

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00006 to Vacate a Twelve-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 31, Unit 3, in Lehigh Park, a subdivision of Lehigh Acres, as recorded in Plat book 15, at Page 66, in the Official Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To combine adjacent lots into one residential building site. The vacation of the Public Utility Easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. **DEPARTMENTAL CATEGORY:** 04 Community Development
COMMISSION DISTRICT #: 5

5:00 #1

3. **MEETING DATE:**

05-14-2002

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]* 4/10/02

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 14th day of May, 2002.

LOCATION: A Twelve-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 31, Unit 3, in Lehigh Park, a subdivision of Lehigh Acres, as recorded in Plat book 15, at Page 66, of the Public Records of Lee County, Florida, less and except the northwesterly six feet thereof and the southeasterly six feet thereof. The site is located at 1700 Dewit Avenue N, Lehigh Acres, Florida, Section 22, 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			G County Manager	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	QA <i>[Signature]</i> 4/11/02	OM <i>[Signature]</i> 4/11/02	Risk <i>[Signature]</i> 4/11	GC <i>[Signature]</i> 4/11	<i>[Signature]</i>

10. **COMMISSION ACTION:**

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

RECEIVED
by CO. ATTY.
4/11/02
CO. ATTY.
FORWARDED TO:
Admin
4/11/02 1:20 PM

RECEIVED BY
COUNTY ADMIN.
4/11/02
1:30 pm
4/11 4:20

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: VAC2002-00006

WHEREAS, Petitioner James and Dawn Fellows 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 14th day of May 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. VAC2002-00006 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

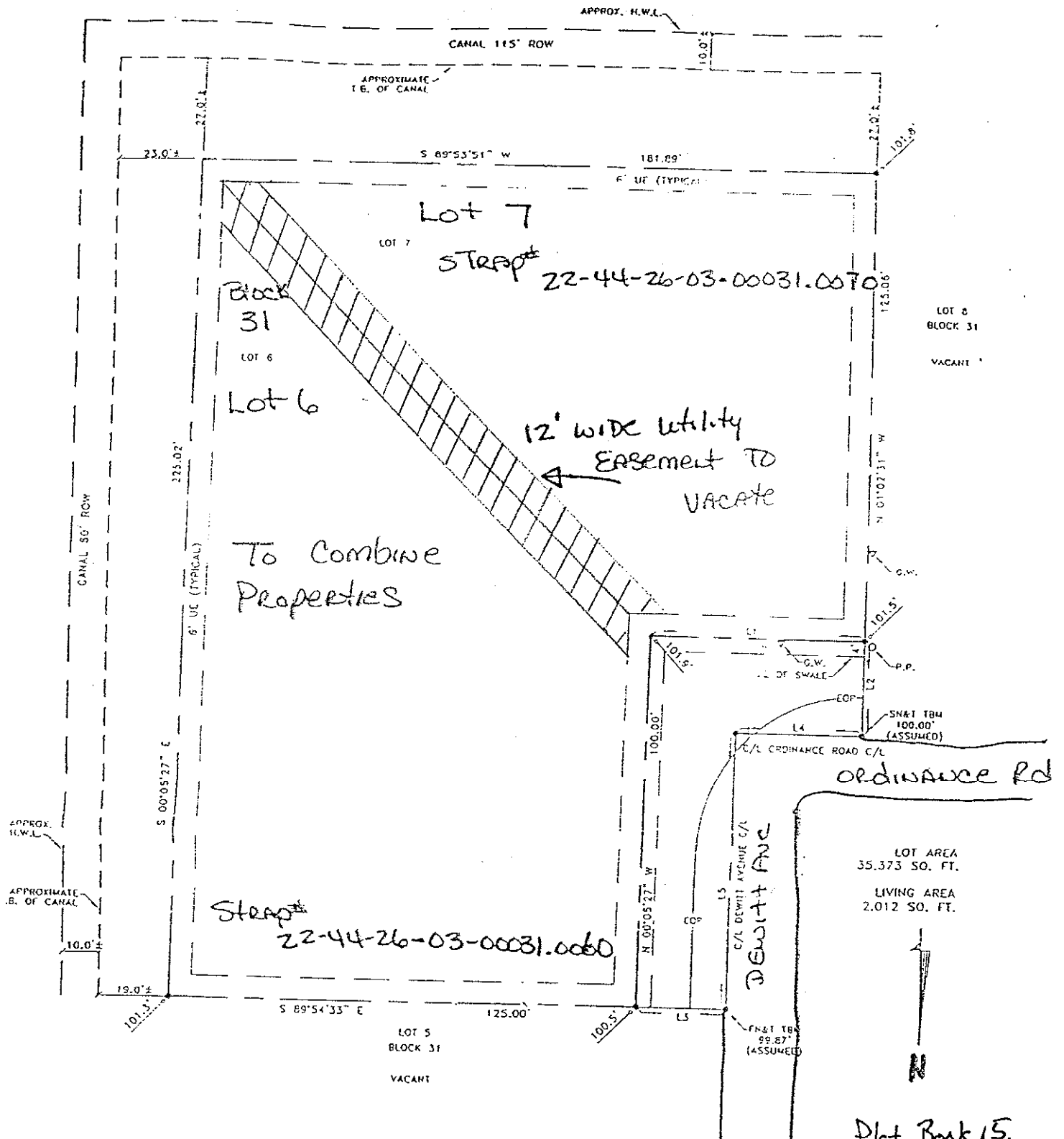
County Attorney Signature

Please Print Name

Exhibit "A"

A Twelve-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 31, Unit 3, in Lehigh Park, a subdivision of Lehigh Acres, as recorded in Plat book 15, at Page 66, of the Public Records of Lee County, Florida, less and except the northwesterly six feet thereof and the southeasterly six feet thereof.

Exhibit "B"



SITE PLAN
S.T.R.A.P.: 2244260300051.0060

Scale - 1" = 30'-0"
WELL & SEPTIC CONV.

DAWN AND JAMES FELLOWS
1700 DEWITT AVE.
LEHIGH ACRES, FL.

IN LEHIGH PARK
A SUBDIVISION IN
LEHIGH ACRES

IF ANY ERRORS OR OMISSIONS EXIST SPECIFICATIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING THEM AFTER THE REPLY OF THESE PLANS. CONSTRUCTION NOTIFICATION OF THESE ERRORS OR OMISSIONS, OR BE HELD RESPONSIBLE FOR THE RESULTS AND COST OF RECTIFICATION.

1. **REQUESTED MOTION:**

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WHY ACTION IS NECESSARY: To combine adjacent lots into one residential building site. The vacation of the Public Utility Easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. **DEPARTMENTAL CATEGORY:** 04 Community Development
COMMISSION DISTRICT #: 5

3. **MEETING DATE:** May 14, 2002


4. **AGENDA:**

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

5. **REQUIREMENT/PURPOSE:**
(Specify)

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6. **REQUESTOR OF INFORMATION:**

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B. DEPARTMENT Community Development
C. DIVISION Development Services
BY:  4/10/02
Peter J. Eckenrode, Director

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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	
	N/A	N/A	N/A						

10. **COMMISSION ACTION:**

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

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: VAC2002-00006

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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

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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

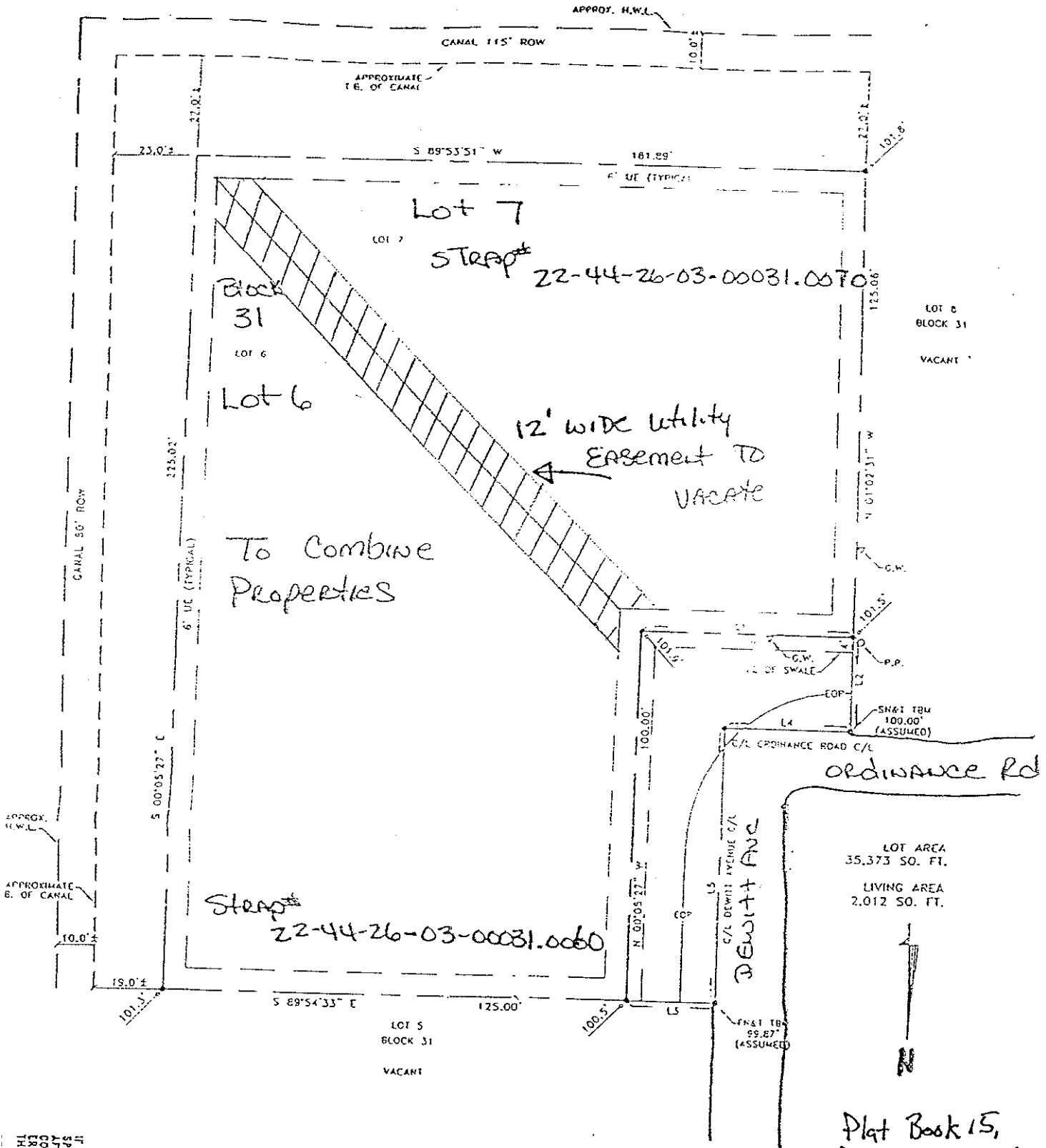
County Attorney Signature

Please Print Name

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Exhibit "B"



SITE PLAN
 S.T.R.A.P.: 2244260300031.0060

CERTIFIED TO:
 FELLOWS, JAMES & DAWN
 HOLIDAY BUILDERS, INC.

Scale - 1" = 30'-0"

Plat Book 15,
 Page 66, Block 31,
 Unit 3,

Dawn And James Fellows
 1700 Dewitt Ave.
 Lehigh Acres, FL.

in Lehigh Park
 A Subdivision in

IF ANY ERRORS OR OMISSIONS EXIST SPECIFICATIONS THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING THEM AFTER THE RECEIPT OF THESE PLANS CONSTRUCTION OF THESE PLANS ERRORS OR OMISSIONS OR TO HOLD THE RESULTS AND COST OF RECTIFYING