

1. REQUESTED MOTION:

**ACTION REQUESTED:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility Easement located at 612 Hibiscus Ave., Lehigh Acres, Florida 33936. (Case No. VAC2004-00032)

**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 Public Utility Easement.

2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT #: 5

04

5:00 #3

3. MEETING DATE:

09-14-2004

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]* 8/20/04  
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 14<sup>th</sup> day of September, 2004.

**LOCATION:** The site is located at **612 Hibiscus Ave., Lehigh Acres, Florida 33936** and its strap number is 29-44-27-09-00036.0060. Petition No. VAC2004-00032 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 6A; both in Block 36 of Unit 9 and 7 respectively, Sections 29 and 28 respectively, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 45 and 43 respectively of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly and southerly 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 OM Risk GC			G County Manager
<i>Mary 6/15/04</i>	N/A	N/A	N/A	<i>[Signature]</i> 8/23/04	<i>[Signature]</i> 8/24/04	<i>[Signature]</i> 8/24/04	<i>[Signature]</i> 8/24/04	<i>[Signature]</i> 8/24/04

10. COMMISSION ACTION:

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
Date: 8/23/04  
Time: 1:00  
Forwarded To:

RECEIVED BY  
COUNTY ADMIN:  
8/23/04  
4:30 pm SLT TO  
COUNTY ADM. &  
FORWARDED TO: [Signature]  
8/24/04 3pm

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: VAC2004-00032

WHEREAS, Petitioner **Gloria Brooks Lewis** 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 14<sup>th</sup> day of September, 2004 at 5:00 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. VAC2004-00032 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

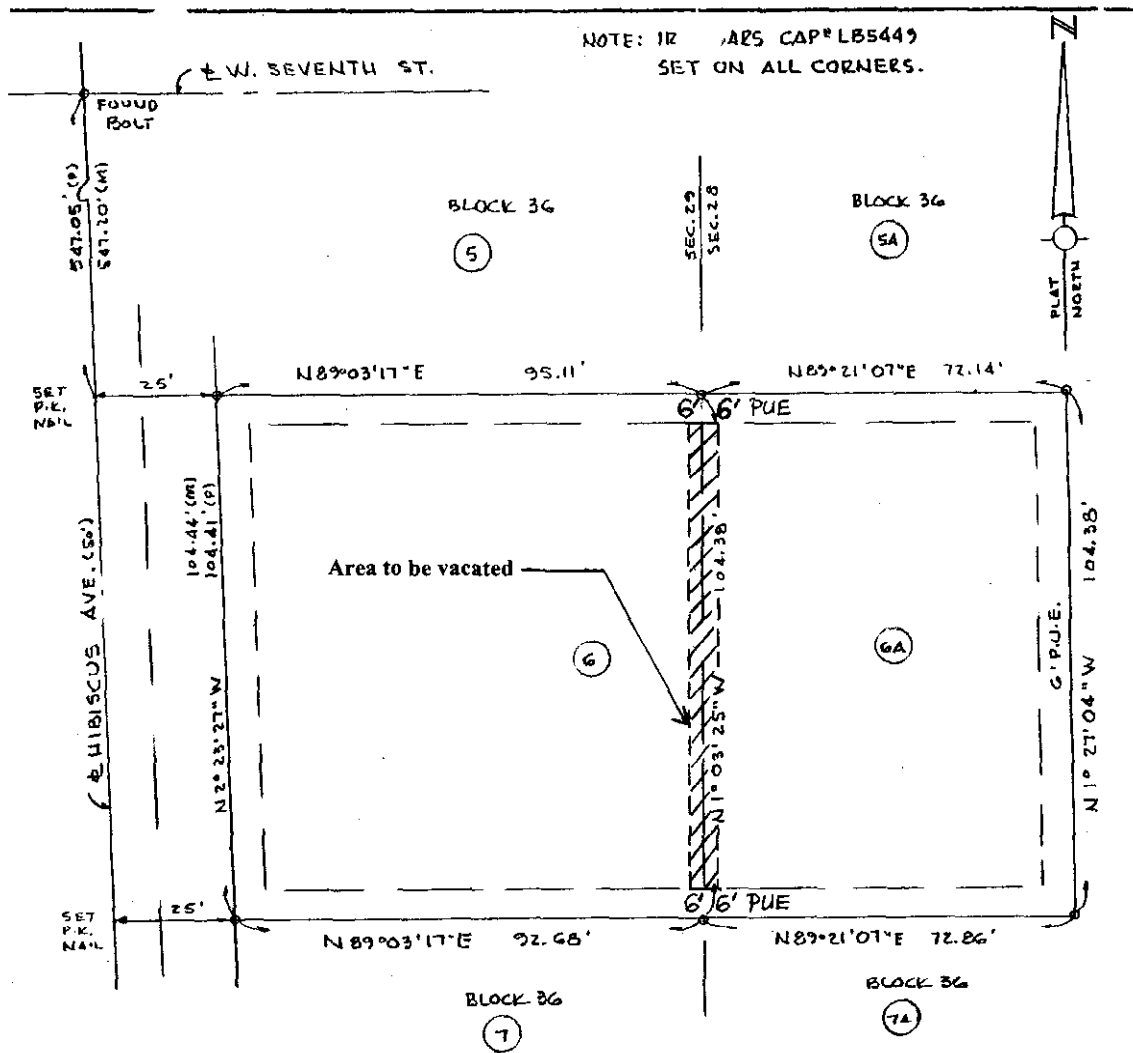
\_\_\_\_\_  
Please Print Name

Exhibit "A"  
Petition to Vacate  
VAC2004-00032  
[Page One of One]

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

The twelve-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 6A, both in Block 36 of Unit 9 and 7 respectively, Sections 29 and 28 respectively, Township 44 South, Range 27 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to Plat thereof, as recorded in Plat Book 15, Page 45 and 43 respectively of the Public Records of Lee County, Florida;

**Less and Except** the northerly and southerly six feet thereof.



NOTE: IR 125 CAP# LB5449  
SET ON ALL CORNERS.

Above property is located in flood zone 'B'

Lot Survey

Exhibit "B"  
Petition to Vacate  
VAC2004-00032  
[Page One of One]

Lot 6, Block 36, Unit 9, Section 29  
Lot 6A, Block 36, Unit 7, Section 28  
Township 44 South, Range 27 East  
Lehigh Acres, Lee County, Florida  
Scale: 1" = 30' January 17, 1990  
Recorded in Plat Book 15 pages 43 & 45 of the  
Official Records of Lee County, Florida

LEGEND:

- C.M. - Concrete Monument
- I.B. - Iron Bar
- P.U.E. - Public Utility Easement
- P.R.H. - Permanent Reference Monument
- S.P. - Screened Porch
- T.B.H. - Temporary Bench Mark
- ↓ - Center Line
- (P) - Plat
- (M) - Measured
- (C) - Calculated
- (D) - Dead
- R/W - Right-of-Way
- x- - Wire Fence
- r- - Wood Fence

I HEREBY CERTIFY THAT A SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 21 HH-6 FLORIDA ADMINISTRATIVE CODE. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO ENCHROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS.

*Robert H. Still* 1-17-90  
ROBERT H. STILL, REGISTERED LAND SURVEYOR NO. 3695  
S.T.A.R. SURVEYING, INC. LB5449  
1130-C LEE BLVD. LEHIGH ACRES, FL. 33936  
(813) 368-7400 FAX (813) 368-7685

FIELD SURVEY:

1-16-90

REV:

FILE NO: 9000-0