

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 2913 Lee Blvd., Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 11th day of May, 2004. (Case No. VAC2004-00002)

**WHY ACTION IS NECESSARY:** To build a commercial building on the combined four (4) lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

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

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

04

*C4A*

**3. MEETING DATE:**

*04-20-2004*

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**  
(Specify)

<input checked="" type="checkbox"/> STATUTE	<u>F.S. Ch. 177</u>
<input type="checkbox"/> ORDINANCE	
<input checked="" type="checkbox"/> ADMIN. CODE	<u>13-1</u>
<input type="checkbox"/> OTHER	

**6. REQUESTOR OF INFORMATION:**

<b>A. COMMISSIONER</b>	
<b>B. DEPARTMENT</b>	<u>Community Development</u>
<b>C. DIVISION</b>	<u>Development Services</u>
<b>BY:</b>	<i>[Signature]</i> <u>4/02/04</u>

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2004-00002 was submitted by H.L. Bennett as the agent on behalf of OptiExpress, Inc.

**LOCATION:** Petition No. VAC2004-00002 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, 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, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 4 and 5; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 5 and 16; less and except the Southerly six-feet (6') of the easement on the common lot line between Lots 16 and 17; less and except the Westerly six-feet (6') of the easement on the common lot line between Lots 17 and 4. The site is located at 2913 Lee Blvd., Lehigh Acres, Florida 33971 and the strap number is 25-44-26-04-00029.0040.

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> 4/8/04	<i>[Signature]</i> 4/8/04	<i>[Signature]</i> 4/8/04

**10. COMMISSION ACTION:**

☐ APPROVED  
☐ DENIED  
☐ DEFERRED  
☐ OTHER

By CO. ATTY.  
4/15/04  
 3:01 PM  
 CO. ATTY.  
 FORWARDED TO:  
 CO. ADM.  
4/15/04 9/11/04

RECEIVED BY  
 COUNTY ADMIN.  
04/08/04  
11:30am SCL  
 COUNTY ADMIN  
 FORWARDED TO:  
4/15/04 4/15/04



# PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00002

Petitioner(s), OPTIEXPRESS, INC.  
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, 513 CAPE CORAL PKWY W. CAPE CORAL, FL. 33914
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: OPTIEXPRESS, INC.

BY: [Signature] 4/2/04  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

MICHAEL WITHERINGTON - PRESIDENT

Printed Name

\_\_\_\_\_  
Printed Name

**RECEIVED**  
APR 02 2004

**PERMIT COUNTER**

## LETTER OF AUTHORIZATION

## TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 2913 Lee Blvd. and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate H.L. BENNETT as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner (signature)

Owner (signature)

J. MICHAEL WITHERINGTON, JR.  
Printed Name

Printed Name

Owner (signature)

Owner (signature)

Printed Name

Printed Name

Owner (signature)

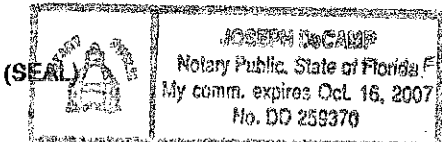
Owner (signature)

Printed Name

Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 2 day of April, 2004 by J. Michael Witherington, Jr. who is personally known to me or who has produced well known as identification and was did (did not) take an oath.



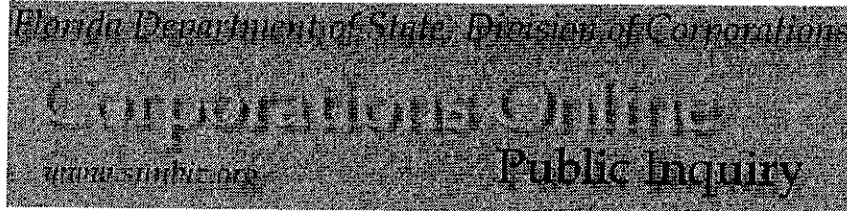
Joseph DeCamp  
Notary Public  
Joseph DeCamp  
(Name typed, printed or stamped)

**RECEIVED**  
APR 02 2004

PERMIT COUNTER

1. copy of W. deed
2. petition to vacate - brought to her

mailing records on  
J. Michael Witherington, Jr.



---

**Florida Profit****OPTIEXPRESS, INC.**

---

**PRINCIPAL ADDRESS**

513 CAPE CORAL PKWY W  
CAPE CORAL FL 33914  
Changed 03/06/1999

---

**MAILING ADDRESS**

513 CAPE CORAL PKWY W  
CAPE CORAL FL 33914  
Changed 05/23/2001

---

**Document Number**  
P98000089650

**FEI Number**  
650873340

**Date Filed**  
10/19/1998

**State**  
FL

**Status**  
ACTIVE

**Effective Date**  
NONE

**Last Event**  
NAME CHANGE  
AMENDMENT

**Event Date Filed**  
10/19/2001

**Event Effective Date**  
NONE

---

**Registered Agent**

Name & Address
ROLLINGS, HARVEY 1633 SE 47TH TERRACE CAPE CORAL FL

---

**Officer/Director Detail**

Name & Address	Title
WITHERINGTON, J. MICHAEL 4225 SW 25TH COURT CAPE CORAL FL 33914	DPST

---

## Annual Reports

Report Year	Filed Date
2001	05/23/2001
2002	05/13/2002
2003	04/07/2003

[Previous Filing](#)[Return to List](#)[Next Filing](#)[View Events](#)[View Name History](#)

## Document Images

Listed below are the images available for this filing.

[04/07/2003 -- ANN REP/UNIFORM BUS REP](#)  
[05/13/2002 -- COR - ANN REP/UNIFORM BUS REP](#)  
[10/19/2001 -- Name Change](#)  
[05/23/2001 -- ANN REP/UNIFORM BUS REP](#)  
[04/21/2000 -- ANN REP/UNIFORM BUS REP](#)  
[03/06/1999 -- ANNUAL REPORT](#)  
[10/19/1998 -- Domestic Profit](#)

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

[Corporations Inquiry](#)[Corporations Help](#)

**EXHIBIT "A"**  
Petition To Vacate  
VAC2004-00002

Legal description of the **Public Utility Easement and Drainage Easement**  
to be vacated:

The twelve-foot (12') wide Public Utility Easement **and** Drainage Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, 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, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 4 and 5; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 5 and 16; less and except the Southerly six-feet (6') of the easement on the common lot line between Lots 16 and 17; less and except the Westerly six-feet (6') of the easement on the common lot line between Lots 17 and 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

Exhibit "B"  
Petition to Vacate  
VAC2004-00002  
[Page One of One]

SCALE: 1" = 50'

LEE BOULEVARD (106' R/W)

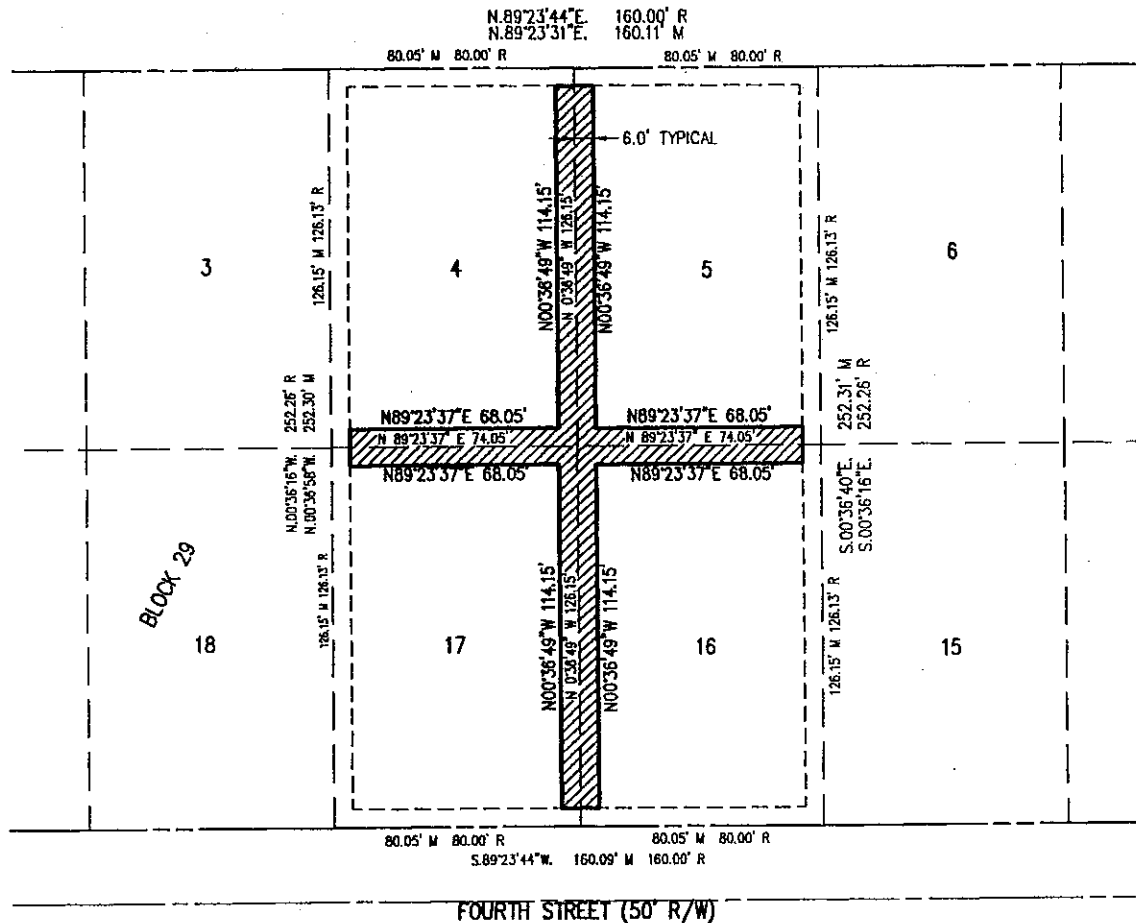


EXHIBIT B  
NOT A SURVEY

ABBREVIATIONS

D. & P.U.E. = DRAINAGE &  
PUBLIC UTILITY EASEMENT  
M = MEASURED  
R = RECORDED  
R&M = RECORDED & MEASURED  
R/W = RIGHT OF WAY  
WM = WATER METER  
C/S = CONCRETE SLAB  
C/W = CONCRETE WALK  
EM = ELECTRIC METER  
I.R. = IRON ROD  
FD = FOUND  
C. OR CL = CENTERLINE  
CM = CONCRETE MONUMENT  
I.D. = IDENTIFICATION  
FIP = FOUND IRON PIPE  
FCM = FOUND CONCRETE  
MONUMENT  
UE = UNDERGROUND ELECTRIC

LEGEND

■ FOUND CONCRETE MONUMENT  
□ SET CONCRETE MONUMENT PLS 3403  
● FOUND REBAR AS SHOWN  
○ SET 1/2" REBAR & CAP PLS 3403  
■ FOUND PERMANENT REFERENCE MONUMENT  
○ FOUND PERMANENT CONTROL POINT  
● SET PERMANENT CONTROL POINT  
● FOUND NAIL AND TIN TAB  
◇ SET NAIL AND TIN TAB  
P POWER POLE  
⊕ FIRE HYDRANT  
-P- OVERHEAD POWER LINES  
-X- FENCE  
X ELEVATION  
EASEMENT TO BE VACATED

I HEREBY CERTIFY THAT THIS DESCRIPTION SKETCH WAS MADE  
UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM  
TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD  
OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61B17-6, FLORIDA  
ADMINISTRATIVE CODE, PURSUANT TO SECTION 473.627,  
FLORIDA STATUTES.

3/16/04  
DATE

H. L. BENNETT, FLORIDA REG. NO. 3403

1. REVISED SKETCH 03/08/04 LM

REVISIONS

DWN BY: HLB2 DATE: 12/23/03 CHKD BY: HLB DWG. ID: 03025ESMT  
CLIENT: GUINN SHEET: 1 OF 1  
PROJECT NUMBER: 03025 SEC 25, TWP 44 S, RGE 26 E.



**H. L. BENNETT**  
241 YEOMANS AVENUE - P.O. DRAWER 2137  
LABELLE, FLORIDA 33975 PH (863) 675-8882

SKETCH OF DESCRIPTION  
OF A PARCEL IN  
SEC 25, TWP 44 S, RGE 26 E.  
LEE COUNTY, FLORIDA

Exhibit "C"  
Petition to Vacate  
VAC2004-00002  
[Page One of One]

**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.

*The results to your tax search are based upon information provided to the Lee County Tax Collector by the Lee County Property Appraiser. **This website should not be relied upon for a title search.** Amounts due are subject to change without notice due to statutory compliance (i.e. tax deed application, county held tax certificates, errors & insolvencies (E&I), bankruptcy, litigation, etc.)*

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



Your search for 25442604000290040 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
25-44-26-04-00029.0040	2003	GUINNS SHOES INC 2913 LEE BLVD	PAID	<input type="button" value="Details"/>
25-44-26-04-00029.0040	2002	GUINNS SHOES INC 2913 LEE BLVD	PAID	<input type="button" value="Details"/>
25-44-26-04-00029.0040	2001	FLORIDA LANDMARK COMM INC 2913 LEE BLVD	PAID	<input type="button" value="Details"/>
25-44-26-04-00029.0040	2000	FLORIDA LANDMARK COMM INC 2913 LEE BLVD	PAID	<input type="button" value="Details"/>
25-44-26-04-00029.0040	1999	LEHIGH CORPORATION 2913 LEE BLVD	PAID	<input type="button" value="Details"/>
25-44-26-04-00029.0040	1998	LEHIGH CORPORATION	PAID	<input type="button" value="Details"/>
6 match(es) (Click on the account number for more information and/or online payment.)				
Page 1 of 1				





Prepared by and return to:  
Robert D. Royston, Jr.  
Attorney at Law  
Robert D. Royston, Jr., P.A.  
12670 New Brittany Boulevard Suite 101  
Fort Myers, FL 33907  
239-939-2222  
File Number: 04-7648  
Will Call No.: 17

INSTR # 6206842  
OR BK 04244 Pgs 4273 - 4274; (2pgs)  
RECORDED 04/01/2004 03:55:40 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 10.50  
DEED DOC 1,505.00  
DEPUTY CLERK J Miller

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 31st day of March, 2004 between Guinn's Shoes, Inc., a Tennessee corporation whose post office address is 14001 Bently Circle, Fort Myers, FL 33912, grantor, and OptiExpress, Inc., a Florida corporation whose post office address is 513 Cape Coral Parkway W., Cape Coral, FL 33914, grantee:

(Whenever 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, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

A parcel of land composed of all of Lots 4, 5, 16, and 17, of Block 29, Unit 4, of Section 25, Township 44 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 15 at Page 70, of the Public Records of Lee County, Florida.

Parcel Identification Number: 25-44-26-04-00029.0040

Subject to real estate taxes and assessments for 2004 and subsequent years; matters appearing on the Plat or otherwise common to the subdivision or to the community; applicable zoning ordinances, regulations and requirements of governmental authorities; oil, gas and mineral reservations of any predecessors in title, if any; and conditions, restrictions, reservations, limitations, and easements of record.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

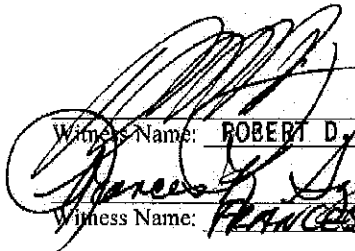
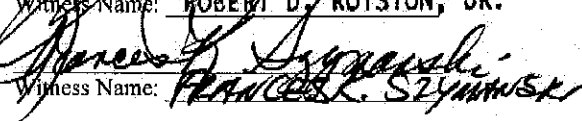
**To Have and to Hold**, the same in fee simple forever.

**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, 2003.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime®

Signed, sealed and delivered in our presence:

  
Witness Name: ROBERT D. ROYSTON, JR.  
  
Witness Name: FRANCES R. SYMANSKI

Guinn's Shoes, Inc., a Tennessee corporation

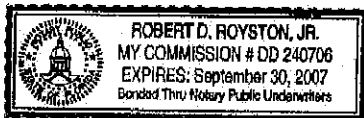
By:   
Danny Guinn, President

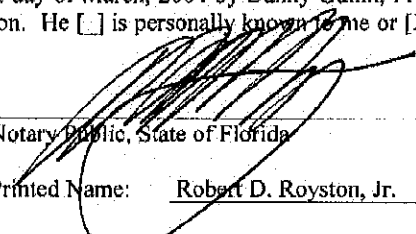
(Corporate Seal)

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 31st day of March, 2004 by Danny Guinn, President of Guinn's Shoes, Inc., a Tennessee corporation, on behalf of the corporation. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



  
Notary Public, State of Florida

Printed Name: Robert D. Royston, Jr.

My Commission Expires: September 30, 2007

15-R  
4-Conting  
1267- DIS  
1286-



This Instrument was prepared by:  
Gregg S. Truxton, Esquire  
Bolaños Truxton, P.A.  
12800 University Drive, Suite 340  
Fort Myers, Florida 33907

INSTR # 5726552  
Official Records BK 03856 PG 3148  
RECORDED 02/28/2003 01:41:07 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DEED DOC 1,267.00  
DEPUTY CLERK M Bernard

Parcel Identification No:  
25-44-26-04-00029.0040

[Space above this line for recording]

### **SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** is made this 24<sup>th</sup> day of February, 2003, by **Florida Landmark Communities, Inc.**, a Florida corporation (hereinafter called the Grantor), to **Guinn's Shoes, Inc.**, a Tennessee corporation (hereinafter called Grantee) whose address is: 11146 Lakeland Circle, Fort Myers, Florida 33913.

**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 4, 5, 16 and 17, Block 29, 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 of the 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 2002 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.

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, 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

Gregg S. Truxton  
Print Name: GREGG S. TRUXTON

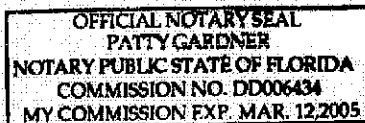
By: B D G  
Name: Brian D. Green  
Title: Vice President  
226 E. Joel Boulevard  
Lehigh Acres, Florida 33972

Patty Gardner  
Print Name: PATTY GARDNER

State of Florida       )  
                                  ) ss:  
County of Lee         )

The foregoing instrument was acknowledged before me this 24th day of February, 2003, by Brian Green, as Vice President of Florida Landmark Communities, Inc., A Florida corporation. He (X) is personally known to me or ( ) has produced \_\_\_\_\_ as identification.

My Commission Expires:



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

Exhibit "A"

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 at Plat Book 15, page 70.
8. Covenants, conditions and restrictions recorded in Official Records Book 1320, Page 556, Official Records Book 1759, Page 1107, Official Records Book 2536, Page 3212, Official Records Book 2536, Page 3215 and 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 any 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 1095, page 88.
11. Shared Access Easement Agreement executed between the parties contemporaneously herewith, to be recorded in the public records.

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



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.lline.com

April 9, 2003

H. L. Bennett  
P. O. Box 2137  
LaBelle, FL 33975

Re: Strap No. 25-44-26-04-0029.040  
2913 Lee Blvd., Lehigh Acres

Dear H. L. Bennett:

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 between Lots 4 & 5, 16 & 17 and 4 & 17, 5 & 16, Block 29, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 70, of the Public Records of Lee County, Florida, LESS and EXCEPT the north & south and east & west 6 feet thereof.

Please call me at 1-800-281-1643, extension 422 if you have any questions.

Sincerely,

Karen Hardin  
Real Property Representative

REC-ED

MAN 06 2004

COMM



December 3, 2003

H. L. Bennett  
P. O. Box 2137  
LaBelle, Florida 33975

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line  
common to lots 4&5, 16&17, 4&17 and 5&16, Block 29 of Section 25,  
Township 44S, Range 26E.  
Strap No. 25-44-26-04-00029.0040

Dear Mr. Bennett:

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 863-452-3207.

Sincerely,

*Wayneth Jackson*

Wayneth Jackson  
Engineer

RECEIVED

JAN 06 2004

COMMUNITY DEVELOPMENT



July 21, 2003

H.L. Bennett  
P.O. Box 2137  
LaBelle, FL 33975

Re: All internal easements of Lots 4, 5, 16, & 17, Block 29, Lehigh  
Acres, Florida, less and except easement on north ends of Lots 4 &  
5, and south ends of Lots 16 & 17.

Dear Mr. Bennett:

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

RECEIVED

JAN 06 2004

COMMUNICATIONS DEPARTMENT

AN ALLETE COMPANY

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



December 15, 2003

Linda Craft  
H. L Bennet  
P.O. Box 2134  
Labelle, Florida 33975

Re: Strap#25-44-26-04-00029.0040

Dear Ms. Craft:

This letter will serve to inform you that Comcast has aerial facilities down the front easement of the above referenced property. We do not feel this should hinder the petition of your client Mr. Guinn, and therefore have no objection to his request to vacate.

Should you require additional information or assistance please feel free to contact me here.

Cordially,

A handwritten signature in cursive script, appearing to read "Lucia Vera".

Lucia Vera  
Project Coordinator

RECEIVED

JAN 06 2004

COMMUNITY DEVELOPMENT



BOARD OF COUNTY COMMISSIONERS

479-8440

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

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

March 22, 2004

H.L. BENNETT  
P.O. BOX 2137  
LABELLE, FL 33975

Re: VAC2004-00002 - Petition to vacate a 12-foot Drainage and Public Utility Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, 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, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida

Dear Mr. Bennett:

You have indicated that in order to build a commercial building on the combined four (4) lots, your client proposes to eliminate the Drainage and Public Utility Easement located between those lots located at 2913 Lee Blvd., 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

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**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
District One

Monday, December 08, 2003

Douglas R. St. Cerny  
District Two

H.L. Bennett  
P.O. Box 2134  
Labelle, FL 33975

Ray Judah  
District Three

Andrew W. Coy  
District Four

Re: Petition to Vacate several twelve (12) foot wide public utility & drainage easements common to Lots 4,5,16,& 17, Block 29, Unit 4, Lehigh Acres Subdivision, as recorded in Plat Book 26 Page 143, in the public records, Lee County, Florida.

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Dear H.L.:

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 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

RECEIVED

JAN 06 2004

COMM

NT

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**LEE COUNTY**  
SOUTHWEST FLORIDA

(941) 479-8580

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
District One

June 4, 2003

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Mr. H.L. Bennett  
P.O. Box 2137  
LaBelle, FL 33975

Andrew W. Coy  
District Four

John E. Albion  
District Five

**RE: PETITION TO VACATE THE 12' WIDE DRAINAGE AND UTILITY  
EASEMENTS ON THE LOT LINES COMMONS TO LOTS 4, 5, 16 AND  
17, BLOCK 29, UNIT 4, LEHIGH ACRES (25-44-26)**

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney


Dear Mr. Bennett:

Diana M. Parker  
County Hearing  
Examiner

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 offers no objection to this petition to vacate as proposed.

Sincerely,

**DEPARTMENT OF TRANSPORTATION**

  
Margaret Lawson  
Right-of-Way Supervisor

ML/mlb

cc: Don Blackburn, Lee County Development Services  
Allen Davies, Lee County Natural Resources  
DOT PTV File (Lehigh)

**RECEIVED**  
JAN 06 2004

COMMUNITY DEVELOPMENT

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**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2004-00002

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. VAC2004-00002 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  
VAC2004-00002

Legal description of the **Public Utility Easement and Drainage Easement**  
to be vacated:

The twelve-foot (12') wide Public Utility Easement **and** Drainage Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, 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, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 4 and 5; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 5 and 16; less and except the Southerly six-feet (6') of the easement on the common lot line between Lots 16 and 17; less and except the Westerly six-feet (6') of the easement on the common lot line between Lots 17 and 4.

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00002

### TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of May 2004 @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  
VAC2004-00002

Legal description of the **Public Utility Easement** and **Drainage Easement**  
to be vacated:

The twelve-foot (12') wide Public Utility Easement **and** Drainage Easement centered on the common lot line between Lots 4 and 5, 5 and 16, 16 and 17, and 17 and 4, all in Block 29, 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, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the Northerly six-feet (6') of the easement on the common lot line between Lots 4 and 5; less and except the Easterly six-feet (6') of the easement on the common lot line between Lots 5 and 16; less and except the Southerly six-feet (6') of the easement on the common lot line between Lots 16 and 17; less and except the Westerly six-feet (6') of the easement on the common lot line between Lots 17 and 4.

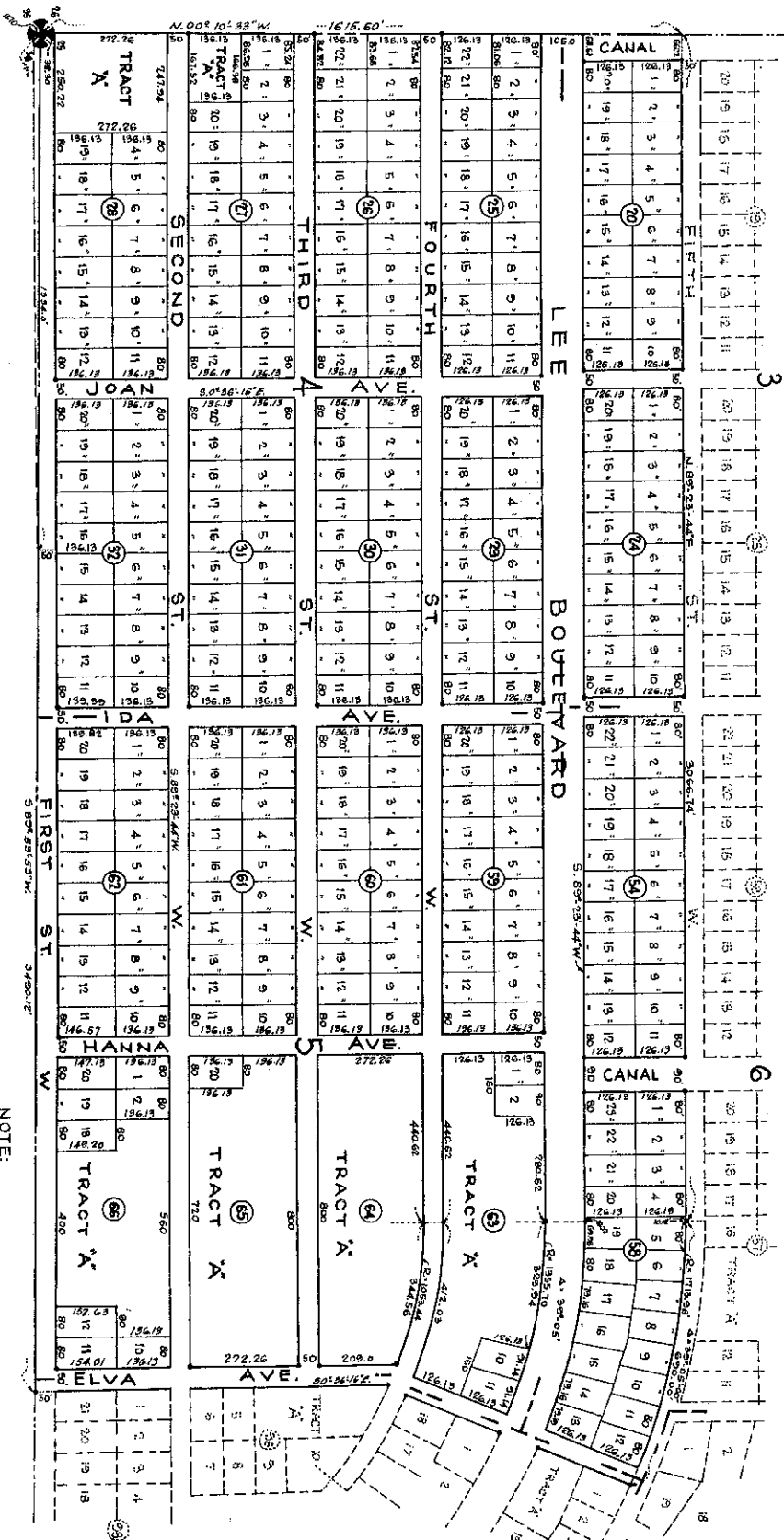
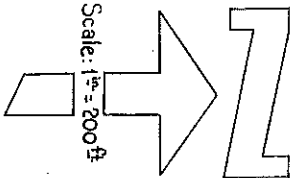


PLAT OF PART OF UNITS 3&6 ALL OF 4&5  
SECTION 25, TOWNSHIP 44S., RANGE 26E.

# A SUBDIVISION OF **LEHIGH ACRES** LEE COUNTY, FLORIDA

PLAT BOOK 15, PAGE 70

Scale: 1" = 200'



NOTE:

- All lots subject to a 6 foot Draining and Utility Easement both sides front and back.
- Interior P.R.M.s are 4"x4"x24" concrete
- Denotes P.R.M.s.
- All Canals to be dedicated to East County Water Control District.

