

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 717 & 719 Andover Ave. S., Lehigh Acres, Florida. (Case No. VAC2004-00049)

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 #3

3. MEETING DATE:

02-22-2005

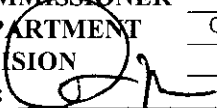
4. AGENDA:

- _____ 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:  1-20/05

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 22nd day of February 2005**. The completed petition to vacate, VAC2004-00049 was submitted by Patrick C. Hunt of Site Concepts, the agent on behalf of petitioners, Arthur and Enid Dillon.

LOCATION: The site is located at **717 & 719 Andover Ave. S., Lehigh Acres, FL 33936** and its strap numbers 21-45-27-02-00009.0050 and 21-45-27-02-00009.0060. Petition No. VAC2004-00049 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 5 and 6, both in Block 9, Unit 2, Plat of Section 21, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18, Page 55 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet thereof.


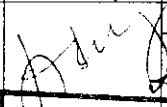
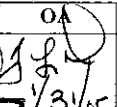
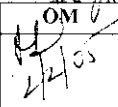
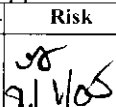
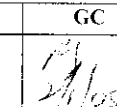
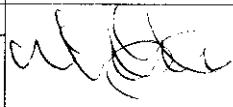
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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	
	N/A	N/A	N/A						

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 1/31/05
Time: 11:35
Forwarded To: [Signature]

RECEIVED BY
COUNTY ADMIN: TD
1/31/05
3:54 PM
COUNTY ADMIN
FORWARDED TO:
2/3/05
4:00 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: VAC2004-00049

WHEREAS, Petitioner Arthur and Enid Dillon 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 22nd 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. VAC2004-00049 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

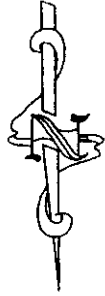
EXHIBIT "A"
Petition to Vacate
VAC2004-00049

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 5 and 6, both in Block 9, Unit 2, Plat of Section 21, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18, Page 55 of the Public Records of Lee County, Florida;

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

Special Purpose Survey
Easement to be vacated



Subject Property Located
in FEMA Flood Zone B
Panel: 125124-0375-B
PANEL NOT PRINTED

A Subdivision of Lehigh Acres,
Lots 5 & 6, Block 9, Unit 2,
Section 21, Twp 45S, Rge 27E
Recorded in Plat Book 18,
Page 55 of the Public Records,
Lee County, Florida

Scale: 1" = 30'

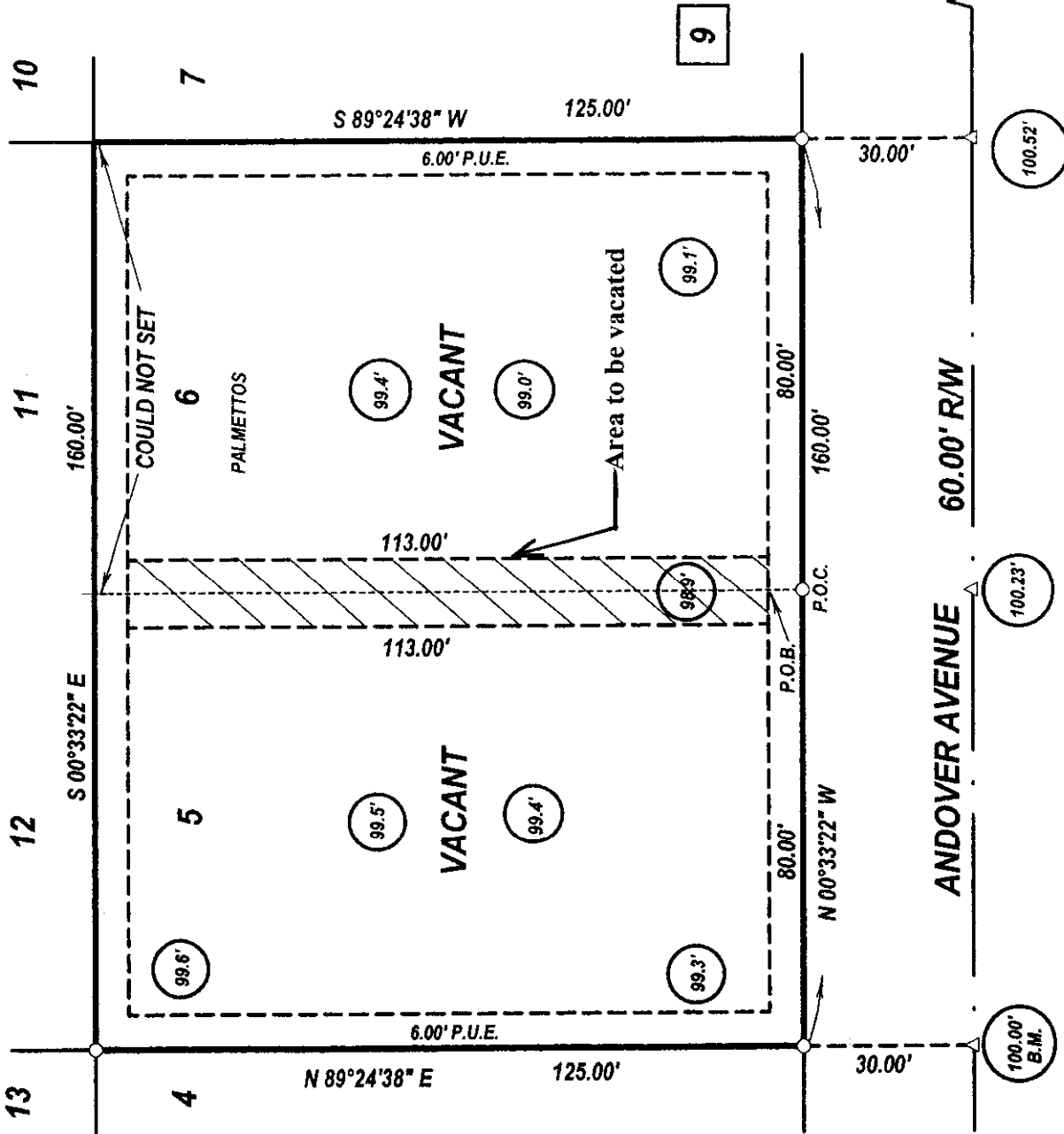


Exhibit "B"
Petition to Vacate
VAC2004-00049
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