

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 2821 5th Street W., Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of July, 2004. (Case No. VAC2004-00021)

WHY ACTION IS NECESSARY: To build a commercial building on the combined lots. The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and 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:
06-29-2004

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]* 6/11/04

Peter J. Eckenrode, Director

7. BACKGROUND:
The completed petition to vacate, VAC2004-00021 was submitted by Aim Engineering and Surveying, Inc. as agent on behalf of Daryl and Debbie Fisher.

LOCATION: The site is located at 2821 5th Street W., Lehigh Acres, Florida 33971. Petition No. VAC2004-00021 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between the following lots, all in the Block 54, Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 26 East, Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

Lots 9 and 10, **Less and Except** the north six feet thereof;
Lots 10 and 13; Lots 9 and 14, **Less and Except** the west six feet thereof;
Lots 13 and 14, **Less and Except** the south six feet thereof;
The easterly six foot of Lots 10 and 13, **Less and Except** the north and south 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.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services W/M 6/16			G County Manager
					OA	OM	Risk	GC
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 6-19-04	<i>[Signature]</i> 6/15/04	<i>[Signature]</i> 6/15/04	<i>[Signature]</i> 6/15/04	<i>[Signature]</i> 6/15/04

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: 6/14/04
Time: 3:50 pm
Forwarded To: Co. Adm.
U:\200406\20040421.153\4427360\BLUESHEET-ORCHESMT.DOC

RECEIVED BY
COUNTY ADMIN
6/14/04
4:25 pm
COUNTY ADMIN
FORWARDED TO
6-16-04 4 PM



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00021

Petitioner(s), T. ACQUIL AND LEASIS FORTEN 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, 1104 Box 1065, Oskaloosa, Iowa, 52557.
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:

[Signature]
Petitioner Signature

[Signature]
Petitioner Signature

[Printed Name]
Printed Name

[Printed Name]
Printed Name

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 25-44-26-06-0054.0010 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 AIM ENGINEERING, 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.

[Signature]
Owner*(signature)

Owner*(signature)

Daryl Fisher
Printed Name

Printed Name

Owner*(signature)

Owner*(signature)

Printed Name

Printed Name

Owner*(signature)

Owner*(signature)

Printed Name

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 25 day of MARCH, 2004, by DARYL FISHER, who is personally known to me or who has produced PERSONALLY KNOWN as identification and who did (did not) take an oath.

[Signature]
Notary Public

Linda Comber
(Name typed, printed or stamped)

(SEAL)

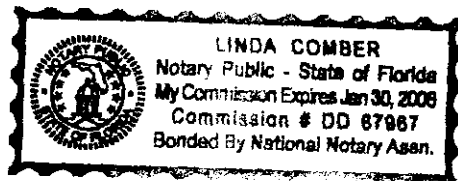


Exhibit "A"
Petition to Vacate
VAC2004-00021
[Page One of One]

Legal Description of a
Portion of a **Public Utility** and
Drainage Easement to be Vacated

Those portions of the twelve-foot wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in Block 54, Part of Plat of Units 3 & 6, All of 4 & 5, Section 25, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the Plat thereof as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

Lots 9 and 10, **Less and Except** the north six feet thereof;

Lots 10 and 13;

Lots 9 and 14, **Less and Except** the west six feet thereof;

Lots 13 and 14, **Less and Except** the south six feet thereof; and

The easterly six feet of Lots 10 and 13, **Less and Except** the north and south six feet thereof.

Exhibit "B"
Petition to Vacate
VAC2004-00021
[Page One of One]

PLAT OF PART OF UNITS 3 & 6 ALL OF 4 & 5
SECTION 25, TOWNSHIP 44 S., RANGE 26 E.

A SUBDIVISION OF
LEHIGH ACRES

LEE COUNTY, FLORIDA

SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

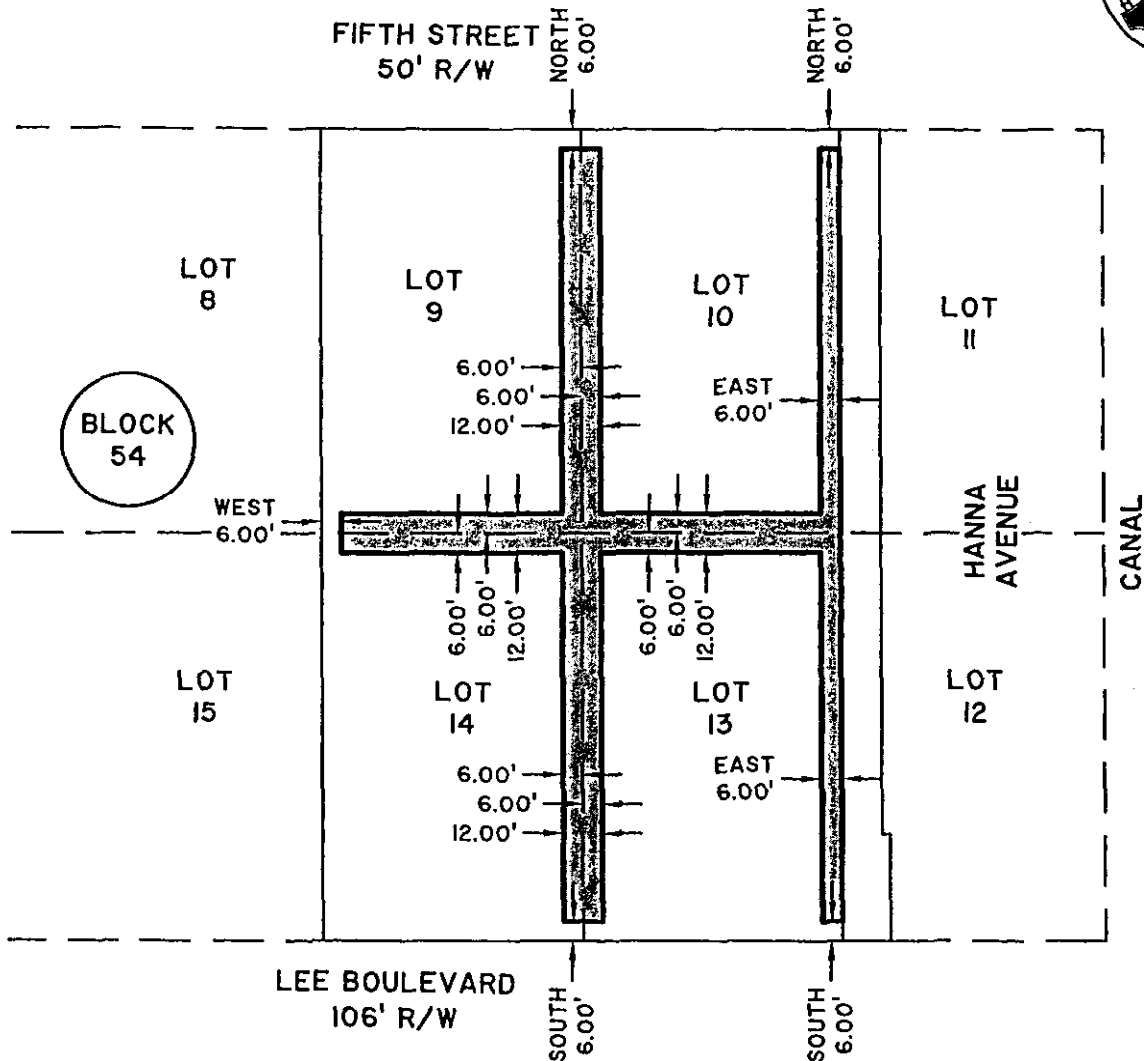
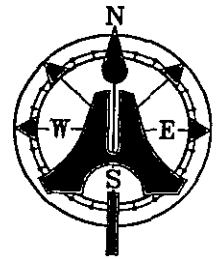
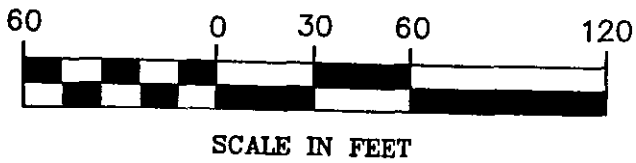




Exhibit "C"
Petition to Vacate
VAC2004-00021
[Page One of One]

View
 Save as File
 View file format.

Search By:

Tax Year:

Account: Extensive Search
















Page 1 of 1
6 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
25-44-26-06-00054.0010	2003	FLORIDA LANDMARK COMM INC 2821 5TH ST W	PAID	
25-44-26-06-00054.0010	2002	FLORIDA LANDMARK COMM INC 2821 5TH ST W	PAID	
25-44-26-06-00054.0010	2001	FLORIDA LANDMARK COMM INC 2821 5TH ST W	PAID	
25-44-26-06-00054.0010	2000	FLORIDA LANDMARK COMM INC 2821 5TH ST W	PAID	
25-44-26-06-00054.0010	1999	LEHIGH CORPORATION 2821 5TH ST W	PAID	
25-44-26-06-00054.0010	1998	LEHIGH CORPORATION	PAID	

Page 1 of 1
6 matches

14.50 R
500 CC
750.00

1774.50



This Instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite 350
Fort Myers, Florida 33907

Parcel Identification No: 25-44-26-06-00054.0010

INSTR # 6115711
QR BK 04176 Pgs 1231 - 1234; (4pgs)
RECORDED 01/20/2004 12:53:51 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 19.50
DEED DOC 1,750.00
DEPUTY CLERK C Keller

[Space above this line for recording]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 15th day of January 2004, by **Florida Landmark Communities, Inc.**, a Florida corporation f/k/a Lehigh Corporation (hereinafter called the Grantor), to **Daryl E. Fisher and Deborah J. Fisher**, Husband and Wife (hereinafter called Grantee), whose address is Post Office Box 1065, Oskaloosa, Iowa 52577.

Ⓟ **WITNESSETH:** That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" Attached Hereto (the "Property");

and this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments for the year 2004 and subsequent years; (3) Restrictive Covenant being executed contemporaneously herewith; and (4) those specific exceptions to title set forth on Exhibit "B" attached hereto.

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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Grantor hereby expressly reserves for itself, its successors and its assigns, all of the oil, gas and mineral rights, which have not been previously reserved or granted, provided that there shall be no right of exploration or surface entry upon the Property.

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

**Florida Landmark Communities, Inc.,
a Florida corporation**

Catherine Seelig
Print Name: Catherine Seelig

By: Brian D. Green
Brian D. Green
Vice President
226 E. Joel Boulevard
Lehigh Acres, Florida 33972

Sabine M. Francisco
Print Name: SABINE M. FRANCISCO

State of Florida)
County of Lee)

The foregoing instrument was acknowledged before me this 6 day of January, 2004, by Brian D. Green, as Vice President of Florida Landmark Communities, Inc., a Florida corporation, who () is personally known to me or () has produced _____ as identification.

My Commission Expires:

Catherine Seelig
Notary Public, State of Florida at Large
Print Notary Name: Catherine Seelig

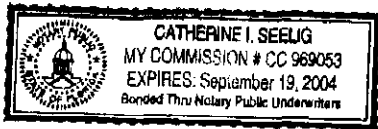


EXHIBIT "A"

Legal Description

Lots 9, 10, 11, 12, 13, and 14, Block 54, Plat of Part of Units 3 and 6 and all of 4 and 5, LEHIGH ACRES, Section 25, Township 44 South, Range 26 East, according to the plat thereof as recorded in Plat Book 15, page 70, less that portion of Lots 11 and 12 conveyed to Lee County in Official Records Book 2951, page 914, and in Official Records Book 3662, page 4157.

Exhibit "B"

Title Exceptions

1. Lee County Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.
2. Any lien provided by chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.
3. Agreement between Lee County Land and Title Company and Lehigh Utilities, Inc. recorded at Official Records Book 327, page 119.
4. Sewer and Water Covenants and Restrictions recorded in Official Records Book 10, page 695, as amended by instrument recorded at Official Records Book 41, page 264.
5. Subject land lies within the boundaries of the East County Water Control District and is subject to any acts and/or assessments thereof.
6. Developer's Agreement between Lehigh Corporation, Cliffside Properties, Inc. and Lehigh Utilities, Inc. affecting water systems, sewage systems and lift stations throughout Lehigh Acres recorded at Official Records Book 2357, page 2973 and as modified by instrument recorded in Official Records Book 2551, Page 833.
7. As recited on Plat: "All lots subject to a 6 foot utility easement both sides, front and back."
8. Covenants, conditions, restrictions and easements contained in Declaration of Restrictions recorded in Official Records Book 13, Page 465.
9. Subject to Easements, Restrictions and other matters as recorded on the Plat in Plat Book 15, Page 70.

Note: All recording references contained herein refer to the Public Records of Lee County, Florida.



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.iline.com

December 18, 2003

AIM Engineering & Surveying, Inc.
Attn: Jared Lesser, E.I.
P. O. Box 1235
Lehigh Acres, FL 33970-1235

Re: 2821 W. 5th St., Lehigh Acres

Dear Mr. Lesser:

LCEC does not object to vacation of the utility and/or drainage easements described on the attached except for the revision made to the last paragraph. It is our understanding that the 6-foot-wide public utility easement on the west line of lots 11 and 12 will remain intact.

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

Sincerely,

Karen Hardin
Real Property Representative

Attachment

DESCRIPTION:

A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 9 AND 10, BLOCK 54, UNIT 6, LEHIGH ACRES, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 70, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE NORTH 6 FEET THEREOF.

AND
A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 10 AND 13, BLOCK 54, UNIT 6, LEHIGH ACRES, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 70, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND
A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 9 AND 14, BLOCK 54, UNIT 6, LEHIGH ACRES, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 70, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE WEST 6 FEET THEREOF.

AND
A 12 FOOT WIDE STRIP LYING 6 FEET EACH SIDE OF THE COMMON LINE BETWEEN LOTS 13 AND 14, BLOCK 54, UNIT 6, LEHIGH ACRES, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 70, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE SOUTH 6 FEET THEREOF.

AND
THE EAST 6 FOOT OF LOTS 10 AND 13, BLOCK 54, UNIT 6, LEHIGH ACRES, SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 70, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS THE NORTH AND SOUTH 6 FEET THEREOF



Customer Service Operations

P. O. Box 1235
Lehigh Acres, Florida 33970-1235

January 26, 2004

Jared Lesser, E. I.
Aim Engineering & Surveying, Inc
Post Office Box 1235
Lehigh Acres Florida 33970-1235

Re: Vacation of Public Utility Easement:
Per description sheet attached for 2821 W. 5th St Lehigh Acres, Florida

Dear : Mr. Lesser,

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 239-336-2162.

Sincerely,

A handwritten signature in cursive script that reads "Sabrina Thompson".

Sabrina Thompson
Engineer



January 12, 2004

Jared Lesser
AIM Engineering & Surveying, Inc.
5300 Lee Boulevard
Post Office Box 1235
Lehigh Acres, Fla. 33970-1235

RE: Vacation of easement
2821 W. 5th Street, Lehigh Acres, Fla.

Dear Mr. Lesser:

Your request for the above listed vacation of easement has been reviewed. Your request for the above listed vacation of easement has been reviewed. At this time, Time Warner Cable has no facilities in this area and no future build is anticipated. Time Warner Cable has **NO CONFLICT** with this proposed vacation of right of way.

If you have any further questions or concern, please do not hesitate to contact me at (239) 772-2218, Ext. 120.

Sincerely,

TIME WARNER CABLE


Adnaldo Rodriguez
Technical Field Inspector

AR/ss

301 Tower Road
Naples, FL 34113
Collier: (239)-732-3861
Lee: (239)-432-1861
FAX: 239-334-8575



December 30, 2003

Jared Lesser
AIM Engineering & Surveying, Inc.
5300 Lee Blvd.
Lehigh Acres, Fl. 33971-1026

Re: Vacation of Utilities and Drainage Easement located at 2821 W. 5th Street, Lehigh Acres, Florida.

Dear Mr. Lesser :

Comcast Communications has reviewed the plans of the above referenced properties. Comcast has no objection to the vacation of the easement as indicated on the attached legal description and sketch.

If I can be of any additional information regarding this project, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stanton".

William Stanton
Design Department



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

514 N. Wymore Blvd., West Palm Beach, Florida 33411-4000, Telephone: (561) 862-6000, Fax: (561) 862-6001, E-mail: FGUA@fgua.com

January 19, 2004

Mr. Jared Lesser, E.I., Staff Engineer
AIM Engineering & Surveying, Inc.
5300 Lee Boulevard
P.O. Box 1235
Lehigh Acres, FL 3370-1235

RE: Vacation of Easement

Dear Mr. Lesser:

It is my pleasure to inform you that your request for an easement vacation at 2821 W. 5th Street, Lehigh Acres, Florida was unanimously approved by the FGUA Board of Directors at it's January 15, 2004 meeting.

Please do not hesitate to contact me at 407-629-6900 or csweat@govmserv.com should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles L. Sweat". The signature is fluid and cursive, written over a white background.

Charles L. Sweat
FGUA Director of Operations

CLS/fd



479-8440

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number

Bob Janes
District One

June 9, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Aibion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. L.J. Lewis,
Aim Engineering & Surveying, Inc.
5300 Lee Blvd.,
Lehigh Acres, FL 33970

Re: VAC2004-00021 - Petition to Vacate Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in the Block 54, Plat of Part of Units 3 & 6, All of 4 & 5, in S 25, T 44S, R 26E, Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, FL

Dear Mr. Lewis:

You have indicated that in order to build a commercial building on the combined lots, your client, Mr. & Mrs. Fisher desire to eliminate the Public Utility and Drainage Easements located between your four (4) lots. The site is located at 2821 5th Street W., Lehigh Acres, Florida. 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:\200406\20040421.153\4427360\DCDLETTER.DOC



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Wednesday, January 07, 2004

Douglas R. St. Cerny
District Two

Mr. Jared Lesser, E.I.
Aim Engineering, Inc.

Ray Judah
District Three

5300 Lehigh Blvd.
Lehigh Acres, FL 33970-1235

Andrew W. Coy
District Four

Re: Petition to Vacate a several twelve (12) foot wide public utility & drainage easements common to Lots 9 & 10, Lots 10 & 13, & Lots 13 & 14, Block 54, Unit 3, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 70, in the public records, Lee County, Florida.

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Lesser :

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 easements.

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\vac403.doc



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

June 7, 2004

Mr. L. J. Lewis
AIM Engineering & Surveying, Inc.
5300 Lee Blvd.
Post Office Box 1235
Lehigh Acres, FL 33970-1235

**RE: Petition to Vacate Drainage and Public Utility Easements
On Lots 9, 10, 13 and 14, Block 54, Unit 6, Lehigh Acres,
Section 25, Township 44 South, Range 26 East,
Recorded in Plat Book 15, page 70**


Dear Mr. Lewis:

Lee County Department of Transportation has reviewed your request to vacate the above described easements. DOT has no facilities within the easements and does not maintain them.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson
Right-of-way Supervisor

MAL/JMK/mlb

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2004\Lots 9-14 Block 54 Lehigh - Lewis.doc



Florida Department of Transportation

**JEB BUSH
GOVERNOR**

801 North Broadway Avenue
Bartow, Florida 33830

**JOSE ABREU
SECRETARY**

December 17, 2003

AIM Engineering & Survey, Inc.
Attn: Jared Lesser, E.I.
P.O. Box 1235
Lehigh Acres, Florida 33970-1235


RE: Vacation of a Public Utility Easement

Dear Mr. Lesser:

In response to your letter we received on December 17, 2003, our staff has conducted a review of your request to vacate the subject area as marked and generally described as: Those portions of a Public Utility and Drainage Easement lying within Lots 9, 10, 13 & 14, Block 54, Unit 6, Leigh Acres, Lee County, Florida as described in the legal description on the attached Exhibits "A" & "B".

Based on this review, we offer "No Objections" to this vacation request.

Sincerely,



Brian L. Toune,
Property Management Agent

cc: Scott Gilbertson, P.E. – Lee County
Peter J. Eckenrode – Lee County
Mike Rippe – FDOT
Tom Garcia - FDOT

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413 *(863)534-7168 (Fax)*MS 1-66
www.dot.state.fl.us

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00021**

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. VAC2004-00021 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

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
VAC2004-00021
[Page One of One]

Legal Description of a
Portion of a **Public Utility** and
Drainage Easement to be Vacated

Those portions of the twelve-foot wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in Block 54, Part of Plat of Units 3 & 6, All of 4 & 5, Section 25, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the Plat thereof as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

Lots 9 and 10, **Less and Except** the north six feet thereof;

Lots 10 and 13;

Lots 9 and 14, **Less and Except** the west six feet thereof;

Lots 13 and 14, **Less and Except** the south six feet thereof; and

The easterly six feet of Lots 10 and 13, **Less and Except** the north and south six feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00021

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 27th day of July 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
SOUTH WEST FLORIDA
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2004-00021
[Page One of One]

Legal Description of a
Portion of a **Public Utility** and
Drainage Easement to be Vacated

Those portions of the twelve-foot wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in Block 54, Part of Plat of Units 3 & 6, All of 4 & 5, Section 25, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the Plat thereof as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida:

Lots 9 and 10, **Less and Except** the north six feet thereof;

Lots 10 and 13;

Lots 9 and 14, **Less and Except** the west six feet thereof;

Lots 13 and 14, **Less and Except** the south six feet thereof; and

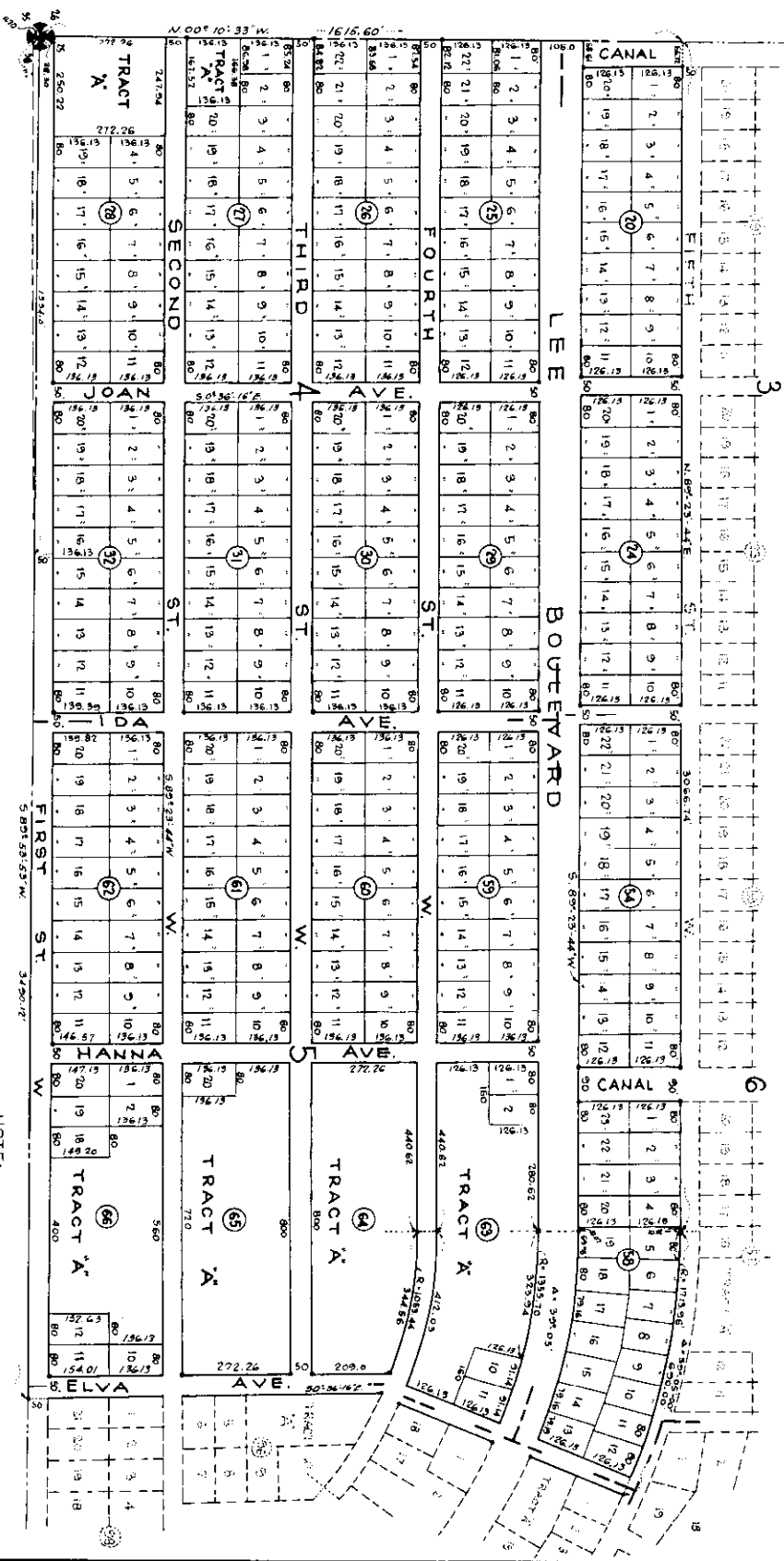
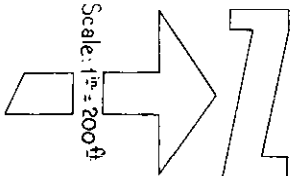
The easterly six feet of Lots 10 and 13, **Less and Except** the north and south six feet thereof.

PLAT OF PART OF UNITS 3 & 6 ALL OF 4 & 5
 SECTION 25, TOWNSHIP 44 S., RANGE 26 E.

A SUBDIVISION OF
LEHIGH ACRES
 LEE COUNTY, FLORIDA

PLAT BOOK 15, PAGE 70

Scale: 1" = 200'



NOTE:

- All lots subject to a 6 foot Drainage and Utility Easement both sides front and back.
- Interior R.R.M.s are 4' x 4' 24" concrete.
- Denotes P.R.M.s.
- All Canals to be dedicated to East County Water Central District.



Area to be vacated