

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility and Drainage Easement in Lehigh Acres. Adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 12th day of November, 2002.

WHY ACTION IS NECESSARY: To develop a residential building site. The vacation of these Public Utility and Drainage Easement will not alter existing utilities or drainage conditions and the easements are not necessary to accommodate any future utility or drainage requirements.

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

2. DEPARTMENTAL CATEGORY: 04 Community Development
COMMISSION DISTRICT #: 5

C4B

3. MEETING DATE

10-15-2002

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:

Peter J. Eckenrode, Director

7. BACKGROUND:

8.

The completed Petition to Vacate, VAC2002-00039 was submitted by Theodore and Lisa Garlow.

LOCATION: Petition # 2002-00039 proposes to vacate a 12-foot wide Public Utility and Drainage Easement centered on the lot lines common to Lots 22 and 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 52, LESS and EXCEPT the east 6-feet and the west 6-feet thereof, Section 35, Township 44 South, Range 27 East, Lee County, Florida. The site is located at 219 Grant Avenue, Lehigh Acres, Florida 33972.

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 Risk	G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 10/03/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

STAMP: 11/24/02, 330 CALLS, DEPT. ATTY., FORWARDED TO: Admin, 11/29/02 9:AM

RECEIVED BY COUNTY ADMIN. TD, 9-30-02, 9:45, COUNTY ADMIN. FORWARDED TO: BDX, 10/3/02

PETITION TO VACATE


Case Number: VAC 2002-00039

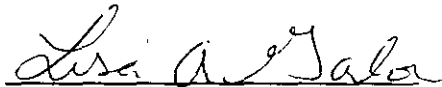
Petitioner(s), Theodore and Lisa Gaslow
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 126 Texas Rd Lehigh Fl 33936
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
TED Gaslow
Printed Name

By: 
Petitioner Signature
LISA A Gaslow
Printed Name

LEGAL

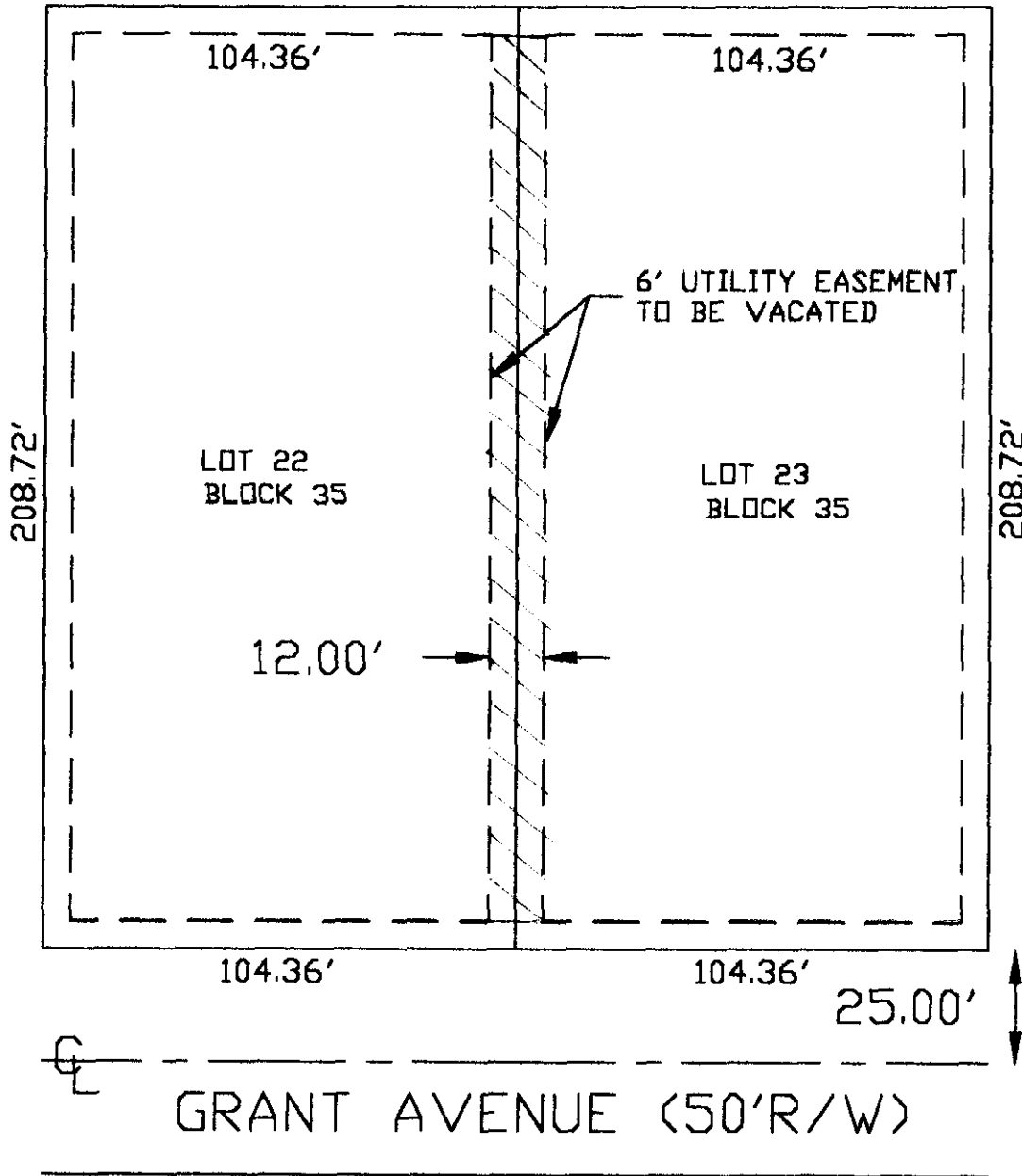
STRAP # 35-44-27 09-00035.0220

VAC2002-00039

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 22 & 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 52, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Exhibit "A"

PLAT OF SECTION 35
A SUBDIVISION OF LEHIGH ACRES
TOWNSHIP 44S RANGE 27E



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

Exhibit "B"

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001

DUPLICATE

Discounts have been calculated, pay only one amt:	If Paid By Nov 30, 2001 0.00	If Paid By Dec 31, 2001 0.00	If Paid By Jan 31, 2002 0.00	If Paid By Feb 28, 2002 0.00	If Paid By Mar 31, 2002 0.00	Call for amt due after Mar 31, 2002
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020100 20019 354427090003502203 0000000000 0000000000 00000000

MAKE CHECK PAYABLE TO:
*** Paid ***

LEE COUNTY TAX COLLECTOR
P O BOX 1609
FT MYERS, FLORIDA 33902-1609

REAL PROPERTY

RUBIN BRITA
15985 BRIARCLIFF LN
FORT MYERS FL 33912

E & I #: 20001118
REQUESTED: 12/11/2001
PROCESSED: 12/11/2001
BY MXS1

ACCOUNT & SITE ADDRESS

35-44-27-09-00035.0220
219 GRANT AV

*Lehigh Avenue
33912*

To pay by phone or confirm receipt of your payment call the automated tax system (941) 332-8731.

See insert for details. PIN Number: 01-00451424

PLEASE RETURN THIS PORTION WITH PAYMENT

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001

RUBIN BRITA
15985 BRIARCLIFF LN
FORT MYERS FL 33912

DOR CODE: 00
MORTGAGE CODE: 000
DISTRICT CODE: 070

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	9000.00	38.95	LEE CO GEN REV	(239) 335-2221	
.0010124	9000.00	9.11	LEE CO CAP IMP	(239) 335-2221	
.0012114	9000.00	10.90	LEE CO UNINCORP	(239) 335-2221	
.0026080	9000.00	23.47	LOCAL SCHOOL	(239) 337-8215	
.0058700	9000.00	52.83	STATE SCHOOL	(239) 337-8215	
.0005970	9000.00	5.37	SF WATR MGT DST	(561) 682-6486	
.0000358	9000.00	0.32	LEE CO HYACINTH	(239) 694-2174	
.0009630	9000.00	8.67	LEE CO LIBRARY	(239) 335-2221	
.0003595	9000.00	3.24	LEE CO MOSQUITO	(239) 694-2174	
.0030000	9000.00	27.00	LEHGH ACRS FIRE	(239) 334-1600	
.0003082	9000.00	2.77	LEHGH ACS LIGHT	(239) 335-2186	
.0001000	9000.00	0.90	SFL WTR MGT/EVR	(561) 682-6486	
.0000400	9000.00	0.36	W C INLD WATRWY	(813) 485-9402	
.0000733	9000.00	0.66	LEE CO ALL/HAZS	(239) 335-2186	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	9000
SOH ASSESSED VAL	9000
TAXABLE VAL	9000

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 9 BLK.35
DB 254 PG 30 LOTS 22 + 23
BOOK: 3341 PAGE: 520

ACCOUNT & SITE ADDRESS

35-44-27-09-00035.0220
219 GRANT AV

PAID

257.40 133303-8-2 01/31/2002

NON-AD VALOREM ASSESSMENTS					* See reverse side before calling
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *	
78.10000	PER ACRE	78.10	E CO WATR CONTRL	(239) 368-0044	
		262.65	COMBINED TOTAL		

The Tax Certificate Sale began on . Certificates will be sold on all unpaid real estate taxes, resulting in additional charges. Contact the Tax Collector's Office at (941) 339-6000 if you have any questions.

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.

Exhibit 'C'

Prepared by: Bay Title Services

WARRANTY DEED

Address: 207 Del Prado Boulevard
Cape Coral, Florida 33990

P. No: 37-44-27-09-00035.0220

65463

PLEASE PRINT ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 19th day of July, 2002, by Brita Rubin, Trustee, hereinafter called the grantor, to Theodore A. Garlow and Lisa A. Garlow, husband and wife whose post office address is 126 Texas Road, Lehigh Acres, FL 33936, hereinafter called the grantees:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantees, that certain and situate in Lee County, State of Florida, viz:

Tracts 22 and 23, Block 35, Unit 9, Section 33, LEHIGH ACRES, according to the map or plan thereof on file in the office of the Clerk of the Circuit Court, recorded in Deed Book 254, Page 30, Public Records of Lee County, Florida.

Subject Property is VACANT LAND and is NOT the HOMESTEAD PROPERTY of the grantors, nor contiguous thereto.

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 the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons.

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

Signed, sealed and delivered in the presence of:

Cathy Koneczyk
Witness

Brita Rubin, Trustee
Brita Rubin, Trustee

Cathy Koneczyk
print type name of Witness

Emile J. Chaffin
Witness

Emile J. Chaffin
print type name of Witness

STATE OF FLORIDA

COUNTY OF LEE

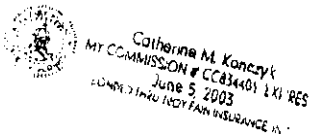
The foregoing instrument was acknowledged before me this 19th day of July, 2002 by Brita Rubin, Trustee, who is/are personally known to me or who produced _____ as identification.

Notary Public, State and County Attest: I

Catherine M. Koneczyk
Notary (Signature)

SHAL

Catherine M. Koneczyk
Printed Notary Signature
My Commission Expires:





Post Office Box 3455
North Fort Myers, FL 33918-3455
(941) 995-2121 • FAX (941) 995-7304
www.lcec.net • www.lcec.com

August 14, 2002

Mr. Ted Garlow
126 Texas Rd.
Lehigh Acres, FL 33936

Re: Strap No. 35-44-27-09-00035.0220

Dear Mr. Garlow:

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 common to Lots 22 & 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 52, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Please call me at 656-2422 if you have any questions.

Sincerely,

Karen Hardin
Real Property Representative



Box 570
Fort Myers, Florida 33902-0570

July 30, 2002

Mr. Ted Garlow
126 Texas Rd.
Lehigh Acres, Florida 33936


RE: Vacation of Easement - Lots 22 & 23, Unit 9, Block 35,
Section 35, Township 44 South, Range 27 East. As recorded in Plat Book 15, Page 52,
Public Records of Lee County Florida.
A 12 foot wide public utility and drainage easement centered
On the lot line between the above listed lots.

Dear Mr. Garlow:

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 941-336-2023.

Sincerely,


Wayneth Jackson
Engineer



July 31, 2002

Mr. Ted Garlow
126 Texas Rd.
Lehigh Acres, FL 33936

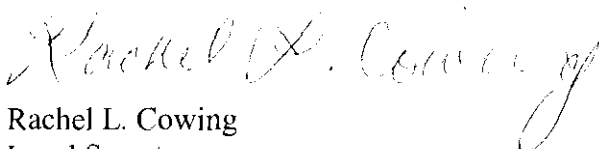
Re: A 12-foot wide Utility easement centered on the lot line common to lots 22 & 23, Block 35, Unit 9, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 52 less and except the north/east 6 feet thereof.

Dear Mr. Garlow:

Please be advised that Florida Water Services Corporation has reviewed the above-referenced request for a vacation of easement. We have no objection to the vacation of easement as described above.

Please call me at (407) 598-4187, if you need any additional information or other assistance.

Sincerely,


Rachel L. Cowing
Legal Secretary

AN ALLETE COMPANY

P.O. Box 609520 / Orlando, Florida 32860-9520 / Phone 407/598-4100

Water For Florida's Future

301 Tower Road
Naples, FL 34113-8074
tel / 941-793-9600
fax / 941-793-1317



July 31, 2002

Ted Garlow
126 Texas Rd
Lehigh Acres, Florida 33936

Re: Strap No. 35-44-27-09-0035-0220

Dear Mr. Garlow:

This letter will serve to inform you that Comcast has no conflict with your proposed vacation of easement of the following area:

A 12-foot wide Utility easement centered on the lot line common to lots 22 & 23 Block 35 Unit 9 a subdivision of Lehigh Acres as recorded in Plat Book 15 page 52 less and except the north/east 6 feet and the south/west 6 feet thereof.

Our lines currently run aerial on power poles, and should not interfere with your future vacation of easement.

Cordially,

A handwritten signature in cursive script that reads "Lucia Vera".

Lucia Vera
Project Coordinator
Comcast



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8348

Bob Janes
District One

Douglas R. St. Cemy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Shilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

September 24, 2002

Theodore and Lisa Garlow
126 Texas Road
Lehigh Acres, Florida 33936

Re: Recommendation for proposed vacation of Public Utility and Drainage Easement located at 219 Grant Avenue, Lehigh Acres, Florida 33972. VAC2002-00039

Dear Mr. Garlow:

This office has received your request to vacate a 12-foot wide Public Utility and Drainage Easement centered on the lot lines common to Lots 22 and 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 52, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

You indicate that as the result of combining adjacent lots into one residential building site, these platted easements prohibit the construction of your proposed site plan. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/rlm

U:\200209\VAC20020.003\9\D&PUE.WPD



(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Wednesday, August 14, 2002

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 C. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Ted Garlow
126 Texas Rd.
Lehigh Acres, FL 33936

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 22 and 23, Block 35, Unit 9, Lehigh Acres Subdivision as recorded in Plat Book 15 at Page 52, Public Records of Lee County, Florida.

Dear Mr. Garlow:

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 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: Don Blackburn, Development Services
Joan Henry, County Attorney's Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., NRD

S:\NATRES\SURFACE\DOCUMENT\vac261.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Conny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stowell
County Manager

James G. Yacobi
County Attorney

Diana M. Parker
County Hearing Examiner

August 2, 2002

Mr. Ted Garlow
126 Texas Road
Lehigh Acres, FL 33936

**RE: Petition to Vacate the 12 foot wide Utility Easement
On the lot line common to Lots 22 and 23, Block 35,
Unit 9, Lehigh Acres**

Dear Mr. Garlow:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 15, page 52. DOT has no facilities within the easement and does not maintain it.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Specialist

MAL/JMK/mlb

S:\DOCUMENT\Petition To Vacate\2002\Garlow-Lots 22 and 23.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00039**

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. VAC2002-00039 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

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

LEGAL

STRAP # 35-44-27 09-00035.0220

VAC2002-00039

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 22 & 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 52, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Exhibit "A"

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00039

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 12th day of November 2002 @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.

LEE COUNTY
SOUTH WEST FLORIDA
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

LEGAL

STRAP # 35-44-27 09-00035.0220

VAC2002-00039

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 22 & 23, Block 35, Unit 9, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 52, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Exhibit "A"