

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Public Utility Easement located at 4903 Lee Blvd., Lehigh Acres, Florida 33971. (Case No. VAC2004-00001)

WHY ACTION IS NECESSARY: To build a model home on the combined two (2) 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:

04-13-2004

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]* 3/18/04

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 April 13, 2004.

LOCATION: Petition No. VAC2004-00001 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot lines between Lots 12 and 13, Block 55, Unit 7, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 80, Section 29, 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 4903 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 Cipura 3/23/04			G County Manager
					OA	OM	Risk	GC
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 3-22-04	<i>[Signature]</i> 3/23/04	<i>[Signature]</i> 3/25/04	<i>[Signature]</i> 3/22/04	<i>[Signature]</i> 3/25/04

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Ret. by CoAtty
Date: 3/19/04
Time: 11:50 AM
Forwarded To:
Co. Admin.
3/22/04 3PM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
3/22/04
4:45 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
3-25-04
4 pm

BKX

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: VAC2004-00001

WHEREAS, Petitioner Benfield Homes, 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 April 13, 2004 at 5 PM; 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. VAC2004-00001 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
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition To Vacate
VAC2004-00001

Legal description of Public Utility Easement to be vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 12 and 13, Block 55, Unit 7, Section 29, Township 44 South, Range 26 East, Lehigh Acres, as recorded in Plat Book 15 at Page 80 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six-feet and the southerly six-feet thereof.

HARRIS - JORGENSEN, INC.
 2706 S.E. SANTA BARBARA PLACE
 CAPE CORAL, FLORIDA
 PHONE: (844) 772-9839
 FAX: (841) 772-1315

Curve number 1
 Radius= 1493.77
 Delta= 05°18'34"
 Arc= 138.42
 Tangent= 69.26
 Chord= 138.38
 Chord Brg. N.87°57'18"W.

Curve number 2
 Radius= 1629.90
 Delta= 05°14'31"
 Arc= 149.12
 Tangent= 74.61
 Chord= 149.07
 Chord Brg. N.87°59'01"W.

BOUNDARY SURVEY OF
LOTS 12 & 13, BLOCK 55
LEHIGH ACRES
UNIT 7

SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST
 (P. AT BOOK 15, PAGE 80)
 LEE COUNTY, FLORIDA

EXHIBIT "B"
PETITION TO VACATE
VAC2004-00001

LEGEND:

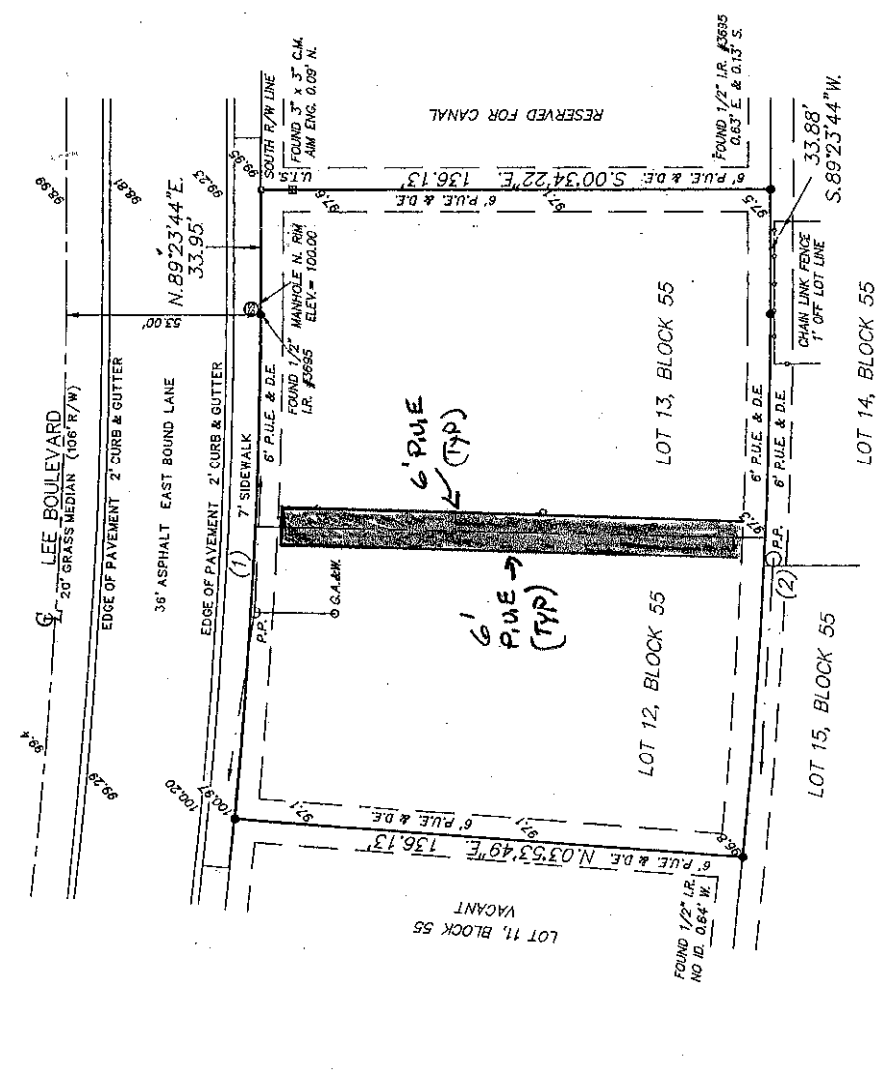
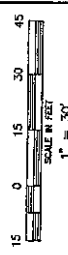
- N. NORTH
- E. EAST
- S. SOUTH
- W. WEST
- PI. IRON PIN (6" DIA.)
- FI. FOUND IRON PIN (RADIUS)
- CI. CONCRETE MONUMENT (C.I.A.)
- CO. CONCRETE (CONC.)
- PM. PERMANENT MONUMENT
- PC. PERMANENT CONTROL POINT
- AS PER PLAT
- AS PER DEED
- AS MEASURED
- AS SURVEY
- PL. PLASTER EASEMENT
- LA. LAKELAND EASEMENT
- DE. DRAINAGE EASEMENT
- CB.S. CONCRETE BLOCK STRUCTURE
- R/W. RECLAIMED WATER BOX
- ELEV. ELEVATION
- GA. GALVANIZED PIPE
- N/T. NAIL & DISK
- D/H. DRILL HOLE
- POB. POINT OF BEGINNING
- POC. POINT OF COMMENCEMENT
- OC. POINT OF CURVATURE
- OC. DELTA OF CURVE
- R. RADIUS OF CURVE
- A. ARC OF CURVE
- CB. CHORD BEARING
- CL. CHORD LENGTH
- CN. CURVE NUMBER
- A/C. AIR CONDITIONER
- O/H. OVERHEAD POWERLINES
- P.P. POWER POLE
- UTS. UTILITY TIE
- UTS. UTILITY BOX
- TY. TELEPHONE
- TY. CABLE BOX
- CAV. CURB & GUTTER
- E.O.P. EDGE OF PAVEMENT
- C.G. CURB/GUTTER
- RT. RIGHT-OF-WAY
- R.M. BENCHMARK
- BM. BENCHMARK
- . TYPICAL ELEVATION

SURVEY NOTES:

- 1: BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LEE BOULEVARD, ASSUMED TO BEAR N.89°23'44"E.
- 2: FIELD NOTES IN LEHIGH ACRES, UNIT 7.
- 3: SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 4: THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
- 5: THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FURNISHED BY CONTRACTOR IN THE FIELD.
- 6: UNDERGROUND STRUCTURES, IF ANY, ARE NOT INCLUDED.
- 7: THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 8: ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
- 9: ELEVATIONS ARE ASSUMED.

FLOOD ZONE: "B" ELEVATION: N/A, N.G.V.D.
 COMMUNITY # 126124, PANEL # 0375
 SUFFIX: --- 6 REVISION DATE: 12/20/00

THIS SURVEY IS CERTIFIED TO:
 BENEFIELD HOMES, INC.
 GUARANTY AGENCY, INC.
 AMERICAN FLOORING INSURANCE COMPANY
 RIVERSIDE BANK OF THE GULF COAST



PROJECT # 02-C39
JOB # LA-07-55-12
SURVEY DATE: 6/14/02
DATE: June 24, 2004
JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4631
FLORIDA CERTIFICATE OF AUTHORIZATION LB #8921