

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a Resolution on Petition VAC2002-00013 to Vacate a 12' wide Public Utility and Drainage Easement centered on the following lot lines common to Lots 3 and 4, Block 43, Unit 11, Lehigh Acres, Florida, Plat Book 254, Page 65 of the Public Records of Lee County, Florida.

WHY ACTION IS NECESSARY: To develop residential building site. 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 requirements.

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

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #2

3. MEETING DATE:

08-13-2002

4. AGENDA

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

STATUTE
 ORDINANCE
 ADMIN. CODE 13-1/13-8
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
B. DEPARTMENT Community Development
C. DIVISION Development Services
BY *[Signature]* 7/5/02
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 13th day of August, 2002.

LOCATION: The subject 12-foot wide Public Utility and Drainage Easement centered on the following lot lines common to Lots 3 and 4, LESS AND EXCEPT the East 6-feet and the West 6-feet thereof, Block 43, Unit 11, a subdivision of Lehigh Acres, as recorded in Deed Book 254, Page 65, of the Public Records of Lee County, Florida. The site is located at 1118 5th Avenue, Lehigh Acres, Florida, Section 21, Township 44 South, Range 27 East.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 7/10/02	<i>[Signature]</i> 7/2/02	<i>[Signature]</i> 7/15	<i>[Signature]</i> 7/15/02	<i>[Signature]</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

REC'D.
by CO. ATTY.
7/2/02
3:00 PM
CO. ATTY.
FORWARDED TO:
Admin
7/10/02 2:10 PM

RECEIVED BY
COUNTY ADMIN. *[Signature]*
7/11 3:30
COUNTY ADMIN. *[Signature]*
7/16/02

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: VAC2002-00013

WHEREAS, Petitioner Adelaida Pacheco

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 August 13, 2002; 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. VAC2002-00013 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

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED

A 12 foot wide Public Utility and Drainage Easement centered on the lot line common to Lots 3 and 4, LESS AND EXCEPT the East 6 feet and the West 6 feet thereof, Block 43, Unit 11, a subdivision of Lehigh Acres, as recorded in Deed Book 254, Page 65, Section 21, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida.

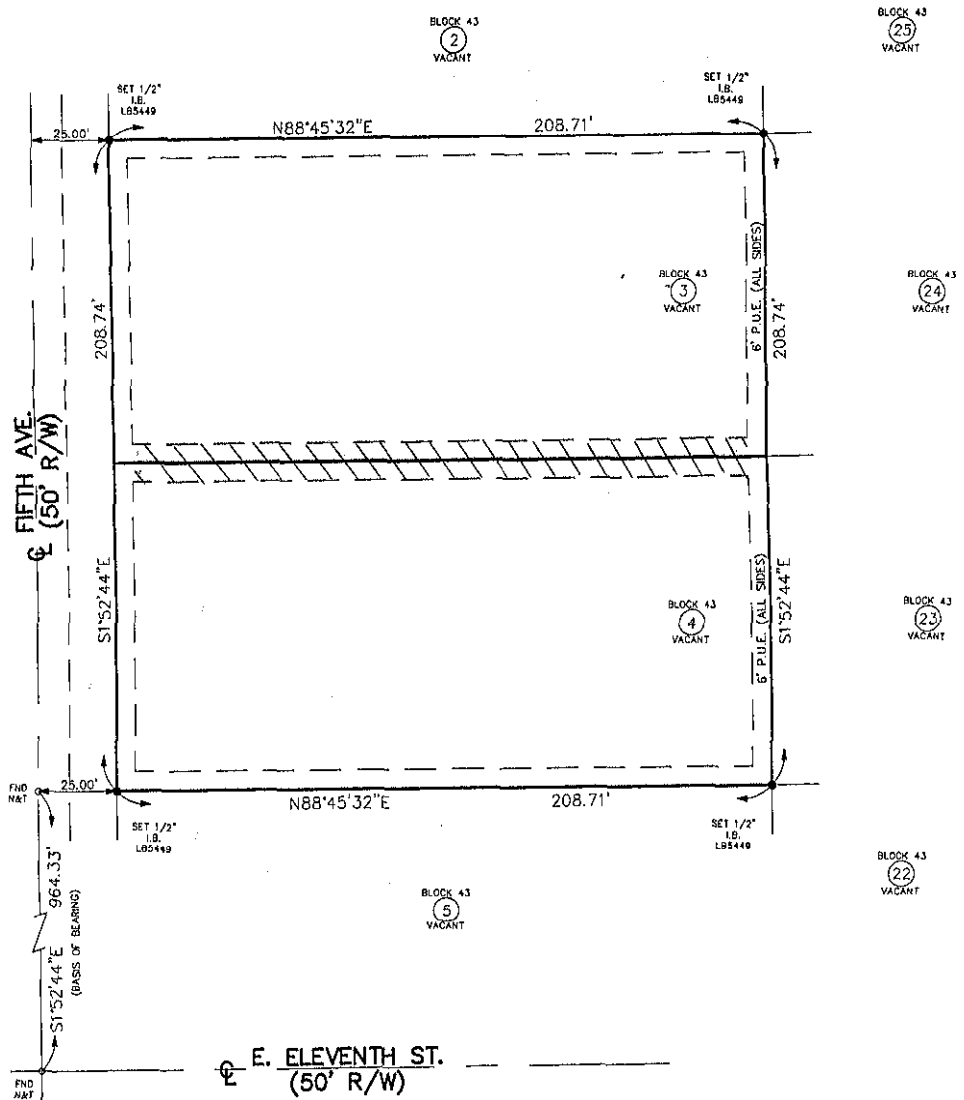
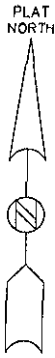


Exhibit "B"

ABOVE PROPERTY IS LOCATED IN FLOOD ZONE 'B'

BOUNDARY SURVEY
 1118-1120 FIFTH AVENUE
 LOTS 3 & 4, BLOCK 43, UNIT 11
 SECTION 21, TOWNSHIP 44 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 30, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

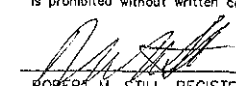
CERTIFIED TO:
 ADELAIDA PACHECO

LEGEND: A - ARC A/C - AIR CONDITIONER (C) - CALCULATED C.B. - CABLE BOX C.B.S. - CONCRETE BLOCK STRUCTURE CH - CHORD C.M. - CONCRETE MONUMENT CONC. - CONCRETE C.P. - CONCRETE PAD COR. - CORNER (D) - DEED	D.E. - DRAINAGE EASEMENT D.H. - DRILL HOLE EL. - ELEVATION ENC. - ENCROACHMENT E.O.P. - EDGE OF PAVEMENT FND. - FOUND I.B. - IRON BAR (M) - MEASURED N & T - NAIL AND TAB N.T.S. - NOT TO SCALE O.R. - OFFICIAL RECORD	(P) - PLAT P.B. - PLAT BOOK P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.E. - POOL ENCLOSURE PG. - PADE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.P. - POWER POLE P.R.C. - POINT OF REVERSE CURVATURE [] - CONCRETE PAD	P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENCY P.U.E. - PUBLIC UTILITY EASEMENT R - RADIUS (R) - RADIAL R/W - RIGHT-OF-WAY SET I.B. - SET 1/2" I.B. LB5449 S.P. - SCREENED PORCH S.T. - SEPTIC TANK T.B. - TELEPHONE BOX ⊕ - MANHOLE	T.B.M. - TEMPORARY BENCHMARK U.P. - UTILITY PEDESTAL WM - WATER METER Δ - DELTA CL - CENTER LINE ~//~ - WOOD FENCE -X- - WIRE FENCE -O- - FIRE HYDRANT -P- - POWER LINES + - TEMPORARY BENCHMARK
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NOTES:
 This map of survey is only for the lands herein described and is not an instrument of title, zoning, or freedom of encumbrances.
 The legal description was furnished by the client or their agent.
 No title search was conducted by this office.

Elevations shown are based on data from the National Geodetic Vertical Datum of 1929 unless otherwise noted.
 There are no visible encroachments other than shown.
 Only improvements shown were field located.

Subject to restrictions, easements, and reservations of record.

<p>NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a Florida Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.</p> <p style="text-align: center;">  10-30-01 ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3695 CHRISTOPHER B. STILL, REGISTERED LAND SURVEYOR NO. 5941 S.T.A.R. SURVEYING, INC. LB5449 1130-E LEE BLVD., LEHIGH ACRES, FL. 33936 (941) 368-7400 FAX.(941) 368-7685 </p>	FIELD SURVEY: 10-29-01
	REV:
	DRAWN BY: C.B.S.
	SCALE: 1" = 40'
	FILE NO: 2180