

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 546 and 548 Empire Ave S., Lehigh Acres, Florida. (Case No. VAC2003-00073)

WHY ACTION IS NECESSARY: To build a single-family residence 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 #1

3. MEETING DATE:

02-10-2004


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:  1-14-04

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 February 10th, 2004.

LOCATION: Petition No. VAC2003-00073 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 3 and 4, Block 9, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18, Page 38, Section 15, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Easterly 6-foot and the Westerly 6-foot thereof. The site is located at 546 and 548 Empire Ave S., Lehigh Acres, Florida 33936.

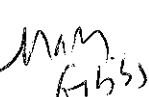
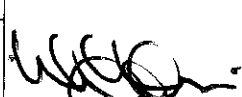
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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 1/21/04			G County Manager
	N/A	N/A	N/A	John J. Medgar 1-16-04	OM 1/21/04	Risk 1/21/04	GC 1/20/04	

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
 Date: 1/14/04
 Time: 11:50
 Forwarded To: [Signature]
 1/16/04 1:14 PM

RECEIVED BY
 COUNTY ADMIN: [Signature]
 1/16/04
 2:55 pm 5/4
 COUNTY ADMIN
 FORWARDED TO: [Signature]
 1/22/04
 [Signature]

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: VAC2003-00073

WHEREAS, Petitioner Jose R. & Vilma L. Gonzalez 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 February 10th, 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. VAC2003-00073 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
VAC2003-00073

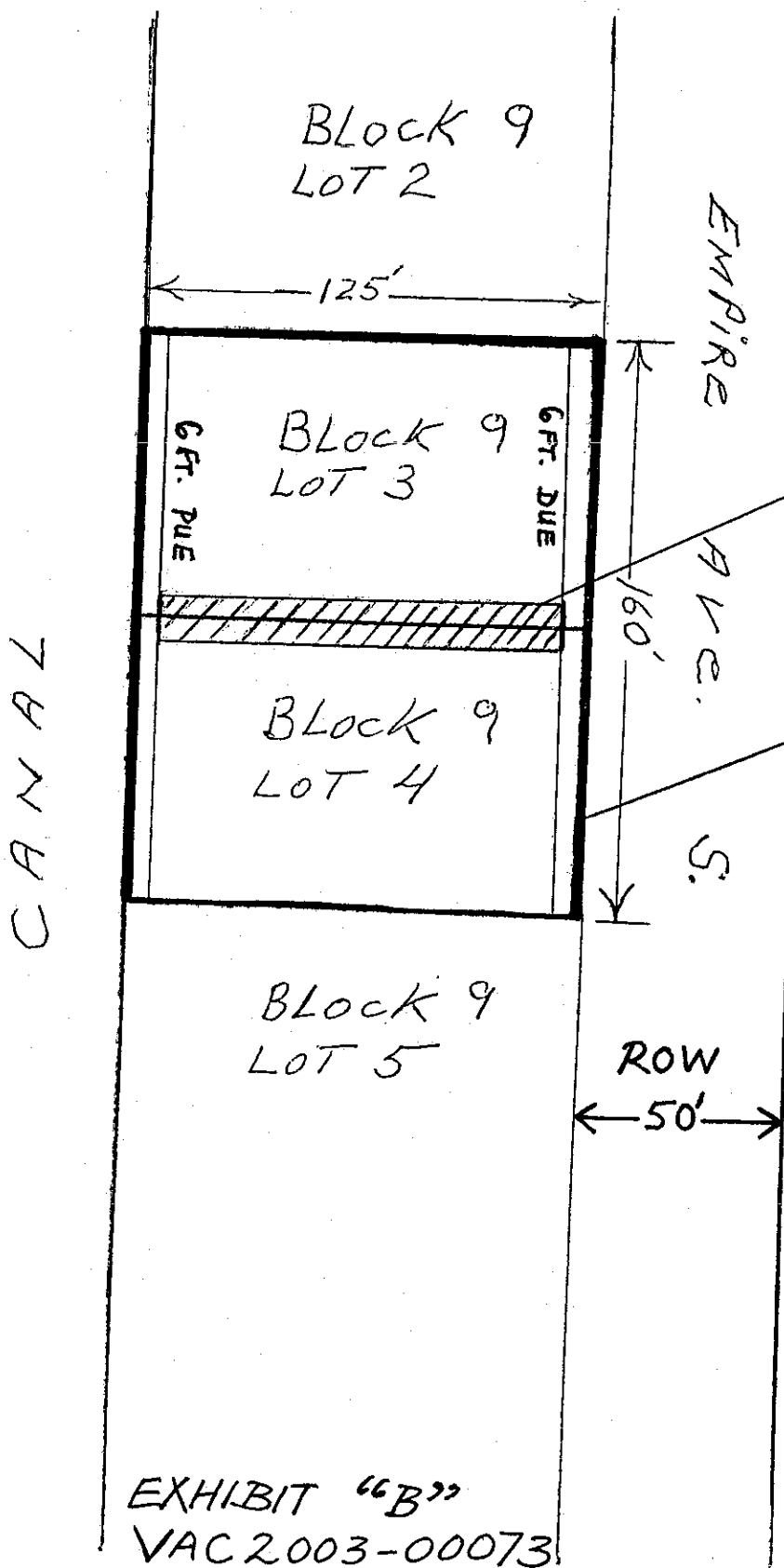
Legal description of Public Utility Easements to be Vacated

The Twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 3 and 4, Block 9, Unit 2 of the plat of Section 15, Township 45 South, Range 27 East, a Subdivision of Lehigh Acres, Florida, according to map or plat of there on file and recorded in Plat Book 18, Page 38 of the Public Records of Lee County, Florida;

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

EXHIBIT B
Vt. 2003-00073

RePLAT OF
SUBDIVISION OF BLOCK 9
UNIT 2, SECTION 15, TWP 45S.
R1E. 27E. A SUBDIVISION
OF LEHIGH ACRES
LEE COUNTY, FLORIDA
PLAT BOOK 18, PAGE 38



PROPOSED 12' EASEMENT
TO BE VACATED LESS
AND EXCEPT THE EAST
AND WEST 6'

PROPERTY BOUNDARY

EXHIBIT "B"
VAC 2003-00073

