

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: **VAC2002-00048**

WHEREAS, Petitioners **Gary and Janice Baker** 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 **14th day of January, 2003 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. VAC2002-00048 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 14th day of January, 2003 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:

A twelve-foot (12') wide public utility easement located six-feet (6') to each side of the lot line separating lots 1 and 2 of Block 54, Unit 6, of Lehigh Acres Subdivision; as recorded in Plat Book 15, Page 80 of the official Public Records of Lee County, Florida.

LESS and EXCEPT the Northeast (front) six-feet (6') and Southwest (rear) six-feet (6') feet thereof.

Exhibit A

DESCRIPTION:

LOTS 1 & 2, BLOCK 54, LEECH ACRES UNIT 6, PLAT BOOK 15, PAGE 82, LEE COUNTY PUBLIC RECORDS, LTRNG IN SECTION 29, T-44-S, R-26-E, LEE COUNTY, FLORIDA.

NOTES:

1. LAND DESCRIPTION AS SHOWN HEREON WAS PROVIDED BY THE CLIENT.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS OF WAY, OWNERSHIP OR RESTRICTIONS.
3. LOT IS IN FLOOD ZONE "B". THIS INFORMATION TAKEN FROM THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAP 153124 0373 B, (PANEL NOT PRINTED).
4. ELEVATIONS AS SHOWN HEREON ARE AN ASSUMED BASIS.
5. THIS IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES.
6. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY, EXCEPT THOSE AS NOTED HEREON.
7. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT AND ARE MEASURED UNLESS OTHERWISE NOTED.
8. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN & UNWRITTEN).
9. THIS PLAT WAS PREPARED AS A BOUNDARY SURVEY WITH ELEVATIONS.
10. UNDERGROUND AND ABOVE GROUND IMPROVEMENTS NOT LOCATED UNLESS SHOWN.
11. DATE OF LAST FIELD WORK: 4-17-2002.
12. DATE OF LAST FIELD WORK: 4-17-2002.

LEGEND:

- (1) CATCH BASIN
- (2) CENTERLINE
- (3) CONTROL POINT
- (4) ELECTRIC SERVICE
- (5) FIRE HYDRANT
- (6) FOUND 5/8" IRON ROD WITH KUBROS COMPANY CAP
- (7) FOUND IRON ROD
- (8) IRRIGATION CONTROL VALVE
- (9) TELEPHONE POST/STAL
- (10) TELEVISION POST/STAL
- (11) TRANSFORMER PAD
- (12) TYPICAL ELEVATION
- (13) WATER METER
- (14) WATER VALVE
- (15) SEWER MANHOLE
- (16) CONC. CONCRETE
- (17) C.M. CONCRETE MONUMENT
- (18) FOUND
- (19) IRON ROD
- (20) CURVE NUMBER
- (21) MEASURED
- (22) PLAT
- (23) NON RADIAL LINE
- (24) RADIAL LINE
- (25) POINT OF CURVATURE
- (26) POINT OF INTERSECTION
- (27) POINT OF TANGENCY
- (28) UTILITY EASEMENT

PREPARED FOR: CYPRESS CONSTRUCTION

GARY BAKER RESIDENCE

DATE: 4-2-2002
 SCALE: 1"=40'
 DRAWN BY: CFT
 CHECKED BY: KT
 SHEET 1 OF 1

SURVEY PLAT
 OF A PARCEL LYING IN
 SECTION 29 T-44-S, R-26-E,
 LEE COUNTY, FLORIDA.

TRASK ASSOCIATES, INC.
 SURVEYORS
 5884 Enterprise Parkway, Fort Myers, FL 33905
 941-694-2335 phone 941-694-2355 fax
 Florida Licensed Business No. LB7136
 ktrask@msn.com

LEE COUNTY
 A. LEE HAYNE STATE OF
 PROFESSIONAL LAND SURVEYOR
 FLORIDA, CERTIFICATE NO. 68638
 DATE SIGNED: 9/28/2002

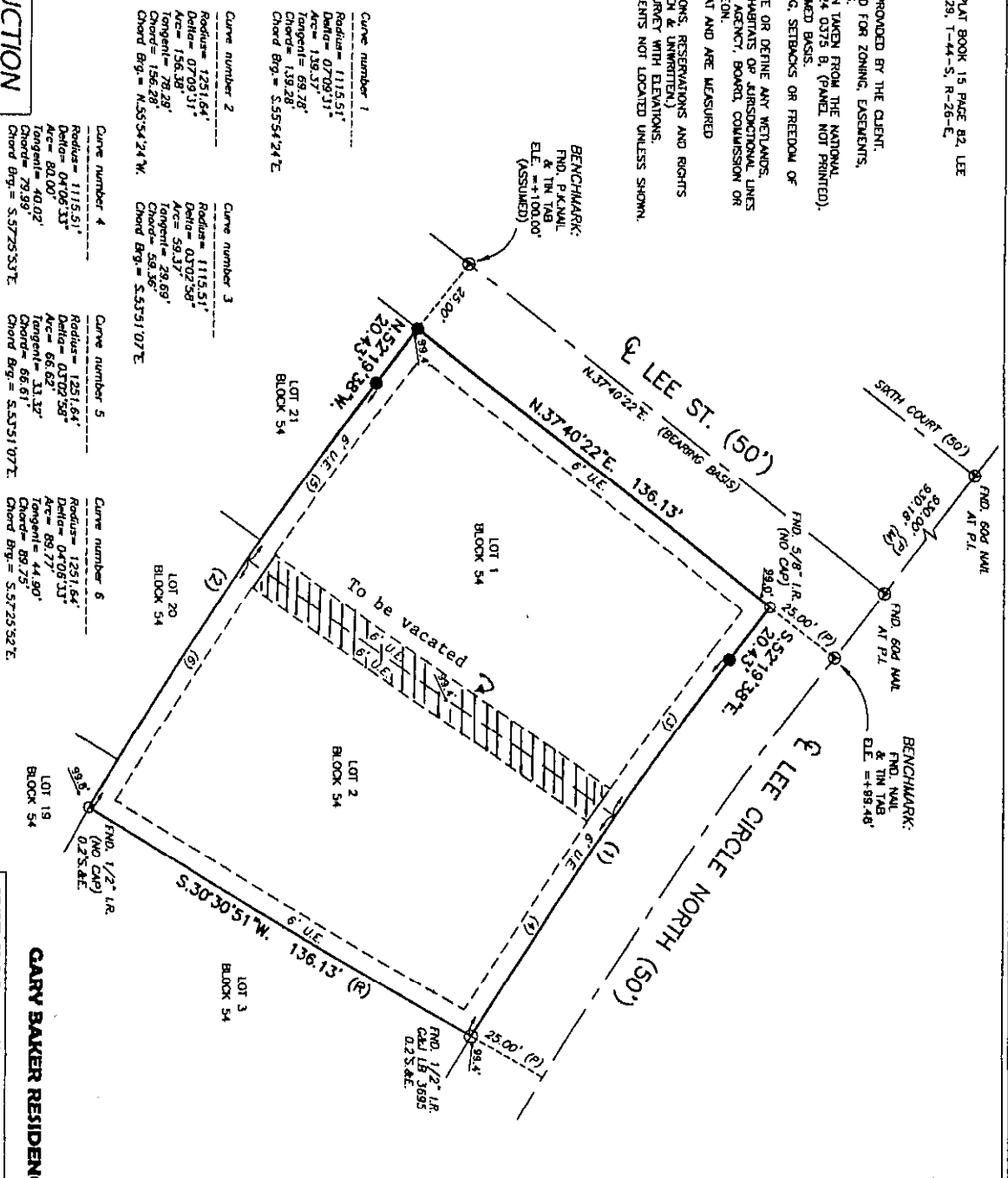


EXHIBIT "B"

REVISED TO SHOW PLATTED EASEMENT 9-20-2002 ALH

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20030001

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on Petition VAC2002-00048 to vacate a twelve foot (12') wide public utility easement located six feet (6') to each side of the lot line separating lots 1 and 2 of Block 54; Unit 6 of Lehigh Acres Subdivision.

WHY ACTION IS NECESSARY: To construct a residential structure spanning both lots. *The vacation of this easement will not alter existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements.*

WHAT ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY: 04 Community Development
COMMISSION DISTRICT # 05

3. MEETING DATE:
 January 14th at 5:00 p.m.

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
 (Specify)

- STATUTE FS177
- 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 Petitioners are Gary and Janice Baker.

LOCATION: The easement to be vacated is a twelve foot (12') wide public utility and drainage easement located six feet (6') to each side of the lot line separating lots 1 and 2; less and except for the Northeast (front) six-feet (6') and Southwest (rear) six-feet (6') thereof; of Block 54; Unit 6 of Lehigh Acres Subdivision, as recorded in Plat Book 15, Page 80 of the official Public Records of Lee County, Florida.

The site is located at 4919 Lee Circle North, Lehigh Acres, Florida, Section 29, Township 44 South, Range 26 East.

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				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>									

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

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: **VAC2002-00048**

WHEREAS, Petitioners **Gary and Janice Baker** 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 **14th day of January, 2003 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. VAC2002-00048 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 14th day of January, 2003 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

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:

A twelve-foot (12') wide public utility easement located six-feet (6') to each side of the lot line separating lots 1 and 2 of Block 54, Unit 6, of Lehigh Acres Subdivision; as recorded in Plat Book 15, Page 80 of the official Public Records of Lee County, Florida.

LESS and EXCEPT the Northeast (front) six-feet (6') and Southwest (rear) six-feet (6') feet thereof.

Exhibit A

DESCRIPTION:

LOTS 1 & 2, BLOCK 54, LEHIGH ACRES UNIT 6, PLAT BOOK 15 PAGE 82, LEE COUNTY PUBLIC RECORDS, LYING IN SECTION 29, T-44-S, R-26-E, LEE COUNTY, FLORIDA.

NOTES:

1. LAND DESCRIPTION AS SHOWN HEREON WAS PROVIDED BY THE CLIENT.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS OF WAY, OWNERSHIP OR RESTRICTIONS.
3. LOT 5 IS IN FLOOD ZONE "B". THIS INFORMATION TAKEN FROM THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAP 158124 0325 B (PANEL NOT PRINTED), ELEVATIONS AS SHOWN HEREON ARE AN ASSUMED BASIS.
4. THIS IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES.
5. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL, AGENCY, BOARD, COMMISSION OR OTHER ENTITY, EXCEPT THOSE AS NOTED HEREON.
6. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT AND ARE MEASURED UNLESS OTHERWISE NOTED.
7. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN OR UNWRITTEN).
8. THIS PLAT WAS PREPARED AS A BOUNDARY SURVEY WITH ELEVATIONS.
9. UNDERGROUND AND ABOVE GROUND IMPROVEMENTS NOT LOCATED UNLESS SHOWN.
10. DATE OF LAST FIELD WORK: 4-17-2002.

LEGEND:

- ☐ CATCH BASIN
- ⊕ CENTERLINE
- ⊙ CONTROL POINT
- ⊖ ELECTRIC SERVICE
- ⊖ FIRE HYDRANT
- ⊖ FOUND 5/8" IRON ROD WITH KUBROS COMPANY CAP
- ⊖ FOUND IRON ROD
- ⊖ IRRIGATION CONTROL VALVE
- ⊖ TELEPHONE PEDESTAL
- ⊖ TELEVISION PEDESTAL
- ⊖ TRANSFORMER PAD
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- ⊖ SEWER SERVICE
- ⊖ SEWER MANHOLE
- ⊖ CONC. CONCRETE MONUMENT
- ⊖ G.M. FOUND
- ⊖ IRON ROD
- ⊖ IRON ROD
- ⊖ CURVE NUMBER
- ⊖ (N) MEASURED
- ⊖ (S) PLAT
- ⊖ (N/S) NON RADIAL LINE
- ⊖ (N/S) RADIAL LINE
- ⊖ P.C. POINT OF CURVATURE
- ⊖ P.I. POINT OF INTERSECTION
- ⊖ P.T. POINT OF TANGENCY
- ⊖ U/E. UTILITY EASEMENT

PREPARED FOR: **CYPRESS CONSTRUCTION**

GARY BAKER RESIDENCE

REVISED TO SHOW PLATTED EASEMENT 9-20-2002 ALH

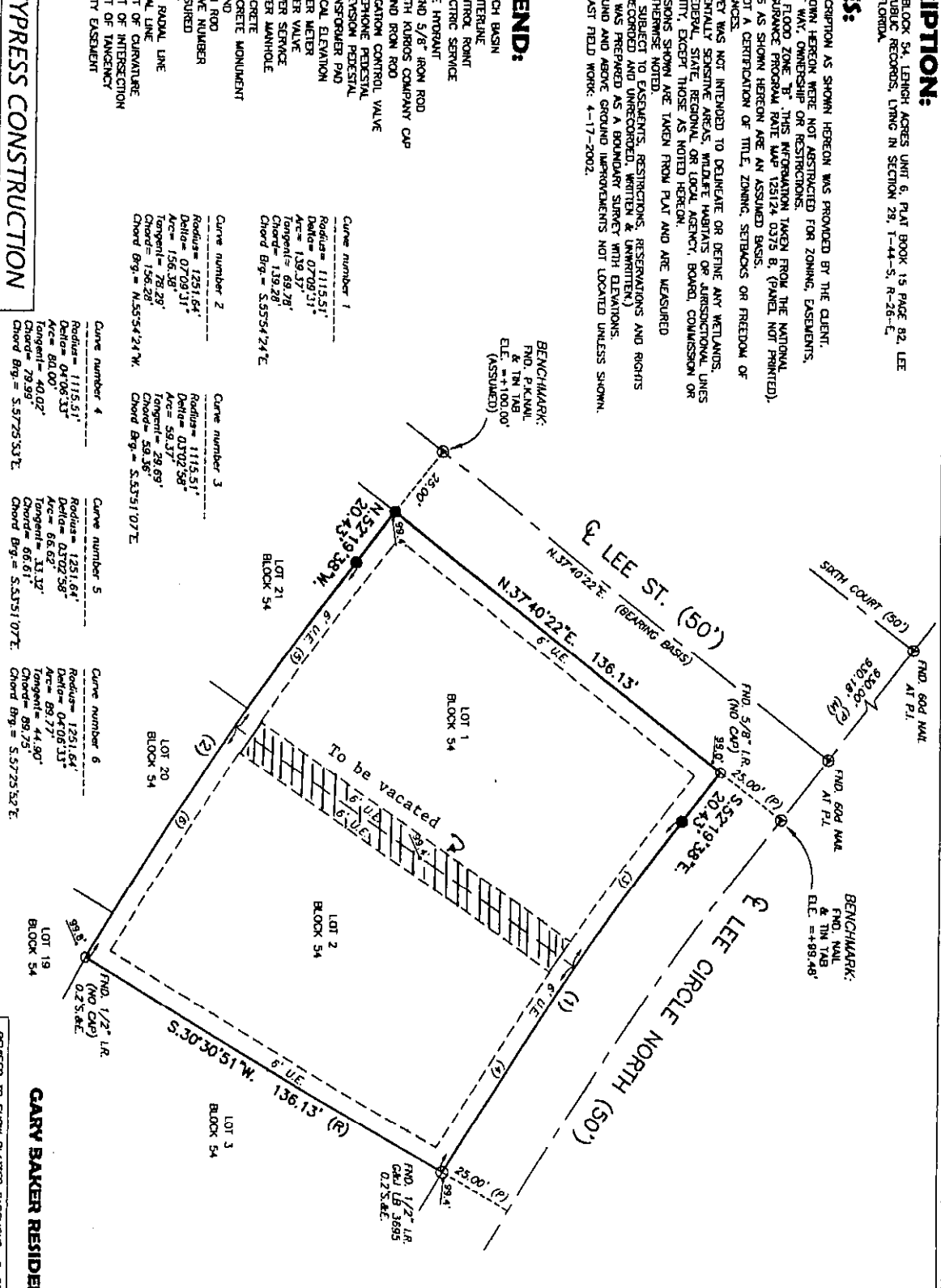


EXHIBIT "B"

SURVEY PLAT

OF A PARCEL LYING IN SECTION 29 T-44-S, R-26-E, LEE COUNTY, FLORIDA.

TRASK ASSOCIATES, INC.
SURVEYORS

5884 Enterprise Parkway, Fort Myers, FL 33905
941-894-2335 phone 941-894-2355 fax
Florida Licensed Business No. LB7136
ktrask@msn.com

LEE COUNTY
A. LEE HAYNE STATE OF
PROFESSIONAL LAND SURVEYOR
FLORIDA, CERTIFICATE NO. 126338
9/28/2002
DATE SIGNED:

DATE:	4-2-2002
SCALE:	1"=40'
DRAWN BY:	CFT
CHECKED BY:	KT
DATE:	01-0205
SHEET:	1 OF 1

Sal

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20021393

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00048 to vacate a twelve foot (12') wide public utility easement located six feet (6') to each side of the lot line separating lots 1 and 2 of Block 54; Unit 6 of Lehigh Acres Subdivision, less and except for the front and rear six feet thereof; and adopt a resolution setting a public hearing for 5:00 p.m. on the 14th day of January, 2002.

WHY ACTION IS NECESSARY: To construct a residential structure spanning both lots. The vacation of this easement will not alter existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements.

WHAT ACTION ACCOMPLISHES: Sets the date for Public Hearing.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 05

C4B

3. MEETING DATE:
12-17-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE FS177
- 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 Petition to Vacate was submitted by Mr. Brad R. Ervans; Agent for Gary and Janice Baker.

LOCATION: The easement in question is a twelve foot (12') wide public utility and drainage easement located six feet (6') to each side of the lot line separating lots 1 and 2; less and except for the Northeast (front) six-feet (6') and Southwest (rear) six-feet (6') thereof; of Block 54; Unit 6 of Lehigh Acres Subdivision, as recorded in Plat Book 15, Page 80 of the official Public Records of Lee County, Florida.

The site is located at 4919 Lee Circle North, Lehigh Acres, Florida, Section 29, Township 44 South, Range 26 East.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, the Resolution to set the Public Hearing and the Notice of Public Hearing.

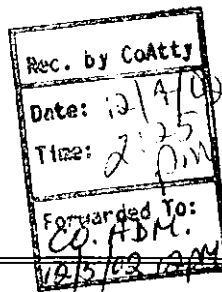
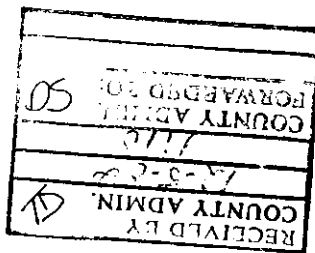
8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
Maryjane	N/A	N/A	N/A	John Pryor 12-5-02	OA 11/5/02	OM 11/5/02	Risk 12/5/02	GC 12/5/02	12-5-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER



News-Press.com Online Public Notice: Detail**2002-12-30 Petition****NOTICE OF PUBLIC HEARING FOR
PETITION TO VACATE**

Case Number:

VAC2002-00048

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of January 2003 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Legal Description:

A twelve-foot (12') wide public utility easement located six-feet (6') to each side of the lot line separating lots 1 and 2 of Block 54, Unit 6, of Lehigh Acres Subdivision; as recorded in Plat Book 15, Page 80 of the Official Public Records of Lee County, Florida.

LESS AND EXCEPT the Northeast (front) six-feet (6') and Southwest (rear) six-feet (6') feet thereof.

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

P.O. Sekulski

REF.P123002-30

REF.P010603-31

Dec 30 Jan 6 No. 27410

[print this notice](#) [close window](#)**For MAC users try cmd+P**