

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 3810 6th St. W., Lehigh Acres, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 25th day of January, 2005. *6*
(Case No. VAC2004-00060)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4A

3. MEETING DATE:

01-04-2005

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]* 12/03/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00060 was submitted by Laniel Howard, Jr. and Kenya S. McDaniel.

LOCATION: The site is located at **3810 6th St. W., Lehigh Acres, FL 33971** and its strap number is 27-44-26-03-00038.0130. Petition No. VAC2004-00060 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 13 and 14, both in Block 38, Unit 3, Section 27, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet thereof.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OM	Risk	GC	
<i>Man (abb)</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 12/13/04	<i>[Signature]</i> 12/13/04	<i>[Signature]</i> 12/13/04	<i>[Signature]</i> 12/13/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *12/16/04*
Time: *1:15*

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12-10-04
3:15
COUNTY ADMIN
FORWARDED TO: *[Signature]*
12/13/04
9:30 AM

FORWARDED TO:
[Signature]
12/10/04 1:55 PM



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00060

Petitioner(s), Laniel Howard Jr. + Kenya S. McDaniel
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, 1402 Brookhill Drive, Ft. Myers, FL 33916
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:

Laniel Howard Jr.
Petitioner Signature

Kenya S. McDaniel
Petitioner Signature

Laniel Howard, Jr.
Printed Name

Kenya S. McDaniel
Printed Name

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

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00060**

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. VAC2004-00060 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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00060

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 25th day of January 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
VAC2004-00060

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 13 and 14, both in Block 38, Unit 3, Section 27, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77 of the Public Records of Lee County, Florida;

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

EXHIBIT "A"
Petition to Vacate
VAC2004-00060

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 13 and 14, both in Block 38, Unit 3, Section 27, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77 of the Public Records of Lee County, Florida;

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

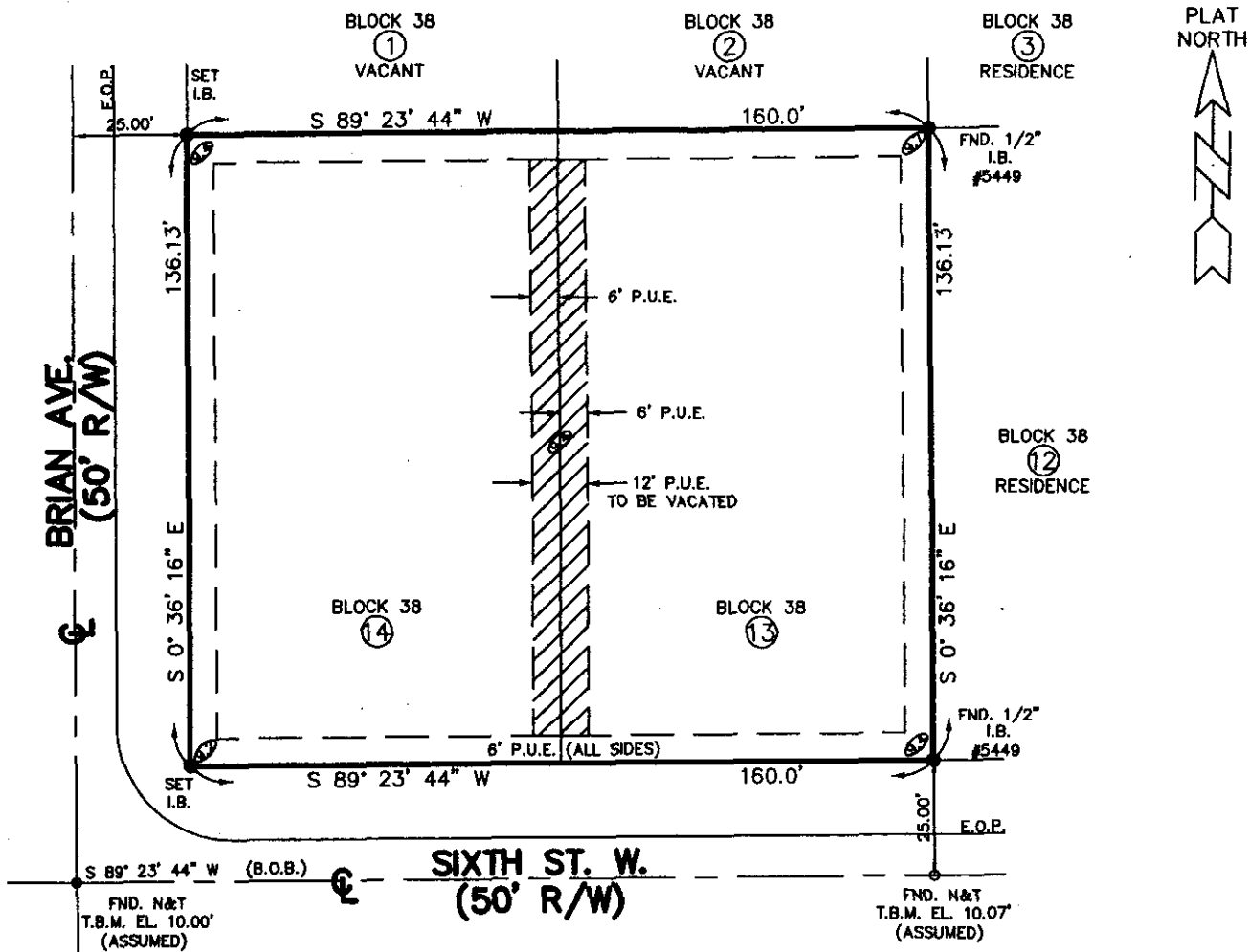


Exhibit "B"
Petition to Vacate
VAC2004-00060
 [Page One of One]

BOUNDARY SURVEY
 3810 SIXTH STREET W.
 LOTS 13 & 14, BLOCK 38, UNIT 3
 SECTION 27, TOWNSHIP 44 SOUTH, RANGE 26 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 77, AND
 PLATTED AUGUST 1958, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

Charles H. [Signature]
 10-6-04

NOT A SURVEY— SKETCH ONLY

S.T.A.R. Surveying, Inc. (LB5449)
 Professional Surveyors and Mappers
 1130-E Lee Boulevard, Lehigh Acres, Florida 33938
 (239) 388-7400 (239) 388-7885 (Fax)

DATE:	10-4-04
JOB NUMBER:	04235A
DRAWN BY:	R.J.R.
SCALE:	1" = 40'
SHEET:	1 of 1

Exhibit "C"
Petition to Vacate
VAC2004-00060
 [Page One of One]

Lee County Tax Collector - Print Results

[View Cart](#)

[Checkout](#)

[Help](#)

Real Property Information

Account	Tax Year	Status
27-44-26-03-00038.0130	2004	PAID
Original Account	Book/Page	
27-44-26-03-00038.0130	4431/3406	
Physical Address	Mailing Address	
HOWARD LANIEL JR + MCDANIEL KENYA S J/T 3810 6TH ST W LEHIGH ACRES FL 33971	HOWARD LANIEL JR + MCDANIEL KENYA S J/T 3009 WILLARD ST #19 FORT MYERS FL 33916 USA	
Legal Description		
LEHIGH ACRES UNIT 3 BLK.38 PB 15 PG 77 LOTS 13 + 14		
Outstanding Balance as of 12/6/2004		\$0.00



LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Bob Janes
District One

December 2, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Laniel Howard, Jr. & Kenya McDaniel
1402 Brookhill Dr.,
Fort Myers, FL 33916

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

Re: **VAC2004-00060 - Petition to Vacate** a 12-foot Public Utility Easement located centered on the common line between Lots 13 and 14, both in Block 38, Unit 3, Section 27, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 77 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet thereof.

Dear Mr. Howard & Ms. McDaniel:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 3810 6th St. W., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200412\20041018.111\6082260\DCDLETTER.DOC

1402 Brookhill Drive
Ft. Myers, FL 33916

October 18, 2004

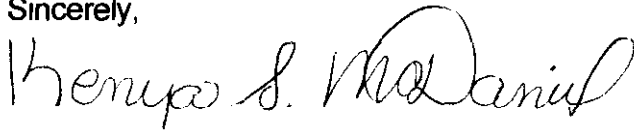
Department of Community Development
ATTN: Mr. Peter J. Eckenrode, Director Development Services
1500 Monroe Street
Ft Myers, FL 33901-5500

Dear Mr. Eckenrode:

I am writing this letter to you because we intend to combine two lots into one for future building site of one single-family residence. The physical address is: 3810 6th Street West, Lehigh Acres, FL 33971. The site address in the plat book is: Lots 13 and 14, Block 38, Unit 3, Lehigh Acres, Section 27, Township 44 South, Range 26 East, According to the plat thereof, as recorded in Plat Book 15, Page 77, Public Records of Lee County, Florida. The strap number is: 27-44-26-03-00038.0130.

We greatly appreciate your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Kenya S. McDaniel". The signature is written in a cursive style with a large, looped initial "K".

Kenya S. McDaniel
1402 Brookhill Drive
Ft. Myers, FL 33916
239 334-2488



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.ilinc.com

September 28, 2004

Ms. Kenya S. McDaniel
1402 Brookhill Dr.
Ft. Myers, FL 33916

Re: Strap No. 27-44-26-03-00038.0130

Dear Ms. McDaniel:

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

A 12-foot-wide utility and/or drainage easement centered on the line between Lots 13 and 14, Block 38, Unit 3, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 77, of the Public Records of Lee County, Florida; LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative

AmeriGas

America's Propane Company

September 28, 2004

Kenya S. McDaniel
1402 Brookhill Drive
Fort Myers, Florida 33916

Dear Kenya:

In reference to your letter faxed September 24, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO: 27-44-26-03-00038.0130

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

Sincerely,



Jim Riefstahl
Sales & Service Manager



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

October 1, 2004

Kenya S. McDaniel
1402 Brookhill Dr
Ft Myers, FL 33916

Re: 3810 6th St W Strap# 27-44-26-03-00038.0130
Lehigh Acres, FL
Vacate easement

Dear Kenya S. McDaniel,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above. We have no cable facilities in the easement.

Should you require additional information or assistance, please feel free to contact me here at 732-3861.

Cordially,

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

William Stanton
Design Coordinator



Customer Service Operations

Post Office Box 1530

LaBelle, Florida 33975-4613

October 5, 2004

Kenya S. McDaniel
1402 Brookhill Drive
Fort Myers, Florida 33916

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 13&14,
Block 38, Unit 3, Section 27, Township 44S, Range 26E,
as recorded in Plat Book 15, Page 77 of the Official Records of Lee County, Florida.

Dear : Ms McDaniel,

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863 452-3232.

Sincerely,

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

Sabrina Thompson
Engineer



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

280 Wekiva Springs Road, Suite 203, Longwood, Florida 32779, Ph: (407) 629-6900, Fax: (407) 629-6963

November 3, 2004

Kenya S. McDaniel
1402 Brookhill Drive
Fort Myers, FL. 33916

RE: Vacation of Easement for Lots 13 & 14, Block 38, Unit 3 in Lehigh Acres.

Dear Ms. McDaniel:

The FGUA Board determined that they do not presently hold any property rights over the address identified above other than the plat reservation. They also 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 is hereby approved.

The vacation of easement was requested for the 12-foot wide public utility easement centered on Lots 13 and 14, Block 38, Unit 3 (excluding the northern and southern 6 feet), in Lehigh Acres. All lots in this subdivision have 6-foot utility easements on the front and rear portions of the properties.

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

RECEIVED
NOV 12 2004
VAC 2004-00060
PERMIT COUNTER



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

October 27, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Kenya S. McDaniel
1402 Brookhill Drive
Fort Myers, FL 33916

Andrew W. Coy
District Four

John E. Albion
District Five

SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #: 27-44-06-03-00038.0130
LOTS 13 & 14, BLOCK 38 – LEHIGH ACRES, UNIT 3
3810 6TH STREET WEST

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Dear Ms. McDaniel:

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

CC: Correspondence File
Ruth Keith, Development Services



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Wednesday, October 13, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Ms. Kenya S. McDaniel
1402 Brookhill Drive
Fort Myers, FL 33916

Andrew W. Coy
District Four

John E. Albion
District Five

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 13 & 14, Block 38, Unit 3, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 77, in the public records, Lee County, Florida.

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Dear Ms. McDaniel:

Diana M. Parker
County Hearing Examiner

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 easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac459.doc



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

October 13, 2004

Kenya S. McDaniel
1402 Brookhill Drive
Ft. Myers, FL 33916

RE: Lots 13 and 14, Block 38, Unit 3, Lehigh Acres, Section 27, Township 44 South,
Range 26 East, according to Plat thereof, as recorded in Plat Book 15, Page 77,
Public Records of Lee County, Florida.

Dear Mr. McDaniel:

In response to your letter we received on September 29, 2004 our staff conducted a review of your request to vacate the subject area as marked and generally described as: That portion of proposed right of way or public utility easement vacation at the above referenced location.

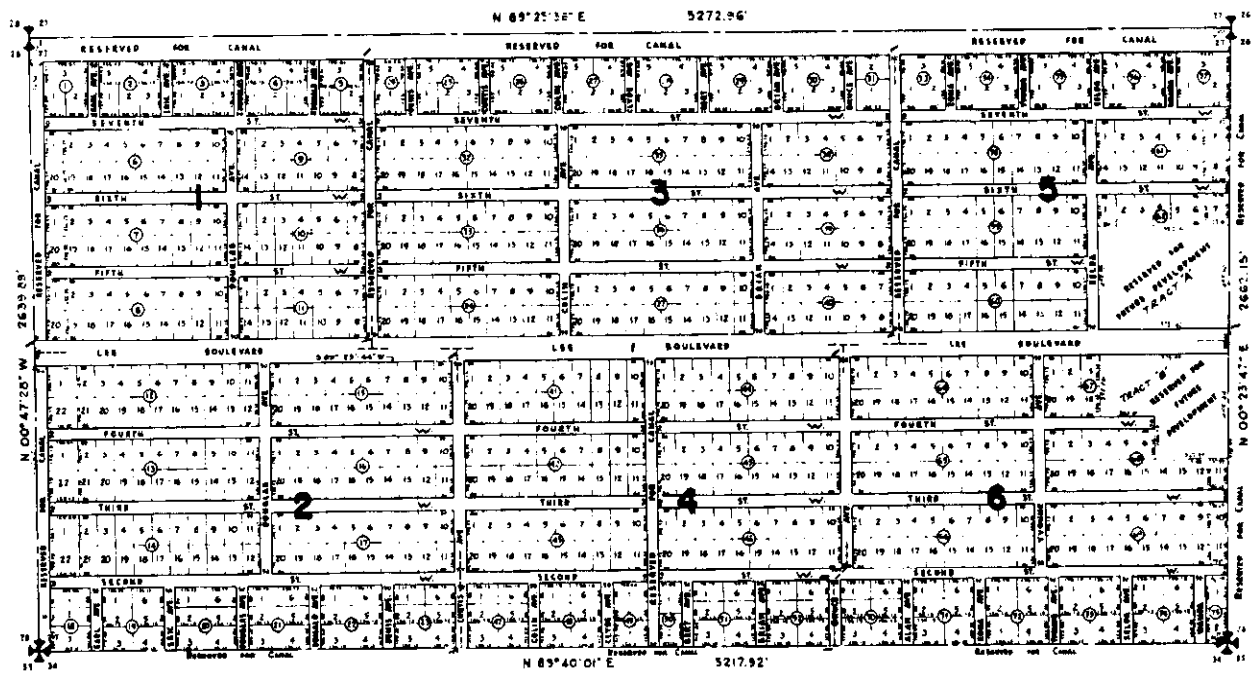
Based on this review, we offer "No Objection" to this vacation request.

Sincerely,

Tom Kasten
Right of Way Agent
Property Management

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

Petition to Vacate
 Petition No:2003-00013
 Description: 12ft wide public utility easement;
 See CCMB
 Date of Approval:05/13/03
 Resolution No:03-05-24
 CCMB:2003R Page:340
 Recorded on:5/30/03 OR Book:3947
 Page:1094-1097



PLAT OF
 SOUTH 1/2 SECTION 27
 TOWNSHIP 44 SOUTH, RANGE 26 EAST

A SUBDIVISION OF
LEHIGH ACRES
 LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO. DEVELOPERS

Scale: August 1958
 Unit Boundary

SURVEYORS CERTIFICATE

I, the undersigned hereby certify that the plat as shown is a correct representation of the land platted and that permanent reference monuments have been placed as shown.

Florida Registered Land Surveyor No. 198

NOTE
 All lots subject to a 6' utility Easement, both sides front and back.
 Interior P.R.M.s are 4" x 6" x 24" concrete.
 Section corner P.R.M.s are 6" x 6" x 36" concrete.

NOTE
 DIMENSIONS, BEARINGS, LOT AND LAMP LINES ON
 DRAWING OF LATEST DATE SHALL GOVERN.

Petition to Vacate
 Petition No:1999-00023
 Description: 4 12ft wide public utility easements;
 See CCMB
 Date of Approval:03/14/2000
 Resolution No:00-03-18
 CCMB:2000R Page:135
 Recorded on:3/23/2000 OR Book:3233 Page:4381-4384

Petition to Vacate
 Petition No:84-7
 Description: For vacation of easements
 Date of Approval:06/06/84
 CCMB:145 Page:94

CANAL

CLYDE AVE.	136.17 5	136.13 4	ROBERT AVE.	136.17 5	136.13 4	BRIAN AVE.	136.13 5	136.13 4	BRUCE AVE.	136.22 2	ZONA AVE.	136.11 3	136.05 1
135.77 1	135.72 2	135.72 3	135.77 1	135.72 2	135.72 3	135.77 1	135.72 2	135.72 3	135.77 1	135.22 1	135.77 1	135.77 1	135.77 1
135.77 2	135.72 3	135.72 4	135.77 2	135.72 3	135.72 4	135.77 2	135.72 3	135.72 4	135.77 2	135.22 2	135.77 2	135.77 2	135.77 2

ST.

4	5	6	7	8	9	10
17	16	15	14	13	12	11

3

ST.

4	5	6	7	8	9	10
17	16	15	14	13	12	11

ST.

4	5	6	7	8	9	10
17	16	15	14	13	12	11

BOULEVARD

10	1	2	3	4	5	6	7	8	9	10
11	20	19	18	17	16	15	14	13	12	11

ST.

10	1	2	3	4	5	6	7	8	9	10
11	20	19	18	17	16	15	14	13	12	11

CANAL

1	2	3	4	5	6	7
14	13	12	11	10	9	8

1	2	3	4	5	6	7
14	13	12	11	10	9	8

1	2	3	4	5	6	7
14	13	12	11	10	9	8

BRIAN

1	2	3	4	5	6	7
14	13	12	11	10	9	8

1	2	3	4	5	6	7
14	13	12	11	10	9	8

W.

CANAL FOR RESERVED

W.

LEE

1	2	3	4	5	6	7
20	19	18	17	16	15	14

FOURTH

1	2	3	4	5	6	7
20	19	18	17	16	15	14

LEE



Area to be vacated