

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030460

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution to Vacate two (2) Public Utility Easements common to lots 56 and 57; and 57 and 58, Bock 95, Unit 21, Leeland Heights subdivision. Petition to Vacate VAC2002-00063 *JH*

**WHY ACTION IS NECESSARY:** To construct a Single Family Residence. 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 # 03

*5:00 #1*

**3. MEETING DATE:**

*06-24-2003*

**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 Gibbs*  
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 24th day of June, 2003.

**LOCATION:** The Public Utility Easement is located between Lots 56 and 57; and 57 and 58. This site is located at 222/224 Connecticut Rd., Lehigh Acres, Florida, Section 32, Township 44, Range 27.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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>Mary Gibbs</i>	N/A	N/A		<i>John Alcorno 6-12-03</i>	<i>DA 6/12/03</i>	<i>OM 6/12/03</i>	<i>Risk 6/12/03</i>	<i>GC 6/12/03</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
COUNTY CLERK  
*6-12-03*  
4:00  
COUNTY CLERK  
FORWARDED TO: *BH*

RECEIVED BY  
CO. ATTY.  
*UD*  
*6/12/03*  
3:00 PM  
CO. ATTY.  
FORWARDED TO:  
*[Signature]*

*6/12/03 3:30 PM*

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2002-00063

WHEREAS, Petitioner Carmelo Burgos, Jr., and Gail M. Burgos 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 24<sup>th</sup> of June 2003 at 5 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. VAC2002-00063 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

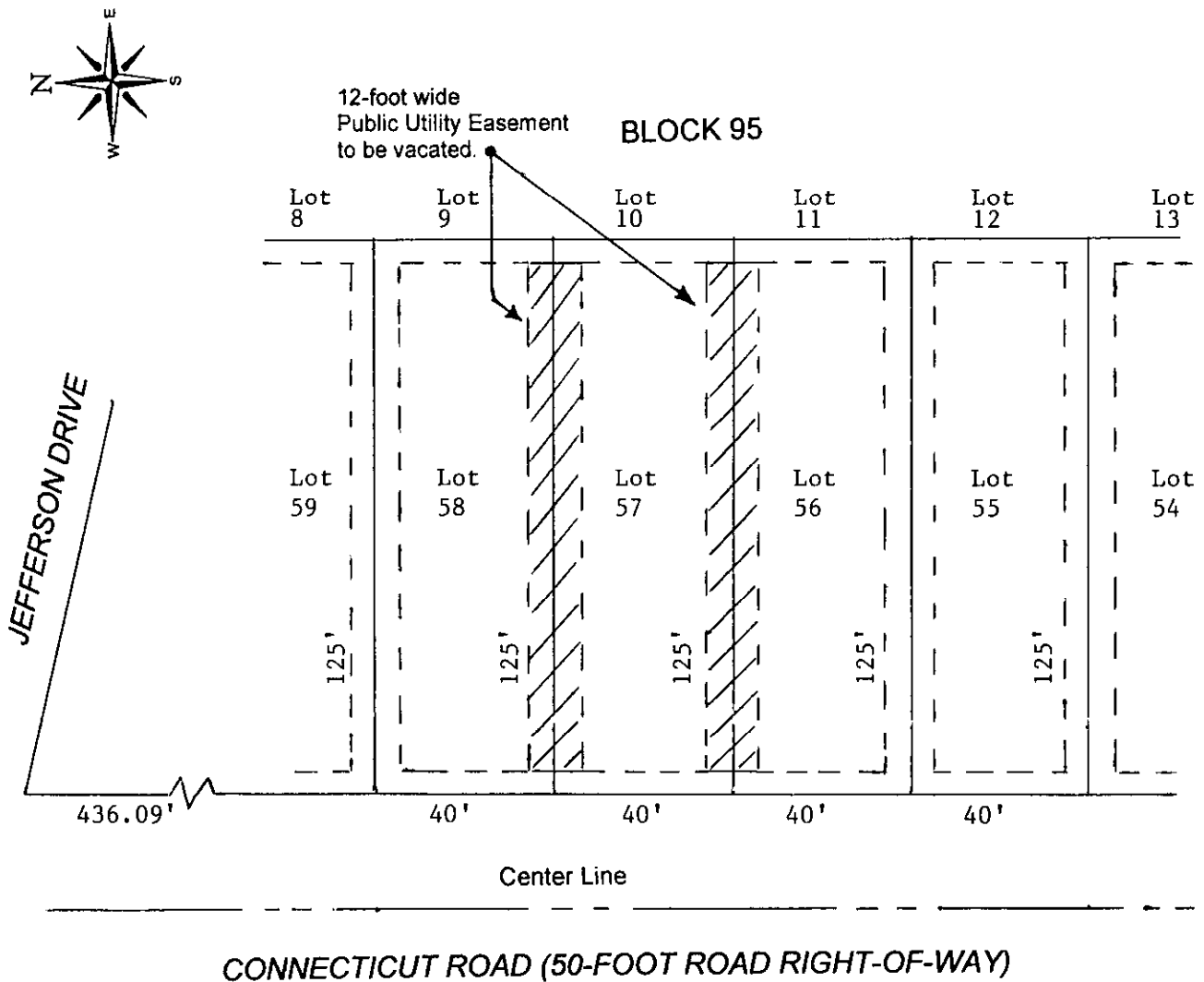
**LEGAL DESCRIPTION  
EASEMENT TO BE VACATED  
EXHIBIT A**

Two twelve foot wide Public Utility Easement, common to lots 56 and 57, and 57 and 58, block 95, Unit 21, less and except the east and west 6 feet thereof, Leeland Heights, a subdivision according to the map or plat thereof on file and recorded in Plat Book 15, Page 46, in the Public Records of Lee County, Florida.

**EXHIBIT "B"**  
Petition to Vacate  
VAC2002-00063

**SKETCH OF PUBLIC UTILITY EASEMENT TO BE VACATED**

Lots 55 through 58, Block 95, Unit 21 of the Plat of  
Section 32, Township 44 South, Range 27 East,  
A Subdivision of Lehigh Acres, Lee County, Florida  
According to the map or plat thereof on file and recorded  
in Plat Book 15, Page 46 of the Public Records of Lee County, Florida



**SCALE: 1 inch = 40 feet**

