

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00004 to vacate a 12' Public Utility Easement, less and except the north and south 6' thereof, located between the common lot line of lots 2 & 3, Block 2, Lehigh Estates, as recorded in Plat Book 15, Page 81 of the Public Records of Lee County Florida, Section 30, Township 44, Range 26.

WHY ACTION IS NECESSARY: Vacates the easement on the commercial lots. This easement does not alter existing easements and is not necessary to accommodate future easements.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

3. MEETING DATE:

05-14-2002

5:00 #3

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - 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 *[Signature]* 4/24/02

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 15th day of May, 2002.

LOCATION: The PUE is located between the common lot line of lots 2 & 3, Block 2, Lehigh Estates, as recorded in Plat Book 15, Page 81 of the Public Records of Lee County Florida, Section 30, Township 44, Range 26. The address is 5642 & 5648 Sixth Street.

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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
					QA	OM	Risk	GC	
<i>Mary Biss</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>QA</i> 4/30/02	<i>OM</i> 5/2/02	<i>Risk</i> 5/2	<i>GC</i> 5/2	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
 COUNTY ADMIN. *PMH*
4/30 2:30
 COUNTY ADMIN.
 FORWARDED TO: *BH*
5/2 1:00

REC'D.
 BY CO. ATTY.
4/29/02
 2:00 PM
 CO. ATTY.
 FORWARDED TO:
4/30/02 3:PM

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: VAC2002-00004

WHEREAS, Petitioner Robert C. & Sandra H. Casey 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 _____; 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. VAC2002-00004 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

S O U T H W E S T F L O R I D A
APPROVED AS TO FORM

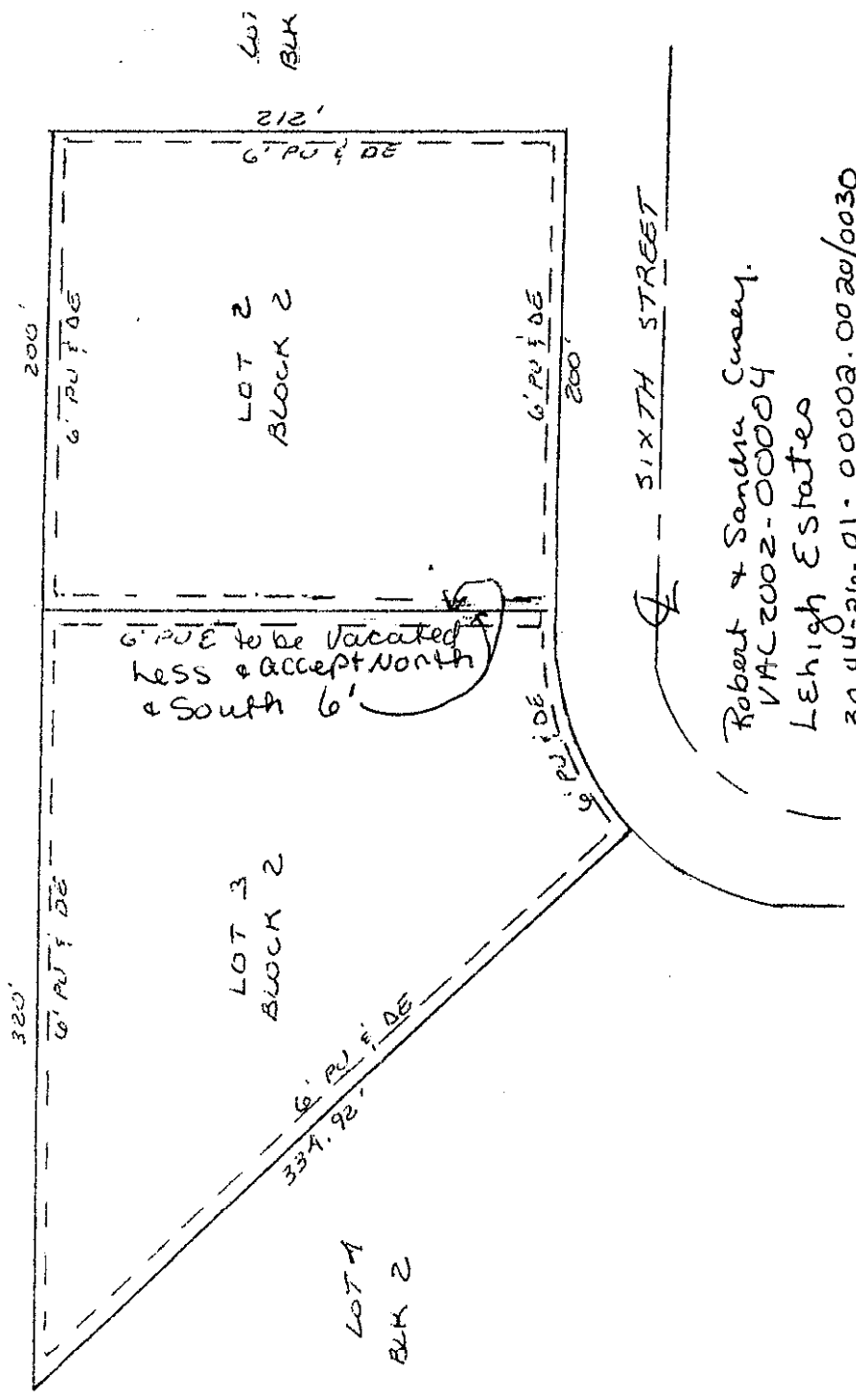
County Attorney Signature

Please Print Name

LEGAL DESCRIPTION
EXHIBIT A

A Public Utility Easement centered on the common lot line between Lots 2 & 3, Block 2, Unit 1, Lehigh Estates, a Subdivision of Section 30, Township 44 South, Range 26 East, Lehigh Acres, according to the map or plat thereof, as recorded in Plat Book 15, Page 31, of the Public Records of Lee County Florida, less and except the North 6' and the South 6' thereof.

NORTH
SCALE 1" = 60'



LOT 1
BLK 2

LOT 2
BLOCK 2

LOT 3
BLOCK 2

LOT 4
BLK 2

SIXTH STREET

Robert & Sandra Cusery.
VAC 2002-00004
Lehigh Estates
30-44-26-01-0002.0020/0030
5642+5648 Sixth Street.

EXHIBIT B