

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 2401 Gretchen Ave S., Lehigh Acres, Florida 33971. (Case No. VAC2003-00067)

**WHY ACTION IS NECESSARY:** To construct a commercial building on the combined seven (7) 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 #1

**3. MEETING DATE:**

01-27-2004


**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:  1-6-04
- 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 27<sup>th</sup>, 2004.

**LOCATION:** Petition No. VAC2003-00067 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 7 & 8, 8 & 9, 9 & 10, 10 & 11, 11 & 12 and 12 & 13, Block 23, Unit 5, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 85, Section 4, Township 45 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. All seven (7) lots were combined into one strap number and assigned one address. The site is located at 2401 Gretchen Ave S., Lehigh Acres, Florida 33971.

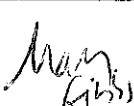
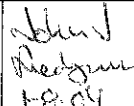
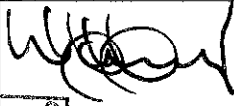
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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.

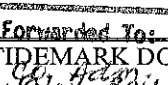
**8. MANAGEMENT RECOMMENDATIONS:**



**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
	N/A	N/A	N/A		OM 1/12/04	Risk 1/12/04	GC 1/12/04	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 1-7-04  
Time: 4:50  
Forwarded To: 

RECEIVED BY  
COUNTY ADMIN:   
1/8/04  
4:30 pm SLT  
COUNTY ADMIN  
FORWARDED TO:   
1-13-04 P/L  
50m

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: VAC2003-00067

WHEREAS, Petitioner **Guadalupe and Melissa Delacruz** 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 27<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. VAC2003-00067 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  
SOUTHWEST FLORIDA

APPROVED AS TO FORM

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

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00067**

**Legal Description of Public Utility Easements to be Vacated**

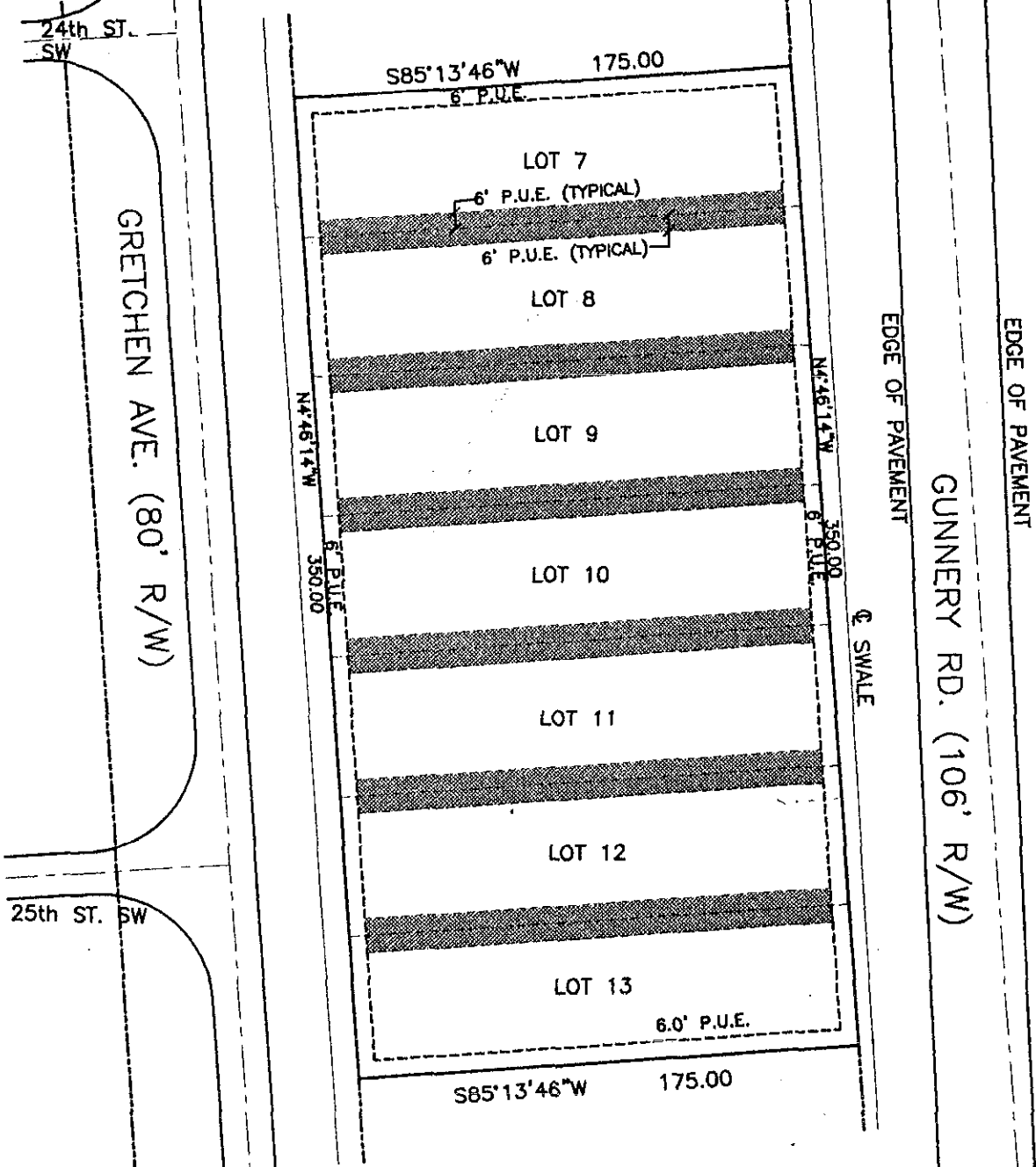
The twelve-foot (12') wide Public Utility Easements centered on the common lot lines between Lots 7 and 8, 8 and 9, 9 and 10, 10 and 11, 11 and 12, and 12 and 13; all in Block 23, of the Plat of Unit 5, Lehigh Estates, a Subdivision of Lehigh Acres, Florida, according to map or plat thereof on file and recorded in Plat Book 15, Page 85 of the of the Public Records of Lee County, Florida;

**LESS AND EXCEPT** the easterly six feet and westerly six feet of each easement.

2407 GRETCHEN AVE. S

PUBLIC UTILITY  
EASEMENT TO BE  
VACATED

LOTS 7-13, BLOCK 23, UNIT 5  
SECTION 4, TOWNSHIP 45 SOUTH, RANGE 26 EAST  
LEHIGH ACRES PLAT BOOK 15, PAGE 85



- STRAP NUMBERS:  
 04-45-26-05-00023.0070  
 04-45-26-05-00023.0080  
 04-45-26-05-00023.0090  
 04-45-26-05-00023.0100  
 04-45-26-05-00023.0110  
 04-45-26-05-00023.0120  
 04-45-26-05-00023.0130

PREPARED BY:  
**SPECTRUM ENGINEERING, INC.**  
 1342 COLONIAL BOULEVARD, SUITE 31  
 FORT MYERS, FL 33907

**EXHIBIT B**  
**VAC2003-00067**

