

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

BLUE SHEET NO: 20021009

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a resolution on Petition VAC2002-00025 to vacate a 12' Public Utility Easement located between the common lot line of lots 8 & 9, and 12 & 13, Block 94, Lehigh Acres, as recorded in Plat Book 15, Page 91 of the Public Records of Lee County Florida, Section 35, Township 44, Range 26, less and except the north and south 6' thereof.

**WHY ACTION IS NECESSARY:** To build a Single family residence. The vacation of the public utility easement will not alter or otherwise impact existing utilities or drainage, and is not necessary to accommodate future drainage or utility requirements.

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

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 03

*5:00 # 3*

**3. MEETING DATE:**

*09-10-2002*

**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 *[Signature]*

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 p.m. on the 10<sup>th</sup> day of September, 2002. *8/29/02*

**LOCATION:** The 12' Public Utility Easement located between the common lot line of lots 8 & 9, and 12 & 13, Block 94, Lehigh Acres as recorded in Plat Book 15, Page 91 of the Public Records of Lee County Florida, Section 35, Township 44, Range 26, less and except the north and south 6' thereof. 3203 & 3205 Eleventh St., SW.

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
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>8/30/02</i>	<i>8/30/02</i>	<i>8/29/02</i>	<i>8/12/02</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

RECEIVED BY  
ADMIN.  
*8/30 900*

FORWARDED TO:  
*8/30 945*

8/30/02  
SUBMITTED  
CO. CLERK  
FORWARDED TO:  
Admin  
*8/30/02 8:50 AM*

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: VAC2002-00025

WHEREAS, Petitioner James & Diana Clay 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 September 10<sup>th</sup>, 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. VAC2002-00025 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

### **Legal Description**

A 12 foot wide Public Utility Easement, centered on the common of Lot line of Lots 8 & 9, and 12& 13, Block 94, Unit 11, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, Page 91, of the Official Records of Lee County, Florida.

]

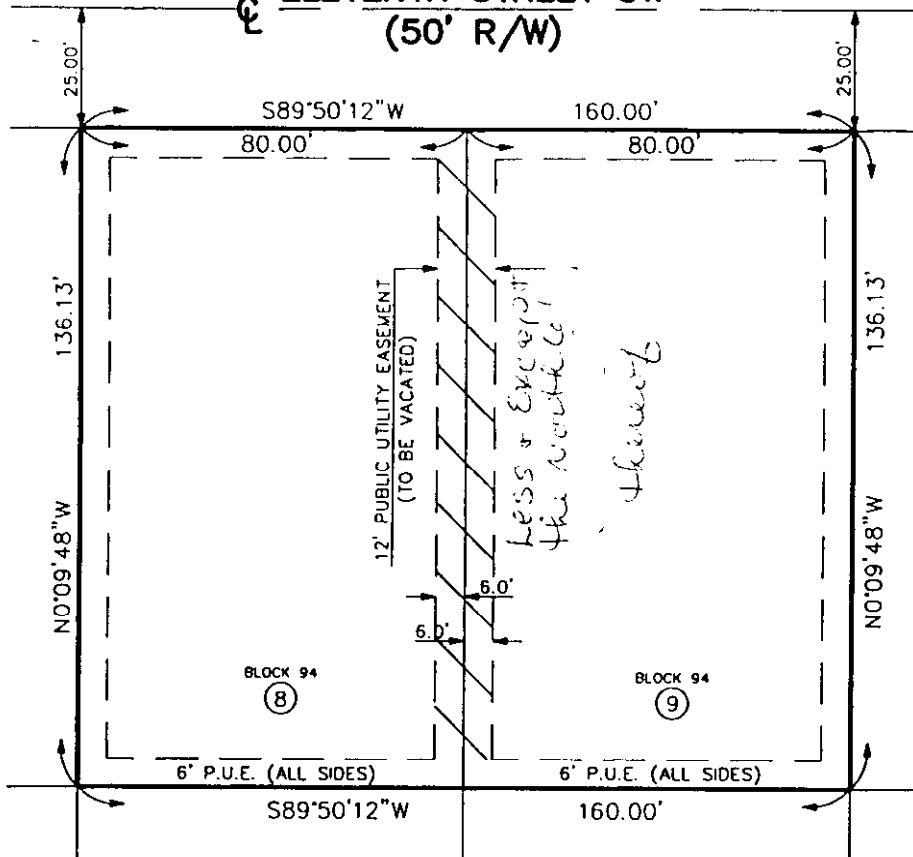
Less and except the northerly 6 feet and the southerly 6 feet thereof.

Exhibit A

PLAT NORTH



**ELEVENTH STREET SW  
(50' R/W)**



BLOCK 94  
⑦

BLOCK 94  
⑩

BLOCK 94  
⑧

BLOCK 94  
⑨

BLOCK 94  
⑭

BLOCK 94  
⑬

BLOCK 94  
⑫

BLOCK 94  
⑪

*35-44-26-11-00094 0080 + 0090*

3203-3205 ELEVENTH STREET SW  
LOTS 8 & 9, BLOCK 94, UNIT 11  
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEHIGH ACRES, LEE COUNTY, FLORIDA  
RECORDED IN PLAT BOOK 15, PAGE 91, OF THE  
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

**NOT A SURVEY – SKETCH ONLY**

**S.T.A.R. Surveying, Inc.** (LB5449)  
Professional Surveyors and Mappers  
1130-E Lee Boulevard, Lehigh Acres, Florida 33936  
(941) 368-7400 (941) 368-7885 (Fax)

DATE:  
5-23-02

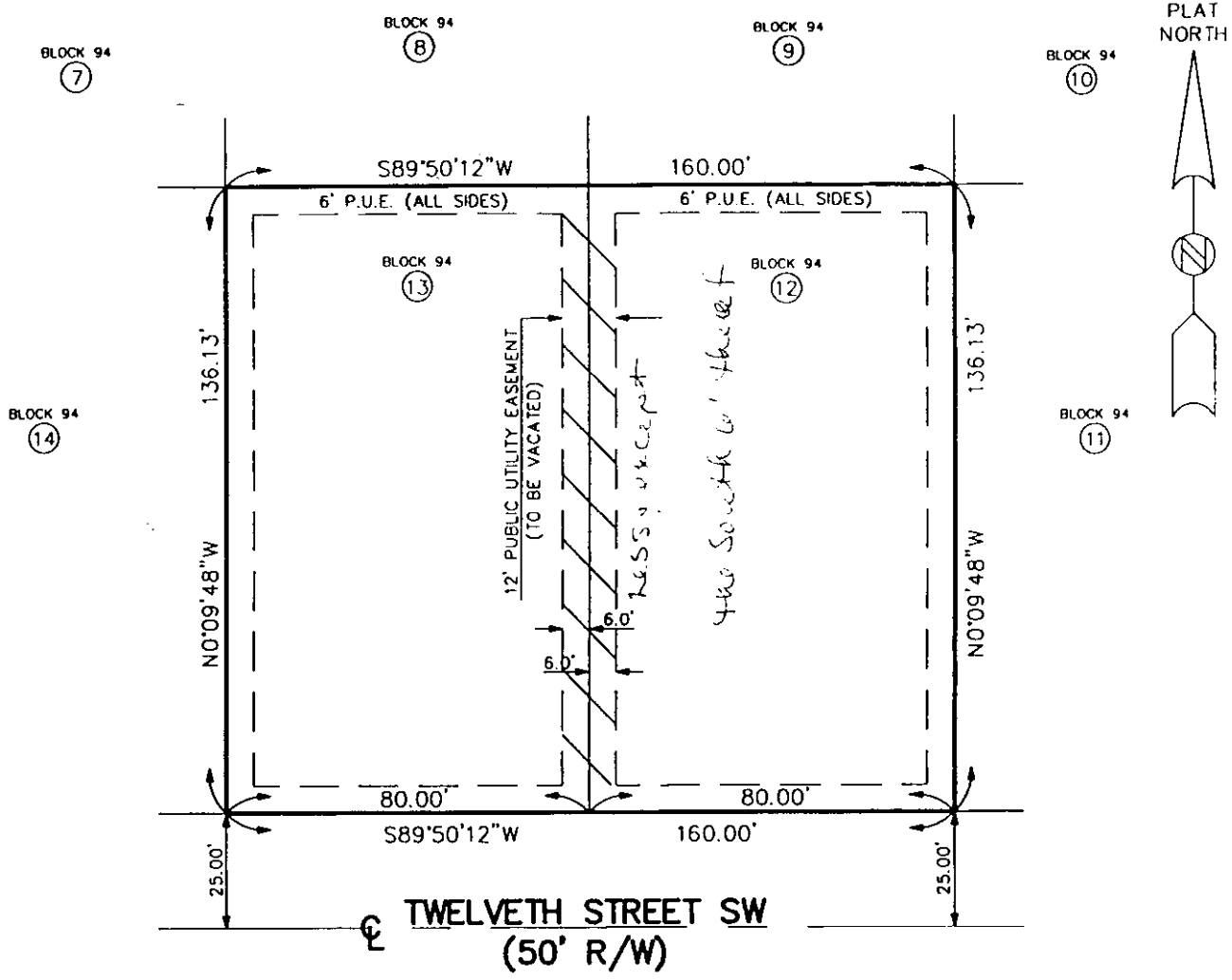
JOB NUMBER:

DRAWN BY:  
C.B.S.

SCALE:  
1" = 40'

SHEET:  
1 of 2

*EXHIBIT B*



35-44.26-11-00094. 0130 & .0620  
 3202-3204 TWELVETH STREET SW  
 LOTS 12 & 13, BLOCK 94, UNIT 11  
 SECTION 35, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 15, PAGE 91, OF THE  
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DATE:	5-23-02
JOB NUMBER:	
DRAWN BY:	C.B.S.
SCALE:	1" = 40'
SHEET:	1 of 2

EXHIBIT B-2