

1. **REQUESTED MOTION:**

ACTION REQUESTED: Accept a Petition to Vacate three (3) 12-foot wide Drainage and Public Utility Easements at 11360, 11340, 11320 and 11300 Lindbergh Blvd., Fort Myers, Florida, located off of Rickenbacker Parkway and Daniels Road, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 22nd day of March, 2005. (Case No. VAC2004-00076)

WHY ACTION IS NECESSARY: To build a commercial building on the combined four (4) 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

3. **MEETING DATE:**

02-08-2005

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] 1-17-05

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2004-00076 was submitted by Exceptional Engineering, Inc. as the agent on behalf of Dogwood Development, Inc.

LOCATION: The site is located at **11360, 11340, 11320 and 11300 Lindbergh Blvd., Fort Myers, Florida 33913** and its strap numbers are 24-45-25-01-00000.0020, 24-45-25-01-00000.0030, 24-45-25-01-00000.0040, and 24-45-25-01-00000.0050. Petition No. VAC2004-00076 proposes to vacate three (3) 12-foot wide Drainage and Public Utility Easements centered on the common line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly ten feet and southerly ten 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
					QA	OM	Risk	GC	
<u>[Signature]</u>	N/A	N/A	N/A	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
					Rec. by CoAtty Date: <u>1/19/05</u> Time: <u>3:35</u> Forwarded To: <u>[Signature]</u>				RECEIVED BY COUNTY ADMIN: <u>[Signature]</u> 1/25/05 11:25 am SLT COUNTY ADMIN FORWARDED TO: <u>[Signature]</u>

10. **COMMISSION ACTION:**

☐ **APPROVED**
☐ **DENIED**
☐ **DEFERRED**
☐ **OTHER**

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00076

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. VAC2004-00076 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of
County Commissioners of Lee County, Florida this _____.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00076

Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly ten feet and southerly ten feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00076

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 22nd day of March 2005 @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
VAC2004-00076

Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly ten feet and southerly ten feet thereof.



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00076

Petitioner(s), DOGWOOD DEVELOPMENT, 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, 11360 LINDBERGH BLVD
PORT MYERS, FL 33913
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

Brian Owens

Printed Name

President

Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

RECEIVED

JAN 10 2005

VAC 2004-00076
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 _____ 11300, 11320, 11340 and 11360 Lindbergh Blvd., Fort Myers, FL 33913 _____ 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 _____ Exceptional 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.

Owner*(signature)

Brian Owens, President Dogwood Development, Inc.

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

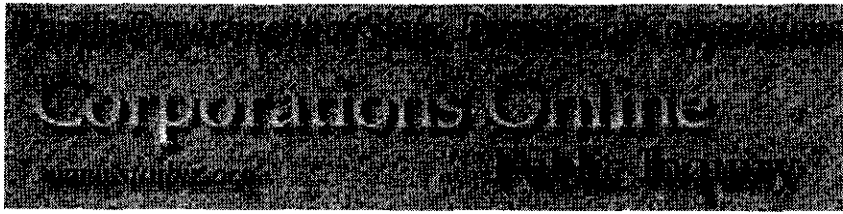
Sworn to (or affirmed) and subscribed before me this 10th day of January, 2005 by BRIAN OWENS, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)



Terri L. Wade
Notary Public

TERRI L. WADE
(Name typed, printed or stamped)



Florida Profit**DOGWOOD DEVELOPMENT, INC.**

PRINCIPAL ADDRESS

13300-56 S. CLEVELAND AVE.
PMB 236
FORT MYERS FL 33907

MAILING ADDRESS

13300-56 S. CLEVELAND AVE.
PMB 236
FORT MYERS FL 33907

Document Number
P03000034946

FEI Number
650975580

Date Filed
03/24/2003

State
FL

Status
ACTIVE

Effective Date
NONE

Registered Agent

Name & Address
OWENS, BRIAN 13300-56 S. CLEVELAND AVE. FORT MYERS FL 33907

Officer/Director Detail

Name & Address	Title
OWENS, BRIAN A 13300-56 S. CLEVELAND AVE., PMB 236 FORT MYERS FL 33907	PRES

Annual Reports

Report Year	Filed Date
2004	01/14/2004

EXHIBIT "A"
Petition to Vacate
VAC2004-00076

Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly ten feet and southerly ten feet thereof.

Exhibit "C"
Petition to Vacate
VAC2004-00076
[Page One of Two]



Real Property Information

Account	Tax Year	Status
24-45-25-01-00000.0020	2004	PAID
Original Account	Book/Page	
24-45-25-01-00000.0020	3901/1387	
Physical Address	Mailing Address	
DOGWOOD DEVELOPMENT INC 11360 LINDBERGH BLVD FORT MYERS FL 33913	DOGWOOD DEVELOPMENT INC PMB 236 13300-56 S CLEVELAND AVE FORT MYERS FL 33907 USA	
Legal Description		
S W REGIONAL COMMERCE + TRADE CENTER PB 48 PG 2 LOT 2		
Outstanding Balance as of 12/1/2004		\$0.00



Real Property Information

Account	Tax Year	Status
24-45-25-01-00000.0030	2004	PAID
Original Account	Book/Page	
24-45-25-01-00000.0030	3901/1387	
Physical Address	Mailing Address	
DOGWOOD DEVELOPMENT INC 11340 LINDBERGH BLVD FORT MYERS FL 33913	DOGWOOD DEVELOPMENT INC PMB 236 13300-56 S CLEVELAND AVE FORT MYERS FL 33907 USA	
Legal Description		
S W REGIONAL COMMERCE + TRADE CENTER PB 48 PG 2 LOT 3		
Outstanding Balance as of 12/1/2004		\$0.00

Exhibit "C"
Petition to Vacate
VAC2004-00076
[Page Two of Two]



Real Property Information

Account	Tax Year	Status
24-45-25-01-00000.0040	2004	PAID
Original Account	Book/Page	
24-45-25-01-00000.0040	3901/1387	
Physical Address	Mailing Address	
DOGWOOD DEVELOPMENT INC 11320 LINDBERGH BLVD FORT MYERS FL 33913	DOGWOOD DEVELOPMENT INC PMB 236 13300-56 S CLEVELAND AVE FORT MYERS FL 33907 USA	
Legal Description		
S W REGIONAL COMMERCE + TRADE CENTER PB 48 PG 2 LOT 4		
Outstanding Balance as of 12/1/2004		\$0.00



Real Property Information

Account	Tax Year	Status
24-45-25-01-00000.0050	2004	PAID
Original Account	Book/Page	
24-45-25-01-00000.0050	3901/1387	
Physical Address	Mailing Address	
DOGWOOD DEVELOPMENT INC 11300 LINDBERGH BLVD FORT MYERS FL 33913	DOGWOOD DEVELOPMENT INC PMB 236 13300-56 S CLEVELAND AVE FORT MYERS FL 33907 USA	
Legal Description		
S W REGIONAL COMMERCE + TRADE CENTER PB 48 PG 2 LOT 5		
Outstanding Balance as of 12/1/2004		\$0.00



This Instrument Prepared by:
GORDON R. DUNCAN, ESQ.
Post Office Box 249
Fort Myers, FL 33902

INSTR # 5783441
Official Records BK 03901 PG 1387
RECORDED 04/14/2003 04:01:19 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 3,667.30
DEPUTY CLERK C Keller

WARRANTY DEED

THIS INDENTURE, made this 9th day of April, 2003, between DONALD E. BROOKS and CATHERINE M. BROOKS, 6281 Metro Plantation Road, Fort Myers, FL 33912, party of the first part, and DOGWOOD DEVELOPMENT, INC., a Florida corporation, at 13300-56 S. Cleveland Avenue, PMB 236, Fort Myers, FL 33907, party of the second part.

② WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS and other good and valuable considerations, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

Lots 1, 2, 3, 4 and 5, SOUTHWEST REGIONAL COMMERCE AND TRADE CENTER, according to the map or plat thereof as recorded in Plat Book 48, Page 1, Public Records of Lee County, Florida.

STRAP NOs. 24-45-25-01-00000.0010/.0020/.0030/.0040/.0050

This conveyance is subject to:

1. Zoning and building ordinances and other governmental regulations.
2. Taxes and assessments for 2003 and subsequent years.
3. All easements, restrictions, limitations of record and all matters of survey.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Witness #1

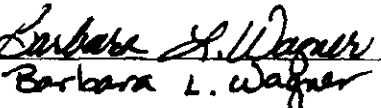
sign
print


SABINE M. FRANCISCO


DONALD E. BROOKS

Witness #2

sign
print


Barbara L. Wagner



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

January 14, 2005

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. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Brian Roberts, P.E.
Exceptional Engineering, Inc.
2053 West First Street,
Fort Myers, FL 33901

Re: **VAC2004-00076 Petition to Vacate** three (3) 12-foot wide Drainage and Public Utility Easement at 11360, 11340, 11320 and 11300 Lindbergh Blvd., Fort Myers, Florida

Dear Mr. Roberts:

This office has received your request to vacate the above referenced three (3) 12-foot wide Drainage and Public Utility Easement centered on the common line between Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Section 24, Township 45 South, Range 25 East, Southwest Regional Commerce and Trade Center, as recorded in Plat Book 48, Pages 1 and 2 of the Public Records of Lee County, Florida; LESS and EXCEPT the northerly ten feet and southerly ten feet thereof.

The reason of this vacation is to build a commercial building on the combined four (4) 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. 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.

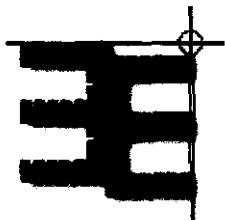
Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200501\20041215.141\1291360\DCDLETTER.DOC



Exceptional Engineering, Inc.

RECEIVED
DEC 15 2004

PERMIT COUNTER

VAC2004-00076

December 15, 2004

Mr. Peter J. Eckenrode
Lee County Development Services
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901-5500

RE: Request for a letter of Review and Recommendation on a proposed utility and drainage easement vacation at the following location: 11300-11360 Lindbergh Blvd, Fort Myers, Florida

Dear Mr. Eckenrode:

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 in order to accomplish the following purpose:

1. Construct a 28,000 square foot building with site layout, utilities and drainage for the owner of lots 2 thru 5 in the Southwest Regional Commerce and Trade Center. This easement is on a single owner's property and does not abut any other landowner.

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

Sincerely,

Brian Roberts, P.E.
President

Enclosure

Cc: Brian Owens

VAC2004-00076

RECEIVED
VDE
DEC 15 2004

COMMUNITY DEVELOPMENT



Eric Walther
Customer Project Manager
15834 Winkler Rd
Ft. Myers, FL 33908
415-1348 Office
415-1350 FAX

Exceptional Engineering, Inc
2053 W. First St
Ft. Myers FL 33901

RE: Vacation of Easement of Lindbergh property

Florida Power & Light has no objection to the vacation of the easements described in your petition and shown in your documentation, provided that good and sufficient easements are granted to provide electrical service to the property upon further or future development.

FPL does, however, maintain rights in the PUE along the roadway, adjacent and parallel to Lindbergh Blvd. This document is not to be interpreted as an instrument to vacate this easement.

Sincerely,

Eric Walther
FPL Customer Project Manager



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

September 21, 2004

Mr. Brian Roberts, P.E
President
Exceptional Engineering, Inc.
2053 West First Street
Fort Myers, FL 33901

Re: Proposed Drainage Easement Vacation at 11300-11360 Lindbergh Blvd., Ft., Myers, Florida.

Dear Mr. Roberts:

This is in response to your letter of September 3rd., advising us of your intent to Petition to the Lee Country Board of Commissioners seeking to vacate the public interest in the utility and drainage easement at the location mentioned above.

Please be advised that Sprint has no objection to your Petition with regard to vacating the 12 foot easements between lots 2 thru 5 on Lindbergh Boulevard as described in your letter and sketch.

If I can be of further assistance, please feel free to contact me at 336-2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Denisc Grabowski".

Denisc Grabowski
Engineer I - CSO



**26930 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

January 5, 2005

Exceptional Engineering Inc.
C/O Brian Roberts
2053 West First St
Ft Myers, FL 33901

Re: 11300-11360 Lindbergh BL Ft Myers, FL
Vacate Right-of-Way and/or Utility Easement

Dear Brian Roberts,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of Right-of-way and/or Utility easement of the above referenced location.

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

Cordially,

A handwritten signature in black ink, appearing to read 'Mark Cook'.

Mark Cook
Design Coordinator



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Thursday, October 14, 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. Brian Roberts, P.E.
Exceptional Engineering, Inc.
2053 West First Street
Fort Myers, FL 33901

Re: Petition to Vacate three twelve (12) foot wide public utility and drainage easements common to Lots 2 & 3, 3 & 4, and 4 & 5, Southwest Regional Commerce and Trade Center Subdivision, as recorded in Plat Book 48 Page 01, in the public records, Lee County, Florida.

Dear Mr. Roberts:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a portion 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: John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Ruth Keith, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac462.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. Croy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

November 10, 2004

Mr. Brian Roberts, P.E.
Exceptional Engineering, Inc.
2053 West First Street
Fort Myers, FL 33901

**RE: Petition to vacate the 12 foot wide
Public Utility and Drainage Easements
Common to Lots 2 through 5, Southwest
Regional Commerce and Trade Center,
Plat Book 48, page 2, Section 24,
Township 45 South, Range 25 East**

Dear Mr. Roberts:

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/mlb

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

S:\DOCUMENT\Petition To Vacate\2004\Southwest Regional commerce and trade Center.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239)479-8531

Writer's Direct Dial Number: _____

Bob Janes
District One

December 21, 2004

Douglas R. St. Cerny
District Two

Brian B. Roberts
Exceptional Engineering, Inc.
2053 West First St.
Fort Myers, FL 33901

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: PETITION TO VACATE PUBLIC UTILITY & DRAINAGE EASEMENTS
SOUTHWEST REGIONAL COMMERCE & TRADE CENTER
STRAP #S: 24-45-25-01-00000.0020, .0030, .0040 & .0050
11300-11360 LINDBERGH BLVD.**

Dear Mr. Roberts:

Lee County Utilities is in receipt of your letter and associated attachments concerning a proposed Petition to Vacate existing Public Utility and Drainage Easements between the common lot lines of Lots 2 and 3, Lots 3 and 4 and Lots 4 and 5 of the Southwest Regional Commerce and Trade Center as previously recorded in Plat Book 48, Page 2 of Lee County Public Records.

Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacations. However, please be advised that record drawings indicate that Lee County Utilities owns and maintains potable water facilities at the south end of each of the above mentioned parcels. Lee County Utilities' position of '**NO OBJECTION**' is based in part, on the belief that those facilities are located outside of the area to be vacated and will not be affected by or in conflict with the proposed vacation.

If it is later determined that these potable water facilities extend into the area to be vacated, they must either be relocated at the petitioner/owner's expense or a Lee County Utilities' Perpetual Public Utility Easement must be granted for access and maintenance of these facilities.

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

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

VIA FACSIMILE #(239)226-0206
ORIGINAL MAILED 12/21/04

cc: Correspondence File
Margaret Lawson, DOT

S:\Engr\TAK\LETTERS\VAC\FY 2005\Exceptional Engineering - Brian Roberts - 11300-11360 Lindbergh Blvd. - PUE & Drainage Easement Vacation - TAK.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

SOUTHWEST REGIONAL COMMERCE AND TRADE CENTER

A SUBDIVISION IN
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

PLAT BOOK 44 PAGE 1

SHEET 1 OF 3

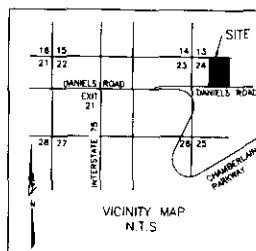
BEAN, WHITAKER, LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
13141-S WOODSCOP BLVD. (R13) 481-1331
FORT MYERS, FLORIDA 33616

NOTICE:

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE
NOT RECORDED ON THIS PLAT THAT MAY BE FOUND
IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTICE:

LAND DESCRIBED IN THIS PLAT ARE
SUBDIVIDED BY THE DEVELOPER WITHOUT
THE ROADS, DRAINAGE AND SEWER FACILITIES
BEING SPECIFICALLY APPROVED OR ACCEPTED
BY LEE COUNTY. ANY PURCHASER OF A LOT IN
THIS SUBDIVISION IS ADVISED THAT HE MAY BE
SUBJECT TO ASSESSMENT OR CALLED UPON TO
BEAR A PORTION OR ALL OF THE EXPENSE OF
CONSTRUCTION, MAINTENANCE OR IMPROVEMENT
OF ROADS, DRAINAGE AND SEWER FACILITIES
WITHIN THE SUBDIVISION.



DESCRIPTION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA,
COUNTY OF LEE, BEING A PART OF THE NORTHWEST ONE QUARTER (NW 1/4)
OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND FURTHER
BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE QUARTER
(NW 1/4) OF SAID SECTION 24; THENCE N0°55'34"W ALONG THE EAST
LINE OF SAID FRACTION FOR 154.93 FEET TO THE NORTH RIGHT-OF-WAY
LINE OF DANIELS ROAD; EXTENSION AND TO THE POINT OF BEGINNING;
THENCE N89°52'40"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1005.91
FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A
RADIUS OF 2154.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND
ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF
0°13'48" FOR 234.18 FEET TO THE WEST LINE OF THE EAST ONE HALF
(E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 24;
THENCE N0°54'05"W ALONG A LINE NOT RADIAL TO SAID CURVE AND
ALONG THE WEST LINE OF SAID FRACTION FOR 2495.68 FEET TO THE
NORTHWEST CORNER OF SAID FRACTION; THENCE S80°42'34"E ALONG THE
NORTH LINE OF SAID FRACTION FOR 1,089.54 FEET TO THE NORTHWEST CORNER
OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 24;
THENCE S00°55'34"E ALONG THE EAST LINE OF SAID NORTHWEST ONE
QUARTER (NW 1/4) FOR 2479.18 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 74.00 ACRES, MORE OR LESS

NOTE:

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHWEST ONE QUARTER
(NW 1/4) OF SECTION 24 AS BEARING S89°52'40"E.

EASEMENT DEDICATION:

1. A 6 FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES IS RESERVED
ALONG THE SIDE LINES OF ALL LOTS.
2. A 10 FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES IS RESERVED
ADJACENT TO ALL ROADS.
3. OTHER EASEMENTS ARE RESERVED AS SHOWN HEREON.

APPROVAL:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF
SOUTHWEST REGIONAL COMMERCE AND TRADE CENTER
HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION
I FIND THAT SAID PLAT COMPLIES IN FORM WITH
THE REQUIREMENTS OF CHAPTER 137, LARCS OF
FLORIDA. I FURTHER CERTIFY THAT THIS PLAT
WAS FILED FOR RECORD AUGUST 28, 1991
DAY OF August, A.D. 1991, AND IS
RECORDED IN PLAT BOOK 44, AT PAGE 1, AND IS
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

APPROVALS:

THIS PLAT ACCEPTED THIS 24th DAY OF April, A.D.
1991, IN OPEN MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY, FLORIDA.

APPROVED: Charles J. Gann CLERK OF COURT
APPROVED: William E. Bean DIRECTOR OF DEPARTMENT OF COMMUNITY DEVELOPMENT

APPROVED: William E. Bean DIRECTOR OF DEPARTMENT OF COMMUNITY DEVELOPMENT

APPROVED: William E. Bean DIRECTOR OF DEPARTMENT OF COMMUNITY DEVELOPMENT

APPROVED: William E. Bean DIRECTOR OF DEPARTMENT OF COMMUNITY DEVELOPMENT

3014814

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT RONALD C. FRANCISCO, TRUSTEE
UNDER THAT CERTAIN TRUST AGREEMENT DATED MARCH 30, 1978, AS THE
SAME HAS BEEN MODIFIED BY THAT CERTAIN AGREEMENT DATED APRIL 15,
1987, HAS CAUSED THIS PLAT OF SOUTHWEST REGIONAL COMMERCE AND
TRADE CENTER TO BE MADE AND DOES HEREBY DEDICATE TO THE PERPETUAL
OWNERSHIP AND USE OF THE SOUTHWEST REGIONAL COMMERCE AND TRADE
CENTER PROPERTY OWNERS ASSOCIATION, INC. TRACTS "A" AND "B"
SUBJECT TO THAT CERTAIN PRESERVATION EASEMENT RECORDED IN O.R.
BOOK 1983, AT PAGE 3254, PUBLIC RECORDS OF LEE COUNTY, FLORIDA,
AN EASEMENT FOR HIGHWAY, EGRESS AND ROAD PURPOSES OVER TRACT "C",
WHICH IS ALSO SHOWN AS ROCKBACKE PARKWAY, UNDERBUSH BOULEVARD
AND KENNEDY COURT, AND ALL DRAINAGE EASEMENTS SHOWN OR
RESERVED AND AN EASEMENT OVER TRACT "C" FOR ACCESS TO PUBLIC
UTILITIES FOR INSTALLATION AND MAINTENANCE PURPOSES. IN WITNESS
THEREOF I HAVE SET MY HAND 22 DAY OF June, 1991.

Ronald C. Francisco
RONALD C. FRANCISCO, TRUSTEE

James M. Wagoner
WITNESS

James B. Johnson
WITNESS

ACKNOWLEDGEMENT

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED RONALD C.
FRANCISCO, TRUSTEE UNDER THAT CERTAIN TRUST AGREEMENT DATED
MARCH 30, 1978, AS THE SAME HAS BEEN MODIFIED BY THAT CERTAIN
AGREEMENT DATED APRIL 15, 1987, TO ME KNOWN TO BE THE PERSON WHO
SIGNED THE FOREGOING EXECUTION AND HE ACKNOWLEDGED THE EXECUTION
THEREOF TO BE HIS OWN FREE ACT AND DEED FOR THE USE AND PURPOSE
THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THIS 22
DAY OF June, A.D. 1991.

James M. Wagoner
NOTARY PUBLIC

MY COMMISSION EXPIRES June 30, 1994

James M. Wagoner
NOTARY PUBLIC

LEGEND:

FOUND
D.R. OFFICIAL RECORDS BOOK
P.U. EASEMENT
P.U. PUBLIC UTILITY EASEMENT
(R) RADIAL
(N.R.) NOT RADIAL
CASE EASEMENT
DR DRAINAGE
B PERMANENT REFERENCE MONUMENT
(S) PERMANENT CONTROL POINT (POP)
FOUND CONCRETE MONUMENT
(S) INDICATES CURVE NO. 5, SEE CURVE TABLE
AND CHORD TABLE
L2 INDICATES LINE NO. 2, SEE LINE TABLE
ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
P.R.M.'s ARE 4"x4"x24" CONCRETE MONUMENTS STAMPED
N.W. 1/4, L.S. NO. 3261
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
P.R.C. POINT OF REVERSE CURVATURE

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF SOUTHWEST REGIONAL
COMMERCE AND TRADE CENTER IS A TRUE AND ACCURATE REPRESENTATION
OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE
AND PLATTED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY
DATA COMPLETES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA
STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS
(P.R.M.'S) AND PERMANENT CONTROL POINTS (P.C.P.'S) HAVE BEEN PLACED
AT THE LOCATIONS SHOWN ON THIS PLAT.

William E. Bean
WILLIAM E. BEAN, R.C.S., P.L.S., CERTIFICATE

SOUTHWEST REGIONAL AND TRADE CENTER

A SUBDIVISION IN
TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

PLAT BOOK 48 PAGE 1

SHEET 1 OF 3

BEAN, WHITAKER, LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
13141-8 MCGREGOR BLVD. (813) 481-1331
FORT MYERS, FLORIDA 33919

NOTICE:

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE
NOT RECORDED ON THIS PLAT THAT MAY BE FOUND
IN THE PUBLIC RECORDS OF THIS COUNTY.

DEDICATION:

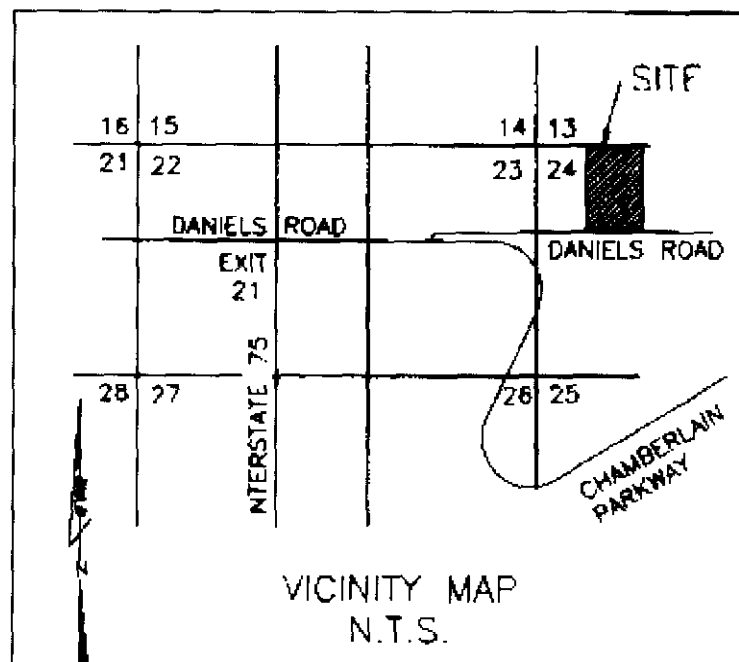
KNOW ALL MEN BY THESE PRESENTS THAT RONALD C. FRANCISCO, TRUSTEE
UNDER THAT CERTAIN TRUST AGREEMENT DATED MARCH 30, 1976, AS THE
SAME HAS BEEN MODIFIED BY THAT CERTAIN AGREEMENT DATED APRIL 15,
1987, HAS CAUSED THIS PLAT OF SOUTHWEST REGIONAL COMMERCE AND
TRADE CENTER TO BE MADE AND DOES HEREBY DEDICATE TO THE PERPETUAL
OWNERSHIP AND USE OF THE SOUTHWEST REGIONAL COMMERCE AND TRADE
CENTER PROPERTY OWNERS ASSOCIATION, INC., TRACTS "A" AND "B"
SUBJECT TO THAT CERTAIN PRESERVATION EASEMENT RECORDED IN O.R.
BOOK 1963, AT PAGE 3256, PUBLIC RECORDS OF LEE COUNTY, FLORIDA,
AN EASEMENT FOR INGRESS, EGRESS AND ROAD PURPOSES OVER TRACT "C",
WHICH IS ALSO SHOWN AS RICKENBACKER PARKWAY, LINDBERGH BOULEVARD
AND KENNEDY COURT, AND ALL DRAINAGE EASEMENTS SHOWN OR RESERVED;
HE DEDICATES TO THE PUBLIC ALL PUBLIC UTILITY EASEMENTS SHOWN OR
RESERVED AND AN EASEMENT OVER TRACT "C" FOR ACCESS TO PUBLIC
UTILITIES FOR INSTALLATION AND MAINTENANCE PURPOSES. IN WITNESS
THEREOF I HAVE SET MY HAND 11 DAY OF April, 1991.

Ronald C. Francisco, Trustee
RONALD C. FRANCISCO, TRUSTEE

James M. Wenzinger
WITNESS

Janet B. Zaborian
WITNESS

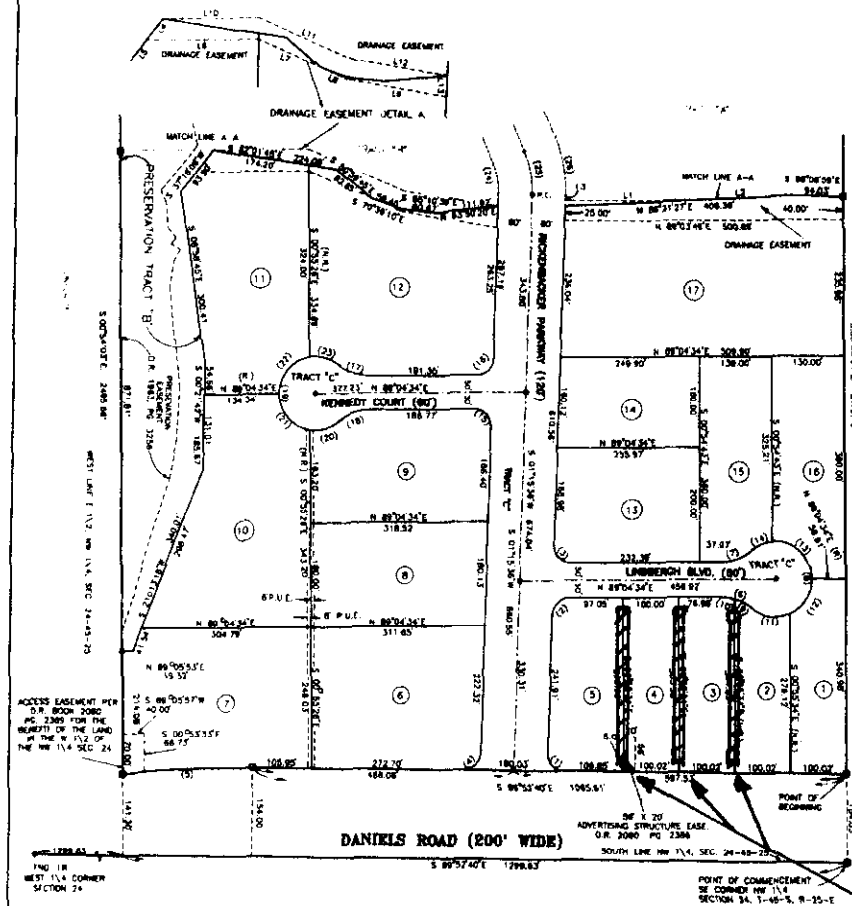
ACKNOWLEDGEMENT



PLAT BOOK 22 PAGE 2

SHEET 2 OF 3

BEAN, WHITAKER, LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
13141-B MAGNOLIA BLVD. (R13) 801-123
FORT MYERS, FLORIDA 33919



GRAPHIC SCALE 1" = 100'

LINE TABLE

Line	Bearing	Distance
L1	N 89°15'00"E	728.82
L2	N 86°31'27"E	180.25
L3	N 01°15'35"E	10.01
L4	N 37°18'00"E	47.90
L5	N 37°18'00"E	44.00
L6	N 89°04'34"E	201.74
L7	N 86°36'15"W	723.48
L8	S 84°24'17"E	57.37
L9	S 81°18'21"E	175.50
L10	N 89°04'34"E	173.84
L11	S 86°36'15"E	188.40
L12	N 81°18'21"E	170.78
L13	S 01°15'35"W	37.00

CURVE TABLE

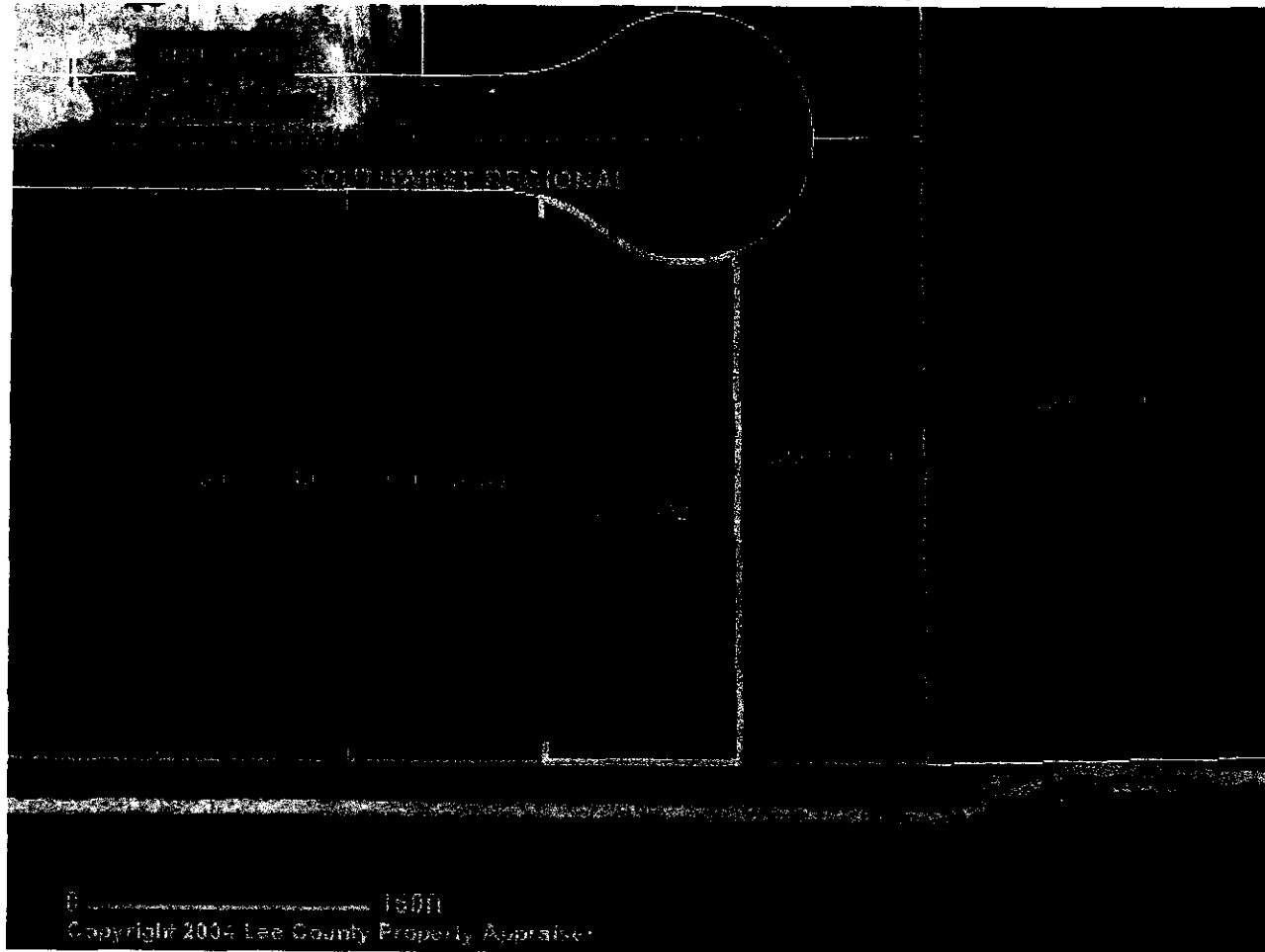
WAVE	DELTA	AMPL
30.00	81.47° 15'	47.70
30.00	87.48° 58'	45.96
30.00	88.17° 12'	48.21
30.00	88.72° 07'	48.21
215.00	08.73° 46'	234.16
80.00	30.16° 05'	81.80
90.00	30.16° 05'	81.80
90.00	258.33° 10'	81.80
90.00	24.28° 50'	81.80
90.00	14.49° 08'	23.26
80.00	81.47° 15'	47.70
68.00	47.72° 31'	70.54
65.00	54.33° 57'	107.35
50.00	54.33° 57'	107.35
30.00	93.11° 02'	48.21
30.00	87.48° 58'	45.96
80.00	87.48° 58'	45.96
90.00	87.48° 58'	45.96
90.00	258.33° 10'	263.30
85.00	48° 07' 14"	54.38
80.00	81.47° 15'	47.70
65.00	81.47° 15'	82.05
65.00	48° 07' 14"	54.38
120.00	25° 08' 14"	52.54
180.00	25° 08' 14"	52.54
240.00	25° 08' 14"	105.15

CHORD TABLE

NO.	C-ORO	C-ORO BEACH
1	42.85	N 45° 13' E
2	41.81	E 45° 10' 30" W
3	43.27	N 45° 10' 30" W
4	43.00	N 45° 4' E
5	234.07	S 87° 02' 27" W
6	90.46	N 71° 12' 25" E
7	90.46	N 71° 12' 25" E
8	100.85	N 80° 05' 25" W
9	36.11	N 43° 55' 25" W
10	88.79	S 43° 55' 25" W
11	88.79	S 43° 55' 25" W
12	72.18	N 32° 46' 30" E
13	95.81	E 45° 12' 30" W
14	39.77	S 67° 00' 15" W
15	43.23	S 67° 00' 15" W
16	41.87	N 46° 16' 00" E
17	80.46	S 71° 12' 25" E
18	90.46	S 71° 12' 25" E
19	100.85	S 71° 12' 25" E
20	53.00	N 73° 57' 00" E
21	64.50	S 41° 28' 51" E
22	53.00	N 73° 57' 00" E
23	53.00	N 73° 57' 00" E
24	52.16	N 11° 31' 31" W
25	78.14	N 11° 31' 31" W
26	104.37	N 11° 31' 31" W

12' DRE & PUE
TO BE VACATED

Lee Property Appraiser Web Tax Map



Tax Map Legend

Selected Parcel Subdivisions Easements
 Road Centerlines Parcels

Aerial Image Set	2002 (Color)	Map Currency Date	12/1/2004 11:20:51 AM
Selected Parcel	24-45-25-01-00000.0020	Legal Description	S W REGIONAL COMMERCE + TRADE CENTER PB 48 PG 2 LOT 2
Parcel Owner	DOGWOOD DEVELOPMENT INC PMB 236 13300-56 S CLEVELAND AVE FORT MYERS FL 33907	Property Address	11360 LINDBERGH BLVD Fort Myers FL 33913

7/2/2004

Area to be vacated

Lee County Map

