

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 5140/42/44 and 46 24th Street Southwest and 5141/43/45 and 47 Leonard Blvd. South, Lehigh Acres, Florida. (Case No. VAC2003-00063)

WHY ACTION IS NECESSARY: To build (2) residential duplexes on the combined lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #: 5	04 5:00 #2	3. MEETING DATE: 01-13-2004
4. AGENDA: <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON TIME REQUIRED:	5. REQUIREMENT/PURPOSE: (Specify) <input checked="" type="checkbox"/> STATUTE F.S. Ch. 177 <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE 13-1 <input type="checkbox"/> OTHER	6. REQUESTOR OF INFORMATION: A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY: <i>[Signature]</i> 12/10/03 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 13th, 2004.

LOCATION: Petition No. VAC2003-00063 proposes to vacate (4) four 12-foot wide Public Utility Easements located on Lots: N ½ and S ½ of Lots 18 and 19, also N ½ and S ½ of Lots 20 and 21, Block 4, Unit 2, in Lehigh Estates Subdivision, recorded in Plat Book 15, Page 82, of the official records of Lee County, Florida, LESS AND EXCEPT the Northerly 6 feet and Southerly 6 feet thereof. The site is located at 5140/42/44 and 46 24th Street Southwest and 5141/43/45 and 47 Leonard Blvd. South, 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/ <i>AMM 12/17/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>MGM</i>	N/A	N/A	N/A	<i>John P. Presgrave 12-14-03</i>	<i>[Signature] 12/15/03</i>	<i>[Signature] 12/18/03</i>	<i>[Signature] 12/15/03</i>	<i>[Signature] 12/15/03</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 12/11/03
Time: 3:40 pm
Forwarded To:
 Co. Adm.
 12/15/03 9:44

RECEIVED BY
COUNTY ADMIN: TD
 12/15/03
 10:45 am SAT
COUNTY ADMIN
FORWARDED TO: BT
 12/19/200

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: VAC2003-00063

WHEREAS, Petitioner Ross Home Builders, 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 January 13th, 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. VAC2003-00063 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

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

Exhibit "A"
Petition to Vacate
VAC2003-00063

Legal description of a portion of Public Utility Easements to be vacated:

A portion of a twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19, and also between Lots 20 and 21, all in Block 4 of the Plat of Unit 2 of Lehigh Estates, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida.

Less and except the northeasterly six feet (6') and southwesterly six feet (6') of each easement.

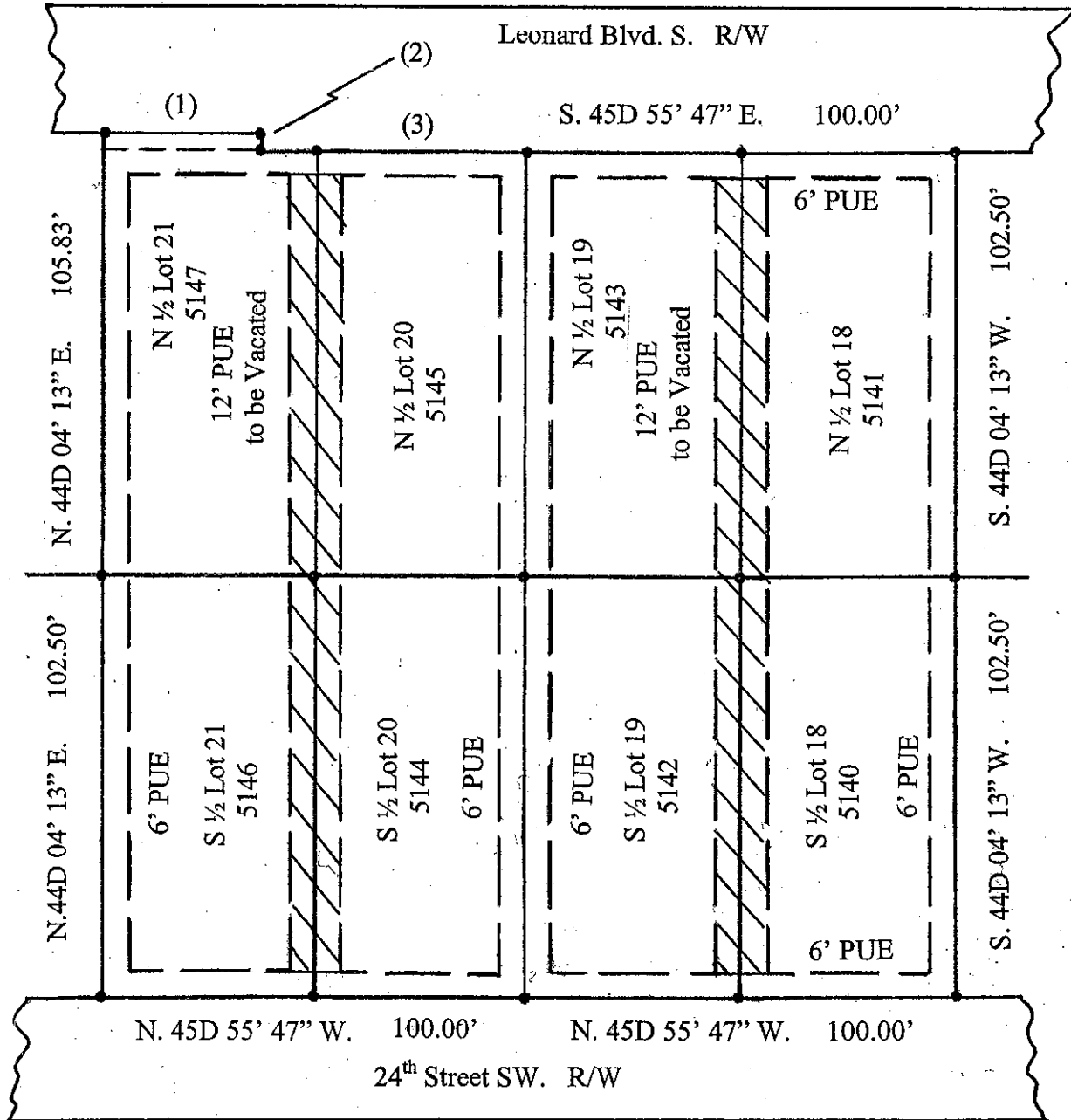
Exhibit "B"

Petition to Vacate

VAC2003-00063

- (1) S. 45D 55' 47" E. 36.73'
- (2) S. 44D 04' 12" W. 3.00'
- (3) S. 45D 55' 47" E. 63.27'

SCALE: 1" = 40'



5147/45 and 5143/41 LEONARD BLVD. S.
 5146/44 and 5142/40 24TH STREET SW.
 LOTS 21, 20, 19 and 18
 BLOCK 4, UNIT 2

Easements to
 be vacated.



SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST
 A SUBDIVISION OF LEHIGH ESTATES
 LEHIGH ACRES, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 82,
 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA