

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Drainage and Public Utility Easement located at 2913 Lee Blvd., Lehigh Acres, Florida 33971. (Case No. VAC2004-00002)

WHY ACTION IS NECESSARY: To build a commercial building on the combined four (4) lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

WHAT ACTION ACCOMPLISHES: Vacates the Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

5:00 #2

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:  4/24/04

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. VAC2004-00002 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, plat of part of Units 3 and 6 and all of 4 and 5, Section 25, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 4 and 5; **LESS and EXCEPT** the Easterly six-feet (6') of the easement on the common lot line between Lots 5 and 16; ; **LESS and EXCEPT** the Southerly six-feet (6') of the easement on the common lot line between Lots 16 and 17; ; **LESS and EXCEPT** the Westerly six-feet (6') of the easement on the common lot line between Lots 17 and 4. The site is located at 2913 Lee Blvd., Lehigh Acres, Florida 33971 and the strap number is 25-44-26-04-00029.0040.


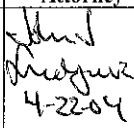
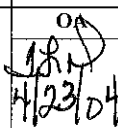
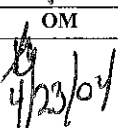
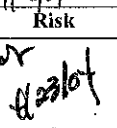
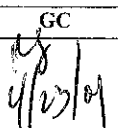

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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 4/23/04 | | | | G County Manager |
|--|---------------------------------|-------------------------|------------|--|--|---|--|--|---|
| | | | | | OA | OM | Risk | GC | |
|  | N/A | N/A | N/A |  4-22-04 |  4/23/04 |  4/23/04 |  4/23/04 |  4/23/04 |  |

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 4/22/04
Time: 2pm
Forwarded to:
4/24/04 8:30
ADMIN

RECEIVED BY 4/23
COUNTY ADMIN
9:35 AM
COUNTY ADMIN
FORWARDED TO: M
4/24/04 11:11

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: VAC2004-00002

WHEREAS, Petitioner **OptiExpress, 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 11th day 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. VAC2004-00002 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
VAC2004-00002

Legal description of the **Public Utility Easement** and **Drainage Easement**
to be vacated:

The twelve-foot (12') wide Public Utility Easement **and** Drainage Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, plat of part of Units 3 and 6 and all of 4 and 5, Section 25, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida;

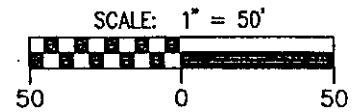
LESS and EXCEPT the Northerly six-feet (6') of the easement on the common lot line between Lots 4 and 5; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 5 and 16; less and except the Southerly six-feet (6') of the easement on the common lot line between Lots 16 and 17; less and except the Westerly six-feet (6') of the easement on the common lot line between Lots 17 and 4.

PLAT OF PART OF UNITS 3&6 ALL OF 4&5
SECTION 25, TOWNSHIP 44S., RANGE 26E.

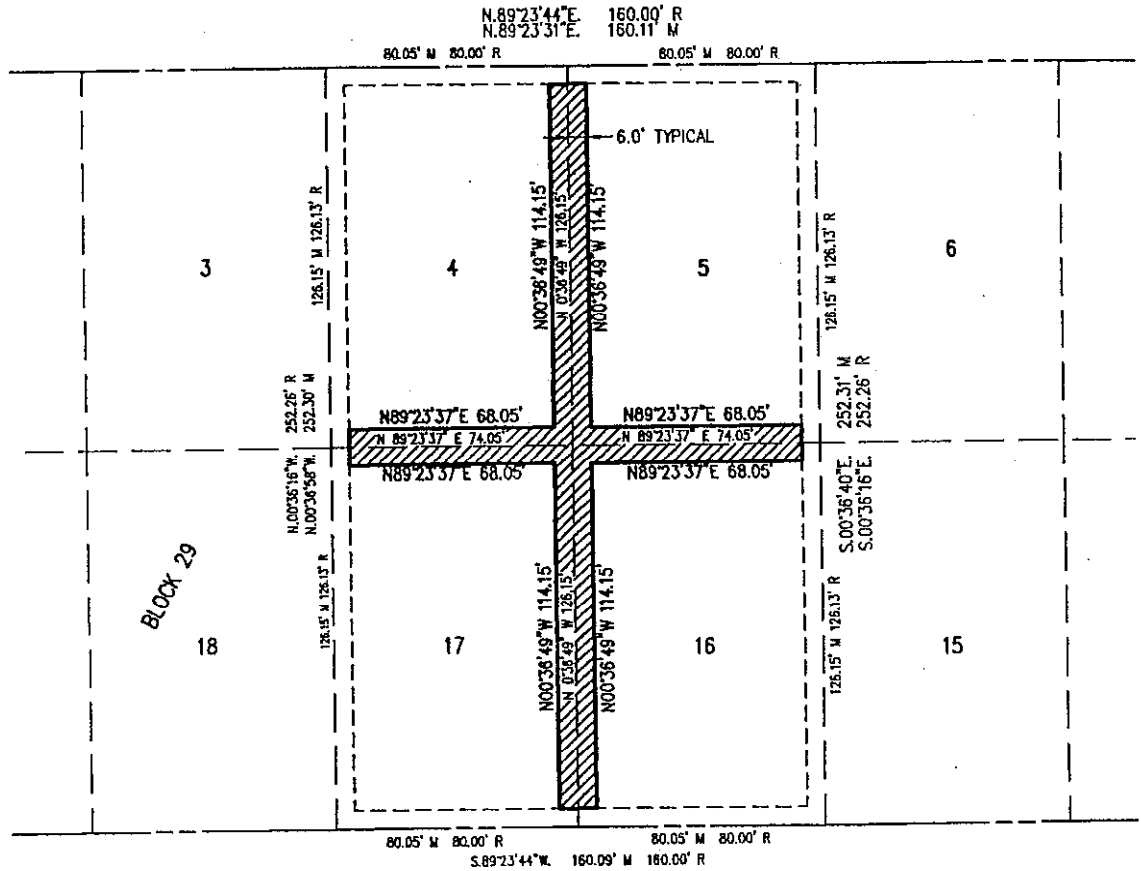
A SUBDIVISION OF
LEHIGH ACRES

LEE COUNTY, FLORIDA

Exhibit "B"
Petition to Vacate
VAC2004-00002
[Page One of One]



LEE BOULEVARD (106' R/W)



FOURTH STREET (50' R/W)

EXHIBIT B
NOT A SURVEY

- ABBREVIATIONS**
- D. & P.U.E. = DRAINAGE & PUBLIC UTILITY EASEMENT
 - M = MEASURED
 - R = RECORDED
 - R/M = RECORDED & MEASURED
 - R/W = RIGHT OF WAY
 - WM = WATER METER
 - C/S = CONCRETE SLAB
 - C/W = CONCRETE WALK
 - EM = ELECTRIC METER
 - I.R. = IRON ROD
 - FD = FOUND
 - € OR CL = CENTERLINE
 - CM = CONCRETE MONUMENT
 - I.O. = IDENTIFICATION
 - FIP = FOUND IRON PIPE
 - FCM = FOUND CONCRETE MONUMENT
 - UGE = UNDERGROUND ELECTRIC

- LEGEND**
- FOUND CONCRETE MONUMENT
 - SET CONCRETE MONUMENT PLS 3403
 - FOUND REBAR AS SHOWN
 - SET 1/2" REBAR & CAP PLS 3403
 - FOUND PERMANENT REFERENCE MONUMENT
 - FOUND PERMANENT CONTROL POINT
 - SET PERMANENT CONTROL POINT
 - ▲ FOUND NAIL AND TIN TAB
 - ▽ SET NAIL AND TIN TAB
 - POWER POLE
 - ◆ FIRE HYDRANT
 - OVERHEAD POWER LINES
 - X- FENCE
 - ▲ ELEVATION
 - ▨ EASEMENT TO BE VACATED

I HEREBY CERTIFY THAT THIS DESCRIPTION SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 81G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 474.027, FLORIDA STATUTES.

3/16/04
DATE
H. L. BENNETT, FLORIDA REG. NO. 3403

1. REVISED SKETCH 03/08/04 LM

REVISIONS

DWN BY: HLB2 DATE: 12/23/03 CHKD BY: HLB DWG. ID: 03025ESMT
CLIENT: GUINN SHEET: 1 OF 1
PROJECT NUMBER: 03025 SEC 25, TWP 44 S, RGE 26 E.



H. L. BENNETT
241 YEOMANS AVENUE - P.O. DRAWER 2137
LABELLE, FLORIDA 33975 PH (863) 675-8882

SKETCH OF DESCRIPTION
OF A PARCEL IN
SEC 25, TWP 44 S, RGE 26 E.
LEE COUNTY, FLORIDA