

**1. REQUESTED MOTION:**

**ACTION REQUESTED:**

Adopt a Resolution on Petition VAC2002-00064 to vacate a 12-foot wide Public Utility Easement centered on the lot line common to Lots 1 & 2, Block 3, Unit 1, Lehigh Estates Subdivision, in Lehigh Acres, Florida.

**WHY ACTION IS NECESSARY:**

To build a light industrial building across the property line. Vacating the 12-ft wide utility requirements. Public Utility Easement will not alter existing or future utility requirements.

**WHAT THE ACTION ACCOMPLISHES:** Vacates the 12-foot wide easement.

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5

5:00 #4

**3. MEETING DATE:**

05-13-2003

**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 Mary G. G. G.  
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 May, 2003.

**LOCATION:**

Petition # VAC2002-00064 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot line common to Lots 1 & 2, Block 3, Unit 1, Lehigh Estates Subdivision, Section 30, Township 44 South, Range 26 East, in Lehigh Acres, Florida, as recorded in Plat Book 15, Page 81, in the Public Records of Lee County, Florida, LESS and EXCEPT the East 6-feet and the West 6-feet thereof.

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
	N/A	N/A	N/A	<i>[Signature]</i> 4-25-03	OM	OM	Risk	GC	
					<i>[Signature]</i> 4/28/03	<i>[Signature]</i> 4/28/03	<i>[Signature]</i> 4/28/03	<i>[Signature]</i> 4-28-03	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 4/25/03  
Time: 3:48  
Forwarded to:  
CO. ADM.  
4/25/03 4PM

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
4-22  
4:55  
COUNTY ADM.  
FORWARDED BY: *[Signature]* BH

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: VAC2003-00064

WHEREAS, Petitioner Jeff Romer and William Romer 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 May 13<sup>th</sup>, 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. VAC2002-00064 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"**

DESCRIPTION OF EXISTING DRAINAGE AND/OR UTILITY EASEMENT  
TO BE VACATED ON  
LOT 1 AND THE SOUTH 67 FEET OF LOT 2, BLOCK 3, UNIT 1, LEHIGH ESTATES,

A 12-FOOT WIDE UTILITY EASEMENT CENTERED ON THE LOT LINE COMMON TO LOTS 1 AND 2, BLOCK 3, UNIT 1, LEHIGH ESTATES, SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGE 81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 6 FEET AND WEST 6 FEET THEREOF.

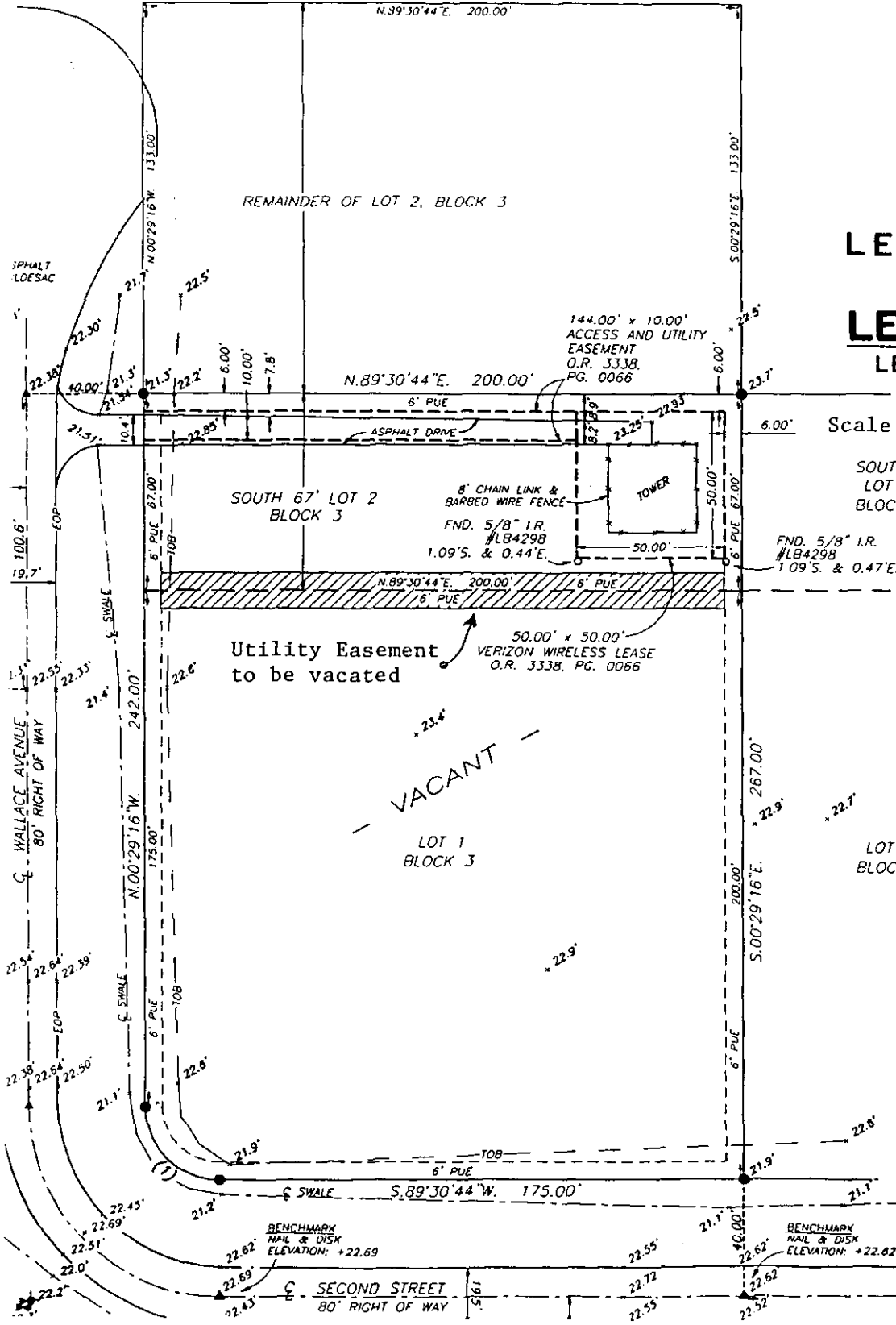
# SURVEY PLAT

OF A PARCEL LYING IN  
SECTION 30, T-44-S, R-26-E,  
LEE COUNTY, FLORIDA.



**PLAT OF  
UNIT 1  
LEHIGH ESTATES  
A SUBDIVISION OF  
LEHIGH ACRES  
LEE COUNTY, FLORIDA**

Scale: One Inch = Fifty Feet



PETITION TO VACATE  
NO. VAC2002-00064  
**EXHIBIT "B"**  
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VAC: 00002 000064