

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to adopt a Resolution to Vacate a 12-foot wide Public Utility Easement located at 211 and 209 Eighth Ave., Lehigh Acres, Florida. (Case No. VAC2004-00030)

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 #3

3. MEETING DATE:

08-24-2004

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]* 7/30/04

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 24th day of August, 2004.

LOCATION: The site is located at 211 and 209 Eighth Ave., Lehigh Acres, Florida 33972, and its strap numbers are 33-44-27-06-00025.0170 and 33-44-27-06-00025.0180. Petition No. VAC2004-00030 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 17 and 18; all in Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 48 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of each easement.

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 OM	Risk	GC	G County Manager
<i>Man (Gibbs)</i>	N/A	N/A	N/A	<i>John J. Neely 7-30-04</i>	<i>8/3/04</i>	<i>8/4/04</i>	<i>8/10/04</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

Rec. by CoAtty
Date: 7/30/04
Time: 4:45 PM
Forwarded To:

RECEIVED BY
COUNTY ADMIN
[Signature]
COUNTY ADMIN
FORWARDED TO:
[Signature]

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: VAC2004-00030

WHEREAS, Petitioner William M. and Linda M. Burns 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 24th day of August, 2004 at 5 p.m.; 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. VAC2004-00030 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

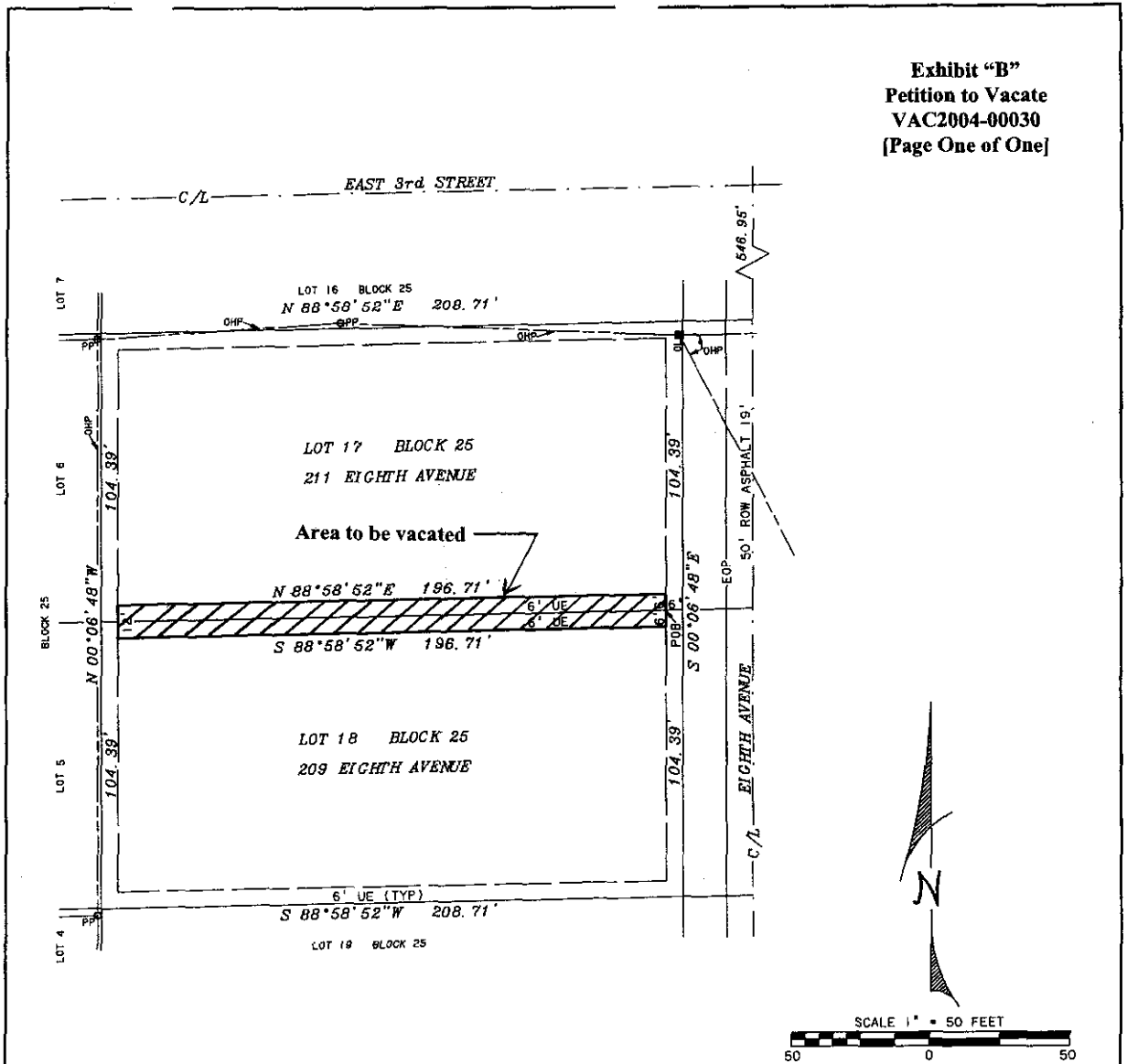
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00030

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 17 and 18; all in Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 48 of the Public Records of Lee County, Florida;

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



LEGAL DESCRIPTION:
 AN EXISTING 12 FOOT UTILITY EASEMENT AS DESCRIBED IN THE PLAT NOTES, LYING 6 FOOT EACH SIDE OF THE LINE BETWEEN LOT 17 AND LOT 18, OF BLOCK 25, UNIT 6, LESS AND EXCEPT THE EAST AND WEST 6 FEET THEROF, AS SHOWN IN THE MAP OR PLAT OF LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE 48. PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF AFORESAID LOT 17, BEING THE NORTHEAST CORNER OF AFORESAID LOT 18, BLOCK 25, UNIT 6; THENCE S 88°58'52"W ALONG THE LINE BETWEEN SAID LOTS 17 & 18, A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT HEREIN DESCRIBED:

THENCE S 00°06'48"E PARALLEL WITH THE EAST LINES OF SAID LOTS 17 & 18, A DISTANCE OF 6 FEET TO SOUTH SIDE OF SAID UTILITY EASEMENT; THENCE ALONG THE SOUTH SIDE OF SAID EASEMENT; S 88°58'52"W PARALLEL WITH THE LINE BETWEEN SAID LOTS 17 & 18, A DISTANCE OF 196.71 FEET TO A POINT 6 FEET FROM THE WEST LINE OF SAID LOT 18; THENCE ALONG A LINE 6 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 17 & 18; N 00°06'48"W A DISTANCE OF 12 FEET TO THE NORTH SIDE OF SAID UTILITY EASEMENT; THENCE ALONG THE NORTH SIDE OF SAID UTILITY EASEMENT N 88°58'52"E PARALLEL WITH THE LINE BETWEEN SAID LOTS 17 & 18, A DISTANCE OF 196.71 FEET TO A POINT 6 FEET FROM THE EAST SIDE OF SAID LOT 17; THENCE ALONG A LINE 6 FEET WEST OF AND PARALLEL WITH THE EAST SIDE OF SAID LOT 17 S 00°06'48" A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING.

LEGEND:

- DHP = OVERHEAD POWER
- OL = OUTDOOR LIGHT
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PP = POWER POLE
- UE = UTILITY EASEMENT

WD#: 04-0132L

R. K. BURNS SURVEYING, INC.

1940 Ricardo Avenue
 Fort Myers, Florida
 33901
 (239) 936-4550 Business
 (239) 936-3267 Fax

THIS IS NOT A BOUNDARY SURVEY
 SKETCH TO ACCOMPANY LEGAL
 DESCRIPTION

SHEET 1 OF 1



John S. Burns, Sr.

By: John S. Burns, Sr., PLS# Number "LS-0005583"
 R.K. Burns Surveying, Inc. Licensed Business
 Number "LB-0006133"