

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20031346

1. REQUESTED MOTION:

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 6141 and 6151 Astoria Avenue, Lehigh Acres, Florida 33905. (Case No. VAC2003-00062)

**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 utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

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

2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT #: 5

04

5:00 #1

3. MEETING DATE:

01-13-2004


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:  11/26/03

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 January 13<sup>th</sup>, 2004.

**LOCATION:** Petition No. VAC2003-00062 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 5 and 6, Buckingham Park, a subdivision of Lehigh Acres, as recorded in Plat Book 27, Page 188, Section 16, Township 44 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Easterly 6-feet and the Westerly 6-feet thereof. The site is located at 6141 and 6151 Astoria Avenue, Lehigh Acres, Florida 33905.

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 <i>Adm 12/9/03</i>				G County Manager
					OA <i>12/8/03</i>	OM <i>12/8/03</i>	Risk <i>58 12/9/03</i>	GC <i>12-9-03</i>	
<i>Mary Galt</i>	N/A	N/A	N/A	<i>John J. Meagan 12-5-03</i>					<i>[Signature]</i>

10. COMMISSION ACTION:

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

Rec. by CoAtty  
Date: 12-2-03  
Time: 1:15  
Forwarded To:  
Co. Adm.  
12/5/03 1PM

RECEIVED BY  
COUNTY ADMIN: *TD*  
*12/5/03*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*12/5/03*

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: VAC2003-00062

WHEREAS, Petitioner Jennifer Greissing 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 January 13<sup>th</sup> 2004; 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. VAC2003-00062 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

LEE COUNTY  
S O U T H W E S T F L O R I D A  
APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

**LEGAL DESCRIPTION**  
**EXHIBIT A**

The area proposed for vacation is comprised of:

A twelve-foot (12) wide drainage and public utility easement centered on the common lot line between Lots 5 & 6 Block 1, Unit 1, a replat of resubdivision of Block B, in Buckingham Park – Northwest Section as recorded in the public records of Lee County, Florida in Plat Book 27, Page 188.

Less and except: The east and west six (6) feet thereof.

EXHIBIT "B"  
VAC2003-00062

UNIT 1  
REPLAT OF  
RESUBDIVISION OF BLOCK B,  
BUCKINGHAM PARK - NORTHWEST  
SECTION  
IN SECTION 16, TWP. 44S., RGE. 26E.  
A SUBDIVISION OF  
LEHIGH ACRES  
LEE COUNTY, FLORIDA

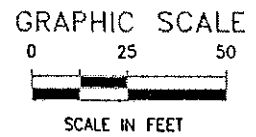
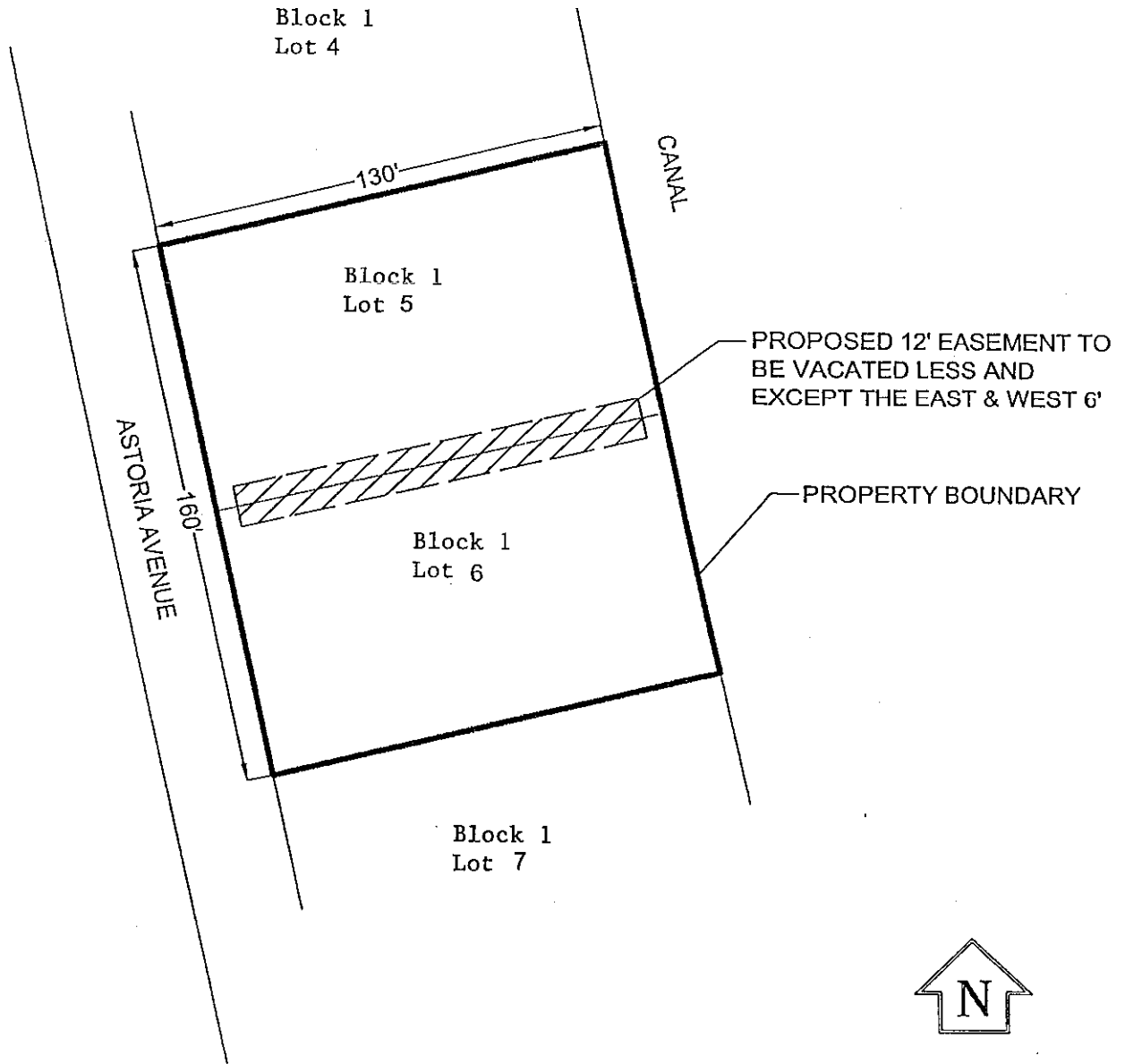


EXHIBIT B  
LOCATION OF EASEMENT TO BE VACATED  
JENNIFER GREISSING  
6141 ASTORIA AVENUE  
FORT MYERS, LEE COUNTY, FLORIDA

Source: ECT, 2003

**ECT**  
Environmental Consulting & Technology, Inc.