

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 407 Broadway Ave., Lehigh Acres, Florida, (Case No. VAC2004-00045)

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 #6

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 11th day of January 2005. The completed petition to vacate, VAC2004-00045 was submitted by Lori D. Payne.

LOCATION: The site is located at **407 Broadway Ave., Lehigh Acres, Florida 33972** and its strap number is 27-44-27-01-00004.0110. Petition No. VAC2004-00045 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 18 and 19; both in Block 4, Unit 1, Section 27, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 40 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly 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				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> Mary G. [unclear]	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 12/28/04	<i>[Signature]</i> 12/28/04	<i>[Signature]</i> 12/28/04	<i>[Signature]</i> 12/28/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

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

RECEIVED BY
COUNTY ADMIN
10/28/04

CO. ATTY.
FORWARDED
TO CO. ADMIN.
12/28/04 10:01 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: VAC2004-00045

WHEREAS, Petitioner Lori D. Payne 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. VAC2004-00045 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

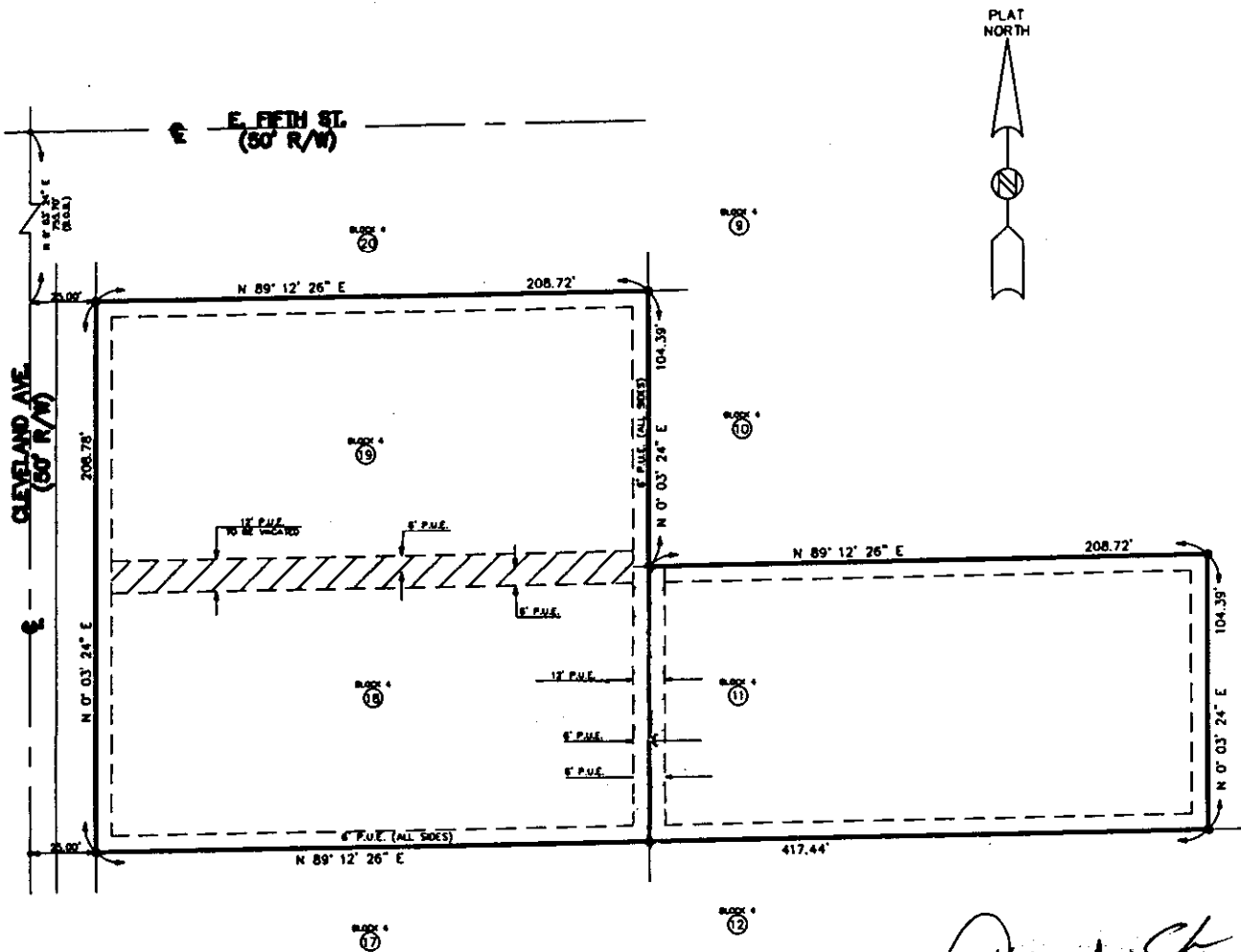
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00045

Legal Description of the Public Utility Easement to be Vacated:

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LESS and EXCEPT the easterly six feet and westerly six feet of each easement.



Over to Ed
 PSM 5941

NOT A SURVEY- SKETCH ONLY

Exhibit "B"
Petition to Vacate
VAC2004-00045
 [Page One of One]

407 BROADWAY AVENUE
 LOTS 18 & 19, BLOCK 4, UNIT 1
 SECTION 27, TOWNSHIP 44 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 40, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

COMMUNITY-PANEL NUMBER: 125124 0375 B DATE OF MAP: NOT PRINTED FLOOD ZONE: B BASE FLOOD ELEVATION: N/A

S.T.A.R. Surveying, Inc. (LB5449)
Professional Surveyors and Mappers
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936
 (239) 368-7400 (239) 368-7685 (Fax)

DATE:	4-20-04
JOB NUMBER:	9252-38
DRAWN BY:	B.J.P.
SCALE:	1" = 70'
SHEET:	1 of 1

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WHAT ACTION ACCOMPLISHES: Vacates the Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04 Community Development

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


4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE F.S. Ch. 177
- ORDINANCE
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- OTHER

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY:  12/28/04

Peter J. Eckenrode, Director

7. BACKGROUND:

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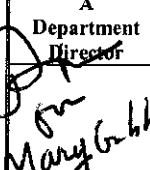
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Attached to this Blue sheet is the Resolution with exhibits.

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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	
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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

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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

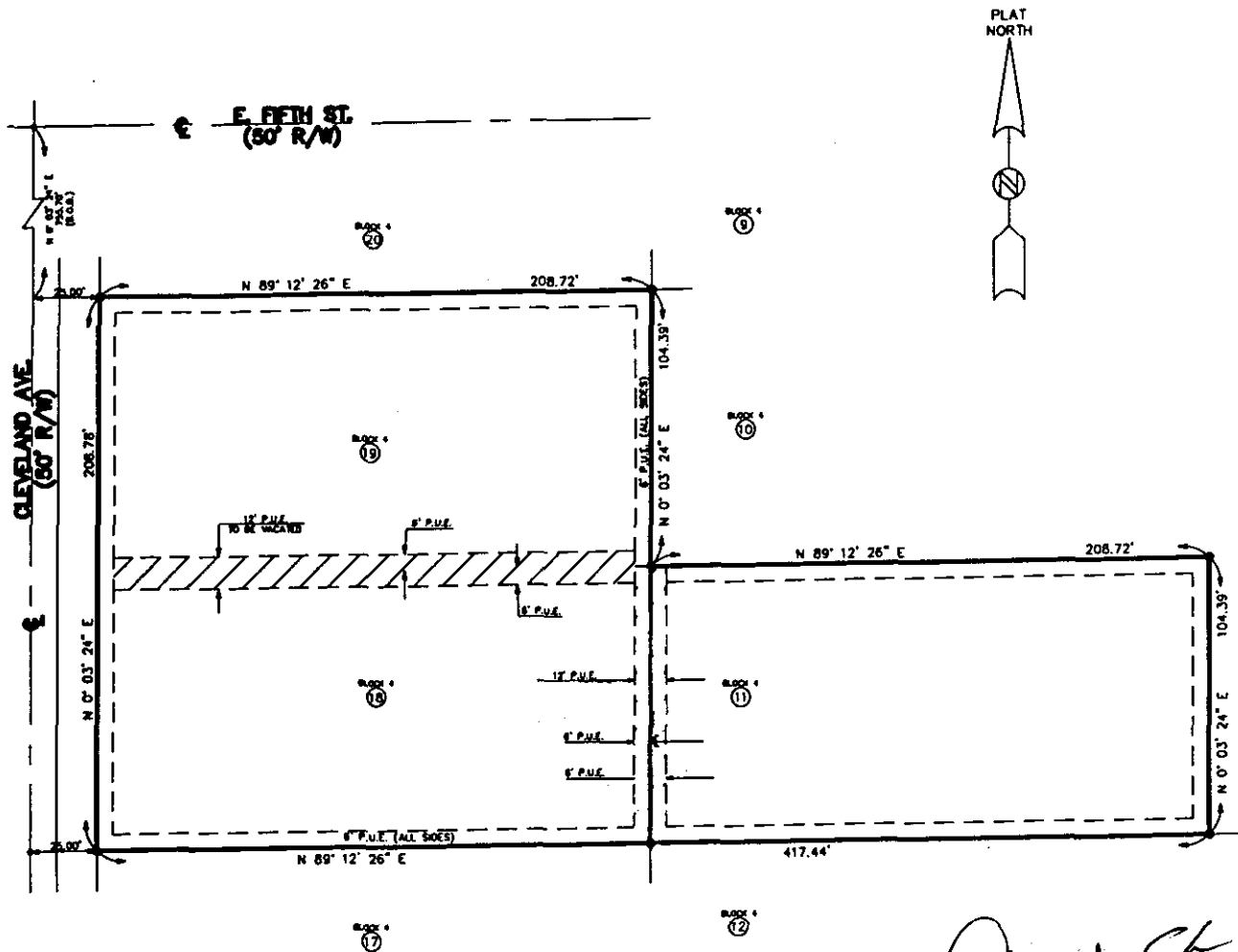
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