

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 3105 72nd Street W., Lehigh Acres, Florida 33971. (Case No. VAC2004-00048)

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:

10-12-2004

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]* 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 3105 72nd Street W., Lehigh Acres, Florida 33971. Petition No. VAC2004-00048 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 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 OM Risk GC			G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 9-16-04	<i>[Signature]</i> 9/17/04	<i>[Signature]</i> 9/22/04	<i>[Signature]</i> 9/20/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 9/16/04
Time: 3:07
Forwarded To:
Co. Adm.
9/17/04 10:44

RECEIVED BY
COUNTY ADMIN.
9/17/04
11:45 am
COUNTY ADMIN
FORWARDED TO:
9-23-04
9/23

DA

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: VAC2004-00048

WHEREAS, Petitioners **Steven L. Schneckenberg, and Dorothy M. Schneckenberg, and Lucy Meister a/k/a Lucy Schneckenberg** 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. VAC2004-00048 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

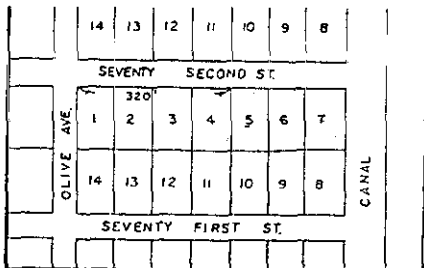
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00048

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 5 and 6; both in Block 101, Unit 10, Plat of Section 2, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 59 of the Public Records of Lee County, Florida;

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



LOCATION SKETCH

FLOOD INFORMATION

PANEL NOT PRINTED
 NO SPECIAL FLOOD HAZARD AREAS
 MAP 125124 0375 B
 DATE: 5-5-03

THE BEARINGS AS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SEVENTY SECOND ST. AS BEING S.88°30'58"W.

A Subdivision of Lehigh Acres,
 Lots 5 & 6, Block 101, Unit 10,
 Section 2, Twp 44S, Rge 26E
 Recorded in Plat Book 15,
 Page 59 of the Public Records,
 Lee County, Florida

LEGAL DESCRIPTION
 LOT 5 AND 6, BLOCK 101
 LEHIGH ACRES UNIT 10
 PLAT BOOK 15 PAGE 59

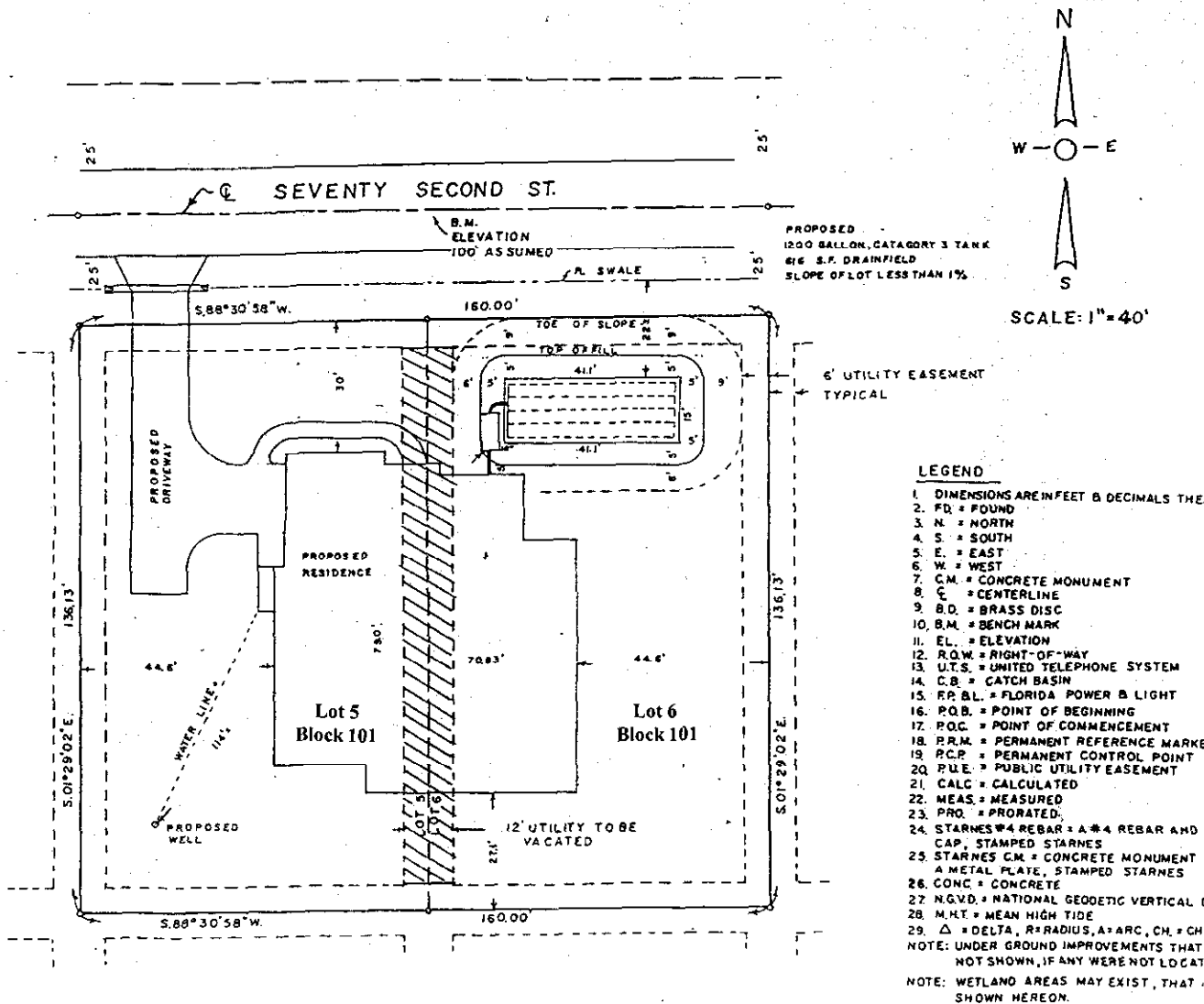
Exhibit "B"
 Petition to Vacate
 VAC2004-00048
 [Page One of One]

I HEREBY CERTIFY that the survey hereon was made under my direction and is true and correct to the best of my knowledge and belief. I do not certify that the zoning requirements have been met. I also certify that this survey hereon meets the minimum technical standards for land surveying in the State of Florida. SEE Florida Statutes, Chapter 617-6 F.C.A.

Q.S.T.O.S. ON
 R.J. WARD P.E.

JAMES R. STARNES P.L.S. 4869
 REGISTERED LAND SURVEYOR
 STATE OF FLORIDA

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



- LEGEND**
1. DIMENSIONS ARE IN FEET & DECIMALS THEREAFTER
 2. F.D. = FOUND
 3. N = NORTH
 4. S = SOUTH
 5. E = EAST
 6. W = WEST
 7. C.M. = CONCRETE MONUMENT
 8. C = CENTERLINE
 9. B.D. = BRASS DISC
 10. B.M. = BENCH MARK
 11. EL. = ELEVATION
 12. R.O.W. = RIGHT-OF-WAY
 13. U.T.S. = UNITED TELEPHONE SYSTEM
 14. C.B. = CATCH BASIN
 15. F.P. & L. = FLORIDA POWER & LIGHT
 16. P.O.B. = POINT OF BEGINNING
 17. P.O.C. = POINT OF COMMENCEMENT
 18. P.R.M. = PERMANENT REFERENCE MARK
 19. P.C.P. = PERMANENT CONTROL POINT
 20. P.U.E. = PUBLIC UTILITY EASEMENT
 21. CALC. = CALCULATED
 22. MEAS. = MEASURED
 23. PRO. = PROPOSED
 24. STARNES #4 REBAR = A #4 REBAR AND CAP, STAMPED STARNES
 25. STARNES C.M. = CONCRETE MONUMENT A METAL PLATE, STAMPED STARNES
 26. CONC. = CONCRETE
 27. N.G.V.D. = NATIONAL GEODETIC VERTICAL
 28. M.H.T. = MEAN HIGH TIDE
 29. Δ = DELTA, R = RADIUS, A = ARC, CH = CHORD
- NOTE: UNDER GROUND IMPROVEMENTS THAT NOT SHOWN, IF ANY WERE NOT LOCATED HEREON.

According to the Plat thereof as recorded in Plat Book _____ at Page _____
 Public Records of LEE County, Florida.
 FOR: DON ALLEN CONST. DATE: _____

Starnes Surveying, Inc. L.B. 6766
 Surveying • Engineering • Land Planning
 18571 DURRANCE ROAD • N. FORT MYERS, FLORIDA • (941) 543-3335

BOUNDARY SURVEY
 Field Book 15-E Page _____ W.O. 57-7 Sheet _____ of _____