

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 4668 Little River Ln., Fort Myers, located off of Orange River Blvd., west of Buckingham Rd., and adopt a resolution, setting a Public Hearing for 5:00 PM on the 26th day of April, 2005. (Case No. VAC2005-00006).

2. WHAT ACTION ACCOMPLISHES: To build a single-family residence on the combined 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.**

3. MANAGEMENT RECOMMENDATION: N/A

4. Departmental Category:
COMMISSION DISTRICT #: 5

C4B

5. Meeting Date: *03-29-2005*

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177
 Ordinance
 Admin. Code 13-1
 Other

8. Request Initiated:
 Commissioner _____
 Department Community Development
 Division Development Services
 By: *Mary Gibbs*
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2005-00006 was submitted by Richard H. and Nola J. Houck.

LOCATION: The site is located at **4668 Little River Ln., Fort Myers, Florida 33905** and its strap number is 35-43-25-07-0000C.0120. Petition No. VAC2005-00006 proposes to vacate a twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 12 and 13, both in Block C, Orange River Hills, a subdivision of a part of Section 35, Township 43 South, Range 25 East, as recorded in Plat Book 29, Pages 34 - 39 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly ten feet and westerly six feet thereof.

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.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director
<i>Mary Gibbs</i>				<i>[Signature]</i>	<i>3/16/05</i>	<i>[Signature]</i>
					Analyst <i>3/11/05</i>	
					Risk <i>3/16/05</i>	
					Grants <i>3/11/05</i>	
					Mgr. <i>3/14/05</i>	<i>03-16-05</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

Rec. by CoAtty
 Date *3/9/05*
 Time: *1:30*
 Forwarded To: *Admin. 3/11/05 10:30 am*

RECEIVED BY COUNTY ADMIN: *[Signature]*
3/11/05
 11:20
 COUNTY ADMIN FORWARDED TO: *[Signature]*
3/16/05
4pm

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00006

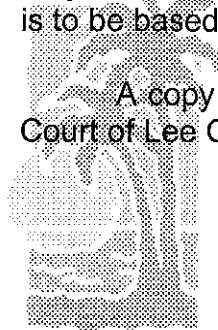
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 26th day of April 2005 @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

S O U T H W E S T F L O R I D A

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2005-00006

Legal Description of the Drainage and Public Utility Easement to be Vacated:

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 12 and 13, both in Block C, Orange River Hills, a subdivision of a part of Section 35, Township 43 South, Range 25 East, as recorded in Plat Book 29, Pages 34 - 39 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly ten feet and westerly six feet thereof.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2005-00006

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. VAC2005-00006 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
VAC2005-00006

Legal Description of the Drainage and Public Utility Easement to be Vacated:

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 12 and 13, both in Block C, Orange River Hills, a subdivision of a part of Section 35, Township 43 South, Range 25 East, as recorded in Plat Book 29, Pages 34 - 39 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly ten feet and westerly six feet thereof.



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2005-00006

Petitioner(s) Richard & NOLA Houck
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, 18714 Spruce Dr. W. Ft. Myers. FL 33912
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:

Nola J. Houck
Petitioner Signature

[Signature]
Petitioner Signature

NOLA J. Houck
Printed Name

RICHARD H. Houck
Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.

EXHIBIT "A"
Petition to Vacate
VAC2005-00006

Legal Description of the Drainage and Public Utility Easement to be Vacated:

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 12 and 13, both in Block C, Orange River Hills, a subdivision of a part of Section 35, Township 43 South, Range 25 East, as recorded in Plat Book 29, Pages 34 - 39 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly ten feet and westerly six feet thereof.

LAND SURVEY

LOTS 12 & 13, BLOCK C, ORANGE RIVER HILLS, AS RECORDED
IN PLAT BOOK 29, PAGES 34-40, (INCLUSIVE) OF THE PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

THE PROPERTY SHOWN HEREON IS LYING IN ZONE AE
OF THE NATIONAL FLOOD INSURANCE PROGRAM. ELEVATION - 8'

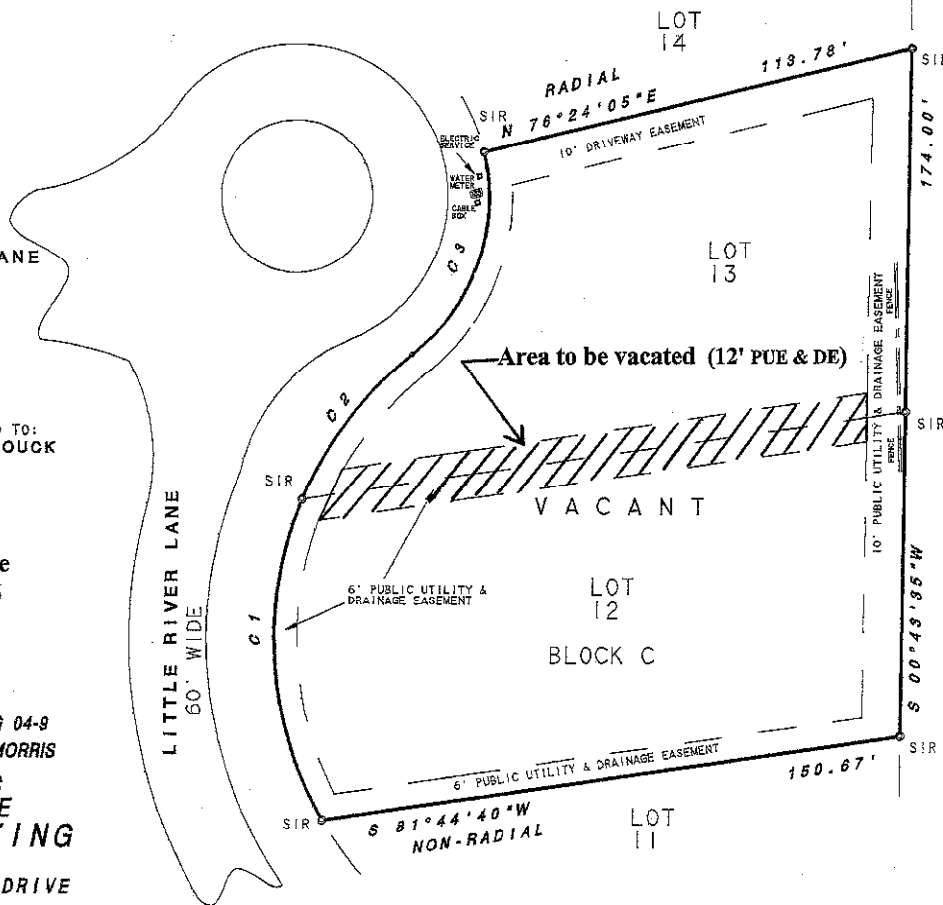
CURVE	DELTA ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
C 1	53°38'53"	90.00'	84.27'	81.23'	N 03°58'11"W
C 2	29°37'17"	90.00'	46.53'	46.01'	N 37°41'54"E
C 3	88°06'28"	50.00'	57.69'	54.54'	N 19°27'19"E

LITTLE RIVER LANE
60' WIDE

THIS SURVEY IS CERTIFIED TO:
RICHARD & NOLA HOUCK

Exhibit "B"
Petition to Vacate
VAC2005-00006
[Page One of One]

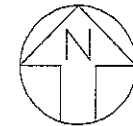
FILE DISK: AUG 04-9
CREW: HOLMES/MORRIS
ATTORNEY'S
REAL ESTATE
LAND SURVEYING
INC.
1930 PARK MEADOWS DRIVE
SUITE 9
FORT MYERS, FLORIDA
(239) 277-7330
(239) 277-7332 FAX



SURVEYORS NOTES:
1) FIR - FOUND 1/2" IRON ROD
UNLESS SHOWN OTHERWISE.
2) BEARINGS PER RECORDED PLAT CENTERLINE.
3) SIR - SET 1/2" IRON ROD #LB6594.

PROPERTY ADDRESS:
4665 LITTLE RIVER LANE
FORT MYERS, FLORIDA

UNPLATTED



SCALE 1 INCH = 30 FEET
0 30 60

DATE:
AUGUST 6, 2004

THIS SURVEY MEETS THE MINIMUM REQUIREMENTS PURSUANT TO CHAPTER 472, FLORIDA STATUTES, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CERTIFIED TITLE REQUIREMENTS OF THE FLORIDA ZONING ACT. UNLESS OTHERWISE INDICATED, THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND HAPPENED ON THE DATE AND AT THE PLACE SHOWN HEREON. THIS SURVEY IS NOT VALID UNLESS AUTHORIZED BY THE SIGNATURE AND SEAL OF THE SURVEYOR.

L. LARRY GARDNER, SURVEYOR AND MAPPER #4294
NOT VALID WITHOUT EMBOSSED SEAL
JOB NUMBER: 04-1060

Exhibit "C"
Petition to Vacate
VAC2005-00006
 [Page One of One]

Lee County Tax Collector - Print Results



Real Property Information		New Search
Account	Tax Year	Status
35-43-25-07-0000C.0120	2004	PAID
Original Account	Book/Page	
35-43-25-07-0000C.0120	4367/1696	
Owner		
HOUCK RICHARD H + NOLA J		
Physical Address		Mailing Address
4668 LITTLE RIVER LN FORT MYERS FL 33905		18714 SPRUSE DR W FORT MYERS FL 33912 USA
Legal Description		
ORANGE RIVER HILLS BLK C PB 29 PG 39 LOTS 12 + 13 + 2/77 INT PARL 1		
Outstanding Balance as of 3/3/2005		\$0.00

Exhibit A



This Instrument Prepared By: Carol Townsend
PATRIOT TITLE SERVICES, LLC
2149 McGregor Blvd
Fort Myers, Florida 33901
File Number: CAT-0480
Strap Number: 35-43-25-07-0000C.0120

INSTR # 6359729
OR BK 04367 Pgs 1696 - 1697; (2pgs)
RECORDED 07/16/2004 09:26:52 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
DEED DOC 200.00
DEPUTY CLERK T Baer

Warranty Deed

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this 14 day of July, 2004, BETWEEN

Robert J. Kemp and Margaret N. Kemp, Husband and Wife

whose post office address is: 2313 LaSalle Avenue, Fort Myers, FL 33907, grantor

and

Richard H. Houck and Nola J. Houck, Husband and Wife

whose post office address is: 18714 Spruce Drive West, Ft. Myers, FL 33912, grantee,

2
WITNESSETH: That the said grantor, for and in consideration of the sum of Ten (\$10.00) Dollars, 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, successors and assigns forever, the following described land, situate, lying and being in Lee County, Florida towit:

Lot 12 and an undivided 1/77th interest in and to Block F, also known as Recreational Area Parcel 1, Orange River Hills, according to the plat thereof as recorded in Plat Book 29, Pages 39, inclusive, Public Records of Lee County, Florida.

Subject to easements and restrictions of record, if any, which are specifically not extended or reimposed hereby. Subject to taxes and assessments.

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

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:
(Two Separate Witnesses Required)

CA Townsend
Witness #1 signature

CAROL A. TOWNSEND
Witness #1 print name

Melissa J Hogenson
Witness #2 signature

Melissa J Hogenson
Witness #2 print name

Robert J. Kemp
Robert J. Kemp

Margaret N. Kemp
Margaret N. Kemp

STATE OF FLORIDA COUNTY OF LEE

I HEREBY CERTIFY, that on this 17 day of July, 2004, before me personally appeared **Robert J. Kemp and Margaret N. Kemp, Husband and Wife**, who is personally known to me or who has provided Drivers License as identification and who is the person described in and who executed the foregoing instrument and who after being duly sworn says that the execution hereof is free act and deed for the uses and purposes herein mentioned.

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by my hand and official seal, the day and year last aforesaid.

CA Townsend
Notary Public

My Commission Expires:
(seal)

Notary printed



Exhibit A



Return to: Melissa Norworthy
Name: Executive Title Insurance Services, Inc.
Address: 1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

INSTR # 6249176
DR BK 04278 Pg 1279; (1pg)
RECORDED 05/03/2004 06:48:04 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 245.00
DEPUTY CLERK L Wheat

This Instrument Prepared:
Melissa Norworthy
Executive Title Insurance Services, Inc.
1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
35-43-25-07-0000C.0130

File No: 7041081

WARRANTY DEED

This Warranty Deed Made the 16th day of April, 2004, by

Rick Summers and Sandy Summers, Husband and Wife,
hereinafter called the grantor,
whose post office address is: 320 Shore Drive, Ft. Myers, FL 33905

to

Richard H. Houck and Nola J. Houck, Husband and Wife,
whose post office address is: 18714 Spruce Drive W., Ft. Myers, FL 33912,
hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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:

Lot 13, Block C, of that certain subdivision known as ORANGE RIVER HILLS, according to the plat thereof, as
recorded in Plat Book 27, Page 39, Public Records of Lee County, Florida, together with an undivided 1/77th
interest in Block E, ORANGE RIVER HILLS

The property is not the homestead of the Grantor(s).

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 January 1, 2004, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE WITNESSES REQUIRED)

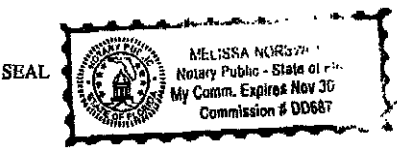
1st Witness Signature: [Signature]
Printed Name: Rick Summers
2nd Witness Signature: [Signature]
Printed Name: Sandy Summers

[Signature] Rick Summers
Rick Summers
[Signature] Sandy Summers
Sandy Summers

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 16 day of April 04, by Rick
Summers and Sandy Summers, Husband and Wife, who is/are personally known to me or who has/have
produced driver license(s) as identification, and who did / did not take an oath.

My Commission Expires:



[Signature] Notary Signature
Print Name: Melissa Norworthy
Serial Number

Richard & Nola Houck
18714 Spruce Drive W.
Ft. Myers, FL 33912

February 18, 2005

Oscar & Catalina Tapia
4652 Little River Lane
Ft. Myers, FL 33905

Dear Oscar & Catalina;

Lee County is requiring us to formally notify you, as the owner of Lot 14 in Orange River Hills, that we have purchased Lots 12 & 13 and plan to build a single family home in the middle of the two lots. In order for us to build in the middle of our lots, we must vacate the Utility & Drainage Easement on our property.

Vacating the easement on our property does not affect your property. This notification, to the property owners on both sides (Lots 11 & 14), is just a formality required by the county. No action by you is required.

If you have any questions, please feel free to contact me at 340-8625 or Ruth at Lee County Department of Community Development 479-8440.

Sincerely,

Nola Houck

Richard & Nola Houck
18714 Spruce Drive W.
Ft. Myers, FL 33912

February 18, 2005

Mindy Bowen
5226 Cedarbend Drive # 4
Ft. Myers, FL 33919

Dear Ms. Bowen,

Lee County is requiring us to formally notify you, as the owner of Lot 11 in Orange River Hills, that we have purchased Lots 12 & 13 and plan to build a single family home in the middle of the two lots. In order for us to build in the middle of our lots, we must vacate the Utility & Drainage Easement on our property.

Vacating the easement on our property does not affect your property. This notification, to the property owners on both sides (Lots 11 & 14), is just a formality required by the county. No action by you is required.

If you have any questions, please feel free to contact me at 340-8625 or Ruth at Lee County Department of Community Development 479-8440.

Sincerely,

Nola Houck

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Oscar Tapia 4652 Little River Ln Ft. Myers, FL 33905</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery 2/19</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service)</p>		<p>7004 1160 0001 8625 8601</p>	

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-Z-0985

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mindy Bowen # 5226 Cedar bend 4 Ft. Myers, FL 33919</p>		<p>B. Received by (Printed Name) Mindy Bowen</p>	<p>C. Date of Delivery 2/28/05</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7004 1160 0001 8625 8595</p>	

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-Z-0985



BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

March 3, 2005

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Diana M. Parker
County Hearing Examiner

Richard H. and Nola J. Houck,
18714 Spruce Dr. W.,
Fort Myers, FL 33912

Re: **VAC2005-00006 - Petition to Vacate** a 12-foot wide Drainage and Public Utility Easement on the combined lots of 12 and 13, Block C, Orange River Hills, a subdivision of a part of S 35, T 43 S, R 25 E, as recorded in PB 29, Pgs 34 - 39 of the Public Records of Lee County, FL; **LESS and EXCEPT** the easterly ten feet and westerly six feet thereof.

Dear Mr. & Mrs. Houck:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Drainage and Public Utility Easement located between your two (2) lots. The site is located at 4668 Little River Ln., Fort Myers. 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:\200503\20050127.103\1041340\DCDLETTER.DOC

Richard & Nola Houck
18714 Spruce Dr. W.
Ft. Myers, FL 33912

RECEIVED
FEB 22 2005

COMMUNITY DEVELOPMENT

February 18, 2005

Lee County
Department of Community Development
1500 Monroe Street
Ft. Myers, FL 33901

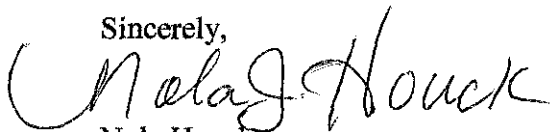
RE: VAC2005-00006
Strap Number 35-43-25-07-0000C.0120
Orange River Hills
Block C PB 29 PG 39
• Lots 12 & 13 + 2/77 INT PARL 1
4668 Little River Lane Ft. Myers, FL 33905

To Whom It May Concern:

This letter is to inform the DCD of our plans on to build on the above mentioned property. We plan to build a single family home in the middle of Lots 12 & 13. We are required to file a petition to vacate the Utility & Drainage Easement between the 2 lots. Orange River Hills is a small subdivision of 77 lots and does not have a Home Owner Association.

Thank you in advance for vacating this easement.

Sincerely,



Nola Houck
239-340-8625



Florida Power & Light Company

January 10, 2005

Nola J Houck
18714 Spruce Dr. W.
Fort Myers, FL 33912

Re: Proposed Vacation of Easement for 4668 Little River Ln.

Dear Mrs Houckl,

FPL would have no objection to vacating the utility easements common to lot's 12 & 13 Block C Less the East 10' and the West 6' Thereof. These lot's have the following strap numbers.

35-43-25-07-0000c.0120
35-43-25-07-0000c.0130

If you have any question, please call me at (239) 332-9160.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy Winfrey', written over a large, stylized circular flourish.

Roy Winfrey
Customer Project Manager



November 15, 2004

Nola J. Houck
18714 Spruce Drive W.
Ft. Myers, FL 33912

RE: Letter of Review and Recommendation

Dear Nola,

I have reviewed your provided drawings of the proposal to vacate the utility and drainage easement located at 4668 Little River Lane. Sprint has no facilities in the affected area, and has no objections regarding releasing this easement. Our facilities are located on the boundaries of lots 14 and 11, and no new facilities are planned for installation in this area.

If you have any questions, comments, or require additional information, please feel free to contact me. I can be reached at 239-336-2066

Yours truly,

A handwritten signature in black ink, appearing to read "David Tyer", written over a circular stamp or mark.

David Tyer
Engineer
Sprint

djt



**26930 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

November 5, 2004

Nola J. Houck
18714 Spruce Dr W
Ft Myers, Fl 33912

Re: 4668 Little River Lane Ft Myers, Fl 33905
Vacate Right-of-Way and/or Utility Easement

Dear Nola J. Houck,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of Right-of-way and/or Utility easement of the above referenced location.

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

Cordially,

A handwritten signature in cursive script, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

AmeriGas

America's Propane Company

January 20, 2004

Nola Houck
18714 Spruce Drive
Fort Myers, Florida 33912

Dear Ms. Houck:

In reference to your fax dated November 2, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 35-43-25-07-0000C.0120

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Jim Riefstahl
Sales & Service Manager



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

January 3, 2005

Nola J. Houck
18714 Spruce Dr. W.
Ft. Myers, FL 33912

RE: 4668 Little River Lane, Ft. Myers, FL 33905
Lots 12 & 13, Blk. C, Orange River Hills
P.B. 29, Pgs. 38-40
P.M. Tracking Log #04-89

Dear Ms. Houck:

In response to your letter we received on November 4, 2004 our staff conducted a review of your request to vacate the subject area as marked and generally described as: that portion of proposed right of way or road vacation at the above referenced location.

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

Sincerely,

Tom Kasten
Right of Way Agent
Property Management

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



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

December 13, 2004

Ms. Nola J. Honek
18714 Spruce Drive W.
Fort Myers, FL 33912

**RE: Petition to Vacate the 12' wide public utility
And drainage easement on the lot line common
To Lots 12 and 13, Block C, Orange River Hills
Subdivision, Plat Book 29, page 39, Section 35,
Township 43 South, Range 25 East**

Dear Ms. Honek:

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 offers no objection to this petition to vacate as proposed.

Very truly yours,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources\
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2004\Orange River Hills Subdivision - Honek.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Tuesday, December 28, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Nola J. Houck
18714 Spruce Drive W.
Fort Myers, FL 33912

Andrew W. Coy
District Four

John E. Albion
District Five

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 12 & 13, Block C, Orange River Hills Subdivision, as recorded in Plat Book 15 Page 173, in the public records, Lee County, Florida.

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Dear Ms. Houck:

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 a portion of the subject public utility and drainage easement provided that the Orange River Hills Home Owners Association has no objection to the subject petition to vacate.

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: Ruth Kieth, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac471.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8150

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

July 20, 2004

Nola J. Houck
18714 Spruce Dr. W.
Fort Myers, FL 33912

**SUBJECT: REVIEW & RECOMMENDATION
UTILITY AND DRAINAGE EASEMENT - VACATION REQUEST
ORANGE RIVER HILLS SUBDIVISION
STRAP #: 35-43-25-25-0000C.0120**

Dear Nola Houck:

Lee County Utilities is in receipt of your letter and associated attachments concerning the proposed Petition to Vacate an existing utility and drainage easement located within the Orange River Hills Subdivision as recorded in Plat Book 29, Page 39 of Lee County Public Records.

Lee County Utilities has reviewed your request and has **NO OBJECTION** to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, our records indicate that we have no potable water or sanitary sewer facilities within the area to be vacated.

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

Sincerely,

LEE COUNTY UTILITIES

David Reycraft
GIS Analyst
Utilities Engineering Division

Original Mailed 11/05/04

cc: Correspondence File

HE\Vacates\OrangeRiverHills.doc

ORANGE RIVER HILLS

A SUBDIVISION OF A PART OF SECTION 35, T43S, R25E
AND A RE-PLAT OF PART OF BLOCK 2
TERRY-TICE & VANDAWALKERS SUB'D., PLAT BOOK 1,
PAGE 46, SECTION 2, T44S, R25E,
LEE COUNTY, FLORIDA

Plat Book 29 Page 34

Sheet 1 of 6

HOWELL F. DAVIS & ASSOC., INC.

ENGINEERS & SURVEYOR
FORT MYERS, FLORIDA

SCALE 1" = 50'

MARCH 1974

LEGAL DESCRIPTION:

SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE BEING A PART OF SECTION 35, TOWNSHIP 43 SOUTH, RANGE 25 EAST AND ALSO BEING A PART OF BLOCK 2 OF TERRY-TICE & VANDAWALKERS SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 46 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF THE AFORESAID SECTION 2; THENCE S89°40'01"E ALONG THE NORTH LINE OF THE AFORESAID SECTION 2 A DISTANCE OF 643.50 FEET TO A POINT AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S89°40'01"E ALONG THE NORTH LINE OF THE AFORESAID SECTION 2 A DISTANCE OF 216.7 FEET; THENCE S0°15'51"W A DISTANCE OF 110.69 FEET TO THE NORTH-EASTERLY RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD; THENCE S38°36'18"E ALONG THE AFORESAID NORTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 491.03 FEET; THENCE N0°35'24"E A DISTANCE OF 1498.65 FEET TO THE SOUTH LINE OF THE AFORESAID SECTION 35; THENCE S89°14'01"E ALONG THE SOUTH LINE OF THE AFORESAID SECTION 35 A DISTANCE OF 882.01 FEET; THENCE N0°43'35"E A DISTANCE OF 575 FEET MORE OR LESS TO THE WATERS OF A BRANCH OF ORANGE RIVER; THENCE WESTERLY ALONG THE AFORESAID WATERS A DISTANCE OF 1500 FEET MORE OR LESS TO A POINT ON A LINE THAT BEARS N1°14'29"E AND A DISTANCE OF 397 FEET MORE OR LESS FROM THE PLACE OF BEGINNING; THENCE S1°14'29"W A DISTANCE OF 397 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

EASEMENT DEDICATION:

THE OWNERS OF THIS PLAT DO HEREBY DEDICATE EASEMENTS ALONG EACH BOUNDARY OF EACH LOT FOR COUNTY DRAINAGE PURPOSES AND PUBLIC UTILITIES; SAID EASEMENTS TO BE 6.0 FEET EACH SIDE OF SAID BOUNDARY, UNLESS OTHERWISE SHOWN.

787065

CERTIFICATE:

I HEREBY CERTIFY: THAT THE ATTACHED PLAT OF ORANGE RIVER HILLS HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, LAWS OF FLORIDA. I FURTHER CERTIFY: THAT THIS PLAT WAS FILED FOR RECORD AT 4:49 P.M. THIS 28th DAY OF MARCH A.D. 1974 AND DULY RECORDED IN PLAT BOOK 29 AT PAGES 34-35, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Sal Maria by Eric Kunt, Jr.
CLERK OF THE CIRCUIT COURT IN
AND FOR LEE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- (R) DENOTES RADIAL LINE
- DENOTES P.R.M. (PERMANENT REFERENCE MONUMENT)
- DENOTES P.C.P. (PERMANENT CONTROL POINT)
- P.U.E. DENOTES PUBLIC UTILITY EASEMENT
- DENOTES CONCRETE MONUMENT

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THE ATTACHED PLAT OF ORANGE RIVER HILLS IS A TRUE AND CORRECT REPRESENTATION OF THE HEREOF DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTIONS AND THAT PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH PROVISIONS OF CHAPTER 177, LAWS OF FLORIDA.

Howell F. Davis
HOWELL F. DAVIS
REGISTERED LAND SURVEYOR
CERTIFICATION No. 1884

APPROVALS:

THIS PLAT ACCEPTED THIS 20th DAY OF MARCH A.D. 1974, IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS, OF LEE COUNTY, FLORIDA.

Earl A. Woodhouse
APPROVED: CHAIRMAN

Sal Maria by Eric Kunt, Jr.
ATTEST: CLERK

Richard D. Marano
APPROVED: COUNTY ENGINEER
DEDICATION:

Edmund J. Humpal
APPROVED: COUNTY ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: THAT IRVING HAUSBAUCH AND GERTRUDE HAUSBAUCH, HUSBAND AND WIFE, THE OWNERS OF THE HEREOF DESCRIBED LAND HAVE CAUSED THIS PLAT OF ORANGE RIVER HILLS TO BE MADE AND HEREBY DEDICATE ALL STREET RIGHTS-OF-WAY AND PUBLIC UTILITY AND DRAINAGE EASEMENTS TO THE PERPETUAL USE OF THE PUBLIC, HEREBY REVOKING, VACATING AND ABROGATING ANY PLAT OR PLATS OF ANY PART OF SAID LANDS HERETOFORE MADE IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 21st DAY OF February A.D. 1974.

WITNESS: Eric Kunt

OWNER: Irving Hausbauch
IRVING HAUSBAUCH

WITNESS: Louise Harris

OWNER: Gertrude Hausbauch
GERTRUDE HAUSBAUCH

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY: THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, IRVING HAUSBAUCH AND GERTRUDE HAUSBAUCH, HUSBAND AND WIFE, THE OWNERS, TO ME KNOWN TO BE THE PERSONS WHO SIGNED THE FOREGOING EXECUTION AND THEY ACKNOWLEDGE THE EXECUTION THEREOF TO BE THEIR FREE ACT AND DEED FOR THE USE AND PURPOSE THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THIS 21st DAY OF February A.D. 1974
MY COMMISSION EXPIRES: February 26, 1975

Wendell F. Cary
NOTARY PUBLIC

**MORTGAGEE
CONSENT TO DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS: THAT JOHN L. PULS, TRUSTEE, HOLDER OF A CERTAIN MORTGAGE OF THE HEREOF DESCRIBED LANDS, HEREBY CONSENTS TO RATIFY, APPROVE AND CONFIRM THE PLAT DEDICATIONS APPEARING HEREOF THIS 21st DAY OF February A.D. 1974.

WITNESS: Eric Kunt

TRUSTEE: John L. Puls
JOHN L. PULS

WITNESS: Louise Harris

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, JOHN L. PULS, TRUSTEE, TO ME KNOWN TO BE THE PERSON WHO SIGNED THE FOREGOING EXECUTION AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED FOR THE USE AND PURPOSE THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THIS 21st DAY OF February A.D. 1974
MY COMMISSION EXPIRES: February 26, 1975

Wendell F. Cary
NOTARY PUBLIC

ORANGE RIVER HILLS

A SUBDIVISION OF A PART OF SECTION 35, T43S, R25E
AND A RE-PLAT OF PART OF BLOCK 2
TERRY-TICE & VANDAWALKERS SUB'D, PLAT BOOK 1,
PAGE 46, SECTION 2, T 44S, R25E, LEE COUNTY, FLORIDA.

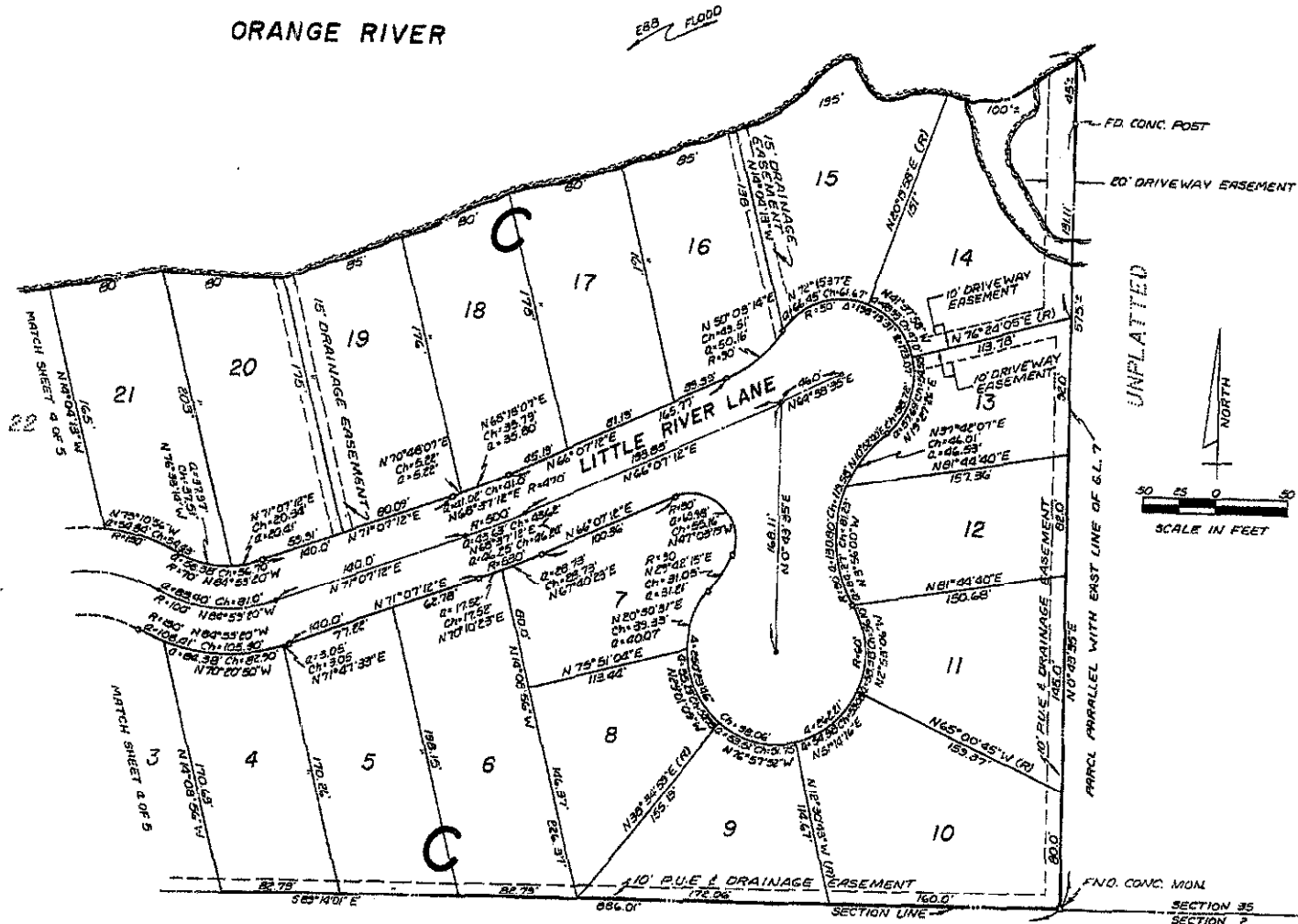
HOWELL F. DAVIS & ASSOC. INC.
ENGINEERS & SURVEYORS
FORT MYERS, FLORIDA

SCALE: 1" = 50'

MARCH 1974

Plat Book 29 Page 39

Sheet 6 of 6



NOTES: —+— DENOTES (PERMANENT REFERENCE MONUMENT)
—•— DENOTES (PERMANENT CONTROL POINT)
(R) DENOTES RADIAL LINE
P.U.E. DENOTES PUBLIC UTILITY EASEMENT
—□— DENOTES CONCRETE MONUMENT

BLOCK 2 TERRY-TICE & VANDAWALKERS SUB'D.

P.B.1 PG. 46



00009 0000

0000C 0150

0000C 0140

0000C 0120

0000C 0070

0000C 0110

0000C 0100

0000C 0090



Area to be vacated