

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility Easement located at 904 Hamilton Avenue, Lehigh Acres. (Case No. VAC2005-00003).

2. WHAT ACTION ACCOMPLISHES: 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.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 5

5:00 #2

5. Meeting Date: 04-12-2005

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177
 Ordinance
 Admin. Code 13-1
 Other

8. Request Initiated:
 Commissioner _____
 Department Community Development
 Division Development Services
 By: *M. Gibbs*
 Peter J. Eckenrode, Director

9. Background:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on the 12th day of April, 2005. The completed petition to vacate, VAC2005-00003 was submitted by Gemma C. and Charles Nunez.

LOCATION: The site is located at **904 Hamilton Avenue, Lehigh Acres, Florida 33972** and its strap number is 23-44-27-05-00017.0100. Petition No. VAC2005-00003 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 10 and 11, both in Block 17, Unit 5, Section 23, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 34 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 the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>M. Gibbs</i>				<i>[Signature]</i>	<i>[Signature]</i> 3/22/05	<i>[Signature]</i> 3/22/05	<i>[Signature]</i> 3/22/05	<i>[Signature]</i> 3/22/05	<i>[Signature]</i> 3-23-05

11. Commission Action:

Approved
 Deferred
 Denied
 Other

Rec. by CoAtty
 Date: 3/18/05
 Time: 11:10
 Forwarded To: *[Signature]*
 3/21/05 3pm

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 3-21-05 mp
 4:45
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 3/23/05
 5pm

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: VAC2005-00003

WHEREAS, Petitioners **Gemma C. and Charles Nunez** 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 12th day of April 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. VAC2005-00003 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
VAC2005-00003

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 thereof.

PLAT NORTH

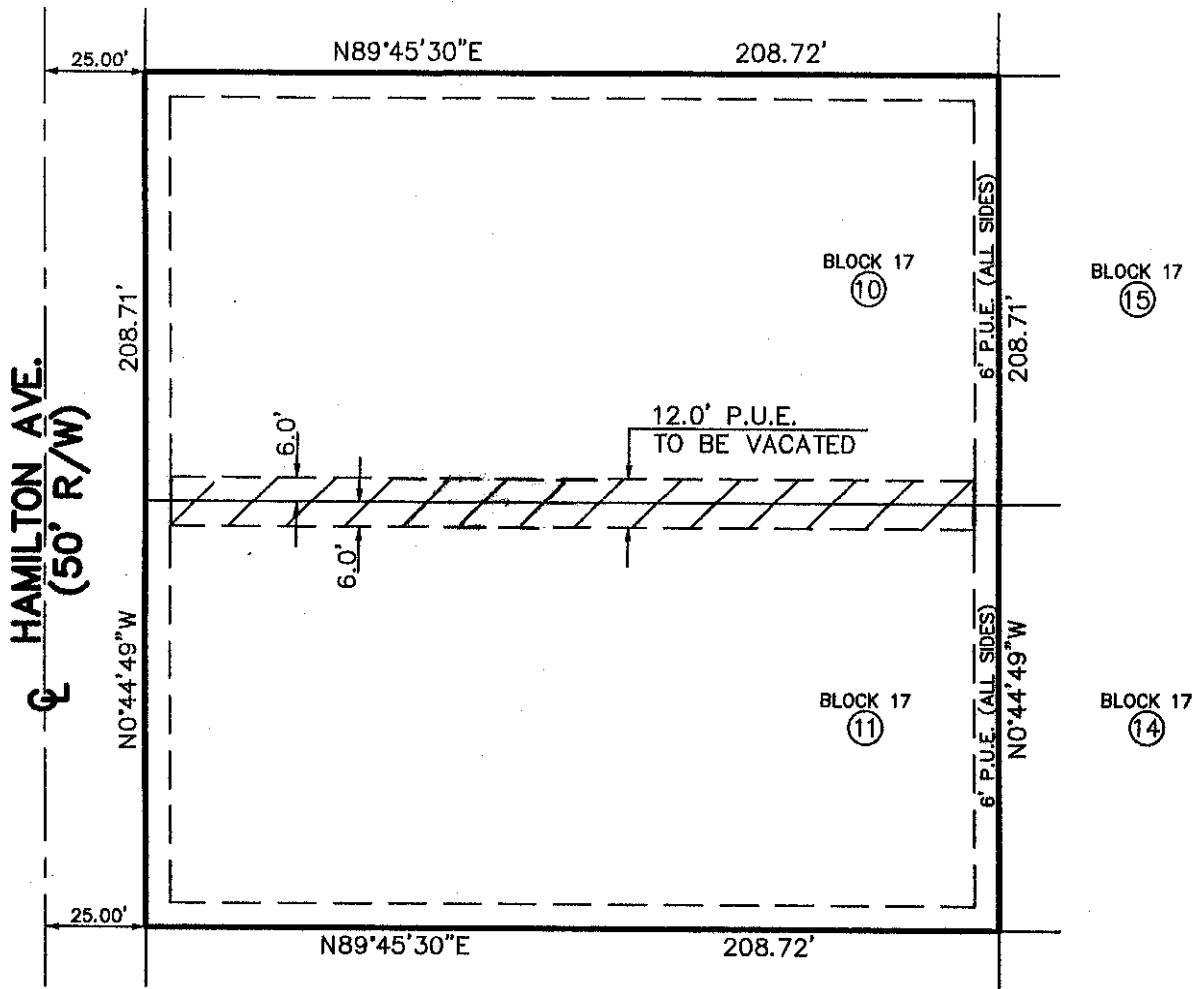


BLOCK 17

9

BLOCK 17

16



LOTS 10 & 11, BLOCK 17, UNIT 5
 SECTION 23, TOWNSHIP 44 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 34, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

Christopher B. Still
 CHRISTOPHER B. STILL
 P.S.M. 5941
 NOVEMBER 24, 2004

Exhibit "B"

Petition to Vacate

VAC2005-00003

[Page One of One]

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: 11-24-04

JOB NUMBER: 8611-703A

DRAWN BY: C.B.S.

SCALE: 1" = 50'

SHEET: 1 of 2

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

Please Print Name

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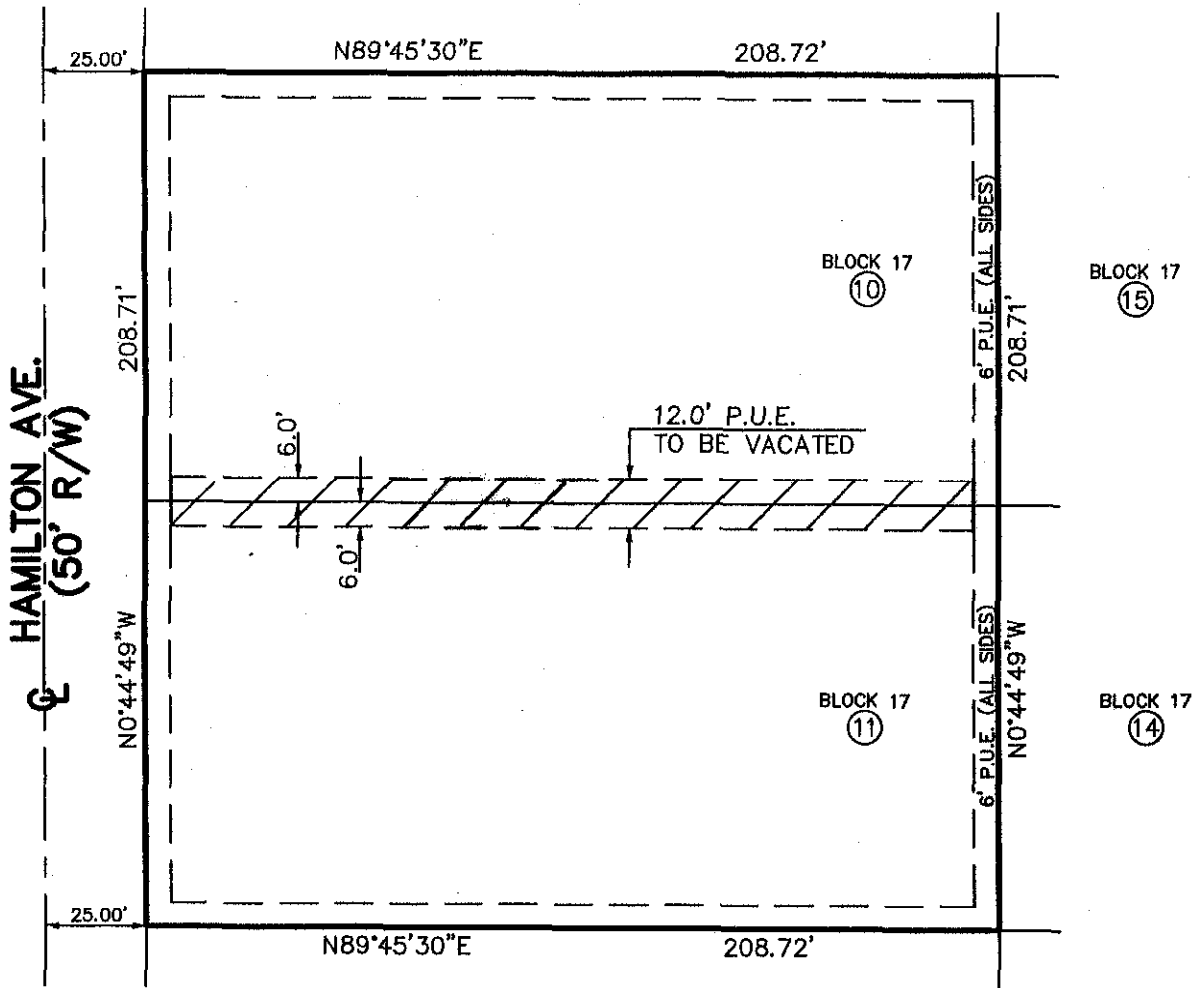


BLOCK 17

9

BLOCK 17

16



BLOCK 17

12

BLOCK 17

13

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 LEHIGH ACRES, LEE COUNTY, FLORIDA
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Christopher B. Still
 CHRISTOPHER B. STILL
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