

1. REQUESTED MOTION:

**ACTION REQUESTED:** Accept a Petition VAC2002-00061 to Vacate a 12-foot wide Public Utility Easement common to Lots 10 and 10A, Block 36, Units 7 and 9, a subdivision of Lehigh Acres, in Lehigh Acres, Florida. Adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 11th day of March, 2003.

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

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

2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT #: 5

**C4A**

3. MEETING DATE:

**02-11-2003**

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:  
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services

BY: *[Signature]* 1-14-03

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed Petition to Vacate, VAC2002-00061 was submitted by Joe K. and Charlotte A. Whitman.

**LOCATION:** Petition # VAC2002-00061 proposes to vacate the East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and the West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof. The site is located at 969 Villagebrook Avenue, Lehigh Acres, Florida 33936.

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 with exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OM	Risk	GC	
<i>Mam Gibbs</i>	N/A	N/A	N/A	<i>John Madgwick</i> 1-26-03	<i>[Signature]</i> 1/27/03	<i>[Signature]</i> 1/27/03	<i>[Signature]</i> 1/27/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 1/15/03  
Time: 1:53  
Forwarded to:  
CO. ADM.  
1/27/03 11AM

RECEIVED BY  
COUNTY ADMIN. TD  
1-27-03  
10:45  
COUNTY ADMIN.  
FORWARDED TO: BH  
1-28-03

VAC 2002-00061  
RECEIVED  
VDE-PDE  
DEC 06 2002

PETITION TO VACATE

Case Number: VAC 2002-00061 due 12/31/03  
COMMUNITY DEVELOPMENT

Petitioner(s), Joe K Whitman & Charlotte A. Whitman, 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, 469 Village Brook Dr. Henderson Ky.  
42420
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: Joe K Whitman  
Petitioner Signature  
Joe K. Whitman  
Printed Name

By: Charlotte A. Whitman  
Petitioner Signature  
Charlotte A. Whitman  
Printed Name

VAC 2002-00061

Site Address

604 Hibiscus Ave  
Lehigh Acres 33936

## **EXHIBIT "A"**

A legal description of the area proposed for vacation:

The East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and

The West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

# LAND SURVEY

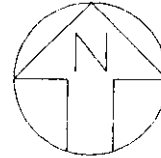
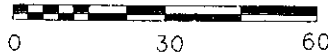
LOT 10, BLOCK 36, UNIT 9, PLAT OF LEHIGH ACRES, SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH:  
 LOT 10A, BLOCK 36, UNIT 7, PLAT OF LEHIGH ACRES, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 27 EAST, AS RECORDED IN PLAT BOOK 15, PAGE 43, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE PROPERTY SHOWN HEREON IS LYING IN ZONE B OF THE NATIONAL FLOOD INSURANCE PROGRAM.

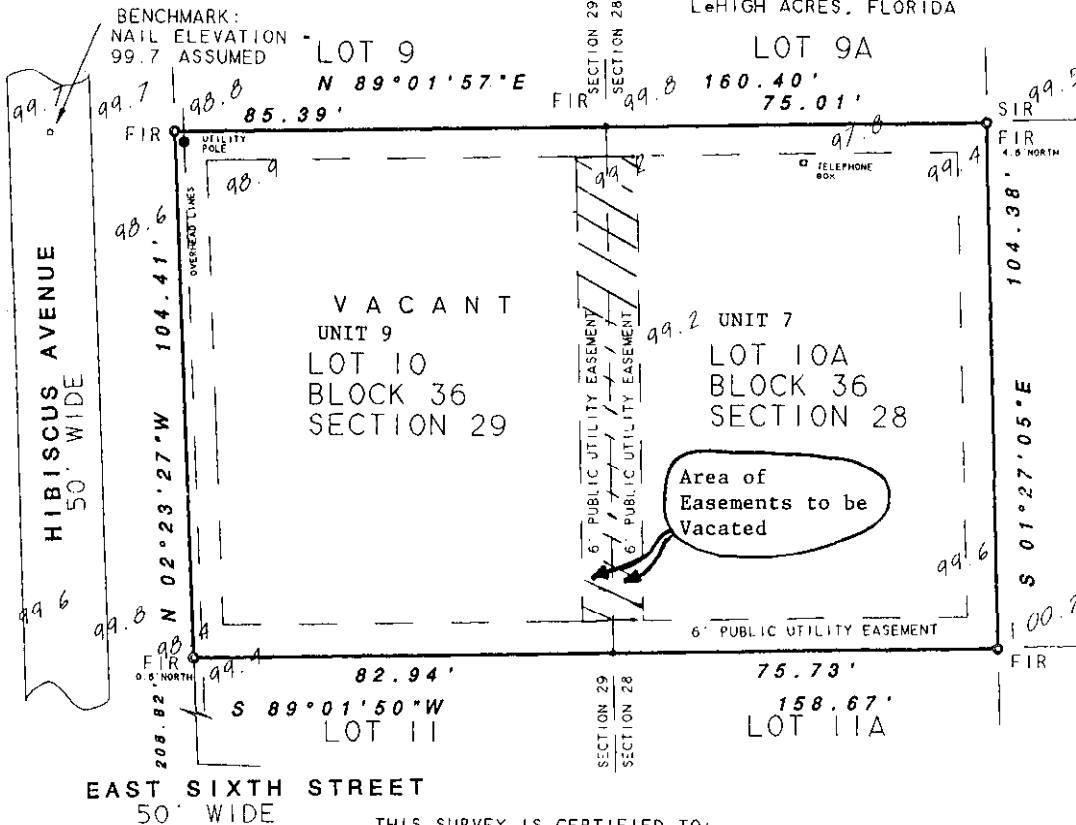
**SURVEYORS NOTES:**

- 1) FIR - FOUND 1/2" IRON ROD UNLESS SHOWN OTHERWISE.
- 2) BEARINGS PER RECORDED PLATS.
- 3) SIR - SET 1/2" IRON ROD #LB6594
- 4) ELEVATIONS SHOWN THUS: REFER TO AN ASSUMED DATUM AND ARE RELATIVE TO BENCHMARK SHOWN.

SCALE 1 INCH = 30 FEET



PROPERTY ADDRESS:  
 604 HIBISCUS AVENUE  
 LEHIGH ACRES, FLORIDA



EAST SIXTH STREET  
 50' WIDE

THIS SURVEY IS CERTIFIED TO:  
**BRENCO CONSTRUCTION**

VAC2002-00061

EXHIBIT "B"

Page 1 of 1

THIS SURVEY WAS PREPARED FOR MORTGAGE PURPOSES. LANDS SHOWN HEREON WERE NOT ABSTRACTED AND ARE SUBJECT TO ALL DEDICATIONS, LIMITATIONS, RESERVATIONS, RESTRICTIONS, AND EASEMENTS OF RECORD.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. NO COPIES SHALL BE MADE WITHOUT WRITTEN AUTHORIZATION.

DATED: OCTOBER 9, 2002

REVISION:

FILE DISK: OCT 02-8

CREW: LEWIS/GRAHAM

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.021, FLORIDA STATUTES.

L. LARRY GARDNER  
 SURVEYOR & MAPPER #4294

ATTORNEY'S REAL ESTATE LAND SURVEYING, INC. ©

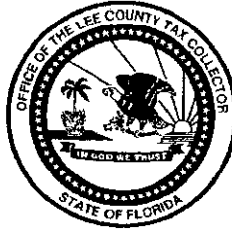


LICENSED & INSURED  
 1930 PARK MEADOWS DRIVE SUITE 9  
 FORT MYERS, FLORIDA 33907

PHONE: (941) 481-0404  
 (941) 277-7330  
 277-7332 (FAX)

NAPLES (941) 455-6655  
 (941) 455-8274

02-1217



PAID

RECEIPT

Transaction # 144474-50

11/07/2002

08:58:46 AM

RP

LEE COUNTY TAX COLLECTOR

Items Paid

Type	Item / Tax Year	Receipt	Pay Date	Date	Cashier	Amount	Void
1-01 - Real Estate Tax	29-44-27-09-00036.0100 / 2002	144474-50-1	11/07/2002	11/07/2002	EXM1	\$121.37	

**Total Items Paid: \$121.37**

Payment

Type	Date	Cashier	Amount	Void
Check	11/07/2002	EXM1	\$121.37	

**Total Payment \$121.37**

\*\*\*\*\* END \*\*\*\*\*

EXHIBIT "C"

This instrument prepared by: **4648419**  
MELISSA NORSWORTHY  
FOR FLEETWOOD TITLE CORPORATION  
204 LEE BLVD., SUITE 106,  
LEHIGH ACRES, FLORIDA 33936  
PARCEL # 29-44-27-09-00036.0100/A  
REC \$ 10.50  
RPTT \$ 36.40  
TOTAL \$ 46.90

DOCUMENTARY TAX Pd. \$ 36.40  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
By Betty Cruz Deputy Clerk

393127 Pg 1368

PAGE 1 OF 2

### WARRANTY DEED

FTC-39832-MAN

RECORDED BY  
BETTY CRUZ, D.C.

THIS WARRANTY DEED, delivered  
this 1<sup>st</sup> day of June, A.D. 1999,  
by CAPE HOLDINGS ENTERPRISES, INC., A FLORIDA CORPORATION  
whose address is:

9131 COLLEGE PKWY, #13B  
FT MYERS, FL 33919

acquiring title through instrument as recorded in O. R. Book 3017, Page 657  
in the public records of LEE County, Florida.

authorized to do business in the State of  
FLORIDA, and having a place of business in  
the County of LEE, State of FLORIDA,  
hereafter called the "Grantor", to

**JOE K. WHITMAN AND CHARLOTTE A. WHITMAN, HUSBAND AND WIFE**

whose address is:

1105 LANDING MEADOW DRIVE  
HENDERSON, KY 42420

herein called the "Grantee":

**WITNESSETH:** That said Grantor, for and in consideration of the sum of  
Ten Dollars (\$10.00) 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 the  
Grantee's heirs and assigns forever, the following described real  
property, situate, lying and being in LEE COUNTY, FLORIDA, to-wit:

LOT 10, BLOCK 36, UNIT 9, SECTION 29, 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 45,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LOT 10A, BLOCK 36, UNIT 7, 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 43,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Subject to easements, reservations, restrictions, conditions and  
limitations of record in the Public Records of LEE County, Florida, except  
taxes accruing subsequent to December 31, 1998, if any, and said Grantor  
does hereby fully warrant the title to said property, and will defend the  
same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized the day and year first above written.

(CORPORATE SEAL)

CAPE HOLDINGS ENTERPRISES, INC.

ATTEST: [Signature]  
Secretary

BY [Signature] LS  
AUTHORIZED SIGNATURE  
PRINT NAME & TITLE ALSO:  
J. CRAIG RENTON

ADDRESS: 9131 COLLEGE PKWY, #13B  
FORT MYERS, FL 33919

[Signature]  
Witness

Michelle Chase  
PRINTED NAME OF WITNESS

[Signature]  
Witness

Cheri Bass  
PRINTED NAME OF WITNESS

STATE OF FLORIDA

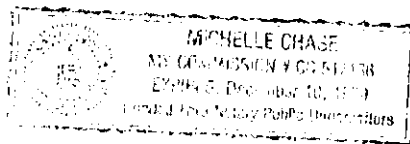
COUNTY OF LEE

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments personally appeared J. Craig Renton THE President for CAPE HOLDINGS ENTERPRISES, INC., A FLORIDA Corporation to me known to be the persons described in and who executed the foregoing Warranty Deed and they did take an oath and acknowledged then and there before me that they executed the same as such officers for the purposes therein expressed; and that ~~they affixed~~ hereto the official seal of said corporation and that the said agreement is the act and deed of said corporation and did produce acceptable identification being in the form of Florida DL R350-463-43-181-0 along with a current acceptable corporate resolution.

WITNESS my hand and official seal this 15 day of June, A.D. 1999.

(SEAL)

[Signature]  
Notary Public  
My Commission Expires: 12-10-99



OR3127 P81369

1999 JUN - 7 AM 9:13  
CHARLIE GREEN, CLERK  
LEE COUNTY, FL



Post Office Box 3455  
North Fort Myers, FL 33918-3455  
(941) 995-2121 • FAX (941) 995-7904  
www.lcec.net • www.ilina.com

October 25, 2002

Mr. and Mrs. Joe K. Whitman  
969 Village Brook Drive  
Henderson, KY 42420

Re: Strap No.29-44-27-09-00036.0100

Dear Mr. and Mrs. Whitman:

LCEC does not object to vacation of the public utility and/or drainage easements described as follows:

- The East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, page 45, Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and
- The West 6 feet of Lot 10A, Block, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, page 43, Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

Please call me at 1-800-282-1643, extension 422 if you have any questions.

Sincerely,

Karen Hardin  
Real Property Representative





November 21, 2002

Mr. & Mrs. Joe Whitman  
969 Village Brook Drive  
Henderson, Kentucky 42420

RE: Vacation of Easement –

A 12 foot wide public utility and drainage easement  
centered on the lot line common to lots 10 and 10A,  
Block 36, Unit 9, Section 29, Township 44S, Range 27E as recorded  
In Plat Book 15, Page 43, Public Records of Lee County, Florida,  
less and except the north 6 feet and the south 6 feet thereof.

Dear Mr. & Mrs. Whitman:

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 239-336-2023.

Sincerely,

  
Wayneth Jackson  
Engineer



December 2, 2002

Joe & Charlotte Whitman  
969 Village Brook Drive  
Henderson, KY 42420

Re: The East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, page 45, Public Records of Lee County, Florida, Less and Except the North 6 feet and the South 6 feet thereof, and

The West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, page 43, Public Records of Lee County, Florida, Less and Except the North 6 feet and the South 6 feet thereof.

Dear Mr. & Mrs. Whitman:

Please be advised that Florida Water Services Corporation has reviewed the above-referenced request for a vacation of easement. We have no objection to the vacation of easement as described above.

Please call me at (407) 598-4187, if you need any additional information or other assistance.

Sincerely,

A handwritten signature in black ink that reads "Rachel L. Cowing". The signature is written in a cursive, flowing style.

Rachel L. Cowing  
Legal Assistant



Florida Water Services Corporation | P.O. Box 609520 | Orlando, Florida 32860-9520 | Phone 407/598-4100

*Water For Florida's Future*



301 Tower Road  
Naples, FL 34113  
Telephone: 941-732-3819  
FAX: 941-992-1289

November 7, 2002

Joe K. Whitman  
C/O Charlotte A Whitman  
969 Village Brook Dr  
Henderson, KY 42420

Re: Request for a Letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: 604 Hibiscus Av  
Lehigh Acres, FL

Dear Mr & Mrs Joe Whitman,

This letter will serve to inform you that Comcast facilities are aerial  
along front easement of property and should not interfere with your petition to vacate.

If you should require further information, please feel free to contact me here at (941)  
432-1865

Sincerely,

A handwritten signature in cursive script that reads "Lucia Vera".

Lucia Vera  
Design Coordinator



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob James  
*District One*

Douglas B. St. Gony  
*District Two*

Ray Jordan  
*District Three*

Andrew W. Coy  
*District Four*

John L. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

November 4, 2002

Mr. And Mrs. Joe Whitman  
969 Village Brook Drive  
Henderson, KY 42420

**RE: Petition to Vacate  
The 12 foot wide Public Utility Easement  
On the Lot Line common to Lot 10, Block 36,  
Unit 9, and Lot 10A, Block 36, Unit 7, Lehigh Acres**

Dear Mr. And Mrs. Whitman:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 15, pages 43 and 45. DOT has no facilities within the easement and does not maintain it.

Therefore, DOT has no objection to this petition to vacate as proposed.

Yours very truly,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

Cc: Don Blackburn, Development Services  
Allen Davies, Natural Resources  
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2002\Lots 10 and 10A - Whitman.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111  
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

 **LEE COUNTY**  
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Thursday, December 05, 2002

Bob Jones,  
*District One*

Douglas H. East, County  
*District Two*

Ray Judah,  
*District Three*

Andrew W. Coy,  
*District Four*

John L. Albion,  
*District Five*

Donald D. Shively,  
*County Manager*

James G. Yaeger,  
*County Attorney*

Diana M. Parker,  
*County Hearing Examiner*

Mr. Joe Whitman  
969 Village Brook Drive  
Henderson, KY 42420

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 10 & 10A, Block 36, Unit 9, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 43, in Lee County, Florida. (Corrective letter)

Dear Ms. Whitman:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT



Allen L. Davies, Jr.  
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac297.doc



## Florida Department of Transportation

JEB BUSH  
GOVERNOR

THOMAS F. BARRY, JR.  
SECRETARY

November 4, 2002

Joe K. and Charlotte A. Whitman  
969 Village Brook Drive  
Henderson, KY 42420

RE: Vacation of A Utility Easement

Dear Mr. And Mrs. Whitman:

Our staff has conducted a review of your request to vacate a 12-foot utility easement centered on the lot lines common to Lot 10, Block 36, Unit 9, Lehigh Acres as recorded in Plat Book 15, Page 45 and Lot 10A, Block 36, Unit 7, Lehigh Acres as recorded in Plat Book 15, Page 43, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of October 18, 2002.

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

Sincerely,

James W. Dunsford,  
District R/W Administrator,  
Property Management

JWD/jwd

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

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8348

January 14, 2003

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Joe K. Whitman  
969 Villagebrook Dr.  
Henderson, Kentucky 42420-5312

Re: Recommendation for proposed vacation of of a 12-foot wide Public Utility Easement located at 604 Hibiscus Avenue, Lehigh Acres, Florida 33936.

Dear Mr. Whitman:

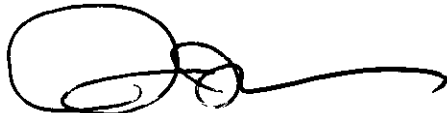
This office has received your request to vacate the East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and

The West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

You indicate that as the result of combining adjacent lots into one residential building site, these platted easements prohibit the construction of your proposed site plan. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director

PJE/rIm

U:\200301\VAC20020.006\1D&PUE.WPD

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2002-00061

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. VAC2002-00061 is set for the  
\_\_\_\_\_ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in  
accordance with the Lee County Administrative Code.

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

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name



## EXHIBIT "A"

A legal description of the area proposed for vacation:

The East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and

The West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00061

### TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of March 2003 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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

CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

## **EXHIBIT "A"**

A legal description of the area proposed for vacation:

The East 6 feet of Lot 10, Block 36, Unit 9, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 45, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof, and

The West 6 feet of Lot 10A, Block 36, Unit 7, a subdivision of Lehigh Acres, Section 28, Township 44 South, Range 27 East, as recorded in Plat Book 15, Page 43, of the Public Records of Lee County, Florida, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

11-05-02

**BOARD OF COUNTY COMMISSIONERS  
LEE, COUNTY FLORIDA**

**List of Affected Property Owners**

**Lot 9 and Lot 9A**

**Location: Borders north of Lot 10 and 10A**

**Owners: Barry & Marie Fray**

**606 Hibiscus Avenue**

**Lehigh Acres, Florida 33936**

**Lot 11 and 11A**

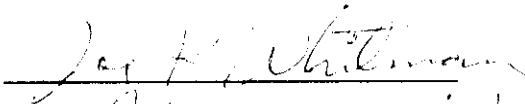
**Location: Borders south of Lot 10 and 10A**

**Owner: Maria Tutsch**

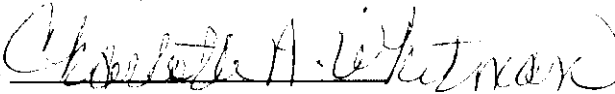
**Persallstr 2**

**81675 Munchen, Germany**

**Joe K. Whitman**



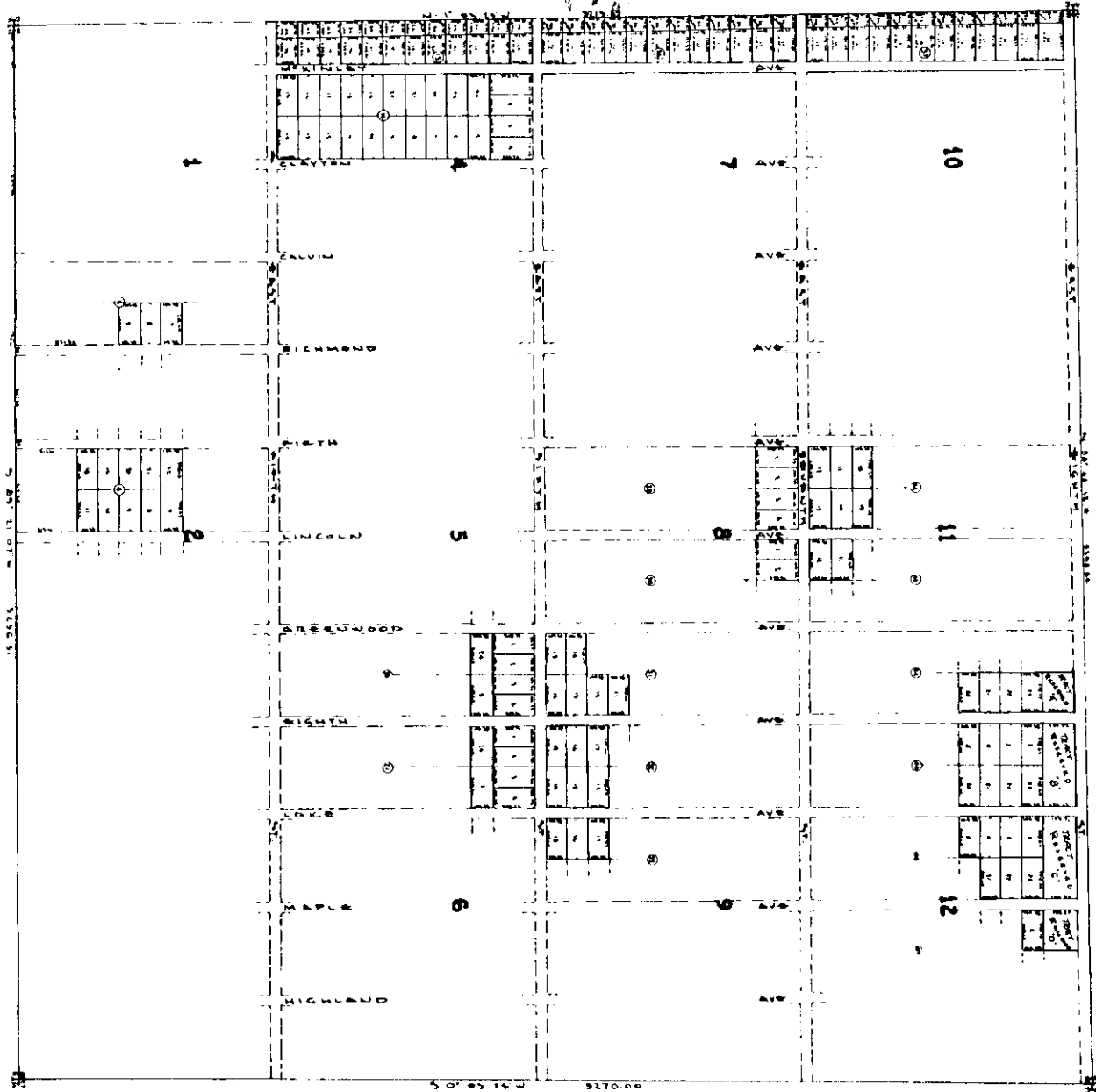
**Charlotte A. Whitman**



**969 Village Brook Drive**

**Henderson ,Ky. 42420**





PLAT OF SEC. 28

A SUBDIVISION OF  
"LEHIGH ACRES"

SHOWING ENLARGEMENT OF RESERVED AREAS

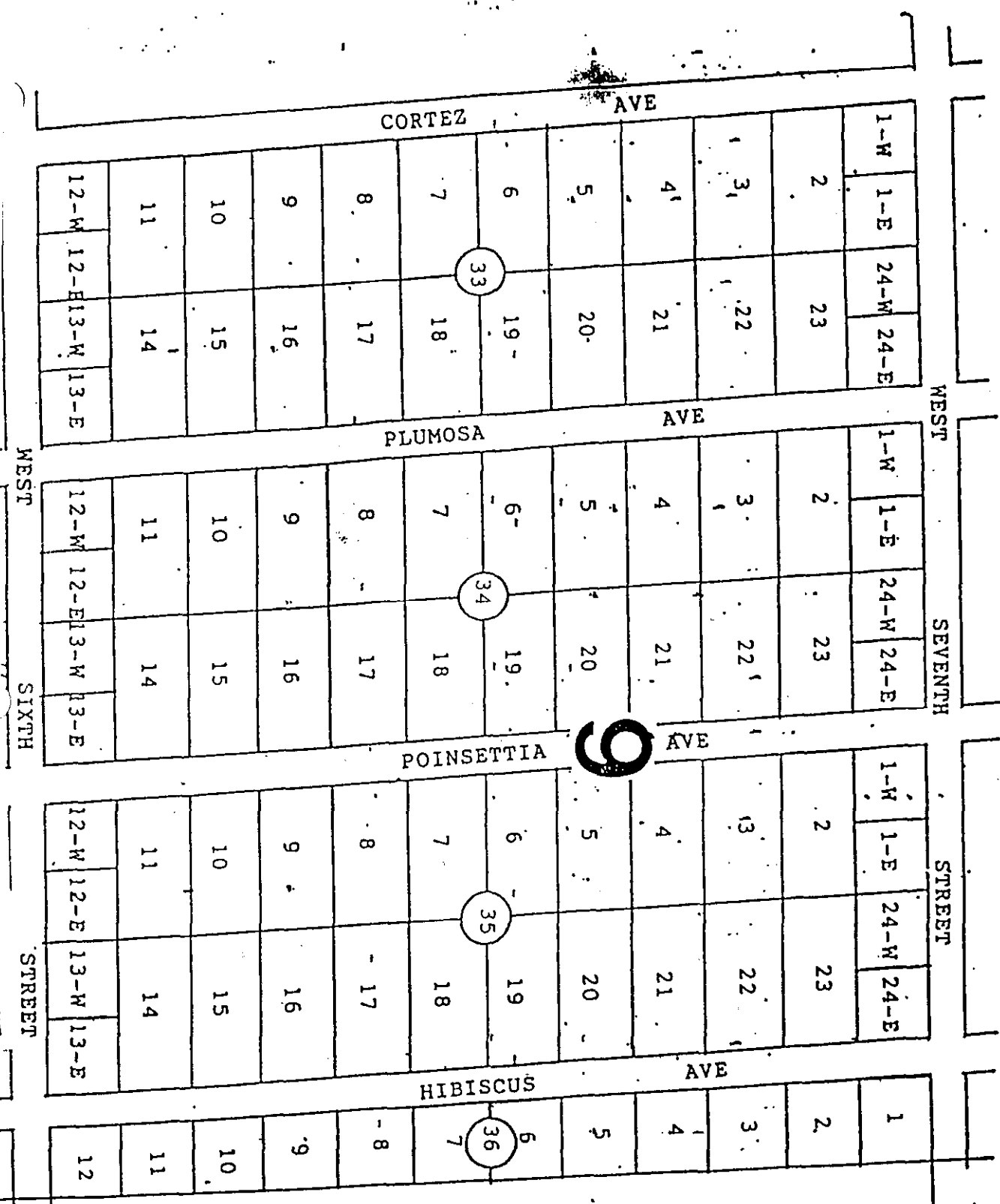
LEHIGH COUNTY LAND (TRUST) CO. DEVELOPERS

Scale 1" = 40' 1/2"

DATE 10/15/1914

**W. F. H.**  
Surveyor

NOTE:  
Dimensions, Bearings, etc. are given in feet and inches as shown on plat.

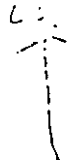


Section 29

There are no 1/2  
acre lots between  
Hibiscus and  
McKinley

Madge Bullard  
Real Estate Broker  
P O Box 1273  
Lehigh Acres FL 33970

Lots in block 36  
are split by section  
line, other portion  
is in section 28



HIBISCUS

1A	24
2A	23
3A	22
4A	21
5A	20
6A	19
7A	18
8A	17
9A	16
10A	15
11A	14
12A	13

MCINLEY AVENUE

1	4	3	2
24	23	22	21
20	19	18	17
16	15	14	13
12	11	10	9
8	7	6	5
2	1	15D	15E
14	13	11D	11E
10	9	8D	8E
6	5	4D	4E
2	1	15W	15X
14	13	11W	11X
10	9	8W	8X
6	5	4W	4X

CLAYTON AVENUE

1	2	3	4
24	23	22	21
20	19	18	17
16	15	14	13
12	11	10	9
8	7	6	5
2	1	15D	15E
14	13	11D	11E
10	9	8D	8E
6	5	4D	4E
2	1	15W	15X
14	13	11W	11X
10	9	8W	8X
6	5	4W	4X

CALVIN AVENUE

1	3
24	23
22	21
20	19
18	17
16	15
14	13
12	11
10	9
8	7
6	5
4	3
2	1
15D	15E
11D	11E
8D	8E
4D	4E

STATE OF FLORIDA  
1/4 Acre = 104' x 104'  
1/2 Acre = 104' x 203'

PLAT OF LOTS

TRD

UNIT NO. 7

SECTION 28 TWP 4/4S RGE 27E LEE COUNTY, FLORIDA

GENERAL NOTES: GENERAL AVENUE RECONSTRUCTION PROVISIONS

1st

Block

1st