

**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 702 Leeland Heights Blvd. W. and 703 W. Cleveland Ln., Lehigh Acres, Florida. (Case No. VAC2004-00070)

**WHY ACTION IS NECESSARY:** To construct an office expansion to an existing commercial building 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:**

02-22-2005

**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]* 2/3/05

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 22<sup>nd</sup> day of February 2005. The completed petition to vacate, VAC2004-00070 was submitted by RHT Engineering, Inc. as the agent on behalf of Goodlad Insurance Agency, Inc., a Florida Corporation, Mayme E. Chilens, Gary L. Alderman, and Patsy A. Doub.

**LOCATION:** The site is located at 702 Leeland Heights Blvd. W. and 703 W. Cleveland Ln., Lehigh Acres, Florida 33936 and its strap numbers are 32-44-27-02-00013.0040 and 32-44-27-02-00013.0070. Petition No. VAC2004-00070 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 4 and 7, both in Block 13, Unit 2, Section 32, Township 44 South, Range 27 East, Leeland Heights, a subdivision of Lehigh Acres, as recorded in Plat Book 9, Page 125 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the westerly 12.5 feet and the easterly 6.0 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
					QA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 2/17/04	<i>[Signature]</i> 2/17/05	<i>[Signature]</i> 2/17/05	<i>[Signature]</i> 2/17/04	<i>[Signature]</i>

**10. COMMISSION ACTION:**

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

Rec. by CoAtty  
Date: 2/3/05  
Time: 2:05  
Forwarded To: HESMT.DOC

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
2/3/05  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*

THIS INSTRUMENT PREPARED BY:

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

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2004-00070

WHEREAS, Petitioners **Goodlad Insurance Agency, Inc., a Florida Corporation, Mayme E. Chilers, Gary L. Alderman, and Patsy A. Doub** 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 22<sup>nd</sup> day of February 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. VAC2004-00070 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**  
**VAC2004-00070**

**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 4 and 7, both in Block 13, Unit 2, Section 32, Township 44 South, Range 27 East, Leeland Heights, a subdivision of Lehigh Acres, as recorded in Plat Book 9, Page 125 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the westerly 12.5 feet and the easterly 6.0 feet thereof.

N 89°58'29" E(F) EAST(F)  
160.06'(F) 160.00'(P)

LEELAND HEIGHTS BLVD

LOT#4, BLOCK#13 AS SHOWN ON THE  
LEELAND HEIGHTS, UNIT NO.2 PLAT  
PBV 9 PG 125  
STRAP# 32-44-27-02-00013.0040



1" = 40'

N 00°01'08" W(F) NORTH(F)  
250.00'(P&F)

125.31'(F) 125.00'(P)

6.0'

6.0'

6.0'

6.0'

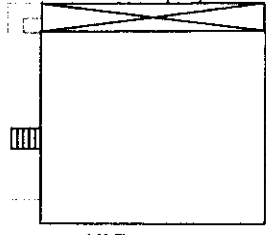
6.0'

6.0'

6.0'

6.0'

6.0'



141.5'

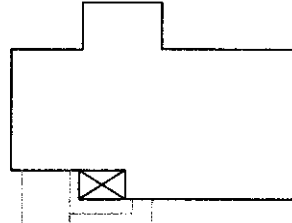
POLE 33129 REMAIN  
(ADD GUY WIRE)

POLE T 45648 (REMOVE)

POLE T 8320 (REMOVE)

EASEMENT TO  
BE VACATED

PROPOSED 6' EASEMENT  
FOR CABLE & TELEPHONE



LOT#7, BLOCK#13 AS SHOWN ON THE  
LEELAND HEIGHTS, UNIT NO.2 PLAT  
PBV 9 PG 125  
STRAP# 32-44-27-02-00013.0070

PROPERTY BOUNDARY  
AND DIMENSIONS  
OBTAINED FROM SURVEY  
BY AIM ENGINEERING  
AND SURVEYING, INC.

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2004-00070**  
[Page One of One]

W CLEVELAND LANE 159.99'(F) 160.00'(P)  
WEST(P&F) (BASIS OF BEARINGS) 761.52'(F) 761.44'(P)

REVISED 12-30-04



**RICHARD HAMPTON THOMPSON**  
LICENSE # 36720  
DATE 12-30-04

Richard H. Thompson, P.E. # 36720

**R.H.T. Engineering, Inc.**  
319 Inman Street  
Lehigh Acres, FL 33972  
(239) 938-9900

Engineering Certificate of Authorization  
# 25852

**GOODLAD OFFICE EXPANSION**

**EASEMENT VACATION**

Client:  
**GOODLAD INSURANCE AGENCY**

S32/ T44S / R27E  
LEE COUNTY

**EXHIBIT B**