

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 3303 and 3305 5th St. SW, Lehigh Acres, Florida 33971. (Case No. VAC2004-00044)

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

3. MEETING DATE:

5:00 #2

10-12-2004


4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- _____ CONSENT
- _____ ADMINISTRATIVE
- _____ APPEALS
- PUBLIC
- _____ WALK ON
- _____ TIME REQUIRED:

- STATUTE F.S. Ch. 177
- _____ ORDINANCE
- ADMIN. CODE 13-1
- _____ OTHER

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY:  9/15/04

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 the 12th day of October, 2004.

LOCATION: The site is located at 3303 and 3305 5th St. SW, Lehigh Acres, Florida 33971 and its strap numbers are 35-44-26-06-00053.0090 and 44-26-06-00053.0080. Petition No. VAC2004-00044 proposes to vacate a twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.

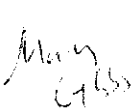
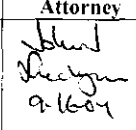
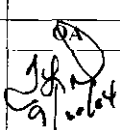
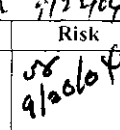
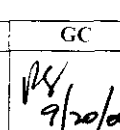
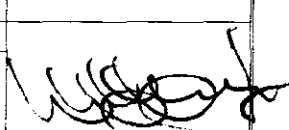
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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			G County Manager
					OM	Risk	GC	
	N/A	N/A	N/A					

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 9/14/04
Time: 3:07
Forwarded To: ORPHESMT.DOC
cc: Aam.
9/17/04 10:04 AM

RECEIVED BY
COUNTY ADMIN: 
9/17/04
11:45 am SL7
COUNTY ADMIN
FORWARDED TO: 
9-30-04
9/22

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: VAC2004-00044

WHEREAS, Petitioner **Sergio G. and Kathleen L. Matamala** 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 12th day of October, 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. VAC2004-00044 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

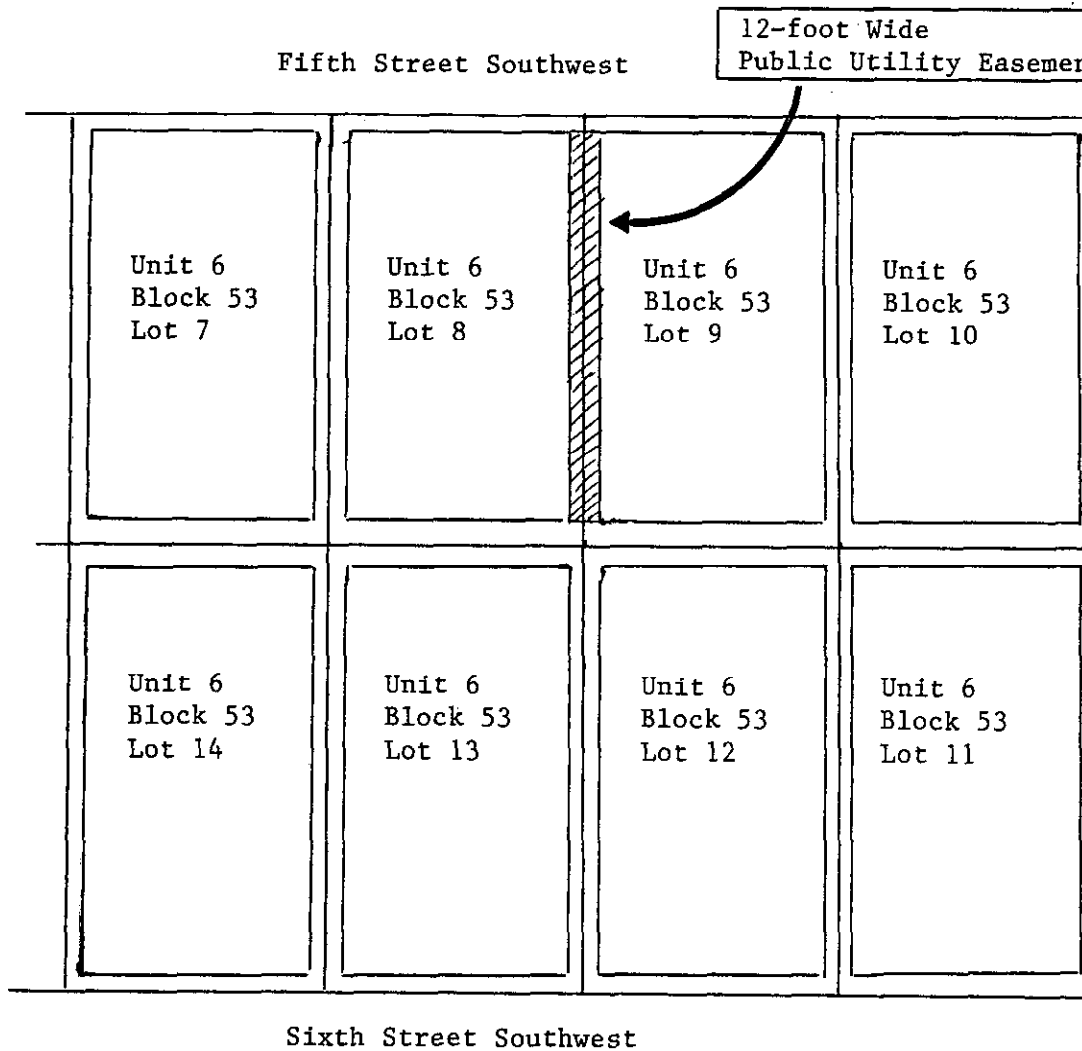
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00044

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.



12-foot Wide
Public Utility Easement to be Vacated

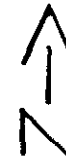


Exhibit "B"
Petition to Vacate
VAC2004-00044
 [Page One of One]

A Subdivision of Lehigh Acres,
 Lots 8 & 9, Block 53, Unit 6,
 Section 35, Twp 44S, Rge 26E
 Recorded in Plat Book 15,
 Page 91 of the Public Records,
 Lee County, Florida

Scale: One Inch = 60 Feet