

1. **REQUESTED MOTION:**

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 636-638 Meadow Rd., Lehigh Acres Florida. (Case No. VAC2003-00039)

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:**
COMMISSION DISTRICT #: 5

04

5:00 #1

3. **MEETING DATE:**

11-25-2003

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
- BY: *[Signature]* 10/17/03

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 25th of November, 2003.

LOCATION: Petition No. VAC2003-00039 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 18 and 19, Block 36, Unit 3, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 83, Section 5, Township 45 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6-feet and the South 6-feet thereof. The site is located at 636-638 Meadow Rd., 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 Budget Services 10/23/03			G County Manager
					OA	OM	Risk	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 10-23-03	<i>[Signature]</i> 10/23/03	<i>[Signature]</i> 10/23/03	<i>[Signature]</i> 10/23/03	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 10/20/03
Time: 1:00
1:00 PM
Forwarded To:
Co. Adm.
10/23/03 9AM

RECEIVED BY
COUNTY ADMIN: TP
10/23/03
10:50 AM 567
COUNTY ADMIN
FORWARDED TO: [Signature]
10/23/03

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: VAC2003-00039

WHEREAS, Petitioner **Smutney's Concrete & Pumping , Inc.** _____
_____ 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 **25th day of November 2003 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. VAC2003-00039 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 25th day of November, 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
VAC2003-00039

A portion of a twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19 of Block 36, on the Plat of Unit 3, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 83 of the 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 VAC2003-00039

Boundary Survey 16 JAN 03 Drawn By DMO 03-0026



- LEGEND**
- | | |
|-----------------------------|-------------------------|
| • BASIS OF BEARINGS | • WATER METER |
| • CONCRETE | • STORK DRAIN |
| • CONCRETE SETBACKS, PORCH | • CABLE TELEVISION |
| • DRAINAGE | • SEWAGE BOX |
| • EDGE OF PAVEMENT | • LIGHT POLE |
| • FOUND CONCRETE MONUMENT | • POWER POLE |
| • FOUND CONCRETE MONUMENT | • CHAIN LINK FENCE |
| • FOUND IRON ROD | • WOOD FENCE |
| • FOUND NAIL | • TELEPHONE SERVICE BOX |
| • INSIDE PART | • ELECTRIC SERVICE BOX |
| • OFFSET | • CONCRETE |
| • PUBLIC UTILITY EASEMENT | • OVERHEAD POWER LINES |
| • SET 5/8" IRON ROD & CAP | |
| • SET 3/4" IRON ROD & CAP | |
| • SET 1/2" IRON ROD & CAP | |
| • STAMPED "WIT. COR." | |
| • SET WITNESS 5/8" IRON ROD | |
| • SET WITNESS 3/4" IRON ROD | |
| • SET WITNESS 1/2" IRON ROD | |
| • APPROXIMATE TOP MARK | |
| • UTILITY MARK | |
| • VALLEY CUTTER | |
| • OUTSIDE PROPERTY | |

CERTIFIED TO:
Sautney's Concrete & Pumping

LEGAL DESCRIPTION:
Lots 18 & 19 Block 36 Unit 3 of Lehigh Estates
Subdivision as recorded in Plat Book 15 Page
80 of the records of Lee County, Florida

This survey meets the minimum technical standards
set forth by the Florida Board of Professional
Land Surveyors pursuant to Section 472.027,
Florida Statute, and Chapter 61S17-6, Florida
Administrative Code.

- Notes:**
- 1) Only improvements shown were located.
 - 2) Easements are in feet and decimals thereof.
 - 3) "WIT. COR." means witness corner.
 - 4) Locations shown on this drawing are from the recorded plat. Locations not shown on this drawing are from the recorded plat. The plat is subject to Florida Statute 472.027, Florida Statute, and Chapter 61S17-6, Florida Administrative Code.
 - 5) This survey is not valid without the signature and the original dated seal of a Florida Licensed Surveyor.
 - 6) Additions or deletions to survey users or reports by other than the signing party or person it is published without the written consent of the signing party or person it is published.
 - 7) This survey was prepared by the undersigned, and the undersigned certifies that the information furnished is true and correct.
 - 8) This survey is not valid without the signature and the original dated seal of a Florida Licensed Surveyor.
 - 9) This survey is not valid without the signature and the original dated seal of a Florida Licensed Surveyor.
 - 10) Parcel lines in block face to or per FIRM 12012X 0375 1
 - 11) Parcel lines in block face to or per FIRM 12012X 0375 1
 - 12) The elevations on these lines are assumed.

By: *[Signature]*
Keith David Clay
Registered Surveyor & Mapper
Certificate No. 6267

Certificate of authorization number LB 6611
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