

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 807 North Ave., Lehigh Acres, FL 33972. (Case No. VAC2004-00062)

**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 #2

3. MEETING DATE:

12-14-2004


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:  11/29/04

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 December, 2004.

**LOCATION:** The site is located at 807 North Ave., Lehigh Acres, FL 33972 and its strap number is 21-44-27-03-00012.0160. Petition No. VAC2004-00062 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet thereof.

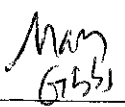

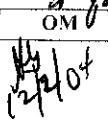
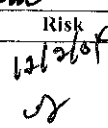
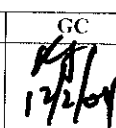
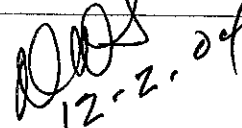
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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

10. COMMISSION ACTION:

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty

Date: 12/1/04

Time: 3:35

Forwarded To:  
ESMT.DOC

RECEIVED BY COUNTY ADMIN:
12/1/04
4:37pm
COUNTY ADMIN FORWARDED TO:
12/3/04
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: VAC2004-00062

WHEREAS, Petitioner James E. Derrick 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 December, 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. VAC2004-00062 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  
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

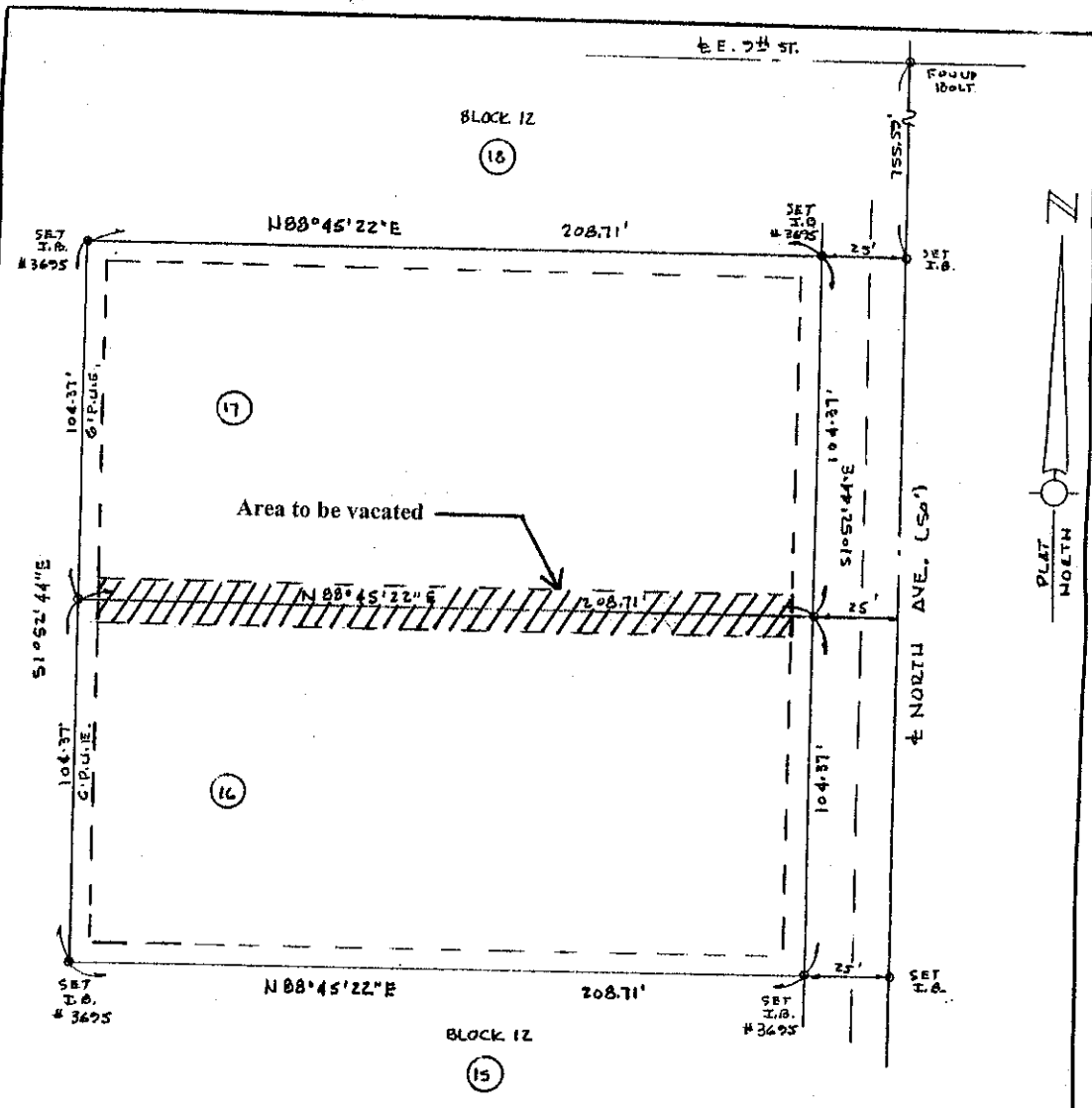
\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00062

**Legal Description of the Public Utility Easement to be Vacated:**

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the easterly six feet and westerly six feet thereof.



Above property is located in flood zone 'B'

A Subdivision of Lehigh Acres,  
 Lots 16 & 17, Block 12, Unit 3,  
 Section 21, Twp 44S, Rge 27E  
 Recorded in Plat Book 15,  
 Page 30 of the Public Records,  
 Lee County, Florida

Exhibit "B"  
 Petition to Vacate  
 VAC2004-00062  
 [Page One of One]

Scale: 1" = 40'

- LEGEND:
- C.M. - Concrete Monument
  - I.B. - Iron Bar
  - P.U.E. - Public Utility Easement
  - P.R.H. - Permanent Reference Monument
  - S.P. - Screened Patch
  - T.B.H. - Temporary Bench Mark
  - ± - Center Line
  - (P) - Plat
  - (M) - Measured
  - (C) - Calculated
  - (D) - Dead
  - x- - Wire Fence
  - v- - 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 III-6 FLORIDA ADMINISTRATIVE CODE. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS.

*Robert H. Still* 11-21-89  
 ROBERT H. STILL, REGISTERED LAND SURVEYOR NO. 3695  
 1130-O LEE BLVD. LEHIGH ACRES, FL. 33936  
 (813) 368-7400 FAX (813) 368-7685

FIELD SURVEY:

11-21-89

REV:

FILE NO: 8900-127

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20041616

**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 807 North Ave., Lehigh Acres, FL 33972. (Case No. VAC2004-00062)

**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 Community Development

**3. MEETING DATE:** 12/14/04 @ 5 p.m.


**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  11/29/04

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 December, 2004.

**LOCATION:** The site is located at 807 North Ave., Lehigh Acres, FL 33972 and its strap number is 21-44-27-03-00012.0160. Petition No. VAC2004-00062 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 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				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A	N/A						

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

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: VAC2004-00062

WHEREAS, Petitioner **James E. Derrick** 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 December, 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. VAC2004-00062 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  
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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

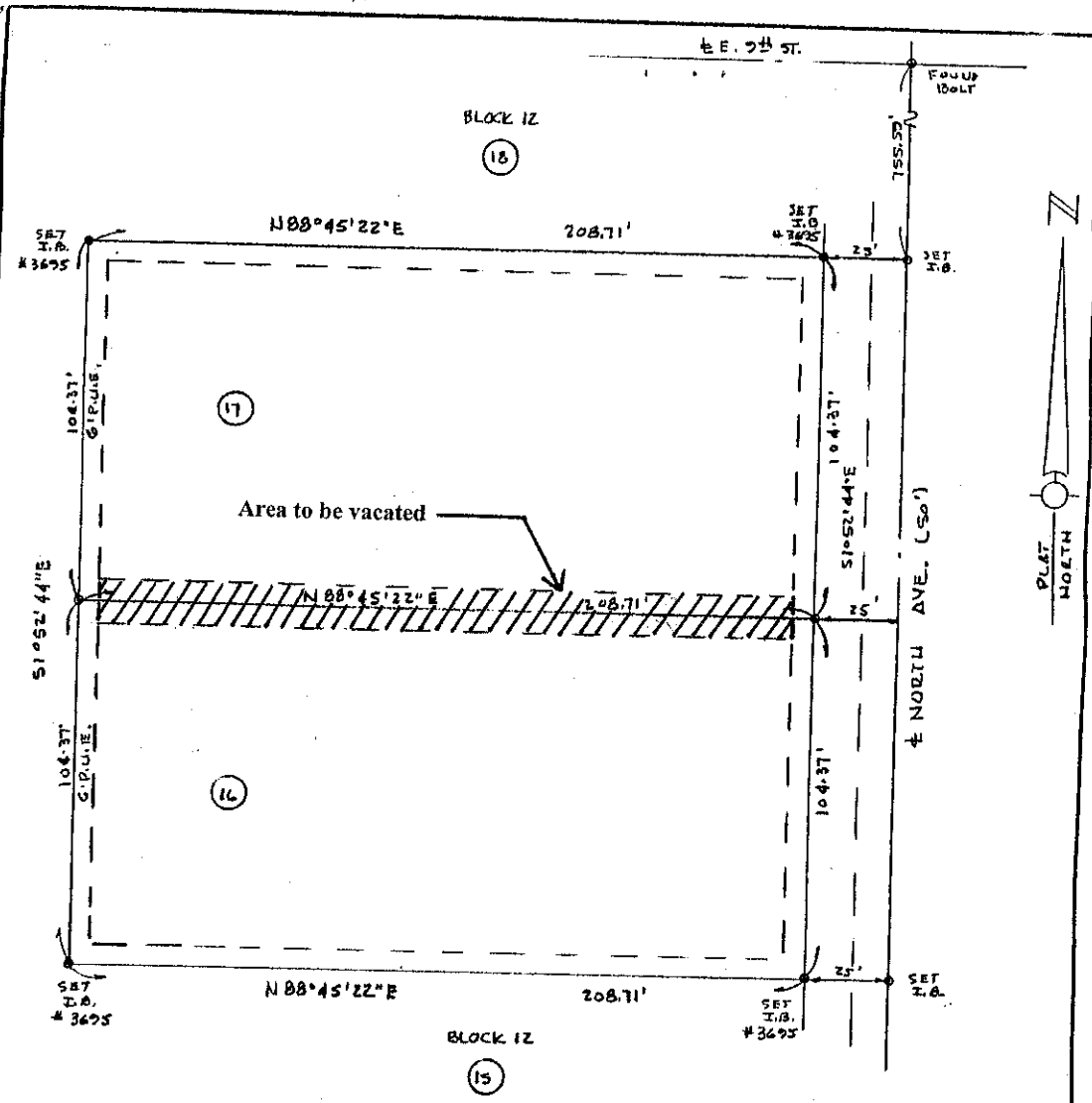


**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00062

**Legal Description of the Public Utility Easement to be Vacated:**

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the easterly six feet and westerly six feet thereof.



Above property is located in flood zone 'B'

A Subdivision of Lehigh Acres,  
 Lots 16 & 17, Block 12, Unit 3,  
 Section 21, Twp 44S, Rge 27E  
 Recorded in Plat Book 15,  
 Page 30 of the Public Records,  
 Lee County, Florida

Exhibit "B"  
 Petition to Vacate  
 VAC2004-00062  
 [Page One of One]

Scale: 1" = 40'

- LEGEND:
- C.M. - Concrete Monument
  - I.B. - Iron Bar
  - P.U.E. - Public Utility Easement
  - P.R.M. - Permanent Reference Monument
  - S.P. - Screened Porch
  - T.B.M. - Temporary Bench Mark
  - ± - Center Line
  - (P) - Plat
  - (H) - Measured
  - (C) - Calculated
  - (D) - Deed
  - - - - - Wire Fence
  - - - - - Hood 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 III-6 FLORIDA ADMINISTRATIVE CODE. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS.

*Robert H. Still* 11-21-09  
 ROBERT H. STILL, REGISTERED LAND SURVEYOR NO. 3695  
 1130-C LEE BLVD. LEHIGH ACRES, FL. 33936  
 (813) 368-7400 FAX (813) 368-7685

FIELD SURVEY:
11-21-09
REV:
FILE NO: 8900-127