

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution to Vacate three (3) 12-foot wide Public Utility Easements located at 1122, 1124, 1126, 1128 Gunnery Rd. S., Lehigh Acres, Florida 33971. (Case No. VAC2004-00006)

**WHY ACTION IS NECESSARY:** To construct a commercial building 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:**  
COMMISSION DISTRICT #: 5

04

5:00 #4

**3. MEETING DATE:**

04-27-2004

**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]* 4/13/04

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 27, 2004.

**LOCATION:** Petition No. VAC2004-00006 proposes to vacate 12-foot wide Public Utility Easements centered on the common lot line between Lots 37 and 38, 38 and 39, and 39 and 40; all in Block 17, Unit 7, Section 33, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 87 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six-feet (6') and the westerly six-feet (6') thereof. The site is located at 1122, 1124, 1126, 1128 Gunnery Rd. S., Lehigh Acres, Florida 33971, and the strap numbers are 33-44-26-07-00017.0370, 33-44-26-07-00017.0380, 33-44-26-07-00017.0390, 33-44-26-07-00017.0400.

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 Risk	G County Manager
<i>[Signature]</i> M. Gibbs	N/A	N/A	N/A	<i>[Signature]</i> John J. Dreyer 4-13-04	<i>[Signature]</i> 4/13/04	<i>[Signature]</i> 4/13/04

**10. COMMISSION ACTION:**

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

Rec. by Co. Atty  
Date: 4/13/04  
Time: 4:08 PM  
Forwarded To:  
Co. Adm.

RECEIVED BY  
COUNTY ADMIN: TD  
4/13/04  
2:00 PM  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
4-13-04  
*[Signature]*

*[Handwritten initials]*

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: VAC2004-00006

WHEREAS, Petitioner **Charles D. & Tracy Biggerstaff** 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<sup>th</sup>, 2004 ; 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. VAC2004-00006 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

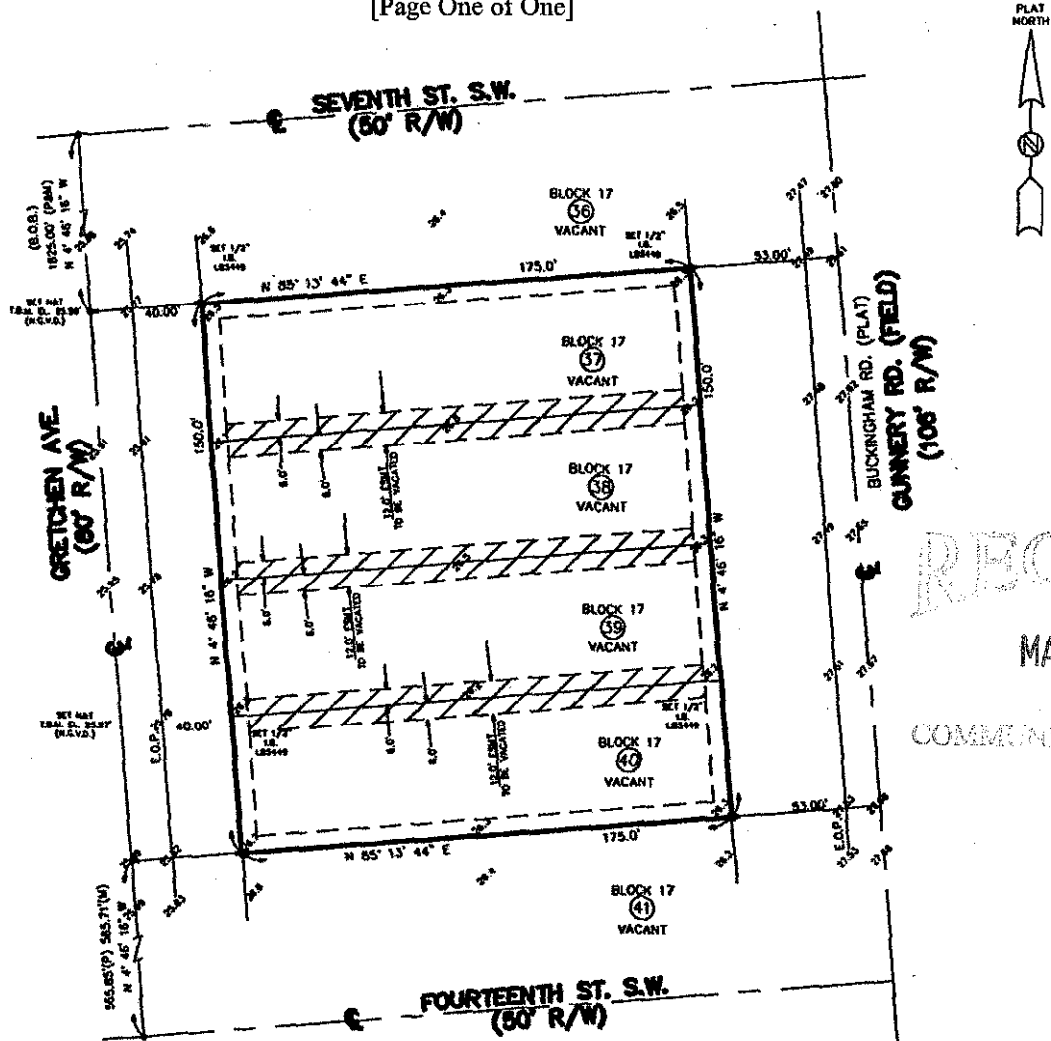
**EXHIBIT "A"**  
**Petition To Vacate**  
**VAC2004-00006**

Legal Description of the **Public Utility Easement** to be vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 37 and 38, 38 and 39, and 39 and 40; all in Block 17, Unit 7, Section 33, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 87 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the easterly six-feet (6') and the westerly six-feet (6') thereof.

Exhibit "B"  
 Petition to Vacate  
 VAC2004-00006  
 [Page One of One]



RECEIVED  
 MAR 09 2004  
 COMMUNITY DEVELOPMENT

*Chris B...*  
 PS 14 5741  
 2-5-04

1122, 1124, 1126, & 1128 GUNNERY ROAD  
 LOTS 37-40, BLOCK 17, UNIT 7  
 SECTION 33, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 15, PAGE 87, PLATTED AUG. 1959, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

NOT A SURVEY-- SKETCH ONLY

S.T.A.R. Surveying, Inc. (LB5449)  
 Professional Surveyors and Mappers  
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936  
 (239) 368-7400 (239) 368-7885 (Fax)

DATE: 2-4-04  
 JOB NUMBER: 0327B  
 DRAWN BY: B.J.P.  
 SCALE: 1" = 70'  
 SHEET: 1 of 1

VAC2004-00006