

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050378

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate 12-foot wide Public Utility Easements located at 3419 Lee Blvd., 3400, 3402, 3404, 3406, 3410, 3412, 3414, 3416 and 3418 4th St. W., Lehigh Acres, Florida (Case No. VAC2005-00004).

2. WHAT ACTION ACCOMPLISHES: To construct a commercial plaza on the combined twenty (20) lots. **The lots are now zoned for a Commercial Planned Development (CPD) and the vacation of these easements will not alter existing utility conditions and the easements are not necessary to accommodate any future utility requirements.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: COMMISSION DISTRICT #: 5		5:00 #3	5. Meeting Date: 04-12-2005
6. Agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)		8. Request Initiated: Commissioner Department: Community Development Division: Development Services By: <i>Mary Gibbs</i> Peter J. Eckenrode, Director
	<input checked="" type="checkbox"/> Statute	F.S. Ch. 177	
	<input type="checkbox"/> Ordinance		
	<input checked="" type="checkbox"/> Admin. Code	13-1	
	<input type="checkbox"/> Other		

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, VAC2005-00004 as submitted by Garlick, Stetler & Peeples, L.L.P. and Richard J. Swift, Jr. as the agent on behalf of Lee West, L.L.C., Barry and Wendy Gionfriddo, and John and Elaine Eberhard.

LOCATION: The site is located at **3419 Lee Blvd., 3400, 3402, 3404, 3406, 3410, 3412, 3414, 3416, and 3418 4th St. W., Lehigh Acres, Florida 33971** and its strap numbers are 26-44-26-07-00032.0010, .0110, .0120, .0130, .0140, .0160, .0170, .0180, .0190, and .0200 respectively. Petition No. VAC2005-00004 proposes to vacate 12-foot wide Public Utility Easements centered on the common line between Lots 1 thru 20, Block 32, Unit 7, Section 26, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 75 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the six feet utility easement around the perimeter of the site.

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
<i>M. Gibbs</i>				<i>[Signature]</i>	Analyst <i>[Signature]</i> 3/21/05	Risk <i>[Signature]</i> 3/21/05	Grants <i>[Signature]</i> 3/21/05	Mgr. <i>[Signature]</i> 3/21/05	<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: Admin. 3/21/05 3pm

RECEIVED BY COUNTY ADMIN: *[Signature]*

3-21-05 *[Signature]*

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: VAC2005-00004

WHEREAS, Petitioners Lee West, L.L.C., Barry and Wendy Gionfriddo, and John and Elaine Eberhard 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. VAC2005-00004 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
S O U T H W E S T F L O R I D A
APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2005-00004

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 1 thru 20, Block 32, Unit 7, Section 26, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 75 of the Public Records of Lee County, Florida;

LESS and EXCEPT the six feet utility easement around the perimeter of the site.

RS-1

RS-1

RS-1

RS-1

RS-1

RS-1

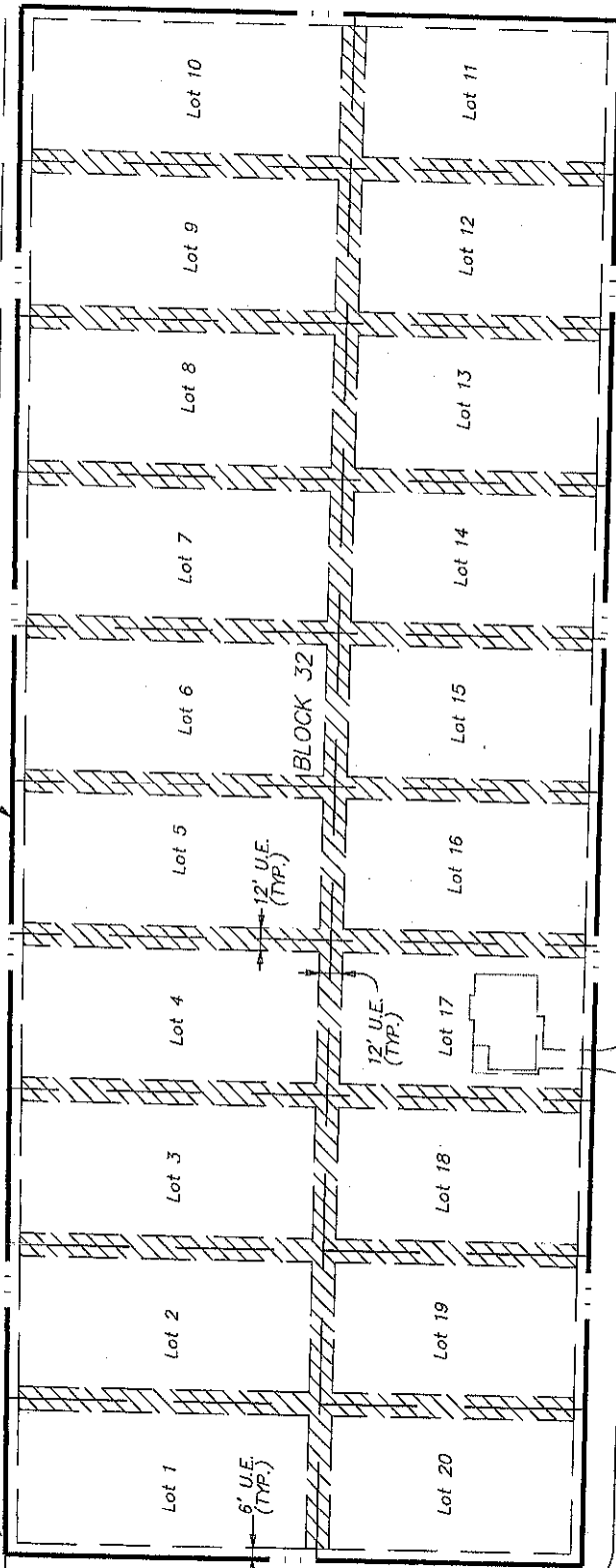
RS-1

RS-1

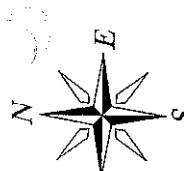
RS-1

Lee Boulevard

PROJECT BOUNDARY



4th Street W.



SCALE: 1" = 100'

LEGEND


 EASEMENT TO BE VACATED

Exhibit "B"
 Petition to Vacate
 VAC2005-00004
 [Page One of One]

PROJECT NO:
80707
 ACAD NO:
80707-EX01
 DRAWN BY:
SNP



**Vanasse
Daylor**

Urban Planning
 Landscape Architecture
 Civil Engineering
 Traffic Engineering
 Environmental Science
 FL 366
 12730 New Brittany Boulevard, Suite 400
 Fort Myers, FL 33907
 T 239.437.4400 F 239.437.4636
 www.vanasse.com

Saundry Associates, Inc.
 9220 Bonita Beach Road, Suite 215
 Bonita Springs, Florida 34135

PROJECT TITLE:
**Lee West Center
 Easement Vacation Exhibit**

SCALE:
1"=100'
 DATE:
10-12-04
 Exhibit
B

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: VAC2005-00004

WHEREAS, Petitioners **Lee West, L.L.C., Barry and Wendy Gionfriddo, and John and Elaine Eberhard** 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. VAC2005-00004 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
SOUTH WEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2005-00004

Legal Description of the Public Utility Easement to be Vacated:

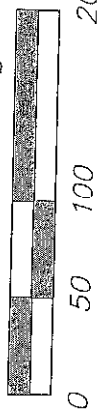
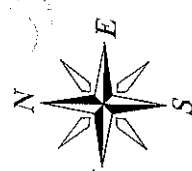
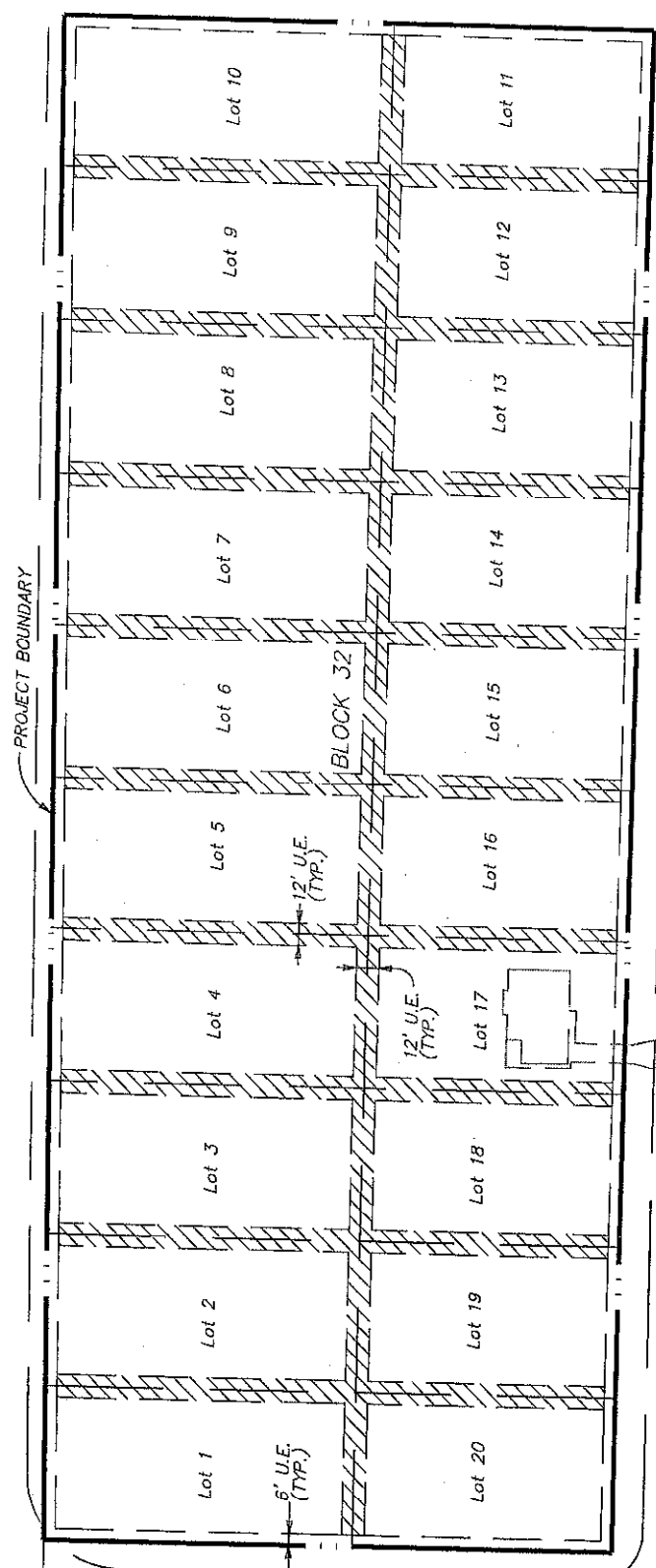
The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 1 thru 20, Block 32, Unit 7, Section 26, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 75 of the Public Records of Lee County, Florida;

LESS and EXCEPT the six feet utility easement around the perimeter of the site.

RS-1

RS-1

Lee Boulevard



SCALE: 1" = 100'

RS-1

RS-1

RS-1

RS-1

RS-1

BLOCK 33

LEGEND

EASEMENT TO BE VACATED

Exhibit "B"
 Petition to Vacate
 VAC2005-00004
 [Page One of One]

Urban Planning
 Landscape Architecture
 Civil Engineering
 Traffic Engineering
 Environmental Science
 FL 366
 12730 New Brittany Boulevard, Suite 600
 Fort Myers, FL 33907
 P 239.437.4401 F 239.437.4836
 www.vanday.com



**Vanasse
 Daylor**

PROJECT NO:
 80707
 ACAD NO:
 80707-EX01
 DRAWN BY:
 SMP

PREPARED FOR:
Saundry Associates, Inc.
 9220 Bonita Beach Road, Suite 215
 Bonita Springs, Florida 34135

PAGE TITLE:
**Lee West Center
 Easement Vacation Exhibit**

SCALE:
 1"=100'
 DATE:
 10-12-04
 Exhibit
B