

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 20-foot wide platted Right-of-Way located adjacent to 19490 S. Tamiami Trail, in San Carlos Park approx. 1/2 mile north of Estero Parkway (Case No. VAC2006-00021).

2. WHAT ACTION ACCOMPLISHES: To unify two parcels adjacent to the undeveloped right-of-way owned by the petitioner into a single parcel. No additional development is planned at this time. **The vacation of this right-of-way will not alter existing traffic or drainage conditions and the right-of-way is not necessary to accommodate any future traffic or drainage requirement.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 3

9:30 AM PH I

5. Meeting Date:

SEP 8 2006

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: 

Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2006-00021 was submitted by Sarah E. Spector, Esq. and Henderson, Franklin, Starnes & Holt, P.A. on behalf of their client Cora Battista.

LOCATION: The site is located adjacent to 19490 S. Tamiami Trail, Ft. Myers, Florida 33908 and its strap number is 20-46-25-01-00011.0000. Petition No. VAC2006-00021 proposes to vacate a twenty-foot (20') wide platted Right-of-Way adjacent to Lot 18, Section 20, Township 46 South, Range 25 East, the Plat of San Carlos Grove Tract, as recorded in Plat Book 4, Page 75 of the Public Records of Lee County, Florida.

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

The petitioner owns the property on both sides of the undeveloped right-of-way. Access to surrounding properties will not be impacted. There are no objections to this Petition to Vacate.


Attached to this Blue sheet is the Petition to Vacate, 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
					Analyst	Risk	Grants	Mgr.	
M. Gibbs				J. Spector	8/25/06	8/25/06	8/28/06	8/28/06	HS 8/25/06

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: 
8/25/06 4:06 pm
COUNTY ADMIN FORWARDED TO: PH
8/29/06
Tom

Rec. by CoAtty
Date: 8/23/06
Time: 3:40pm
Forwarded to: Co. Adm.
8/25/06 2PM



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: July 14, 2006

To: Kim Kirton
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20060728

CASE NUMBER: VAC2006-00021

Applicable Public Noticing Requirement:

PTV under AC13-1

1st Notice - 15 days prior to Public Hearing
2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8

One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and John Fredyma, Assistant County Attorney (fredymjj@leegov.com).

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2006-00021

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the ~~26th~~ day of ~~September~~ 2006 at ~~9:30~~^{AM} 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.

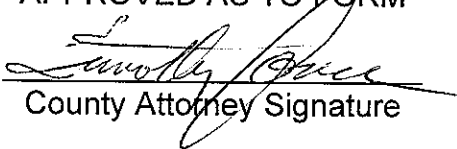
A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

LEE COUNTY
S O U T H W E S T F L O R I D A
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM


County Attorney Signature

Timothy Jones

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description
Of
Roadway to be Vacated in
Section 20, Township 46 South, Range 25 East
Lee County, Florida

A tract or parcel of land being a part of a road as per plat of San Carlos Grove Tract as recorded in Plat Book 4 at Page 75 of the Lee County Records lying in Section 20, Township 46 South, Range 25 East, Lee County, Florida, being further described as follows:

From the east quarter corner of said Section 20 run west along the south line of the northeast quarter of said Section 20 for 1202.30 feet to an intersection with the southwesterly line of the Tamiami Trail (State Road No. 45) (200 feet wide) and the Point of Beginning.

From said Point of Beginning continue west along the south line of the northeast quarter of said Section 20, the south line of a Road Right-of-Way as shown on said recorded plat and the north line of lands described in Deed Book 246 at Page 210 of the Lee County Records and the north line of Lot 8, Schoentag unrecorded subdivision, for 785.07 feet to the northwest corner of said Lot 8; thence run N00°35'40"W for 20.69 feet to an intersection with the south line of Lot 18, San Carlos Grove Tract, and the north line of said roadway; thence run N89°24'20"E along the south line of said Lot 18 and the north line of said roadway for 764.85 feet to an intersection with the southwesterly line of the Tamiami Trail (State Road No. 45); thence run S35°41'49"E along said southwesterly line for 35.10 feet to the Point of Beginning.

Containing 19,050 square feet more or less.

Bearings hereinabove mentioned based on the south line of the northeast quarter of said Section 20 to bear S90°00'00"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

W. Britt Pomeroy, Jr., P.L.S. 4448

34215DESC2

8/18/05

Exhibit "A"
Petition to Vacate
VAC2006-00021
[Page One of One]

EXHIBIT - A

Page 1 of 2

RECEIVED

MAY 15 2006

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS



VAC 2006-00021

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2006-00021

WHEREAS, Petitioner Cora Battista in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the _____; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2006-00021 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

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

Chairwoman Signature

Please Print Name

Please Print Name

LEE COUNTY
SOUTHWEST FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

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From said Point of Beginning continue west along the south line of the northeast quarter of said Section 20, the south line of a Road Right-of-Way as shown on said recorded plat and the north line of lands described in Deed Book 246 at Page 210 of the Lee County Records and the north line of Lot 8, Schoentag unrecorded subdivision, for 785.07 feet to the northwest corner of said Lot 8; thence run N00°35'40"W for 20.69 feet to an intersection with the south line of Lot 18, San Carlos Grove Tract, and the north line of said roadway; thence run N89°24'20"E along the south line of said Lot 18 and the north line of said roadway for 764.85 feet to an intersection with the southwesterly line of the Tamiami Trail (State Road No. 45); thence run S35°41'49"E along said southwesterly line for 35.10 feet to the Point of Beginning.

Containing 19,050 square feet more or less.

Bearings hereinabove mentioned based on the south line of the northeast quarter of said Section 20 to bear S90°00'00"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

W. Britt Pomeroy, Jr., P.L.S. 4448

34215DESC2

8/18/05

Exhibit "A"
Petition to Vacate
VAC2006-00021
[Page One of One]

EXHIBIT - A

Page 1 of 2

RECEIVED

MAY 15 2006

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

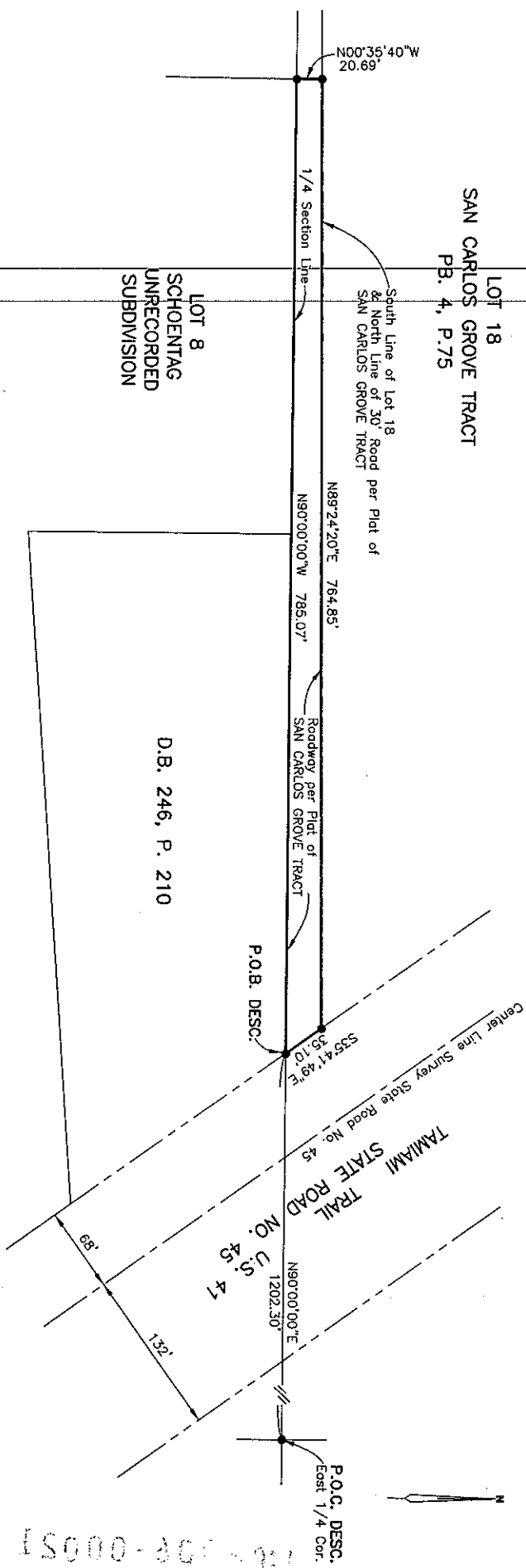
PRINCIPALS:
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SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



VAC 2006-00021

EXHIBIT - B
 SKETCH TO ACCOMPANY DESCRIPTION
 OF
 PARCEL IN
 SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA



THIS IS NOT A SURVEY

W. Behti Pomero, Jr.
 W. Behti POMERO, JR.
 Registered Land Surveyor
 Florida Certificate No. 4448

Bean, Whitaker, Lutz & Karel, Inc. (tg 4939)	
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS	
13041-1 INDEPENDENCE BOULEVARD, FORT MYERS, FLORIDA 33904-9010 (239) 481-1331	
DATE	PROJECT NO.
8-18-05	34215
SCALE	SHEET
1" = 100'	2 OF 2
FILE NO. (S-1-8)	DATE
20-48-25	



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2006-00021

Petitioner(s), Cora Battista (Represented by Sarah E. Spector, Esq., Henderson, Franklin) 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, 1715 Monroe Street, Fort Myers, FL 33902
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:

Cora Battista
Petitioner Signature

Petitioner Signature

Cora Battista
Printed Name

Printed Name

RECEIVED
MAY 15 2006

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

VAC 2006-00021

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 19490 S Tamiami Trail, Fort Myers, FL 33908 (STRAP 20-46-25-01-00011.0000) 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 Sarah E. Spector, Esq., Henderson, Franklin, Starnes & Holt PA 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.

Cora Battista

Owner*(signature)

Cora Battista

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 15th day of June, 2005, by Cora Battista, who is personally known to me or who has produced as identification and who did (did not) take an oath.

Marisa Spradlin

Notary Public

MARISA SPRADLIN

(Name typed, printed or stamped)

(SEAL)



Marisa Spradlin
MY COMMISSION # DD228907 EXPIRES
July 8, 2007
BONDED THRU TROY FAJN INSURANCE, INC.

RECEIVED

MAY 15 2006

VAC 2006-00021



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

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W. Britt Pomeroy, Jr., P.L.S. 4448

34215DESC2

8/18/05

Exhibit "A"
Petition to Vacate
VAC2006-00021
[Page One of One]

EXHIBIT - A

Page 1 of 2

RECEIVED

MAY 15 2006

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

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CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

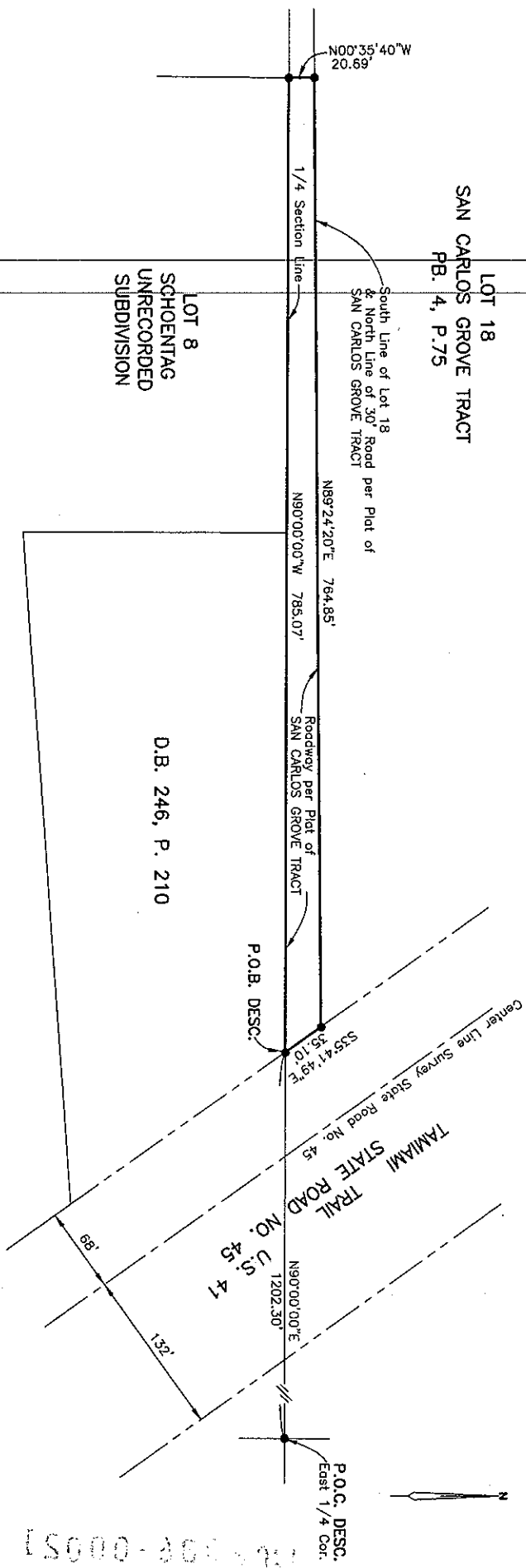


VAC 2006-00021

EXHIBIT - B

SKETCH TO ACCOMPANY DESCRIPTION

OF
 PARCEL IN
 SECTION 20, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA



THIS IS NOT A SURVEY

W. Britt Poweroy, Jr.
 W. BRITT POWEROY, JR.
 Registered Land Surveyor
 Florida Certificate No. 4448

Bear, Whitaker, Lutz & Kereh, Inc. (DB 8919)			
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS			
1304-1 MOOREBORO BOULEVARD, FORT MYERS, FLORIDA 33909-2910 (239) 481-1337			
DATE	PROJECT NO.	DRAWN BY	SCALE
8-18-05	34215	WBP	1" = 100'
			SHEET 2 OF 2
			FILE NO. (S-T-0)
			20-46-25

2006-00021

Exhibit "C"
Petition to Vacate
VAC2006-00021
[Page One of One]

Real Property Information		
Account	Tax Year	Status
20-46-25-01-00011.0000	2005	PAID
Original Account	Book/Page	
20-46-25-01-00011.0000	3888/1930	
Owner		
BATTISTA CORA		
Physical Address	Mailing Address	
19490 S TAMIAMI TRL Fort Myers FL 33908	15831 COUNTRY CT FORT MYERS FL 33912 USA	
Legal Description		
SAN CARLOS GROVE TRACTS PB 4 PG 75 LOT 18 + BEG NW COR OF SE 1/4 TH NE 1027.29 FT TO POB LESS PT DESC OR 2047/1019		
Outstanding Balance as of 5/19/2006		\$0.00



**PROPERTY DATA FOR PARCEL 20-46-25-00-00017.0250
TAX YEAR 2006 PRELIMINARY**

Parcel data is available for the following tax years:
[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006 \(Preliminary\)](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)
| [Display Tax Bills on this Parcel](#) | **NEW!** [Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

CARNES REX + JUDY
HC81 BOX 1554
GIRDLER KY 40943

SITE ADDRESS

19501 SPICEWOOD LN
FORT MYERS FL 33908

LEGAL DESCRIPTION

PARL IN NW 1/4 OF SE 1/4
DESC OR 2098 PG 2612

[[VIEWER](#)] [TAX MAP](#) [[PRINT](#)]



[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

00 - VACANT RESIDENTIAL

**PROPERTY VALUES (TAX
ROLL 2006)[[NEW!](#) [HISTORY](#)
[CHART](#)]**

EXEMPTIONS

ATTRIBUTES

JUST	88,060	HOMESTEAD	0	UNITS OF MEASURE	FF
ASSESSED	88,060	AGRICULTURAL	0	NUMBER OF UNITS	185.00
ASSESSED SOH	88,060	WIDOW	0	FRONTAGE	185
TAXABLE	88,060	WIDOWER	0	DEPTH	230
BUILDING	0	DISABILITY	0	BEDROOMS	

PROPERTY DATA FOR PARCEL 20-46-25-00-00017.0000
TAX YEAR 2006 PRELIMINARY

Parcel data is available for the following tax years:
 [[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006 \(Preliminary\)](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]
 [[Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
 LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

CARNES REX + JUDY
 HC81 BOX 1554
 GIRDLER KY 40943

SITE ADDRESS

19551 SPICEWOOD LN
 FORT MYERS FL 33908

LEGAL DESCRIPTION

NW 1/4 OF NW 1/4 OF SE 1/4
 LESS PARCELS 17.001 THRU
 17.025 + LESS RD R/W

[[VIEWER](#)] [TAX MAP](#) [[PRINT](#)]



[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

01 - SINGLE FAMILY RESIDENTIAL

PROPERTY VALUES (TAX ROLL 2006) [[NEW!](#) [HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

JUST	153,770	HOMESTEAD	0	UNITS OF MEASURE	AC
ASSESSED	153,770	AGRICULTURAL	0	NUMBER OF UNITS	2.36
ASSESSED SOH	153,770	WIDOW	0	FRONTAGE	0
TAXABLE	153,770	WIDOWER	0	DEPTH	0
BUILDING	35,770	DISABILITY	0	BEDROOMS	3

**PROPERTY DATA FOR PARCEL 20-46-25-00-00017.0090
TAX YEAR 2006 PRELIMINARY**

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Preliminary)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)
| [Display Tax Bills on this Parcel](#) | **NEW!** [Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

TRENT JERRY +
TRENT NANNIE
MAE J/T
PO BOX 563
ESTERO FL
33928

SITE ADDRESS

4460 ELWOOD
RD
FORT
MYERS FL 33908

LEGAL DESCRIPTION

BEG 317.5 FT W
+ 190 FT N
OF SE COR OF
NW 1/4 OF NW
1/4 OF SE 1/4 TH
CONT N

[[VIEWER](#)] TAX MAP [[PRINT](#)]

IMAGE OF STRUC

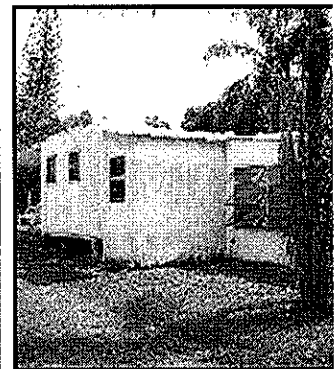


Photo Date: July c

[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

02 - MOBILE HOME

PROPERTY VALUES (TAX ROLL 2006) [[NEW!](#) [HISTORY](#)]

EXEMPTIONS

ATTRIBUTES



Reply to
Charles J. Basnait
Direct Dial Number 239.344.1204
E-Mail: charles.basnait@henlaw.com

April 27, 2006

VIA CERTIFIED MAIL

Jerry Trent & Nannie Mae Trent
PO Box 563
Estero, FL 33928

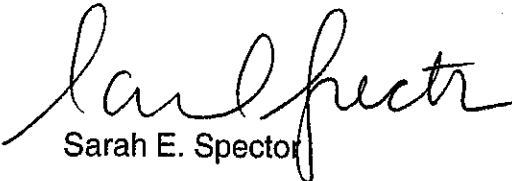
Re: Right of Way Vacation Notice

Dear Mr. & Mrs. Trent:

Please accept this letter as formal notice that Cora Battista is seeking to vacate an undeveloped right of way near your property. Lee County requires applicants for such actions to serve this notice on all "affected property owners." Although your property, bearing STRAP No. 20-46-25-00-00017.0090, has been deemed to be an "affected property," the proposed vacation of this right-of-way will not affect your access to either your property or to Tamiami Trail. Rather, the subject right of way subject of this application has remained undeveloped and is located on the applicant's property. As shown on the enclosed map, the vacation of this right of way will not compromise your personal access to your property.

Please feel free to contact me with any questions or concerns you may have regarding this matter, or you may also contact Lee County staff at 239.479.8587.

Very truly yours,



Sarah E. Spector

SES/mls
Enclosures

RECEIVED

MAY 15 2006

VAC 2006-00021

Henderson, Franklin, Starnes & Holt, P.A.

**PROPERTY DATA FOR PARCEL 20-46-25-00-00017.008A
TAX YEAR 2006 PRELIMINARY**

Parcel data is available for the following tax years:
[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006 \(Preliminary\)](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#) | [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

LIFORD
LAWRENCE +
MAGGIE
3584 KY 1304
HINKLE KY 40953

SITE ADDRESS

19560
SPICEWOOD LN
FORT
MYERS FL 33912

LEGAL DESCRIPTION

PARL IN NW 1/4
OF SE 1/4
AS DESC IN OR
1728 PG 2825
+ PG 2827

[[VIEWER](#)] TAX MAP [[PRINT](#)]

IMAGE OF STRUC

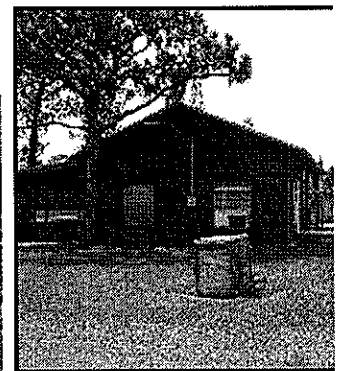


Photo Date: July c

[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

01 - SINGLE FAMILY RESIDENTIAL

PROPERTY VALUES (TAX ROLL 2006) [[NEW! HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

JUST

71,900 HOMESTEAD

0 UNITS OF MEASURE

FF

Reply to
Charles J. Basnait
Direct Dial Number 239.344.1204
E-Mail: charles.basnait@henlaw.com

April 27, 2006

VIA CERTIFIED MAIL

Lawrence & Maggie Liford
3584 KY 1304
Hinkle, KY 40953

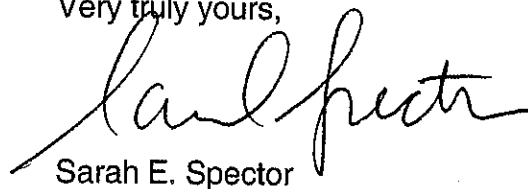
Re: Right of Way Vacation Notice

Dear Mr. & Mrs. Liford:

Please accept this letter as formal notice that Cora Battista is seeking to vacate an undeveloped right of way near your property. Lee County requires applicants for such actions to serve this notice on all "affected property owners." Although your property, bearing STRAP No. 20-46-25-00-00017.008A, has been deemed to be an "affected property," the proposed vacation of this right-of-way will not affect your access to either your property or to Tamiami Trail. Rather, the subject right of way subject of this application has remained undeveloped and is located on the applicant's property. As shown on the enclosed map, the vacation of this right of way will not compromise your personal access to your property.

Please feel free to contact me with any questions or concerns you may have regarding this matter, or you may also contact Lee County staff at 239.479.8587.

Very truly yours,


Sarah E. Spector

SES/mls
Enclosures

RECEIVED

MAY 15 2006

VAC 2006-00021

Henderson, Franklin, Starnes & Holt, P.A.

**PROPERTY DATA FOR PARCEL 20-46-25-00-00017.0240
TAX YEAR 2006 PRELIMINARY**

Parcel data is available for the following tax years:
[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006 \(Preliminary\)](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#) | [Display Tax Bills on this Parcel](#) | **NEW!** [Tax Estimator](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

TARDIE TED
2 MCBRIDE LANE
SOUTH HERO VT 05486

SITE ADDRESS

4401 PALMCREST LN
FORT MYERS FL 33908

LEGAL DESCRIPTION

PARL IN N W 1/4 OF N W 1/4
OF S E 1/4 DESC INOR 1404
PG 1431

[[VIEWER](#)] [TAX MAP](#) [[PRINT](#)]



[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

02 - MOBILE HOME

PROPERTY VALUES (TAX ROLL 2006) [[NEW!](#) [HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

JUST	95,840	HOMESTEAD	0	UNITS OF MEASURE	FF
ASSESSED	95,840	AGRICULTURAL	0	NUMBER OF UNITS	152.00
ASSESSED SOH	95,840	WIDOW	0	FRONTAGE	152
TAXABLE	95,840	WIDOWER	0	DEPTH	230
BUILDING	14,440	DISABILITY	0	BEDROOMS	2

PROPERTY DATA FOR PARCEL 20-46-25-00-00003.0000
TAX YEAR 2006 PRELIMINARY

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005](#) | [2006 \(Preliminary\)](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)]

[[Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
 LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

ESTERO 41 SELF
 STORAGE LC
 JIMMY
 MURTAUGH
 PO BOX 1133
 ESTERO FL
 33928

SITE ADDRESS

19580 S TAMIAMI
 TRL
 FORT
 MYERS FL 33908

LEGAL DESCRIPTION

PARL IN SE 1/4
 AKA PT
 LOT 8
 SCHOENTAG S/D
 UNREC

[[VIEWER](#)] TAX MAP [[PRINT](#)]

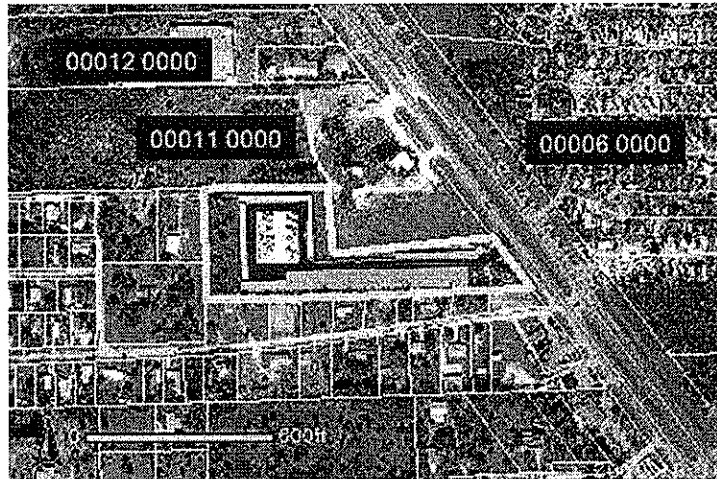


IMAGE OF STRUC



Photo Date: June

[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

48 - WAREHOUSING, DISTRIBUTION
 TERMINALS

PROPERTY VALUES (TAX)



Reply to
Charles J. Basinalt
Direct Dial Number 239.344.1204
E-Mail: charles.basinalt@henlaw.com

April 27, 2006

VIA CERTIFIED MAIL

Estero 41 Self Storage LC
c/o Mr. Jimmy Murtaugh
PO Box 1133
Estero, FL 33928

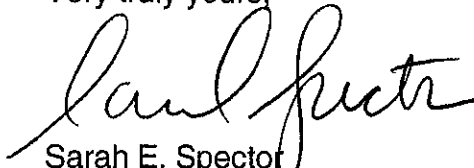
Re: Right of Way Vacation Notice

Dear Mr. Murtaugh:

Please accept this letter as formal notice that Cora Battista is seeking to vacate an undeveloped right of way near your property. Lee County requires applicants for such actions to serve this notice on all "affected property owners." Although your property, bearing STRAP No. 20-46-25-00-00003.0000, has been deemed to be an "affected property," the proposed vacation of this right-of-way will not affect your access to either your property or to Tamiami Trail. Rather, the subject right of way subject of this application has remained undeveloped and is located on the applicant's property. As shown on the enclosed map, the vacation of this right of way will not compromise your personal access to your property.

Please feel free to contact me with any questions or concerns you may have regarding this matter, or you may also contact Lee County staff at 239.479.8587.

Very truly yours,



Sarah E. Spector

SES/mls
Enclosures

VAC 2006-00021

RECEIVED

MAY 15 2006

**PROPERTY DATA FOR PARCEL 20-46-25-00-00017.0060
TAX YEAR 2006 PRELIMINARY**

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006 (Preliminary)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
| [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

FILES JAMES M
+ WANDA
LINDA BALLARD
2709 NORWAY
PINE
ROCKFORD IL
61109

SITE ADDRESS

4461
PALMCREST LN
FORT
MYERS FL 33908

LEGAL DESCRIPTION

FR THE NW COR
OF NW 1/4 OF
NW 1/4 OF SE 1/4
RUN E
241.25 FT TH S
15 FT TO

[[VIEWER](#)] TAX MAP [[PRINT](#)]



IMAGE OF STRUC



Photo Date: July c

[[PICTOMETRY](#)]

TAXING DISTRICT

164 - SAN CARLOS FIRE

DOR CODE

02 - MOBILE HOME

PROPERTY VALUES (TAX



Reply to
Charles J. Basinait
Direct Dial Number 239.344.1204
E-Mail: charles.basinaid@henlaw.com

April 27, 2006

VIA CERTIFIED MAIL

James & Wanda Files
4471 Palmcrest Lane
Fort Myers, FL 33908

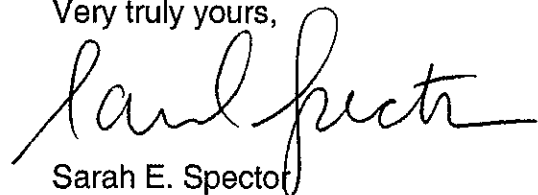
Re: Right of Way Vacation Notice

Dear Mr. & Mrs. Files:

Please accept this letter as formal notice that Cora Battista is seeking to vacate an undeveloped right of way near your property. Lee County requires applicants for such actions to serve this notice on all "affected property owners." Although your property, bearing STRAP No. 20-46-25-00-00017.0060, has been deemed to be an "affected property," the proposed vacation of this right-of-way will not affect your access to either your property or to Tamiami Trail. Rather, the subject right of way subject of this application has remained undeveloped and is located on the applicant's property. As shown on the enclosed map, the vacation of this right of way will not compromise your personal access to your property.

Please feel free to contact me with any questions or concerns you may have regarding this matter, or you may also contact Lee County staff at 239.479.8587.

Very truly yours,



Sarah E. Spector


SES/mls
Enclosures

RECEIVED

VAC 2006-00021

MAY 15 2006

2. Article Number



7160 3901 9842 8084 6262

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

RES JUDY CARNES
HC61 BOX 1554
GIRARD, KY 40943

COMPLETE THIS SECTION ON DELIVERY

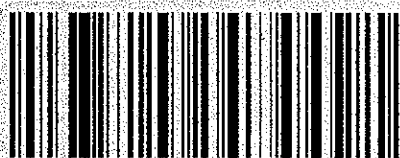
A. Received by (Please Print Clearly) *Judy Carnes* B. Date of Delivery *5-3-06*

C. Signature *Judy Carnes* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

PS Form 3811, January 2003 Domestic Return Receipt
SES 5/1/298 11 538/112

2. Article Number



7160 3901 9842 9241 8396

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

JERRY TRENT & NANNIE MAE TRENT
PO BOX 563
ESTERO, FL 33928

COMPLETE THIS SECTION ON DELIVERY

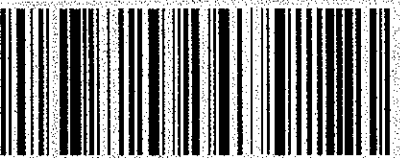
A. Received by (Please Print Clearly) B. Date of Delivery *5/1/06*

C. Signature *Jerry Trent* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

PS Form 3811, January 2005 Domestic Return Receipt
SES 1298 538/112

2. Article Number



7160 3901 9842 9241 8402

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

LAWRENCE & MAGGIE LIFORD
3584 KY 1304
HINKLE, KY 40953

COMPLETE THIS SECTION ON DELIVERY

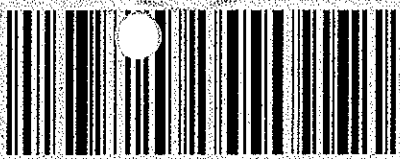
A. Received by (Please Print Clearly) *JACK IRVIN* B. Date of Delivery *5/01/06*

C. Signature *Jack Irvin* Agent Addressee

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

PS Form 3811, January 2005 Domestic Return Receipt
SES 5/1/298 11 538/112

2. Article Number



7160 3901 9842 8084 6255

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Ted Tardie* B. Date of Delivery *5.2.06*

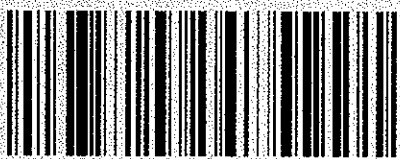
C. Signature *Ted Tardie* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

**TED TARDIE
2 MCBRIDE LANE
SOUTH HERO, VT 05486**

PS Form 3811, January 2003 Domestic Return Receipt
SES/290 538/12

2. Article Number



7160 3901 9842 9241 8457

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery *5/2/06*

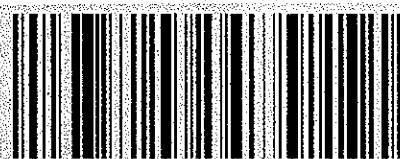
C. Signature *James G. Murtaugh* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

**ESTERO 41 SELF STORAGE LC
c/o MR. JIMMY MURTAUGH
PO BOX 1133
ESTERO, FL 33928**

PS Form 3811, January 2005 Domestic Return Receipt
SES/290 538/12

2. Article Number



7160 3901 9842 9241 8419

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *X* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

**JAMES & WANDA FILES
4471 PALMCREST LANE
FT. MYERS, FL 33908**

PS Form 3811, January 2005 Domestic Return Receipt
SES/290 538/12



This Document Prepared By:
John K. Krueckeberg, P.A.
2630 Grey Oaks Drive, #16
Naples, Florida 34103

INSTR # 5767434
Official Records BK 03888 PG 1930
RECORDED 04/01/2003 03:59:30 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 13,559.00
DEPUTY CLERK J Miller

Parcel ID Number: 20-46-25-01-00011.0000
Grantee #1 TIN:
Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 31st day of March, 2003 A.D., Between
Naples Investment Company, a corporation existing under the laws of
the State of Florida
of the County of Collier, State of Florida, grantor, and
Cora Battista

whose address is: 15831 Country Court, Fort Myers, FL 33912

of the County of Lee, State of Florida, grantee.

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 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 the County of Lee State of Florida to wit:

See Exhibit "A" attached hereto and made a part hereof.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever,
except as indicated on Exhibit "A".
In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

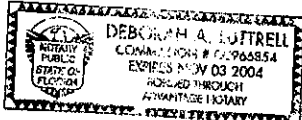
Signed, sealed and delivered in our presence: Naples Investment Company
Deborah A. Luttrell By: Jack Staton (Seal)
Printed Name: Deborah A. Luttrell Jack Staton, President
Witness P.O. Address: 4280 Belair Lane, #200, Naples, FL 34102

Kimberly D. Collins
Printed Name: Kimberly D. Collins
Witness

(Corporate Seal)

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 31st day of March, 2003 by
Jack Staton, President of Naples Investment Company, a Florida
Corporation, on behalf of the corporation
he is personally known to me or he has produced his Florida driver's license as identification.



Deborah A. Luttrell
Printed Name: _____
Notary Public
My Commission Expires: _____

RECEIVED
MAY 15 2006

EXHIBIT "A"

PARCEL 1:

Lot 18, SAN CARLOS GROVES TRACT, Less the right-of-way as per plat thereof on file and recorded in Plat Book 4, Page 75, Public Records of Lee County, Florida. Said right-of-way having been originally conveyed by deed recorded in Official Records Book 184, Page 26, Public Records of Lee County, Florida.

PARCEL 2:

A parcel of land lying in the State of Florida, County of Lee, being a part of the Southeast One Quarter (SE 1/4) of Section 20, Township 46 South, Range 25 East, and further bounded and described as follows:

Starting at the northwest corner of the Southeast One Quarter (SE 1/4) of said Section 20; thence N 90 deg. 00' 00" E along the north line of said fraction for 1027.29 feet to the northeast corner of a parcel described in Official Records Book 750 at Page 239 of the Public Records of Lee County and the point of beginning; thence S 00 deg. 00' 00" E along the east line of said parcel 210.00 feet; thence N 85 deg. 50' 26" E along the north line of said parcel for 543.97 feet to the southwesterly right-of-way line of U.S. 41 (Tamiami Trail - S.R. 45 - 200.00 feet wide); thence N 35 deg. 41' 49" W along said southwesterly right-of-way line for 210.00 feet to the north line of the Southeast One Quarter (SE 1/4) of said Section 20; thence S 90 deg. 00' 00" W along the north line of said fraction for 420.00 feet to the point of beginning (said description describes the same parcel as recorded in Deed Book 246, Page 210, Public Records of Lee County, Florida).

PARCEL 3:

Together with all of Grantor's title, interest, if any, whether now owned or hereafter acquired in and to that certain roadway lying between the above Parcels 1 and 2 as shown on the plat of San Carlos Groves Tract in Plat Book 4, Page 75 of the Public Records of Lee County, Florida. Grantor does not warrant title to this roadway parcel.

Grantor does not warrant title to that strip of land lying between the North line of Lot 18 per plat and the north line of Lot 18 (as monumented for at least 25 years per records in our files) as shown on the boundary survey prepared by Bean, Whitaker, Lutz & Barnes, Consulting Engineers and Surveyors dated 9-22-88, Project No. 88-583, File No. (S-T-R), 20-48-25.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Ruth Neal
Witness Signature

Anne M. Harper
ANNE M. HARPER a/k/a ANN HARPER

RUTH NEAL
(Type/Print Name of Witness)

Mary Lawrence
Witness Signature

Mary Lawrence
(Type/Print Name of Witness)

Ruth Neal
Witness Signature

Beverly Hunter McNew
BEVERLY HUNTER McNEW

RUTH NEAL
(Type/Print Name of Witness)

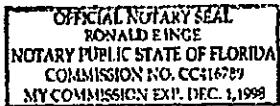
Mary Lawrence
Witness Signature

Mary Lawrence
(Type/Print Name of Witness)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 21st day of June, 1995 by ANNE M. HARPER, a/k/a ANN HARPER, who is personally known to me or who has produced _____ as identification.

My Commission Expires:

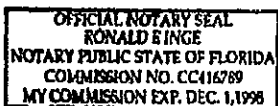


Ronald E. Inge
Notary Public
(Type/Print Name of Notary)
Commission No: CC416789

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 21st day of June, 1995 by BEVERLY HUNTER McNEW, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Ronald E. Inge
Notary Public
(Type/Print Name of Notary)
Commission No: CC416789

DR2621 PG2150

CHARLIE GREEN LEE CITY FL
95 JUL 31 AM 11:47



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

239-479-8585

Douglas R. St. Cerny
District Two

August 18, 2006

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Sarah E. Spector, Esq.
Henderson, Franklin, Starnes & Holt, P.A.,
1715 Monroe St.
Fort Myers, FL 33902

Re: **VAC2006-00021 - Petition to Vacate** the Public's Interest in a portion of the
platted Right-of-Way adjacent to Lot 18.

Dear Ms. Spector:

This office has received your request to vacate the above referenced portion of the
platted Right-of-Way adjacent to a multi zoned lot located on 19490 S. Tamiami Trl., Fort
Myers, Florida and the reference strap number is 20-46-25-01-00011.0000. The road to
be vacated includes a portion of platted Right-of-Way being part of Plat of San Carlos
Grove Tract, Lot 18, as recorded in Plat Book 4, Page 75, lying in Section 20, Township
46 South, Range 25 East, of the Public Records of Lee County, Florida. You have stated
the reason for this vacation is to allow the property owner to accomplish the unification
of two adjacent parcels owned by the petitioner. Based on a review of the information
provided and our subsequent research, this office has no objection to the proposed
vacation.

You and your clients should be aware, however that the Board of County Commissioner's
approval of this petition will only extinguish the rights of the public to use the rightof-way.
Private rights of use may still remain. This means that certification of fee ownership in
the area being vacated will be required prior to issuance of any building permit(s) within
that area of the easement as it presently exists, occupied or otherwise. 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/RXW



RECEIVED
MAY 15 2006

Reply to
Sarah E. Spector
Direct Dial Number 239.344.1195
E-Mail: sarah.spector@henlaw.com

COMMUNITY DEVELOPMENT

May 15, 2006

Peter J. Eckenrode
Director Development Services
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

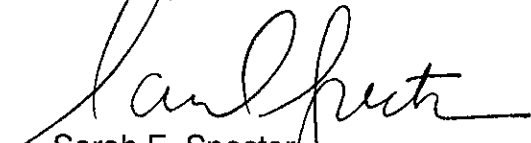
Re: Proposed vacation of right-of-way located at 19490 South Tamiami Trail,
Fort Myers, Florida 33908 (STRAP 20-46-25-01-00011.0000)

Dear Mr. Eckenrode:

This firm represents Cora Battista as petitioner of record (the "Petitioner") listed on the Application for Vacation of the right-of-way which transects the above-referenced parcel (the "Application"). The Application contemplates the vacation of the public interest in the right-of-way in order to accomplish the unification of two adjacent parcels owned by the Petitioner which were combined and renumbered as one parcel on Monday, June 7, 2004. The right-of-way, which was established by San Carlos Grove Tract, recorded at Plat Book 4, Page 75 of the Lee County Records, has never been used as a roadway and, as such, its vacation would have no negative impact on the surrounding properties.

The Petitioner's mailing address for purposes of this application is Henderson, Franklin, Starnes & Holt, P.A., c/o Sarah Spector, 1715 Monroe Street, Fort Myers, Florida 33901 and the daytime telephone number is (239) 344-1195. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Sincerely,


Sarah E. Spector,
on behalf of the Petitioner

SES/mls

VAC 2006 - 00021



11/15/2005

To: Henderson Franklin

To: Amanda Brock

Re: Right-of-way vacation at 19490 South Tamiami Trl, Fort Myers, FL 33908

Dear Ms. Brock:

You have informed FPL that you have a project under construction at 19490 S Tamiami Trl, and have asked us for a letter stating that your project doesn't interfere with our facilities or ability to provide you with new service. Upon reviewing your plans, we have determined FPL will have no objection to vacating the existing right-of-way, provided the landowner/client provides, at their expense, the relocation of the utility line.

The issue in the above-referenced paragraph has no bearing, however, on the issue of the safety of the workers on your project vis a vis FPL's facilities. It is imperative that you visually survey the area prior to commencing construction and determine whether the construction of any proposed structures will bring any person, tool, machinery, equipment or object closer to FPL's power lines than the OSHA-prescribed limits. If it will, you must either re-design your project to allow it to be built safely given the pre-existing power lines, or make arrangements with FPL to de-energize and ground our facilities, or relocate them at your expense. **You must do this before allowing any construction near the power lines.** It is impossible for FPL to know or predict whether or not the contractors or subcontractors, and their employees, will operate or use cranes or other mobile equipment, or handle materials or tools, in dangerous proximity to such power lines during the course of construction, and, if so, when and where. Therefore, if it becomes necessary for any contractor or subcontractor, or their employees, to operate or handle cranes, draglines, mobile equipment, or any other equipment, tools or materials in such a manner that they might come closer to overhead power lines than is permitted by local, state or federal regulations, you and any such contractor or subcontractor must notify FPL in writing of such planned operation prior to the commencement thereof and make all necessary arrangements with FPL in order to carry out the work in a safe manner. **Any work in the vicinity of the electric lines should be suspended until these arrangements are finalized and implemented.**



Florida Power & Light Company

FPL has certain minimum clearances that it must maintain. If you build your structure so that those clearances can not be maintained, you will be required to compensate FPL for the relocation of our facilities to comply with those clearances. As such, you should contact FPL prior to commencing construction near pre-existing overhead power lines to make sure that your proposed structure does not impinge upon FPL's clearances.

If you have any questions, please feel free to contact me at (239) 415-1320.

Sincerely,

Dylan Monahan
FPL Project Manager

May 30, 2006

VIA US MAIL

Dylan Monahan
Florida Power & Light Company
15834 Winkler Road
Fort Myers, Florida 33908

Re: Right-of-Way Vacation at 19490 South Tamiami Trail, Fort Myers, FL

Dear Mr. Monahan:

Please accept this letter as confirmation that I, as owner of that certain property located at 19490 South Tamiami Trail, Fort Myers, Florida, which is the subject of a Lee County Request for Right-of-Way Vacation Application (Case Number VAC2006-00021), agree to relocate any and all utility lines, at my sole expense, which are located within the right-of-way to be vacated as required by letter dated November 15, 2005 from Florida Power & Light Company to Henderson Franklin regarding the Right-of-way vacation at 19490 South Tamiami Trail, Fort Myers, Florida 33908, a copy of which is enclosed for your reference.

Sincerely,



Cora Battista
15831 Country Court
Fort Myers, Florida 33912

Enclosure

cc: Lee County Department of Community
Development

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MAY 30 2006

VAC2006-00021



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

August 25, 2005

Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, Fl. 33901

Attn. Ms. Sarah E. Spector

Ref: Request for a Letter of Review and Recommendation re the Proposed Right-of-Way Vacation
located at 19490 S. Tamiami Trail. (Strap 20-46-25-01-00011.0000):

Dear Ms. Spector:

This is in response to your letter of July 21st., regarding your Petition seeking vacation of the abovementioned right-of-way.

Please be advised that Sprint has no objection to your proposal as described in your letter and accompanying sketch.

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 – Network

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MAY 15 2006

VAC 2006-00021



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

August 1, 2005

Henderson Franklin Attorneys at Law
C/O Sarah E. Spector
PO BOX 280
Ft Myers, FL 33902

Re: 19490 South Tamiami Tr
Vacate Right-of-Way and/or Utility Easement

Dear Sarah E. Spector,

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 black ink, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

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MAY 15 2006

VAC 2006-00021

AmeriGas

America's Propane Company

July 25, 2005

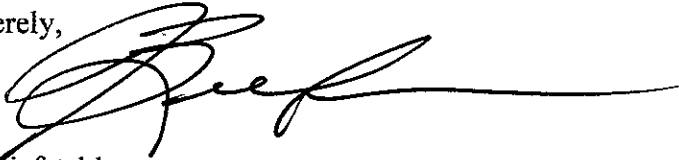
Sarah E. Spector
1715 Monroe Street
Fort Myers, FL 33901

Dear Ms. Spector:

The location of a public utility easement to be vacated pertaining to your letter dated July 21, 2005 is clear and there is no gas at the stated location: 19490 South Tamiami Trail with STRAP NO.: 20-46-25-01-00011.0000.

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

Sincerely,



Jim Kiefstahl
Sales & Service Manager

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MAY 15 2006

VAC 2006-00021



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8150

Writer's Direct Dial Number: _____

Bob Janes
District One August 01, 2005

Douglas R. St. Cerny
District Two Sarah Spector

Ray Judah
District Three Henderson – Franklin
1715 Monroe St

Tammy Hall
District Four Fort Myers, FL
33901

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

SUBJECT: VACATION OF RIGHT OF WAY
STRAP #: 20-46-25-01-00011.0000
19490 S TAMIAMI TRL

Dear LaVerne Kosinski,

Lee County Utilities has *no objection* to the proposed vacation as described in your recent letter and associated attachment. Even though the vacation is within the service area of Lee County Utilities we have no infrastructure within the area you intend to vacate.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 479-8150.

Sincerely,

LEE COUNTY UTILITIES

David Reycraft
Utilities GIS Coordinator
Utilities Engineering Division

Original Mailed: 08/01/2005
Fax sent: 08/01/2005

CC: Correspondence File

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MAY 15 2006

VAC 2006-00021

H:\Vacates\2005\Spector08012005.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 (239) 479-8124

Bob Janes
District One

Tuesday, August 30, 2005

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Ms. Sarah E. Spector
Henderson Franklin Attorneys at Law
P.O. Box 280
Fort Myers, FL 33902

Andrew W. Coy
District Four

John E. Albion
District Five

Re: Petition to Vacate a twenty-foot (20') wide platted right of way adjacent to Lot 18, San Carlos Grove Tract Subdivision as recorded in Plat Book 4 at Page 75 of the Public Records of Lee County, Florida.

Donald D. Stilwell
County Manager

Robert W. Gray
Deputy County Attorney

Diana M. Parker
County Hearing
Examiner

Dear Ms. Spector:

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 right of way.

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

RECEIVED

MAY 15 2006

S:\NATRES\SURFACE\DOCUMENT\vac511.doc

VAC 2006-00021



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8517

Bob Janes
District One

February 14, 2006

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Sarah E. Spector
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, FL 33902

Tammy Hall
District Four

John E. Albion
District Five

**Re: Petition to Vacate Unplatted Roadway—Plat Book 4, Page 75; Section 20,
Township 46, Range 25; 19490 South Tamiami Trail, Fort Myers 33908**

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Ms. Spector:

Lee County Department of Transportation has reviewed the above referenced request to vacate the unplatted roadway located at 19490 South Tamiami Trail.

Diana M. Parker
County Hearing Examiner

Based upon this department's review, DOT offers no objection to this vacation.

Very truly yours,



Margaret Lawson
Right-of-way Supervisor
Lee County Department of Transportation

ML/hc

cc: Ron Wilson, Development Services
Allen Davies, Natural Resources
Terry Kelley, Utilities
DOT/PTV File (San Carlos Grove/Henderson Franklin)

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MAY 15 2006

VAC 2006-00021



Florida Department of Transportation

JEB BUSH
GOVERNOR

DENVER J. STUTLER, JR.
SECRETARY

August 22, 2005

Ms. Sarah E. Spector
Henderson & Franklin
P.O. Box 280
Fort Myers, FL 33902

RE: Right-of-way vacation located at
19490 South Tamiami Trail, Fort Myers, Florida
(STRAP 20-46-25-01-00011.0000)

Dear Ms. Spector:

In response to your letter we received on July 1, 2005 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

TLK/jps

cc: Scott Gilbertson, P.E. – Lee County
Peter J. Eckenrode – Lee County
Michael G. Rippe – FDOT
Thomas T. Garcia – FDOT
File, Daily File

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MAY 15 2006

VAC 2006-00021

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413*(863)534-7168(FAX)*MS 1-66
www.dot.state.fl.us



BURTON - POSTLE RESUBDIVISION

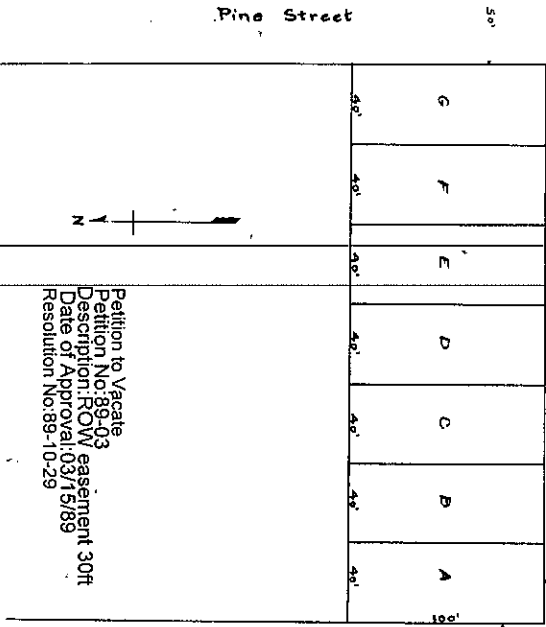
EAST FORT MYERS, FLA.

M.C. BURTON & D.C. POSTLE

PROPERTY OF
FORT MYERS, FLA.

BEING A RESUBDIVISION OF

Lots No. 12, 13 of Dr. Johnson's Second Subdivision in East Fort Myers, Fla.
Recorded in Plat Book 4 - Page 50.



Petition to Vacate
Petition No: 89-03
Description: ROW easement 30ft
Date of Approval: 03/15/89
Resolution No: 89-10-29

gld Del
H. H. H. H.
of H. H. H. H.

SAN CARLOS GROVE TRACT

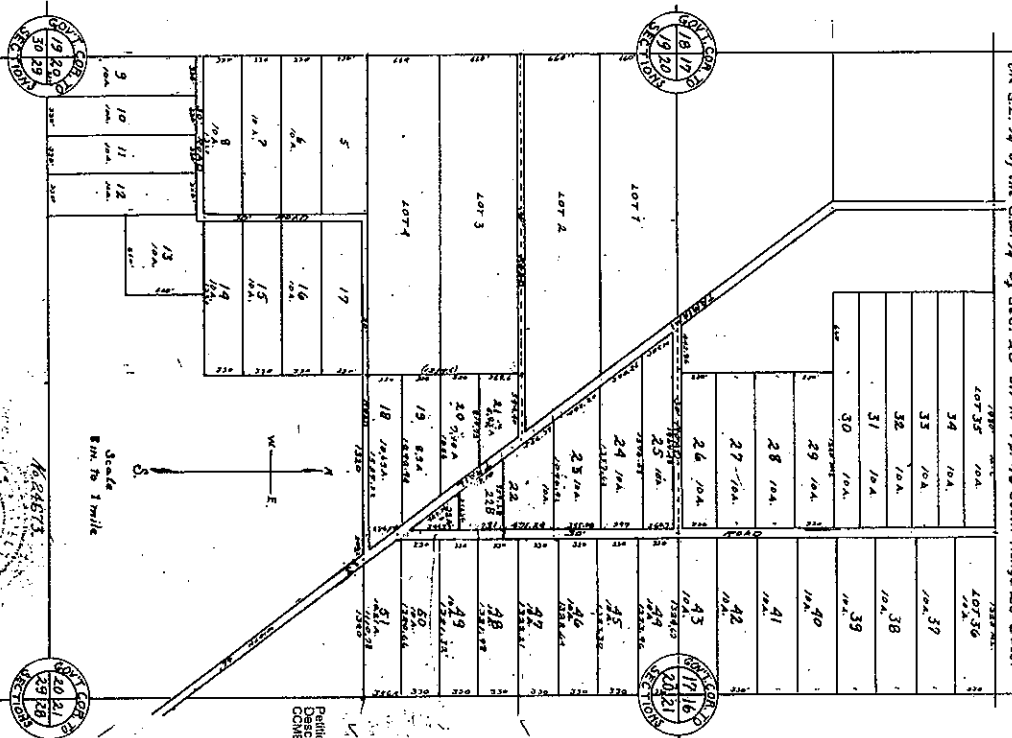
LEE COUNTY, FLORIDA

PROPERTY OF

THE ARCADIA ASSOCIATES

FORT MYERS, FLA. AND WINTER HILL BOSTON, MASS.

BEING A DIVISION OF
The SE 1/4 and the E 1/4 of the NE 1/4 of the SW 1/4 of Sec. 17
Also: The N 1/4 and the NE 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4 of
the SE 1/4 of the SW 1/4 of Sec. 20 all in T. 9 S. Range 45 E. East.

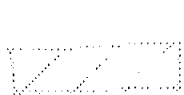
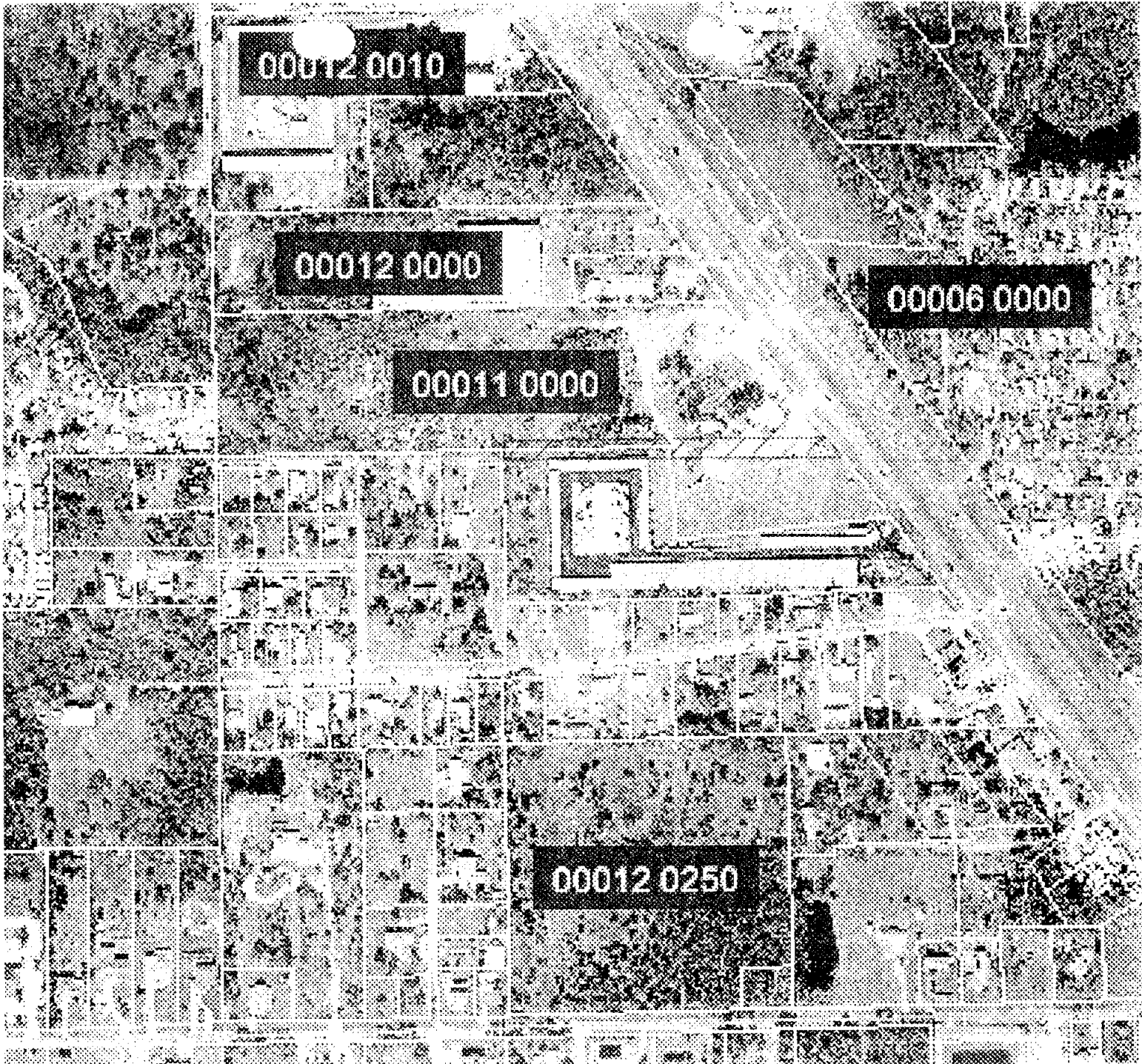


Petition to Vacate
Description: Vacation of unnamed street
CCMB 22 Page 47-48A & 48B

RECEIVED
MAY 15 2006

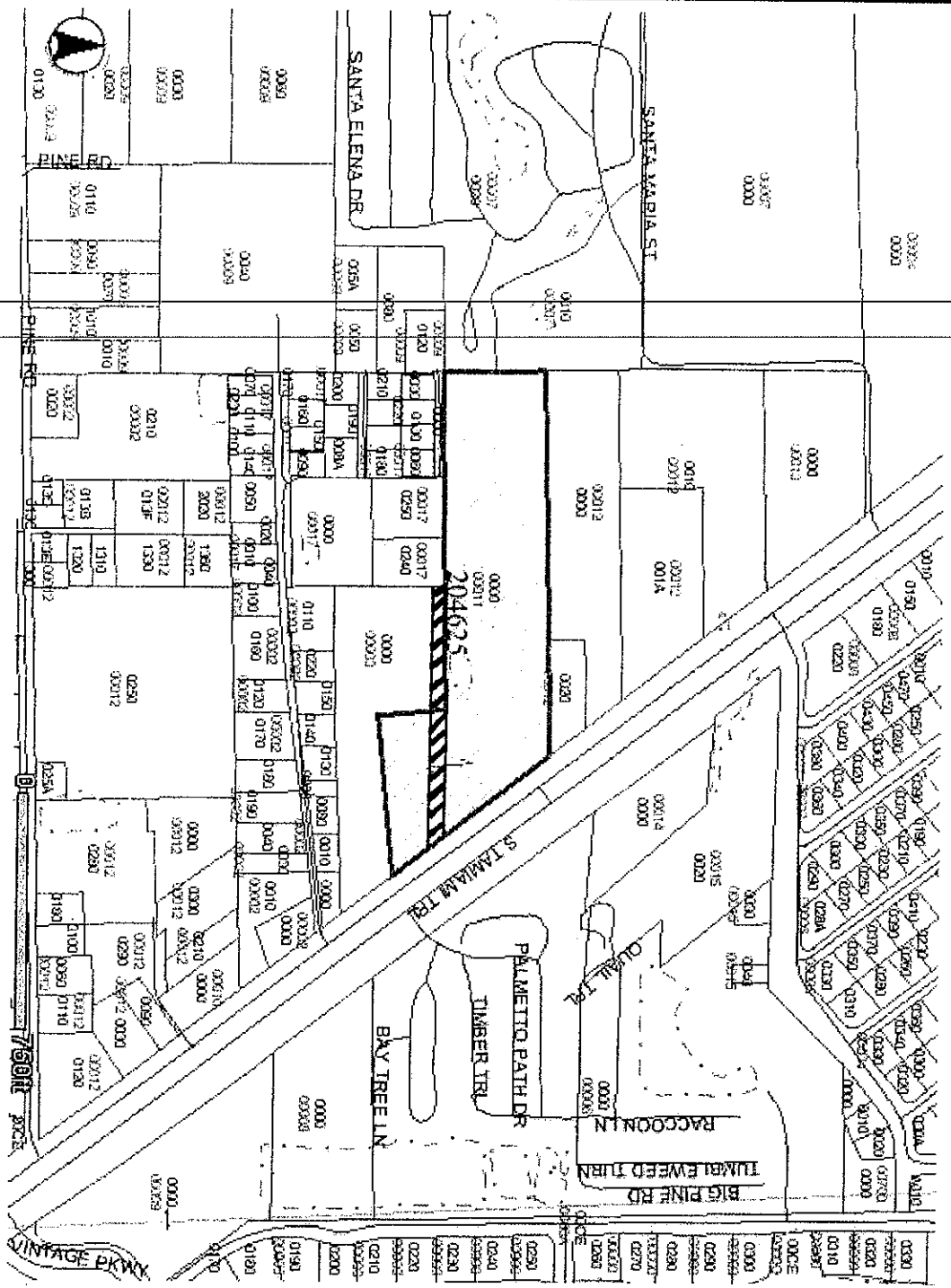
VAC 2006-00021

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












Area Not Re-Navigated

Battista Farms GIS Map



Legend

-  Selected Features
-  Hydro Features
-  Lot
-  Block
-  Parcels
-  Parcel Hooks
-  Road Center Line
-  Township Range Lines
-  Township Range Labels
-  Section Lines
-  City Limits
-  Barista Settings
- Cape Coast
- Four Myers
- Service
- Towns of Four Myers Beach
-  Right-of-Way to be vacated