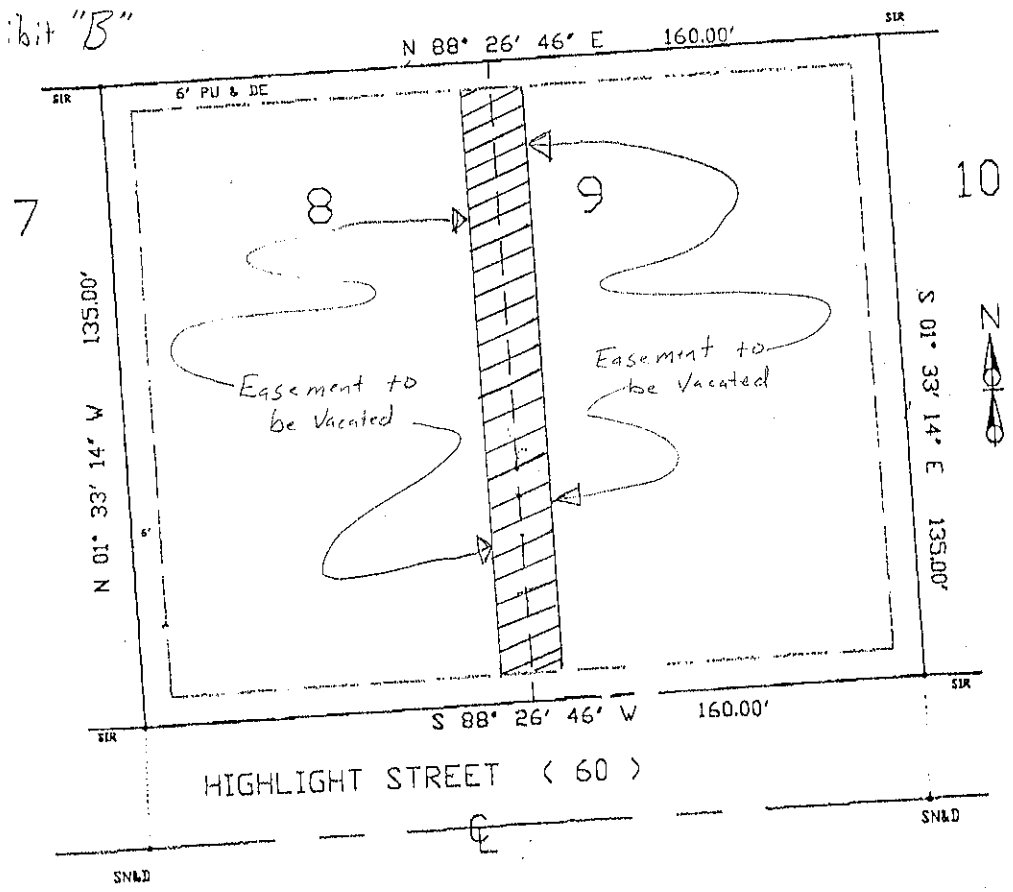
A legal description of the area proposed for vacation:

A twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 8 and 9, Block 35, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 26, at Page 10 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

SCALE=1"=30'

Exhibit "B"

CANAL (80)



OWNERS: TODD & TERISA GRGRICH
 LOTS 8 & 9, BLOCK 35, UNIT 8
 LEHIGH ACRES SEC. 3, TWP 44S. REG 26E
 LEE COUNTY, FLORIDA 33919
 PLAT BOOK 26, PAGES 1 THRU 20
 JOB NUMBER: 01-2568 FROM (BOUNDARY SURVEY) 11/30/01

SOUTHWEST INNOVATIONS INC.

MR. RICK WARREN
 P.O. BOX 07071
 FT. MYERS, FL. 33919
 941-939-1817 FAX: 941-939-4244

BASIS FOR BEARING: HIGHLIGHT ST. - PLAT		SCALE:	SURVEY DATE: 11/30/01
COMMUNITY NUMBER: 125124	PANEL NUMBER: 250	SUFFIX: B	DATE OF FIRM INDEX: 12/20/00
BASE FLOOD ELEVATION: B	BASE FLOOD ELEVATION: N/A		
LEGEND FIRI: FOUND IRON ROD FIP: FOUND IRON PIPE FDN: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" PLS 4839 OR L3 7075 SDM: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT SN&D: SET NAIL & DISK PLS 4839 OR L3 7075 PRM: PERMANENT REFERENCE MONUMENT FN&D: FOUND NAIL & DISK CONE = CONCRETE E.G. = EXISTING ELEVATION * = TELEPHONE RIGER * = UTILITY POLE (P) = PLAT (F) = FIELD (D) = DEED (C) = COMPUTED PLS = POINT OF BEGINNING --- = WIRE FENCE --- = BOARD FENCE			
SOUTHWEST INNOVATIONS INC. MR. RICK WARREN		P.O. BOX 07071 FT. MYERS, FL. 33919 941-939-1817 FAX: 941-939-4244	

SCALE=1"=30'

CANAL (80)

Exhibit "B"

