

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 534 & 538 Meadow Rd., Lehigh Acres, Florida. (Case No. VAC2004-00067)

WHY ACTION IS NECESSARY: To build a 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 #4

3. MEETING DATE:

03-22-2005


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:  2/17/05

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 22nd of March 2005**. The completed petition to vacate, VAC2004-00067 was submitted by Smutney's Concrete & Pumping, Inc.

LOCATION: The site is located at **534 & 538 Meadow Rd., Lehigh Acres, Florida 33971** and its strap numbers are 05-45-26-03-00036.0180 and 05-45-26-03-00036.0200. Petition No. VAC2004-00067 proposes to vacate a twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 19 and 20; both in Block 36, Unit 3, Section 5, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 83 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northeasterly six feet and southwesterly six feet of each easement.

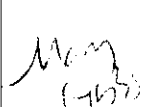
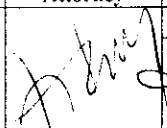
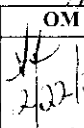
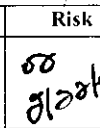
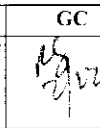
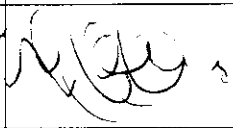
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 2/22/05
Time: 5:00
Forwarded To: ESMT.DOC

RECEIVED BY COUNTY ADMIN:
2/22/05
330
COUNTY ADMIN FORWARDED TO: TD BH

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: VAC2004-00067

WHEREAS, Petitioner **Smutney's Concrete & Pumping, Inc.** 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 March 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. VAC2004-00067 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

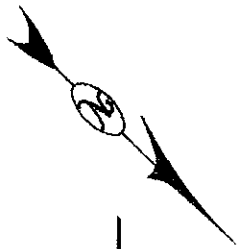
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00067

Legal Description of the Public Utility Easements to be Vacated:

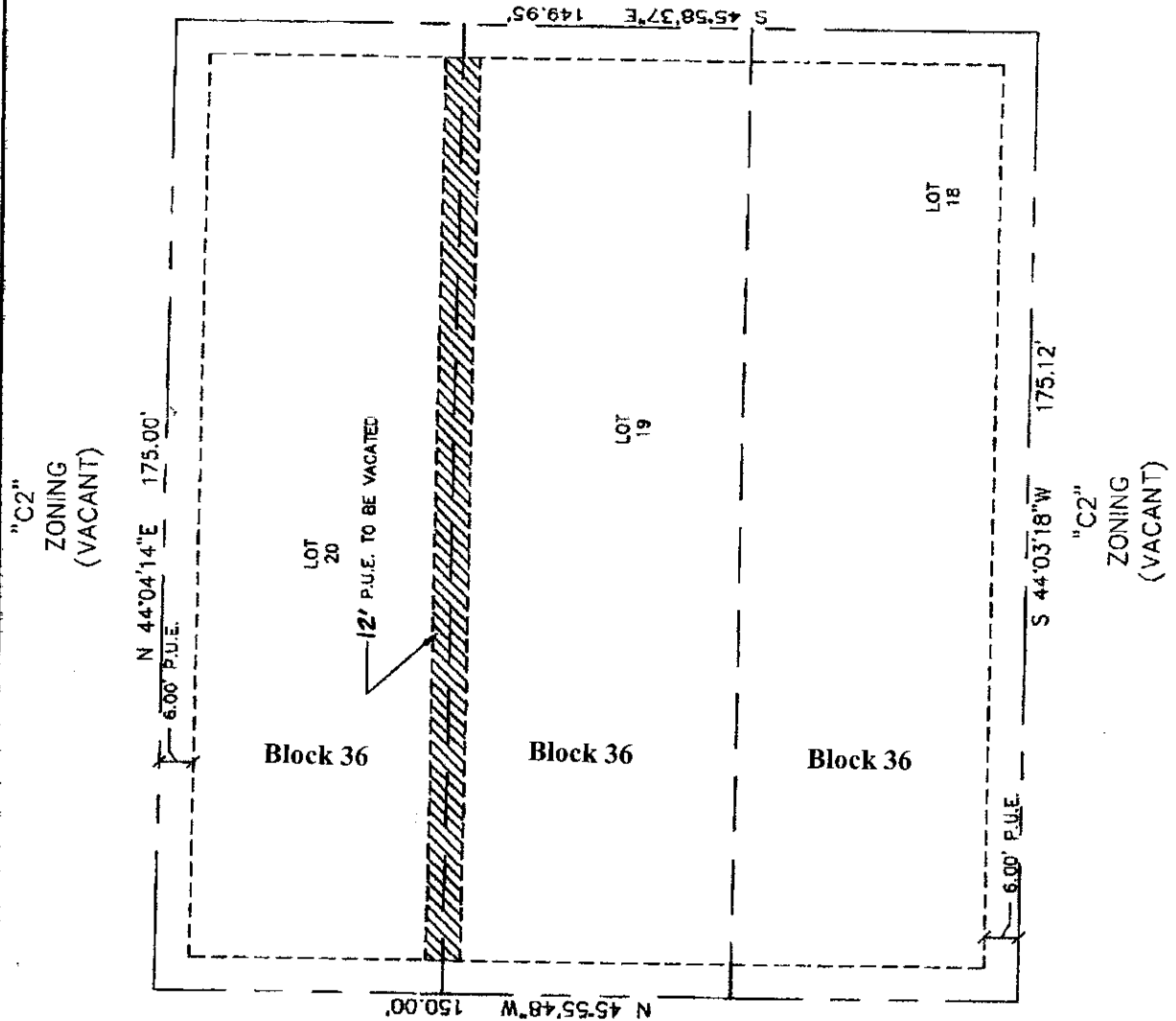
The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 19 and 20; both in Block 36, Unit 3, Section 5, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 83 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly six feet of each easement.



S.R. 82
(200' R/W)

Exhibit "B"
Petition to Vacate
VAC2004-00067
[Page One of One]



MEADOW ROAD
(80' R/W)

STRAP NUMBERS:
05-45-26-03-00036-0200
05-45-26-03-00036-0180

Lehigh Estates,
A Subdivision of Lehigh Acres,
Lots 19 & 20, Block 36, Unit 3,
Section 5, Twp 45S, Rge 26E
Recorded in Plat Book 15,
Page 83 of the Public Records,
Lee County, Florida

