

Date CRITICAL

Please RUSH

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20021336

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on Petition, VAC2002-00042, to Vacate a 12 foot wide Public Utility Easement common to lots 20 & 21, Block 29, Unit 8, a subdivision of Lehigh Acres, Florida.

WHY ACTION IS NECESSARY: To build a Single Family Residence on the combined lots.. The vacation of this easement will not alter or otherwise impact existing utilities, and is not necessary to accommodate future utility requirements..

WHAT ACTION ACCOMPLISHES: Vacates the Easement.

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

5:00 #3

3. MEETING DATE:
5:00 p.m. on November 26th, 2002

4. AGENDA:

5. REQUIREMENT/PURPOSE:

6. REQUESTOR OF INFORMATION:

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

- STATUTE F.S. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 11/14/02

Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners adopted a resolution on 11/4/2002 to set a Public Hearing on Petition to Vacate, VAC2002-00042, submitted by Mr. & Mrs. Sidney Lawson.

LOCATION: This petition vacates the public interest in a 12 foot Public Utility Easement, centered on the common lot lines of Lots 20 & 21, Block 29, Unit 8, Section 16, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, page 18, of the Official Records of Lee County, Florida, less and except the easterly 6 feet and the westerly 6 feet thereof. The address is 1415 & 1417 Fifth Street, Lehigh Acres, FL.

Documentation pertaining to this Petition to Vacate is available for viewing at LeeCares.

There are no objections to this Petition to Vacate. Staff recommends adoption of this resolution.

Attached to this Blue sheet is the Resolution to Vacate 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- 11/15/02			G County Manager
<i>[Signature]</i> Mary G. White	N/A	N/A	N/A	<i>[Signature]</i>	OM 11/15/02	Risk 11/15/02	GC 11/15/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COMM. ADMIN. TD
11/15 1030
ADMIN.
FORWARDED TO: BL
11/15 1130

REC'D.
By: CO. ATTY.
11/14/02
4:50 PM
CO. ATTY.
FORWARDED TO:
ADMIN
11/15/02 10:15 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: VAC2002-00042

WHEREAS, Petitioners **Sidney and Ivy Lawson** 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 26th day of November, 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. **VAC2002-00042** 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 **26th day of November, 2002 at 5:00 p.m.**

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
(Vacation of Easements)**

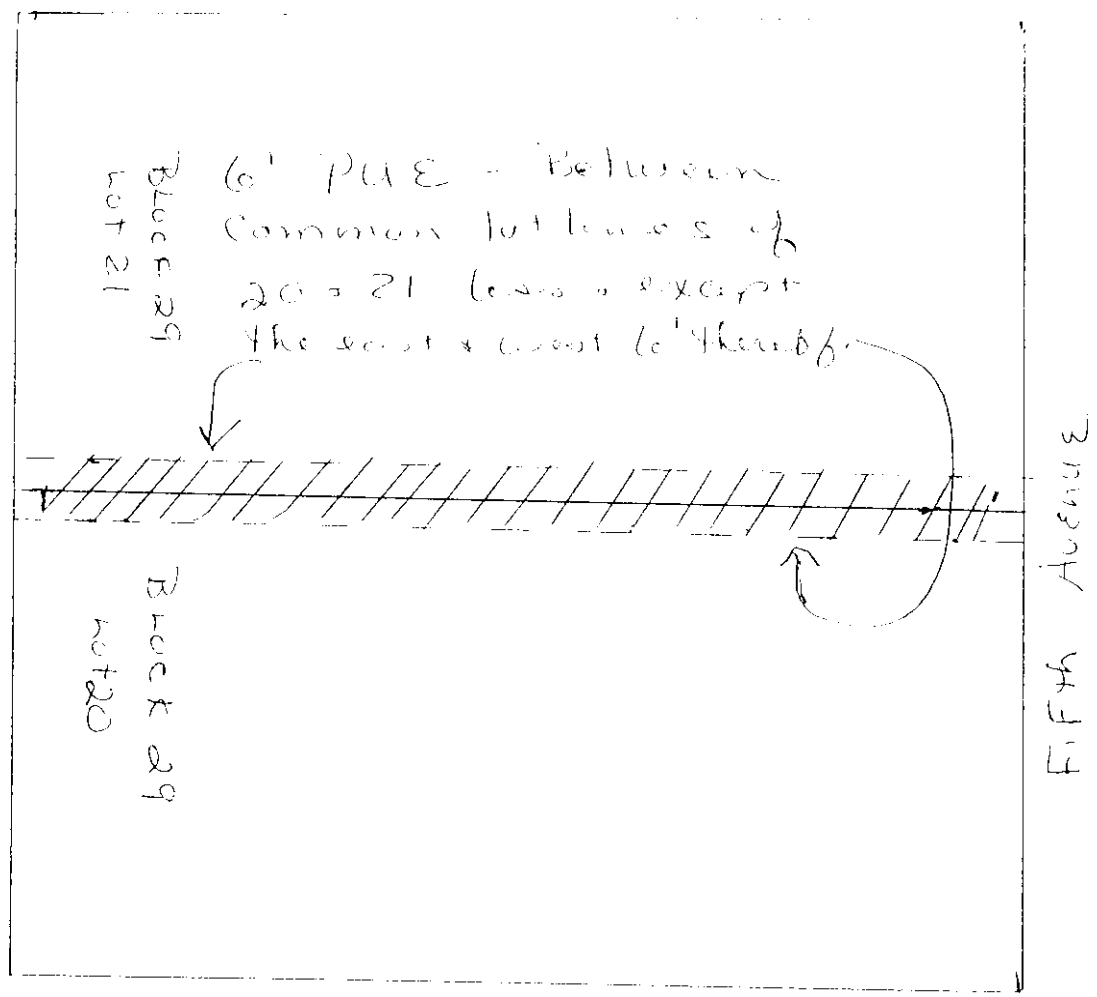
A 12.0 foot wide public utility easement centered on Lots 20 & 21, Block 29, Unit 8, Section 16, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, page 18, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.

A handwritten signature in black ink, appearing to be 'P. H. H.', with a horizontal line extending to the right.

Exhibit A

↑
North
1" = 40'



Sidney & Evelyn Lawson.
16-44-27-08 00029-0210
16-44-27-08-00029-0200
1415 + 1417 Fifth Ave
Lehigh Acres.
Block 29 - Lots 20 & 21

Exhibit B