

**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 1223 Fitch Ave., Lehigh Acres, Florida. (Case No. VAC2004-00058)

**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 #5

**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]* 12/28/04

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 11<sup>th</sup> day of January 2005. The completed petition to vacate, VAC2004-00058 was submitted by Daniel and Wendy Smitley.

**LOCATION:** The site is located at 1223 Fitch Ave., Lehigh Acres, FL 33972 and its strap number is 13-44-27-03-00010.0220. Petition No. VAC2004-00058 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23; both in Block 10, Unit 3, Plat of Section 13, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 15 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	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	PM 12/28/04	PM 12/28/04	12/28/04	PM 12/28/04	<i>[Signature]</i>

**10. COMMISSION ACTION:**

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

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
12/28/04 10:30 am

RECEIVED BY  
COUNTY ADMIN:  
12/28/04  
10:15 am SLT  
COUNTY ADMIN  
FORWARDED TO:  
12/28/04  
10:25 am

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: VAC2004-00058

WHEREAS, Petitioners Daniel and Wendy Smitley in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning a Petition to Vacate on the 11<sup>th</sup> day of January 2005 at 5:00 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 a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2004-00058 is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, 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

\_\_\_\_\_  
Deputy Clerk Signature

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

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Chairman Signature

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

APPROVED AS TO FORM

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

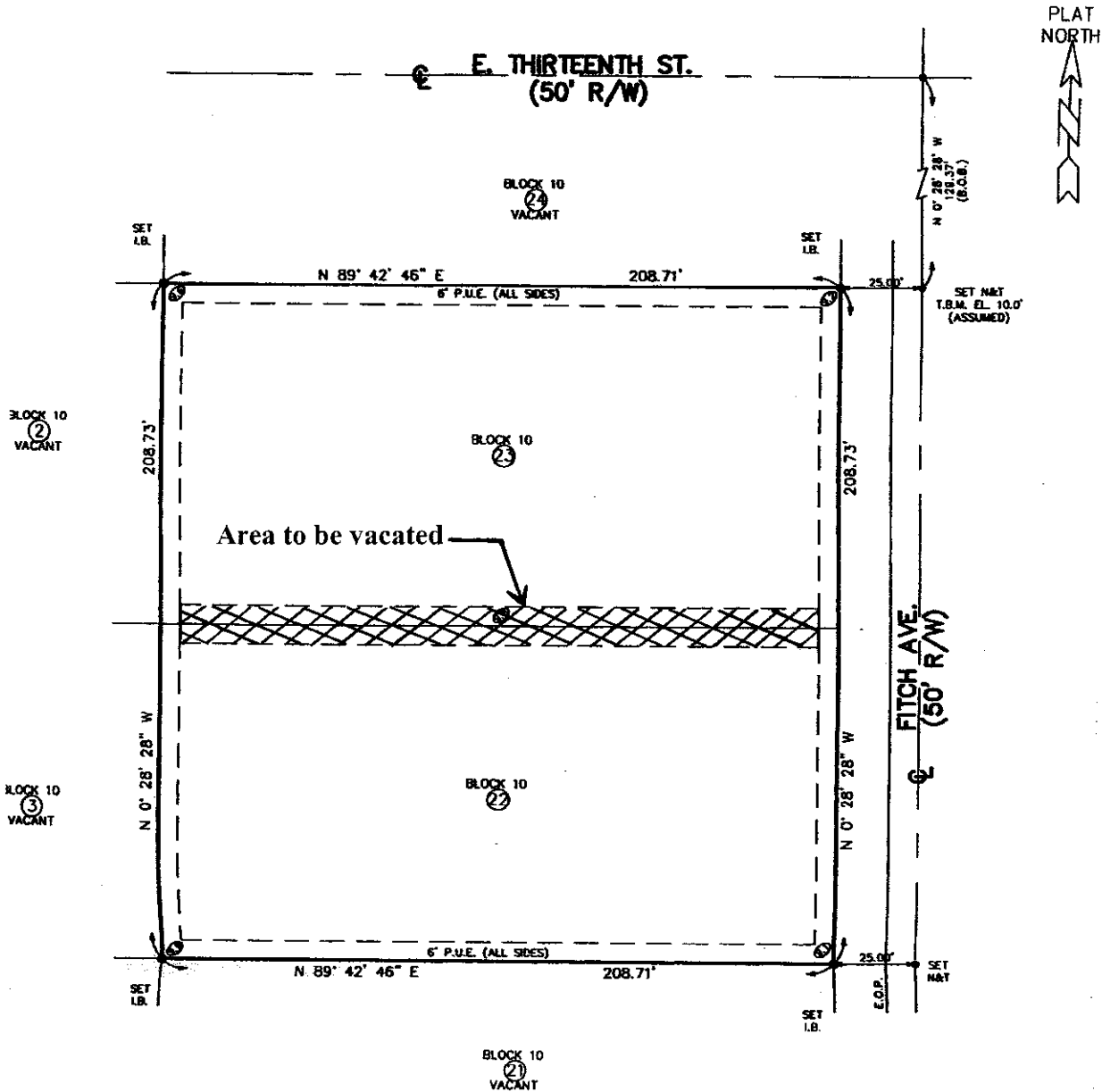
\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00058

**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 22 and 23; both in Block 10, Unit 3, Plat of Section 13, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 15 of the Public Records of Lee County, Florida;

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



BOUNDARY SURVEY  
 1223/1225 FITCH AVENUE  
 LOTS 22 & 23, BLOCK 10, UNIT 3  
 SECTION 13, TOWNSHIP 44 SOUTH, RANGE 27 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 15, PAGE 15, AND  
 PLATTED FEBRUARY 15, 1956, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2004-00058**  
 [Page One of One]

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.

*Robert M. Still*

3-17-04

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: 2-28-04

REVISION:

DRAWN BY: B.J.P.

SCALE: 1" = 40'

SHEET: 1 OF 1

FILE NO: 0449

**1. REQUESTED MOTION:**

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**COMMISSION DISTRICT #:** 5

04 Community Development

**3. MEETING DATE:** 1/11/2005 @ 5 p.m.


**4. AGENDA:**

- \_\_\_\_\_ CONSENT
- \_\_\_\_\_ ADMINISTRATIVE
- \_\_\_\_\_ APPEALS
- PUBLIC
- \_\_\_\_\_ WALK ON
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**5. REQUIREMENT/PURPOSE:**  
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**7. BACKGROUND:**

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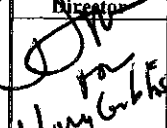
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Attached to this Blue sheet is the Resolution with exhibits.

**8. MANAGEMENT RECOMMENDATIONS:**

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					OA	OM	Risk	GC	
	N/A	N/A	N/A						

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
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THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

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ATTEST:  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

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

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Chairman Signature

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

APPROVED AS TO FORM

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

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

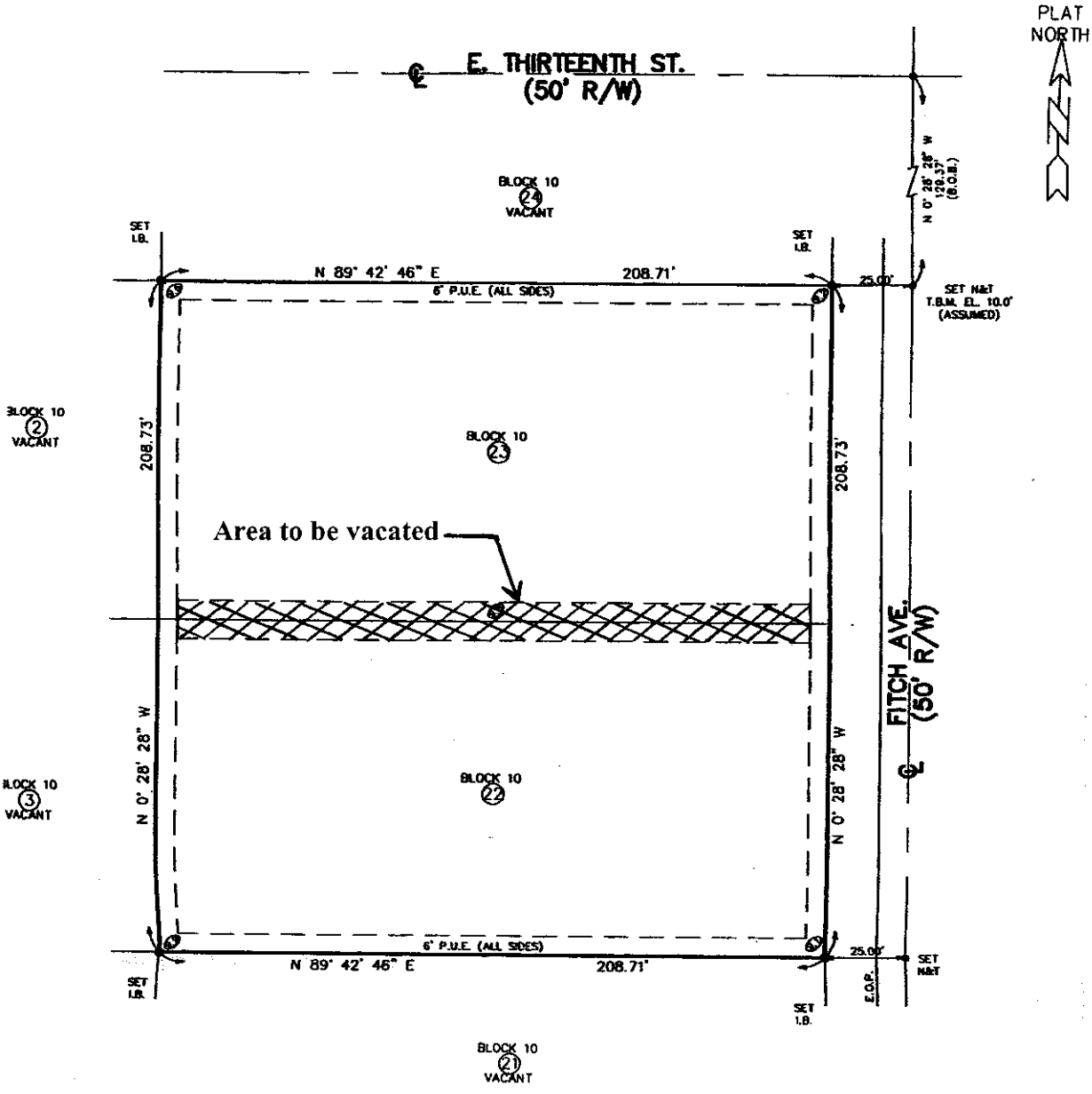


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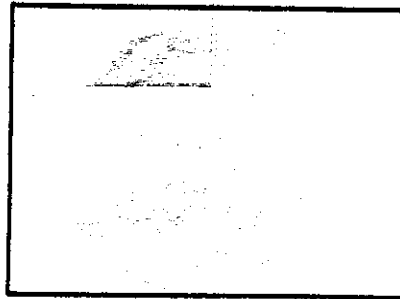
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DRAWN BY: B.J.P.
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