

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 located at 2821 5th Street W., Lehigh Acres, Florida 33971 (Case No. VAC2004-00021)

WHY ACTION IS NECESSARY: To build a commercial building on the combined 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 #4

3. MEETING DATE:

07-27-2004

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]* 6/30/04

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 27th day of July, 2004.

LOCATION: The site is located at 2821 5th Street W., Lehigh Acres, Florida 33971. Petition No. VAC2004-00021 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between the following lots, all in the Block 54, Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 26 East, Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

- Lots 9 and 10, **Less and Except** the north six feet thereof;
- Lots 10 and 13; Lots 9 and 14, **Less and Except** the west six feet thereof;
- Lots 13 and 14, **Less and Except** the south six feet thereof; and
- The easterly six foot of Lots 10 and 13, **Less and Except** the north and south six feet thereof.

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				G County Manager
					OM	Risk	GC		
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 7/13/04	<i>[Signature]</i> 7/14/04	<i>[Signature]</i> 7/15/04	<i>[Signature]</i> 7/15/04	<i>[Signature]</i> 7/15/04	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/14/04
Time: 1:35 PM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
7/14/04
3:15 pm 507
COUNTY ADMIN
FORWARDED TO: *[Signature]*
7-15-04-3:55 PM

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: VAC2004-00021

WHEREAS, Petitioner **Daryl E. and Deborah J. Fisher** 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 27th day of July, 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. VAC2004-00021 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
VAC2004-00021
[Page One of One]

Legal Description of a
Portion of a **Public Utility** and
Drainage Easement to be Vacated

Those portions of the twelve-foot wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in Block 54, Part of Plat of Units 3 & 6, All of 4 & 5, Section 25, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the Plat thereof as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

Lots 9 and 10, **Less and Except** the north six feet thereof;

Lots 10 and 13;

Lots 9 and 14, **Less and Except** the west six feet thereof;

Lots 13 and 14, **Less and Except** the south six feet thereof; and

The easterly six feet of Lots 10 and 13, **Less and Except** the north and south six feet thereof.

PLAT OF PART OF UNITS 3&6 ALL OF 4&5

SECTION 25, TOWNSHIP 44S., RANGE 26 E.

A SUBDIVISION OF

LEHIGH ACRES

LEE COUNTY, FLORIDA

Exhibit "B"
Petition to Vacate
VAC2004-00021
[Page One of One]

SECTION 25 , TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

