		Lee		Board Of Co genda Item S	unty Commi Summary	ssio	Blue Sheet	No. 20050459
1. ACTIO 711 and 713 of <u>May</u>	Poinsettia A	ve., Lehigh	RPOSE: A	Accept a Petiti adopt a resolu	on to Vacate a	12-foot wide Public Hearing	Public Utili g for 5:00 Pl	ty Easement located at M on the 24th day
this easeme any future	nt will not al drainage and	ter existing I utility req	g drainage Juirements.	and utility co	nditions and			ts. The vacation of sary to accommodate
4. Departmental Category: COMMISSION DISTRICT #: 5			C46			5. Meeting Date: 4-26-05		
6. Agenda			Requiren	nent/Purpos	e: (specify)	8. Request		
_	isent		-	atute	F.S. Ch. 177	Commissioner		
Ad	ministrative	e	Or	dinance		Departmer	ıt	Community Development
	peals			lmin. Code	13-1	Division)	Development Services
Pul			Ot	her		By	V	- 4/04/05°
Wa	lk-On					Р	eter J. Ecken	rode, Director
9. Background: The completed petition to vacate, VAC2005-00056 was submitted by Michele Amburgey as the agent on behalf of Karas Venuse. LOCATION: The site is located at 711 and 713 Poinsettia Ave., Lehigh Acres, FL 33936 and its strap number are 29-44-27-10-00039.0180 and 29-44-27-10-00039.0190. The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19, both in Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly 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.								
10. Review for Scheduling:								
Department	Purchasing	Human	041	County		Dudast Carri		County
Director	or Contracts	Resources	Other	Attorney		Budget Service	105	Manager/P.W. Director
Mazin)			Am	Analyst	Risk Gran	05 /1/14	the state of the
11. Commission Action: \ \ \ Rec. by Chatty \ COUNTY ADMIN:								
Approved Date: 16/15 11-05 (III)								
Deferred Time A 10 COUNTY ADMIN PA								
Other FORWARDED TO					4			
-	_Ошег			Forwarde			3-05	-
RSK/April 4,	2005			4776			15 pm	

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00056

TO WHOM IT MAY CONCE	RN:			
Fort Myers, Florida, the Boacconsider and take action on a	n that on the eting Room, Old Lee County 0 ard of County Commissioner a Petition vacating the public's escribed in the attached Exhibi	rs of Lee C s interest in	County, Fl	orida, will
Interested parties may with respect to the Petition to	y appear in person or through o Vacate.	a represen	tative and	be heard
matter considered at this mee	opeal the decision made by t eting will need a record of the p to include all testimony and e	roceeding f	or such ap	peal, and
	n to Vacate is on file in the Of n, Minutes Office, 2115 Secor			
	CHARLIE GREEN, CLERK			
SOUTH	Deputy Clerk Signature		R	DA
	Please Print Name	-		
	APPROVED AS TO FORM			
	County Attorney Signature	_		
	Please Print Name	<u></u>		

EXHIBIT "A"

Petition to Vacate VAC2004-00056

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19, both in Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet thereof.

TO SET PUBLIC HEARING RESOLUTION NO. FOR PETITION TO VACATE Case Number: VAC2004-00056 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. VAC2004-00056 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 BOARD OF COUNTY COMMISSIONERS OF ATTEST: LEE COUNTY, FLORIDA CHARLIE GREEN, CLERK Deputy Clerk Signature Chairman Signature Please Print Name Please Print Name APPROVED AS TO FORM

County Attorney Signature

Please Print Name

U:\200504\20040924.110\2118430\RESOTOPH.WPD



PETITION TO VACATE (AC 13-1)

Case Number	VAC2004-00056
Petitioner(s),	Karas Venuse
requests the Board of County Comr to Vacate and states as follows:	Karas Venuse missioners of Lee County, Florida, to grant this Petition
Petitioner(s) mailing address, _	239 Brinckerhoft Court, Englewood, NJ 07631
In accordance with Florida State Code (LCAC) 13-1, Petitioner desir or portion of a plat legally describe	ute (F.S.) Chapter 177 and Lee County Administrative res to vacate the public's interest in the easement, plat d in the attached Exhibit "A".
3. A sketch showing the area the F	Detitioner desires to vacate is attached as Exhibit "B",
4. Proof Petitioner paid all applicat	ble state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title hold	er to the underlying land sought to be vacated.
6. Patitioner did provide notice to al Petition in accordance with the LCA	I affected property owners concerning the intent of this AC 13-1.
governmental and utility entities, it is	freview and recommendation provided by various sapparent if the Board grants the Petitioner's request, ht of convenient access of persons owning other parts
Wherefore, Petitioner respe adopt a Resolution granting the Pe	ctfully requests the Board of County Commissioners tition to Vacate.
Respectfully Submitted by:	
Petitioner Signature	Petitioner Signature
Karas Venuse	
Printed Name	Printed Name
NOTE: This is a legal document and is therefore not	available in Word Perfect format.
(Updated 66/07/04) P:\WEBPage\\Vacation Applic	Page 5 of 7

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

	the fee simple title holders and owners of record of
and legally described in exhibit A attached hereto.	
The property described herein is the subject of an application of the individual is authorized to legally bind all owners of the approvals to develop. This authority includes but is not ling in the preparation of applications, plans, surveys, and stapproval on the site. This representative will remain the property until such time as a new or amended authorization.	partepresent the course of seeking the necessary nited to the hiring and authorizing of agents to assist udies necessary to obtain zoning and development only entity to authorize development activity on the
Leves Olle	
Owner (signature) APAS VENUSE	Owner*(signature)
Printed Name	Printed Name
Owner*(signature)	Owner*(signature)
Printsa 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	29 th March 2005 by
Sworn to (or affirmed) and subscribed before me this Karas Venuse	who is personally known to me or who has produced as identification and who did (did not) take an
gati).	Masallo
	Notary Public ERIN VASALLO
(SEAL)	NOTARY PUBLIC OF NEW JERSEY (Name typed My Commission Expires July 3, 2006)
CADocuments and Sottings/Keithrs/Local Settings/Temp/ZDS01031.W2D	The state of the s

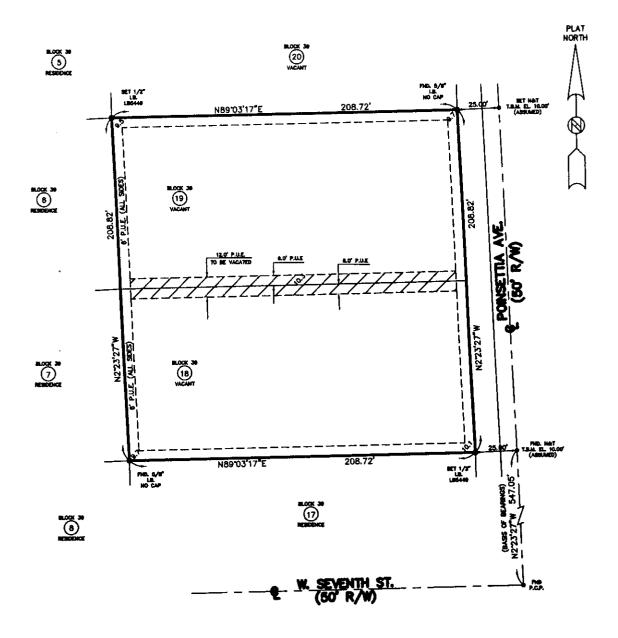
EXHIBIT "A"

Petition to Vacate VAC2004-00056

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 18 and 19, both in Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet thereof.



BOUNDARY SURVEY
711 & 713 POINSETTIA AVENUE
LOTS 18 & 19, BLOCK 39, UNIT 10
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 44, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

Exhibit "B"
Petition to Vacate
VAC2004-00056
[Page One of One]

S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers

1130-E Lee Boulevard, Lehigh Acres, Florida 33936 (239) 368-7400 (239) 368-7685 (Fax)

DATE:	5-12-04
JOB NI	JMBER: 8611-661
DRAWN	BY: C.B.S./B.J.P.
SCALE:	
SHEET:	1" = 60"
	of

Exhibit "C" Petition to Vacate VAC2004-00056

[Page One of One]

Lee County Tax Collector - Print Results







Real Property Information		New Search 3	
Account	Tax Year	Status	
29-44-27-10-00039.0180	2004	PAID	
Original Account	Book/Page	1 AID	
29-44-27-10-00039.0180	4305/1239	 	
Owner	1000,1200		
VENUSE KARAS			
Physical Address	Mailing Address		
711 POINSETTIA AVE LEHIGH ACRES FL 33936	239 BRINCKERHOFT COURT ENGLEWOOD NJ 07631 USA		
egal Desccription			
EHIGH ACRES UNIT 10 BLK.39 DB 25	4 PG 20 LOT 18		
Outstanding Balance as of 4/1/2005	2 20 201 10	\$0.0	

Lee County Tax Collector - Print Results







Real Property Information		
Account	Tax Year	Chabrin
29-44-27-10-00039.0190	2004	Status PAID
Original Account	Book/Page	PAID
29-44-27-10-00039.0190	4305/1239	
Owner		
VENUSE KARAS		
Physical Address	Mailing Addres	SS
713 POINSETTIA AVE LEHIGH ACRES FL 33936	239 BRINCKER	HOFT COURT
	ENGLEWOOD I USA	NJ 07631
egal Desccription		
EHIGH ACRES UNIT 10 BLK 39 DB 154	PG IO LOT 19	
Outstanding Balance as of 4/1/2005		
		\$0.00



This Instrument Prepared by and return to:

Name:

Patricia Regas

Tradewinds Title, Inc.

Address:

904 Lee Blvd., Suite 106 Lehigh Acres, FL 33936



62889

Parcel I.D. #: 29-44-27-10-00039.0180/0190 Recording Fee \$10.50 Doc Stamps \$259.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

INSTR # 6282827

OR BK 04305 Pgs 1239 ~ 1240; (2pgs)
RECORDED 05/21/2004 06:31:35 AM

CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.50
DEED DOC 259.00
DEPUTY CLERK G Sherwood

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 24th day of Aphi A.D. 2004,

by STAN BENECKY and ROSE BENECKY, husband and wife, hereinafter called the grantors, to KARAS VENUSE, whose post office address is 239 Brinckerhoft Court, Englewood, NJ 07631, hereinafter called the grantee:

(Wherever used herein the terms "grantors" and "grantee" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in Lee County, State of Florida, viz:

Lot 18, Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 44, and also in Deed Book 254, Page 20, Public Records of Lee County, Florida.

and

Lot 19, Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 44, and also in Deed Book 254, Page 20, Public Records of Lee County, Florida.

SUBJECT TO TAXES FOR THE YEAR 2004 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Subject Property is not now nor has it ever been the homestead property of the grantor. Subject property is vacant land.

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 grantors hereby covenant with said grantee that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant 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 December 31, 2003.

In Witness Whereof, the said grantors have signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of: Must be witnessed by two separate people not	related to seller or buyer
I'' Witness Signature John R Regner Printed Name	Stan Benecky Address: 7530 W View Dr., Windlake, WI 53185
Truly J. Nagren 2nd Witness Signature FRANK J. WAGNER Printed Name	Rose Benecky Address: 7530 W View Dr., Windlake, WI 53185
State of Wisconsin County of Milway Kee	outh, constant and
The foregoing instrument was acknowledged before me th husband and wife, who are known to me or who have pro not) take an oath.	is 34 th day of April, 2004, by Stan Benecky and Rose Benecky, duced Driver license as identification and who did (did
Madama Carl	Branda E. Cortes Signature of Notary Brenda E. Cortes Printed Name of Notary My commission expires 7-9-04
Notary Seal: E. CO.	



BOARD OF COUNTY COMMISSIONERS

479-8585 Writer's Direct Dial Number:

Bob Janes District One April 1, 2005

Douglas R. St. Cerny District Two

Ray Judah District Three Michele Amburgey P.O. Box 157 Alva. FL 33920

Tammy Hall District Four

John E. Albion District Five

Donald D. Stilwell County Manager

Diana M. Parker County Hearing Examiner Re: VAC2004-00056 - Petition to Vacate a 12-foot wide Public Utility Easement on the combined lots of 18 and 19, Block 39, Unit 10, Lehigh Acres, S 29, T 44S, R 27E, as recorded in Plat Book 15, Page 44, in the public records of Lee County, FL (Karas Venuse)

Dear Ms. Amburgey:

You have indicated that in order to build a single-family residence on the combined lots, your client, Karas Venuse desire to eliminate the Public Utility Easement located between the two (2) residential lots. The site is located at 711 and 713 Poinsettia Ave., Lehigh Acres.

Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Services Division

Peter J. Eckenrode

Director

PJE/RSK

U:\200504\20040924.110\2118430\DCDLETTER.DOC

Department of Community Development

Re: Request for vacating of easement

Attn: Mr. Peter J. Eckenrode, Director Development Services

We are requesting the combination of two lots for the future building site of a single-family residence. The strap #'s, are: 29-44-27-10-00039.0180 and 29-44-27-10-00039.0190.

Petitioner: Venus Karas

Contact person: Michele Amburgey

P.O. Box 157 Alva, Fl. 33920 239-872-4626

Thank you,

Miler &





August 7, 2004

Ms. Michele Amburgey P. O. Box 157 Alva, FL 33920

Re: Strap No. 29-44-27-10-00039.0180 and

Strap No. 29-44-27-10-00039.0190

Dear Ms. Amburgey:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lots 18 and 19, Unit 10, a subdivision of Lehigh Acres, as recorded in DB 254, page 20, Section 29, Township 44 S, Range 27 East, Lee County, Florida; LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Please call me at (239) 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin

Real Property Representative



August 9, 2004

Ms. Michele Amburgey P. O. Box 157 Alva, Florida 33920

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line common to lots 18 & 19, Block 39, Unit 10, Section 29, Township 44S, Range 27E. Strap No. – 29-44-27-10-00039.0180 & 29-44-27-10-00039.0190

Dear Ms. Amburgey::

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/drainage easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863-452-3207.

Sincerely,

Wayneth Jackson

Wayneth Jackson

Engineer



26930 Old US 41 Bonita Springs, FL 34135 Phone: 239-732-3805

FAX: 239-498-4483

August 23, 2004

Michele Amburgey PO BOX 157 Alva, Fl 33920

Re: 711 & 713 Poinsettia Av Lehigh Acres, FL

Vacate easement

Dear Michele Amburgey,

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

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

Cordially,

M.C.C.

Mark Cook

Design Coordinator



August 10, 2004

Michele Amburgey P.O. Box 157 Alva, Florida 33920

Dear Ms. Amburgey:

In reference to your letter dated July, 27, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 29-44-27-10-00039.0180 STRAP NO.: 29-44-27-10-00039.0190

Please feel free to contact me at 239-948-4902, should you have further questions.

Sincerely,

Mike Yonker

Sales & Service Manager

Ils Gorden



March 22, 2005

Michele Amburgey P.O. 157 Alva, FL 33920

> RE: Vacation of Easement for a 12 foot utility easement between Lot 18 and Lot 19 Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, 711-713 Poinsettia Avenue, Lehigh Acres, FL, Lee County Florida, less and except the easterly 6.0 feet and the westerly 6.0 feet thereof

Dear Ms. Amburgey:

The FGUA has determined that it does not presently hold any property rights over the property identified above other than the easement included in the plat reservation. It has also been determined that the FGUA has no current utilities in the utility easement, nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the request for vacation of easement as depicted in the sketch attached to your request and identified below is hereby approved.

The vacation of easement was requested for the 12 foot utility easement between Lots 18 and 19 Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, 711-713 Poinsettia Avenue, Lehigh Acres, FL, Lee County Florida, less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

Charles L. Sweat **Director of Operations**

CLS/vjb



RICHARD W. WESCH

LEA ANN THOMAS, CHAIR

Citrus County

ROBERT NANNE Osceola County

Polk County

FGUA OPERATIONS OFFICE

Government Services Group, Inc. Protegrity Plaza, Suite 203 280 Wekiva Springs Road Longwood FL 32779

877/552-3482 Toll Free 407/629-6900 Tel 407/629-6963 Fax



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes District One

Douglas R. St. Cerny

March 28, 2005

District Two

Ray Judah District Three

Michele Amburgey P. O. Box 157

Tammy Hall District Four

Alva, FL 33920

John E. Albion District Five

Donald D. Stilwell County Manager

David M. Owen
County Attorney

Diana M. Parker County Hearing Examiner SUBJECT: VACATION OF PLATTED EASEMENT(S)

STRAP#: 29-44-27-10-00039.0180 & .0190

Lots 18 & 19, Block 39 - Lehigh Acres, Unit 10

711-713 Poinsettia Avenue

Dear Ms. Amburgey:

Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated attachments. 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 parcels appear 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

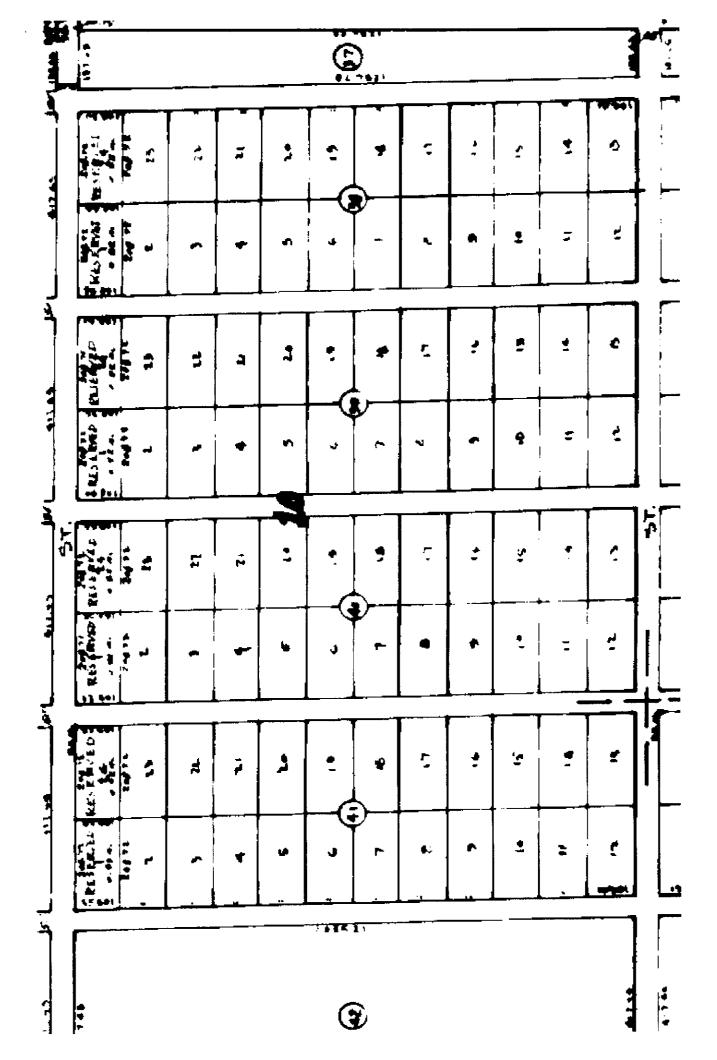
MAR 2 8 2005

COMMUNITY DEVELOPMENT

CC: Correspondence File

Ruth Keith, Development Services

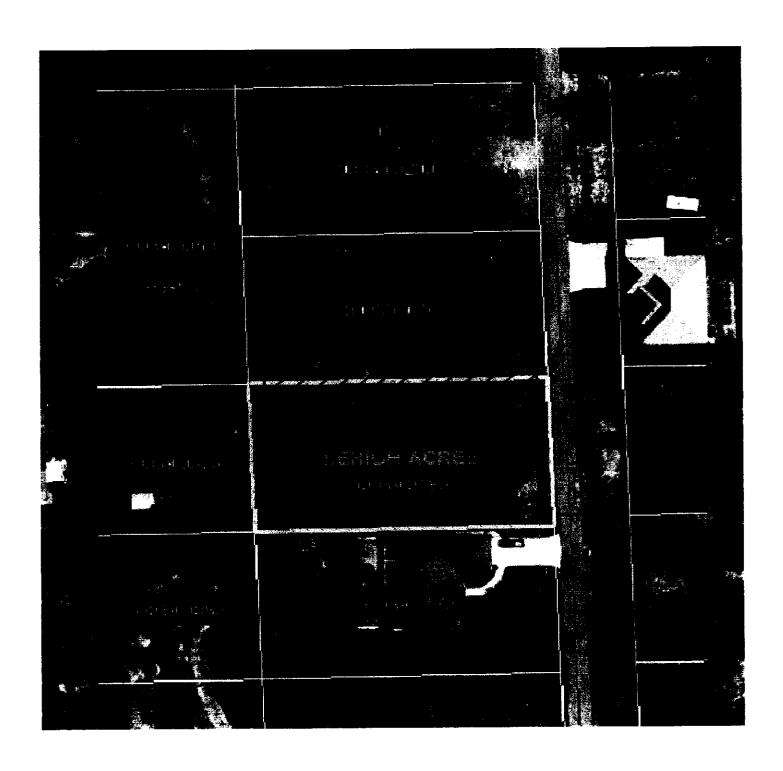
ins A-Reller



CERTIFICATE OF SURVEY

as platfed, and that Armenant Reference Baseners beneam is a corneal representation of the land I HERREN CRRTIPY: #a+ +te pat theun neve been placed as shown. Gent & Park Tick In

CALLIAN BARBANEET OF BLUE SIGHS OF LOT Interior P.R.M.'s . 4"A4"K26" description of the Control of the Co ALL LOTS \$263647 TO A 6.0"



Area to be vacated