

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 712 Plumosa Ave., Lehigh Acres Florida. (VAC2003-00034)

**WHY ACTION IS NECESSARY:** To build a single-family residence on the combined lots. The vacation of this easement will not alter existing drainage and/or utility conditions and the easement is not necessary to accommodate any future drainage and/or utility requirements.

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility Easement.

**2. DEPARTMENTAL CATEGORY:** 04  
**COMMISSION DISTRICT #:** 5

5:00 #2

**3. MEETING DATE:**

08-26-2003

**4. AGENDA:**

- \_\_\_\_\_ CONSENT
- \_\_\_\_\_ ADMINISTRATIVE
- \_\_\_\_\_ APPEALS
- PUBLIC
- \_\_\_\_\_ WALK ON
- \_\_\_\_\_ TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE F.S. Ch. 177
- \_\_\_\_\_ ORDINANCE
- ADMIN. CODE 13-1
- \_\_\_\_\_ OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
  - B. DEPARTMENT Community Development
  - C. DIVISION Development Services
- BK: *[Signature]* 8/14/03

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on August 26, 2003.

**LOCATION:** Petition No. VAC2003-00034 proposes to vacate a 12-foot wide Drainage and/or Public Utility Easement centered on the lot lines common to Lots 5 and , Block 6, Unit 10, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44, Section 29, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the East 6-feet and the West 6-feet thereof. The site is located at 712 Plumosa Ave., 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 Resources	D Other	E County Attorney	F Public Services for County Manager	G County Manager
<i>May</i>	N/A	N/A	N/A	<i>Hand written 8-15-03</i>	<i>[Handwritten initials and notes]</i>	<i>[Handwritten signature]</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: 8/15/03  
Time: 8:25 AM  
Forwarded To:  
CD, Adm.  
8/15/03 8:35 AM

RECEIVED BY  
COUNTY ADMIN TD  
8/15/03  
COUNTY ADMIN  
FORWARDED TO: BH

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: VAC2003-00034

WHEREAS, Petitioner Steven and Silvia O'Reilly 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 at 5:00 p.m. on August 26, 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. VAC2003-00034 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 August 26, 2003.

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  
VAC2003-00034

**Legal Description**

A twelve-foot (12') wide public utility easement located six feet (6') each side of the common lot line separating Lots 5 and 6 of Block 39, Unit 10 of the plat of Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 44 of the of the Public Records of Lee County, Florida.

**LESS AND EXCEPT** the west (front) six feet (6') and east (rear) six feet (6') thereof.

EXHIBIT "B"  
Petition to Vacate  
VAC2002-00034

SKETCH OF PUBLIC UTILITY EASEMENT TO BE VACATED

Lots 5 and 6, Block 39, Unit 10 of the Plat of  
Section 29, 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 44 of the Public Records of Lee County, Florida

