

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 6-foot wide portion of a 25-foot Drainage and Public Utility Easement located at 12780 Julip Ct., Ft. Myers (Case No. VAC2005-00037).

2. WHAT ACTION ACCOMPLISHES: To clear title and extend an existing garage on the lot. 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.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: COMMISSION DISTRICT #: 2		930 PH 1		5. Meeting Date: 1-10-2006	
6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input type="checkbox"/> Consent		<input checked="" type="checkbox"/> Statute F.S. Ch. 177		Commissioner	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department Community Development	
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code 13-1		Division Development Services	
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Other		By: <i>[Signature]</i> 11/04/05	
<input type="checkbox"/> Walk-On				Peter J. Eckenrode, Director	

9. Background:

The completed petition to vacate, VAC2005-00037 was submitted by Salvatore Cusseddu and Barbara D. Manzo-Cusseddu.

LOCATION: The site is located at 12780 Julip Ct., Ft. Myers, Florida 33912 and its strap number is 18-45-25-08-00000.0390. Petition No. VAC2005-00037 proposes to vacate a six-foot wide portion of a twenty-five-foot (25') wide Drainage and Public Utility Easement on Lot 39, Section 18, Township 45 South, Range 25 East, Highland Pines Estates, as recorded in Plat Book 40, Page 68 of the Public Records of Lee County, Florida.

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.

Attached to this Blue sheet is the Petition to Vacate, Notice of Public Hearing and Exhibits.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i> Analyst 11-23-05	Risk	Grants	Mgr.	<i>[Signature]</i> 11/30/05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
Date: 11/10/05
Time: 3:35pm
Forwarded To: *[Signature]* 11/20/05

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11/23/05
10:30
COUNTY ADMIN
FORWARDED TO:



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: September 27, 2005

To: Patricia Geren
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20051405

CASE NUMBER: VAC2005-00037

Applicable Public Noticing Requirement:

PTV under AC13-1
1st Notice - 15 days prior to Public Hearing
2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8
One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and John J. Fredyma, Assistant County Attorney (fredymjj@leegov.com).

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00037

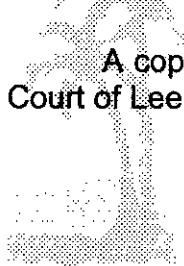
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of January 2006 @ 9:30AM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.



LEE COUNTY

CHARLIE GREEN, CLERK

SOUTH FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

John Wiedeman

County Attorney Signature

John J. FREDYMA

Please Print Name

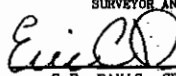
LEGAL DESCRIPTION

DESCRIPTION OF A PORTION OF AN EXISTING EASEMENT FOR THE PURPOSE OF PROPOSED VACATION. A STRIP OF LAND, 6 FEET WIDE, BEING THE NORTHERLY 6 FEET OF AN EXISTING 25 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LYING IN LOT 39, HIGHLAND PINES ESTATES, AS RECORDED IN PLAT BOOK 40 AT PAGES 67 THROUGH 70, OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 39, BEING THE SOUTHWEST CORNER OF SAID 25 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; RUN N 01°05'10" W FOR 19.0 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PORTION OF THE EASEMENT; THENCE CONTINUE N 01°05'10" W FOR 6.00 FEET, TO THE NORTHWEST CORNER OF THE EXISTING EASEMENT; THENCE N 88°54'50" E FOR 298.75' TO A POINT ON THE WESTERLY RIGHT OF WAY OF JULIP COURT, AND THE ARC OF A CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 55.00 FEET A CENTRAL ANGLE OF 07°47'56", A CHORD DISTANCE OF 7.48 FEET, AND A CHORD BEARING OF S37°45'30" E; THENCE RUN SOUTHEASTERLY ALONG THE CURVE AN ARC DISTANCE OF 7.49 FEET; THENCE RUN S88°54'50" W A DISTANCE OF 303.22 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING 1805.3 SQ. FT. MORE OR LESS.

Exhibit "A"
 Petition to Vacate
 VAC2005-00037
 [Page One of One]

SEE EXHIBIT "B" FOR ACCOMPANYING SKETCH

BASIS FOR BEARINGS: JULIP COURT - PLAT		SCALE: 0	N/A SURVEY DATE: N/A
COMMUNITY NUMBER 125124	PANEL NUMBER 350	SUFFIX B	DATE OF FIRM INDEX 05/06/03
FIRM ZONE B	BASE FLOOD ELEVATION	N/A	
LEGEND +0.0 - EXISTING ELEVATION ■ - UTILITY RISER ● - UTILITY POLE (P) = PLAT (F) = FIELD (D) = DEED (C) = COMPUTED ---*--- WIRE FENCE ---*--- BOARD FENCE FE. COR. = FENCE CORNER * = NOT FIELD MEASURED CONC. = CONCRETE P. O. B. = POINT OF BEGINNING		THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES. NOTE: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE. UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS & DISTANCES MATCH THE RECORD DIRECTIONS & DISTANCES OF THE PARCEL SURVEYED. THIS SURVEY IS INTENDED FOR USE BY THE CERTIFIED TO PARTIES ONLY AND MAY NOT BE USED BY ANY OTHER.	
FIR = FOUND IRON ROD FIP = FOUND IRON PIPE FDH = FOUND DRILL HOLE FCM = FOUND CONCRETE MONUMENT SIR = SET IRON ROD 1/2" LB 7075 SCM = SET CONCRETE MONUMENT STAMPED "LB 7075" FUE = PUBLIC UTILITY EASEMENT FU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT SN&D = SET NAIL & DISK LB 7075 PRM = PERMANENT REFERENCE MONUMENT RECOVERED FN&D = FOUND NAIL & DISK		NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  10/27/05 E. C. DAVIS, CERTIFICATE NO. 4838 -OR- ERIC C. DAVIS, PSM # 5544	
DAVIS SURVEYING INC. WWW.YOURSURVEYOR.COM		4409 S. E. 16th PLACE SUITE 8 CAPE CORAL, FLORIDA 33904 TEL (239)549-6454 FAX (239)549-2548 LB # 7075	
		JOB NUMBER: LEGAL ONLY 04-0291	

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2005-00037

WHEREAS, Petitioner **Salvatore Cusseddu and Barbara D. Manzo-Cusseddu** in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the _____; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2005-00037 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

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DESCRIPTION OF A PORTION OF AN EXISTING EASEMENT FOR THE PURPOSE OF PROPOSED VACATION. A STRIP OF LAND, 6 FEET WIDE, BEING THE NORTHERLY 6 FEET OF AN EXISTING 25 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LYING IN LOT 39, HIGHLAND PINES ESTATES, AS RECORDED IN PLAT BOOK 40 AT PAGES 67 THROUGH 70, OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

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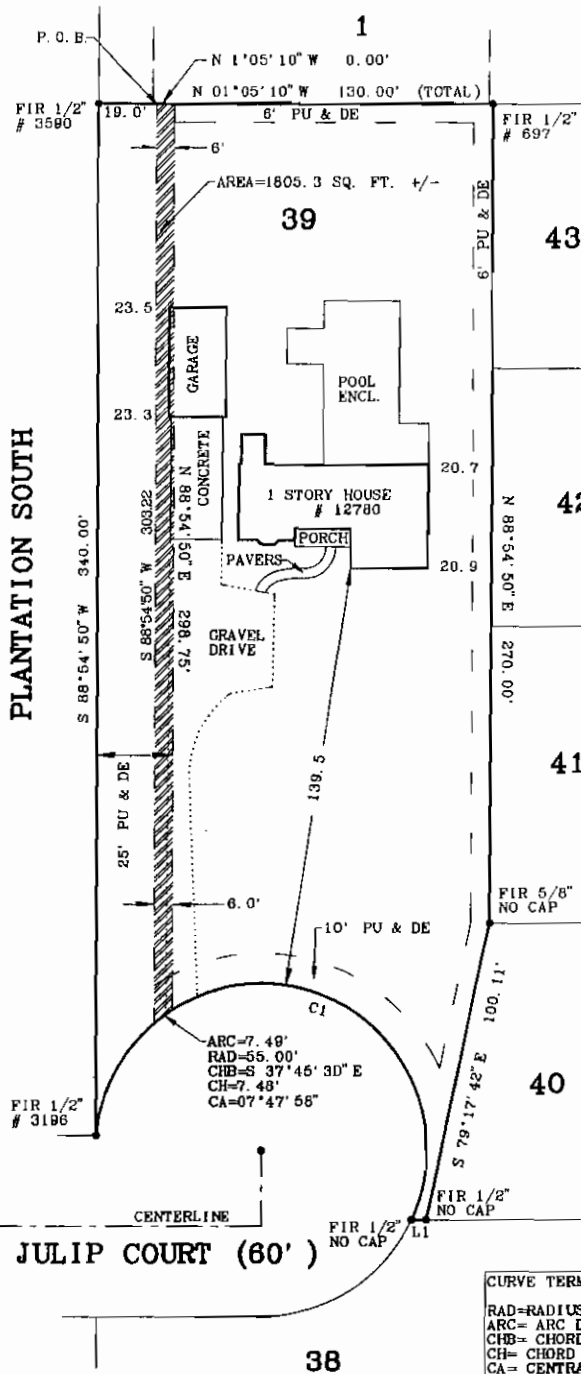
BASIS FOR BEARINGS: JULIP COURT - PLAT		SCALE: 0	N/A	SURVEY DATE: N/A
COMMUNITY NUMBER: 125124	PANEL NUMBER: 350	SUFFIX: B	DATE OF FIRM INDEX: 05/05/03	FIRM ZONE: B
FIR - FOUND IRON ROD FIP - FOUND IRON PIPE FDH - FOUND DRILL HOLE FCM - FOUND CONCRETE MONUMENT SIR - SET IRON ROD 1/2" LB 7075 SCM - SET CONCRETE MONUMENT STAMPED "LB 7075" PUE = PUBLIC UTILITY EASEMENT PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT SN&D = SET NAIL & DISK LB 7075 PRM = PERMANENT REFERENCE MONUMENT RECOVERED FN&D = FOUND NAIL & DISK		+0.0 - EXISTING ELEVATION ■ - UTILITY RISER ● - UTILITY POLE (P) = PLAT (F) = FIELD (D) = DEED (C) = COMPUTED ---X--- = WIRE FENCE ---B--- = BOARD FENCE FK. COR. = FENCE CORNER * = NOT FIELD MEASURED CONC. = CONCRETE P. O. B. = POINT OF BEGINNING	THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT DENSITY OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES. NOTE: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE. UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS & DISTANCES MATCH THE RECORDED DIRECTIONS & DISTANCES OF THE PARCEL SURVEYED. THIS SURVEY IS INTENDED FOR USE BY THE CERTIFIED TO PARTIES ONLY AND MAY NOT BE USED BY ANY OTHER.	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  10/27/05 C. E. DAVIS, CERTIFICATE NO. 4839 -OR- ERIC C. DAVIS, PSM # 5544
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EXHIBIT " B "

CURVE	DELTA ANGLE	RADIUS	.RC	TANGENT	CHORD	CHORD BEARING
C 1	199°30'14"	55.00'	191.51'	---	108.41'	N13°53'54"E

LINE	BEARING	DISTANCE
L 1	S 01°05'10"E	4.81'



SKETCH TO ACCOMPANY LEGAL DESCRIPTION OF PROPOSED VACATION OF EASEMENT

LYING IN:
 LOT 39
 HIGHLAND PINES ESTATES
 LEE COUNTY, FLORIDA
 PLAT BOOK 40 PAGES 67-70

CERTIFIED TO:
 BARBARA D MANZO-CUSSEDDU
 SALVATORE CUSSEDDU

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Exhibit "B" Petition to Vacate VAC2005-00037 [Page One of One]

CURVE TERMS LEGEND

RAD=RADIUS	ARC= ARC DISTANCE
CHB= CHORD BEARING	CH= CHORD DISTANCE
CA= CENTRAL ANGLE	

BASIS FOR BEARINGS: JULIP COURT - PLAT		SCALE: 0 50	SURVEY DATE: N/A
COMMUNITY NUMBER: 125124	PANEL NUMBER: 350	SUFFIX: B	DATE OF FIRM INDEX: 05/05/03
FIRM ZONE: B	BASE FLOOD ELEVATION: N/A	SURVEY DATE: N/A	
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DAVIS SURVEYING INC. WWW.YOURSURVEYOR.COM		4409 S. E. 18th PLACE SUITE 8 CAPE CORAL, FLORIDA 33904 TEL (239)549-6454 FAX (239)549-2548 LB # 7075	
		JOB NUMBER: SKETCH ONLY 04-0291	



PETITION TO VACATE (AC 13-1)

Case Number: VAC2005-00037

Petitioner(s), SALVATORE CUSSEDDU & BARBARA MANZO CUSSEDDU 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, 12780 JULIA Ct. FT. MYERS, FL. 33912-1519
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Wherefore, Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by: [Signature]
Petitioner Signature

[Signature]
Petitioner Signature

SALVATORE CUSSEDDU
Printed Name

BARBARA MANZO-CUSSEDDU
Printed Name

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

SEP 13 2005

LEGAL DESCRIPTION

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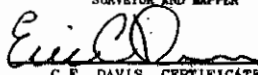

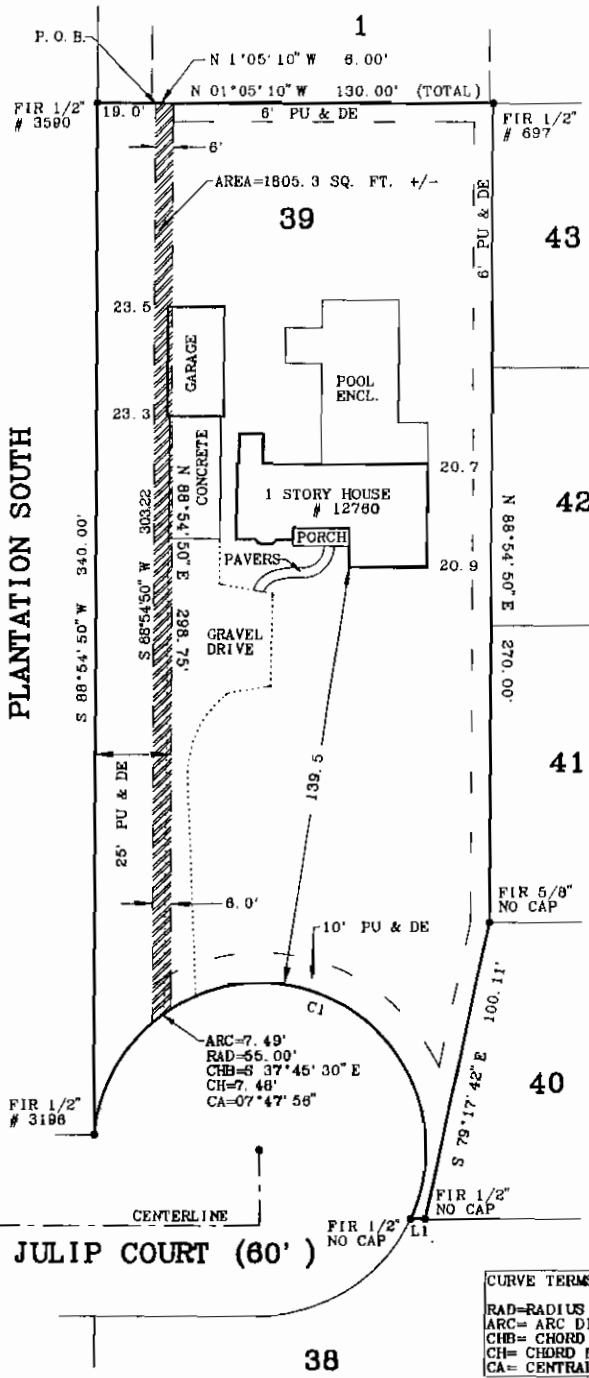
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 HIGHLAND PINES ESTATES
 LEE COUNTY, FLORIDA
 PLAT BOOK 40 PAGES 67-70

CERTIFIED TO:

BARBARA D MANZO-CUSSEDDU
 SALVATORE CUSSEDDU

DESCRIPTION OF A PORTION OF AN EXISTING EASEMENT FOR THE PURPOSE OF PROPOSED VACATION. A STRIP OF LAND, 6 FEET WIDE, BEING THE NORTHERLY 6 FEET OF AN EXISTING 25 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, LYING IN LOT 39, HIGHLAND PINES ESTATES, AS RECORDED IN PLAT BOOK 40 AT PAGES 67 THROUGH 70, OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DOUNDED AND DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 39, BEING THE SOUTHWEST CORNER OF SAID 25 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT; RUN N 01°05'10" W FOR 19.0 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PORTION OF THE EASEMENT; THENCE CONTINUE N 01°05'10" W FOR 6.00 FEET, TO THE NORTHWEST CORNER OF THE EXISTING EASEMENT; THENCE N 88°54'50" E FOR 298.75' TO A POINT ON THE WESTERLY RIGHT OF WAY OF JULIP COURT, AND THE ARC OF A CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 55.00 FEET A CENTRAL ANGLE OF 07°47'56" - A CHORD DISTANCE OF 7.48 FEET AND A CHORD BEARING OF S37°45'30" E; THENCE RUN SOUTHEASTERLY ALONG THE CURVE AN ARC DISTANCE OF 7.49 FEET; THENCE RUN S88°54'50" W A DISTANCE OF 303.22 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING 1805.3 SQ. FT. MORE OR LESS.


Exhibit "B" Petition to Vacate VAC2005-00037 [Page One of One]

CURVE TERMS LEGEND

RAD=RADIUS
ARC= ARC DISTANCE
CHB= CHORD BEARING
CH= CHORD DISTANCE
CA= CENTRAL ANGLE

BASIS FOR BEARINGS: JULIP COURT - PLAT			SCALE: 0 50	SURVEY DATE: N/A
COMMUNITY NUMBER: 125124	PANEL NUMBER: 350	SUFFIX: B	DATE OF FIRM INDEX: 05/05/03	FIRM ZONE: B
BASE FLOOD ELEVATION: N/A	THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.			
<p>LEGEND</p> <ul style="list-style-type: none"> +0.0 - EXISTING ELEVATION □ - UTILITY RISER ● - UTILITY POLE (P) - PLAT (F) - FIELD (D) - DEED (C) - COMPUTED --- - WIRE FENCE --- - BOARD FENCE FC - CORN - FENCE CORNER * - NOT FIELD MEASURED CONC. - CONCRETE P. O. B. - POINT OF BEGINNING 	<p>NOTE: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE.</p> <p>UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS & DISTANCES MATCH THE RECORD DIRECTIONS & DISTANCES OF THE PARCEL, SURVEYED.</p> <p>THIS SURVEY IS INTENDED FOR USE BY THE CERTIFIED TO PARTIES ONLY AND MAY NOT BE USED BY ANY OTHER.</p>	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> <p><i>Eric C. Davis</i> 10/27/05 C. E. DAVIS, CERTIFICATE NO. 4839 -OR- ERIC C. DAVIS, PSM # 5544</p>		
<p>FIR = FOUND IRON ROD</p> <p>FIP = FOUND IRON PIPE</p> <p>FDH = FOUND DRILL HOLE</p> <p>FCM = FOUND CONCRETE MONUMENT</p> <p>SIR = SET IRON ROD 1/2" LB 7075</p> <p>SCM = SET CONCRETE MONUMENT</p> <p>STAMPED "LB 7075"</p> <p>PUE = PUBLIC UTILITY EASEMENT</p> <p>PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT</p> <p>SN&D = SET NAIL & DISK LB 7075</p> <p>PRM = PERMANENT REFERENCE MONUMENT RECOVERED</p> <p>FN&D = FOUND NAIL & DISK</p>	<p>4409 S. E. 16th PLACE SUITE 8 CAPE CORAL, FLORIDA 33904 TEL (239)549-6454 FAX (239)549-2548 LB # 7075</p>	<p>JOB NUMBER: SKETCH ONLY 04-0291</p>		

Exhibit "C"
Petition to Vacate
VAC2005-00037
 [Page One of One]

Real Property Information		
Account	Tax Year	Status
18-45-25-08-00000.0390	2005	PAID
Original Account	Book/Page	
18-45-25-08-00000.0390	2271/ 414	
Owner		
CUSSEDDU SALVATORE + MANZO-CUSSEDDU BARBARA D H/W		
Physical Address	Mailing Address	
12780 JULIP CT Fort Myers FL 33912	12780 JULIP CT FT MYERS FL 33912 USA	
Legal Description		
HIGHLAND PINES ESTATES S/D PB 40 PG 68 LOT 39		
Outstanding Balance as of 11/22/2005		\$0.00

10-50
648.00

2914211H
This Instrument Prepared by/Return To:
LINDA A. HOWARD, LEGAL ASSISTANT
Sisson & Andreasen, P.A.
6225 Presidential Court
Fort Myers, Florida 33919

Grantee S.S. No.: 075-79-9835
Name: SALVATORE CUSSEDDU
Grantee S.S. No.: 075-42-6343
Name: BARBARA D. MANZO-CUSSEDDU

3140297

OR 271 PG 6 of 14

[Space Above This Line for Recording Data]

WARRANTY DEED

This Indenture made this 13th day of January, 1992 BETWEEN M. THOMAS ROSSER, ~~Assistant~~ Vice President of FORTUNE SAVINGS BANK, a corporation existing under the laws of the state of Florida, and having its principal place of business at 16120 U.S. Highway 19 North, Clearwater, FL 34624, Hereinafter called the grantor, to SALVATORE CUSSEDDU and BARBARA D. MANZO-CUSSEDDU, Husband and Wife, whose post office address is 12780 Julip Court, Ft. Myers, FL 33912, hereinafter called the grantees.

*k/n/a FORTUNE BANK, A Savings Bank

WITNESSETH, That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations, receipt of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees, all that certain land situate in Lee County, Florida, viz:

Lot 39, HIGHLAND PINES ESTATES, a subdivision according to the plat thereof recorded in Plat Book 40, Page 67 through 70, inclusive, Public Records of Lee County, Florida.

Property Tax I.D. No. 18-45-25-08-00000.0390

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 grantees that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it 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.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

✓ (CORPORATE SEAL)

ATTEST: Kay R. Degen
(Print Name of Attest) Kay R. Degen

FORTUNE BANK, a Savings Bank
f/k/a
FORTUNE SAVINGS BANK
A Florida Corporation

BY: M. Thomas Rosser
M. THOMAS ROSSER, ~~Assistant~~ Vice President

Signed, sealed and delivered in the presence of:

Diana S. Leonard
Witness 1 Diana S. Leonard
(Print Name of Witness 1)

Anne W. Haycs
Witness 2 Anne W. Haycs
(Print Name of Witness 2)

Doc. No. 3140297
648.00
JAN 13 1992
LEE COUNTY, FLORIDA
RECORDS & DEEDS

OFFICE OF THE CLERK OF THE CIRCUIT COURT
LEE COUNTY, FLORIDA

92 JAN 16 AM 9:08

OR2271 PG0415

STATE OF FLORIDA
COUNTY OF PINELLAS

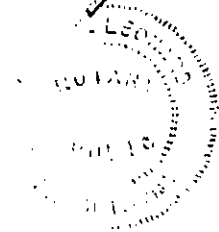
THE FOREGOING instrument was acknowledged before me this 13th day of January, 1992, by M. THOMAS ROSSER, ~~Assistant Vice President~~, of FORTUNE SAVINGS BANK, who is personally known to me or who has produced Drivers License, as identification, and who did take an oath and said to be the Assistant Vice President of the corporation named as grantor in the foregoing deed.

Diana S. Leonard
Notary Public
Diana S. Leonard
(Print Name of Notary)

Notary Public, State of Florida
My Commission Expires Feb. 27, 1995
Bonded thru Troy Trust Association, Inc.

My Commission Expires:

(Notary Seal)



JAN 16 1992

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

November 2, 2005

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Salvatore Cusseddu and Barbara D. Manzo-Cusseddu
12780 Julip Ct.
Ft. Myers, FL 33912

Donald D. Stilwell
County Manager

Re: VAC2005-00037 - Petition to vacate the North 6 feet of a 25' wide
Drainage and Public Utility Easement on lot 39, Highland Pines Estates,
S 18, T 45 S, R 25 E, as recorded in Plat Book 40, page 68, in the Public
Records of Lee County, Florida.

David M. Owen
County Attorney

Diana M. Parker
*County Hearing
Examiner*

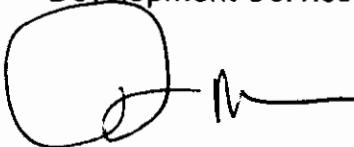
Dear Mr. & Mrs. Cusseddu:

You have indicated that in order to clear title and extend an existing garage on your property, you desire to eliminate the north 6-foot of the 25-foot Drainage and Public Utility Easement located on the North of lot 39. The site is located at 12780 Julip Ct., Ft. Myers, Florida. Base 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/RXW

U:\200509\20050913.122\4207610\DCDLETTER.DOC

September 13, 2005

Barbara Manzo-Cusseddu
12780 Julip Ct.
Ft. Myers, Fl. 33912-1519
239-561-1647

Department of Community Development
Att.: Peter J. Eckenrode
Director Development Services
P.O. 398
Ft. Myers, Fl. 33902

Re: Request for a letter of Review and Recommendation on a proposed vacation of a portion of a public utility and drainage easement located in Highland Pines Estates Subdivision, lot 39, Plat Book 40 Page 68, Section 18 TWP 45 S, RGE 25 E.

Please find attached a petition to vacate a portion of a public utilities and drainage easement in the above location. Last year we submitted a request for a permit to extend our existing garage which was denied due to the fact that the garage sits 18 inches into the easement. In order to clear up any future issues that might exist with our property and reapply for a permit to extend the garage we are submitting this petition to vacate.

Since we are requesting to vacate only 12 feet of the 25 foot easement, no other parcels are affected by this request except ours.

If there is anything else you need please call me at 229-0387.

Sincerely,



Barbara Manzo-Cusseddu

REC-1110

SEP 13 2005

July 28, 2005

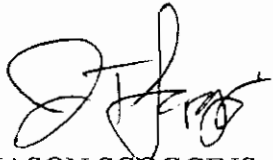
Ms. Barbara Manzo-Cusseddu
12780 Julip Court
Fort Myers, Florida 33912-1519

Re: Your letter, dated May 25, 2006: "Re: Request for a letter of Review and Recommendation on a proposed vacation of a portion of a public utility and drainage easement located in Highland Pines Estates Subdivision, lot 39, Plat 40, Page 68, Section 18 TWP 45 S, RGE 25 E."

The Board of Directors of Highland Pines Estates reviewed your request in the letter referenced above during its monthly meeting on July 27, 2006. The Board voted in favor of granting your request to vacate the drainage and utility easement identified and specified in your drawing labeled 'EXHIBIT "B"', DAVIS SURVEYING INC., Sketch 04-0291, specifically as the northern 12 feet of the easement. The Board recommends the county approve your request as submitted.

The Board of Directors also took note of your continuing maintenance of the drainage ditch in the southern 13 feet of the easement and requests that you continue to maintain the ditch in the same excellent manner. The Board thanks you for the ditch maintenance already performed and regrets the delay in receiving your correspondence referenced above due to an incorrect address for the homeowners association.

FOR THE BOARD OF DIRECTORS



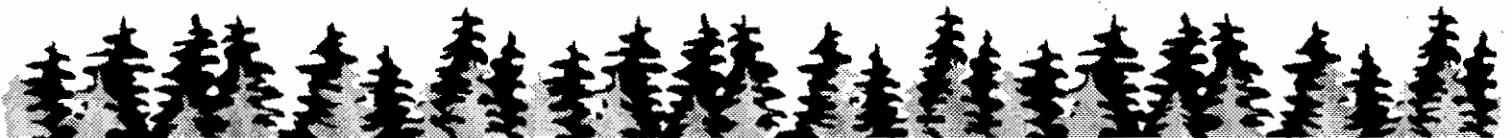
JASON SCOGGINS, President

RECEIVED

SEP 13 2005

Highland Pines Estates Property Owners' Association, Inc.

P.O. Box 7574 • Fort Myers, Florida 33911-7574





Florida Power & Light Company
15834 Winkler Road
Fort Myers, FL 33908
(239) 415-1326

July 10, 2005

Barbara Manzo – Cusseddu
12780 Julip Ct.
Fort Myers, FL 33912

RE: VACATION OF A PORTION
PUBLIC UTILITY & DRAINAGE EASEMENT

Dear Ms. Manzo – Cusseddu:

I have reviewed your request for review and recommendation for the vacation of a portion of a recorded Public Utility and Drainage Easement situated on your property at the above address and offer the following:

Florida Power & Light Company has an overhead electric distribution line within the forementioned easement. This line provides service to your residence. Enough easement must be maintained to allow FPL personnel to access and maintain this line. The usual standard is a 10' wide easement for access. If this 10' wide easement requirement can be met, then FPL has no objection to the vacation of a portion of the original easement.

If you have any questions, please feel free to call me at (239) 415-1326.

Yours truly,

A handwritten signature in black ink that reads "John W. Hahn".

John W. Hahn
Senior System Project Manager

Attachment

RECEIVED

SEP 13 2005

April 25, 2005

Barbara Manzo-Cusseddu
12780 Julip Ct.
Ft. Myers, Fl. 33912-1519
239-229-0387

Mr. Nathan Sederstrom
Florida Power and Light
15834 Winkler Rd
Ft. Myers, Fl. 33908

Dear Mr. Sederstrom,

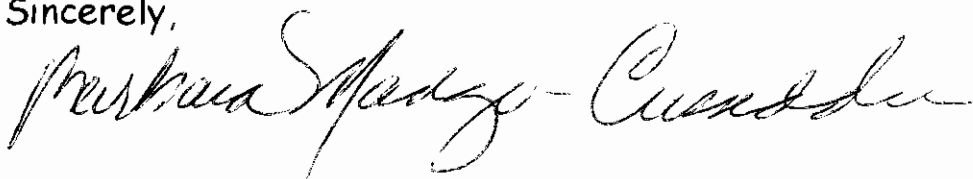
Re: Request for a letter of Review and Recommendation on a proposed vacation of a portion of a public utility and drainage easement located in Highland Pines Estates Subdivision, lot 39, Plat Book 40 Page 68 Section 18 TWP 45 S RGE 25 E

We intend to submit a petition to the Lee County Board of County Commissioners seeking to vacate the public interest in the utility and drainage easement at the location identified above. During a recent survey of our property it was discovered that our garage and driveway sit 18 inches into the easement. We wish to vacate 12 feet of the 25 foot easement to clear up any problems that may arise with our property and extend our garage.

We have included a drawing of the easement we desire to vacate. Please provide us with a letter of review and recommendation so that we may proceed with our petition submittal. If you have any questions please do not hesitate to call me at the above number.

Thank you in advance for your consideration.

Sincerely,



RECEIVED
SEP 13 2005



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

May 26, 2005

Ms. Barbara Manzo-Cusseddu
12780 Julip Ct.
Ft. Myers, Fl. 33912-1519

Ref: Request for Letter of Review and Recommendation on a proposed vacation of a portion of a PUE and Drainage Easement located in Highland Pines Estates Subdiv.

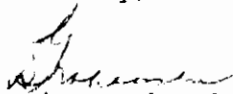
Dear Ms. Manzo-Cusseddu:

This is in response to your letter of April 25th, regarding your intent to submit a Petition to vacate a portion of an existing 25 foot easement, i.e. the northern 12' adjacent to your Lot 39.

Please be advised that Sprint has no objection to your request as described in your letter and attachment.

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

Sincerely,


Denise Grabowski
Engineer I - CSO LTD

RECEIVED

SEP 13 2005



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

May 25, 2005

Barbara Manzo-Cusseddu
12780 Julip Ct
Ft Myers, Fl 33912-0387

Re: Highland Pines Estates Subdivison, lot 39, Plat Book 40 Page 68
Section 18 TWP 45 S, RGE 25 E.
Vacate Right-of-Way and/or Utility Easement

Dear Barbara Manzo-Cusseddu,

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

RECEIVED
SEP 13 2005



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number. (239) 479-8150

Bob Janes
District One

September 21, 2005

Douglas R. St. Cerny
District Two

Barbara Manzo-Cusseddu
12780 Julip Ct.
Fort Myers, FL 33912

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

**SUBJECT: VACATION OF DRAINAGE AND PUBLIC UTILITY EASEMENT
STRAP #: 18-45-25-08-00000.0390
12780 JULIP CT**

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Dear Ms. Manzo-Cusseddu,

Diana M. Parker
County Hearing Examiner

Lee County Utilities has ***no objection*** to the proposed vacation as described in your recent letter and associated attachment. Even though the vacation is within the service area of Lee County Utilities we have no infrastructure within the area you intend to vacate.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 479-8181.

Sincerely,

LEE COUNTY UTILITIES

David Reycraft
Utilities GIS Coordinator
Utilities Engineering Division

Original Mailed: 09/21/2005

CC: Correspondence File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8132

Writer's Direct Dial Number: _____

Bob Janes
District One August 3, 2005

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

Robert W. Gray
Deputy County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Barbara Manzo-Cusseddu
12780 Julip Court
Fort Myers, FL 33912

RE: DRAINAGE EASEMENT VACATION

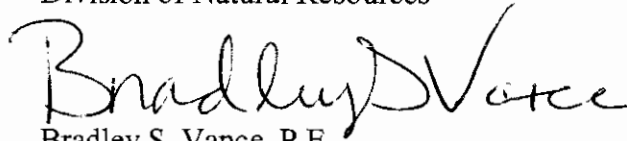
Dear Ms. Manzo-Cusseddu:

Pursuant to our meeting and subsequent research of the SFWMD microfiche files (SFWMD # 36-00770-S), it is apparent that the drainage conveyance within that portion of the easement requested to be vacated is not part of the water management system for Highland Park (Pines) Estates. This is as indicated by subsequent notation on the Surface Water Management Plan and a letter from Lee County Engineering, Inc. dated March 9, 1987, regarding the replacement of the perimeter berm with specified the lot grading details. Also, comparison of the natural ground elevations and that of the water management system would not allow such integration. Thus, the purpose and function of the "by-pass ditch" is service to adjacent and immediate properties for offsite stormwater flows. It was further demonstrated from my recent field review that the structure to be modified is and was clearly depicted as such on the water management plans submitted and approved through the permitting processes.

In view of the above, the vacation of the requested twelve feet (12') for purposes of extending the existing structure will not be adverse to the conveyance for which it is currently providing. Should you have any questions or need any additional information, please contact me at 239-479-8132.

Sincerely

DEPARTMENT OF PUBLIC WORKS
Division of Natural Resources


Bradley S. Vance, P.E.
Natural Resources Manager

Cc: Roland Ottolini, Nat. Res.
Margaret Lawson, DOT
Don Blackburn, Dev. Services

RECEIVED
SEP 13 2005



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

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

August 19, 2005

Ms. Barbara Manzo-Cusseddu
12780 Julip Court
Fort Myers, FL 33912-1519

**RE: Petition to vacate the north 12 feet of a
25' wide easement for drainage and public
Utilities across Lot 39, Highland Pines Estates,
Plat Book 40, page 68, Section 18,
Township 45 South, Range 25 East (Julip Court)**

Dear Ms. Manzo-Cusseddu:

Lee County Department of Transportation has reviewed the request to vacate the above described easement. DOT offers no objection to the vacation.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Ruth Keith, Development Services
Brad Vance, Natural Resources
Ron Wilson, Development Services
DOT PTV File (Julip Ct./Manzo)

RECEIVED

SEP 13 2005

S:\DOCUMENT\Petition To Vacate\2005\Julip Ct.doc

LEE COUNTY ENGINEERING, INC.
 12861 METRO PARKWAY
 FORT MYERS, FLORIDA 33912
 PHONE (813) 786-0077

HIGHLAND PINES ESTATES

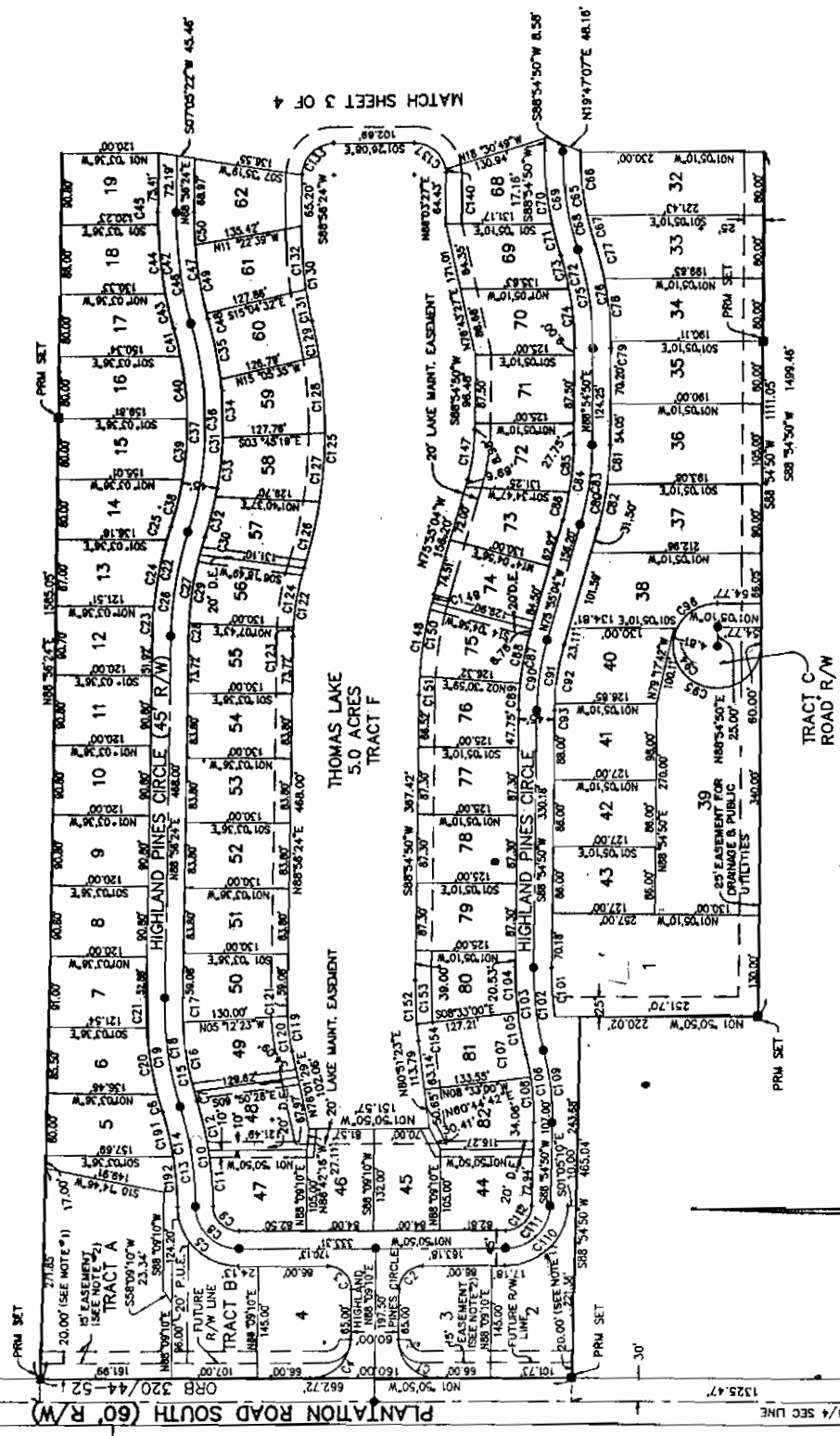
A SUBDIVISION IN
 SECTION 18, TWP 45 S, RGE 25 E.
 LEE COUNTY, FLORIDA

SCALE: 1"=100'



- NOTES:
1. EASEMENT FOR PUBLIC ACCESS & CONSTRUCTION, OPERATION & MAINTENANCE OF SIDEWALKS, DRAINAGE AND PUBLIC UTILITIES.
 2. EASEMENT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF WALL.
 3. TRACT A IS A WETLANDS PRESERVATION AREA.
 4. TRACT B IS A RECREATION AREA.

PLANTATION PINES SUBD.
 PB 37 PCS 23-25



PLANTATION SOUTH
 (UNPLATTED)



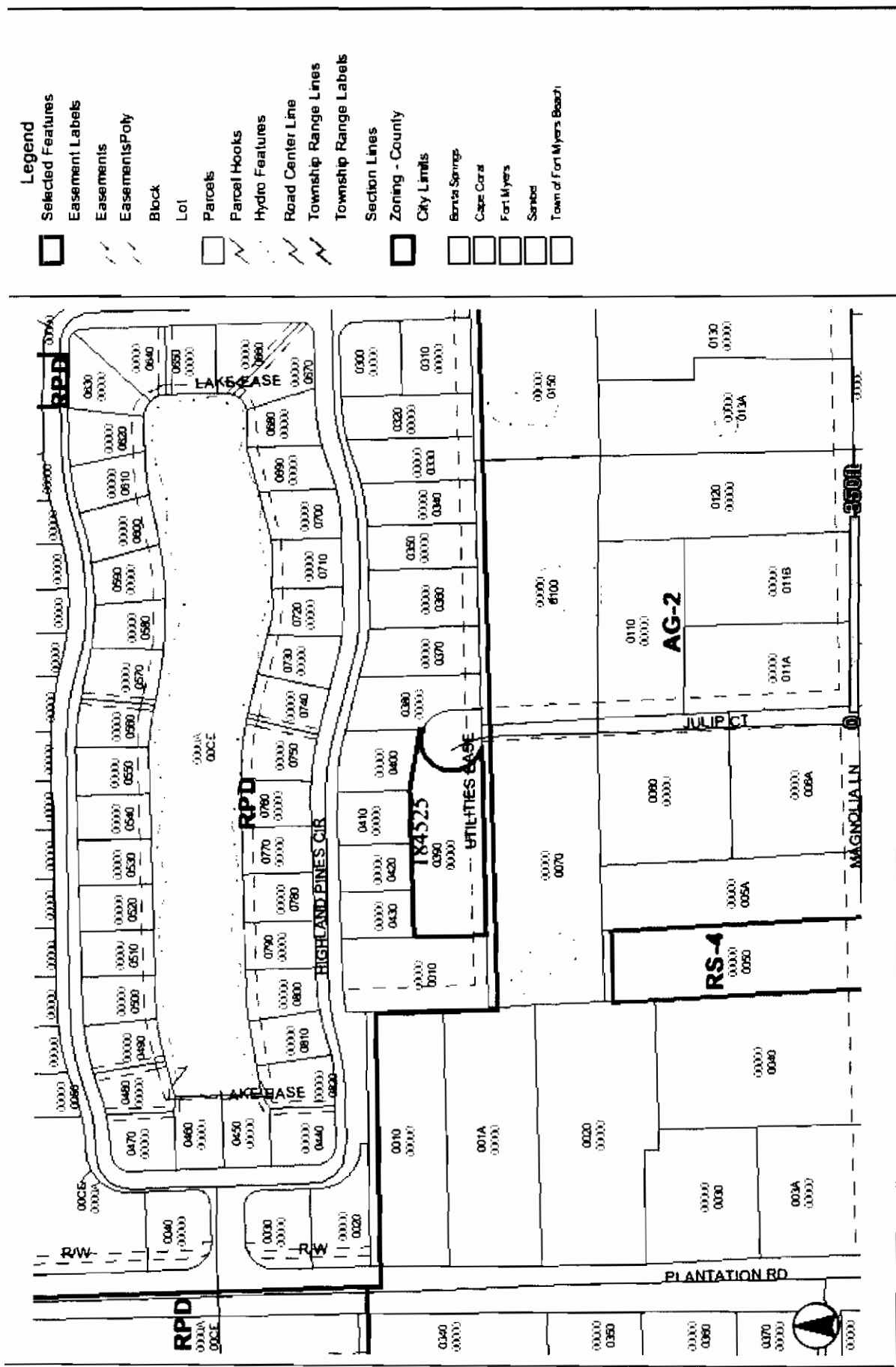
9057

SOUTH LINE SEC 18
 S 1/4 CORNER
 SEC 18

RECEIVED
 SEP 13 2005



 - AREA TO BE VACATED



3/27/2005