

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Public Utility Easement located at 627 Parker Ave S., Lehigh Acres, Florida 33936 (Case No. VAC2004-00005)

WHY ACTION IS NECESSARY: To build a single-family residence 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 #6

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:  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 13th, 2004.

LOCATION: Petition No. VAC2004-00005 to vacate a 12-foot wide Public Utility Easement centered on the lot lines between Lots 3 and 4 **LESS and EXCEPT** the westerly six feet (6'); The easterly six-foot (6') wide Public Utility Easement of Lots 3 and 4 as measured perpendicular from the boundary line of the property; all in Block 74, Unit 14, in the subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 146 of the Public Records of Lee County, Florida. The site is located at 627 Parker 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 <i>3/23/04</i>				G County Manager
					OM	OM	Risk	GC	
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>John J. Medgar 3-22-04</i>	<i>180 3/23/04</i>	<i>180 3/25/04</i>	<i>180 3/25</i>	<i>180 3/25/04</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 3/19/04
Time: 11:50
Forwarded To:
3/22/04 3PM

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

BY

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: VAC2004-00005

WHEREAS, Petitioner Michael W. Eoff 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 13th, 2004 at 5 p.m.; 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. VAC2004-00005 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
VAC2004-00005

Legal Description of Public Utility Easements to be Vacated

The following Public Utility Easements on Lots 3 and 4, Block 74, of the Plat of Part of Unit 14 , Section 14, Township 45 South, Range 27 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 146 of the Public Records of Lee County, Florida:

The twelve-foot wide Public Utility Easement centered on the common lot line between Lots 3 and 4, less and except the westerly six feet thereof; and

The six-foot wide Public Utility Easement located along the easterly lot line of Lots 3 and 4.

Parker Avenue (50' ROW)

91.92' 5d27'50"

91.92' 5d27'50"

125.00'

BLOCK 74
LOT 3

BLOCK 74
LOT 14

6' PUE to be vacated

80.00'

6' PUE to be vacated
6' PUE to be vacated

N

BLOCK 74
LOT 4

6' PUE to be vacated

80.00'

BLOCK 74
LOT 13

125.00'

40'

0

20'

50'

100'

Exhibit "B"
Petition to Vacate
VAC2004-00005

PLAT OF PART OF UNIT 14
SECTION 14, TWP. 45 S., RGE. 27 E.

A SUBDIVISION OF

LEHIGH ACRES

LEE COUNTY, FLORIDA

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

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Case Number: VAC2004-00005

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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

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Petition to Vacate
VAC2004-00005

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6' PUE to be vacated

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BLOCK 74
LOT 4

6' PUE to be vacated

80.00'

BLOCK 74
LOT 13

125.00'

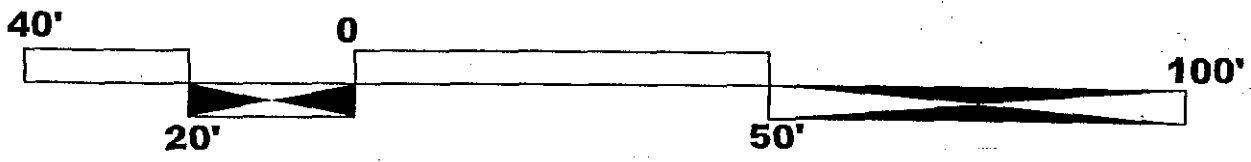


Exhibit "B"
Petition to Vacate
VAC2004-00005

PLAT OF PART OF UNIT 14
SECTION 14, TWP. 45 S., RGE. 27 E.
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA