

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement at 13731 and 13711 Metropolis Ave, Fort Myers, FL 33912, located off of Metro Parkway, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 24th day of August, 2004 (Case No. VAC2003-00066)

WHY ACTION IS NECESSARY: To build an office building on the combined two (2) 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 #: 2

04

C4A

3. MEETING DATE:

07-27-2004

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: *Mary Gibbs*
for Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00066 was submitted by David Douglas Associates, Inc, as the agent on behalf of Mary V. Palumbo.

LOCATION: The site is located at **13731 and 13711 Metropolis Ave, Fort Myers, FL 33912** and its strap number is 19-45-25-14-00000.0170 and 19-45-25-14-00000.0180. Petition No. VAC2003-00066 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot lines between Lots 17 and 18, Metropolitan Business Park, as recorded in Plat Book 44, Page 83-85, Section 19, Township 45 South, Range 25 East, of the Public Records of Lee County, Florida, **LESS and EXCEPT** the easterly 42.5-feet and the westerly 10-feet of each easement.

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

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

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>John St...</i>	OA	OM	Risk	GC	<i>LB 7/15/04</i>
					<i>7/14/04</i>	<i>7/15/04</i>	<i>7/14/04</i>	<i>7/15/04</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by Coatty
Date: *7/25/04*
Time: *2:00*
Forwarded To:
Co. Adm.
7/14/04 3:04

RECEIVED BY
COUNTY ADMIN: *PF*
7/19/04
3:15 PM 5/7
COUNTY ADMIN
FORWARDED TO: *PF*
7-15-04
2:30 PM

PETITION TO VACATE

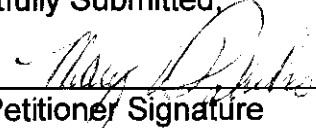
Case Number: VAC 2003-00066

Petitioner(s), Mary Palumbo
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, 17980 Summerlin Lakes Dr., #200
Fort Myers, FL 33907
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

Mary Palumbo
Printed Name

By: 
Petitioner Signature

Mary Palumbo
Printed Name

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 13731 Metropolis Avenue, Fort Myers, FL 33912 and ~~XXXX~~ 13711 Metropolis Avenue, Fort Myers, FL 33912 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 David Douglas Associates, Inc. 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.

Mary V Palumbo
Owner*(signature)

Mary V Palumbo
Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 16th day of June, 2004, by Mary V Palumbo, who is personally known to me or who has produced as identification and who did (did not) take an oath.

Laurie M. Verzi
Notary Public

(SEAL)

(Name typed, printed or stamped)

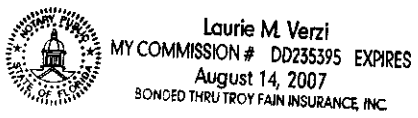


EXHIBIT "A"

Property Address: 13731 Metropolis Avenue
Fort Myers, FL 33912

Parcel ID No.: **19-45-25-14-00000.0170**

Legal Description: **Lots 17 and 18, METROPOLITAN BUSINESS
AND MEDICAL PARK according to the Plat
Book 44, Pages 83 through 85, inclusive, of the
Public Records of Lee County, Florida.**

and

Property Address: 13711 Metropolis Avenue
Fort Myers, FL 33912

Parcel ID No.: **19-45-25-14-00000.0180**

Legal Description: **Lots 17 and 18, METROPOLITAN BUSINESS
AND MEDICAL PARK according to the Plat
Book 44, Pages 83 through 85, inclusive, of the
Public Records of Lee County, Florida.**

EXHIBIT "A"
Petition to Vacate
VAC2003-00066

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 17 and 18; Section 19, Township 45 South, Range 25 East, Metropolitan Business Park, as recorded in Plat Book 44, Page 83-85 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly 42.5 feet and westerly 10 feet of each easement.

GRAPHIC SCALE
0 30

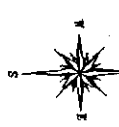


Exhibit "B"
Petition to Vacate
VAC2003-00066
[Page One of One]

TRACT "A" METROPOIS AVENUE

45' ACCESS & FRONTAGE RD

5.0213' 49" W. (P) (M)

BEARING BASIS

N.0213' 49" E. (P)

Curve number 1
Radius = 30.00'
Delta = 53.1250°
Arc = 48.8177'
Tangent = 3.00'
Chord = 4.42238° W.

O.R.B. 3958, PG. 1547
19-45-25-14-00000.0170
13731 METROPOUS AVE
LOT 17
VACANT

O.R.B. 3958, PG. 1547
18-45-25-14-00000.0180
13711 METROPOUS AVE
LOT 18
VACANT

1.195 ACRES ±
12' PILE TO BE
VACATED

SOUTH GULFCOAST LANE
TRACT "A"

METROPOLITAN PARKWAY SOUTH (PLAT)
METRO PARKWAY (FIELD)

OFFICIAL RECORD BOOK 3958, PG. 1547
SECTION 17 & 18, METROPOLITAN PARKWAY & METRO PARKWAY, PETITION TO VACATE THE PLAT, TANGENT RECORDS AND FIELD RECORDS OF LEE COUNTY, FLORIDA, IN REVISION. SEE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LOTS 17 & 18
PALUMBO LAW OFFICE
LEE COUNTY, FLORIDA
SEC. 19, TWP. 45 S., RGE. 25 E.

DDA ENGINEERS-PLANNERS, INC.
2037 West First Street, Fort Myers, Florida 33901
Ph. 239-337-3330, Fax 239-337-1236
E-mail: ddaplanning@ddalink.net
Florida Certification of Business #8786

OWNER / DEVELOPER
MCCOY & FREUND, INC.
1001 SHELBY BLVD AVIATION ROAD
FORT MYERS, FL 33917
TEL: 239-939-9900
FAX: 239-939-9117
BILL CONTACT:
BRIAN HODGINS
239-337-3228

NO.	DATE	REVISION DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Exhibit "C"

Petition to Vacate

VAC2003-00066

[Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
19-45-25-14-00000.0170	2003	PAID
Original Account	Book/Page	
19-45-25-14-00000.0170	3958/1547	
Physical Address	Mailing Address	
PALUMBO MARY V 13731 METROPOLIS AVE FORT MYERS FL 33912	PALUMBO MARY V 7980 SUMMERLIN LAKES DR #200 FORT MYERS FL 33907 USA	
Legal Description		
METROPOLITAN BUSINESS PARK PB 44 PG 84 LOT 17		
Outstanding Balance as of 7/14/2004		\$0.00

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
19-45-25-14-00000.0180	2003	PAID
Original Account	Book/Page	
19-45-25-14-00000.0180	3958/1547	
Physical Address	Mailing Address	
PALUMBO MARY V 13711 METROPOLIS AVE FORT MYERS FL 33912	PALUMBO MARY V 7980 SUMMERLIN LAKES DR #200 FORT MYERS FL 33907 USA	
Legal Description		
METROPOLITAN BUSINESS PARK PB 44 PG 84 LOT 18		
Outstanding Balance as of 7/14/2004		\$0.00

8



Prepared by and return to:
Simone Phillips
TROPICAL TITLE Insurance Agency, Inc.
660 9th Street North, Suite 3
Naples, FL 34102
304P1461

INSTR # 5852435
Official Records BK 03958 PG 1547
RECORDED 06/11/2003 04:00:12 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 2,933.00
DEPUTY CLERK K Cartwright

TAX ID NO. 19-45-25-14-00000.0170 and 19-45-25-14-00000.0171

WARRANTY DEED

THIS WARRANTY DEED Made the 27TH day of JUNE A.D. 2003 by

BERNARD J. DeWOLFE AND MARVIN L. MATHENY AS CO-TRUSTEES under the Metropolitan Land Trust dated September 28, 1987

whose postoffice address is 16050 South Tamiami Trail, Suite 103, Fort Myers, FL 33908, hereinafter called the grantor, to

MARY V PALUMBO A SINGLE PERSON

whose postoffice address is 7980 SUMMERLIN LAKES DRIVE, Ft. Myers, FL 33907 hereinafter called the grantee: SUITE 200

WITNESSETH: That the grantor, for and in consideration of the sum of ten and 00/100 (\$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, viz:

Lots 17 and 18, METROPOLITAN BUSINESS AND MEDICAL PARK according to the Plat thereof recorded in Plat Book 44, Pages 83 through 85, inclusive, of the Public Records of Lee County Florida.

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

TO HAVE AND TO HOLD, the same in FEE SIMPLE

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, 2002.

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:

Marilynn Noaks
Witness #1

Bernard J. DeWolfe
BERNARD J. DeWOLFE

Marilynn Noaks
Witness #1 (print name)

Marilynn Noaks
Witness #2

Marvin L. Matheny
MARVIN L. MATHENY

Marilynn Noaks
Witness #2 (print name)

Deborah K. Lewis
Deborah K. Lewis
Witness as to both signatures

CC:TA, AM



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

August 21, 2003.

Mr. Thomas J. Abraham
Engineer
David Douglas Assocs. Inc.
2037 W. First Street
Ft. Myers, Fl. 33902

Ref: Vacation of Easement between 13711/13731 Metropolis Avenue, Ft. Myers
Metropolitan Business Park:

Dear Mr. Abraham:

This is in response to your letter of August 15th, advising of your intent to submit a Petition seeking to vacate the utility and drainage easement between lots 17 and 18 situated in the Metropolitan Business Park subdivision.

Please be advised that Sprint has no objection to your request as described in your letter and drawing.

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

Sincerely,

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

Denise Grabowski
Engineer 1 – CSO Network



Florida Power & Light Company, 15834 WINKLER RD. FT. MYERS, FL 33908
Phone: (239) 415-1315 Fax: (239) 415-1315

20-770
JPL

September 16, 2003

David Douglas Associates, Inc.
Attn: Thomas Abraham
2037 W. First Street
Ft. Myers, FL 33901

RE: The proposed utility easement vacation between lots 17 & 18, Metropolitan Business Park, Plat Book
44. Page 84. Lee County, Florida.

Dear Mr. Abraham:

Florida Power & Light Company has no facilities located within the proposed utility 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



CC: AM, TA

Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.lline.com

August 25, 2003

David Douglas Associates, Inc.
Attn: Thomas J. Abraham
2037 W. First St.
Ft. Myers, FL 33901

Re: 13711/13731 Metropolis Avenue, Fort Myers

Dear Mr. Abraham:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lots 17 and 18, Metropolitan Business Park as recorded in Plat Book 44, page 83, of the public records of Lee County, Florida; LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Please be advised however that you must contact FPL as this is in their service area.

Sincerely,

Karen Hardin
Real Property Representative

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



September 8, 2003

David Douglas Associates, Inc
C/O Thomas Abraham
2037 West First St
Ft Myers, FL 33901

Re: Request for a letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: 13711/13731 Metropolis Av
Ft Myers, Fl

Dear Thomas Abraham,

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

If I may be of further assistance please do not hesitate to contact me at (239)
732-3865.

Sincerely,

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

Lucia Vera
Design Coordinator

CC: AM, TA



August 25, 2003

Mr. Thomas J. Abraham
David Douglas Associates, Inc.
2037 West First Street
Fort Myers, Fla. 33901

RE: Vacation of easement – 13711/13731 Metropolis Ave.
Fort Myers, Fla.

Dear Mr. Abraham:

The plat map sent to us for the above listed vacation of 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, appearing to read "Adnaldo Rodriguez".

Adnaldo Rodriguez
Technical Field Inspector

AR/sgs

AmeriGas

America's Propane Company

September 22, 2003

David Douglas Associates, Inc.
2037 West First Street
Fort Myers, Florida 33901
Thomas J. Abraham

Dear Mr. Abraham:

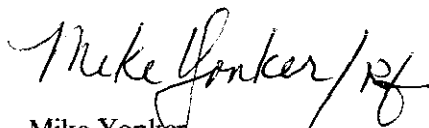
In reference to your letter dated August 15, 2003 AmeriGas has **no interest** on right of way on the following parcel(s):

STRAP NO.: 19-45-25-14-00000.0180

STRAP NO.: 19-45-25-14-00000.0170

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

Sincerely,



Mike Yonker
Sales & Service Manager



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
August 20, 2003

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

Jason White
David Douglas Associates
2037 W. First Street
Fort Myers, Fl. 33901

**SUBJECT: PETITION TO VACATE THE 6' PUE BETWEEN LOTS 17 AND 18,
METROPOLITAN BUSINESS PARK, 13711 AND 13731 METROPOLIS AVE.**

Dear Mr. White:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate an existing 'Public Utility Easement, as described in your letter and sketch of August 15, 2003. Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation.

Please be advised that our record drawings indicate Lee County Utilities owns and maintains potable water, gravity collection facilities and a pump station near the area to be vacated. Lee County Utilities' position of 'No Objection' is for the adjoined side lot line easements only . The area across the entire front, rear and perimeter sides of the combined properties will remain a public utility easement as well as the existing Pump/lift Station easement as you have indicated in your letter.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181 ext. 8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech, Senior
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed



LEE COUNTY
SOUTH WEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

June 11, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Ms. Asheley Mass
David Douglas Associates, Inc.
2037 W. First St.
Ft Myers, FL 33901

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Re: **VAC2003-00066 - Petition to Vacate** a 12-foot Public Utility Easement located at 13731 and 13711 Metropolis Avenue centered on the common lot lines between lots 17 and 18, Metropolitan Business Park, as recorded in Plat Book 44 at Page 83-85 of the Public Records of Lee County, FL, less and except the east 12.5-feet and west 10-feet thereof. (Palumbo).

Dear Ms. Mass:

You have indicated that in order to build an office building on the combined lots, your client desires to eliminate the Public Utility Easement located between your two (2) lots. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200312\20031010.161\4401400\DEVELOPMENT REVIEW RECOMMENDS.WPD



BOARD OF COUNTY COMMISSIONERS

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

Wednesday, September 10, 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 J. Abraham
David Douglas Associates, Inc.
2037 West First Street
Fort Myers, FL 33901

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 17 & 18, Metropolitan Business Park Subdivision, as recorded in Plat Book 44 Page 83, in the public records, Lee County, Florida.

Dear Mr. Abraham:

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 easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac376.doc



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

September 30, 2003

Mr. Thomas J. Abraham
David Douglas Associates, Inc.
2037 W. First Street
Fort Myers, FL 33901

**RE: Request to Vacate a Public Utility Easement
AT 13711/13731 Metropolis Avenue, Lots 17
And 18, Metropolitan Business Park, Plat Book 44,
Pages 83-85, Section 19, Township 45, Range 25**

Dear Mr. Abraham:

Lee County Department of Transportation has reviewed the request to vacate a public utility easement located between Lots 17 and 18. Based upon a review of the plat, facilities located within this platted subdivision are not maintained by Lee County DOT.

Lee County Department of Transportation offers no objection to the vacation of the public utility easements.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Don Blackburn, Development Services
Terry Kelley, Utilities
Allen Davies, Natural Resources
DOT PTV File: PUE/Metropolitan Business Park/Douglas Associates

S:\DOCUMENT\Petition To Vacate\2003\Metropolis Ave - Abraham.doc



Florida Department of Transportation

**JEB BUSH
GOVERNOR**

801 North Broadway Avenue
Bartow, Florida 33830

**JOSE ABREU
SECRETARY**

September 10, 2003

David Douglas Associates, Inc.
Attn: Thomas J. Abraham, Engineer
2037 West First Street
Fort Myers, Florida 33901

RE: Vacation of a Utility Easement

Dear Mr. Abraham:

In response to your letter we received on August 26, 2003, our staff has conducted a review of your request to vacate the subject area as marked and generally described as: That portion of a 12' to 15' wide by approximately 213' long Utility Easement between Lots 17 & 18 within the Metropolitan Business Park, a Subdivision lying in Section 19, Township 45 South, Range 25 East, Lee County, Florida per Plat Book 44, Page 84.

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

Sincerely,

Ruthie M. Chunn
Right of Way Agent
Property Management

RMC/blt

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: VAC2003-00066**

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. VAC2003-00066 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of
County Commissioners of Lee County, Florida this _____

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

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
VAC2003-00066

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 17 and 18; Section 19, Township 45 South, Range 25 East, Metropolitan Business Park, as recorded in Plat Book 44, Page 83-85 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly 42.5 feet and westerly 10 feet of each easement.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00066

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 24th day of August, 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
VAC2003-00066

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 17 and 18; Section 19, Township 45 South, Range 25 East, Metropolitan Business Park, as recorded in Plat Book 44, Page 83-85 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly 42.5 feet and westerly 10 feet of each easement.

METROPOLITAN BUSINESS PARK

A SUBDIVISION LYING IN
SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

PLAT BOOK 117 PAGE 22

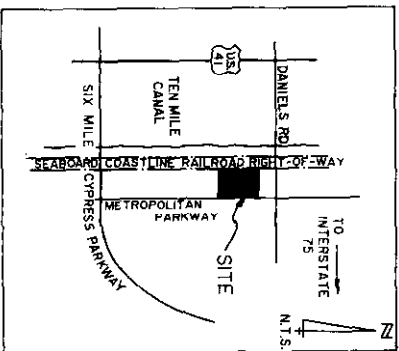
SHEET 1 OF 3

BEAN, WHITNER, LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
1341-B WASHINGTON BLVD., SUITE 100
FORT WORTH, TEXAS 76104

DESCRIPTION
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID SOUTHWEST ONE QUARTER (SW 1/4); THENCE S 01°10'14" W ALONG THE EAST LINE OF SAID SOUTHWEST ONE QUARTER (SW 1/4) FOR 100.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DANIELS ROAD; THENCE S 69°59'52" W ALONG SAID RIGHT-OF-WAY LINE FOR 1537.28 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 5829.38 FEET; THENCE WESTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR 44.48 FEET TO AN INTERSECTION WITH A CURVE TO THE SOUTHWEST HAVING A RADIUS OF 5824.58 FEET AND TO WHICH INTERSECTION SAID CURVE AND SAID RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 00°12'42" FOR 20.78 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF METRO PARKWAY EXTENSION; THENCE WESTERLY ALONG SAID WESTERLY LINE FOR 20.78 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 5°02'23"15" W ALONG SAID WESTERLY LINE FOR 45.49 FEET TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1050.00 FEET; THENCE SOUTHWEST ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 10°01'43" FOR 183.78 FEET; THENCE S 05°23'15" W ALONG SAID WESTERLY LINE FOR 45.49 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 5°02'23"15" W ALONG SAID WESTERLY LINE FOR 150.00 FEET; THENCE SOUTHWEST ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 08°01'46" FOR 131.04 FEET; THENCE S 00°50'54" E ALONG SAID WESTERLY LINE FOR 284.66 FEET; THENCE S 89°00'59" W FOR 427.00 FEET TO AN INTERSECTION WITH THE EASTERN LINE OF A SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY; THENCE N 00°41'37" W ALONG SAID EASTERN LINE FOR 1408.44 FEET; THENCE N 89°00'59" E FOR 540.38 FEET TO THE POINT OF BEGINNING.

VICINITY SKETCH



NOTICE:

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWAGE FACILITIES BEING SPECIFICALLY APPROVED OR ACCEPTED BY LEE COUNTY, ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OF OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, AND SEWAGE FACILITIES WITHIN THIS SUBDIVISION.

APPROVAL:
THIS PLAT ACCEPTED THIS 25 DAY OF February, A.D. 1990, IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

APPROVED: BOARD CHAIRMAN ATTEST: CLERK OF COUNTY
[Signature] *[Signature]*
 APPROVED: COUNTY ENGINEER APPROVED: COUNTY ATTORNEY
[Signature] *[Signature]*

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF METROPOLITAN BUSINESS PARK, LYING IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, HAS BEEN EXAMINED BY ME AND FOUND TO BE IN ACCORDANCE WITH THE LAWS OF FLORIDA, I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 2:00 P.M. ON THE 25 DAY OF February, A.D. 1990, AND IS FILED IN PLAT BOOK 117, PAGE 22 AT THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

2504512

ACKNOWLEDGEMENT:

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED *[Signature]* TO ME, NOTARY PUBLIC FOR LEE COUNTY OF LEE COUNTY OF LEE TO BE KNOWN TO BE THE PERSON WHO SIGNED THE FOREGOING DECISION AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS OWN FREE ACT AND DEED FOR THE USE AND PURPOSE THEREIN SPECIFIED. WITNESSES MY HAND AND SEAL OF OFFICE THIS 25 DAY OF February, A.D. 1990.

[Signature] *[Signature]*
 February 25, 1990 Notary Public
 Lee County, Florida

DEDICATION:
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 *** NOTICE ***

KNOW ALL MEN BY THESE PRESENTS THAT BERNARD J. DAWOLFE AND ALLEN H. JOHNSON, CO-TRUSTEES OF THE HEREIN DESCRIBED PARCEL, IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TO BE MADE AND HEREBY REDDITE ALL PUBLIC UTILITY EASEMENTS TO THE PERPETUAL USE OF THE PUBLIC, TRACT "A" AND DRAINAGE EASEMENTS ARE DEDICATED TO THE LOT OWNERS IN WITNESS WHEREOF WE HEREBY SET OUR HANDS THIS 25 DAY OF February, A.D. 1990.

[Signature] BERNARD J. DAWOLFE, CO-TRUSTEE
 WITNESS
[Signature] ALLEN H. JOHNSON, CO-TRUSTEE

[Signature] WITNESS
 ALLEN H. JOHNSON, CO-TRUSTEE

ACKNOWLEDGEMENT:
STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BERNARD J. DAWOLFE AND ALLEN H. JOHNSON, CO-TRUSTEES, TO ME KNOWN TO BE THE PERSONS WHO SIGNED THE FOREGOING EXECUTION AND THEY ACKNOWLEDGE THE EXECUTION THEREOF TO BE THEIR OWN FREE ACT AND DEED FOR THE USE AND PURPOSE THEREIN SPECIFIED. WITNESSES MY HAND AND SEAL OF OFFICE THIS 25 DAY OF February, A.D. 1990.

[Signature] WITNESS
 STATE OF FLORIDA AT LARGE

MORTGAGEE'S CONSENT:
KNOW ALL MEN BY THESE PRESENTS: BARNETT BANK OF LEE COUNTY, N.A., HOLDER OF A CERTAIN MORTGAGE RECORDED IN OFFICIAL RECORDS BOOK 2112 AT PAGE 2860 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ON PART OF THE HEREIN DESCRIBED LAND DOES HEREBY CONSENT TO THE EXECUTION OF THE FOREGOING DECISION IN THE PLAT DEDICATION APPEARING HEREOF BY BERNARD J. DAWOLFE AND ALLEN H. JOHNSON, CO-TRUSTEES OF SAID PARCEL, THIS 25 DAY OF February, A.D. 1990.

[Signature] WITNESS
 BARNETT BANK OF LEE COUNTY, N.A.
 VICE PRESIDENT

ACKNOWLEDGEMENT:
STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED *[Signature]* TO ME KNOWN TO BE THE PERSON WHO SIGNED THE FOREGOING EXECUTION AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS OWN FREE ACT AND DEED FOR THE USE AND PURPOSE THEREIN SPECIFIED. WITNESSES MY HAND AND SEAL OF OFFICE THIS 25 DAY OF February, A.D. 1990.

[Signature] WITNESS
 February 25, 1990 Notary Public
 Lee County, Florida



METROPOLITAN BUSINESS PARK

A SUBDIVISION LYING IN
SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

SHEET 2 OF 3

RENA WITKOP, LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
13141-B WOODBURN BLVD. (S13) 461-1311
FORT WINDY, FLORIDA 33919

GRAPHIC SCALE: 1" = 60'

PLAT BOOK 111 PAGE 84

POINT OF COMMENCEMENT
NORTHEAST CORNER OF
SOUTHWEST ONE-QUARTER
SECTION 19

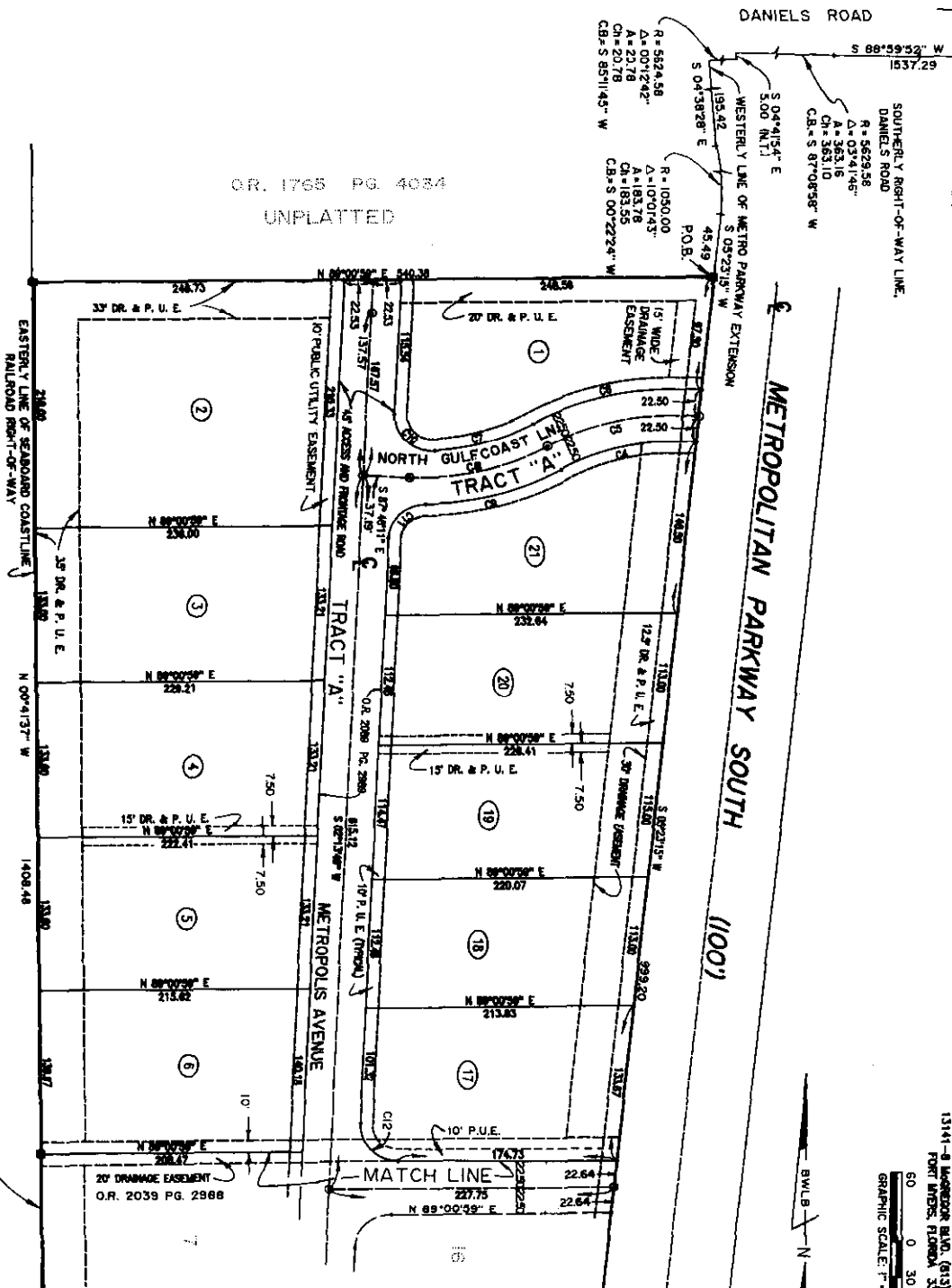
S 01°16'15" W
100.00'
EAST LINE - SW 1/4

SOUTHERLY RIGHT-OF-WAY LINE:
DANIELS ROAD
R = 5629.58
Δ = 03°41'45"
A = 363.16
CH = 583.10
C.B. = S 87°08'58" W

WESTERLY LINE OF METRO PARKWAY EXTENSION:
R = 1050.00
Δ = 10°17'43"
A = 183.78
CH = 183.55
C.B. = S 00°22'22" W

WESTERLY LINE OF METRO PARKWAY EXTENSION:
R = 524.58
Δ = 00°12'42"
A = 22.78
CH = 22.78
C.B. = S 85°11'45" W

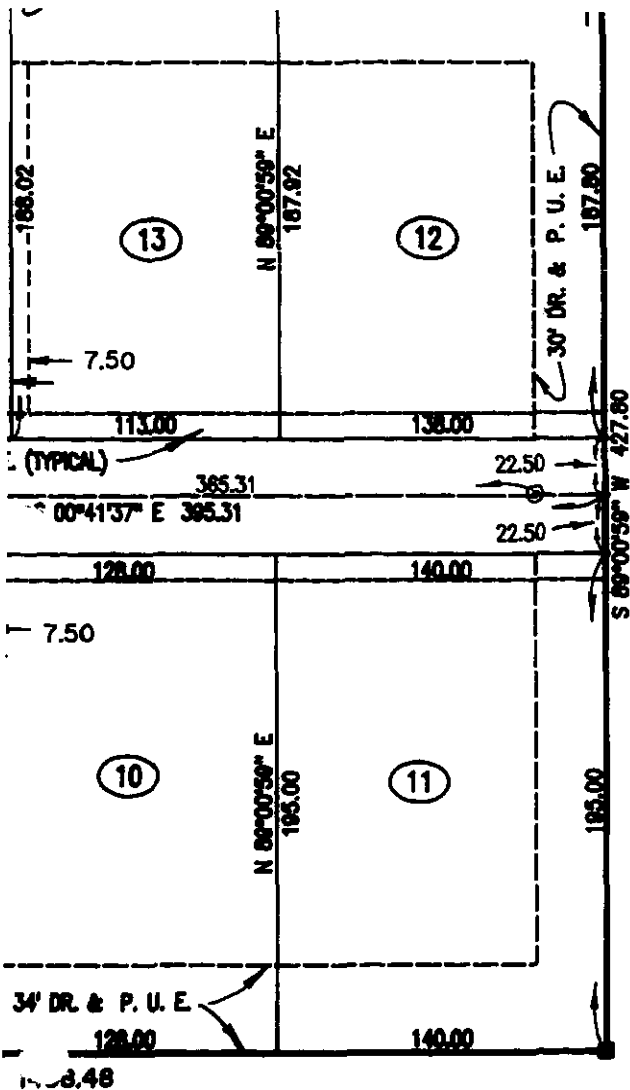
O.R. 1765 PG. 4034
UNPLATTED



SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY
(165 feet wide)

PLAT BOOK 71 PG 127

D.O. # 12-21-86
METROPOLITAN
BUSINESS PARK



UNPLATTED

SURVEYOR'S NOTES:

BEARINGS BASED ON SOUTH LINE OF THE SOUTHWEST (S.W. 1/4) OF SECTION 19 AS BEARING S 89°00'59" W.

DISTANCES ARE SHOWN IN FEET OR DECIMAL PARTS THEREOF.

- INDICATES SET PERMANENT REFERENCE MONUMENTS.
- INDICATES FOUND CONCRETE MONUMENTS.
- INDICATES SET PERMANENT CONTROL POINT.
- C7 INDICATES CURVE NUMBER 7, SEE CURVE TABLE.
- DR. INDICATES DRAINAGE EASEMENT.
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
- P.O.B. INDICATES POINT OF BEGINNING.
- (N.T.) INDICATES NON-TANGENT LINE.
- (N.R.) INDICATES NON-RADIAL.

PERMANENT REFERENCE MONUMENTS ARE 4"X4"X24" TAPERED CONCRETE WITH BRASS DISC STAMPED LB49I9-RLS 326I.

EASEMENT DEDICATION

THERE IS A PUBLIC UTILITY EASEMENT 12 FEET WIDE LYING 6 FEET EACH SIDE OF THE SIDE LOT LINES OF EACH LOT.

TRACT "A" IS A PUBLIC UTILITY EASEMENT.

NEARLY LINE OF SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY

AD RIGHT-OF-WAY

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THE ATTACHED PLAT OF METROPOLITAN BUSINESS PARK IS A TRUE AND ACCURATE REPRESENTATION OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.



1700.B

METROPOLITAN BUSINESS PARK

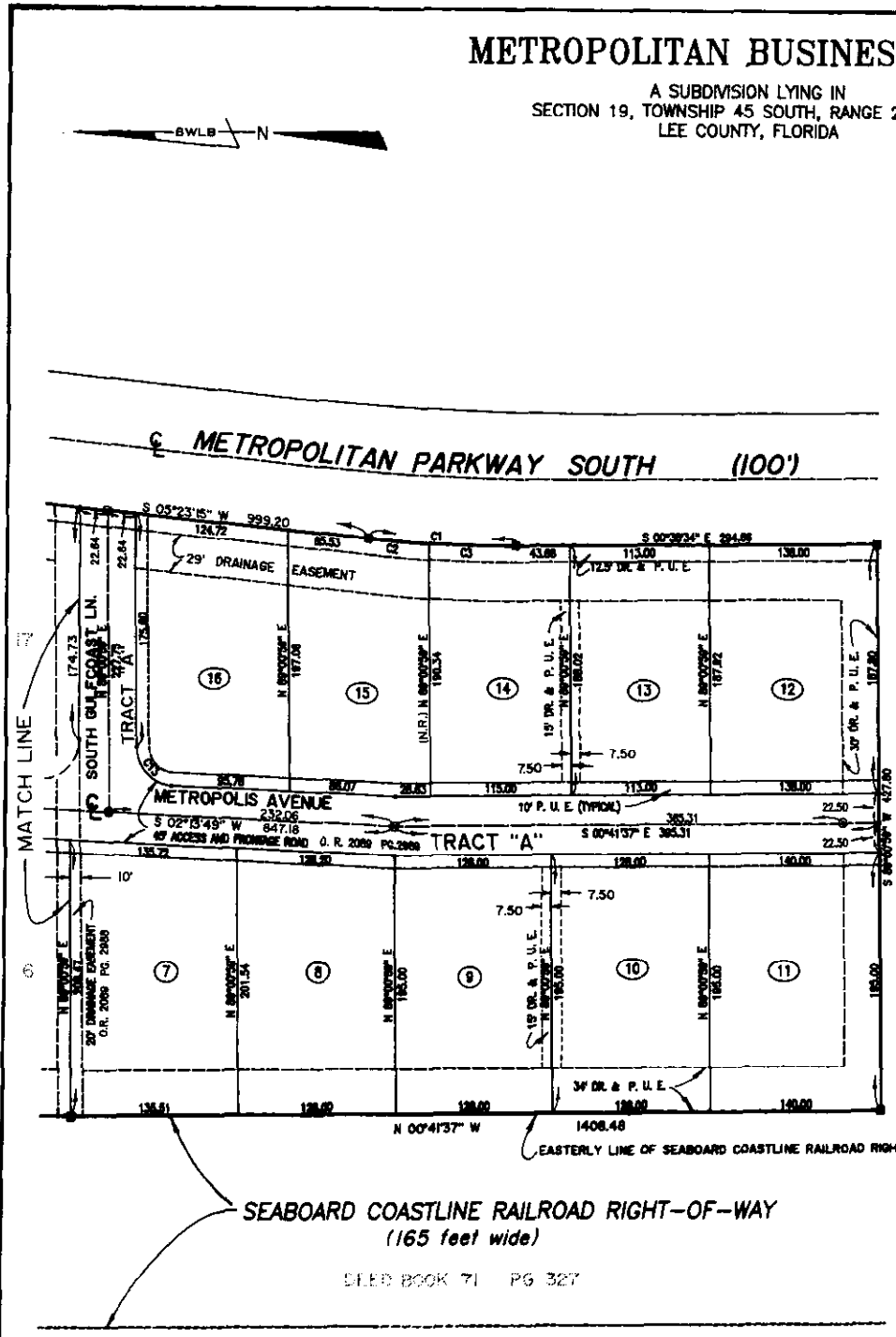
A SUBDIVISION LYING IN
SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

PLAT BOOK 44 PAGE 85

SHEET 3 OF 3

BEAN, WHITAKER, LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
13141-S MAGNOLIA BLVD. (R13) 401-1331
FORT MYERS, FLORIDA 33916

60 0 30 60
GRAPHIC SCALE: 1"=60'



CURVE TABLE * DISTANCES ARE IN FEET *

NAME	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	Δ=008°01'48"	1150.00	121.04	S 02°22'21" W	120.88
C2	Δ=002°28'23"	1150.00	49.84	S 04°00'04" W	49.83
C3	Δ=003°33'28"	1150.00	71.40	S 01°00'08" W	71.39
C4	Δ=035°48'12"	177.50	110.97	N 77°28'38" E	108.17
C5	Δ=038°48'12"	200.00	125.04	N 77°28'38" E	123.01
C6	Δ=038°48'12"	222.50	139.10	N 77°28'38" E	136.85
C7	Δ=028°42'21"	177.50	82.73	N 72°53'13" E	81.98
C8	Δ=032°38'48"	200.00	114.01	N 75°53'58" E	112.48
C9	Δ=029°11'13"	222.50	113.34	N 74°08'40" E	112.12
C10	Δ=005°57'25"	30.00	50.24	S 45°44'54" E	44.57
C11	Δ=084°31'28"	30.00	45.30	S 45°28'33" E	41.12
C12	Δ=083°12'50"	30.00	48.81	S 44°22'38" E	43.80
C13	Δ=086°47'10"	30.00	45.44	S 45°37'24" W	41.22

SURVEYOR'S NOTES:

BEARINGS BASED ON SOUTH LINE OF THE SOUTHWEST (S.W. 1/4) OF SECTION 19 AS BEARING S 89°00'59" W.

DISTANCES ARE SHOWN IN FEET OR DECIMAL PARTS THEREOF.

- INDICATES SET PERMANENT REFERENCE MONUMENTS.
- INDICATES FOUND CONCRETE MONUMENTS.
- INDICATES SET PERMANENT CONTROL POINT.
- C7 INDICATES CURVE NUMBER 7, SEE CURVE TABLE.
- DR. INDICATES DRAINAGE EASEMENT.
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
- P.O.B. INDICATES POINT OF BEGINNING.
- (N.T.) INDICATES NON-TANGENT LINE.
- (N.R.) INDICATES NON-RADIAL.

PERMANENT REFERENCE MONUMENTS ARE 4"X4"X24" TAPERED CONCRETE WITH BRASS DISC STAMPED LB4919-RLS 3261.

EASEMENT DEDICATION

THERE IS A PUBLIC UTILITY EASEMENT 12 FEET WIDE LYING 6 FEET EACH SIDE OF THE SIDE LOT LINES OF EACH LOT.

TRACT "A" IS A PUBLIC UTILITY EASEMENT.

SURVEYOR'S CERTIFICATION:

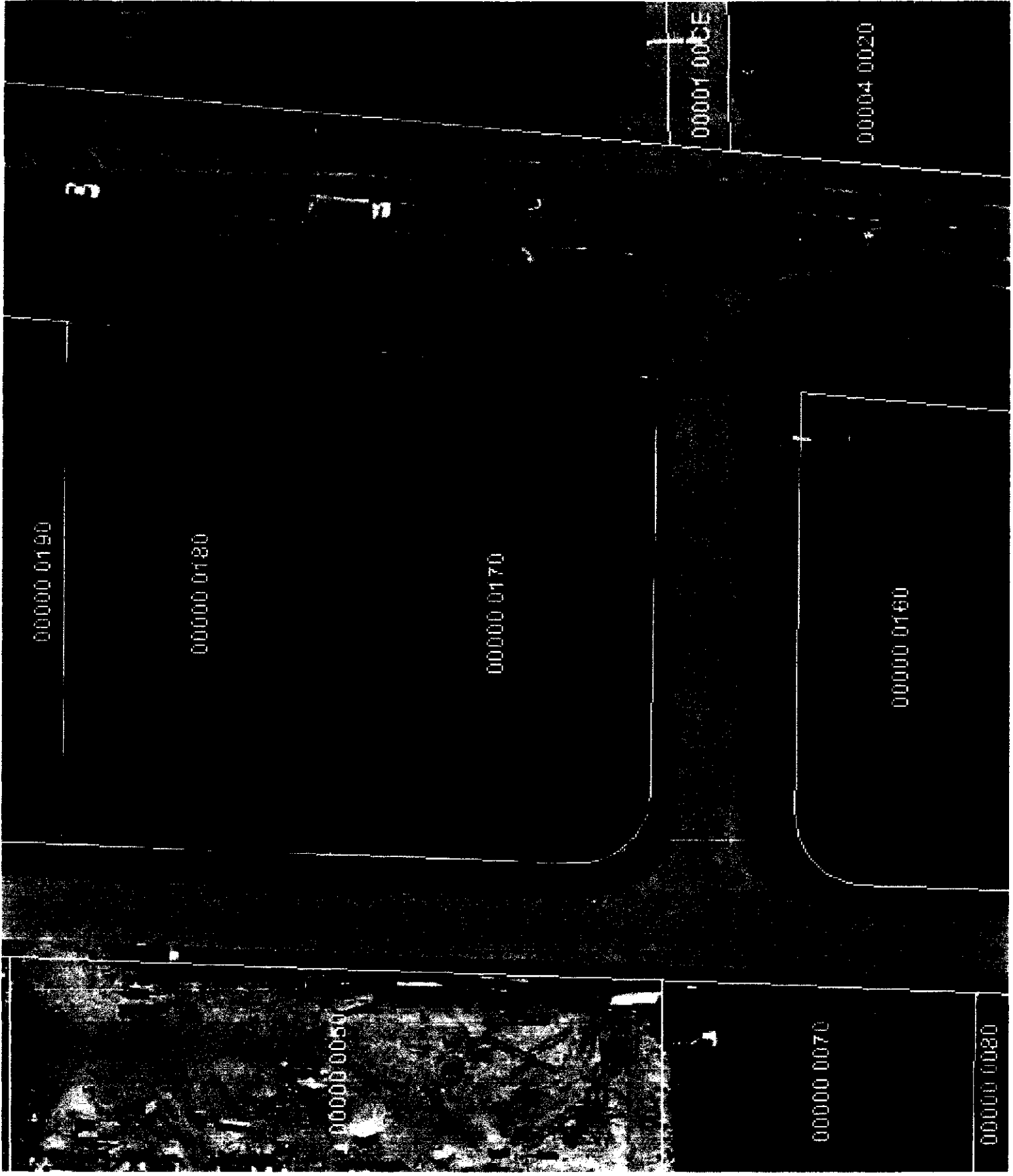
I HEREBY CERTIFY: THAT THE ATTACHED PLAT OF METROPOLITAN BUSINESS PARK IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD SURVEYED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY SUPERVISION AND CONTROL AND THAT THE SURVEY DATA COMPLY WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT ALL LOCATIONS SHOWN ON THIS PLAT.

William E. Bean
WILLIAM E. BEAN, R.L.S., F.M.A. CERTIFICATE NO. 5281



D.O. # 12-21-88
METROPOLITAN
BUSINESS PARK

SEE PLAT BOOK 71 PG 327



00000 0190

00000 0180

00000 0170

00000 0160

00000 0050

00000 0070

00000 0080

00001 003E

00004 0020

■ Area to be vacated