

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 2003-1034

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate several 6 foot wide Drainage and Public Utility Easements located at 3004 4TH ST W & 3021 LEE BLVD, Lehigh Acres, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 14th day of October, 2003. (Case No. VAC2003 00037)

**WHY ACTION IS NECESSARY:** To allow for the construction of a single family dwelling on the combined lots. **The vacation of this easement will not alter existing drainage and/or utility conditions and the easement is not necessary to accommodate any future drainage and/or utility requirements.**

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

2. **DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 5

04

C4C

3. **MEETING DATE:**

09-23-2003

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]* 8/28/03

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2003 00037 was submitted by Banks Engineering.

**LOCATION:** Petition No. VAC2003 00037 proposes to vacate 6 foot wide drainage and utility easements adjacent to the following lot lines:

- The rear lot line of Lots 1 through 9, inclusive, and Lots 14 through 22, inclusive, Block 25; and,
- The East lot line of Lots 1 and 22, Block 25; and,
- The West lot line of Lots 9 and 14, Block 25; and,
- The East and West lot line of Lots 2 through 8, inclusive, and 15 through 21, inclusive, Block 25

Less and except those portions of the 6 foot wide drainage and utility easements lying adjacent to Fourth Street, Lee boulevard and the West line of Lots 1 and 22 and the East line of Lots 9 and 14, Block 25.

The site is located at 3004 4TH ST W & 3021 LEE BLVD, Lehigh Acres, 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. 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>MAM</i>	N/A	N/A	N/A	<i>John J. DeGuz...</i> 9-9-03	<i>OM</i> 9/9/03 <i>GG</i> 9/9/03	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.  
9/2/03  
3:24 PM  
CO. ADM.  
9/9/03

RECEIVED BY  
COUNTY ADMIN: *TD*  
7/9  
9:30 am  
COUNTY ADMIN  
FORWARDED TO: *CH*  
9/10/03

**PETITION TO VACATE**

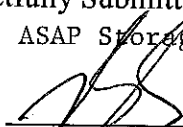
Case Number: VAC2003-00037

Petitioner, ASAP Storage of Lehigh Acres, FL, L.C. 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, P.O. Box 1753  
Lawrence, KS 66044.
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 in 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,  
ASAP Storage of Lehigh Acres, FL, L.C.

By:  By: \_\_\_\_\_  
Petitioner Signature Petitioner Signature

J. E. SANTAUULARIA \_\_\_\_\_  
Printed Name Printed Name  
J.E. Santaularia, Managing Member

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00037**

**Legal Description**

Public utility and drainage easements in Block 25, Unit 4 of the Plat of Part of Units 3 & 6 all of 4 & 5, Section 25, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 70 of the of the Public Records of Lee County, Florida, and more particularly described as follows:

Six-foot (6') wide Public Utility and Drainage Easements adjacent to the following lot lines:

The south lot line of Lots 1 through 9, inclusive, and north lot line Lots 14 through 22, inclusive, Block 25, Unit 4; and

The east lot line of Lots 1 and 22, Block 25, Unit 4; and

The west lot line of Lots 9 and 14, Block 25, Unit 4; and

The east and west lot lines of Lots 2 through 8, inclusive, and Lots 15 through 21, inclusive, Block 25, Unit 3.

**LESS AND EXCEPT** those portions of the Six-foot (6') wide Public Utility and Drainage easements lying adjacent to Fourth Street, Lee Boulevard and the west line of Lots 1 and 22 and the east line of Lots 9 and 14, Block 25, Unit 4.

# Exhibit "B"

## Petition to Vacate VAC2003-00037

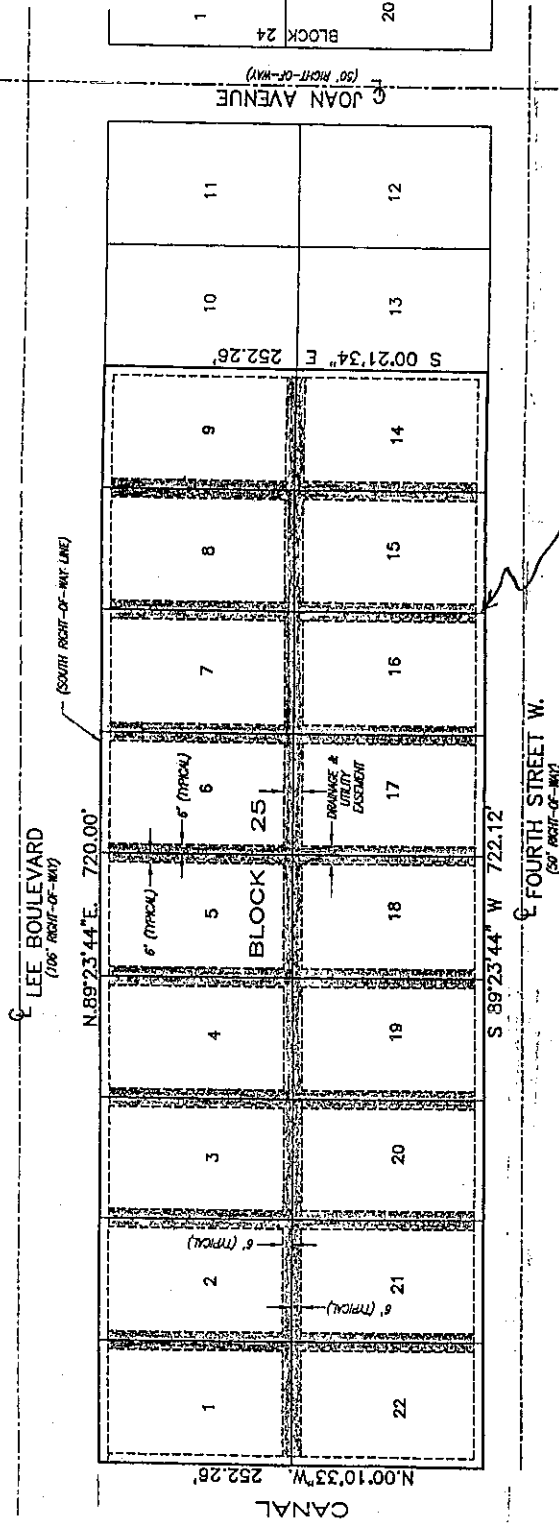
### SKETCH OF DESCRIPTION OF

Public utility and drainage easements in Block 25, Unit 4 of the Plat of Part of Units 3 & 6 all of 4 & 5, Section 25, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 70 of the of the Public Records of Lee County, Florida.

A TRACT OR PARCEL OF LAND LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST,  
LEE COUNTY, FLORIDA  
(DRAINAGE & UTILITY EASEMENT VACATION)



LEGEND:  
☒ INDICATES CENTERLINE



All darkened portions  
are to be vacated

SEE SHEET 1 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION  
IS NOT A BOUNDARY SURVEY

*Thomas R. Ferretti, Jr.*  
THOMAS R. FERRETTI, JR., P.S.M.,  
FLORIDA CERTIFICATION NO. 5541

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE SOUTH RIGHT-OF-WAY LINE OF LEE BOULEVARD AS BEARING N.89°23'44"E.

PREPARED 04-22-03

# Exhibit "C"

## Petition to Vacate

### VAC2003-00037

[Page One of Two]

### Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

*By clicking on the 'Start Search' button below, you agree that the information available at this site may not reflect current ownership information. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.*

View      Account  for Tax Year:

Save as File       Extensive Search  
 View file format.

Your search for 25442604000250140 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
25-44-26-04-00025.0140	2002	ASAP STORAGE OF LEHIGH ACRES 3004 4TH ST W	PAID
25-44-26-04-00025.0140	2001	FLORIDA LANDMARK COMM INC 3004 4TH ST W	PAID
25-44-26-04-00025.0140	2000	FLORIDA LANDMARK COMM INC 3004 4TH ST W	PAID
25-44-26-04-00025.0140	1999	LEHIGH CORPORATION 3004 4TH ST W	PAID
25-44-26-04-00025.0140	1998	LEHIGH CORPORATION	PAID

(Click on the account number for more information and/or online payment.)  
 5 match(es)      Page 1 of 1

Pay Online:



### Real Property Information

<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
25-44-26-04-00025.0140	2002	PAID
<b>Original Account</b>	<b>Book/Page</b>	
25-44-26-04-00025.0140	3912 /1374	
<b>Physical Address</b>	<b>Mailing Address</b>	
ASAP STORAGE OF LEHIGH ACRES FL LC 3004 4TH ST W LEHIGH ACRES FL 33971	ASAP STORAGE OF LEHIGH ACRES FL LC P O BOX 17553 LAWRENCE KS 66044	
<b>Legal Description</b>		
LEHIGH ACRES UT REPLAT 4 BLK 25 PB15 PG70 LOTS 14 THRU 22		
<b>Total Amount Due as of 9/8/2003</b>		<b>\$0.00</b>

# Exhibit "C"

## Petition to Vacate

### VAC2003-00037

[Page Two of Two]

### Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

*By clicking on the 'Start Search' button below, you agree that the information available at this site may not reflect current ownership information. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.*

View  for Tax Year:   
 Save as File   Extensive Search  
 View file format.

Your search for 25442604000250010 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
25-44-26-04-00025.0010	2002	ASAP STORAGE OF LEHIGH ACRES 3021 LEE BLVD	PAID
25-44-26-04-00025.0010	2001	FLORIDA LANDMARK COMM INC 3021 LEE BLVD	PAID
25-44-26-04-00025.0010	2000	FLORIDA LANDMARK COMM INC 3021 LEE BLVD	PAID
25-44-26-04-00025.0010	1999	LEHIGH CORPORATION 3021 LEE BLVD	PAID
25-44-26-04-00025.0010	1998	LEHIGH CORPORATION	PAID

(Click on the account number for more information and/or online payment.)  
 5 match(es) Page 1 of 1

Pay Online:



### Real Property Information

<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
25-44-26-04-00025.0010	2002	PAID
<b>Original Account</b>	<b>Book/Page</b>	
25-44-26-04-00025.0010	3912 /1374	
<b>Physical Address</b>	<b>Mailing Address</b>	
ASAP STORAGE OF LEHIGH ACRES FL LC 3021 LEE BLVD LEHIGH ACRES FL 33971	ASAP STORAGE OF LEHIGH ACRES FL LC P O BOX 17553 LAWRENCE KS 66044	
<b>Legal Description</b>		
LEHIGH ACRES UNIT 4 REPLT BLK 25 PB 15 PG 70 LOTS 1 THRU 9		
<b>Total Amount Due as of 9/8/2003</b>		<b>\$0.00</b>



5/19/03  
12:37:24 PM

This instrument was prepared by  
Gregg S. Traxton, Esquire  
Bulfinch Truxton, P.A.  
12800 University Drive, Suite 140  
Fort Myers, Florida 33907

3

Parcel Identification No  
25-44-26-04-00025.0010



INSTR # 5796863  
Official Records BK 03912 PG 1374  
RECORDED 04/24/2003 12:37:24 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DEED DOC 4.44%.00  
DEPUTY CLERK @ Sherwood

[Space above this line for recording]

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** is made this 21<sup>st</sup> day of April, 2003, by Florida Landmark Communities, Inc., a Florida corporation (hereinafter called the Grantor), to ASAP Storage of Lehigh Acres, FL, L.C., a Florida limited liability company (hereinafter called Grantee) whose address is: Post Office Box 1753, Lawrence, KS 66044.

**WITNESSETH.** That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars 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 to-wit:

Lots 1 through 9 and 14 through 22, Block 25, Plat of Part of Units 3 and 6 and all of 4 and 5, Section 25, Township 44 South, Range 26 East, a subdivision of LEHIGH ACRES, according to the plat thereof recorded at Plat Book 15, page 70, Public Records of Lee County, Florida (the "Property");

And this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments for the year 2003 and subsequent years; and (3) those specific exceptions to title set forth on Exhibit "A" attached hereto.

**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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

PAGE 1 OF 3

Official Records BK 03912 PG 1375

Grantor hereby expressly reserves for itself, its successors and its assigns, all of the oil, gas and mineral rights, which have not been previously reserved or granted, provided that there shall be no right of exploration or surface entry upon the Property

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written

Signed, sealed and delivered in our presence:

Florida Landmark Communities, Inc.  
A Florida corporation

Patty Gardner  
Print Name: PATTY GARDNER

By Barbara Plambeck  
Barbara Plambeck,  
Vice President  
226 E. Joel Boulevard  
Lehigh Acres, Florida 33972

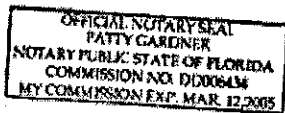
Racquel Morgan  
Print Name: RACQUEL MORGAN

State of Florida )  
                                  ) ss.  
County of Lee )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of April, 2003, by Barbara Plambeck, as Vice President of Florida Landmark Communities, Inc., A Florida corporation. She () is personally known to me or ( ) has produced N/A as identification.

My Commission Expires:

Patty Gardner  
Notary Public/State of Florida at Large  
Print Notary Name:





Zoom In	Zoom Out	Best Fit	Fit To Width	Fit To Height	Rotate
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## Exhibit "A"

Official Records BK 03912 PB 1376

## Title Exceptions

1. Lee County Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.
2. Any lien provided by chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.
3. Agreement between Lee County Land and Title Company and Lehigh Utilities, Inc. recorded at Official Records Book 327, page 119.
4. Sewer and Water Covenants and Restrictions recorded in Official Records Book 10, page 695, as amended by instrument recorded at Official Records Book 41, page 264.
5. Subject land lies within the boundaries of the East County Water Control District and is subject to any acts and/or assessments thereof.
6. Developer's Agreement between Lehigh Corporation, Cliffside Properties, Inc. and Lehigh Utilities, Inc. affecting water systems, sewage systems and lift stations throughout Lehigh Acres recorded at Official Records Book 2357, page 2973 and as modified by instrument recorded in Official Records Book 2551, page 833.
7. Matters as shown on the Plat recorded in Plat Book 15, Page 70.
8. Covenants, Conditions and Restrictions recorded at Official Records Book 1320, Page 556, and re-recorded at Official Records Book 2536, page 3212; Official Records Book 1759, page 1107, and re-recorded at Official Records Book 2536, page 3215, Official Records Book 2536, page 3218; and Limited Waiver of Rights recorded at Official Records Book 3743, page 2954.
9. Order to amend Final Judgment recorded at Official Records Book 2385, Page 857.
10. Reservation of an undivided one-half interest in all oil, gas and minerals by deed recorded at Deed Book 277, page 240; Conveyance of said interests by Deed recorded at Official Records Book 553, page 114; and Notice of Subsurface Interest recorded at Official Records Book 1097, page 1570.

Note: All references contained herein refer to the Public Records of Lee County, Florida.

PAGE 3 OF 3



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

[www.lcec.net](http://www.lcec.net) • [www.liline.com](http://www.liline.com)

May 2, 2003

Mr. Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Pkwy. Suite 101  
Ft. Myers, FL 33912

Re: Lots 1-9 and 14-22, Block 25, Lehigh Acres

Dear Mr. Lehnert:

LCEC does not object to vacation of the utility and/or drainage easements at the referenced site retaining easements around the perimeter as described on the attached.

Please call me at 656-2422 if you require anything further.

Sincerely,

Karen Hardin  
Real Property Representative

Enclosures



May 1, 2003

Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, Florida 33912

Re: Vacation of Public Utility Easement:

6 foot wide drainage and utility easements as dedicated in Plat Book 15, Page 70, Lee County Public Records and being more particularly described as follows:

6 foot wide drainage and utility easements adjacent to the following lot lines:

The rear lot line of lots 1 through 9, inclusive, and lots 14 through 22, inclusive, block 25

The east lot line of lots 1 and 22, block 25. The west lot line of lots 9 and 14, block 25

The east and west lot line of lots 2 through 8, inclusive, and 15 through 21, inclusive, block 25

Less and Except those portions of the 6 foot wide drainage and utility easements lying adjacent to Fourth Street, Lee Boulevard and the west line of lots 1 and 22 and the east line of lots 8 and 14 Block 25.

Dear Mr. Lehnert:

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 239-336-2162.

Sincerely,

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

Sabrina Thompson  
Engineer



June 3, 2003

Thomas R. Lehnert, Jr.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, FL 33912

Re: The 6-foot wide drainage and utility easements adjacent to the following lot lines:

The rear lot line of lots 1 through 9, inclusive, and lots 14 through 22, inclusive, Block 25

And

The east lot line of lots 1 and 22, Block 25

And

The west lot line of lots 9 and 14, Block 25

And

The east and west lot line of lots 2 through 8, inclusive, and 15 through 21, inclusive, Block 25

Less and except those portions of the 6-foot wide drainage and utility easements lying adjacent to Fourth Street, Lee Boulevard and the west line of lots 1 and 22 and the east line of lots 9 and 14, Block 25

Dear Mr. Lehnert:

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,

A handwritten signature in cursive script that reads "Rachel L. Cowing".

Rachel L. Cowing  
Legal Secretary

AN ALLETE COMPANY

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

*Water For Florida's Future*

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



May 5, 2003

Banks Engineering, Inc  
C/O Thomas R Lehnert, Jr  
10511 Six Mile Cypress Pkwy #101  
Ft Myers, FL 33912

Re: Request for a Letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: Lots 1-9 and Lots 14-22  
of block 25, Lehigh Acres.  
Petition to Vacate

Dear Thomas R Lehnert, Jr,

Comcast has no existing utilities in the above referenced location and has no  
objection with the vacation of the above referenced utility easement.

If you need any further information please do not hesitate to contact me at  
(239) 732-3805.

Sincerely

A handwritten signature in cursive script that reads "Mark Cook". The signature is written in black ink and is positioned below the word "Sincerely".

Mark Cook  
Design Coordinator



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8585

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 28, 2003

Mr. Thomas R. Lehnert, Jr., P. S. M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, FL 33912

Re: VAC2003-00037

Dear Mr. Lehnert:

You indicated that as a 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/III

U:\200308\VAC20030.003\7\Development Review Recommends.wpd



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8124

Writer's Direct Dial Number: \_\_\_\_\_

Tuesday, June 03, 2003

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. Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, FL 33912

Re: Petition to Vacate several (12) foot wide public utility and drainage easements interior to Block 25, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 70, in Lee County, Florida.

Dear Mr. Lehnert:

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 public utility and drainage easements.

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\vac340.doc



**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*

May 6, 2003

Mr. Thomas R. Lehnert  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, FL 33912

**RE : Petition to Vacate  
Various 6' wide Drainage and Utility Easements  
On Lots 1 through 9 and Lots 14 through 22,  
Block 25, Lehigh Acres**

Dear Mr. Lehnert:

Lee County Department of Transportation has reviewed your request to vacate the above described easements recorded in Plat Book 15, page 70. DOT has no facilities within the easements and does not maintain them.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/JMK/mlb

Cc: Don Blackburn, Development Services  
Allen Davies, Natural Resources  
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2003\DUE Lehigh - Lehnert.doc





## Florida Department of Transportation

JEB BUSH  
GOVERNOR

JOSÉ ABREU  
SECRETARY

April 28, 2003

Thomas R. Lehnert, Jr. P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Ft. Myers, FL 33912

RE: Vacation of A Utility and Drainage Easements

Dear Mr. Lehnert:

Our staff has conducted a review of your request to vacate a Utility and Drainage Easement as dedicated in Lehigh Acres and recorded in Plat Book 15, Page 70, Public Records of Lee County, Florida. These easements are more particularly described on attached sheet Number 1 and 2 provided by your office. This same area was further referenced in your letter and highlighted map of April 23, 2003.

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

Sincerely,

James W. Dunsford,  
District R/W Administrator,  
Property Management

JWD/jwd

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

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2003-00037

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. VAC2003-00037  
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

Exhibit "A"  
Petition to Vacate  
VAC2003-00037

**Legal Description**

Public utility and drainage easements in Block 25, Unit 4 of the Plat of Part of Units 3 & 6 all of 4 & 5, Section 25, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 70 of the of the Public Records of Lee County, Florida, and more particularly described as follows:

Six-foot (6') wide Public Utility and Drainage Easements adjacent to the following lot lines:

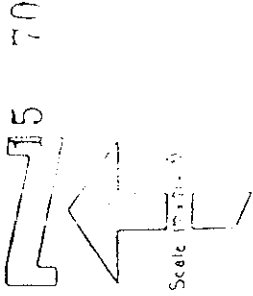
The south lot line of Lots 1 through 9, inclusive, and north lot line Lots 14 through 22, inclusive, Block 25, Unit 4; and

The east lot line of Lots 1 and 22, Block 25, Unit 4; and

The west lot line of Lots 9 and 14, Block 25, Unit 4; and

The east and west lot lines of Lots 2 through 8, inclusive, and Lots 15 through 21, inclusive, Block 25, Unit 3.

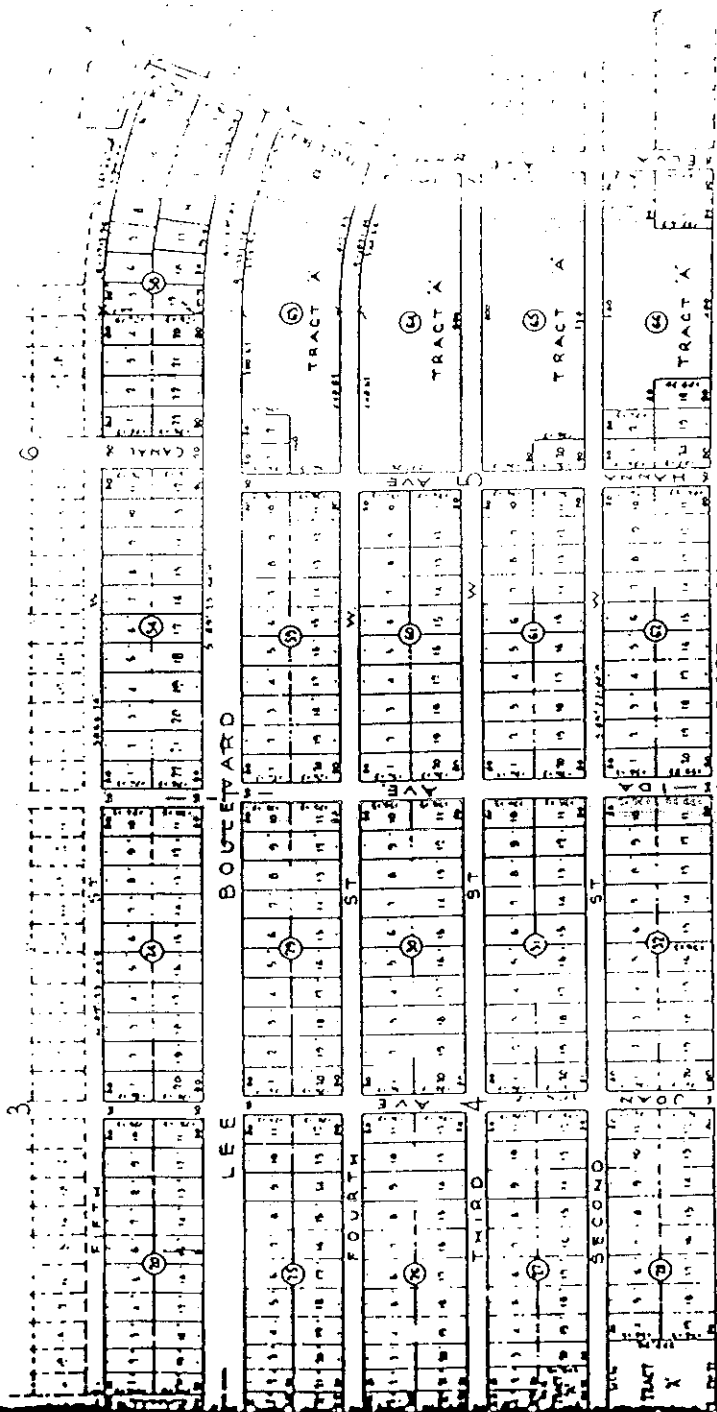
**LESS AND EXCEPT** those portions of the Six-foot (6') wide Public Utility and Drainage easements lying adjacent to Fourth Street, Lee Boulevard and the west line of Lots 1 and 22 and the east line of Lots 9 and 14, Block 25, Unit 4.



PLAT OF PART OF UNITS 3 & 6 ALL OF 4 & 5  
SECTION 25, TOWNSHIP 44S., RANGE 26E.  
A SUBDIVISION OF

# LEHIGH ACRES

LEE COUNTY, FLORIDA



A 829

NOTE:

- All lots subject to all other covenants and restrictions.
- Encasement both sides of road and street.
- Interior P.D.M.s are shown for reference.
- Denotes P.D.M.s
- All Covenants to be denoted in said County Water Control District.

SHEET 20 OF 101

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00037

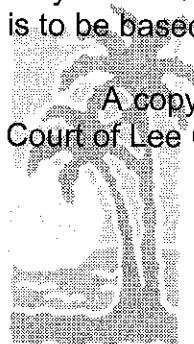
## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of October 2003 @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

CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

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The east lot line of Lots 1 and 22, Block 25, Unit 4; and

The west lot line of Lots 9 and 14, Block 25, Unit 4; and

The east and west lot lines of Lots 2 through 8, inclusive, and Lots 15 through 21, inclusive, Block 25, Unit 3.

**LESS AND EXCEPT** those portions of the Six-foot (6') wide Public Utility and Drainage easements lying adjacent to Fourth Street, Lee Boulevard and the west line of Lots 1 and 22 and the east line of Lots 9 and 14, Block 25, Unit 4.