

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020566

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution on Petition to vacate a 12' Public Utility Easement located between the common lot line of lots 4 and 5, Block 2, Lehigh Estates, as recorded in Plat Book 15, Page 35 of the Public Records of Lee County Florida, and Deed Book 254, Page 50, of the Public Records of Lee County Florida, Section 24, Township 44 South, Range 27 East, less and except the east 6' and the west 6' thereof

**WHY ACTION IS NECESSARY:** To build a Single family residence. The easement will not alter existing easements, and will not be necessary to accommodate future easements.

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

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 05

5:00 #1

**3. MEETING DATE:**

06-11-2002

**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

**7. BACKGROUND:**

The Board of County Commissioners had adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 11<sup>th</sup> day of June, 2002.

**LOCATION:** 12' Public Utility Easement located between the common lot line of lots 4 and 5, Block 2, Lehigh Estates, as recorded in Plat Book 15, Page 35 of the Public Records of Lee County Florida, and Deed Book 254, Page 50, of the Public Records of Lee County Florida, Section 24, Township 44 South, Range 27 East, less and except the east 6' and the west 6' thereof. The property address is 816 Johns Ave.

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 Purchasin g or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	QA 5/22/02	OM 5/22/02	Risk 5/23	GC 5-23-02	<i>[Signature]</i>

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
Date: **MAY 17 2002**  
Time: **300pm**  
Forwarded To:  
**Admin**  
**5/22/02 11:30AM**

RECEIVED BY  
COUNTY ADMIN. *PM*  
5/22/02  
1140am  
5/23 900

5/17/02

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: VAC2002-00009

WHEREAS, Petitioner Gary Gabelt, Barbara Gabelt & Russell Gabelt 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. VAC2002-00009 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

**LEGAL DESCRIPTION  
EXHIBIT A**

A 12' PUBLIC UTILITY EASEMENT LOCATED ON THE COMMON LOT LINE OF LOTS FOUR (4) AND FIVE (5), BLOCK TWO (2), UNIT ONE, SECTION 24, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, ACCORDING TO THE MAP OR PLAT THEREOF AS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 15, PAGE 35 AND DEED BOOK 254, PAGE 50, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 6' AND THE WEST 6' THEREOF.

9 STREET

50' N

JOHNS AVENUE

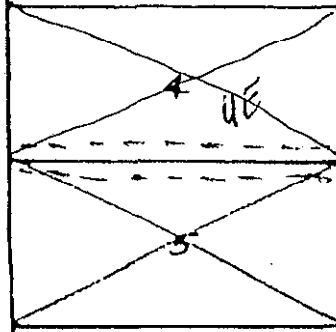
LE ROY AVENUE

1/4 Acre 104.36 1-W	1/4 Acre 104.36 1-E	1/4 Acre 104.36 24-W	1/4 Acre 104.36 24-E
208 ft. 1/2 Acre 2		208 ft. 1/2 Acre 23	
3		22	
4 and 5 2		21	
LOT 4 and 5 BLOCK 5 UNIT 24 SEC 24		20	
6		19	
7		18	
8		17	
9		16	

1/4 Acre 104.36 1-W	1/4 Acre 104.36 1-E	1/4 Acre 104.36 24-W	1/4 Acre 104.36 24-E
208 ft. 1/2 Acre 2		208 ft. 1/2 Acre 23	
3		22	
4		21	
5		20	
6		19	
7		18	
8		17	
9		16	
10		15	

Propose to vacate a 12' P.U.E. less and except the east 6' and the west 6' thereof.

TO VACATE A 12' PUBLIC UTILITY EASEMENT LESS AND EXCEPT THE EAST 6' AND THE WEST 6' THEREOF.



Barbara & Gary Gabalt  
Lehigh Acres, Florida  
816 Johns Ave.  
Block 2, Lot 4  
24-44-27-01-00022.0040

PB15 PG35  
DB254 PG50

Propose to vacate a 12' P.U.E. , less and except the east 6' and the west 6' thereof.

EXHIBIT B

104 ft.  
104.36

104 ft.  
104.36

1/4 Acre 104.36 12-W	1/4 Acre 104.36 12-E	1/4 Acre 104.36 13-W	1/4 Acre 104.36 13-E
208 ft.		208 ft.	