

1. **REQUESTED MOTION:**

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Public Utility Easement located at 3713 35th St. W., Lehigh Acres, Florida 33971 (Case No. VAC2004-00015)

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 #: <u>5</u>	04 5:00 #2	3. MEETING DATE: 04-27-2004
4. AGENDA: <input type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <input type="checkbox"/> TIME REQUIRED:	5. REQUIREMENT/PURPOSE: (Specify) <input checked="" type="checkbox"/> STATUTE F.S. Ch. 177 <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> ADMIN. CODE 13-1 <input type="checkbox"/> OTHER	6. REQUESTOR OF INFORMATION: A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY: <i>[Signature]</i> 4/15/04 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 27th, 2004.

LOCATION: Petition No. VAC2004-00015 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 4 and 5, Block 58, Unit 4, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 96, Section 10, Township 45 South, Range 26 East, of the Public Records of Lee County, Florida, **LESS and EXCEPT** the northerly 6-feet and southerly 6-feet thereof. The site is located at 3713 35th St. W., 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.

RECEIVED
PUBLIC RESOURCES
2004 APR 16 AM 10:15

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
					OM	OM	Risk	GC	
<i>[Signature]</i> May 6/04	N/A	N/A	N/A	John J. Medgune 4-16-04	<i>[Signature]</i> 4/16/04	<i>[Signature]</i> 4/16	<i>[Signature]</i> 4/16	<i>[Signature]</i> 4/16/04	<i>[Signature]</i> 4/16/04

10. **COMMISSION ACTION:**

APPROVED
 DENIED
 DEFERRED
 OTHER

REC'D.
by CO. ATTY.
3:15 P.M.
4/15/04
CO. ATTY.
FORWARDED TO:

RECEIVED BY
COUNTY ADMIN: *[Signature]*
4/16/04
9:50 AM SLT
COUNTY ADMIN
FORWARDED TO: *[Signature]*

BA

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: VAC2004-00015

WHEREAS, Petitioner Roberto Jaime and M. Lilia Jaime 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 27, 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. VAC2004-00015 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

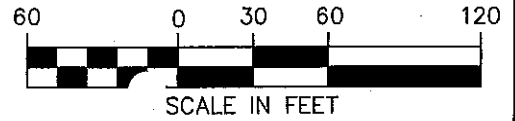
EXHIBIT "A"
Petition to Vacate
VAC2004-00015

Legal Description of the Public Utility Easements to be Vacated:

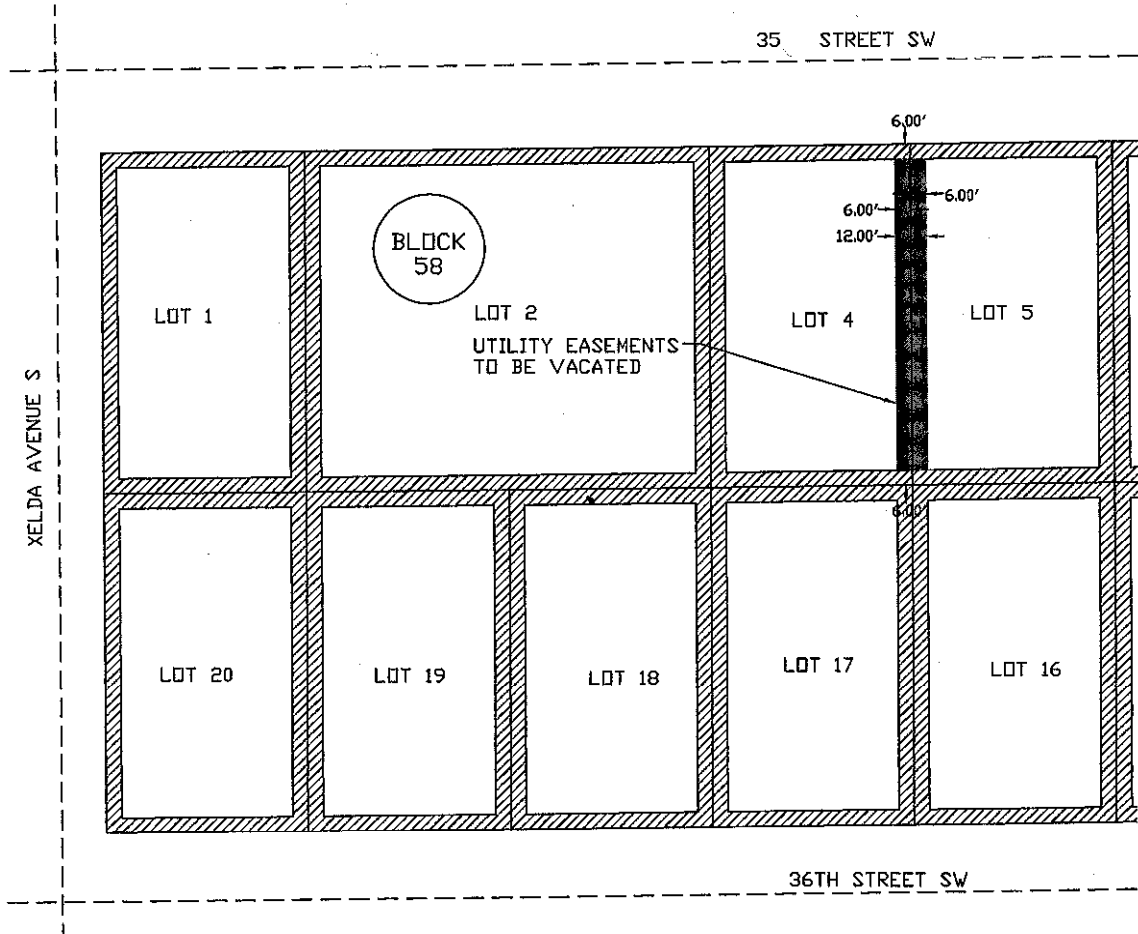
The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 4 and 5, Block 58, Unit 4, Section 10, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 96 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

SKETCH AND LEGAL DESCRIPTION
 OF A TWELVE FOOT WIDE STRIP LYING IN
 SECTION 10, TOWNSHIP 45 SOUTH, RANGE 26 EAST
 LEE COUNTY, FLORIDA



LEGEND	
	ROAD CENTERLINE
	UTILITY EASEMENT
	UTILITY EASEMENT TO BE VACATED



DESCRIPTION:

A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 4 AND 5, BLOCK 58, UNIT 4 OF LEHIGH ACRES, SECTION 10, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEHIGH ACRES, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 96, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE NORTHERLY AND SOUTHERLY 6 FEET THEREOF

Exhibit "B"
 Petition to Vacate
 VAC2004-00015
 [Page One of One]

PREPARED BY
 AIM ENGINEERING & SURVEYING, INC.

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

Robert T. Simpson 2-3-04
 ROBERT TAD SIMPSON, JR.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5559
 DATE

THIS IS NOT A SURVEY SHEET 1 OF 1

REVISIONS, ALTERATIONS, AND OR CHANGES TO AIM ENGINEERING & SURVEYING, INC. DRAWING(S) WITHOUT THE WRITTEN CONSENT OF APPROVAL BY AIM ENGINEERING & SURVEYING, INC. IS PROHIBITED!

<p>AIM Engineering & Surveying, Inc. CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT</p> <p>5300 LEE BOULEVARD POST OFFICE BOX 1235 LEHIGH ACRES, FLORIDA 33971 E-Mail: engineering@aimengr.com</p> <p>FORT MYERS, LEHIGH ACRES 239-332-4568 LABELLE 863-675-3696 FAX 239-332-8734 CERTIFICATION OF AUTHORIZATION No. 00003114</p>	PROJECT NUMBER: 03-8573	DESCRIPTION: LEGAL & SKETCH OF UTILITY EASEMENTS TO BE VACATED	
	DRAWN BY: JSL	CLIENT: MR. AND MRS. JAME	
	DATE: 1/6/04	SEC-TWP-RGE: 10-45S-26E	FILE: LEGAL.dwg
		COUNTY: LEE	