

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition #VAC2002-00047 to Vacate a Public Utility and Drainage Easement common to Lots 6 & 7, Block 72, Unit 13, a subdivision of Lehigh Acres and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 10th day of December, 2002.

**WHY ACTION IS NECESSARY:** Vacating this easement will eliminate the encroachment of a home and play house that was built in 1985 and will also provide clear title for the property. **The vacation of the Public Utility and Drainage Easement will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirement.**

**WHAT ACTION ACCOMPLISHES:** Sets the time and date of the Public Hearing.

**2. DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT #: 5

04

C4B

**3. MEETING DATE:**

11-12-2002

**4. AGENDA:**


- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services

BY:  10/22/02

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The complete Petition to Vacate was submitted by Robert Gallagher.

**LOCATION:** A 12-foot wide Public Utility and Drainage Easement common to Lots 6 & 7, Block 72, Unit 13, Section 25, Township 45 South, Range 27 East, Lehigh Acres, Lee County, Florida as recorded in Plat Book 18, Page 119, of the Official Records of Lee County, Florida. The site is located at 1118 Edgewood Street East.

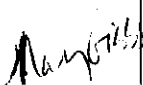
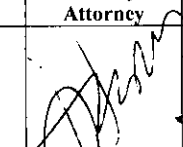
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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, the Resolution to set the Public Hearing, and the Notice of Public Hearing.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OA	OM	Risk	GC
	N/A	N/A	N/A		10/29/02	10/31	10/31/02	10/31/02

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: 10/23/02  
Time: 3:45 PM  
Forwarded To:  
Admin  
10/30/02 9:AM

RECEIVED BY  
COUNTY ADMIN. TD  
COUNTY ADMIN.  
FORWARDED TO: PR  
10/31/02

**PETITION TO VACATE**

Case Number: VAC2002-00047

Petitioner(s), Robert M. Galleyher  
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 18166 Dupont Dr. Ft. Myers, FL 33912
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Wherefore, Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted,

By: *Robert M. Galleyher*  
Petitioner Signature

Robert M. Galleyher  
Printed Name

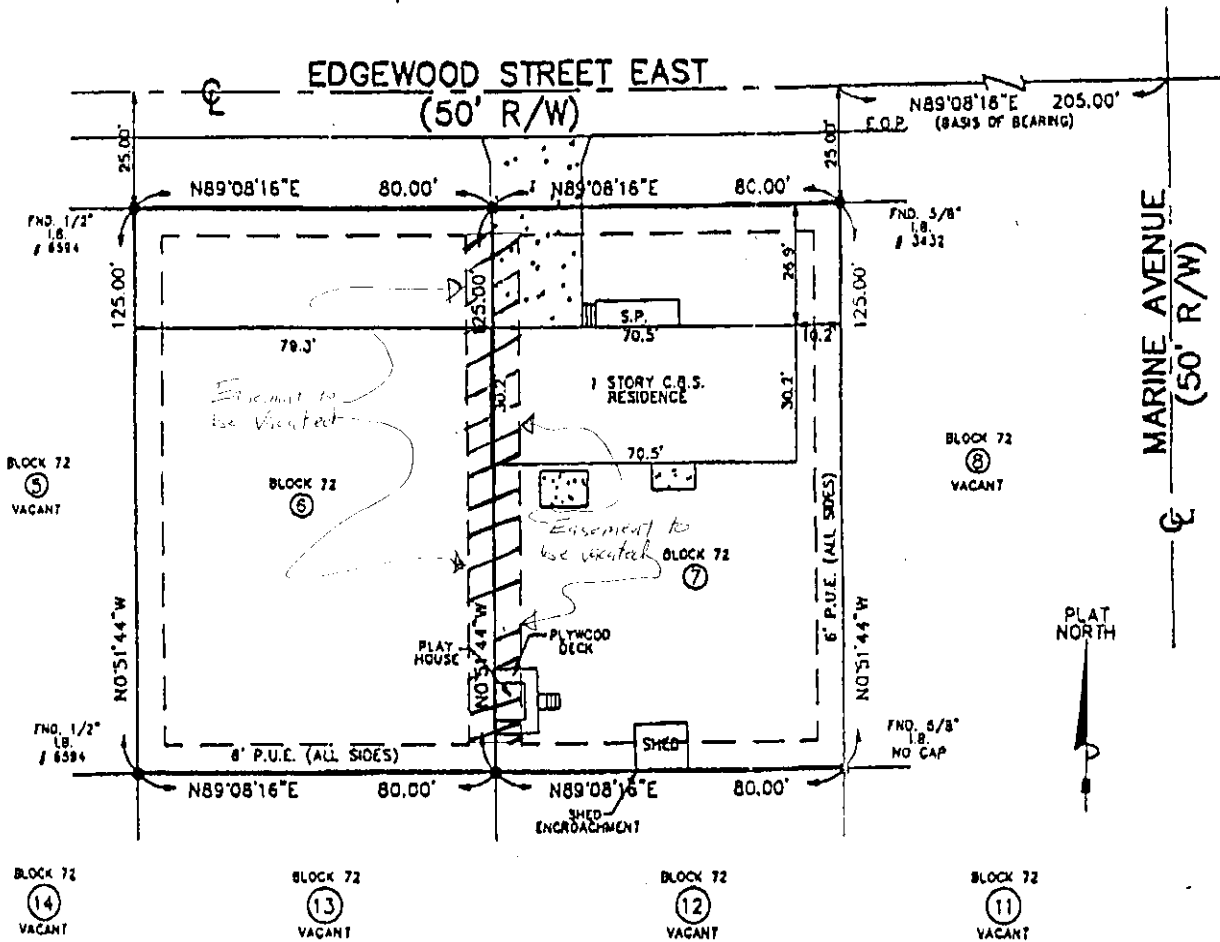
By: \_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Printed Name

## **EXHIBIT "A"**

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 72, Unit 13, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 119 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.



ABOVE PROPERTY IS LOCATED IN FLOOD ZONE 'B'

BOUNDARY SURVEY  
 1118 EDGEWOOD STREET EAST  
 LOTS 6 & 7, BLOCK 72, UNIT 13  
 SECTION 25, TOWNSHIP 45 SOUTH, RANGE 27 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 18, PAGE 119, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

CERTIFIED TO:  
 WACHOVIA MORTGAGE CORPORATION  
 MORGAN & ASSOCIATES TITLE COMPANY  
 AMERICAN PIONEER TITLE INSURANCE COMPANY  
 ISABELLA SHEAHAN  
 EAMONN SHEAHAN

Exhibit "B"

LEGEND: A/C = AIR CONDITIONER (C) = CALCULATED CB = CONCRETE BLOCK C.B.S. = CONCRETE BLOCK STRUCTURE CH = CHOPED CM = CONCRETE MOUNT CONC. = CONCRETE CP = CONCRETE PAD COR. = CORNER (D) = DRAIN	D.E. = DRAINAGE EASEMENT DH = DRILL HOLE EL = ELEVATION ENC. = ENCROACHMENT E.O.P. = EDGE OF PAVEMENT FND. = FOUND. I.B. = IRON BAR (M) = MEASURED N & T = NAIL AND TAB N.T.S. = NOT TO SCALE O.A. = OFFICIAL RECORD	(P) = PLAT P.B. = PLAT BOOK P.C. = POINT OF CURVATURE P.C.C. = POINT OF COMPOUND CURVATURE P.E. = POOL ENCLOSURE P.G. = PAGE P.O.B. = POINT OF BEGINNING P.O.C. = POINT OF COMMENCEMENT P.P. = POWER POLE P.P.C. = POINT OF REVERSE CURVATURE (P) = CONCRETE PAD	P.R.M. = PERMANENT REFERENCE MONUMENT P.T. = POINT OF TANGENCY P.U.E. = PUBLIC UTILITY EASEMENT R = RADIAL (R) = RADIAL R/W = RIGHT-OF-WAY SET I.B. = SET 1/2" I.B. LEGS S.P. = SURVEY POINT T.L. = TELEPHONE LINE T.P. = TELEPHONE POLE T.S. = TELEPHONE	T.B.M. = TEMPORARY BENCHMARK U.P. = UTILITY PIPING W = WATER METER W = WELLS C = CENTER LINE W.P. = WOOD FENCE W.P. = WIRE FENCE W.P. = WIRE POLE W.P. = WIRE POLE W.P. = WIRE POLE W.P. = WIRE POLE
---	--	--	---	--

NOTES:  
 The map of survey is only for the lines herein described and is not an instrument of title, zoning, or freedom of encumbrances.  
 The legal description was furnished by the client or their agent.  
 No title search was conducted by this office.

Conditions shown are based on data from the National Geodetic Vertical Datum of 1929 unless otherwise noted.  
 There are no visible encumbrances other than shown.  
 Dry measurements shown were field located.

Subject to restrictions, assessments, and encumbrances of record.

NOTE: Location of underground utilities and/or structures NOT located NOT VALID without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or records by other than the stated party are null and void.

FIELD SURVEY: 5-6-02  
 REVISION:

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001  
**DUPLICATE**

Discounts have been calculated, pay only one amt:	If Paid By Nov 30, 2001 <b>0.00</b>	If Paid By Dec 31, 2001 <b>0.00</b>	If Paid By Jan 31, 2002 <b>0.00</b>	If Paid By Feb 28, 2002 <b>0.00</b>	If Paid By Mar 31, 2002 <b>0.00</b>	Call for amt due after Mar 31, 2002
---	--	--	--	--	--	-------------------------------------

020100 20019 254527130007200702 0000000000 0000000000 00000000

MAKE CHECK PAYABLE TO:  
 \*\*\* Paid \*\*\*

LEE COUNTY TAX COLLECTOR  
 P O BOX 1609  
 FT MYERS, FLORIDA 33902-1609

REAL PROPERTY

ACCOUNT & SITE ADDRESS

25-45-27-13-00072.0070  
 1118 EDGEWOOD ST E

MOREQUITY INC  
 C/O FIDELITY NTL FORECLOSURE  
 1270 NORTHLAND DR STE 200  
 MENDOTA HEIGHTS MN 55120

To pay by phone or confirm receipt of your payment call the automated tax system (941) 332-8731.

See insert for details. PIN Number: 01-00333738

PLEASE RETURN THIS PORTION WITH PAYMENT

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001

MOREQUITY INC  
 C/O FIDELITY NTL FORECLOSURE  
 1270 NORTHLAND DR STE 200  
 MENDOTA HEIGHTS MN 55120

DOR CODE: 01  
 MORTGAGE CODE: 000  
 DISTRICT CODE: 070

AD VALOREM TAXES			* See reverse side before calling	
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *
.0043277	13220.00	57.21	LEE CO GEN REV	(239) 335-2221
.0010124	13220.00	13.38	LEE CO CAP IMP	(239) 335-2221
.0012114	13220.00	16.01	LEE CO UNINCORP	(239) 335-2221
.0026080	13220.00	34.48	LOCAL SCHOOL	(239) 337-8215
.0058700	13220.00	77.60	STATE SCHOOL	(239) 337-8215
.0005970	13220.00	7.89	SF WATR MGT DST	(561) 682-6486
.0000358	38220.00	1.37	LEE CO HYACINTH	(239) 694-2174
.0009630	13220.00	12.73	LEE CO LIBRARY	(239) 335-2221
.0003595	38220.00	13.74	LEE CO MOSQUITO	(239) 694-2174
.0030000	38220.00	114.66	LEHGH ACRS FIRE	(239) 334-1600
.0003082	13220.00	4.07	LEHGH ACS LIGHT	(239) 335-2186
.0001000	13220.00	1.32	SFL WTR MGT/EVR	(561) 682-6486
.0000400	13220.00	0.53	W C INLD WATRWWY	(813) 485-9402
.0000733	13220.00	0.97	LEE CO ALL/HAZS	(239) 335-2186

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	55850
SOH ASSESSED VAL	38220
HOMESTEAD-EX VAL	25000
TAXABLE VAL	13220

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 13 BLK 72  
 PB 18 PG 119 LOT 7  
 BOOK: 3489 PAGE: 1525

ACCOUNT & SITE ADDRESS

25-45-27-13-00072.0070  
 1118 EDGEWOOD ST E

\*PAID\*

583.88 135659-22-1 03/29/2002

*Exhibit "C"*

The Tax Certificate Sale began on May 16, 2002. Certificates were sold on all unpaid real estate taxes, resulting in additional charges. Contact the Tax Collector's Office at (941) 339-6000 if you have any questions.

NON-AD VALOREM ASSESSMENTS			* See reverse side before calling	
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *
78.10000	PER ACRE	35.93	E CO WATR CONTL	(239) 368-0044
1.000000	ACTL LEVY	191.99	SOLID WSTE ASMT	(239) 338-3302
		583.88	<b>COMBINED TOTAL</b>	

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information. 

BOOK 3725  
PAGE 1876

**SPECIAL WARRANTY DEED**

This instrument prepared by:  
Morgan & Associates Title Company  
DiAnna VanSickle  
55 Homestead Rd.  
Lehigh Acres, FL 33936  
(941) 369-8033

Strap: 25-45-27-13-00072.0070

**THIS INDENTURE**, Made this \_\_\_\_ day of September, 2002, Between

**More Equity, Inc., a Nevada Corporation**

600 N. Royal Avenue – 4<sup>th</sup> Floor  
Evansville, IN 47715

a corporation organized and existing under the laws of the State of Nevada,  
of the County of Vanderburgh, State of Indiana, Grantor, and

**Robert Gallagher**

**1118 Edgewood Avenue  
Lehigh Acres, Florida 33971, Grantee**

WITNESSETH, That said grantor, for and in consideration of the sum of \*\*\*\*\* TEN AND 00/100 \*\*\*\*\* DOLLARS, and other good and valuable considerations to said grantor in hand paid by said grantee the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to grantee, grantee's heirs and assigns forever the following described property in Lee County, Florida, to wit:

**Lot 7, Block 72, Unit 13, Section 25, Township 45 South, Range 27 East,  
Lehigh Acres, according to the map or plat thereof on file in the office of the  
Clerk of the Circuit Court, recorded in Plat Book 18, Page 119, Public  
Records of Lee County, Florida.**

And the grantor does hereby fully warrant the title to such land and will defend the same against the lawful claims of all persons whomsoever.

[Signature]  
Witness (Two Required)  
Dakendra DeLoe  
Printed Name of Witness

[Signature]  
Witness (Two Required)  
Curtis Lee  
Printed Name of Witness

More Equity, Inc., a Nevada Corporation

By: [Signature]  
**MONTE CONRAD**, AV PRESIDENT  
Name and Title

STATE OF INDIANA

COUNTY OF VANDERBURGH

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of September, 2002 by MONTE CONRAD of More Equity, Inc., a Nevada Corporation on behalf of the corporation. He/she is personally known to me or has produced as identification and did (did not) take an oath.

My Commission Expires:

**MARGARET ENGELHARDT  
NOTARY PUBLIC  
VANDERBURGH COUNTY  
STATE OF INDIANA  
COMMISSION # 442534  
COMM. EXPIRES: 10-25-06**

[Signature]  
Notary Public (Notary Seal)

13 7 0 2 1 -

**WARRANTY DEED**

This instrument prepared by:  
DiAnna VanSickle  
Morgan & Associates Title Company  
55 Homestead Road  
Lehigh Acres, FL 33936  
(941) 369-8033

BOOK 3725  
PAGE 1878

Strap No: 25-45-27-13-00072.0060

**THIS INDENTURE**, Made this 6<sup>th</sup> day of September, 2002, Between

**Ronald L. Smith**  
County of Lee, State of Florida, Grantor, and

**Robert Gallagher**  
County of Lee, State of Florida, Grantee,

WITNESSETH, That said grantor, for and in consideration of the sum of \*\*\*\*\* TEN AND 00/100 \*\*\*\*\* DOLLARS, and other good and valuable considerations to said grantor in hand paid by said grantee the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to grantee, grantee's heirs and assigns forever the following described property in Lee County, Florida, to wit:

Lot 6, Block 72, Unit 13, Section 25, Township 45 South, Range 27 East, Lehigh Acres, according to the plat thereof, recorded in Plat Book 18, page 119, of the Public Records of Lee County, Florida.

Subject to reservations, restrictions and easements of record.

The subject property is not now nor has it ever been the homestead property of the grantor herein.

And the grantor does hereby fully warrant the title to such land and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, Grantor has executed this deed on the day and year first written. Signed, Sealed and delivered in our presence:



Andrea Ross

Witness

Andrea Ross

Printed Name of Witness

A. Lhu

Witness

SHERRY Lembo

Printed Name of Witness

Ronald L. Smith  
Ronald L. Smith

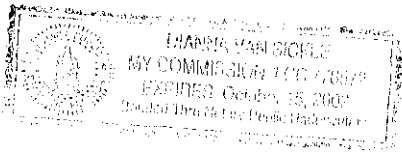
STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of September, 2002 by Ronald L. Smith, who is personally known to me or has produced drivers license as identification and did (did not) take an oath.

My Commission Expires:

[Signature]  
Notary Public (Notary Seal)





October 18, 2002

Robert M. Gallagher  
18166 Dupont Drive  
Ft. Myers, FL 33912

Re: A 6-foot wide Utility and/or Drainage Easement centered on the lot line common to Lots 6 & 7, Block 72, Unit 13, Section 25, a subdivision of Township 45 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 18, Page 119, less and except the north/east 6 feet and the south/west 6 feet thereof.

Dear Mr. Gallagher:

Please be advised that Florida Water Services Corporation has reviewed the above-referenced request for a vacation of easement. We have no objection to the vacation of easement as described above.

Please call me at (407) 598-4187, if you need any additional information or other assistance.

Sincerely,

A handwritten signature in cursive script that reads "Rachel L. Cowing".

Rachel L. Cowing  
Legal Secretary



P.O. Box 609520 / Orlando, Florida 32860-9520 / Phone 407/598-4100

*Water For Florida's Future*



Box 570  
Fort Myers, Florida 33902-0570

September 18, 2002

Mr. Robert M. Gallagher  
18166 Dupont Drive  
Fort Myers, Florida 33912

RE: Vacation of Easement – Lots 6 & 7, Unit 13, Block 72,  
Section 25, Township 45 South, Range 27 East.  
A 12 foot wide public utility and drainage easement centered  
On the lot line between the above listed lots.

Dear Mr. Gallagher:

Sprint-Florida Incorporated has reviewed the document for the above referenced information.  
Based on the review, we have no objection to the vacation of a portion of a public utility easement  
at the Lehigh Acres location.

If you should require additional information, please contact me at 941-336-2023.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson  
Engineer

301 Tower Road  
Naples, FL 34113-8074  
tel / 941-793-9600  
fax / 941-793-1317



11/1/02

September 30, 2002

Robert M. Gallagher  
18166 Dupont Drive  
Fort Myers, FL 33912

VAC 2002-00047

Re: Vacation of Easement letter :

Dear Mr. Gallagher:

This letter will serve to inform you that Comcast has no conflict with your proposed vacation of easement of the following property:

A 6-foot wide Utility Easement centered on the lot line common to Lots 6 & 7, Block 72, Unit 13, Section 25, a subdivision of Township 45 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 18, Page 119, less and except the north/east 6 feet and the south/west 6 feet thereof.

Comcast does not have any facilities there currently, and we do not foresee any new build in this area. If you should require any further information, please feel free to contact me here.

Cordially,

A handwritten signature in cursive script that reads "Lucia Vera".

Lucia Vera  
Project Coordinator



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941)479-8181

Bob Jones  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yessgen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

September 17, 2002

Robert M. Gallagher  
18166 Dupont Dr.  
Fort Myers, FL 33912

**SUBJECT: VACATION OF PLATTED EASEMENTS  
STRAP #s: 25-45-27-13-00072.0060 & .0070  
LEHIGH ACRES**

Dear Mr. Gallagher:

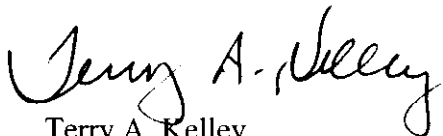
Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated legal description. However, the area in question is not located within Lee County Utilities service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Florida Water Services concerning your request, as the subject parcel(s) are located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8531.

Sincerely,

**LEE COUNTY UTILITIES**



Terry A. Kelley  
Senior Engineering Technician  
Utilities Engineering Division

VIA FACSIMILE #267-0660  
ORIGINAL MAILED 09/17/02

S:\UTILS\Engr\TAK\LETTERS\VAC\FY 2002\Gallagher - Edgewood St E - Lehigh.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(941) 995-2121 • FAX (941) 995-7904  
www.lcec.net • www.linco.com

September 18, 2002

Mr. Robert M. Gallagher  
18166 Dupont Dr.  
Ft. Myers, FL 33912

Re: Strap No. 25-45-27-13-00072.0060 and  
Strap No. 25-45-27-13-00072.0070

Dear Mr. Gallagher:

LCEC does not object to vacation of the platted easements described as follows:

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 6 & 7, Block 72, Unit 13, a subdivision of Lehigh Acres, Section 25, Township 45 South, Range 27 East, as recorded in Plat Book 18, page 119, public records of Lee County, Florida, LESS and EXCEPT the north 6 feet and the south 6 feet thereof.

Please call me at 656-2422 if you have any questions.

Sincerely,

Karen Hardin  
Real Property Representative

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob Janes  
*District One*

Douglas R. St. Cemy  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John F. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Housing  
Examiner*

October 21, 2002

Mr. Robert Gallagher  
18166 Dupont Drive  
Fort Myers, FL 33912

Re: Recommendation for proposed vacation of a Public Utility and Drainage Easement located a 1118 Edgewood Street East.

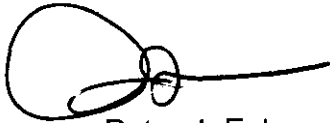
Dear Mr. Gallagher:

This office has received your request to vacate 12-foot wide Public Utility and Drainage Easement common to Lots 6 & 7, Block 72, Lehigh Acres, as recorded in Plat Book 18, Page 119, of the Official Records of Lee County, Florida.

You indicate that by vacating this easement it will eliminate the encroachment of a home and play house that was built in 1985. The vacation of this easement will also provide clear title for the property. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director

PJE/jgh

U:\200210\VAC20020.004\7D&PUE.WPD

 **LEE COUNTY**  
SOUTHWEST FLORIDA

VAC 2002 - 00047

(941) 479-8124

Writer's Direct Dial Number:

**BOARD OF COUNTY COMMISSIONERS**

Wednesday, October 02, 2002

Bob James  
*District One*

Douglas R. St. Comy  
*District Two*

Ray Judah  
*District Three*

Andrew W. Goy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stowell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Mr. Robert Gallagher  
18166 Dupont Dr.  
Fort Myers, FL 33912

5 drainage  
ACW Mielert

Re: Petition to Vacate a six (6) foot wide public utility easement common to Lots 6 & 7, Block 72, Unit 13, Lehigh Acres as recorded in Plat Book 18, Page 119, Lee County, Florida.

Dear Mr. Gallagher:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easement.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT



Allen L. Davies, Jr.  
Natural Resources Division

-cc: Don Blackburn, Development Services  
Joan Henry, County Attorney's Office  
Margaret Lawson, LCDOT  
Roland Ottolini, P.E., NRD

S:\NATRES\SURFACE\DOCUMENT\285.doc



**From:** Margaret Lawson  
**To:** Hagan, Jonathan  
**Date:** 10/21/02 10:50AM  
**Subject:** Re: VAC2002-00047 Robert Gallagher

I am writing a new letter to include the drainage, no objection. I have the community development letter; the original from your file, I don't know how I got it, I think Mr. Gallagher brought it to me on Thursday last week, in any event, there is a new letter of "NO/OB" on its way.

>>> Jonathan Hagan 10/21/02 10:35AM >>>  
Margaret,

LCDOT provided a R/R letter for the above PTV. Your letter only mentioned a Public Utility Easement. When I was reviewing the case it was determined that it was a Drainage Easement as well. Does LCDOT have any objections to vacating this Public Utility and Drainage Easement? The STRAP # is 25-45-27-13-00072.0070. Please let me know if you have any questions or need more information.  
Thanks.

Jon Hagan  
Development Review Representative  
Department of Community Development  
Division of Development Services  
[haganjg@leegov.com](mailto:haganjg@leegov.com)  
(941) 479-8587 ext. 14  
(941) 479-8313 FAX



VAC 2002-00047

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8580

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

September 27, 2002

Mr. Robert M. Gallagher  
18166 Dupont Drive  
Fort Myers, FL 33912

**RE: Petition to Vacate  
A 6-foot wide Utility Easement centered on the  
Lot line common to Lots 6 and 7, Block 72,  
Unit 13, Lehigh Acres,  
Section 25, Township 45, Range 27**

Dear Mr. Gallagher:

DOT has reviewed your request to vacate public utility easements. DOT does not maintain public utility easements; therefore, offers no objection to the vacation as proposed.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

  
for Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

Cc: Brad Vance, Natural Resources  
Don Blackburn, Development Services  
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2002\Lots 6&7 Blk 72 - Gallagher.doc

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2002-00047**

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;  
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion  
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the  
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,  
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee  
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2002-00047 is set for the  
\_\_\_\_\_ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in  
accordance with the Lee County Administrative Code.

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

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

## **EXHIBIT "A"**

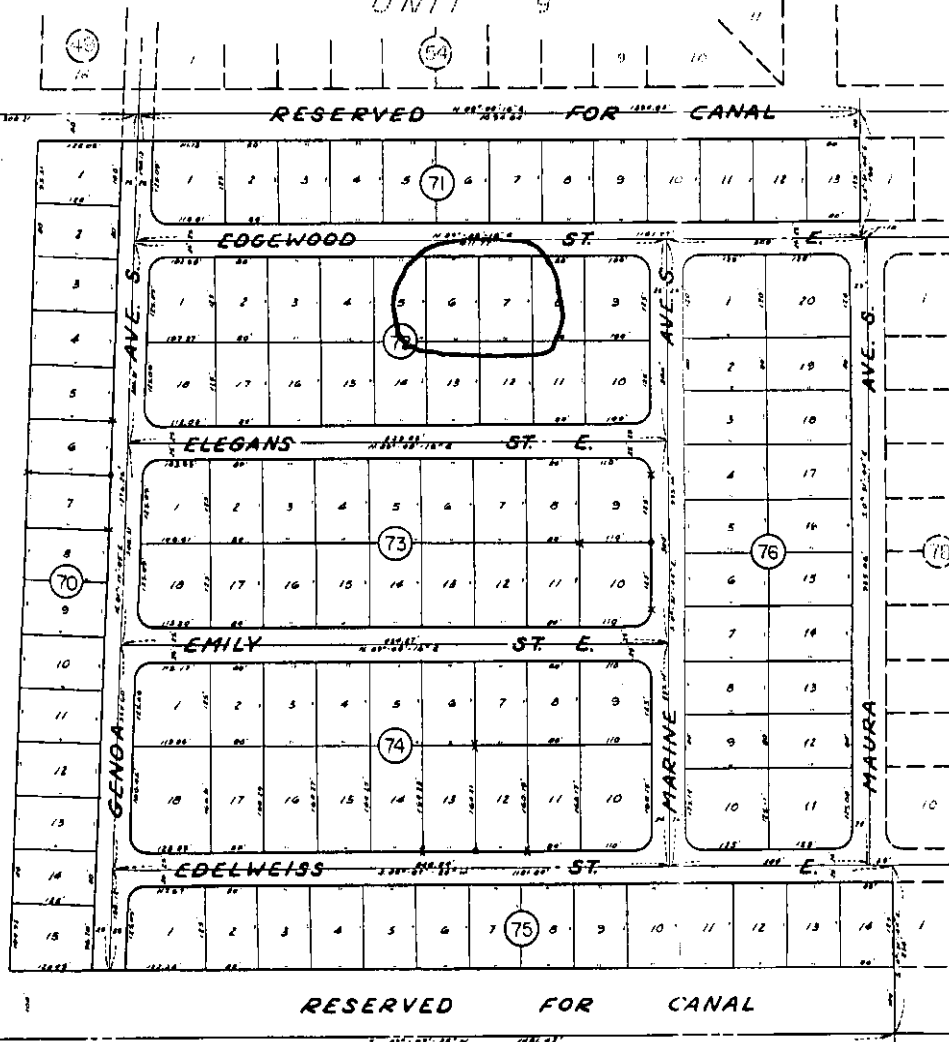
A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 72, Unit 13, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 119 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

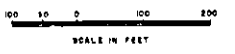
UNIT 9

NOT SUBDIVIDED

RESERVED FOR CANAL



PLAT OF UNIT 13  
SECTION 25, TWP. 45 S., RGE. 27 E.  
A SUBDIVISION OF  
**LEHIGH ACRES**  
LEE COUNTY, FLORIDA



All lots subject to a 6 foot Utility Easement on both sides and back, and a 6 foot Drainage Easement on the front and sides of lots on 50 foot R/W

Interior P.R.M.s are 4" x 4" x 24" concrete.

• Denotes P.R.M.s

All corner lot radii are 25 feet except as shown and the lot dimensions are to the straight line intersections, except where arc distances are shown.

All Canals are hereby dedicated to East County Water Control District.

• Witness Monument.



RESERVED FOR CANAL

PA. PG.

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00047

## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of December 2002 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

## **EXHIBIT "A"**

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 6 and 7, Block 72, Unit 13, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 119 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.