

1. **REQUESTED MOTION:**

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement at 6420 Maytree Cir, Fort Myers, FL 33905, located off of Buckingham Road, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 9th day of November, 2004. (Case No. VAC2004-00053)

WHY ACTION IS NECESSARY: To build a single-family residence 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

C4B

3. **MEETING DATE:**

10-12-2004

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]* 9/27/04
Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2004-00053 was submitted by Richard W. Pringle as the agent on behalf of William H. Walker.

LOCATION: The site is located at **6420 Maytree Cir, Fort Myers, FL 33905**. Petition No. VAC2004-00053 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 53 and 54; both in Block 13, East Part of Unit 3, Replat of Resubdivision of Block B, Buckingham Park, a subdivision of Lehigh Acres, Northwest Section in Section 16, Township 44 South, Range 26 East, as recorded in Plat Book 27 at Page 190 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly 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			G County Manager
					GA	OM	Risk	GC
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 9/29/04	<i>[Signature]</i> 9/29/04	<i>[Signature]</i> 9/30/04	<i>[Signature]</i> 9/30/04	<i>[Signature]</i> 9/30/04

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *9/29/04*
Time: *10:20*
Forwards to:
[Signature]
HESMT.DOC

RECEIVED BY
COUNTY ADMIN: *[Signature]*
7/29/04
4:20 pm
COUNTY ADMIN
FORWARDED TO:
[Signature]
9/30/04
330



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2004-00053

Petitioner(s), William H. Walker
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, c/o Richard Pringle, P.O. Box 1545, Fort Myers, FL 33902
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

Petitioner Signature

Printed Name

Richard W. Pringle

Printed Name
Attorney for Bill Walker

LETTER OF AUTHORIZATION

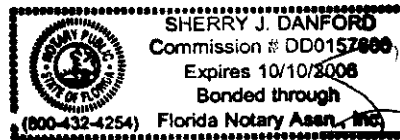
I, William H. Walker, have made and appointed my attorney, Richard W. Pringle, as my agent/attorney for the purpose of acquiring a vacation of the public utility and drainage easement which lies between Lots 53 and 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida. I hereby authorize Richard W. Pringle to file the application and to take all other action necessary to acquire approval of the application to vacate the above referenced public utility and drainage easement.

William H. Walker
William H. Walker

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this day personally appeared before me, William H. Walker, to me personally known, or who has produced _____ as identification, and who acknowledged before me that he executed the foregoing Authorization for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Fort Lee, said County and State, this 28th day of June, 2004.



Notary Public

Sherry Danford
Printed Name of Public Notary

My commission expires:

10/10/2008

Exhibit "A"
Petition to Vacate
VAC2004-00053
[Page One of One]

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

The twelve-foot wide Public Utility Easement and Drainage Easement centered on the common lot line between Lots 53 and 54, both in Block 13 of the East Part of Unit 3 Replat of Resubdivision of Block B, Buckingham Park - Northwest Section in Section 16, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to Plat thereof, as recorded in Plat Book 27, Page 190 of the Public Records of Lee County, Florida;

Less and Except the northerly and southerly six feet thereof.

Exhibit "C"
Petition to Vacate
VAC2004-00053
 [Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
16-44-26-06-00013.0530	2003	PAID
Original Account	Book/Page	
16-44-26-06-00013.0530	4125 /1036	
Physical Address	Mailing Address	
WALKER WILLIAM H 6420 MAYTREE CIR FORT MYERS FL 33905	WALKER WILLIAM H 7911 DENI DR NORTH FORT MYERS FL 33917 USA	
Legal Description		
BUCKINGHAM PK RE BLK B U-3 BLK 13 PB 27 PG 190 LOT 53		
Outstanding Balance as of 9/23/2004		\$0.00

Real Property Information

Account	Tax Year	Status
16-44-26-06-00013.0540	2003	PAID
Original Account	Book/Page	
16-44-26-06-00013.0540	4125 /1036	
Physical Address	Mailing Address	
WALKER WILLIAM H 6410 MAYTREE CIR FORT MYERS FL 33905	WALKER WILLIAM H 7911 DENI DR NORTH FORT MYERS FL 33917 USA	
Legal Description		
BUCKINGHAM PK RE BLK B U-3 BLK 13 PB 27 PG 190 LOT 54		
Outstanding Balance as of 9/23/2004		\$0.00



Return to: Annette Deates
Name: Executive Title Insurance Services, Inc.
Address: 1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

INSTR # 6050670
OR BK 04125 Pg 1036; (1pg)
RECORDED 11/19/2003 11:41:35 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 147.00
DEPUTY CLERK B Cruz

This Instrument Prepared:
Annette Deates
Executive Title Insurance Services, Inc.
1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
16-44-26-06-00013.0530/.0540

File No:7031372

WARRANTY DEED

This Warranty Deed Made the 5th day of November, 2003, by
Jason Richardson,
hereinafter called the grantor, whose post office address is:
13111 Peace Rd., Ft. Myers, FL. 33905

to
William H. Walker,
whose post office address is:
7911 Deni Drive, N. Fort Myers, FL. 33917,
hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, viz:

Lots 53 and 54, Block 13, East Part of Unit 3, Re-plat of Re-subdivision of Block B, Buckingham Park, Northwest
Section in Section 16, Township 44 South, Range 26 East, Lehigh Acres, Florida, according to the plat thereof, as
recorded in Plat Book 27, Page 190, Public Records of Lee County, Florida.

The property is not the homestead of the Grantor(s).
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 whomsoever; and that said land is free of all encumbrances, except
taxes accruing subsequent to **January 1, 2003**, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES

(TWO SEPARATE WITNESSES REQUIRED)

1st Witness Signature: [Signature]
Printed Name: Glenda J. Graham [Signature]
Jason Richardson

2nd Witness Signature: [Signature]
Printed Name: Merilee Hall

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 5th day of November, 2003, by Jason Richardson, who is/are personally known to me or who has/have produced driver license(s) as identification, and who did / did not take an oath.

My Commission Expires: Feb. 23, 2007

SEAL  **Glenda J. Graham**
Commission #DD186714
Expires: Feb 23, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

[Signature]
Notary Signature
Print Name: Glenda J. Graham
Serial Number DD*186714

STRAYHORN & STRAYHORN, P.L.
A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

June 25, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

*mailed
6/28/04
NP*

Mr. and Mrs. Roberto Rodriguez
47 Karen Place
Edison, NJ 08817

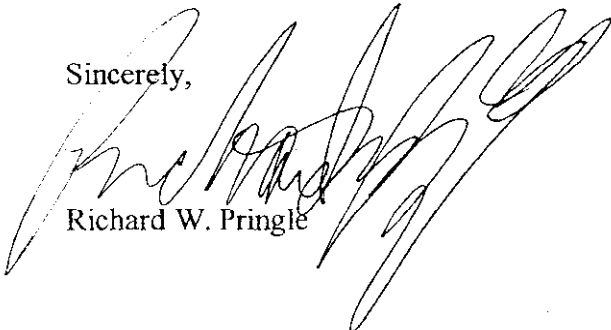
RE: Request for a proposed public utility and drainage easement vacation at the following location: Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540

Dear Mr. and Mrs. Rodriguez:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility and drainage easement at the location identified above. We have included a sketch or drawing of the utility and drainage easement we desire to vacate.

If you have any questions, please feel free to contact me.

Sincerely,


Richard W. Pringle

Enclosure
RWP/np

STRAYHORN & STRAYHORN, P.L.

A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

June 25, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

*mailed
6/28/04
RWP*

Mr. Wayne Adams
Adams Homes of N.W. Florida, Inc.
1101 Gulf Breeze Parkway, Suite 229
Gulf Breeze, FL 32561

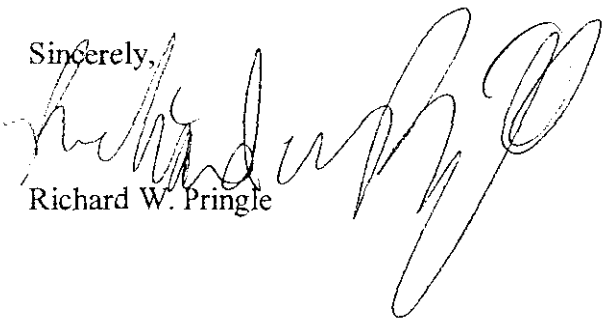
RE: Request for a proposed public utility and drainage easement vacation at the following location: Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540

Dear Mr. Adams:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility and drainage easement at the location identified above. We have included a sketch or drawing of the utility and drainage easement we desire to vacate.

If you have any questions, please feel free to contact me.

Sincerely,


Richard W. Pringle

Enclosure
RWP/np

STRAYHORN & STRAYHORN, P.L.
A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

June 25, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

mailed
6/28/04
RWP

Mr. and Mrs. Ramon Sepulveda
12038 S.W. 273rd Street
Homestead, FL 33032

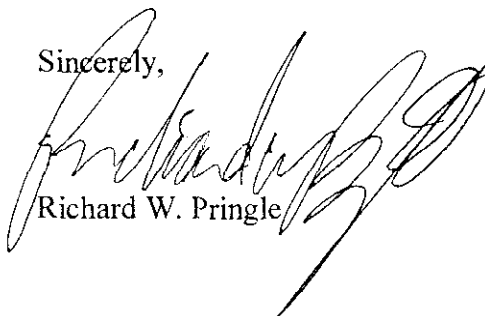
RE: Request for a proposed public utility and drainage easement vacation at the following location: Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540

Dear Mr. and Mrs. Sepulveda:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility and drainage easement at the location identified above. We have included a sketch or drawing of the utility and drainage easement we desire to vacate.

If you have any questions, please feel free to contact me.

Sincerely,



Richard W. Pringle

Enclosure
RWP/np

STRAYHORN & STRAYHORN, P.L.

A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

June 25, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

*Mailed
6/23/04
RWP*

Mr. Donald Kulbacki
17781 Frank Road
Alva, FL 33920

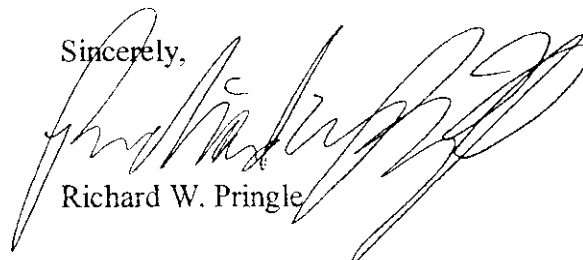
RE: Request for a proposed public utility and drainage easement vacation at the following location: Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540

Dear Mr. Kulbacki:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility and drainage easement at the location identified above. We have included a sketch or drawing of the utility and drainage easement we desire to vacate.

If you have any questions, please feel free to contact me.

Sincerely,



Richard W. Pringle

Enclosure
RWP/np

STRAYHORN & STRAYHORN, P.L.
A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

June 25, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

*Mailed
6/28/04
RWP*

Mr. and Mrs. Richard Fitzgerald
P.O. Box 6414
Bradenton, FL 34281

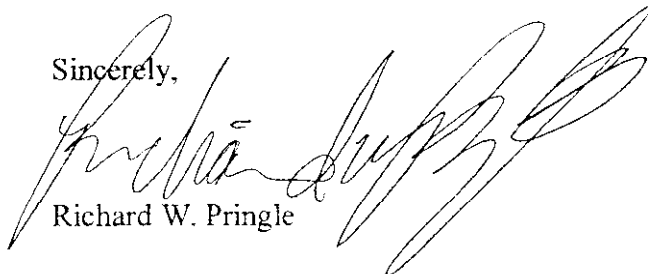
RE: Request for a proposed public utility and drainage easement vacation at the following location: Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540

Dear Mr. and Mrs. Fitzgerald:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility and drainage easement at the location identified above. We have included a sketch or drawing of the utility and drainage easement we desire to vacate.

If you have any questions, please feel free to contact me.

Sincerely,

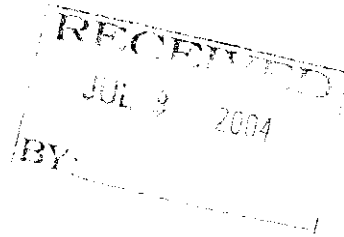


Richard W. Pringle

Enclosure
RWP/np



Roy Winfrey
Customer Project Manager
2425 THOMPSON ST
FT MYERS, FL, 33901
PHONE 239-332-9160
FAX 239-332-9128



Richard W Pringle
P O Box 1545
Fort Myers, Fl. 33902-1545

Re Vacating of Easement

Florida Power & Light Co. has no objection to vacating the easement common to lots 53 & 54 Block 13 Unit 3 less the north/cast and the south/west 6' thereof. These lots have the following Strap numbers.

16-44-26-06-00013.530
16-44-26-06-00013.540

If I may be of futher assistance,please do not hesitate to contact me at 239-332-9160

Yours truly,

Roy Winfrey
Customer Project Manager



P. O. Box 370
Fort Myers, FL 33902-0370


June 30, 2004
Mr. Richard W. Pringle
P.O. Box 1545
Fort Myers, FL 33902

Re: Petition to Vacate a utility easement.
Sprint has no objection in vacating the proposed easement.
The Easement between lots 53&54 in Section 16, Township 44 South, Range 26 East, Unit
3 Lots 53 & 54, as recorded in Plat Book 27, Page 190, in the Public Records of Lee
county, Florida. Strap number for Parcel 16-44-26-06-00013.0540

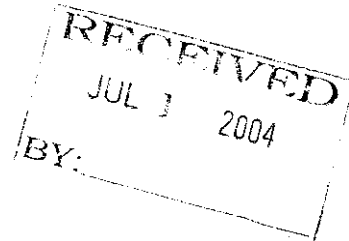
In reviewing this request, Sprint has no objection to this vacation of said easement
between lots 53 & 54 as requested.
See Att:

If you have any Questions please advise; Craig Sloan 239-336-2039

Remember Call before you dig.
Call for locates to verify 1-800-432-4770 ALL CLEAR
prior to construction.

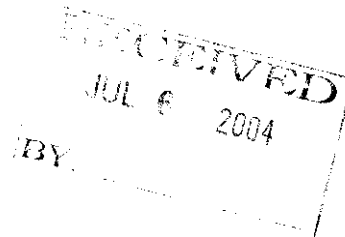

Craig Sloan
Eng. I

Cc;DH





301 Tower Rd.
Naples, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483



July, 1 2004
Strayhorn & Strayhorn, P.L.
Richard W. Pringle
P.O.Box 1545
Fort Myers, Florida 33902-1545

Buckingham Park, Lots 53 & 54, Block 13, Unit 3
I.D. No. 16-44-26-06-00013.530
Parcel I.D.No. 16-44-26-06-00013.540

Dear Richard W. Pringle,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in cursive script that reads "Mark Cook".

Mark Cook
Design Coordinator



September 8, 2004

Mr. Richard W. Pringle
Strayhorn & Strayhorn, P.L.
2125 First Street - Suite 200
Fort Myers, Fla. 33901

RE: Vacation of Public Utility and Drainage Easement
Block 13, Lots 53 & 54, Unit 3, Section 16, Township 44 South, Bucking in Park

Dear Mr. Pringle:

Your request for the above listed vacation of public utility and drainage easement has been reviewed. At this time, Time Warner Cable has no facilities in the above listed area with no future build anticipated. Time Warner Cable has NO COMMITMENT with this proposed vacation.

If you have any further questions or concern, please do not hesitate to contact me at (239) 772-2218, Ext. 79247.

Sincerely,

TIME WARNER CABLE


Adnaldo Rodriguez
Technical Field Inspector

AR/ss

AmeriGas

America's Propane Company

August 30, 2004

Richard Pringle
Strayhorn & Strayhorn, P.L.
2125 First Street, Suite 200
Fort Myers, Florida 33901

Dear Mr. Pringle:

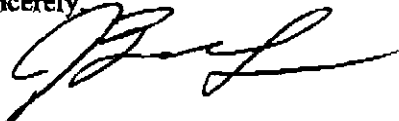
In reference to your letter faxed August 30, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO: 16-44-26-06-00013.530

STRAP NO: 16-44-26-06-00013.540

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Jim Riefstahl
Sales & Service Manager

STRAYHORN & STRAYHORN, P.L.
A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

TO Richard Pringle

June 24, 2004

VIA REGULAR MAIL

Mr. Mike Currier
FL GOVERNMENTAL UTILITY AUTHORITY
1320 Homestead Road
Lehigh Acres, FL 33936

RE: Request for a letter of Review and Recommendation on a proposed public utility and drainage easement vacation at the following location: Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540

Dear Mr. Currier:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the public utility and drainage easement lying between Lots 53 and 54 described above in order to allow the construction of a residence on the combination of Lots 53 and 54.

We have included a sketch or drawing of the public utility and drainage easement we desire to vacate. Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly. Thank you in advance for your consideration.

Sincerely,


Richard W. Pringle

Enclosure
RWP/at

*Buckingham Park is NOT in the
F.G.U.A. SERVICE AREA.*

*M. Currier - F.G.U.A.
368-1615 (14)*

Established 1915



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8531

Bob Janes
District One

July 20, 2004

Douglas R. St. Cerny
District Two

Richard W. Pringle
Strayhorn & Strayhorn, P.L.
P. O. Box 1545
Fort Myers, FL 33902-1545

Ray Judah
District Three

Andrew W. Coy
District Four

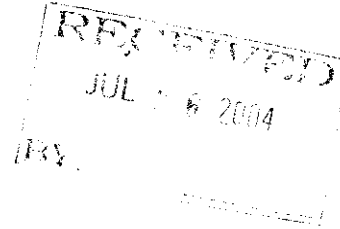
John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #S: 16-44-26-06-00013.0530 & .0540
LOTS 53 & 54, BLOCK 13 – BUCKINGHAM PARK, UNIT 3
3303-05 5TH STREET SW



Dear Mr. Pringle:

Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated attachment. 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 Mike Currier with the Florida Governmental Utility Authority at 368-1615, extension 14 concerning your request, as the subject parcel appears to be 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 (239)479-8531.

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

CC: Correspondence File



LEE COUNTY
SOUTHWEST FLORIDA

239 479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

September 23, 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

Richard W. Pringle
Strayhorn & Strayhorn, P.L.
P.O. Box 1545
Fort Myers, FL 33902-1545

Re: **VAC2004-00053 - Petition to Vacate** a twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 53 and 54, Block 13, East Part of Unit 3, Fort Myers, as recorded in Plat Book 27 at Page 190 of the Public Records of Lee County, FL

Dear Mr. Pringle:

You have indicated that in order to build a single-family residence on the combined lots, your client, William H. Walker desire to eliminate the Public Utility and Drainage Easement located between those two (2) lots in Buckingham Park Subdivision at 6420 Maytree Circle, Fort Myers, 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

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number (239) 479-8124

Bob Janes
District One

Tuesday, July 20, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

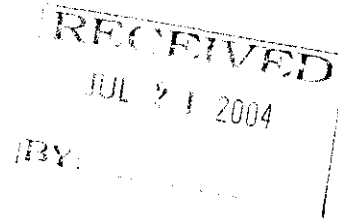
John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Mr. Richard W. Pringle
Strayhorn & Strayhorn, P.L.
2125 First Street, Suite 200
Fort Myers, FL 33901



Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 53 & 54, Block 13, Buckingham Park Subdivision, as recorded in Plat Book 27 Page 190, in the public records, Lee County, Florida.

Dear Mr. Pringle:

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: John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Ruth Keith, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac441.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8480

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

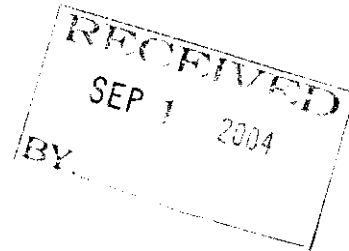
John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

August 31, 2004



Mr. Richard W. Pringle
Strayhorn & Strayhorn, P.L.
P. O. Box 1545
Fort Myers, FL 33902-1545

**RE: Petition to Vacate the 12 foot wide
Public Utility and Drainage Easement on
The lot line common to Lots 53 and 54,
Block 13, Unit 3, Section 16, Township 44 South,
Range 26 East, Plat Book 27, page 190
Lehigh Acres**

Dear Mr. Pringle:

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

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

Yours very truly,

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 53 & 54 Lehigh - Pringle.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111
Lee On Line Access (LOLA) Internet address <http://lola.co.lee.fl.us>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00053

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 9th day of November 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.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2004-00053
[Page One of One]

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

The twelve-foot wide Public Utility Easement and Drainage Easement centered on the common lot line between Lots 53 and 54, both in Block 13 of the East Part of Unit 3 Replat of Resubdivision of Block B, Buckingham Park - Northwest Section in Section 16, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to Plat thereof, as recorded in Plat Book 27, Page 190 of the Public Records of Lee County, Florida;

Less and Except the northerly and southerly six feet thereof.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00053

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. VAC2004-00053 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2004-00053

[Page One of One]

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

The twelve-foot wide Public Utility Easement and Drainage Easement centered on the common lot line between Lots 53 and 54, both in Block 13 of the East Part of Unit 3 Replat of Resubdivision of Block B, Buckingham Park - Northwest Section in Section 16, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to Plat thereof, as recorded in Plat Book 27, Page 190 of the Public Records of Lee County, Florida;

Less and Except the northerly and southerly six feet thereof.



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

September 23, 2004

239 479-8585

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. Stillwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Richard W. Pringle
Strayhorn & Strayhorn, P.L.
P.O. Box 1545
Fort Myers, FL 33902-1545

Re: VAC2004-00053 - Petition to Vacate a twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 53 and 54, Block 13, East Part of Unit 3, Fort Myers, as recorded in Plat Book 27 at Page 190 of the Public Records of Lee County, FL

Dear Mr. Pringle:

This letter will serve as a purpose to waive the requirement for a letter from Florida Department of Transportation (FDOT), which is required under Administrative Code 13-1, F.S. Chapter 177. The strap number of the subject parcel is 16-44-26-06-00013.0530.

Since this Petition to Vacate request entails a portion of a public utility and drainage easement located within the subject property, and there is no portion of State roads and/or right-of-ways which are involved to be vacated, Department of Community Development believes that it is appropriate to waive the requirement for a letter from FDOT.

If you have further questions, please let us know.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200409\20040915.160\2236410\DCDLETTER.DOC

STRAYHORN & STRAYHORN, P.L.
A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
E. Bruce Strayhorn, P.L.
Richard W. Pringle, P.A.

Reply to:
Richard W. Pringle
P. O. Box 1545
Fort Myers, FL 33902-1545

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail: Richard@strayhornlaw.com

September 9, 2004

VIA HAND DELIVERY

Peter J. Eckenrode
Director of Development Services
Lee County Land Development
1500 Monroe Street
Fort Myers, FL 33901

RE: Vacation of public utility and drainage easement lying between Lot 53 and Lot 54, Block 13, Unit 3, Section 16, Township 44 South, Range 26 East, Buckingham Park, as recorded at Plat Book 27, Page 190, Public Records of Lee County, Florida-Parcel I.D. No. 16-44-26-06-00013.530 and Parcel I.D. No. 16-44-26-06-00013.540.

Dear Mr. Eckenrode:

I have been retained by Mr. Walker, who owns the above referenced parcels. Mr. Walker intends to construct a residence on the combination of Lots 53 and 54. In order to do so, Mr. Walker must vacate the six foot wide public utility easement and drainage easement which lies on either side of the property line lying between Lots 53 and 54.

At this time, we have received correspondence from all appropriate utilities stating that they have no objection to the vacation of the easement. Copies of the correspondences from the appropriate utilities companies are enclosed. We have also forwarded correspondence to adjacent property owners by certified mail, return receipt requested, advising of Mr. Walker's intention to apply for a vacation of the easement. The certified mail return receipts and copies of the letters to the adjacent lot owners are enclosed. To date we have received no objections from anyone in writing.

Even though the application does not involve the vacation of a roadway, I have requested and received a letter of no objection from Lee County DOT, a copy of which is enclosed. I have also received letters of no objection from other appropriate governmental agencies and enclose copies of their letters of no objection.

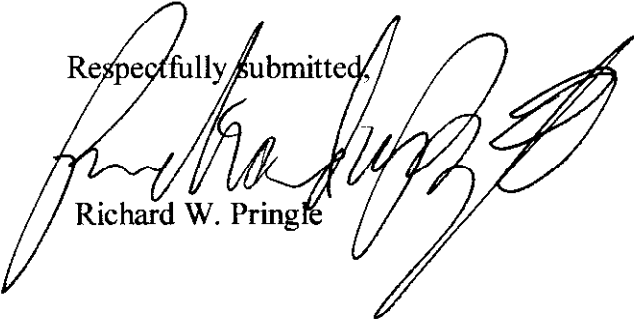
Peter J. Eckenrode
Page 2
September 9, 2004

Because this is not a request to vacate a roadway, I respectfully request that you waive the requirement of acquiring a letter from Florida DOT. Also, I respectfully request that you waive the requirements of Mr. Walker acquiring letters of no objection from any other parties or government agencies except as referred to above.

I am filing the petition on behalf of Mr. Walker; therefore, any correspondence or contacts by telephone, telecopier or email may be forwarded to me at my address stated above. If you have any questions, or if any additional information is required in order to process the petition to vacate, please feel free to contact me.

As a final note, please authorize Mr. Walker to proceed with the acquisition of his building permits once a file number has been assigned to the easement vacation application so he can proceed with the construction project prior to a final ruling on Mr. Walker's easement vacation application.

Respectfully submitted,


Richard W. Pringle

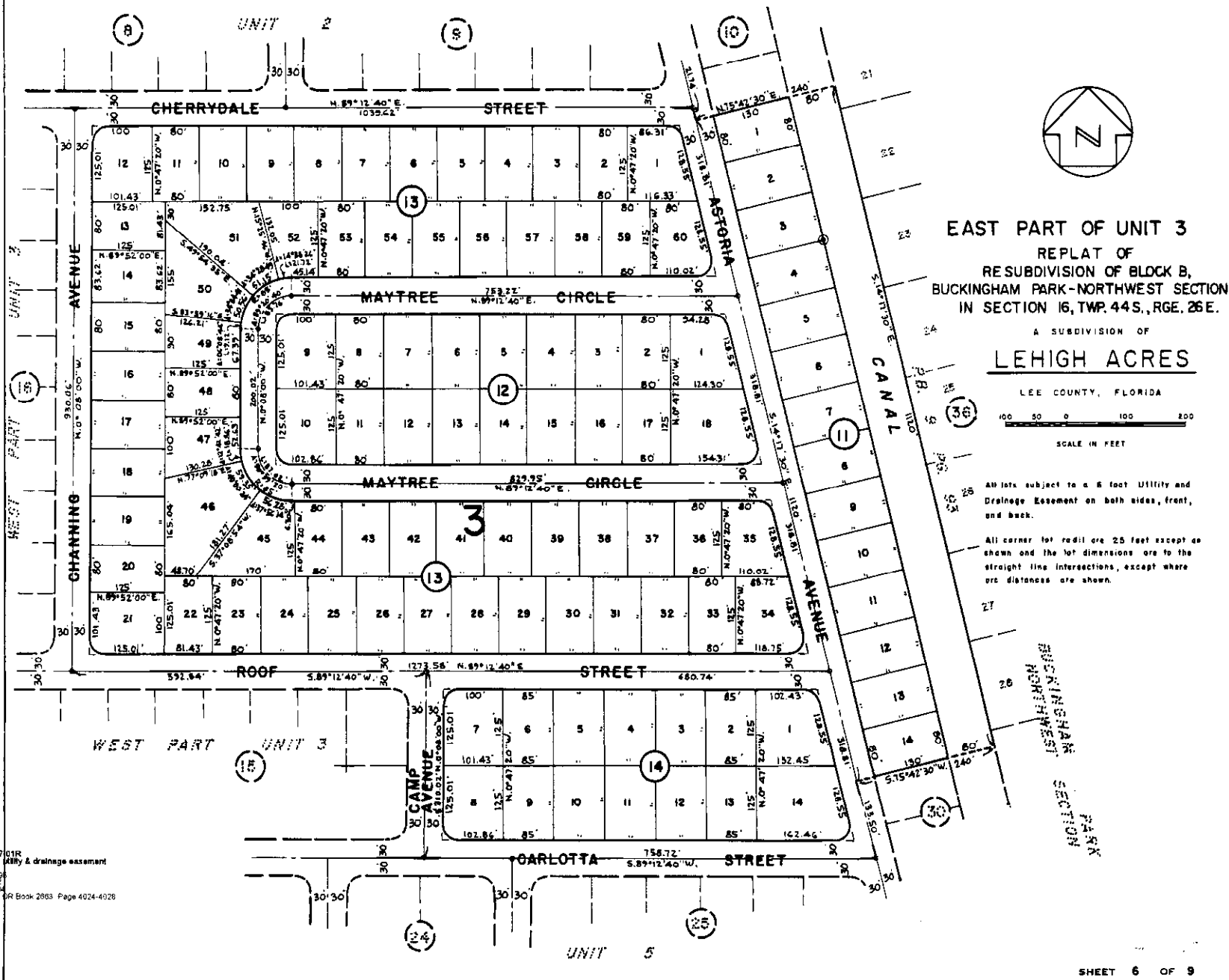
Enclosures
RWP/at

PS: A letter of authorization executed by Mr. Walker is attached to the application.

Petition to Vacate
 Petition No: VA-2004-00013
 Description: 12ft public utility easement
 Date of Approval: 04-27-2004
 Resolution No: 04-04-50
 CCMB: 2004R Page: 311
 Recorded on: 05/08/04 OR Book: 4283
 Page: 0586-0589

NOTE: ORIGINAL PLAT P.B. 9 - PG. 92 & 93
 RESUBDIVISION P.B. 18 - PG. 152, 153 & 154

PLAT BOOK 27 PAGE 190



Petition to Vacate
 Petition No: 95-09-257-01R
 Description: 12ft wide utility & drainage easement
 See CCMB
 Date of Approval: 10/09/95
 Resolution No: 95-12-111
 CCMB: 1995R Page 504
 Recorded on: 12/23/95 OR Book 2883 Page 4024-4028

Lee Property Appraiser Web Tax Map

BUCKINGHAM PARK RE BLK B U-2



Tax Map Legend

- Selected Parcel
- Road Centerlines
- Subdivisions
- Parcels
- Easements

Aerial Image Set	2002 (Color)	Map Currency Date	9/15/2004 9:13:32 AM
Selected Parcel	16-44-26-06-00013.0530	Legal Description	BUCKINGHAM PK RE BLK B U-3 BLK 13 PB 27 PG 190 LOTS 53 + 54
Parcel Owner	WALKER WILLIAM H 7911 DENI DR NORTH FORT MYERS FL 33917	Property Address	6420 MAYTREE CIR Fort Myers FL 33905



Area to be vacated

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. + Mrs. Ramon Sepulveda
 12038 S.W. 273rd Street
 Homestead, FL 33032

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service)

7003 1010 0001 3306 8731

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. and Mrs. Roberto Rodriguez
 47 Karen Place
 Edison, N.J. 08817

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service)

7003 1010 0001 3306 8694

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. + Mrs. Richard Fitzgerald
 P.O. Box 6414
 Bradenton, FL 34281

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service)

7003 1010 0001 3306 8717

SEP 7 2001
 102595-01-M-2509
 RECEIVED
 SEP 7 2001
 102595-01-M-2509

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Donald Kulbacki
 17781 Frank Road
 Alva, FL 33920

2. Article Number

(Transfer from service)

7003 1010 0001 3306 8748

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Lesia Kulbacki Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

LESIA KULBACKI

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Wayne Adams
 Adams Homes of N.W. Florida, Inc.
 1101 Gulf Breeze Pkwy.
 Suite 229
 Gulf Breeze, FL 32561

2. Article Number

(Transfer from service)

7003 1010 0001 3306 8700

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Angela Bmsay Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Angela Bmsay

6/30

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SEP 24 2004
 U.S. MAIL