

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET NO: 20030541

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution on petition VAC2003-00015 to vacate four twelve-foot Public Utility Easements centered on the common lot lines between lots 8 & 9, 10 & 11, 11 & 12, and 8 & 11, Block 41, Unit 7, Lehigh Acres.

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

WHAT THE ACTION ACCOMPLISHES: Vacates the easement.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

5:00 #2

3. MEETING DATE:

05-27-2003

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]* 5/20/03
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 27th day of May, 2003.

LOCATION: The Public Utility Easements are between Lots 8 & 9, 10 & 11, 11 & 12, and 8 & 11, Block 41, Unit 7, Lehigh Acres, as recorded in Plat Book 18, page 113. The site is located at 950 Memphis Avenue S., Lehigh Acres, Florida, Section 25, Township 45 South, Range 27 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.

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> 5-5-03	<i>[Signature]</i> 5/5/03	OM <i>[Signature]</i> 5/5/03	Risk <i>[Signature]</i> 5/6/03	GC <i>[Signature]</i> 5/14/03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *5/2/03*
Time: *3:30 PM*
Forwarded to: *[Signature]*
5/5/03 3PM

RECEIVED BY
COUNTY ADMIN. *[Signature]*
5-5-03
7:00
COUNTY ADMIN.
FORWARDED TO: *[Signature]*
5/6/03

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: VAC2003-00015

Charles R. McLaughlin, III

WHEREAS, Petitioner Charles R. McLaughlin, III and Janene McLaughlin 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 27th 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. VAC2003-00015 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 27th 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"

Petition to Vacate - VAC2003-00015

[Page One of One]

Legal Description (Vacation of Easements)

A 12.0 foot wide public utility easement centered on Lots 11 & 12, Block 41, Unit 7, Section 25, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 18, page 113, of the Official Records of Lee County, Florida.

Less and except the northerly 6.0 feet and the southerly 6.0 feet thereof.

A 12.0 foot wide public utility easement centered on Lots 10 & 11, Block 41, Unit 7, Section 25, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 18, page 113, of the Official Records of Lee County, Florida.

Less and except the southerly 6.0 feet thereof.

A 12.0 foot wide public utility easement centered on Lots 8 & 9, Block 41, Unit 7, Section 25, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 18, page 113, of the Official Records of Lee County, Florida.

Less and except the northerly 6.0 feet thereof.

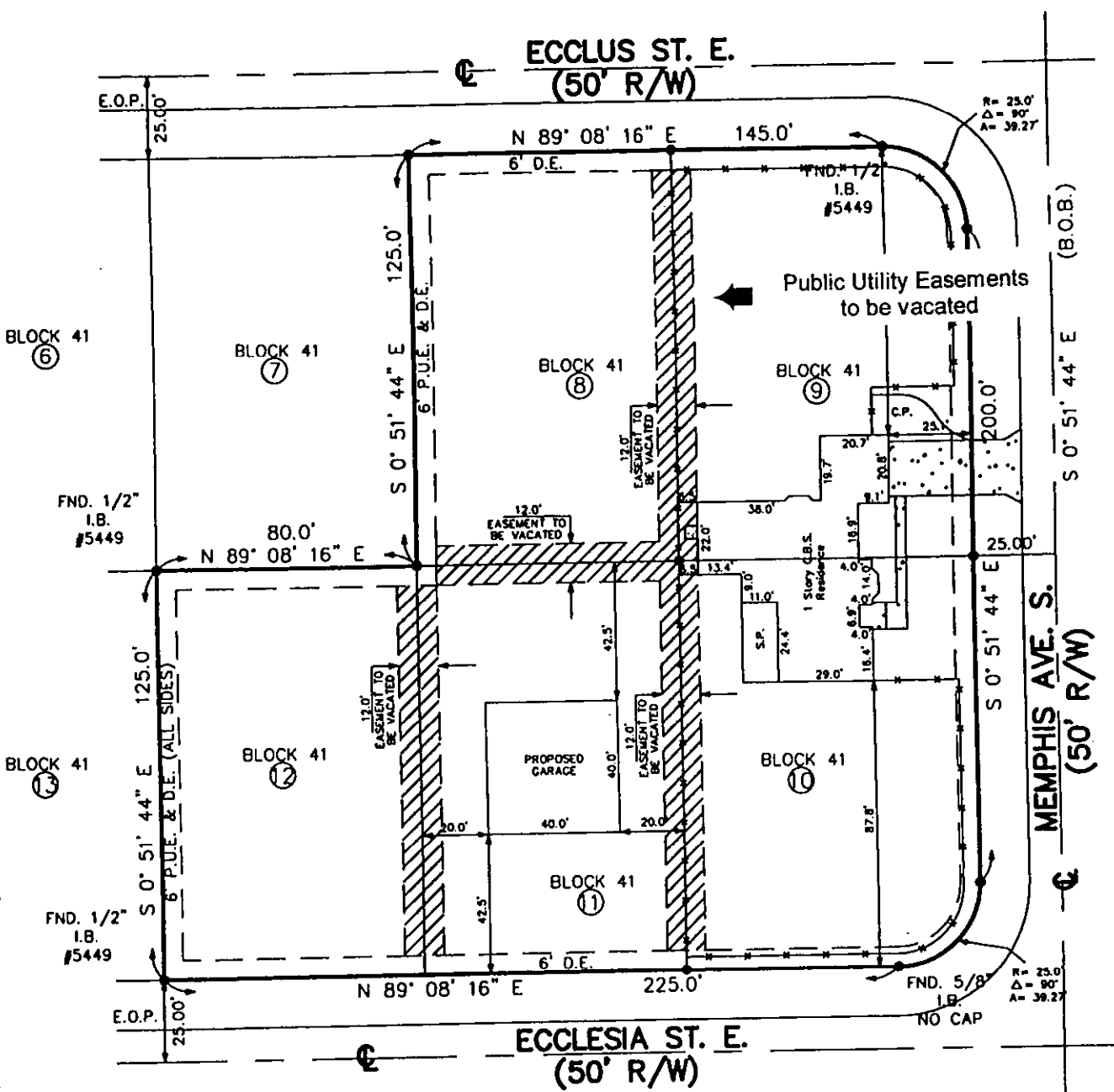
A 12.0 foot public utility easement centered on Lots 8 & 11, Block 41, Unit 7, Section 25, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 18, page 113, of the Official Records of Lee County, Florida.

Less and except the westerly 6.0 feet thereof.

Exhibit "B"

**Petition to Vacate
VAC2003-00015**

PLAT NORTH



NOT A SURVEY – SKETCH ONLY

PLAT OF UNIT 7
SECTION 25, TOWNSHIP 45 SOUTH, RANGE 27 EAST
A SUBDIVISION OF LEHIGH ACRES
LEE COUNTY, FLORIDA
AS RECORDED IN THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA AT PLAT BOOK 18, PAGE 113

DATE:	2-28-03
JOB NUMBER:	87105-612B
DRAWN BY:	C.B.S.
SCALE:	1" = 50'