

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 5559 6th St. W. Lehigh Acres, Florida 33971. (Case No. VAC2004-00052)

WHY ACTION IS NECESSARY: To construct a light industrial building 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:

11-09-2004

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]* 10/20/04

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 the 9th day of November, 2004. Petition to vacate, VAC2004-00052 was submitted by Quattrone & Associates, Inc. as the agent on behalf of Garton Enterprises, Inc.

LOCATION: The site is located at 5559 6th St. W. Lehigh Acres, Florida 33971. Petition No. VAC2004-00052 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 8 and 9; both in Block 10, Unit 1, ~~the South 1/2 and the South 100 feet of the North 1/2 of Section 30, Township 14 South, Range 26 East. Except the South 0.201 acre of said South 1/2 of Section 30,~~ Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly 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 <i>10/26/04</i>			G County Manager
					OM	Risk	GC	
<i>Mary [Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 10/22/04	<i>[Signature]</i> 10/25/04	<i>[Signature]</i> 10/25/04	<i>[Signature]</i> 10/25/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/21/04
Time: 1:05
Forwarded To: *[Signature]*

RECEIVED BY
COUNTY ADMIN: *[Signature]*
10/22/04
3:45 pm SL7
COUNTY ADMIN
FORWARDED TO: *[Signature]*
10/20/04
[Signature]

BA

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: VAC2004-00052

WHEREAS, Petitioner **Garton Enterprises, Inc.** 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 9th day of November, 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. VAC2004-00052 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
VAC2004-00052
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Legal Description of a
Portion of a **Public Utility Easement** to be Vacated

That portion of the twelve-foot wide Public Utility Easement centered on the common lot line between Lots 8 and 9, both in Block 10, Plat of Unit 1 of Lehigh Estates, a subdivision of Lehigh Acres, Lee County, Florida, according to Plat thereof, as recorded in Plat Book 15, Page 81 of the Public Records of Lee County, Florida;

Less and Except the eastern and western six feet thereof.

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CRD BEARING
C 1	90°00'00"	25.00'	39.27'	25.00'	35.36'	S 45°29'16"E
C 2	90°00'00"	25.00'	39.27'	25.00'	35.36'	S 44°30'44"W

LOT 10 BLOCK 9

SIXTH STREET 80' RIGHT OF WAY

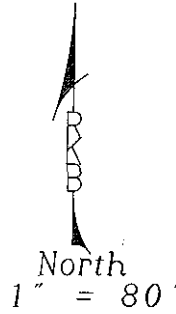
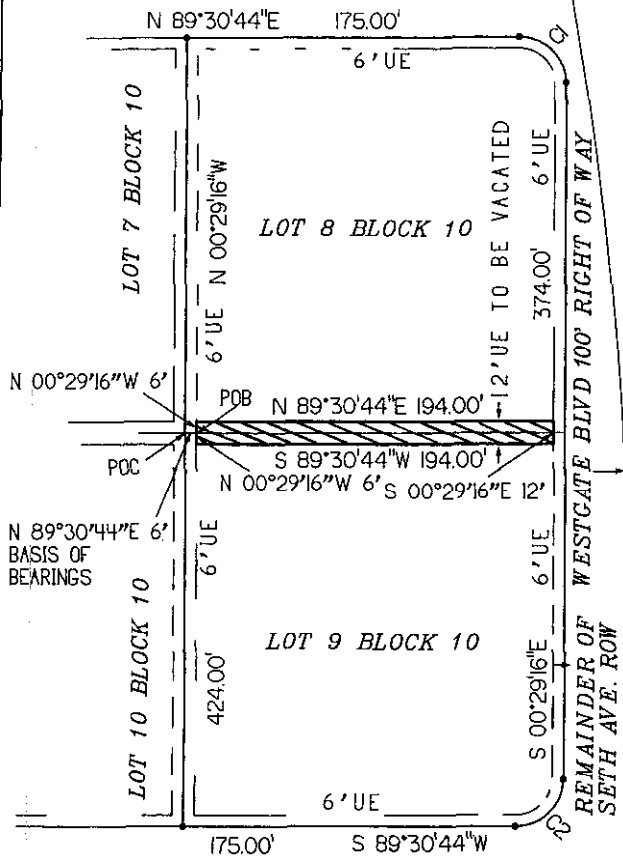


Exhibit "B"
Petition to Vacate
VAC2004-00052
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LOT 5 BLOCK 12

LOT 6 BLOCK 12

LEGAL DESCRIPTION:
 A 12 FOOT UTILITY EASEMENT LYING 6 FOOT ON EACH SIDE OF THE LINE BETWEEN LOTS 8 & 9 OF BLOCK 10 OF UNIT 1 OF LEHIGH ESTATES, A SUBDIVISION OF LEHIGH ACRES, RECORDED IN PLAT BOOK 15, PAGE 81, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8, THENCE N 89°30'44"E ALONG THE SOUTH LINE OF SAID LOT, 6 FEET TO THE POINT OF BEGINNING; THENCE N 00°30'44"E 6 FEET; THENCE N 89°30'44"E 194 FEET; THENCE S 00°30'44"W 12 FEET; THENCE S 89°30'44"W 194 FEET; THENCE N 89°30'44"E 6 FEET TO THE POINT OF BEGINNING.

WD#04-0662V

THIS IS NOT A BOUNDARY SURVEY

LEGEND:
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT

- NOTES:**
- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF EXCEPT AS SHOWN.
 - 2) NO UNDERGROUND UTILITIES OR STRUCTURES WERE LOCATED EXCEPT AS SHOWN.
 - 3) ONLY THOSE IMPROVEMENTS WHICH ARE SHOWN WERE LOCATED, THERE MAY BE OTHER IMPROVEMENTS OR ITEMS OF INTEREST ON THE SUBJECT PROPERTY WHICH WERE NOT OBSERVED OR LOCATED.
 - 4) NO TITLE RESEARCH WAS DONE BY THIS COMPANY. NO ABSTRACT OF TITLE WAS PROVIDED EXCEPT AS STATED.
 - 5) PARCEL MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, OR RESERVATIONS, THE EXISTENCE OF WHICH WERE NOT PROVIDED TO THIS COMPANY.

R. K. BURNS SURVEYING, INC.

1940 Ricardo Ave.
 Ft. Myers, Florida 33901
 (239) 936-4550
 (239) 936-3267 (fax)

SKETCH TO
 ACCOMPANY LEGAL
 DESCRIPTION

SHEET 1 OF 1

By:

John B. Burns

John B. Burns - S.P.C.
 Florida Professional Surveyor & Mapper # 5583

R. K. Burns Surveying, Inc. Licensed Survey Business # 6133