

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030505

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on petition VAC2003-00013 to vacate a twelve-foot Public Utility Easement centered on the common lot line between lots 19 and 20, Block 45, Unit 4, Lehigh Acres.

WHY ACTION IS NECESSARY: To construct a Swimming Pool adjacent to existing single family home. The vacation of the public utility easement will not alter existing utilities and the easement is not necessary to accommodate any future utility requirement.

WHAT THE ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #5

3. MEETING DATE:

05-13-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1/13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY *[Signature]* 4/23/03
Peter J. Eckenrode, Director

7. BACKGROUND:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5p.m. on the 13th day of May, 2003.

LOCATION: The Public Utility Easement is between Lots 19 & 20, Block 45, Unit 4, Lehigh Acres, as recorded in Plat Book 15, page 77. The site is located at 3916 and 3918 3rd St W, Lehigh Acres, Florida, Section 27, Township 44 South, Range 26 East.

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. *(MR)*

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>	N/A	N/A		<i>[Signature]</i> 4-24-03	OA 4/23/03	OM 4/23/03	Risk 4/23/03	GC 4/23/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *4/24/03*
 Time: *2:37 pm*
 Forwarded To:
 Co. ADM.
4/25/03 9AM

RECEIVED BY
 COUNTY ADMIN. *TD*
4/25/03
 COUNTY ADMIN.
 FORWARDED TO: *BH*
9/11/03

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: VAC2003-00013

WHEREAS, Petitioner Mark and Lori Ames
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 13th of May 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. VAC2003-00013 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 13th of May 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

EXHIBIT "A"

A legal description of the area proposed for vacation:

A Twelve-foot wide Public Utility Easement centered on the common lot line between Lots 19 and 20, Block 45, Unit 4, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 77 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

EXHIBIT "B"
Petition to Vacate - VAC2003-00013
[Page One of One]

Portion of the Plat of South ½ Section 27, Township 44 South, Range 26 East
A Subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15,
Page 77 in the Public Records of Lee County, Florida.

