

1. **REQUESTED MOTION:**

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 822 Palmetto Avenue, Lehigh Acres, Florida 33936, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 24th day of August, 2004. (Case No. VAC2004-00029)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future 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:**

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 Mary Gibbs
B. DEPARTMENT Community Development
C. DIVISION Development Services
BY:

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2004-00029 was submitted by R2Self, Inc. as the agent on behalf of David A. & Victoria R. Ullemeyer.

LOCATION: The site is located at **822 Palmetto Avenue, Lehigh Acres, Florida 33936** and its strap number is 20-44-27-01-00003.0010. Petition No. VAC2004-00029 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block 3, Unit 1, Section 20, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 28 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six 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
					OM	Risk	GC		
<u>Mary Gibbs</u>	N/A	N/A	N/A	<u>7-14-04</u>	<u>7/14/04</u>	<u>7/15/04</u>	<u>7/15/04</u>	<u>7/15/04</u>	

10. **COMMISSION ACTION:**

APPROVED
 DENIED
 DEFERRED
 OTHER

RECEIVED
by CO. ATT.
3:51 PM
7/15/04
CO. ADM.
7/15/04

RECEIVED BY
COUNTY ADMIN
7/14/04
3:15 pm SLT
COUNTY ADMIN
FORWARDED TO:
7/15/04 3:30pm



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00029

Petitioner(s), David A. & Victoria R. Ullemeyer
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, 13208 Carpenter Road
Garfield Hts. OHIO 44125.
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:

David A. Ullemeyer
Petitioner Signature

Victoria R. Ullemeyer
Petitioner Signature

David A. Ullemeyer
Printed Name

Victoria R. Ullemeyer
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 Strip # 20-44-27-01-00003.0010 and legally described in exhibit A attached hereto.

822 PALMETTO AVENUE
LEHIGH ACRES FL 33936

The property described herein is the subject of an application for zoning or development. We hereby designate Faye Self of R2 Self, 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.

David Ullemeyer
Owner*(signature)

Owner*(signature)

David A Ullemeyer
Printed Name

Printed Name

Victoria R Ullemeyer
Owner*(signature)

Owner*(signature)

Victoria R. Ullemeyer
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 14th day of June, 2004, by VICTORIA + DAVID ULLEMEYER, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Beverly J King
Notary Public

BEVERLY J. KING
(Name typed, printed or stamped)

EXP 6-27-2005

EXHIBIT "A"
Petition to Vacate
VAC2004-00029

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block 3, Unit 1, Section 20, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 28 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

Exhibit "B"

50' ROW ASPHALT 18'
PALMEL O AVENUE C/L

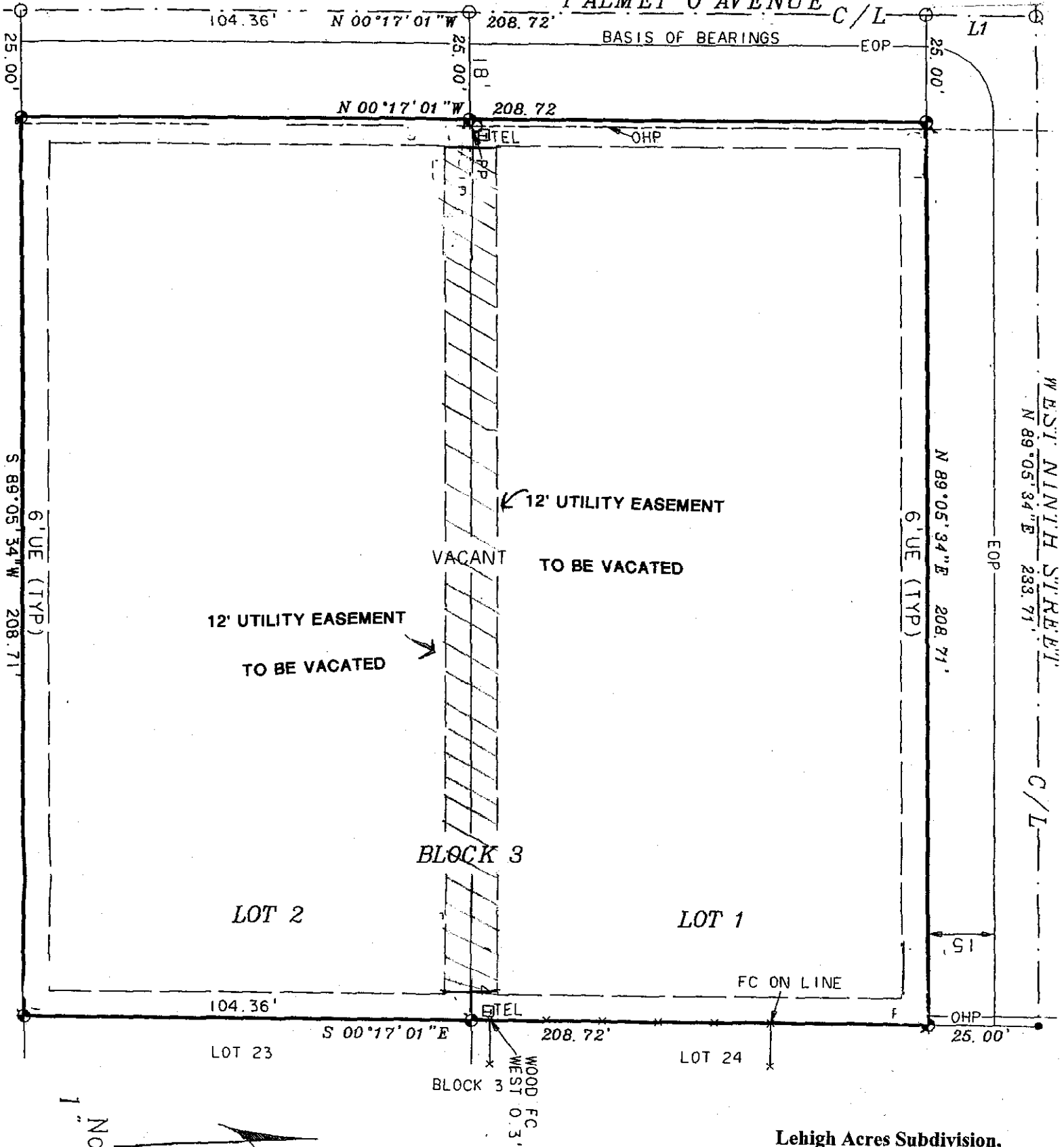


Exhibit "B"
Petition to Vacate
VAC2004-00029
[Page One of One]

Lehigh Acres Subdivision,
Lots 1 & 2, Block 3, Unit 1,
Lee County, Florida
Recorded in Plat Book 15,
Page 28 of the Public Records,
Lee County Florida

Exhibit "B"

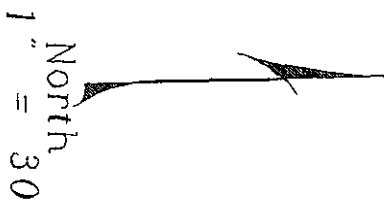
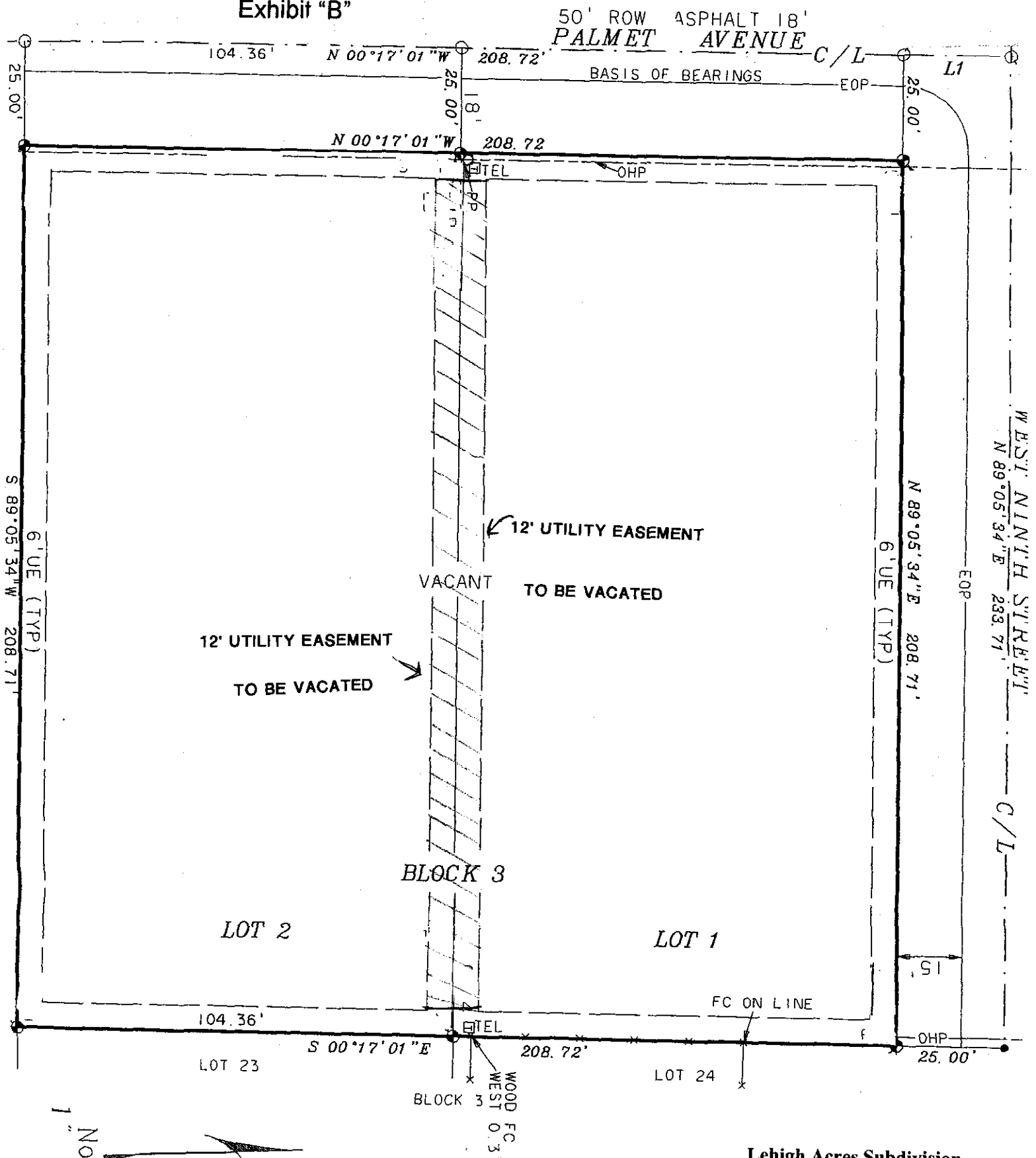


Exhibit "B"
 Petition to Vacate
 VAC2004-00029
 [Page One of One]

Lehigh Acres Subdivision,
 Lots 1 & 2, Block 3, Unit 1,
 Lee County, Florida
 Recorded in Plat Book 15,
 Page 28 of the Public Records,
 Lee County Florida

Exhibit "C"
 Petition to Vacate
 VAC2004-00029
 [Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
20-44-27-01-00003.0010	2003	PAID
Original Account	Book/Page	
20-44-27-01-00003.0010	4037 /1749	
Physical Address	Mailing Address	
ULLEMEYER DAVID A + VICTORIA R 822 PALMETTO AVE LEHIGH ACRES FL 33936	ULLEMEYER DAVID A + VICTORIA R 13208 CARPENTER RD CLEVELAND OH 44125 USA	
Legal Description		
LEHIGH ACRES UNIT 1 BLK 3 DB 252 PG 461 LOT 1		
Outstanding Balance as of 7/14/2004		\$0.00

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
20-44-27-01-00003.0020	2003	PAID
Original Account	Book/Page	
20-44-27-01-00003.0020	4037/3848	
Physical Address	Mailing Address	
ULLEMEYER DAVID A + VICTORIA R 820 PALMETTO AVE LEHIGH ACRES FL 33936	ULLEMEYER DAVID A + VICTORIA R 13208 CARPENTER RD GARFIELD HEIGHTS OH 44125 USA	
Legal Description		
LEHIGH ACRES UNIT 1 BLK.3 DB 252 PG 461 LOT 2		
Outstanding Balance as of 7/14/2004		\$0.00



This Document Prepared By and Return to:
ABLE TITLE PROFESSIONALS, INC.
12557 NEW BRITTANY BOULEVARD
FT. MYERS, FL 33907

INSTR # 5942686
Official Records BK 04037 PG 1749
RECORDED 08/25/2003 11:20:01 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 49.00
DEPUTY CLERK L Parent

Parcel ID Number: 20-44-27-01-00003.0010
Grantor #1 TIN:
Grantor #2 TIN:

Warranty Deed

This Indenture, Made this 11th day of August, 2003 A.D., Between
NAZARENE HOMESTEAD CHURCH, a Florida Non-Profit Corporation

of the County of LEE, State of FLORIDA, grantor, and
DAVID ULLEMEYER and VICTORIA ULLEMEYER, HUSBAND AND WIFE

whose address is: 13208 CARPENTER ROAD, CLEVELAND, OH 44125

of the County of CUYAHOGA, State of Ohio, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Lee, State of Florida, to wit:

LOT 1, BLOCK 3, UNIT 1, SECTION 20, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
LEHIGH ACRES, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE PLAT
BOOK 15, PAGE 28, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

The property herein conveyed DOES NOT constitute the HOMESTEAD
property of the Grantor. The Grantor's HOMESTEAD address is 29055 SW
10082 2ND AVENUE, HOMESTEAD, FLORIDA 33030.

Subject to current taxes, easements and restrictions of record.

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

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

Signed, sealed and delivered in our presence: NAZARENE HOMESTEAD CHURCH

William L Chambers By: *W L Chambers* (Seal)
Printed Name: Judith C Blythe PASTOR WILLIAM CHAMBERS
Witness P.O. Address: 29055 SW 10082 2ND AVENUE
HOMESTEAD, FL 33030

Judith C Blythe By: *Judith C Blythe* (Seal)
Printed Name: Judith C Blythe SECRETARY / TREASURER
Witness P.O. Address: _____

STATE OF Florida
COUNTY OF _____
(Corporate Seal)

The foregoing instrument was acknowledged before me this 11th day of August
PASTOR WILLIAM CHAMBERS ON BEHALF OF NAZARENE HOMESTEAD CHURCH

he is personally known to me or he has produced his Florida driver's license as identification
CONNIE L BAKER
Notary Public State of Florida
My comm. exp July 10, 2004
Comm. No. CC936187
Connie L Baker
Printed Name: Connie L Baker
Notary Public
My Commission Expires: 7/10/04

198

This Document Prepared By and Return to:
ABLE TITLE PROFESSIONALS, INC.
12557 NEW BRITANNY BOULEVARD
FT. MYERS, FL 33907

INSTR # 5943070
Official Records BK 04037 PG 3040
RECORDED 08/25/2003 01:32:16 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 35.00
DEPUTY CLERK J Miller

Faxed ID Number: 20-44-27-01-00003.0020

Grantor #1 TIN:

Grantor #2 TIN:

Warranty Deed

This Indenture, Made this 11th day of August, 2003 A.D. Between
GEORGE HOLLAND and ZETTA HOLLAND, HUSBAND AND WIFE

of the County of LEE, State of Florida, grantors, and
DAVID A. ULLEMEYER and VICTORIA R. ULLEMEYER, HUSBAND AND WIFE

whose address is: 13208 CARPENTER ROAD, GARFIELD HEIGHTS, OH 44125

of the County of CUYAHOGA, State of Ohio, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of LEE, State of Florida to wit:

The property herein conveyed DOES NOT constitute the HOMESTEAD
property of the Grantor. The Grantor's HOMESTEAD address is 1323
GERALD AVENUE, LEHIGH ACRES, FL 33972.

Subject to current taxes, easements and restrictions of record.

BEING RERECORDED TO ADD LEGAL DESCRIPTION.

Lot 2, Block 3, Unit 1, Section 2D, Township 44 South, Range
27 East, Lehigh Acres, as recorded in Deed Book 252, Page 461
Public Records of Lee County, KIMXXX Florida.

INSTR # 5993518
Official Records BK 04079 PG 4166
RECORDED 10/02/2003 01:20:42 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEPUTY CLERK A Janke

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Brian W. Nolan
Printed Name: Brian W. Nolan
Witness

George Holland (Seal)
GEORGE HOLLAND
P.O. Address: 1323 GERALD AVENUE, LEHIGH ACRES, FL 33972

Walter Warner
Printed Name: Walter Warner
Witness

Zetta Holland (Seal)
ZETTA HOLLAND
P.O. Address: 1323 GERALD AVENUE, LEHIGH ACRES, FL 33972

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of August, 2003 by
GEORGE HOLLAND and ZETTA HOLLAND, HUSBAND AND WIFE

who are personally known to me or who have produced their Florida driver's license as identification.

A. B. REYNOLDS JR.
My Comm. Exp. 4/22/05
No. DD 019746
 Personally Known Other I.D.

A. B. Reynolds Jr.
Printed Name: A. B. Reynolds, Jr.
Notary Public
My Commission Expires:

R2 Self INC

Civil Engineering ♦ Design to Completion

May 25, 2004

Mr. Peter Eckenrode, Director
Lee County Development Services
1500 Monroe Street
Ft. Myers, FL 33902-5500

Re: Request for easement vacation located on the following parcel:

Strap No. 20-44-27-01-00003.0010
Lots 1&2, Block 3, Lehigh Acres Unit 1
822 Palmetto Avenue, Lehigh Acres, FL 33936

Dear Mr. Eckenrode,

We are requesting that the 12' utility easement between Lots 1 and 2, except the easterly six feet and the westerly 6 feet be vacated to combine two (2) lots into one for the future building site of a single family residence.

If you have any questions or need any additional information, please do not hesitate to contract us and thank you in advance for your consideration.

Very truly yours,



Robert L. Self, P.E.
#30072

RLS:fs

Enclosures



May 27, 2004

Ms. Faye Self
R2 Self Inc.
12811 Kenwood Lane, Suite 205
Fort Myers, Florida 330907

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 1 & 2, Block 3, Unit 1, Section 20, Township 44S, Range 27E.
As recorded in Plat Book 15, Page 82 of the Lee County Public Records.
Strap No. – 20-44-27-01-00003.0010
822 Palmetto Avenue

Dear Ms. Self:

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/drainage easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863-452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson
Engineer



**2931 Michigan Ave.
Fort Myers, FL 33916
Phone: 239-732-3805
FAX: 239-334-8575**

April 6, 2004

R2 Self Inc
C/O Faye H. Self
12811 Kenwood Ln #205
Ft Myers, Fl 33907

Re: 822 Palmetto Av, Lehigh Acres, Fl
Strap # 20-44-27-01-00003.0010

Dear Faye H. Self,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in black ink that reads "Mark Cook". The signature is written in a cursive, flowing style.

Mark Cook
Design Coordinator



April 28, 2004

R2 Self Inc
12811 Kenwood Lane
Suite 205
Fort Myers, Fla. 33907

RE: Proposed utility easement: 822 Palmetto Ave, Lehigh Acres, 33936
Strap: 20-44-27-01-00003.0010

To Whom It May Concern:

Your request for the above listed vacation of proposed utility easement has been reviewed. At this time, Time Warner Cable has no facilities in the above listed area with no future build 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 (239) 772-2218, Ext. 120

Sincerely,

TIME WARNER CABLE

Adnaldo Rodriguez
Technical Field Inspector

AR/ss



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.lline.com

April 13, 2004

R2 Self, Inc.
Attn: Faye H. Self
12811 Kenwood Ln., Suite 205
Ft. Myers, FL 33907

Re: Strap No. 20-44-27-01-00003.0010

Dear Ms. Self:

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

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 1 and 2, Block 3, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 82, of the Public Records of Lee County, Florida, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

280 Wekiva Springs Road, Suite 203, Longwood, Florida 32779, Ph: (407) 629-6900, Fax: (407) 629-6963

May 24, 2004

Faye H. Self
12811 Kenwood Lane, Suite 205
Fort Myers, FL. 33907
(239) 278-1138

RE: Vacation of Easement for 822 Palmetto Ave, Lehigh Acres

Dear Ms. Self:

The FGUA Board met May 21, 2004 and determined that they do not presently hold any property rights over the address identified above other than the plat reservation. They also determined that the FGUA has no current utilities in the utility easement nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the Board approved the request for vacation of easement May 21, 2004.

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the North side of Lot 2 and South side of Lot 1 (excluding the Easterly and Westerly 6 feet) of Block 3, Unit 1, in Lehigh Acres as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

A handwritten signature in black ink, appearing to read "Charles Sweat", is written over a horizontal line.

Charles Sweat
Director of Operations



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8531

Bob Janes
District One

April 5, 2004

Douglas R. St. Cerny
District Two

Faye H. Self

Ray Judah
District Three

R2 Self, Inc.

Andrew W. Coy
District Four

12811 Kenwood Lane, Suite 205

Fort Myers, FL 33907

John E. Albion
District Five

SUBJECT: VACATION OF PLATTED EASEMENT(S)

STRAP #S: 20-44-27-01-00003.0010

Donald D. Stilwell
County Manager

LOTS 1 & 2, BLOCK 3 - LEHIGH ACRES, UNIT 1

822 PALMETTO AVENUE

James G. Yaeger
County Attorney

Dear Ms. Self:

Diana M. Parker
County Hearing
Examiner

Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated attachment. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Mike Currier with the Florida Governmental Utility Authority at 368-1615, extension 14 concerning your request, as the subject parcel appear to be located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239)479-8531.

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

CC: Correspondence File

Original Mailed 04/05/04
Copied Via Facsimile #(239)278-1138

SAUTILS\Engr\TAK\LETTERS\VAC\FY 2004\R2 Self - Palmetto Av - Lehigh.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

479-8585

Bob Janes
District One

June 24, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Ms. Faye H. Self
R2 Self, Inc.
12811 Kenwood Lane,
Suite 205,
Fort Myers, FL 33907

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: **VAC2004-00029 - Petition to Vacate** a 12-foot Public Utility Easement centered on the common lot line between Lots 1 and 2, Block 3, Unit 1, Lehigh Acres, as recorded in Plat Book 15 at Page 28 of the Public Records of Lee County, FL, LESS and EXCEPT the easterly six feet and westerly six feet of each easement (Ullemeyer)

Dear Ms. Self:

You have indicated that in order to build a single-family residence on the combined lots, your client desires to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 822 Palmetto Avenue, 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

U:\200406\20040526.151\4272050\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number **(239) 479-8124**

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Tuesday, April 06, 2004

Ms. Faye H. Self
R2 Self, Inc.
12811 Kenwood Lane
Suite 205
Fort Myers, FL 33907

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 1 & 2, Block 3, Unit 1, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 82, in the public records, Lee County, Florida.

Dear Ms. Self:

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 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: John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Ruth Keith, Development Services

H:\MyFiles\My Doxs\vac424.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

April 2, 2004

Ms. Faye H. Self
R2 Self, Inc.
12811 Kenwood Lane, Suite 205
Fort Myers, FL 33907

**RE: Petition to Vacate the 12 foot wide utility easement
On the lot line common to Lots 1 and 2, Block 3,
Unit 1, Lehigh Acres, Plat Book 15, Page 28,
Section 20, Township 44 South, Range 27 East**

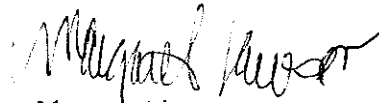
Dear Ms. Self:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. DOT has no facilities within the easement and does not maintain it.

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: Ruth Keith, Development Services
Allen Davies, Natural Resources
Terry Kelley, Utilities

S:\DOCUMENT\Petition To Vacate\2004\Lots 1 & 2, Block 3 Lehigh - Self.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00029**

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. VAC2004-00029 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
VAC2004-00029

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block 3, Unit 1, Section 20, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 28 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00029

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.

LEE COUNTY
CHARLIE GREEN, CLERK

SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

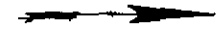
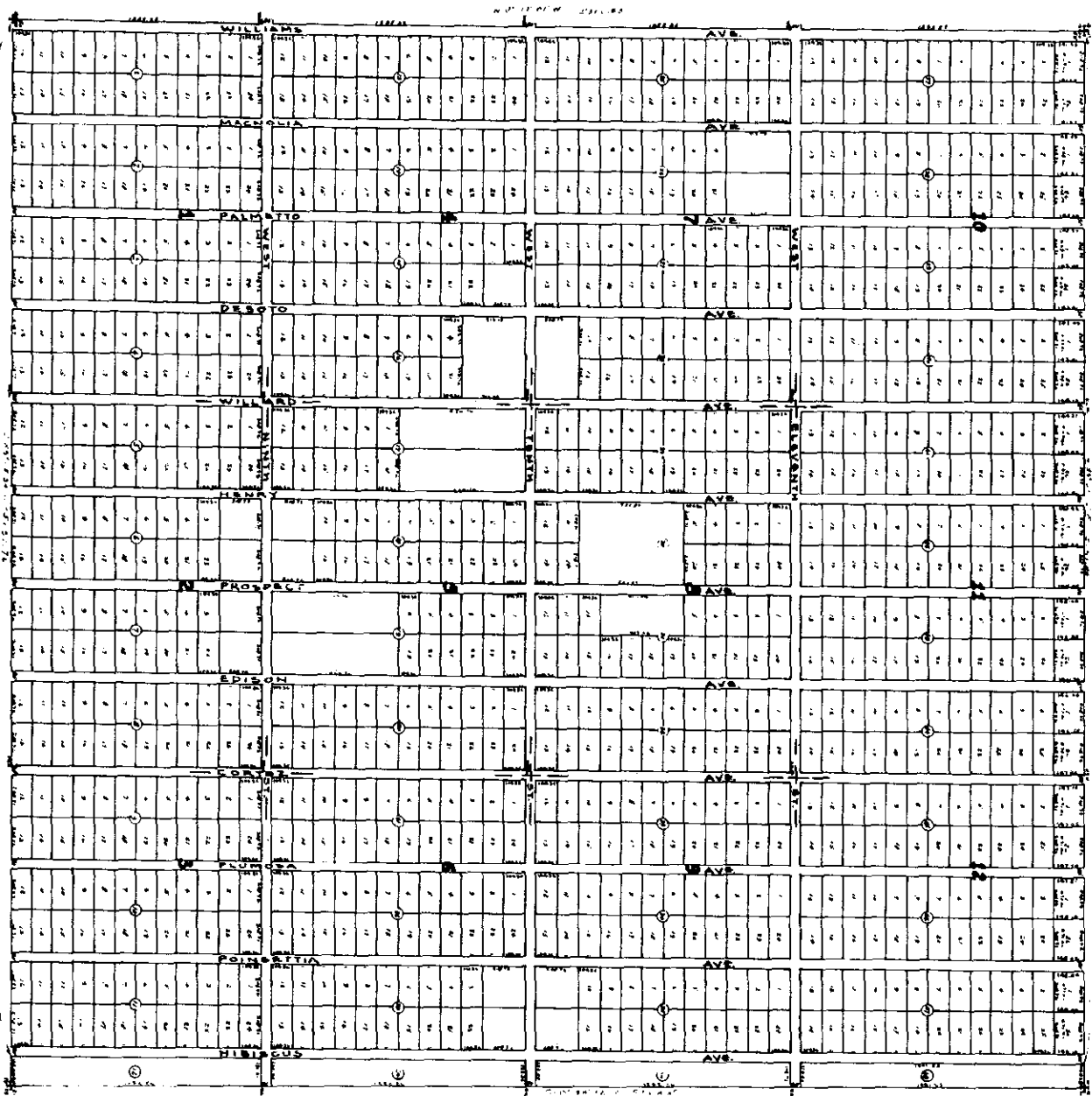
Please Print Name

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LESS and EXCEPT the easterly six feet and westerly six feet of each easement.



PLAT
OF
SECTION 20
TWP 44S R06E27E

A SUBDIVISION OF

LEHIGH ACRES

LEB. COUNTY, PA.
LEB. COUNTY LAND & TRUST CO.
28 HUNTERSVILLE

JAN 16, 1926

CHARITABLE OR GRANT
I HEREBY CERTIFY that the plat shown
herein is a correct representation of the land
as shown on the Pennsylvania Reference Map
and that the same is in accordance with the
Act of April 22, 1913, P.L. 107, Act No. 107.

NOTARY PUBLIC
LEB. COUNTY, PA.
JAMES H. [Name]
[Address]

NOTE:
Dimensions, Bearings, Lot area, Line Lengths, etc.
Obtainable on Request from LEHIGH ACRES

WILFIA

1	27	18
2	28	19
3	29	20
4	30	21
5	31	22
6	1	23
7	2	24
8	3	25
9	4	26
10	5	27
11	6	28
12	7	29

MARZOLIA

1	26	17
2	27	18
3	28	19
4	29	20
5	30	21
6	31	22
7	1	23
8	2	24
9	3	25
10	4	26
11	5	27
12	6	28

PALZETTO

1	24	15
2	25	16
3	26	17
4	27	18
5	28	19
6	29	20
7	30	21
8	31	22
9	1	23
10	2	24
11	3	25
12	4	26

DESOTO

1	23	14
2	24	15
3	25	16
4	26	17
5	27	18
6	28	19
7	29	20
8	30	21
9	31	22
10	1	23
11	2	24
12	3	25

WILLARD

1	22	13
2	23	14
3	24	15
4	25	16
5	26	17
6	27	18
7	28	19
8	29	20
9	30	21
10	31	22
11	1	23
12	2	24

IRZLEY

1	21	12
2	22	13
3	23	14
4	24	15
5	25	16
6	26	17
7	27	18
8	28	19
9	29	20
10	30	21
11	31	22
12	1	23

PROSPER

1	20	11
2	21	12
3	22	13
4	23	14
5	24	15
6	25	16
7	26	17
8	27	18
9	28	19
10	29	20
11	30	21
12	31	22



SCALE: 0 10' 20' 30' 40'

UNIT BOUNDARY

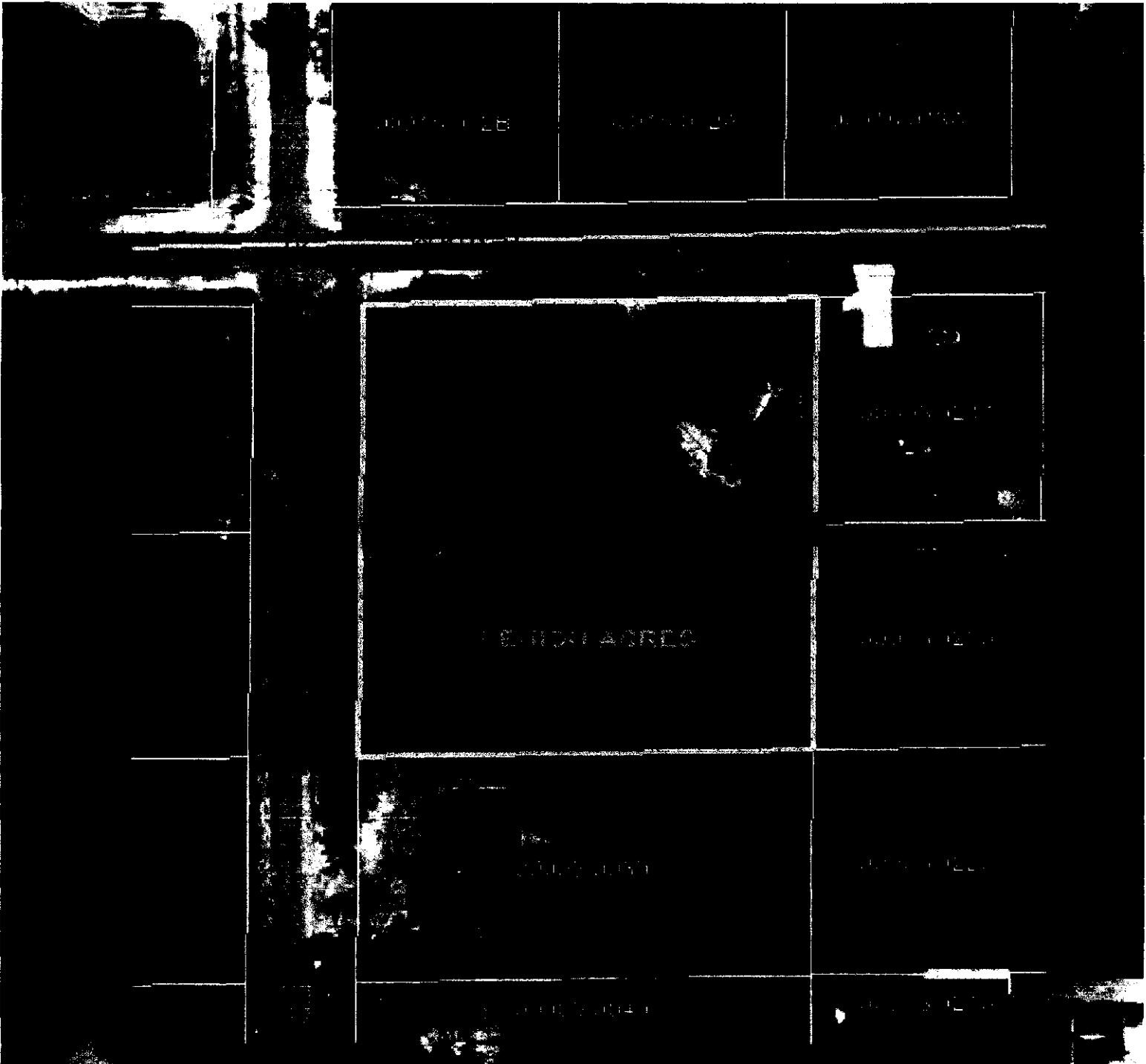
JAN 16, 1956

CERTIFICATE OF SURVEY

I HEREBY CERTIFY that the plat shown herein is a correct representation of the land as platted, and the Permanent Reference Monuments have been placed as shown

Paul J. Powell, Inc. Ltd.
Florida Registered Land Surveyor No. 613
Engineer No. 5800

NOTE:
ALL CORNERS SUBJECT TO A 60
UTILITY ENCROACHMENT ON ALL SIDES OF LOT
INTERIOR PERMITS 2434722 CONCEALED
BY CONCRETE CURB AND GUTTER
ALL CORNERS EQUAL TO AREA, EXCEPT WHERE NOTED



Easement to be vacated