

ADMINISTRATIVE AUTHORIZATION (UEE) ADD2000-00158
LEE COUNTY, FLORIDA

WHEREAS, Gene W. Lyman has filed an application for administrative authorization to allow encroachment into a utility easement to permit construction of a six foot high wall, on property located at 1651 Jose Gaspar Drive, and more particularly described as:

LEGAL DESCRIPTION: In Section 11, Township 43 South, Range 20 East, Lee County, Florida:

Lot 120, BOCA GRANDE ISLES SUBDIVISION, as recorded in Plat Book 29, Pages 4, 5 & 6, of the Public Records of Lee County, Florida, lying in Section 11, Township 43 South, Range 20 East, Lee County, FL.

WHEREAS, the Applicant has indicated the property's current STRAP number is 11-43-20-05-00000.1200; and

WHEREAS, the Applicant has indicated the Codes and Building Services Reference number is FNC2000-00741; and

WHEREAS, the Lee County Land Development Code Section 10-328(a) (Ordinance 92-44) provides for the Director of Development Services Division authorization to allow a lesser dimension for a utility easement; and

WHEREAS, Plat Book 29, page 4 indicates that the utility easement has been dedicated to the sole use of the Boca Grande Isle Property Owners Association, Inc.; and

WHEREAS, the Applicant is in receipt of a letter of approval from the person(s) or entity(s) that holds the subject easement, i.e., the Boca Grande Isles Property Owners Association, Inc.), stating that they have no objection to the construction of the six foot high wall subject to the conditions contained in the 6/22/00 letter, of which have been incorporated herein; and

WHEREAS, the Applicant is in receipt of a letter of no objection from the person(s) or entity(s) that holds title to the adjacent lot to the west whose boundary will be most proximate to the wall; and

WHEREAS, the applicant is advised both the letter of no objection from the Boca Grande Isles Property Owners Association and the conditions contained herein that no other encroachments to either the utility easement or setback requirements is permitted or approved as part of this action; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Development Services Division in accordance with applicable regulations for compliance with all terms of the administrative authorization; and

WHEREAS, the following findings of fact are offered:

- A. The lesser dimension will be in harmony with the general appearance and character of the community.
- B. The lesser dimension will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.

NOW, THEREFORE, IT IS HEREBY DETERMINED that under the authority as provided to the Director of Development Services Division in the Lee County Land Development Code Section 10-328(a) (Ordinance 92-44), to allow encroachment into a utility easement to permit construction of a six foot high wall in the subject utility easement is **APPROVED, subject to the following conditions:**

- a) **No further encroachments into the easement or required setbacks for any other structures, i.e., screen enclosures, may be extended from this wall; and**
- b) **Should the wall hinder any future use of the easement by a utility company or the Boca Grande Isles Property Owners Association, the property owner of record at that time will be required to remove the obstruction at no cost to the county or the Boca Grande Isles Property Owners Association or any utility company seeking to use the easement. The removal must occur within 30 days of written notice of such need, unless a different agreement is reached with all parties.**
- c) **This authorization is subject to compliance with the site plan dated 6/7/99, and stamped Received September 20, 2000.**

DULY SIGNED this 4th day of October, A.D., 2000.

By: 
Walter J. McCarthy, Director
Development Services Division