

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

Blue Sheet No. 20050503

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 3423 and 3435 Stabile Rd., St. James City, Florida (Case No. VAC2005-00007)

2. WHAT ACTION ACCOMPLISHES: To construct a concrete block wall on the common property line between the two lots. **There are no existing improvements in the easement and the easement is not necessary to accommodate any future utility requirements.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 1 5:00 #1

5. Meeting Date: 05-10-2005

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 _____
 Division _____
 By: [Signature] 4/13/05
 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 10th day of May 2005**. The completed petition to vacate, VAC2005-00007 was submitted by Paul Dinger, Ronald M. and Mary M. Koontz as joint petitioners.

LOCATION: The site is located at **3423 and 3435 Stabile Rd., St. James City, Florida 33956** and its strap numbers are 35-45-22-21-00004.0210 and 35-45-22-21-00004.0190. Petition No. VAC2005-00007 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 20 and 21, both in Block 4, Unit 2, Section 35, Township 45 South, Range 22 East, St. Jude Harbors subdivision, as recorded in Plat Book 25, Pages 146 -151 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northeasterly six feet and southwesterly 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.
<u>[Signature]</u>				<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
 Date: 4/15/05
 Time: 8:05
 Forwarded To: _____
4/15/05 10:23 am

RECEIVED BY
 COUNTY ADMIN: TD
4-15-05 rmb.
11:15
 COUNTY ADMIN
 FORWARDED TO: [Signature]
4/15/05
2:45 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: VAC2005-00007

WHEREAS, Petitioners **Paul Dinger, Ronald M. and Mary M. Koontz** 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 10th day of May 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. VAC2005-00007 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

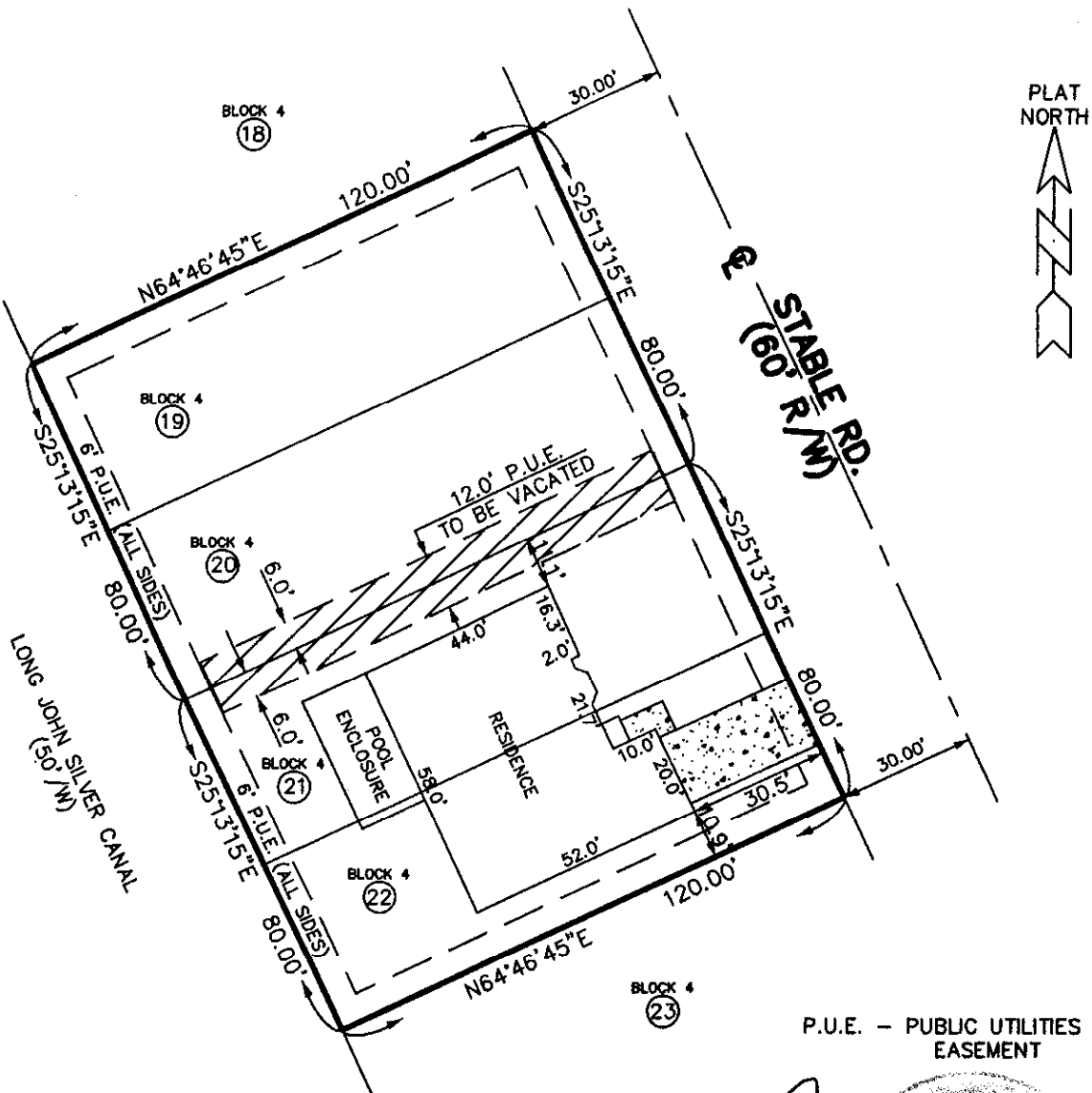
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2005-00007

Legal Description of the Public Utility Easement to be Vacated:

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3423 STABILE ROAD
 3435 STABILE ROAD
 LOTS 19-22, BLOCK 4
 ST. JUDE HARBORS UNIT NO. 2
 LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 25, PAGES 146-151, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

Exhibit "B"
Petition to Vacate
VAC2005-00007
 [Page One of One]

P.U.E. - PUBLIC UTILITIES
 EASEMENT

Christopher B. Still

CHRISTOPHER B. STILL
 P.S.M. 5944
 MARCH 17, 2005

S.T.A.R. Surveying, Inc. (LB5449)
 Professional Surveyors and Mappers
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936
 (239) 388-7400 (239) 388-7885 (Fax)

DATE:	3-17-05
JOB NUMBER:	0519
DRAWN BY:	C.B.S.
SCALE:	1" = 40'
SHEET:	1 of 2

THIS INSTRUMENT PREPARED BY:

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Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

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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

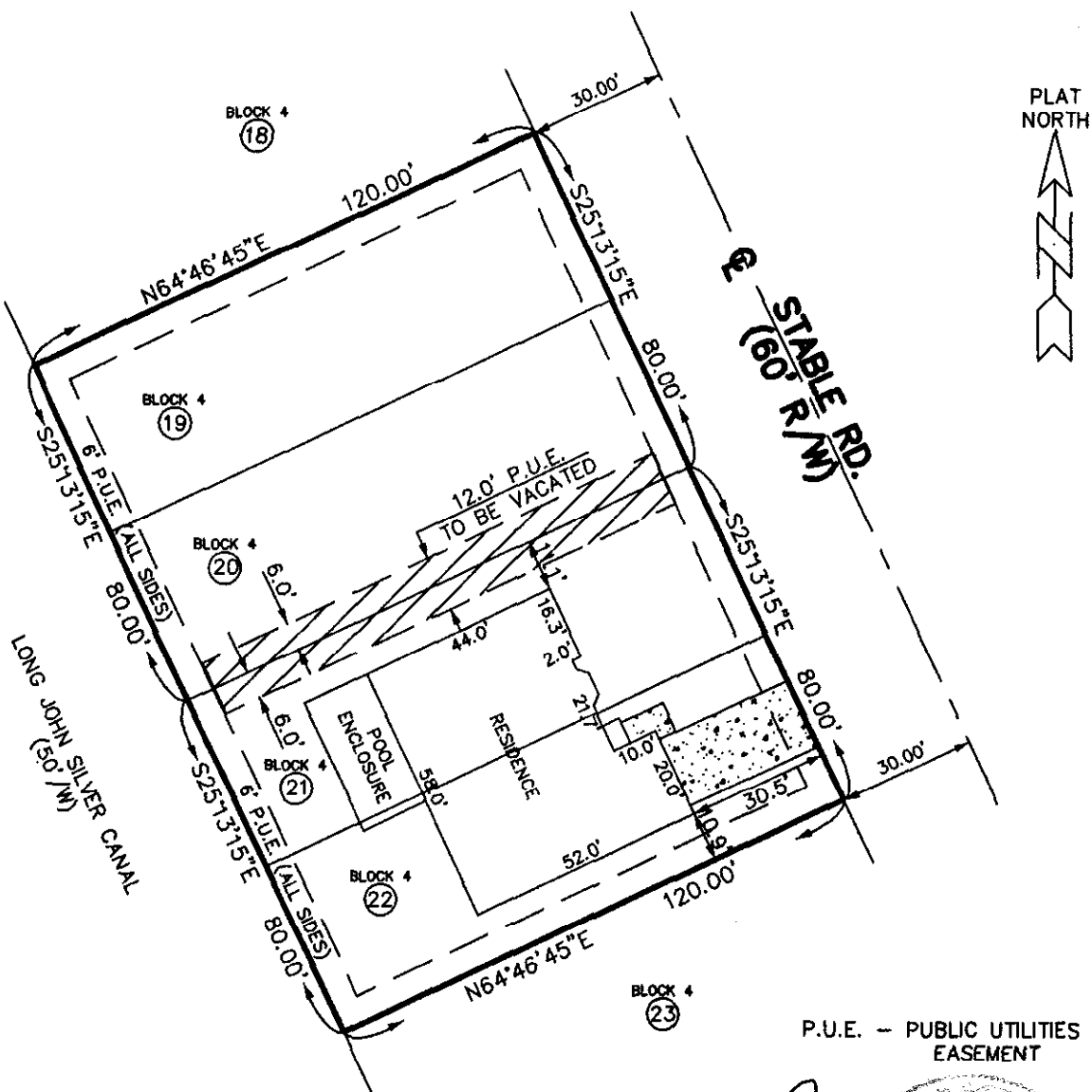
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 LEE COUNTY, FLORIDA

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 CHRISTOPHER B. STILL
 P.S.M. 5945
 MARCH 17, 2005

S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers

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