

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

Blue Sheet No. 20050470

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate 12-foot wide Public Utility Easements located at 4300 Lee Blvd., Lehigh Acres. (Case No. VAC2005-00009)

2. WHAT ACTION ACCOMPLISHES: To build a single commercial building site on the combined four (4) 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#4	5. Meeting Date: 4-26-05
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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) <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	8. Request Initiated: Commissioner Department Community Development Division Development Services By <i>[Signature]</i> 4/5/05 Peter J. Eckenrode, Director
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9. Background:

The Board of County Commissioners has adopted a Resolution to set a Public Hearing for 5:00 PM on the 26th day of April 2005. The completed petition to vacate, VAC2005-00009 was submitted by Spectrum Engineering, Inc. as the agent on behalf of Schuman Insurance Agency, Inc.

LOCATION: The site is located at 4300 Lee Blvd., Lehigh Acres, Florida 33971 and its strap number is 28-44-26-07-00070.0120. Petition No. VAC2005-00009 proposes to vacate the twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 12 and 13, 13 and 14, 14 and 15, and 15 and 12; all in Block 70, Unit 7, Section 28, Township 44 South, Range 26 East, Lehigh Acres, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 78 of the Public Records of Lee County, Florida, **LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 12 and 13; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 13 and 14; less and except Southerly six-feet (6') of the easement on the common lot line between Lots 14 and 15; less and except Westerly six-feet (6') of the easement on the common lot line between Lots 15 and 12.

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 <i>APM 4/7/05</i>	County Manager/P.W. Director		
<i>[Signature]</i>				<i>[Signature]</i>	Risk <i>2/1/05</i>	Grants <i>4/7/05</i>	Mgr. <i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

Rec. by CoAtty
Date: 4/7/05
Time: 3:20
Forwarded To: *[Signature]*
4/7/05

RECEIVED BY COUNTY ADMIN:
4-7-05 NLP
3:24 pm
COUNTY ADMIN FORWARDED TO:
4/7/05
430

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: VAC2005-00009

WHEREAS, Petitioner **Schuman Insurance Agency, Inc., a Florida corporation** 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 26th 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. VAC2005-00009 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
VAC2005-00009

Legal description of Public Utility Easement to be vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between lots 12 and 13, 13 and 14, 14 and 15, and 15 and 12; all in Block 70, Unit 7, Section 28, Township 44 South, Range 26 East, Lehigh Acres a subdivision of Lehigh Acres, as recorded in Plat Book 15 Page 78 of the public records of Lee County, Florida,

Less and Except the Northerly six-feet (6') of the easement on the common lot line between Lots 12 and 13; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 13 and 14; less and except the Southerly six-feet (6') of the easement on the common lot line between Lots 14 and 15; less and except the Westerly six-feet (6') of the easement on the common lot line between Lots 15 and 12.

FIFTH ST W. (50')

N.89°23'44"E. 161.85'

N.89°23'44"E. 80.00'(P) 6' P.U.E. 6' P.U.E. N.89°23'44"E. 81.85'(P)

28-44-26-07-00070.0120
LOT 12
BLOCK 70
- VACANT -

28-44-26-07-00070.0130
LOT 13
BLOCK 70
- VACANT -

28-44-26-07-00070.0150
LOT 15
BLOCK 70
- VACANT -

28-44-26-07-00070.0140
LOT 14
BLOCK 70
- VACANT -

EXISTING
1 - STORY
C.B.S.
RESIDENCE

LOT 11
BLOCK 70
OCCUPIED

6' C.L.F.

LOT 16
BLOCK 70
OCCUPIED

EXISTING
2 - STORY
C.B.S. & WOOD FRAME
RESIDENCE

CONCRETE
DRIVEWAY

CONCRETE M.E.S.

RESERVED (50')

CONCRETE M.E.S.

7' CONCRETE SIDEWALK

S.89°23'44"W. 162.74'

7' CONCRETE SIDEWALK

2" CONCRETE
TYPE "F" CURBING

3 WEST-BOUND
LANES OF TRAVEL

 EASEMENTS TO BE VACATED

2" CONCRETE
"E" F" CURBING

LANDSCAPED
MEDIAN AREA

LEE BLVD. (106')

LANDSCAPED
MEDIAN AREA

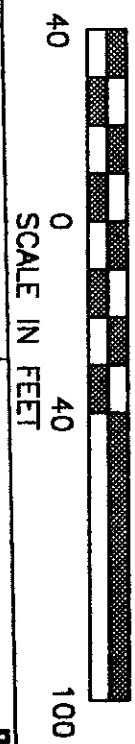


EXHIBIT 'B'

SPECTRUM ENGINEERING, INC. EB4618

1342 COLONIAL BLVD., SUITE 31, FT MYERS, FL 33907

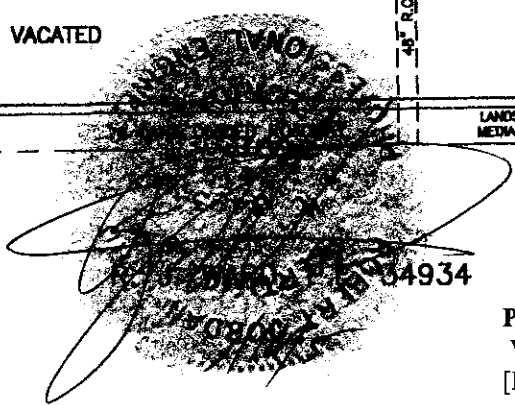


Exhibit "B"
Petition to Vacate
VAC2805-00009
[Page One of One]

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

Blue Sheet No. 20050470

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate 12-foot wide Public Utility Easements located at 4300 Lee Blvd., Lehigh Acres. (Case No. VAC2005-00009)

2. WHAT ACTION ACCOMPLISHES: To build a single commercial building site on the combined four (4) 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. Meeting Date: 4/26/05 @ 5 p.m.

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  4/15/05
 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 26th day of April 2005**. The completed petition to vacate, VAC2005-00009 was submitted by Spectrum Engineering, Inc. as the agent on behalf of Schuman Insurance Agency, Inc.

LOCATION: The site is located at **4300 Lee Blvd., Lehigh Acres, Florida 33971** and its strap number is 28-44-26-07-00070.0120. Petition No. VAC2005-00009 proposes to vacate the twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 12 and 13, 13 and 14, 14 and 15, and 15 and 12; all in Block 70, Unit 7, Section 28, Township 44 South, Range 26 East, Lehigh Acres, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 78 of the Public Records of Lee County, Florida, **LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 12 and 13; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 13 and 14; less and except Southerly six-feet (6') of the easement on the common lot line between Lots 14 and 15; less and except Westerly six-feet (6') of the easement on the common lot line between Lots 15 and 12.

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There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

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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.	
M. Gibbs									

11. Commission Action:

Approved
 Deferred
 Denied
 Other

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: VAC2005-00009

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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
VAC2005-00009

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- VACANT -

28-44-26-07-00070.0130
LOT 13
BLOCK 70
- VACANT -

28-44-26-07-00070.0150
LOT 15
BLOCK 70
- VACANT -

28-44-26-07-00070.0140
LOT 14
BLOCK 70
- VACANT -

EXISTING
1 - STORY
C.B.S.
RESIDENCE

LOT 11
BLOCK 70
OCCUPIED

6' C.L.F.

LOT 16
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OCCUPIED

EXISTING
2 - STORY
C.B.S. & WOOD FRAME
RESIDENCE

CONCRETE
DRIVEWAY

CONCRETE M.E.S.

RESERVED (50')

CONCRETE M.E.S.

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S.89°23'44"W. 182.74'

7' CONCRETE SIDEWALK

2' CONCRETE
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3 WEST-BOUND
LANES OF TRAVEL

 EASEMENTS TO BE VACATED

LEE BLVD. (106')

LANDSCAPED
MEDIAN AREA

LANDSCAPED
MEDIAN AREA

EXHIBIT 'B'

SPECTRUM ENGINEERING, INC. EB4618

1342 COLONIAL BLVD., SUITE 31, FT MYERS, FL 33907

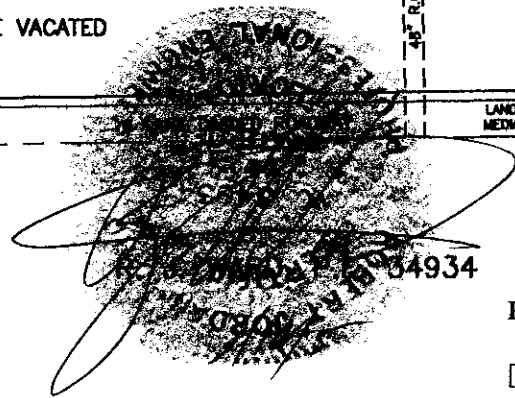
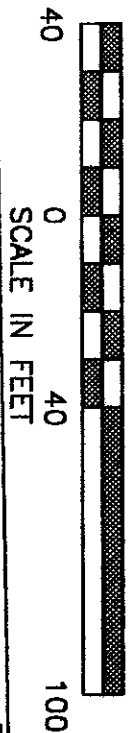


Exhibit "B"
Petition to Vacate
VAC2005-00009
[Page One of One]



SCALE IN FEET

40

0

40

100