

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 3314 66th St. W., Lehigh Acres, Florida 33971 (Case No. VAC2004-00025)

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:

01-11-2005

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]* 12/16/04

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 11th day of January 2005.

LOCATION: The site is located at 3314 66th St. W. Lehigh Acres, FL 33971 and its strap number is 02-44-26-07-00065.0180. Petition No. VAC2004-00025 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 18 and 19; all in Block 65, Unit 7, Section 2, Township 44 South, Range 26 East, 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 the 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	
<i>Members</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

_____ APPROVED
_____ DENIED
_____ DEFERRED
_____ OTHER

CO. CLERK
FORWARDED
12/20/04
12/20/04

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12/20/04
10:00 AM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
12/20/04
4:30 PM

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: VAC2004-00025

WHEREAS, Petitioner Denise K. Walters 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 11th day of January 2005 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. VAC2004-00025 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

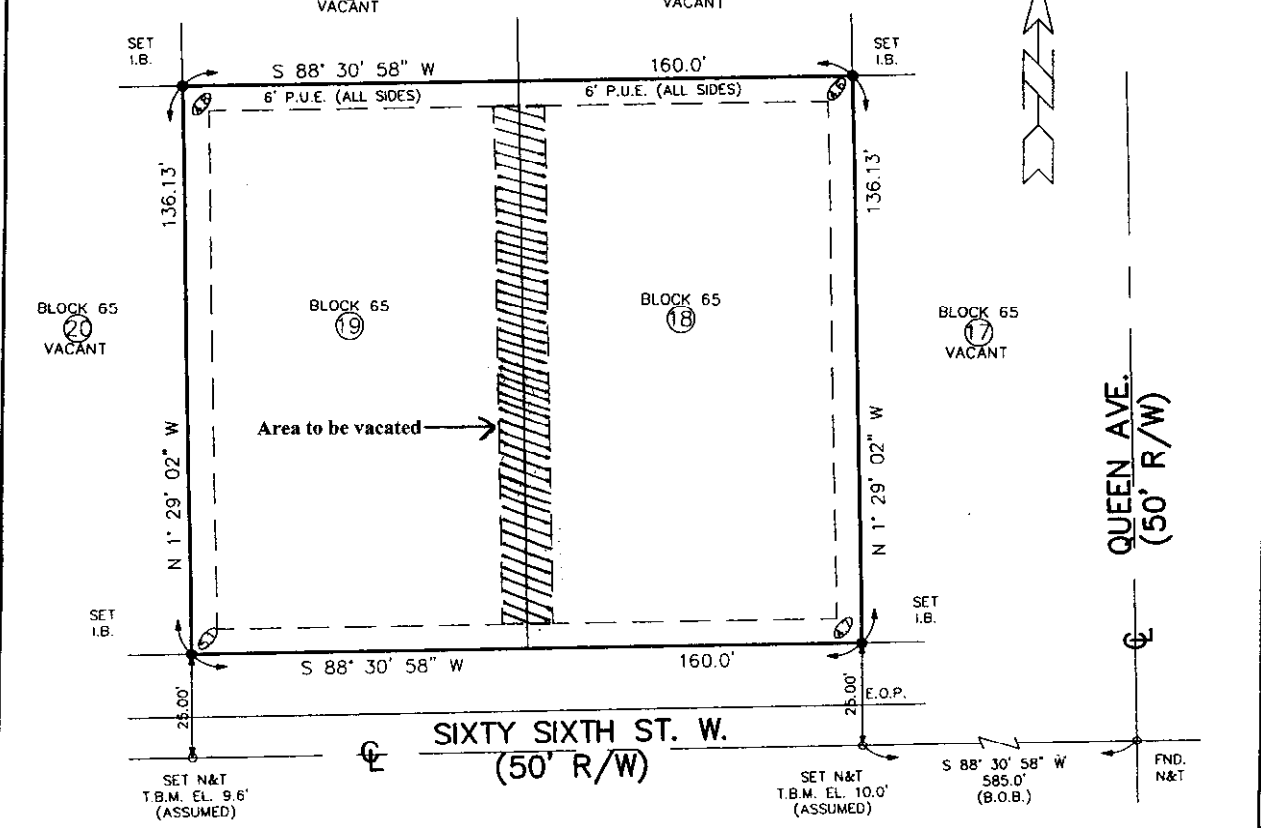
EXHIBIT "A"
Petition to Vacate
VAC2004-00025

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 18 and 19; all in Block 65, Unit 7, Section 2, Township 44 South, Range 26 East, 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 the easement.

Exhibit "B"
Petition to Vacate
VAC2004-00025
[Page One of One]



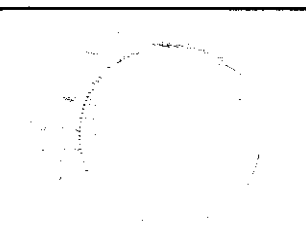
BOUNDARY SURVEY
 3314 SIXTY SIXTH STREET WEST
 LOTS 18 & 19, BLOCK 65, UNIT 7
 SECTION 2, TOWNSHIP 44 SOUTH, RANGE 26 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 59, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

PREPARED FOR:
 CHARLES D. MATSON
 DENISE K. WALTERS

COMMUNITY-PANEL NUMBER: 125124 0250 B DATE OF MAP: 9-19-84 FLOOD ZONE: B BASE FLOOD ELEVATION: N/A

<p>LEGEND:</p> <p>A - ARC A/C - AIR CONDITIONER (C) - CALCULATED C.B. - CABLE BOX C.B.S. - CONCRETE BLOCK STRUCTURE CH - CHORD CM - CONCRETE MONUMENT CONC. - CONCRETE C.P. - CONCRETE PAD COR. - CORNER (D) - DEED B.O.B. - BASIS OF BEARINGS</p>	<p>D.E. - DRAINAGE EASEMENT DH - DRILL HOLE EL - ELEVATION ENC. - ENCROACHMENT E.O.P. - EDGE OF PAVEMENT FND. - FOUND I.B. - IRON BAR (M) - MEASURED N & T - NAIL AND TAB N.T.S. - NOT TO SCALE O.R. - OFFICIAL RECORD</p>	<p>(P) - PLAT P.B. - PLAT BOOK P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.E. - POOL ENCLOSURE PG. - PAGE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.P. - POWER POLE P.R.C. - POINT OF REVERSE CURVATURE [] - CONCRETE PAD (M) - MEASURED</p>	<p>P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENCY P.U.E. - PUBLIC UTILITY EASEMENT R - RADIAL (R) - RADIAL R/W - RIGHT-OF-WAY SET 1/2" I.B. - SET 1/2" IRON BAR S.P. - SCREENED PORCH S.T. - SEPTIC TANK T.B. - TELEPHONE BOX (X) - MARKER (PR) - PRORATED</p>	<p>T.B.M. - TEMPORARY BENCHMARK U.P. - UTILITY PEDESTAL WM - WATER METER Δ - DELTA ⊕ - CENTER LINE ⊕ - WOOD FENCE -X- - WIRE FENCE ⊕ - POWER POLE ⊕ - FIRE HYDRANT ⊕ - POWER LINES ⊕ - TEMPORARY BENCHMARK</p>
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NOTES:
 This map of survey is only for the lands herein described and is not an instrument of title, zoning, or freedom of encumbrances.
 Elevation shown are based on data from the National Geodetic Vertical Datum of 1929 unless otherwise noted.
 Subject to restrictions, easements, and reservations of record.
 The legal description was furnished by the client or their agent.
 There are no visible encroachments other than shown.
 No title search was conducted by this office.
 Only improvements shown were field located.



NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a Florida Licensed Surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

Chris B. Still
 4-2-03
 ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3695
 CHRISTOPHER B. STILL, REGISTERED LAND SURVEYOR NO. 5941
 S.T.A.R. SURVEYING, INC. LB5449
 1130-E LEE BLVD., LEHIGH ACRES, FL. 33936
 (239) 368-7400 FAX.(239) 368-7685

FIELD SURVEY: 3-27-03
REVISION:
DRAWN BY: B.J.P.
SCALE: 1" = 30'
SHEET: 1 OF 1
FILE NO: 0338