

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Petition to Vacate a 12-foot wide Public Utility Easement located at 767 Barnum Ave S., Lehigh Acres, FL 33936 (Case No. VAC2004-00008)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined 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:

05-11-2004

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]* 4/16/04

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 May 11, 2004.

LOCATION: Petition No. VAC2004-00008 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of the each easement. The site is located at 767 Barnum Ave S., Lehigh Acres, FL 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.

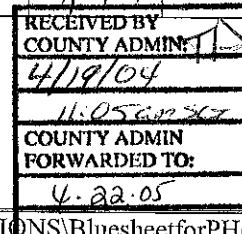
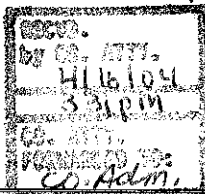
8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services 4/22/04				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 4-16-04	<i>[Signature]</i> 4/20/04	<i>[Signature]</i> 4/20/04	<i>[Signature]</i> 4/20/04	<i>[Signature]</i> 4/20/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER



BH

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: VAC2004-00008

WHEREAS, Petitioner Michael K. and Cynthia L. O'Hara 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 11th of May 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. VAC2004-00008 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
VAC2004-00008

Legal Description of Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida;

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

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND
LYING IN
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA

NOTES:

SKETCH BASED ON THE RECORDED PLAT BOOK 18 PAGE 75.

BEARINGS BASED ON THE CENTERLINE OF BARNUM AVE. AS BEARING
S.00°30'09"E.


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

Exhibit "B"
Petition to Vacate
VAC2004-00008
[Page One of One]

*** THIS IS NOT A SURVEY ***

Dennis J. O'Connell, Jr.
DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER L.S.# 5430 DATE SIGNED 1/27/04

LOTS 11 & 12, BLOCK 29,
LEHIGH ACRES, UNIT 5

TITLE: SKETCH OF DESCRIPTION			
 METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB# 7071		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME: 4902SK1.DWG	FIELD BOOK/PAGE: N/A	PROJECT NO.: 4902	SHEET: 2 OF 2
SURVEY DATE: 1-27-2004	DRAWN BY: DJO	SCALE: 1" = 40'	CHECKED BY: DJO FILE NO. (S-T-R) 22-45-27

Curve number 1
Radius= 506.33'
Delta= 18°43'00"
Arc= 148.02'
Tangent= 74.54'
Chord= 147.50'
Chord Brg.= N.08°52'39"W.

Curve number 2
Radius= 631.33'
Delta= 18°45'00"
Arc= 184.56'
Tangent= 92.95'
Chord= 183.91'
Chord Brg.= S.05°52'39"E.

Curve number 3
Radius= 481.33'
Delta= 18°45'00"
Arc= 140.71'
Tangent= 70.86'
Chord= 140.21'
Chord Brg.= S.08°52'39"E.

Curve number 4
Radius= 481.33'
Delta= 09°17'09"
Arc= 78.01'
Tangent= 39.03'
Chord= 77.52'
Chord Brg.= S.21°53'44"E.

LEGEND

- P.T. = POINT OF TANGENCY
- P.C. = POINT OF CURVE
- P.I. = POINT OF INTERSECTION
- P.R.C. = POINT OF CURVE
- R/W = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- D.&U.E. = DRAINAGE & UTILITY EASEMENT
- P.B. = PLAT BOOK
- (P) = PLAT

