

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

BLUE SHEET NO: 20030586

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a Resolution to Vacate a Public Utility Easement located at 1820 Jackson Avenue, Lehigh Acres, Florida.

**WHY ACTION IS NECESSARY:** To construct a Single Family Residence on the combined lots. 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. (Case # VAC2003-00017)

**2. DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT # 5

*5:00 #2*

**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 *[Signature]* 6/04/03  
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 24th day of June, 2003.

**LOCATION:**  
Petition # VAC2003-00017 proposes to vacate a twelve foot wide Public Utility Easement centered on the common lot line between Lots 2 and 3, Block 31, Unit 8, a subdivision of Lehigh Acres, Section 11, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 13, of the Public Records of Lee County, Florida, LESS AND EXCEPT the East six feet and the West six feet thereof. The site is located at 1820 Jackson Avenue, 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
					OK	PM	Risk	GC	
<i>Mary Gibb</i>	N/A	N/A	N/A	<i>John J. Deegan 6/6/03</i>	<i>[Signature] 6/9/03</i>	<i>[Signature] 6/9/03</i>	<i>[Signature] 6/9/03</i>	<i>[Signature] 6/9/03</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *6/6/03*  
Time: *1:00 PM*  
Forwarded To: *Co. Atty  
6/6/03 4PM*

RECEIVED BY  
COUNTY ADMIN. *TD*  
*6-6-03 4:10*  
COUNTY ADMIN.  
FORWARDED TO: *BT*  
*6/11/03*

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: VAC2003-00017

WHEREAS, Petitioner Grace Plantations, UBOT 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 ; 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. VAC2003-00017 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 Public Utility Easement centered on the common lot line between Lots 2 and 3, Block 31, Unit 8, Section 11, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 13, of the Public Records of Lee County, Florida, LESS and EXCEPT the East six-feet and the West six-feet thereof.

A handwritten signature in black ink, appearing to be "I. S. [unclear]", written over a horizontal line.

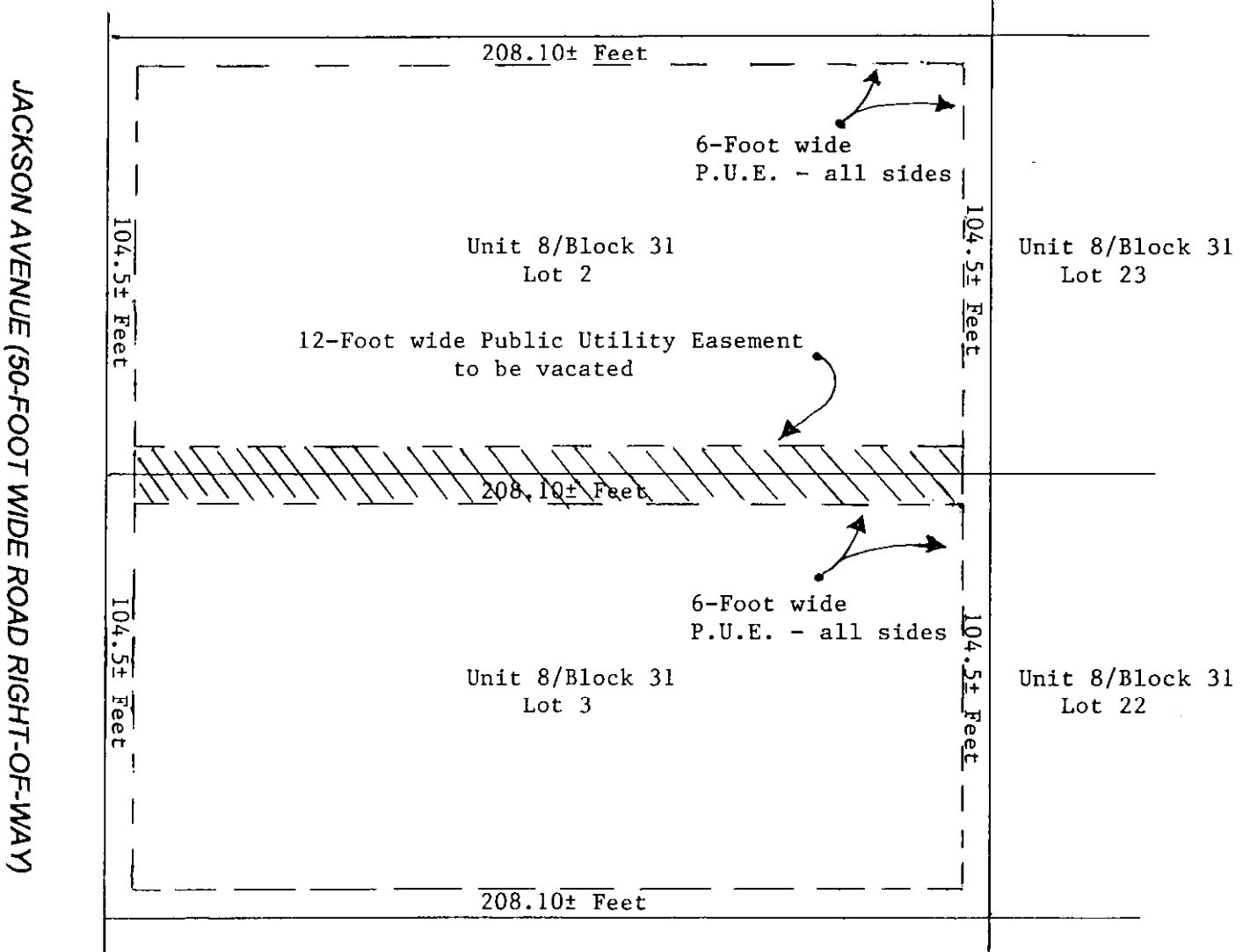
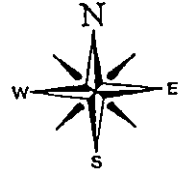
U:\200305\VAC20030.001\7\LEGAL.WPD May 12, 2003

EXHIBIT "A"

EXHIBIT "B"  
Petition to Vacate  
VAC2002-00017

SKETCH OF PUBLIC UTILITY EASEMENT TO BE VACATED

A portion of the 12-foot wide Public Utility Easement centered on the common lot line between Lots 2 and 3, Unit 8, Block 31 of the Plat of Section 11, 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 13 of the Public Records of Lee County, Florida, Less and Except the east six feet and west six feet thereof.



SCALE: 1 inch = 40 feet

