

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 136 Wanatah Ave. S., Lehigh Acres, Florida 33936. (Case No. VAC2003-0076)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined four (4) lots. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any utility requirements.

WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: 5

5:00 #2

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: *[Signature]* 1-21-04

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 10, 2004.

LOCATION: Petition No. VAC2003-00076 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 8 and 9, 9 and 10, 10 and 11, and 11 and 8, Block 5, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 208, Section 3, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northeasterly 17-feet of the easement on the common lot line between Lots 8 and 9; less and except the Southeasterly 6-feet of the easement on the common lot line between Lots 9 and 10; less and except Northwesterly 6-feet on Lot 11; less and except Northwesterly 17.67-feet on Lot 8. The site is located at 136 Wanatah 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			G County Manager
<i>Mam Gibbs</i>	N/A	N/A	N/A	<i>John Siegman 1-22-04</i>	<i>OM 1/26/04</i>	<i>Risk 1/23/04</i>	<i>GC 1/23/04</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN: *ID*
1/23/04
9:10 am
COUNTY ADMIN
FORWARDED TO: *AX*
1/27/04
3pm

RECEIVED BY
COUNTY ADMIN: *ID*
1/23/04
9:10 am
COUNTY ADMIN
FORWARDED TO: *AX*
1/27/04
3pm

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: VAC2003-00076

WHEREAS, Petitioner Gerardo and Leticia Cabrera 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 10, 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. VAC2003-00076 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

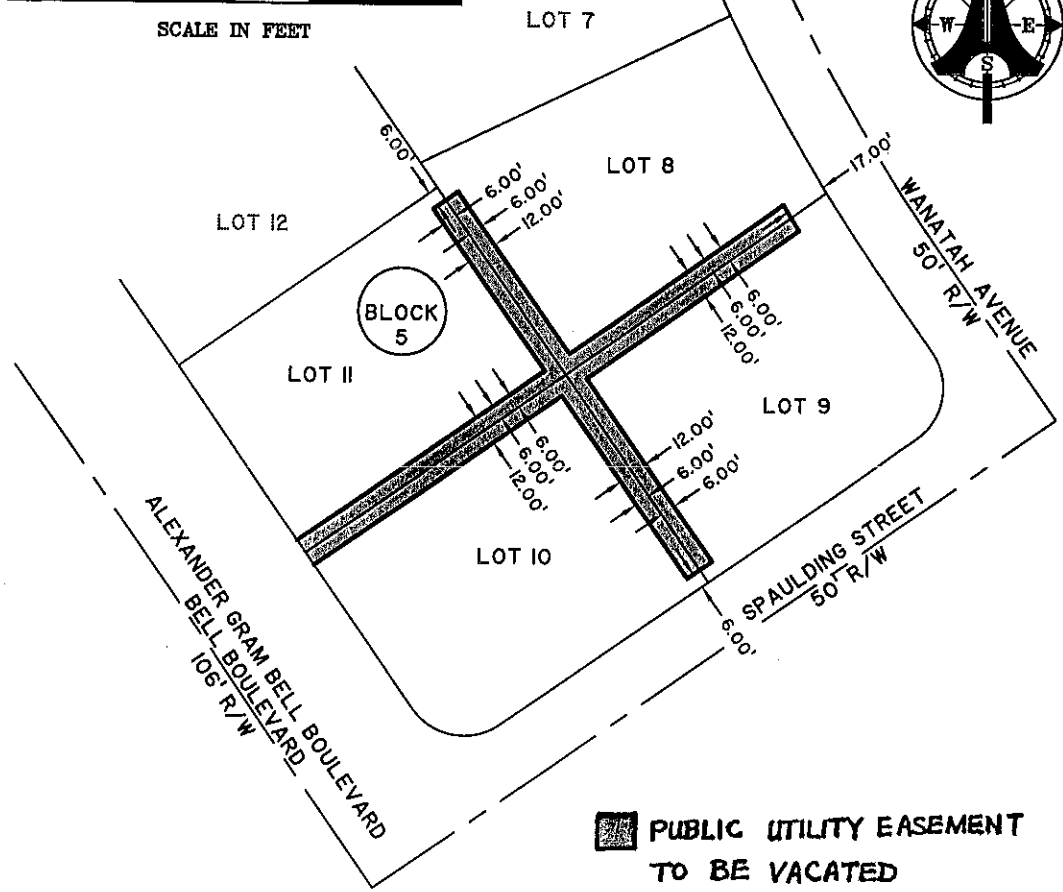
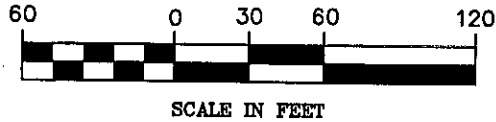
Exhibit "A"
Petition to Vacate
VAC2003-00076

Legal Description

The twelve-foot wide Public Utility Easements centered on the common lot lines between Lots 8 and 9, 9 and 10, 10 and 11, and 11 and 8, all in Block 5, Unit 2 of Twin Lakes Estates, in Section 3, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, according to map or plat thereon file and recorded in Plat Book 15, Page 208 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the northeasterly 17 feet of the easement on the common lot line between Lots 8 and 9; less and except the southeasterly 6 feet of the easement on the common lot line between Lots 9 and 10; less and except the northwesterly 6 feet of the easement on Lot 11; and less and except the northwesterly 17.67 feet of the easement of Lot 8.

LEGAL AND SKETCH LAYING IN
SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA



**PUBLIC UTILITY EASEMENT
TO BE VACATED**

DESCRIPTION:

A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 8 AND 9, BLOCK 5, UNIT 2 OF TWIN LAKES ESTATES, SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEHIGH ACRES, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 208, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE NORTHEASTERLY 17 FEET THEREOF.
AND
A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 9 AND 10, BLOCK 5, UNIT 2 OF TWIN LAKES ESTATES, SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEHIGH ACRES, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 208, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE SOUTHEASTERLY 6 FEET THEREOF.
AND
A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 10 AND 11, BLOCK 5, UNIT 2 OF TWIN LAKES ESTATES, SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEHIGH ACRES, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 208, PUBLIC RECORDS OF LEE COUNTY, FLORIDA
AND
A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 11 AND 8, BLOCK 5, UNIT 2 OF TWIN LAKES ESTATES, SECTION 3, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEHIGH ACRES, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 208, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS LINE ENDS 6 FEET SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF SAID LOT 11.

REVISED 11/10/03 ADJUST ESMT AT NE CORNER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

EXHIBIT "B"

VAC2003-00076

PREPARED BY:
AIM ENGINEERING & SURVEYING, INC.

Robert Tad Simpson 11-10-03
ROBERT TAD SIMPSON, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5559

AIM Engineering & Surveying, Inc.



5300 LEE BLVD.
P.O. BOX 1235
LEHIGH ACRES
FLORIDA 33970
239/332-4569
FX:239/332-8734

THIS IS NOT A SURVEY SHEET 1 OF 1

PROJECT NUMBER: 03-8534	DESCRIPTION: LEGAL AND SKETCH OF EXISTING EASEMENT TO BE VACATED
DRAWN BY: LWC	CLIENT: GERARDO CABRERA
DATE:	COUNTY:
SEC-TWP-RGE	FILE: