

1. REQUESTED MOTION:

PT 4-3-03

ACTION REQUESTED:

Adopt a Resolution on Petition VAC2003-00002 to Vacate a 12-foot wide Drainage and Public Utility Easement common to Lots 5 & 6, Block 77, Unit 14, a subdivision of Lehigh Acres, in Lehigh Acres, Florida.

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. The vacation of this Drainage and/or Public Utility Easement will not alter existing drainage and utility conditions and the easement is not necessary for future drainage and utility requirements.

WHAT THE ACTION ACCOMPLISHES: Vacates the 12-foot wide Drainage and/or Public Utility Easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #2

3. MEETING DATE:

04-22-2003

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 *[Signature]* 3-26-03
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 22nd day of April, 2003.

PT 4-3-03

LOCATION:

Petition # VAC2003-00002 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between lots 5 & 6, Block 77, Unit 14, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 20, of the Public Records of Lee County, Florida, LESS AND EXCEPT the north 6-feet and the south 6-feet thereof. The site is located 15081 Cemetery Road, Lehigh Acres, Florida.

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
<i>[Signature]</i> Mary Gable	N/A	N/A	N/A	<i>[Signature]</i> John J. DeGuzman 3-27-03	OA <i>[Signature]</i> 3/31/03	OM <i>[Signature]</i> 3/31/03	Risk <i>[Signature]</i> 4/1/03	GC <i>[Signature]</i> 4/1/03	<i>[Signature]</i> 4-2-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *3/27/03*
Time: *3:35 PM*
Forwarded to:
ADMIN
3/28/03 4:30

REC'D BY
ADMIN. TD
3-28 7:00
ADMIN
JEB 3/28/03

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: VAC2003-00002

WHEREAS, Petitioner Michael J. and Debra J. Mittica 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 22nd day of April, 2003 ; 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. VAC2003-00002 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"

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6, Block 77, West part of Unit 14, Section 03, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 20 of the Public Records of Lee County, Florida, LESS and EXCEPT the North Six-feet and the South Six-feet thereof.

Legal Description of property for vacation of easement

15081 Cemetery Rd. Lehigh Acres Florida

Strap No. 03-44-26-14-00077.0050

Lot 5 and 6, Block 77, West Part of Unit 14, Section 3, Township 44 South, Range 26 East
 Lehigh Acres. Recorded in plat book 26, page 20 of the public records of Lee County, Florida.

