

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 3732 Lee Blvd., Lehigh Acres, Florida 33971. (Case No. VAC2003-00077)

**WHY ACTION IS NECESSARY:** To build a preschool 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 future utility requirements.

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility Easement.

2. **DEPARTMENTAL CATEGORY:** 04  
**COMMISSION DISTRICT #:** 5

5:00 #1

3. **MEETING DATE:**

03-23-2004

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]* 2/27/04
- 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 March 23, 2004.

**LOCATION:** Petition No. VAC2003-00077 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines between Lots 1 and 2, 2 and 19, 19 and 20, and 20 and 1, all in Block 60, Unit 5, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77, Section 27, Township 44 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northerly six-feet (6') of the easement on the common lot line between Lots 1 and 2; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 2 and 19; less and except Southerly six-feet (6') of the easement on the common lot line between Lots 19 and 20; less and except Westerly six-feet (6') of the easement on the common lot line between Lots 20 and 1. The site is located at 3732 Lee Blvd., 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
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 2-28-04	QA <i>[Signature]</i> 3/2/04	OM <i>[Signature]</i> 3/2/04	Risk <i>[Signature]</i> 10/3/04	GC <i>[Signature]</i> 3/2/04

10. **COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: 2/27/04  
Time: 4:00 PM

RECEIVED BY  
COUNTY ADMIN:  
03/01/04  
11:55 AM  
COUNTY ADMIN  
FORWARDED TO: PF  
3/3/04  
9 AM

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: VAC2003-00077

WHEREAS, Petitioner **The Ellsworth E. McIntyre and Patricia L. McIntyre Family Limited Partnership, and Daniel J. McIntyre** 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 \_\_\_\_\_; 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. VAC2003-00077 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

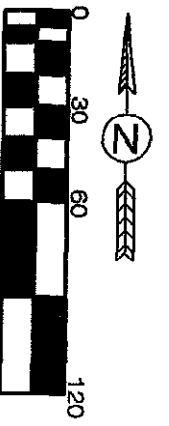
\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
Petition to Vacate  
VAC2003-00077

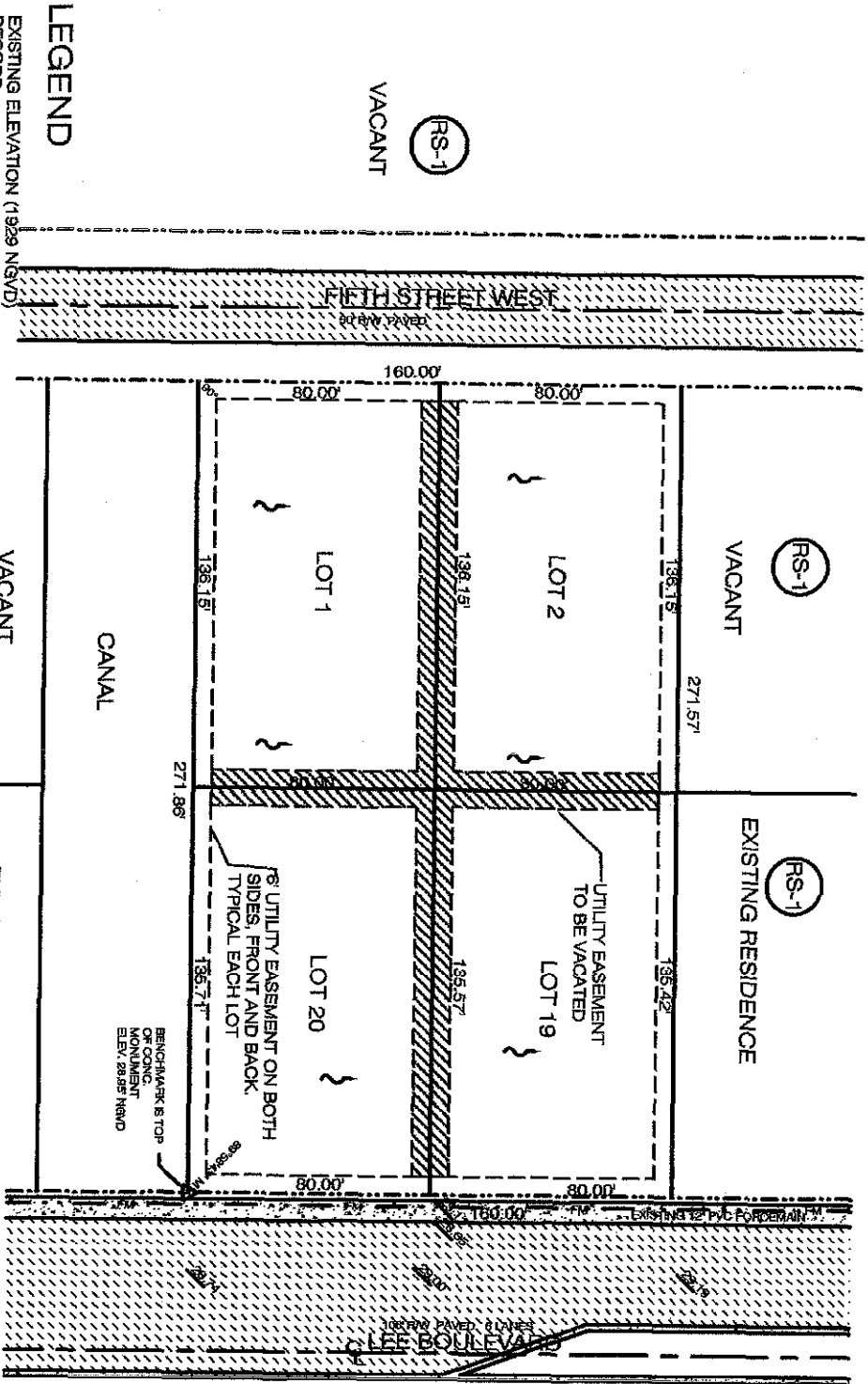
**Legal Description of the Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 1 and 2, 2 and 19, 19 and 20, and 20 and 1; all in Block 60, Unit 5, Section 27, Township 44 South, Range 26 East, Lehigh Acres, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 77 of the Public Records of Lee County, Florida,

**LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 1 and 2; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 2 and 19; less and except Southerly six-feet (6') of the easement on the common lot line between Lots 19 and 20; less and except Westerly six-feet (6') of the easement on the common lot line between Lots 20 and 1.



LEGAL DESCRIPTION  
 LOTS 1, 2, 19 & 20, BLOCK 80, LEHIGH ACRES UNIT No. 5  
 AS RECORDED IN PLAT BOOK 15, PAGE 77 OF THE  
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA



**LEGEND**

- EXISTING ELEVATION (1929 NGVD)
- RECORDED MEASURED
- PROPOSED ELEVATION
- PROPOSED HYDRANT W/ VALVE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- EXISTING WATERLINE
- PROPOSED WATERLINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- CONCRETE POWER POLE
- ZONING
- RIGHT OF WAY LINE
- WATER SHED

EXHIBIT "B"  
 VACC2003-00077

- A. No environmentally sensitive lands on site.
- B. This property lies in the Lehigh Acres Fire Control and Rescue District.
- C. No wetlands on site.
- D. This is not an archaeological site.
- E. This property lies in "No Special Flood Hazard Area", panel not printed.
- F. Map Unit # 37, Satellite Fine Sand per "Soil Survey of Lee County",
- G. Vegetation Association (423) per "Florida Land Use, Cover and Form Classification System".
- H. Site to be maintained free from invasive exotics per Lee County Ordinance 80-06 in perpetuity. Land designated Central Urban per "Lee County Land Use Map".
- I. No existing invasive exotics on site. If any invasive exotic - Melaleuca species, Casuarina species, Schinus terebinthifolius, Rhodomyrtus tomentosus or Acacia auriculiformis are found, they are to be removed.
- J.

OWNER/DEVELOPER

MCINTYRE FAMILY LTD. PARTNERSH-  
 3590 29th AVE. S.W.,  
 NAPLES, FL. 34117  
 PH. : (239) 997-9727

EASEMENT VACATION SKETCH

OPEN DOORS PRESCHOOL

ENGINEER OF RECORD:  
 DEBORAH ALLEN GRESS P.E.

SCALE: 1" = 50'  
 DATE: 1/26/03  
 DRAWN BY: TASHA GR

PROGRESSIVE ENGINEERING  
 25071 COPPER RD. SE  
 BONITA SPRINGS, FL. 34135  
 PH. (239) 992-6118 COA 44778 SH. 1 0