

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 2930 21<sup>st</sup> St. SW, Lehigh Acres, Florida 33971. (Case No. VAC2004-00026)

**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 #4

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 2930 21<sup>st</sup> St. SW, Lehigh Acres, Florida 33971 and its strap number is 01-45-26-02-00019.0190. Petition No. VAC2004-00026 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot lines between Lots 19 and 20; Block 19, plat of Section 1, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 93 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six-feet (6') and southerly six-feet (6') 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 <i>OM 8/24/04</i>			G County Manager
					OM	Risk	GC	
<i>Man. Giffis</i>	N/A	N/A	N/A	<i>John J. [Signature]</i>	<i>JA</i>	<i>JA</i>	<i>JA</i>	<i>HB 8/20/04</i>

10. **COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
 Date: 8/23/04  
 Time: 1:00  
 Forwarded To:  
*[Signature]*

RECEIVED BY  
 COUNTY ADMIN:  
 8/23/04  
 4:30 pm SLT  
 COUNTY ADM. N  
 FORWARDED TO: *PP*  
 8/20/04 3pm

8/23/04 4:30

HS

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2004-00026

WHEREAS, Petitioner **David Perkins** 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 pm; 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. VAC2004-00026 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**  
**VAC2004-00026**

**Legal Description of the Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 19 and 20; Block 19, plat of Section 1, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 93 of the Public Records of Lee County, Florida;

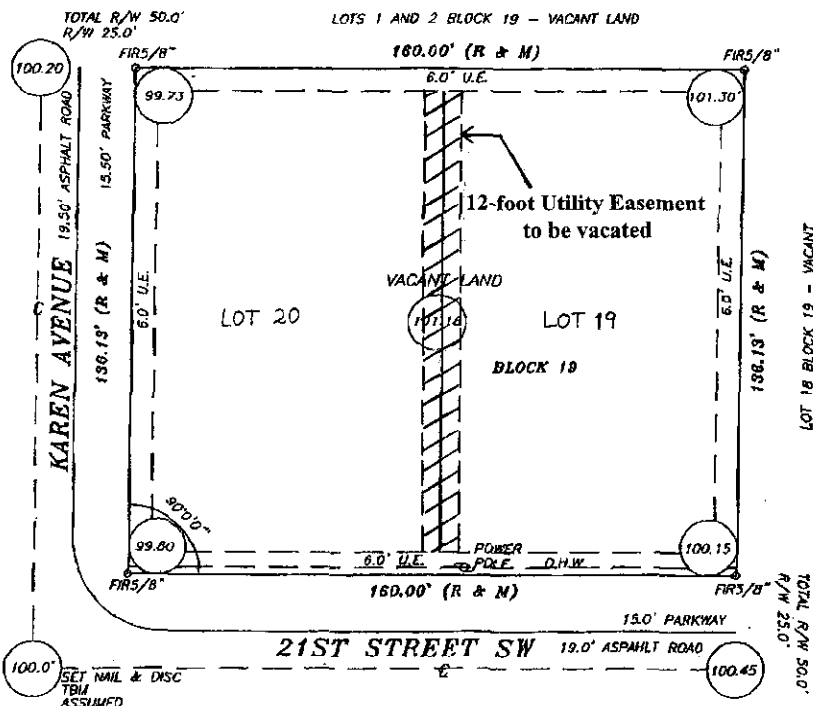
**LESS and EXCEPT** the northerly six-feet (6') and southerly six-feet (6') of each easement.

# BOUNDARY SURVEY

SCALE: 1"=30'

## LEGEND:

- M - MONUMENT LINE
- NGVD - NATIONAL GEODESIC VERTICAL DATUM
- N/D - NOT TO SCALE
- N.T.S. - NOT TO SCALE
- # - NO. - NUMBER
- O/S - OVERHEAD
- O.R.B. - OFFICIAL RECORD BOOK
- PL - PLASTER
- PL - PROPERTY LINE
- ± - CENTER LINE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.C. - POINT OF CURVE
- P.T. - POINT OF TANGENCY
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.R.C. - POINT OF REVERSE CURVATURE
- P.P. - POWER POLE
- P.C.P. - PERMANENT CONTROL POINT
- P.B. - PLAT BOOK
- PG - PAGE
- PG - PARALLEL
- P.M. - PERMANENT REFERENCE MONUMENT
- P.L.S. - PROFESSIONAL LAND SURVEYOR
- (R) - RECORDED DISTANCE
- R.L.R. - RAILROAD
- R/W - RIGHT-OF-WAY
- R.O.S. - RADIUS
- R - RANGE
- SEC. - SECTION
- STY. - STORY
- S.W.C. - SIDEWALK
- S.I.P. - SET IRON PIPE
- S.I.R. - SET IRON ROD
- T - TANGENT
- TWP. - TOWNSHIP
- U.E. - UTILITY EASEMENT
- U.P. - UTILITY POLE
- W.M. - WATER METER
- D - WATER MAIN
- S - SERVICE
- D.M. - DRAINAGE
- P.P. - POWER POLE
- A.C. - AIR CONDITIONER PAD
- ASPH. - ASPHALT
- B.L. - BRICK
- C.B. - CATCH BASIN
- C.B.S. - CONCRETE BLOCK STRUCTURE
- C.L.F. - CHAIN LINK FENCE
- CONC. - CONCRETE
- D.W. - DRIVEWAY
- DIST. - DISTANCE
- CL. - ELEVATION
- F.H. - FIRE HYDRANT
- K.I.P. - FOUND IRON PIPE
- F.I.R. - FOUND IRON ROD
- F.B. - FIELD BOOK
- F.F. - FINISH FLOOR ELEVATION
- FD. - FOUND
- U.C. - UNDER CONSTRUCTION
- TY. - TYPICAL
- F.B.C. - FOUND BLOCK CORNER
- F.N.D. - FOUND NAIL & DISC
- F.D.M. - FOUND DRILL HOLE
- F.H. - FOUND HOLE
- GAR. CL. - GARAGE ELEVATION
- W.P. - WOOD POLE
- L.P. - LENGTH
- (M) - MEASURED
- MON. - MONUMENT
- O.H.W. - OVERHEAD WIRE
- (BB) - BASES OF BEARINGS
- - CATCH BASIN
- - UTILITY POLE
- - WOOD FENCE
- - FIRE HYDRANT
- - ELEVATION
- - SANITARY SEWER MAN-HOLE
- - IRON
- - ASPHALT
- - BRASS
- - RIVER VALVE
- - UTILITY POLE ANCHOR
- - CONCRETE
- - CHAIN LINK FENCE
- - C.B.S. WALL



## LEGAL DESCRIPTION:

LOTS 19 AND 20, BLOCK 19, LEHIGH ACRES SECTION 1 SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 93, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

## PROPERTY ADDRESS:

2932 21ST STREET SW, LEHIGH ACRES, FLORIDA 33971

## CERTIFIED TO:

DAVID PERKINS AND LINDA PERKINS  
SUNTRUST  
EXECUTIVE TITLE  
ADVANTAGE BUILDERS  
STEWART TITLE

## SURVEYORS NOTES:

- 1- OWNERSHIP IS SUBJECT TO OPINION OF TITLE
- 2- EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY
- 3- NO UNDERGROUND IMPROVEMENTS WERE LOCATED
- 4- ELEVATIONS ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (UNLESS ASSUMED)
- 5- THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN IN THIS SURVEY THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS
- 6- LEGAL DESCRIPTION PROVIDED BY CLIENT
- 7- UNLESS OTHERWISE NOTED RECORDED AND MEASURED DATA ARE IN SUBSTANTIAL AGREEMENT.
- 8- BEFORE ANY CONSTRUCTION THE SET BACKS MUST BE CHECKED
- 9- THIS SURVEY IS FOR USE AS PER REQUEST AND NOT FOR ANY OTHER PURPOSE.
- 10- FLOOD ZONE: 8 BASE: --- PANEL: 0375
- 11- DATE OF FIELD WORK: 04/19/2004  
FOLD No. 01-45-26-02-00019.0190  
DATE OF PLAT: FEBRUARY, 1956



Exhibit "B"  
Petition to Vacate  
VAC2004-00026  
[Page One of One]

*[Signature]*  
MIC AGUILAR  
PROFESSIONAL LAND SURVEYOR & MAPPER  
C.R.# 3571  
STATE OF FLORIDA

THE SURVEY SHOWN HEREON IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

CARIBBEAN INSPECTIONS & SURVEYS	
CARIBBEAN N A CONSULTING INC	LB7234
7911 N.W 72nd AVE., SUITE 105 MEDLEY, FLORIDA 33166	
JOB # W-2932-A	DRAWN BY: J.N. REV: N.A.
EASTCOAST OPERATIONS	
MIAMI DADA/MONROE (305) 889-1100 FAX (305) 889-2900 PALM BEACH (561) 741-4280 FAX (561) 741-4259	BROWARD (954) 435-0220 FAX (954) 438-7278 MARTIN/ST. LUCIE/INDIAN RIVER (772) 398-6539 FAX (772) 398-6532
WESTCOAST OPERATIONS	
COLLIER/LEE (239) 549-5811/FAX: (239) 549-5811 TOLL FREE STATE WIDE 1-888-261-CBIC WWW.CBICCORP.COM	