

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20030930

1. REQUESTED MOTION:

ACTION REQUESTED: : Accept a petition to vacate a 10' wide **drainage easement** located at 8648 Alico Road, Fort Myers, Florida, and adopt a resolution setting a Public Hearing for 5:00 p.m. on the 14th day of October, 2003. (Case No. VAC2003-00035)

WHY ACTION IS NECESSARY: In order to develop the property as per the approved zoning resolution and master concept plan. **The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

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

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: 05

3. MEETING DATE:

C4B
09-23-2003

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 8/15/03

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate (VAC2003-00035) was submitted by Site Oil Company of Missouri.

LOCATION: A ten-foot (10') wide **Drainage Easement** centered on the lot line common to Lots 18 and 19, Block 202, Unit 16, San Carlos Park Subdivision, as recorded at Official Record Book 104, Page 537, in the public records of Lee County, Florida, located in Section 9, Township 46 South, Range 25 East.

The site is located at 8648 Alico Road, Fort Myers, Florida, 33912.

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 9/11/03 | | | G County Manager |
|-----------------------------|---------------------------------|-------------------------|------------|------------------------------|---------------------------------|-------------------------------|-------------------------------|-------------------------------|
| | | | | | GA | OM | Risk | GC |
| <i>[Signature]</i> | N/A | N/A | N/A | <i>[Signature]</i> 9-9-03 | <i>[Signature]</i> 9/10/03 | <i>[Signature]</i> 9/11/03 | <i>[Signature]</i> 9/10/03 | <i>[Signature]</i> 9-10-03 |
| | | | | | | | | <i>[Signature]</i> 9-11-03 |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 8/26/03
Time: 11:52
Forwarded to:
Co. Adm.
9/9/03 4PM

RECEIVED BY
COUNTY ADMIN: TD
9/9
4:25 PM
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9/11/03
9:30 AM

PETITION TO VACATE

Case Number: VAC 2003-00035

Petitioner(s), Site Oil Company of Missouri
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, 50 S. Bemiston Avenue, St. Louis, MO 63105
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

Christopher Kempf, Vice President
Printed Name

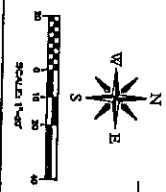
By: _____
Petitioner Signature

Printed Name

Exhibit "A"
Petition to Vacate
VAC2003-00035

Legal description of a Drainage Easement to be vacated:

A ten-foot (10') wide **Drainage Easement** centered on the common line between Lots 18 and 19 of Block 203, Unit 16 of the Replat of Block 202 & 203, Unit 16, San Carlos Park, a subdivision of the NE¼, Section 9, Township 46 South, Range 25 East, Lee County, Florida, according to map or plat there on file and recorded in Official Records Book 104, Pages 537 and 538 of the of the Public Records of Lee County, Florida (According to the Deed recorded in Official Record Book 50, Page 507 to 512 inclusive.)



LEE ROAD
(80' RIGHT-OF-WAY)

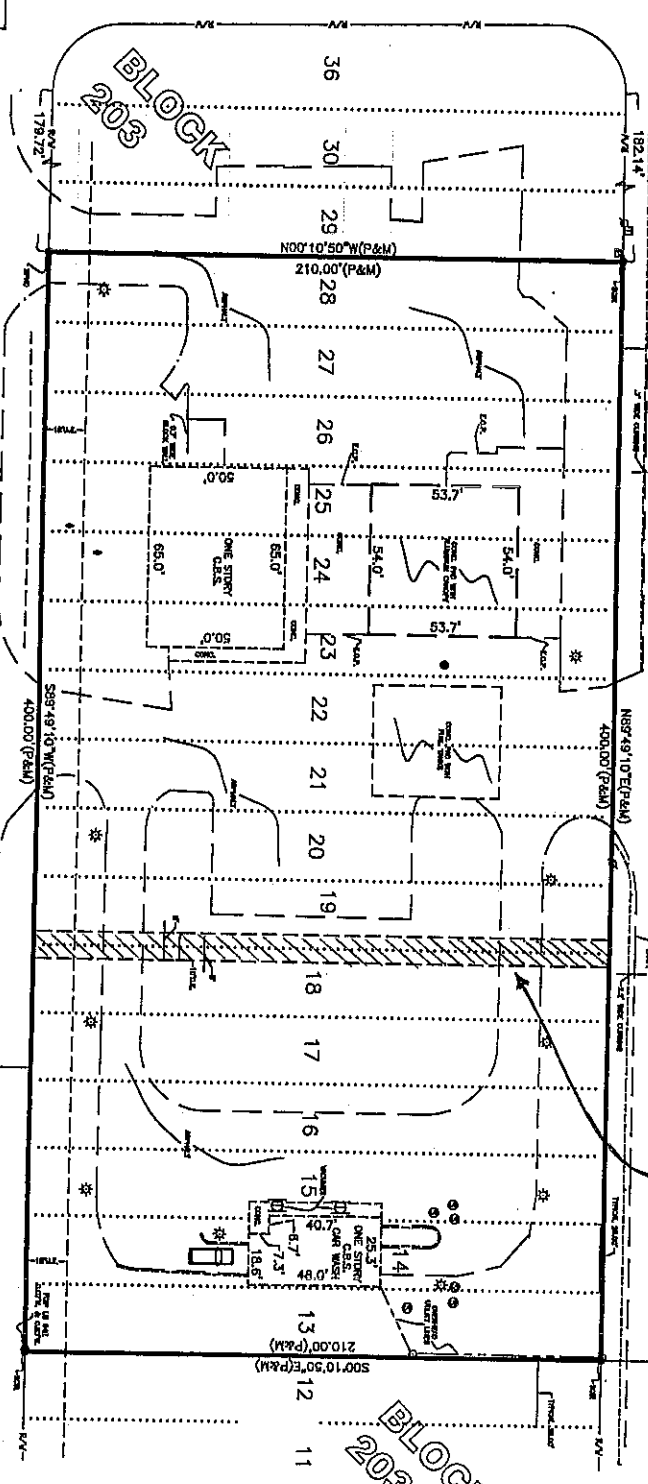
BLOCK
204

ALOHA ROAD
(50' RIGHT-OF-WAY)

ALICO ROAD
(100' RIGHT-OF-WAY)

10-foot wide Drainage
Easement to be vacated

Replat of Block 202 & 203, Unit 16, San Carlos Park, a subdivision of the NE 1/4, Section 9, Township 46 South, Range 25 East, Lee County, Florida, according to map or plat there on file and recorded in Official Records Book 104, Pages 537 and 538 of the of the Public Records of Lee County, Florida (According to the Deed recorded in Official Record Book 50, Page 507 to 512 inclusive.)



LEGAL DESCRIPTION:

UNIT 16, SAN CARLOS PARK, A SUBDIVISION OF THE NE 1/4, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ACCORDING TO MAP OR PLAT THERE ON FILE AND RECORDED IN OFFICIAL RECORDS BOOK 104, PAGES 537 AND 538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA (ACCORDING TO THE DEED RECORDED IN OFFICIAL RECORD BOOK 50, PAGE 507 TO 512 INCLUSIVE.)

1. THE SHADY ONE-SIDE DRIVEWAY OF A 1/2" ACROSS...

THE SHADY ONE-SIDE DRIVEWAY OF A 1/2" ACROSS...

BOUNDARY SURVEY
SITE OIL
SITE ON COMPANY OF MISSOURI
STATE OF MISSOURI
STATE OF MISSOURI #0130

Neese & Associates
Civil Engineering & Land Surveying
12661 Metro Parkway
Fort Myers, Florida 33912
941-758-0077
Fax 941-758-3457

DATE: 04/28/03
BY: [Signature]
CHECKED: [Signature]
DATE: 04/23/03
DRAWN: [Signature]
DATE: 04/23/03

Exhibit "B"
Petition to Vacate
VAC2003-00035

Exhibit "C"

Petition to Vacate

Lee County Tax Collector - Print Results

Pay Online:



Real Property Information

| | | |
|--|---|---------------|
| Account | Tax Year | Status |
| 09-46-25-06-00203.0130 | 2002 | PAID |
| Original Account | Book/Page | |
| 09-46-25-06-00203.0130 | 2799 /1711 | |
| Physical Address | Mailing Address | |
| SITE OIL COMPANY OF MISSOURI 8648 ALICO RD FORT MYERS FL 33912 | SITE OIL COMPANY OF MISSOURI 50 S BEMISTON AVE SAINT LOUIS MO 63105 | |
| Legal Description | | |
| SAN CARLOS PARK U 16 BLK 203 OR 50 PG 507-512 LOTS 13 THRU 20 | | |
| Total Amount Due as of 8/5/2003 | | \$0.00 |

| | |
|-------------------------------|-------------------|
| District | 053 |
| Market Assessed Value | \$246,340.00 |
| Agricultural Exemption | \$0.00 |
| Assessed SOH Value | \$246,340.00 |
| Homestead Exemption | \$0.00 |
| Other Exemption | \$0.00 |
| Wholly Exemption | \$0.00 |
| Taxable Value | \$246,340.00 |
| Senior Exemption | \$0.00 |
| Historical Exemption | \$0.00 |
| Economic Exemption | \$0.00 |
| Tax Amount | \$5,102.73 |

Ad Valorem Taxes

| Taxing Authority | Millage Rate | Taxes Levied |
|--------------------------------|--------------|--------------|
| PUBLIC SCHOOL - BY LOCAL BOARD | 2.5990 | \$640.24 |
| PUBLIC SCHOOL - BY STATE LAW | 5.9730 | \$1,471.39 |
| LEE COUNTY CAPITAL IMP | 1.0124 | \$249.39 |
| LEE CO UNINCORPORATED - MSTU | 1.2114 | \$298.42 |
| LEE COUNTY GENERAL REVENUE | 4.3277 | \$1,066.09 |
| LEE COUNTY HYACINTH CONTROL | 0.0327 | \$8.06 |
| LEE COUNTY LIBRARY FUND | 0.9630 | \$237.23 |
| LEE COUNTY MOSQUITO CONTROL | 0.3294 | \$81.14 |
| SAN CARLOS FIRE DISTRICT | 2.5000 | \$615.85 |
| SAN CARLOS IMPROVEMENT - MSTU | 0.2317 | \$57.08 |
| SFL WATER MGMT-EVERGLADE CONST | 0.1000 | \$24.63 |
| WEST COAST INLAND WATERWAY | 0.0400 | \$9.85 |
| LEE COUNTY ALL HAZARDS - UNINC | 0.0733 | \$18.06 |
| SFL WATER MGMT-DISTRICT LEVY | 0.5970 | \$147.07 |

Non Ad Valorem Taxes

| Taxing Authority | Rate | Amount |
|-----------------------------|---------|----------|
| EAST MULLOCK CREEK DRAINAGE | 30.1000 | \$28.90 |
| SOLID WASTE ASSESSMENT | 1.0000 | \$149.33 |

| Nov 2002 | Dec 2002 | Jan 2003 | Feb 2003 | Mar 2003 |
|------------|------------|------------|------------|------------|
| \$4,898.62 | \$4,949.65 | \$5,000.68 | \$5,051.70 | \$5,102.73 |

This Warranty Deed

*Relax
05/18/97*

DR2799 PB1711

Made this 5th day of March A.D. 19 97

by FRANK D'ALESSANDRO and PATRICK J. HAYES, Individually and as Co-Trustees

hereinafter called the grantor, to SITE OIL COMPANY OF MISSOURI

Documentary Tax Pd. \$ 455.30
Intangible Tax Pd. _____
By CHARLIE GREEN, CLERK, LEE COUNTY
T. H. Voges Deputy Clerk

4126328

whose post office address is: 50 South Bemiston St. Louis, MO 63105

GRANTEE'S SSN: hereinafter called the grantee:

(Whenever used herein the term "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 grantee, all that certain land situate in Lee County, Florida, viz:

LOTS 13 THRU 20, BLOCK 203, AS SHOWN ON THE REPLAT OF BLOCK 202 AND 203, UNTI 16, SAN CARLOS PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN OFFICIAL RECORDS BOOK 104, PAGES 537 AND 538, SECTION 9, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO Covenants, restrictions, easements of records and taxes for the current year. Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 09-46-25-06-00203.0130

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 grantee 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; that the grantor 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 except taxes accruing subsequent to December 31, 19 96

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

Signed, sealed and delivered in our presence:

Jamie B. Hooker
Name: Witness # 1 as to D'Alessandro
Jamie B. Hooker
Linda A. Hatch
Name: Witness # 2 as to D'Alessandro
Linda A. Hatch
L. S. Bal
Name: Witness # 1 as to Hayes
Tracy Townsend
Name: Witness # 2 as to Hayes

Frank D'Alessandro Co-Trustee LS
Name & Address: FRANK D'ALESSANDRO, Co-Trustee
8450 Altam Road, Fort Myers, Florida 33912
Patrick J. Hayes Co-Trustee LS
Name & Address: PATRICK J. HAYES, Co-Trustee
LS
LS

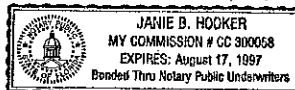
State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 17th day of February, 19 97, by FRANK D'ALESSANDRO, Individually and as Co-Trustee

who is personally known to me or who has produced as identification and who did not take an oath.

Jamie B. Hooker (Signature) ✓
Print Name: Jamie B. Hooker
Notary Public
My Commission Expires: 8-17-97 (Seal) ✓

PREPARED BY: Tracy Townsend
RECORD & RETURN TO:
Executive Title Insurance Services, Inc.
12800 University Drive, Suite 300
Fort Myers, Florida 33907
File No: 96-2-0626-CW



RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: TRENT A. VOGES, D.C.

self-addressed st envelope) Box 68
Sweeney-Lally
AT TITLE OF FT. MYERS, INC.
9 Presidential Court S.W.
Fort Myers, FL 33919
ST 89-08-00073

WARRANTY DEED
STATUTORY
F. S. 689.02

RAMCO FORM 49

This Instrument Prepared by:

Cindy J Sweeney-Lally
Address: STEWART TITLE OF FT. MYERS, INC.
6360-9 Presidential Court S.W.
Fort Myers, FL 33919

Property Appraiser's Parcel Identification (Folio) Number(s):
09-46-25-06-00203.0210 and 09-46-25-06-00203.0230
Grantee[s] S.S. #[s]:

2769999
OR2118 PG2712
Documentary Tax Pd. \$ 1980.00
CHARLIE GREEN, CLERK, LEE COUNTY
By M. J. ROBINSON Deputy Clerk

CHARLIE GREEN LEE CITY F
89 DEC 29 PM 4:11

SPACE ABOVE THIS LINE FOR PROCESSING DATA SPACE ABOVE THIS LINE FOR RECORDING DATA

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

This Indenture, Made this 28 day of December, A. D. 19 89

Between PATRICK J. HAYES, as TRUSTEE and individually

of the County of Lee in the State of Florida, part y of the first part, and
SITE OIL COMPANY OF MISSOURI

of the County of in the State of Missouri, whose post office address is
50 South Bemiston, St. Louis, Missouri 63105

part y of the second part.

Witnesseth, That the said part y of the first part, for and in consideration of the sum of
---TEN DOLLARS and other good and valuable consideration--- Dollars,
to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknowl-
edged, ha s granted, bargained, and sold to the said part y of the second part, its heirs
and assigns forever, the following described land, situate, and being in the County of Lee
State of Florida to-wit:

Lots 21, 22, 23, 24, 25, 26, 27 and 28, Block 203, SAN CARLOS PARK, Unit 16,
according to the Plat thereof as recorded in Official Record Book 104, at Pages
537 and 538 of the Public Records of Lee County, Florida.

SUBJECT PROPERTY IS VACANT LAND AND IS NOT NOW, NOR HAS SAME EVER BEEN THE HOMESTEAD
PROPERTY OF GRANITOR HEREIN AS HOMESTEAD IS DEFINED BY FLORIDA CONSTITUTION.

SUBJECT TO CONDITIONS, EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY,
AND TAXES FOR THE YEAR 1990 AND SUBSEQUENT YEARS.

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

In Witness Whereof, The said part y of the first part ha s hereunto set his
hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Margaret A. Burt
witness

Patrick J. Hayes
PATRICK J. HAYES, as TRUSTEE
and individually

Donald R. Quass
witness

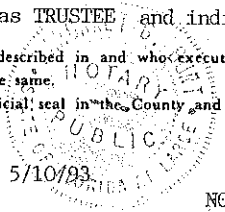
STATE OF FLORIDA,
COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared
PATRICK J. HAYES, as TRUSTEE and individually

to me known to be the person described in and who executed the foregoing instrument and he acknowledged
before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 28 day of
December A. D. 19 89

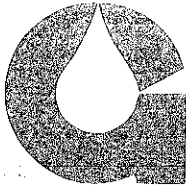
My Commission Expires: 5/10/93



Margaret A. Burt
NOTARY PUBLIC, STATE OF FLORIDA AT-LARGE

1980.00

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: M. J. ROBINSON, D.C.



Gulf Environmental Services, Inc.

19910 S. Tamiami Trail, Suite A
Estero, FL 33928-2114
239/498-1000
FAX 239/498-0625

May 22, 2003

Mr. Michael L. Prince
Neese & Associates
12661 Metro Parkway
Fort Myers, FL 33912

Re: Request for Vacation of Drainage Easement
San Carlos Park, Block 203, Unit 16, Lots 18 & 19
Strap #09-46-25-06-00203.0130

Dear Mr. Prince:

Based on the information in your letter dated May 6, 2003 and the accompanying sketch and aerial view, Gulf Environmental Services, Inc. has no objection to the vacation of the 10-foot drainage easement located along the property line between Lots 18 & 19 as described in the replat of Blocks 202 and 203, Unit 16, San Carlos Park, OR Book 104, Pages 537 & 538.

If you have any questions, or need additional information, please do not hesitate to contact me at (239) 498-1000.

Sincerely,

A. A. Reeves III
General Manager



Florida Power & Light Company

May 29, 2003

Neese & Associates
Attn: Michael Prince
12661 Metro Parkway
Fort Myers, Florida 33912

Re: The proposed Drainage Easement Vacation located at Block 203, Lots 18 & 19,
San Carlos Park Unit 16, O.R. Book 104, Pages 537-538.
Strap #09-46-25-06-00203.0130.

Dear Mr. Prince:

Florida Power & Light Company has no facilities located within the proposed Drainage Easement to be vacated. Therefore, we have no objection to this proposed vacation.

If you have any questions or concerns please call me at (239) 415-1315.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Sanders".

Jeff Sanders
Customer Project Manager



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

May 13, 2003

Mr. Michael Prince
Neese & Associates
12661 Metro Parkway
Ft. Myers, FL 33912

Re: Vacation of Drainage Easement – San Carlos Park
Block 203, Unit 16, Lots 18 and 19 – Strap 09-46-25-06-00203.0130

Dear Mr. Prince

This is in response to your letter of May 6th, regarding your petition seeking vacation of the 10 foot drainage easement situated between lots 18 and 19 mentioned above.

This is to advise that Sprint has no objection to your proposal as described in your letter and as shown in your Survey attachment.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise Grabowski".

Denise Grabowski
Engineer I – Network CSO

2931 Michigan Avenue
Fort Myers, Florida 33916
Phone 941-334-8828
Fax 941-334-8575



June 12, 2003

Micheal L. Prince
Neese & Associates
12661 Metro Parkway
Fort Myers, Florida 33912

Re: Drainage Easement Vacation- San Carlos Park, Block 203, Unit No.16, Lots
18 & 19, Strap:09-46-25-06-00203.0130

Dear Mr. Prince:

This letter will serve to inform you that Comcast has no objection to your
vacation of easement, of the above referenced property.

If you should require additional information, please feel free to contact me
here.

Cordially,

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

Lucia Vera
Project Coordinator



June 24, 2003

Mr. Michael L. Prince
Neese & Associates
12661 Metro Pkwy
Fort Myers, Fla. 33912

RE: Drainage Easement vacation
Block 203, Unit 16, Lots 18-19, San Carlos Pk, Fla.

Dear Mr. Prince:

The plat map sent to us for the above listed vacation of drainage easement has been reviewed. At this time, Time Warner Cable has no facilities in this area and no future build is anticipated. Time Warner Cable has **NO CONFLICT** with this proposed construction.

If you have any further questions or concern, please do not hesitate to contact me at (941) 772-2218, Ext. 120.

Sincerely,

TIME WARNER CABLE

A handwritten signature in black ink that reads "B. Streeter".

Benjamin R. Streeter
Technical Field Inspector

BRS/sgs





May 19, 2003

Michael L. Prince
Neese & Associates
12661 Metro Parkway
Fort Myers, Florida 33912

RE: VACATE OF EASEMENT

Dear Mr. Prince:

In reference to your letter dated May 6, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 09-46-25-06-00203.0130

Please feel free to contact me at 941-334-2849, should you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Riefstahl". The signature is written in a cursive style and is followed by a long horizontal line that extends to the right.

Jim Riefstahl
Service Manager

 **LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8374

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

August 5, 2003

Mr. Christopher Kempf
Site Oil Company of Missouri
50 South Bemiston Avenue
Saint Louis, Missouri 63105

Re: VAC2003-00035 - Petition to vacate a 10' wide drainage easement centered on the lot line common to Lots 18 and 19, Block 202, Unit 16, San Carlos Park Subdivision, as recorded at OR Book 104, Page 537, in the public records of Lee County, Florida.

Dear Mr. Kempf:

You indicate that in order to develop your property as per your approved zoning resolution and master concept plan you seek to vacate the easement referenced above.

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/SBE

H:\Correspondence\Vacations\Vac2003\00035 Site Oil Company\Development Review Recommends.wpd



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

June 24, 2003

Mr. Michael L. Prince
Neese & Associates
12661 Metro Parkway
Fort Myers, FL 33912

**RE: Request for a Letter of Review and Recommendation
On a Drainage Easement Vacation located at the
Following location: San Carlos Park, Block 203,
Unit No. 16, Lots 18 and 19, Strap No.
9-46-25-03-000203.0130**

Dear Michael:

Lee County Department of Transportation has reviewed the above referenced petition to vacate. The property is part of an existing convenience store with fueling stations and a car wash. The location of the drainage easement is in the center of the property. As a requirement of the zoning resolution, the existing drainage easement is required to be vacated to ensure that no structures encroach within the easement.

Based upon the DOT review, it is recommended that the easement be vacated and DOT offers no objection to the vacation.

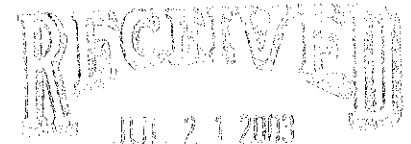
Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

Cc: Don Blackburn, Development Services
Roland Ottolini, Natural Resources
DOT PTV File – Alico Road (Neese & Associates)



S:\DOCUMENT\Petition To Vacate\2003\San Carlos Park - Prince.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Thursday, June 19, 2003

Writer's Direct Dial Number: (941) 479-8124

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Micheal L. Prince
Neese & Associates
12661 Metro Parkway
Fort Myers, FL 33912

Re: Petition to Vacate a ten (10) foot wide drainage easement common to Lots 18 & 19, Unit 16, Blocks 202 & 203, San Carlos Park Subdivision, as recorded in OR Book 104 Page 537, in the public records, Lee County, Florida.

Dear Mr. Prince:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject 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: Don Blackburn, Development Services
Joan Henry, County Attorney's Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., NRD

S:\WATRES\SURFACE\DOCUMENT\vac344.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

May 13, 2003

Micheal Prince
Neese & Associates
12661 Metro Parkway
Fort Myers, Fl. 33912

SUBJECT: PETITION TO VACATE A 10-FOOT DRAINAGE EASEMENT
STRAP #S: 09-46-25-06-00203.0130
SITE OIL STATION, 8648 ALICO ROAD

Dear Mr. Prince:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate an existing 10-foot wide drainage easement as described in your letter of May 6, 2003. Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation. However, you may also want to contact Gulf Environmental Service as your property is located within their Utility service area. Their phone number is (239) 498-1000.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech II
UTILITIES ENGINEERING

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**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00035**

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. VAC2003-00035 is set for 5:00 p.m.
on the ____ day of _____, 2003; 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 ____ day of _____, 2003.

ATTEST
CHARLIE GREEN, CLERK

Deputy Clerk Signature

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

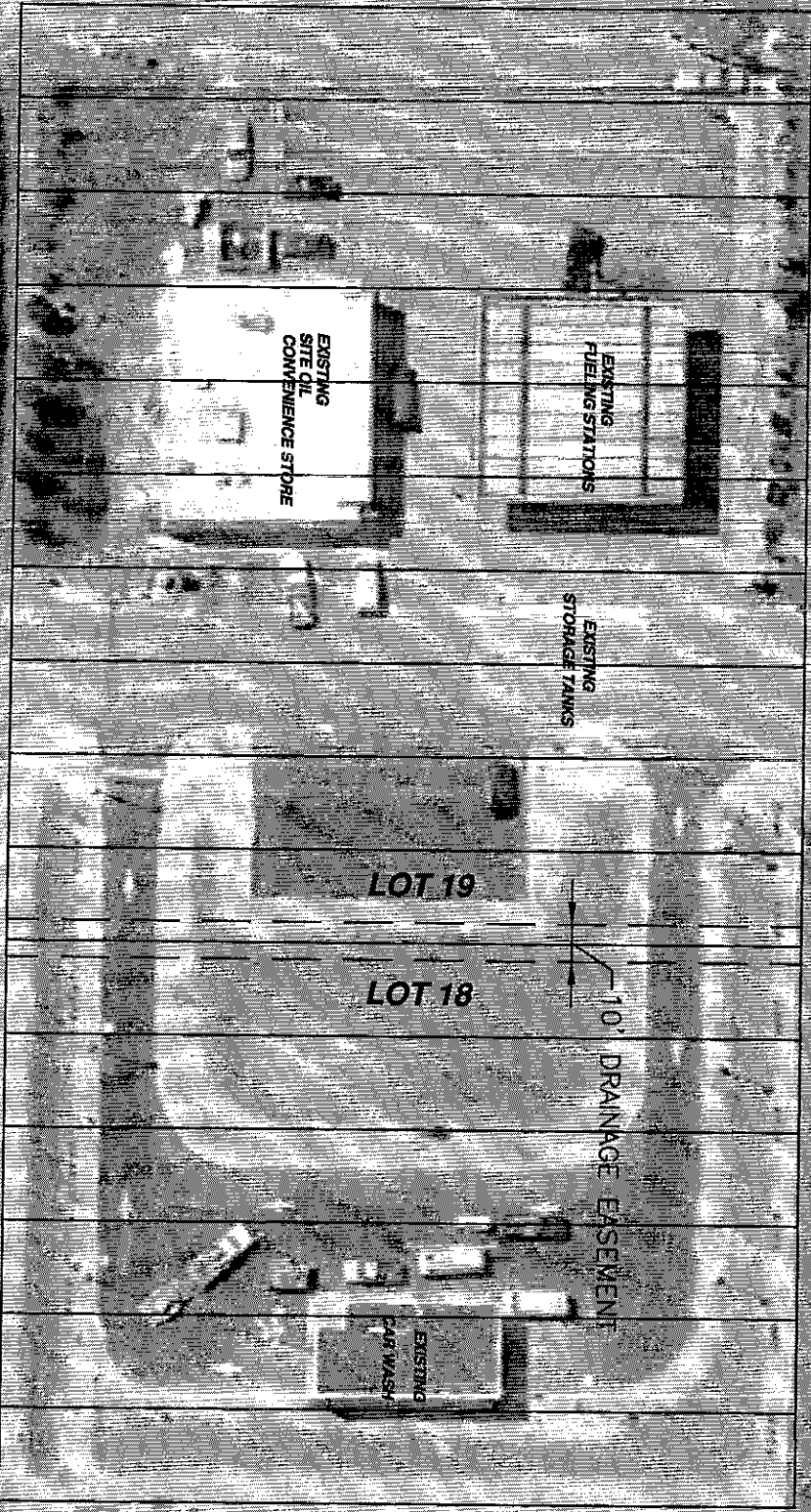
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00035

Legal description of a Drainage Easement to be vacated:

A ten-foot (10') wide **Drainage Easement** centered on the common line between Lots 18 and 19 of Block 203, Unit 16 of the Replat of Block 202 & 203, Unit 16, San Carlos Park, a subdivision of the NE $\frac{1}{4}$, Section 9, Township 46 South, Range 25 East, Lee County, Florida, according to map or plat there on file and recorded in Official Records Book 104, Pages 537 and 538 of the of the Public Records of Lee County, Florida (According to the Deed recorded in Official Record Book 50, Page 507 to 512 inclusive.)

ALICO ROAD (EX. 100' R/W - PROP. 150' R/W)



ALOHA ROAD (50' R/W)

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00035

TO WHOM IT MAY CONCERN:

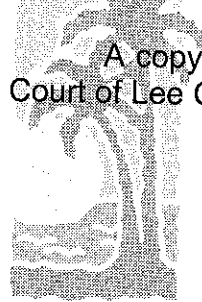
Notice is hereby given that on the 14th day of October, 2003; in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

@5:00 PM

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

SOUTHWEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00035

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