

**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 3810 6<sup>th</sup> St. W., Lehigh Acres, Florida. (Case No. VAC2004-00060)

**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 #1

**3. MEETING DATE:**

01-25-2005

**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]* 1/25/05

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 25<sup>th</sup> day of January 2005. The completed petition to vacate, VAC2004-00060 was submitted by Laniel Howard, Jr. and Kenya S. McDaniel.

**LOCATION:** The site is located at 3810 6<sup>th</sup> St. W., Lehigh Acres, FL 33971 and its strap number is 27-44-26-03-00038.0130. Petition No. VAC2004-00060 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 13 and 14, both in Block 38, Unit 3, Section 27, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly 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 Risk	G County Manager
<i>Mam (fils)</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> OA OM Risk	<i>[Signature]</i> GC 1-6-05

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 1/6/05  
Time: 1:00

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
1/6/05  
3pm  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
1/6/05  
4:45pm

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: VAC2004-00060

WHEREAS, Petitioners **Laniel Howard, Jr. and Kenya S. McDaniel** 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 25<sup>th</sup> 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. VAC2004-00060 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

APPROVED AS TO FORM

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

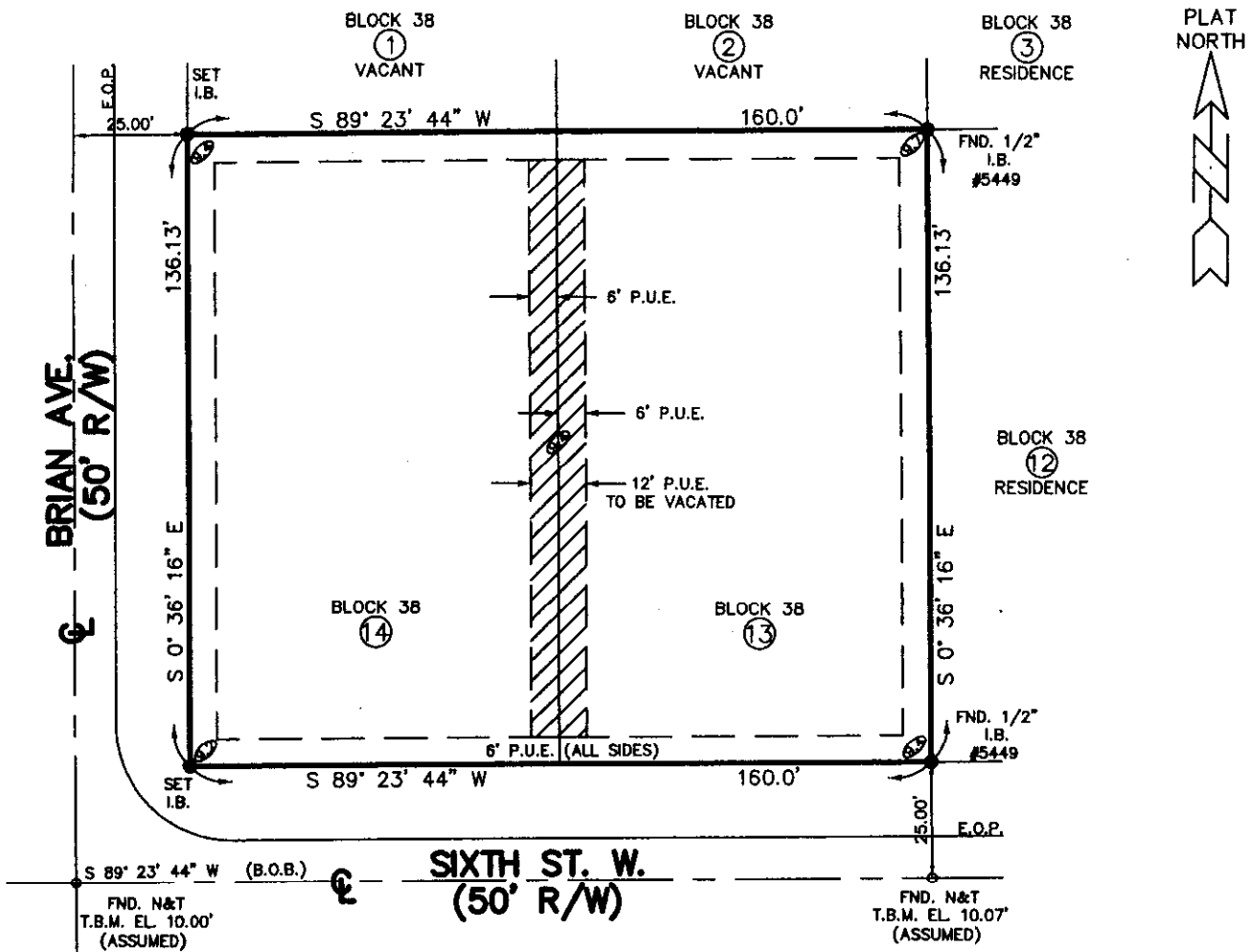
\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00060**

**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 13 and 14, both in Block 38, Unit 3, Section 27, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the northerly six feet and southerly six feet thereof.



**Exhibit "B"**  
**Petition to Vacate**  
**VAC2004-00060**  
 [Page One of One]

BOUNDARY SURVEY  
 3810 SIXTH STREET W.  
 LOTS 13 & 14, BLOCK 38, UNIT 3  
 SECTION 27, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 15, PAGE 77, AND  
 PLATTED AUGUST 1958, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

*John H. Ch...*  
 PS 71 580  
 10-6-04

**NOT A SURVEY— SKETCH ONLY**

**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:	10-4-04
JOB NUMBER:	04235A
DRAWN BY:	R.J.R.
SCALE:	1" = 40'
SHEET:	1 of 1