

1. **REQUESTED MOTION:**

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 823 Cleveland Ave, Lehigh Acres, Florida 33972, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 13th day of April, 2004. (Case No. VAC2003-00069)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined three (3) lots. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.

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

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

04

C4A

3. **MEETING DATE:**

03-16-2004

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: *[Signature]* 2/26/04
Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2003-00069 was submitted by Heinz Pfuner.

LOCATION: Petition No. VAC2003-00069 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 6 and 7, and 7 and 8; all in Block 49, Unit 1, Section 22, Township 44 South, Range 27 East, Meadowbrook Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of each easement. The site is located at 823 Cleveland Ave, Lehigh Acres, Florida 33972.

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.

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>OM 3/2/04</i>				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 2/28/04	QA <i>[Signature]</i> 3/2/04	OM <i>[Signature]</i> 3/2/04	Risk 03/02/04 <i>[Signature]</i>	GC <i>[Signature]</i> 3/1/04	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 2/27/04
Time: 1:00 PM
Forwarded To:
Co. Adm.
3/1/04 11 AM

RECEIVED BY
COUNTY ADMIN.
03/01/04
11:55 AM SLT
COUNTY ADMIN
FORWARDED TO:
3/3/04 9 AM

PETITION TO VACATE

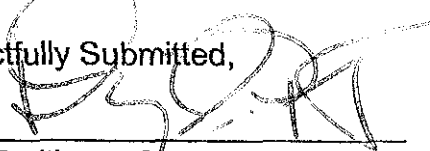
Case Number: VAC2003-00069

Petitioner(s), PFUNER & SONS CONSTRUCTION, INC.

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, P.O. Box 1361, Lehigh Acres, FL, 33970.
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: _____
Petitioner Signature
Heinz Pfuner
Printed Name Vice President

By: _____
Petitioner Signature

Printed Name

Pfuner & Sons Construction, Inc.

EXHIBIT "A"
Petition to Vacate
VAC2003-00069

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 6 and 7, and 7 and 8; all in Block 49, Unit 1, Section 22, Township 44 South, Range 27 East, Meadowbrook Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND
LYING IN
SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA

Exhibit "B"

VAC 2003-00069

NOTES:

SKETCH BASED ON THE RECORDED PLAT BOOK 18 PAGE 164.

BEARINGS BASED ON THE CENTERLINE OF 9TH STREET AS BEARING N.88°58'50"E.

~~PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN & UNWRITTEN).~~

Legal Description:

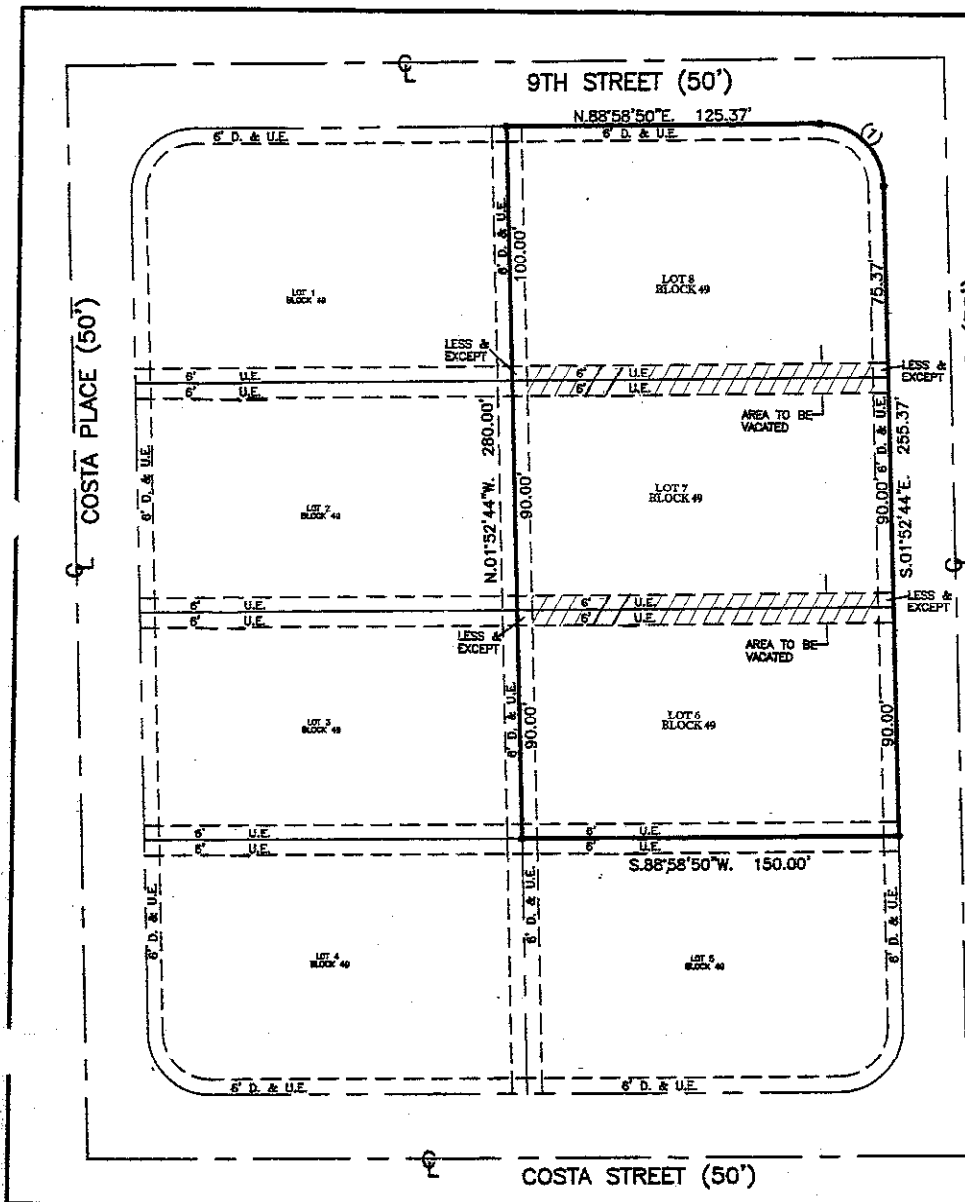
Meadowbrook Estates Unit 1,
Blk 49, PB 18, PG 164, Lots 6-8
Strap: 22-44-27-13-00049.0060

LEGEND

- P.T. = POINT OF TANGENCY
- P.C. = POINT OF CURVE
- P.I. = POINT OF INTERSECTION
- P.R.C. = POINT OF CURVE
- R/W = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- D. & U.E. = DRAINAGE & UTILITY EASEMENT
- P.B. = PLAT BOOK
- (P) = PLAT

Curve number 1

Radius= 25.00'
Delta= 89°08'26"
Arc= 38.89'
Tangent= 24.63'
Chord= 35.09'
Chord Brg.= S.46°26'57"E.



*** THIS IS NOT A SURVEY ***
BY: *[Signature]* 2/9/04
DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER LSF# 5430 DATE SIGNED

LOTS 6, 7, & 8, BLOCK 49,
LEHIGH ACRES, UNIT 1

TITLE: SKETCH OF DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB# 7071 www.metronfl.com	
FILE NAME: 4878SK.DWG	FIELD BOOK/PAGE: N/A	PROJECT NO.:	SHEET:
		4678	2 OF 2
SURVEY DATE: 2-6-2004	DRAWN BY: DJO	SCALE: 1"= 60'	CHECKED BY: DJO
			FILE NO. (P-T-R): 22-44-27

Exhibit "C"

Petition to Vacate

VAC2003-00069

[Page One of One]



Real Property Information

Account	Tax Year	Status
22-44-27-13-00049.0060	2003	PAID
Original Account	Book/Page	
22-44-27-13-00049.0060	3438/4557	
Physical Address	Mailing Address	
PFUNER + SONS CONSTRUCTION INC 823 CLEVELAND AVE LEHIGH ACRES FL 33972	PFUNER + SONS CONSTRUCTION INC P O BOX 1361 LEHIGH ACRES FL 33970 USA	
Legal Description		
MEADOWBROOK ESTATES UNIT 1 BLK.49 PB 18 PG 164 LOTS 6 THRU 8		
Outstanding Balance as of 2/28/2004		\$0.00

Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

The results to your tax search are based upon information provided to the Lee County Tax Collector by the Lee County Property Appraiser. This website should not be relied upon for a title search. Amounts due are subject to change without notice due to statutory compliance (i.e. tax deed application, county held tax certificates, errors & insolvencies (E&I), bankruptcy, litigation, etc.)

View for Tax Year:
 Save as File Extensive Search
 View file format.



Your search for 22442713000490060 has returned 13 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
22-44-27-13-00049.0060	2003	PFUNER + SONS CONSTRUCTION INC 823 CLEVELAND AVE	PAID	Details
22-44-27-13-00049.0060	2002	PFUNER + SONS CONSTRUCTION INC 823 CLEVELAND AV	PAID	Details
22-44-27-13-00049.0060	2002	PFUNER + SONS CONSTRUCTION INC 827 CLEVELAND AV	PAID	Details
22-44-27-13-00049.0060	2001	PFUNER + SONS CONSTRUCTION INC 823 CLEVELAND AV	PAID	Details
22-44-27-13-00049.0060	2001	PFUNER + SONS CONSTRUCTION INC 827 CLEVELAND AV	PAID	Details
22-44-27-13-00049.0060	2000	PFUNER + SONS CONSTRUCTION INC 823 CLEVELAND AV	REDEEM	Details
22-44-27-13-00049.0060	2000	PFUNER + SONS CONSTRUCTION INC 827 CLEVELAND AV	REDEEM	Details

51.00
12/5

INSTR # 5170755
OR BK 03438 PG 4557

RECORDED 06/26/01 03:00 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 51.00
DOC TAX AD (F.S. 201.02) 1,295.00
DEPUTY CLERK L. Wheat

Prepared by and return to:
Stephen E. Dalton, Esq.
PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, LLP
1833 Hendry Street P.O. Drawer 1507
Fort Myers, FL 33902-1507

File Number: 64475,098
Will Call No.: 18

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this **25th** day of **June, 2001** between **FLORIDA COMMUNITY BANK**, whose post office address is **1261 Homestead Road, Lehigh Acres, FL 33936**, grantor, and **PFUNER & SONS CONSTRUCTION, INC.**, a Florida corporation whose post office address is **P.O. Box 1361, Lehigh Acres, FL 33970**, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Witness Name: Gregory Rice
Witness Name: Deborah A. Miller

FLORIDA COMMUNITY BANK
By: [Signature]
Walter Serbon
Senior Lending Officer

(Corporate Seal)

County of Lee

The foregoing instrument was acknowledged before me this **25th** day of **June, 2001** by **Walter Serbon**, Senior Lending Officer of **FLORIDA COMMUNITY BANK**, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

[Signature]
Notary Public
Printed Name: Deborah A. Miller

My Commission
OFFICIAL NOTARY SEAL
DEBORAH A. MILLER
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC711191
MY COMMISSION EXP. JAN. 26, 2002

EXHIBIT A

PARCEL NUMBER 19

LOTS 1 AND 2, BLOCK 47, PLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 23, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 144, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 21

LOTS 6-7&8, BLOCK 49, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 144, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 22

LOTS 1 AND 2, BLOCK 49, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 144, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 24

LOTS 1 AND 2, BLOCK 50, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 144, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

OR 2824 PG 0417

OR BK 03438 PG 4556

PARCEL NUMBER 25

LOTS 7 AND 8, BLOCK 50, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LENIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 26

LOTS 3 AND 4, BLOCK 50, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LENIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 27

LOTS 5 AND 6, BLOCK 50, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LENIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 28

LOTS 1 AND 2, BLOCK 51, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LENIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

OR BK 03438 PL 18 P 164

PARCEL NUMBER 31

LOTS 13 AND 14, BLOCK 51, PLAT OF UNIT 1, MEADOWSBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 32

LOTS 1 AND 2 BLOCK 54, PLAT OF UNIT 1, MEADOWSBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 33

LOTS 3 AND 4, BLOCK 54, PLAT OF UNIT 1, MEADOWSBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 30

LOTS 15 AND 16, BLOCK 51, PLAT OF UNIT 1, MEADOWSBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DR BK 09A3B PG 4560

OR HK 03436 PS 4561

PARCEL NUMBER 34

LOTS 5 AND 6 BLOCK 54, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 35

LOTS 7 AND 8 BLOCK 54, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 37

LOTS 3 AND 4, BLOCK 55, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 38

LOTS 15 AND 16, BLOCK 55, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

OR IN ORDER PG 4562

PARCEL NUMBER 39

LOTS 13 AND 14, BLOCK 55, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 40

LOTS 1 AND 2, BLOCK 60, PLAT OF UNIT 3, MEADOWBROOK ESTATES, SECTION 22 AND 27, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 166, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 41

LOTS 3, 4 BLOCK 60, PLAT OF UNIT 3, MEADOWBROOK ESTATES, SECTION 22 AND 27, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 166, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 42

LOTS 1 AND 16, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 43

LOTS 2 AND 15, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 44

LOTS 3 AND 14, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 45

LOTS 4 AND 13, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 46

LOTS 5 AND 12, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 47

LOTS 6 AND 11, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 48

LOTS 7 AND 10, BLOCK 45, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

OR BK 03436 PE 4563

PARCEL NUMBER 49

LOTS 8 AND 9, BLOCK 45, FLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 50

LOTS 1 AND 16, BLOCK 46, FLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 165, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 51

LOTS 2 AND 15, BLOCK 46, FLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 165, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 52

LOTS 3 AND 14, BLOCK 46, FLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 165, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 53

LOTS 4 AND 13, BLOCK 46, FLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 165, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LOTS 7 AND 10, BLOCK 46, PLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICK ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 165, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 55

LOTS 6 AND 11, BLOCK 46, PLAT OF UNIT 2, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICK ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 165, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 61

LOT 12, BLOCK 51, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICK ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

OF BK 03438 PG 4565

PARCEL NUMBER 63

LOTS 5 BLOCK 55, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 64

LOTS 9, 10 & 11, BLOCK 55, PLAT OF UNIT 1, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 164 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 65

LOTS 5 AND 6 BLOCK 60, PLAT OF UNIT 3, MEADOWBROOK ESTATES, SECTION 22 AND 27, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 166 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL NUMBER 66

LOT 7 BLOCK 60, PLAT OF UNIT 3, MEADOWBROOK ESTATES, SECTION 22, TOWNSHIP 44 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEMICH ACRES, LEE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 18, AT PAGE 166 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Reynaert Parcel

Lots 19 and 20, Block 49, Unit 6, Section 29, Township 44 South, Range 26 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 15, Page 80, Public Records of Lee County, Florida.



July 31, 2003

James R. Opp
904 Lee Blvd. #102
Lehigh Acres, FL 33936

Re: A 12-foot wide utility and/or drainage easement north third of the lot line common to Lots 7 & 8, Block 49, Unit 1 a subdivision of Meadowbrook Estates located in Lehigh Acres, Florida

and

A 12-foot wide utility and/or drainage easement south third of the lot line common to Lots 6 & 7, Block 49, Unit 1 a subdivision of Meadowbrook Estates located in Lehigh Acres, Florida, as recorded in Plat Book 18, Pages 164 less and except the south 6 feet and the north 6 feet thereof.

Dear Mr. Opp:

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 black ink that reads "Rachel L. Cowing". The signature is written in a cursive style with a large, prominent "R" and "C".

Rachel L. Cowing
Legal Secretary



August 2, 2003

Mr. James R. Opp
904 Lee Blvd., #102
Lehigh Acres, Florida 33936

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 6 & 7 and lots 7 & 8,
Block 49, Section 22, Township 44S, Range 27E.as
Recorded in Plat Book 18, page 164 of the Lee County
Public Records. Strap No. 22-44-27-13-00049.0060

Dear Mr. Opp:

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 863-452-3207.

Sincerely,

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

Wayneth Jackson
Engineer



July 28, 2003

Mr. James R. Opp
904 Lee Blvd. #102
Lehigh Acres, FL 33936

Re: Strap No. 22-44-27-13-00049.0060

Dear Mr. Opp:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lot 6 & 7, Block 49, Unit 1, Meadowbrook Estates, as recorded in Plat Book 18, page 164, of the Public Records of Lee County, Florida, **LESS AND EXCEPT** the east 6 feet and the west 6 feet thereof;

AND

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lot 7 & 8, Block 49, Unit 1, Meadowbrook Estates, as recorded in Plat Book 18, page 164, of the Public Records of Lee County, Florida, **LESS AND EXCEPT** the easement 6 feet and the west 6 feet thereof.

Please call me at 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin
Real Property Representative

2931 Michigan Avenue
Fort Myers, Florida 33916
Phone 941-334-8828
Fax 941-334-8575



July 22, 2003

I & E Group, Inc
C/O James Opp
PO box 1361
Lehigh Acres, FL 33936

Re: Request for a letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: 823 Cleveland Av
Lehigh Acres, FL 33972.
Strap #22-44-27-13-00049.0060

Dear James Opp,

Comcast has no existing utilities in the above referenced location and has no
objection with the vacation of the above referenced utility easement.

If I can be of further assistance to you please do not hesitate to contact me at
941-432-1865.

Sincerely,

A handwritten signature in cursive script that reads "Lucia Vera". The signature is written in black ink and is positioned above the printed name and title.

Lucia Vera
Design Coordinator



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8440

Bob Janes
District One

February 25, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Heinz Pfuner
Pfuner & Sons Construction, Inc.
P.O. Box 1361,
Lehigh Acres, FL 33970

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stillwell
County Manager

Re: VAC2003-00069 - Petition to vacate a 12-foot Public Utility Easement located at 823 Cleveland Avenue centered on the common lot line between lots 6 and 7, and 7 and 8, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida, less and except the easterly six feet and westerly six feet thereof

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Pfuner:

You have indicated that in order to build a single-family residence on the combined three (3) lots, you proposed to eliminate the Public Utility Easement located between these lots at Lehigh Acres. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200402\20031017.145\1319150\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

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

July 17, 2003

James R. Opp
904 Lee Blvd. #102
Lehigh Acres, Fl. 33936

**SUBJECT: PETITION TO VACATE EASEMENT BETWEEN TWO PARCELS
22-44-27-13-00049.0060, 823 CLEVELAND AVE.**

Dear Mr. Opp:

A) Lee County Utilities has reviewed the easement described in your letter of July 17, 2003. Lee County Utilities has no facilities located within the easement; therefore, there is no objection to the vacation of this easement. However, you may also want to contact Florida Water Service as your property is located within their Utility service area. Their phone number is (239) 278-5050.

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532..

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Senior Engineering Tech.
UTILITIES ENGINEERING

Ruth Keith - 823 Cleveland Ave.

From: "Julie Cavanaugh" <julie@ie-florida.com>
To: <rkeith@leegov.com>
Date: 2/25/2004 12:12 PM
Subject: 823 Cleveland Ave.

Ruth,

Purpose is to combine two (2) lots into one for future building site of a Single Family Home.
Strap # 22-44-27-13-00049.0060
Lots 6 thru 8 Block 49
Street address: 823 Cleveland Ave, Lehigh Acres, Fl. 33972

Please feel free to call or e-mail me if you have anymore questions.

Thank you,

Julie Kirchmeyer
I&E Homes, Inc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8124

Wednesday, February 11, 2004

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

Mrs. Julie Kirchmeyer
P.O.Box 1361
Lehigh Acres, FL 33970

Re: Petition to Vacate several twelve (12) foot wide public utility & drainage easements common to Lots 6, 7, & 8, Block 49, Unit 1, Lehigh Acres Subdivision, as recorded in Plat Book 18 Page 164 in the public records, Lee County, Florida.

Dear Mrs. Kirchmeyer:

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 and drainage 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

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LEE COUNTY
SOUTHWEST FLORIDA

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

August 8, 2003

Mr. James R. Opp
I&E Group, Inc.
904 Lee Blvd., #102
Lehigh Acres, FL 33936

RE: Petition to Vacate the 12' wide drainage and utility Easements on the lot line common to Lots 6 and 7, And Lots 7 and 8, Block 49, Unit 1, Lehigh Acres

Dear Mr. Opp:

Lee County Department of Transportation has reviewed your request to vacate the above described easements recorded in Plat Book 18, page 164. DOT has no facilities within the easements and does not maintain them.

Therefore, DOT has no objection to this petition to vacate as proposed.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Scott M. Gilbertson, P.E.
Director

SMG/JMK/mlb

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00069

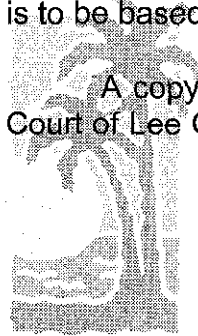
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 13th day of April, 2004 @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.



LEE COUNTY

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2003-00069

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 6 and 7, and 7 and 8; all in Block 49, Unit 1, Section 22, Township 44 South, Range 27 East, Meadowbrook Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00069**

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. VAC2003-00069 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

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

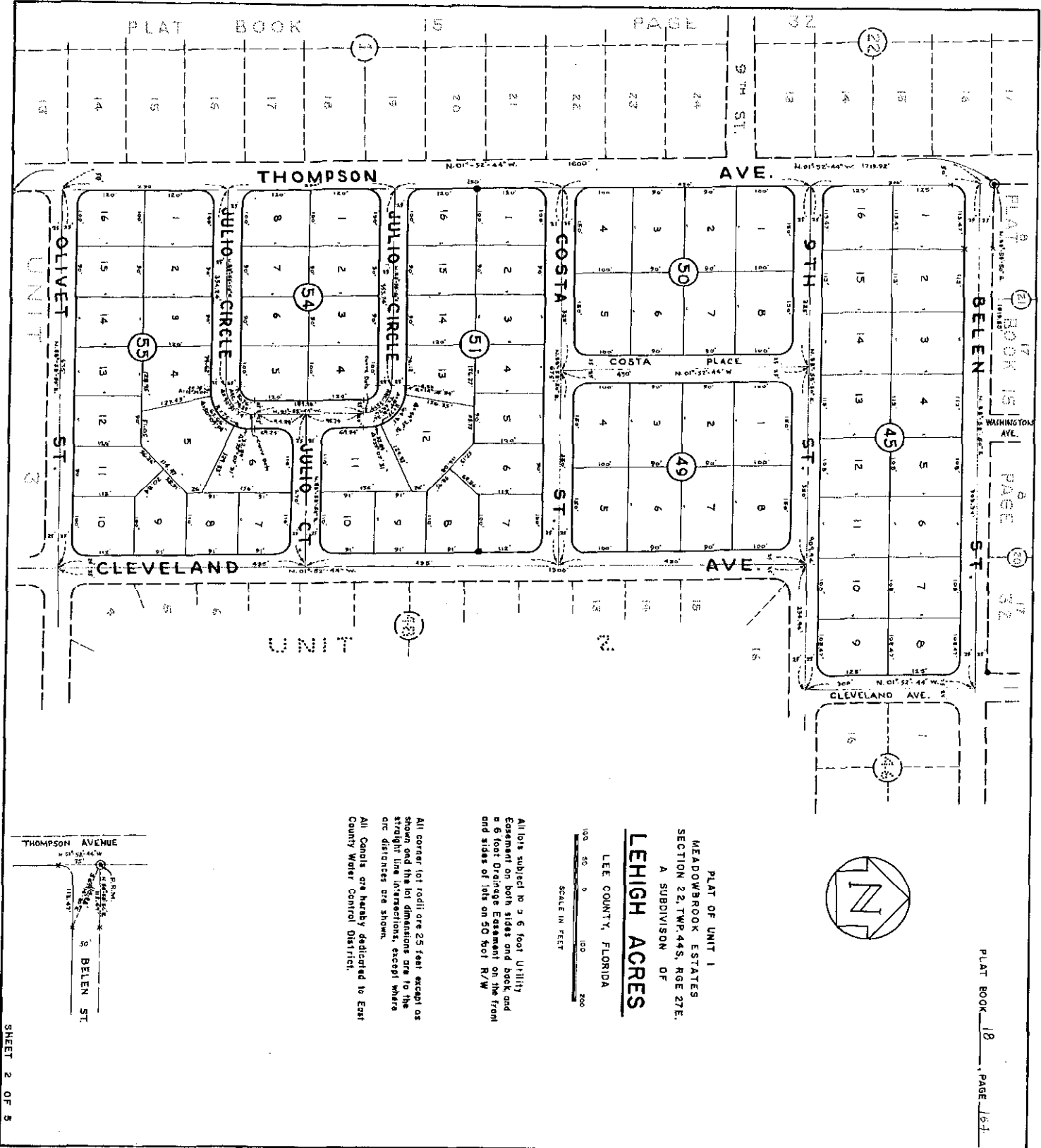
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2003-00069

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 6 and 7, and 7 and 8; all in Block 49, Unit 1, Section 22, Township 44 South, Range 27 East, Meadowbrook Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 164 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.



PLAT BOOK 18 PAGE 154

PLAT OF UNIT 1
 MEADOWBROOK ESTATES
 SECTION 22, TWP. 44S., RGE. 27E.
 A SUBDIVISION OF
LEHIGH ACRES
 LEE COUNTY, FLORIDA

SCALE IN FEET
 0 50 100 200

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

All corner lot radii are 25 feet except as shown and the lot dimensions are to the straight line, in every case, except where the distances are shown.
 All Conduits are hereby dedicated to East County Water Control District.

SHEET 2 OF 3

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Michael & Cynthia O'Hara and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Lee Homes, Inc as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Michael O'Hara
Owner*(signature)

Michael O'Hara
Printed Name

Cynthia O'Hara
Owner*(signature)

Cynthia O'Hara
Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19th day of February, 2004, by Michael & Cynthia O'Hara, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)



Julie D. Cavanaugh
My Commission DD237248
Expires July 31, 2007

Julie D. Cavanaugh
Notary Public

Julie D. Cavanaugh
(Name typed, printed or stamped)



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