


1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 3114 Lee Blvd, Lehigh Acres, Florida 33971. (Case No. VAC2003-00068)

WHY ACTION IS NECESSARY: To construct three (3) commercial buildings on the combined eight (8) 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 #: <u>5</u>		04	3. MEETING DATE: <u>01-27-2004</u>		
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 <u>Community Development</u> C. DIVISION <u>Development Services</u> BY:  <u>1-6-04</u> 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 27th, 2004.

LOCATION: Petition No. VAC2003-00068 proposes to vacate a 12-foot Public Utility Easement centered on the lot lines common to Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 66, Unit 10, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 75, Section 26, Township 44 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northerly 6-feet and the Southerly 6-feet thereof. The site is located at 3114 Lee Blvd, Lehigh Acres, FL 33971.


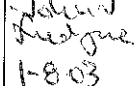
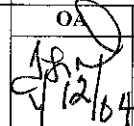
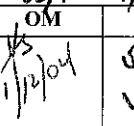
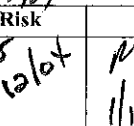
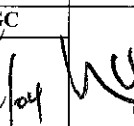
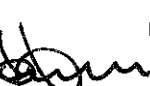
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
					OA	OM	Risk	GC	
	N/A	N/A	N/A	 1-8-03	 1/12/04	 1/12/04	 1/12/04	 1/12/04	

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

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

RECEIVED BY
 COUNTY ADMIN: 
 1/8/04
 4:30 PM SGT
 COUNTY ADMIN
 FORWARDED TO:
 1-13-04 PL
 SLM

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: VAC2003-00068

WHEREAS, Petitioner Delacruz Drywall, Plastering & Stucco, 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 27th, 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. VAC2003-00068 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
VAC2003-00068

Legal Description of Public Utility Easements to be Vacated

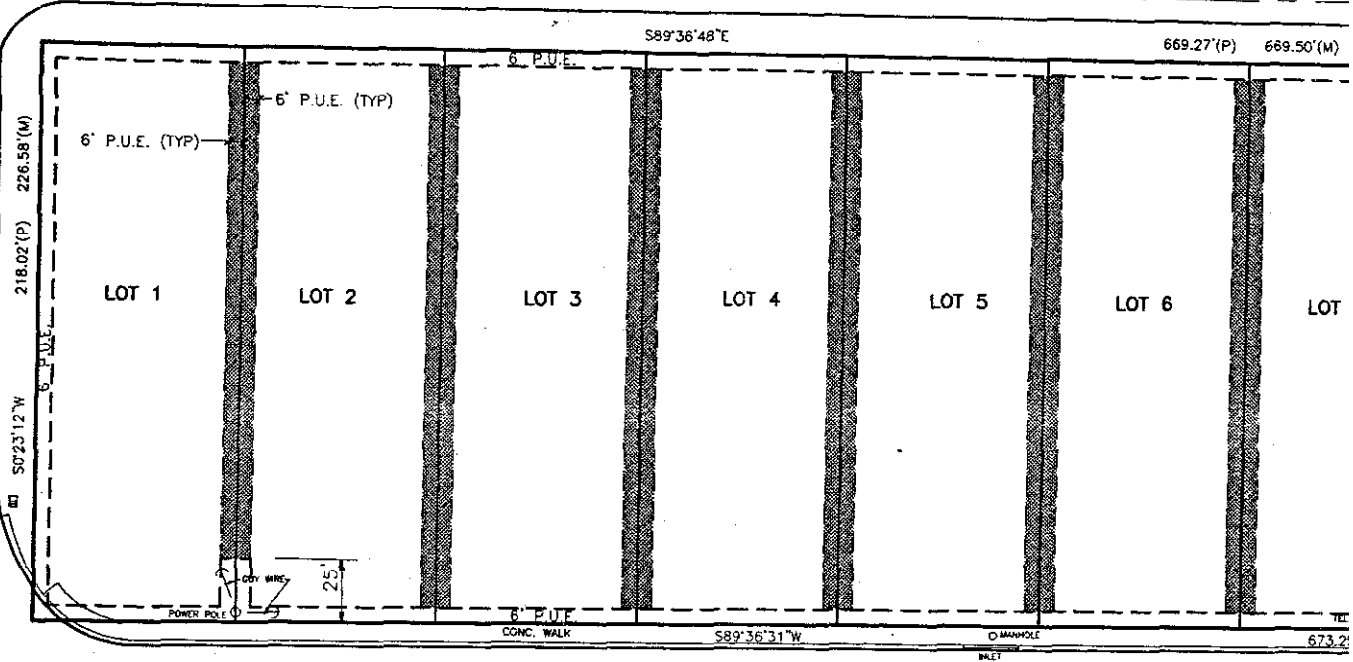
The twelve-foot (12') wide Public Utility Easements centered on the common lot lines between Lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, and 7 and 8; all in Block 66, Unit 10 of the Plat of the N.E. $\frac{1}{4}$ & S. $\frac{1}{2}$ of Section 26, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to map or plat thereof on file and recorded in Plat Book 15, Page 75 of the of the Public Records of Lee County, Florida;

LESS AND EXCEPT the northerly six feet and southerly twenty-five feet of the easement on the common lot line between Lots 1 and 2; and less and except the northerly six feet and southerly six feet of each remaining easement described herein.

 PUBLIC UTILITY
EASEMENT TO BE
VACATED

☉ FIFTH STREET W
(50' R/W)

☉ OLIVE AVENUE
(50' R/W)



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



SUBJECT PROPERTY
LOTS 1-8, BLOCK 66, U
SECTION 26, TOWNSHIP 44
LEHIGH ACRES, LEE COUL
RECORDED IN PLAT BOOK
OFFICIAL RECORDS OF LEE