1. REQUESTED MOTION:

**ACTION REQUESTED:** Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 400 and 402 Calvin Ave., Lehigh Acres, Florida 33936, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 14th day of September, 2004. (Case No. VAC2004-00031)

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

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

2. DEPARTMENTAL CATEGORY:

   **COMMISSION DISTRICT #:** 6

3. MEETING DATE:

   **08-10-2004**

4. AGENDA:

5. REQUIREMENT/PURPOSE:

   **X** STATUTE  F.S. Ch. 177

6. REQUESTOR OF INFORMATION:

   **A. COMMISSIONER**

   **B. DEPARTMENT**  Community Development

   **C. DIVISION**  Development Services

   **BY:** 7/2/04

   Peter J. Eckenrode, Director

7. BACKGROUND:

   The completed petition to vacate, VAC2004-00031 was submitted by Mr. Leonard Tullo, Permits Express as the agent for Raymond Schilke, Jr. and Lynda K. Schilke.

   **LOCATION:** The site is located at 400 and 402 Calvin Ave., Lehigh Acres, Florida 33936 and its strap numbers are 28-44-27-01-00004.0150 and 28-44-27-01-00004.0160. Petition No. VAC2004-00031 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

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

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

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

   **OA**

10. COMMISSION ACTION:

   ________  APPROVED

   ________  DENIED

   ________  DEFERRED

   ________  OTHER

   Date: 7/27/04

   Time: 3:40 PM

   forwarded to: County Administration

   /s/ RSK/ July 20, 2004
LEE COUNTY
SOUTHWEST FLORIDA

PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00031

Petitioner(s), Raymond Schilke, Jr. and Lynda K. Schilke 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, 3 Compton Way, Boynton Beach, FL 33426

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:

[Signature]
Raymond Schilke, Jr. a/k/a Raymond Schilke
Printed Name

[Signature]
Lynda K. Schilke
Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.
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 266 Calvain Ave., 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 MARGARET TULLOH OF ARMS PRESS as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner (signature)

Owner (signature)

Printed Name

Printed Name

Owner (signature)

Owner (signature)

Printed Name

Printed Name

Owner (signature)

Owner (signature)

Printed Name

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 7th day of July, 2004, by Raymond & Lynda Schilke, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Notary Public

(Name typed, printed or stamped)
EXHIBIT “A”
Petition to Vacate
VAC2004-00031

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12’) wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.
**Exhibit “C”**
Petition to Vacate
VAC2004-00031
[Page One of One]

<table>
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<tr>
<th>Account</th>
<th>Tax Year</th>
<th>Name/Address</th>
<th>Status/Outstanding Balance</th>
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<td>SCHILKE RAYMOND JR + LYNDA K 400 CALVIN AVE</td>
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<td>ZUBER KENNETH + GEORGETTE 402 CALVIN AV</td>
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</tr>
</tbody>
</table>
WARRANTY DEED

This Warranty Deed Made the 21st day of January, 2004,
by
Steven Brown and Denise Brown, Husband and Wife,
hereinafter called the grantor, whose post office address is:
405 Richmond Ave. N., Lehigh Acres, FL 33936

to
Raymond Schilke, Jr. and Lynda K. Schilke, Husband and Wife,
whose post office address is:
3 Compton Way, Boynton Beach, FL 33426,
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, alienes, reserves, releases, conveys and confirms unto the grantee, all that certain land situate in Lee Lee County, Florida, viz:
Lot 15, Block 4, Unit 1, Section 29, Township 44 South, Range 27 East, Lehigh Acres, Florida, according to the map or plat thereof, as recorded in Plat Book 15, Page 42, Public Records, Lee County, Florida.

The property is not the homestead of the Grantor(s)
TOKGETIER with all the tenants, hereditaments and appurtenances thereto belonging or in any way appertaining.
To Have and to Hold, the same is for simple forever.
And the grantor hereby covenants with said grantee that the grantor is lawfully seised 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 whatsoever, and that said land is free of all encumbrances, except

The property was acknowledged before me this 21st day of January, 2004, by Steven Brown and Denise Brown, Husband and Wife, who are personally known to me or who have produced driver license(s) as identification, and who did / did not take an oath.

My Commission Expires:

[Signature]
Print Name:
Serial Number:

[Notary Seal]
WARRANTY DEED

This Warranty Deed Made the day of ,

by Kenneth Zuber and Georgette Zuber, Husband and Wife,

hereinafter called the grantor, whose post office address is: 1-279 Sandstone Drive, Waterloo, ON N2K1C1

to Raymond Schilke and Lynda Schilke, Husband and Wife,

whose post office address is: 3 Compton Way, Boynton Beach, FL 33426, 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, bargain, sells, alienates, remises, releases, conveys and transfers unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 16, Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 42, of the Public Records of Lee County, Florida.

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, 2003, reservations, restrictions and easements of record, if any.
(The term "grantor" and "grantee" herein shall be construed to include all parties 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: Kenneth Zuber
Printed Name: Kenneth Zuber

2nd Witness Signature: Lynda Schilke
Printed Name: Georgette Zuber

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this day of ,

by Kenneth Zuber and Georgette Zuber, Husband and Wife, who is/are personally known to me or who have produced driver license(s) as identification, and who did identical act(s) on

My Commission Expires: INA

Seal
Lee County Community Development Offices  
Attn. Peter J. Eckenrode Director of Development Services

I Raymond Schilke Jr. and Lynda K. Schilke would like to combine two vacant lots to combine as one lot for future building site of a single family dwelling/residence. The two lots to be combined are strap numbers #28-44-27-01-00004.0160 and strap # 28-44-27-01-00004.0150

Respectfully,

Raymond Schilke Jr.

[Signature]  
Date 03/09/04

Lynda K. Schilke

[Signature]  
Date 03/14/04

Raymond Schilke Jr. and Lynda K. Schilke are personally known to me.

Sarah A. Byers
My Commission D1063007
Expires December 20, 2005
April 15, 2004

Mr. Leonard Tullo
Permits Express
9351 Independence Way
Ft. Myers, FL 33913

Re: 400 and 402 Calvin Ave., Lehigh Acres

Dear Mr. Tullo:

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

Lot 15 and 16, Block 4, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 42, of the Public Records of Lee County, Florida, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative
April 14, 2004

Leonard Tuillo  
Permits Express  
9351 Independence Way  
Fort Myers, Florida 33913

Re: Vacation of Public Utility Easement:  
A 12 foot wide public utility and drainage easement  
centered on the lot line common to lots 15 & 16,  
Block 4, Unit 1, Section 28, Township 44S, Range 27E,  
as recorded in Plat Book 15, Page 42 of the Official Records of Lee County, Florida

Dear Mr. Tuillo

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility easement at the Lehigh Acres location.

If you should require additional information, please contact me at 239-336-2162.

Sincerely,

Sabrina Thompson  
Engineer
April 13, 2004

Permits Express
C/O Leonard Tullo
9351 Independence Way
Ft Myers, Fl 33913

Re: 400 & 402 Calvin Av Lehigh Acres Fl
Vacate easement

Dear Leonard Tullo:

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

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

Cordially,

Mark Cook
Design Coordinator
May 24, 2004

Leonard Tulle
9351 Independence Way
Ft. Myers, FL 33913
(239) 849-5450

RE: Vacation of Easement for 400 & 402 Calvin Ave, Lehigh Acres

Dear Mr. Tulle:

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

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the North side of Lot 15 and South side of Lot 16 (excluding the Easterly and Westerly 6 feet) of Block 4, in Lehigh Acres, as recorded in Plat Book 15, Page 42 of the Public Records of Lee County, Florida.

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

Sincerely,

Charles Sweat
Director of Operations
RE: VAC2004-00031 - Petition to Vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement

Dear Mr. & Mrs. Schilke:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Public Utility Easement located between your lots at 400 and 402 Calvin Ave., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

U:\200407\20040602 1134367180\DCDLETTER.DOC
RESOLUTION NO. __________________ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00031

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;

and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit “A”.

WHEREAS, under Florida Statute and the Lee County Administrative Code, the
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2004-00031 is set for the
14th day of September, 2004 @5:00 PM 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 ___________.

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

U:\200407\20040602.113\8367180\RESOTOPH.WPD
EXHIBIT “A”
Petition to Vacate
VAC2004-00031

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.
NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00031

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of September 2004, at 8:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

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

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name
EXHIBIT “A”
Petition to Vacate
VAC2004-00031

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12’) wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet of each easement.
NOTE:
All lots subject to a 10' utility easement on all sides of lot.
Interior pads are 4' x 4' x 8' concrete.
Section cap pads are 6' x 6' x 8' concrete.
All lots equal 1/4 acre except where noted.

NOTE:
Dimensions, bearings, lot and drawing of latest data by
Area to be vacated