

1. REQUESTED MOTION:

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Public Utility Easement located at 823 Cleveland Ave, Lehigh Acres, Florida 33972. (Case No. VAC2003-00069)

**WHY ACTION IS NECESSARY:** To build a single-family residence on the combined three (3) lots. The vacation of this easement will not alter 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 #5

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: *M. Gibbs*

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 13th, 2004.

**LOCATION:** Petition No. VAC2003-00069 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 7, and 7 and 8; all in Block 49, Unit 1, Section 22, Township 44 South, Range 27 East, Meadowbrook Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of each easement. The site is located at 823 Cleveland Ave, Lehigh Acres, Florida 33972.

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 <i>3/23/04</i>			G County Manager
					OM	OM	Risk	GC
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>John Deegan</i> 3-22-04	<i>1/2</i> 3/23/04	<i>1/2</i> 3/25/04	<i>1/2</i> 3/25/04	<i>1/2</i> 3/25/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 3/19/04  
Time: 3:55 PM  
Forwarded To: Co. Adm.  
3/23/04 3PM

RECEIVED BY  
COUNTY ADMIN. *TD*  
3/22/04  
4:45 PM SL  
COUNTY ADMIN  
FORWARDED TO: *PL*  
3/25/04  
4pm

*DK*

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: VAC2003-00069

WHEREAS, Petitioner Pfuner & Sons Construction, 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. VAC2003-00069 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

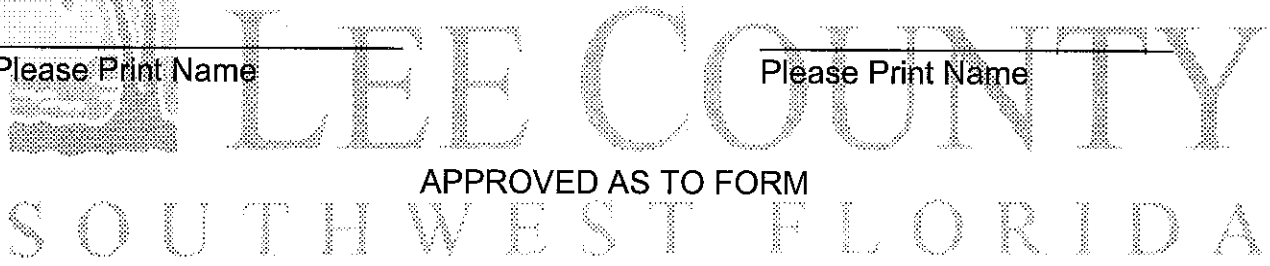
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Chairman Signature

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

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



APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2003-00069**

**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 6 and 7, and 7 and 8; all in Block 49, Unit 1, Section 22, Township 44 South, Range 27 East, Meadowbrook Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida;

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

# SKETCH OF DESCRIPTION

OF  
A PARCEL OF LAND  
LYING IN  
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST,  
LEE COUNTY, FLORIDA

Exhibit "B"

VAC 2003-00069



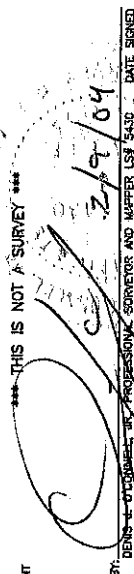
NOTES:  
SKETCH BASED ON THE RECORDED PLAT BOOK 18 PAGE 164.

BEARINGS BASED ON THE CENTERLINE OF 9TH STREET AS BEARING  
N.68°58'50"E.

~~PARGES SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND  
RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN & UNWRITTEN).~~

Legal Description:  
Meadowbrook Estates Unit 1,  
Blk 49, PB 18, PG 164, Lots 6-8  
Strap: 22-44-27-13-00049.00060

- LEGEND
- P.T. = POINT OF TANGENCY
  - P.C. = POINT OF CURVATURE
  - P.I. = POINT OF INTERSECTION
  - P.A. = POINT OF ANGLE
  - P.W. = POINT OF WAY
  - U.E. = UTILITY EASEMENT
  - D. & U.E. = DRAINAGE & UTILITY EASEMENT
  - P.B. = PLAT BOOK
  - (P) = PLAT



BY: DENNIS J. O'DONNELL, PROFESSIONAL SURVEYOR AND MAPPER LSI# 5430 DATE SIGNED

Curve number 1  
Radius = 25.00'  
Delta = 88°08'28"  
Arc = 38.89'  
Tangent = 24.63'  
Chord = 35.09'  
Chord Brg. = S.46°26'57"E.



## SKETCH OF DESCRIPTION



5245 RAMSEY WAY, SUITE #2  
FORT MYERS, FLORIDA 33907  
TEL: (888) 722-0457  
FAX: (888) 272-0457  
www.metronllc.com

LAND SURVEYORS-PLANNERS  
L.B.# 7071

DE MAP	PROJ NO.	DATE
447528K.DWG	4578	2 OF 2
DATE	SCALE	FILE NO.
2-6-2004	1" = 60'	22-44-27