

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20030707

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a petition to vacate a twelve foot (12') wide public utility between 1864 & 1865 Lockhaven Court, in Lehigh Acres; and adopt a resolution setting a public hearing for : 5:00 p.m. on the 26th day of August, 2003. (VAC2003-00008)

WHY ACTION IS NECESSARY: To construct a residential structure spanning both lots. *The vacation of this easement will not alter existing drainage or utilities; nor is this easement necessary to accommodate any future drainage or utility requirements.*

WHAT ACTION ACCOMPLISHES: Sets the date for Public Hearing.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 05

C4B

3. MEETING DATE:

08-05-2003

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE FS177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY: M. Gibbs
Peter J. Eckenrode, Director

7. BACKGROUND: The Petitioner is Dorje Ying Nyingmapa Center, Inc.

LOCATION: The easement in question is a twelve-foot (12') wide Public Utility and Drainage Easement centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida; Less and Except the North six feet (6') and South six feet (6') of this easement.

The site is located at 1864 & 1865 Lockhaven Court, Lehigh Acres, Florida, Section 7, Township 44 South, Range 27 East.

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, the Resolution to set the Public Hearing and the Notice of Public Hearing.

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								
<i>M. Gibbs</i>	N/A	N/A	N/A	<i>John J. ... 7-18-03</i>	<table border="1"> <tr> <td>OA</td> <td>OM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td><i>[initials]</i></td> <td><i>[initials]</i></td> <td><i>[initials]</i></td> <td><i>[initials]</i></td> </tr> </table>	OA	OM	Risk	GC	<i>[initials]</i>	<i>[initials]</i>	<i>[initials]</i>	<i>[initials]</i>	<i>[initials]</i>
OA	OM	Risk	GC											
<i>[initials]</i>	<i>[initials]</i>	<i>[initials]</i>	<i>[initials]</i>											

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: *7/15/03*
 Time: *4:05 PM*
 Forwarded To:
*Co. ADM.
7/18/03 10AM*

Rec. by CoAtty
 Date: *6-17-03*
 Time: *1:00 PM*
 Forwarded To:

**RECEIVED BY
COUNTY ADMIN**
[initials]
COUNTY ADMIN
FORWARDED TO:
[initials]

PETITION TO VACATE

Case Number: VAC2003-00008

Petitioner(s), Dorje Ying - Tibetan Buddhist Nyingmapa Meditation Center Corp., 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, P.O. Box 922, Lehigh Acres, FL 33970.
- 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.

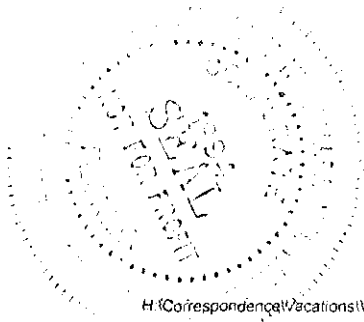
Wherefore, Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted,

By: *Manfred de Bernardo*
 Petitioner Signature
President of Dorje Ying Tibetan Buddhist
Nyingmapa Meditation Center Corp.
MANFRED DE BERNARDO
 Printed Name *president*

By: _____
 Petitioner Signature

 Printed Name



Legal Description:

A twelve-foot (12') wide **Public Utility and Drainage Easement** centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida.

Less and Except: The Northerly six feet (6') and Southerly six feet (6') of this easement as measured perpendicular from the boundary line of the property.

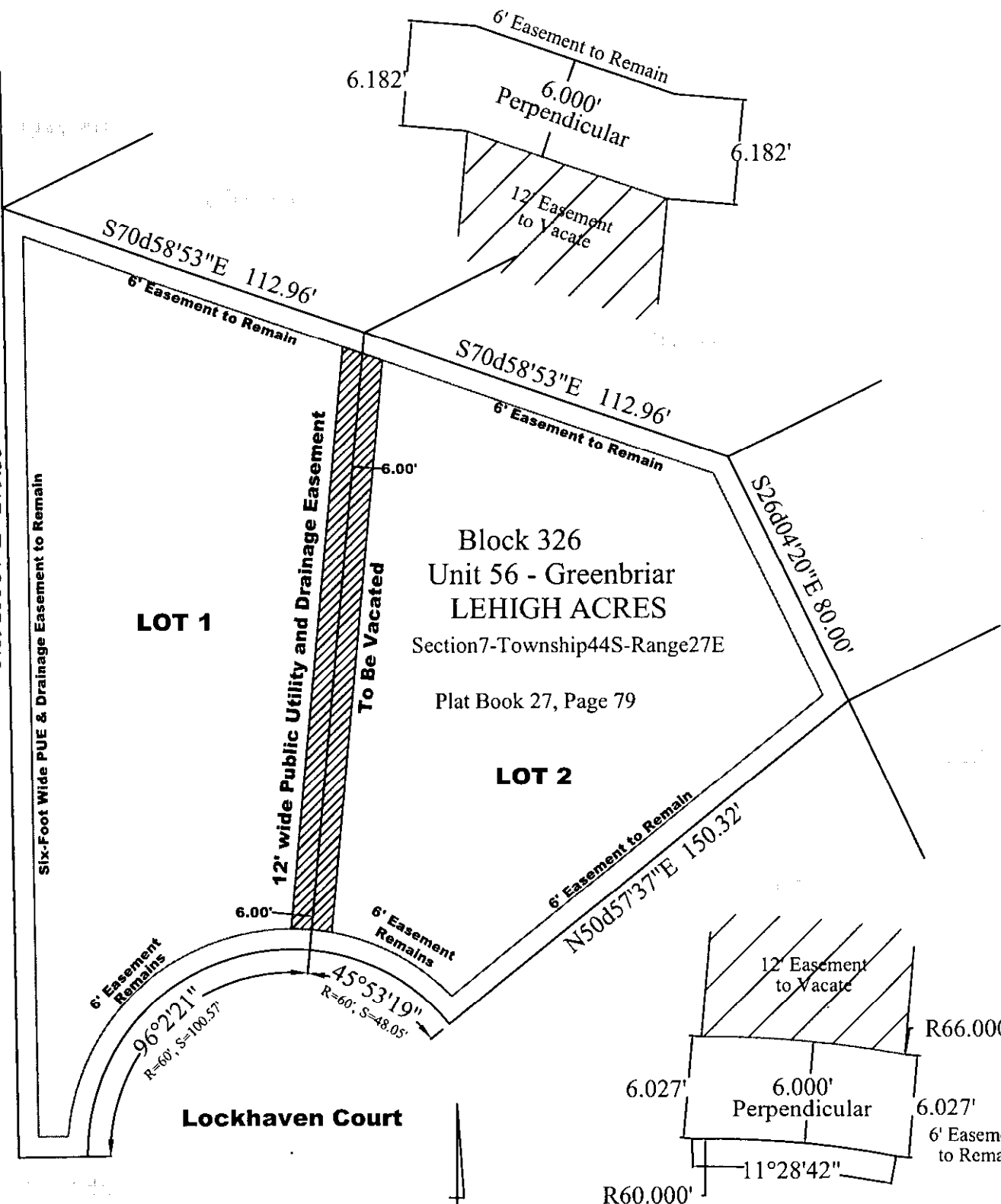
Exhibit A

Petition to Vacate
VAC2003-00008

Northerly Easement Detail (5x)

CANAL (Hickey's Creek)

N89°01'57"E 279.35'



LOT 1

Block 326
Unit 56 - Greenbriar
LEHIGH ACRES
Section 7-Township 44S-Range 27E

Plat Book 27, Page 79

LOT 2

Lockhaven Court

Southerly Easement Detail (5x)

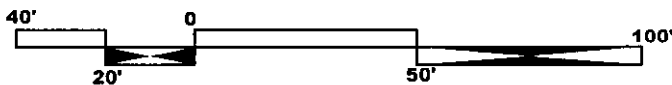


EXHIBIT B

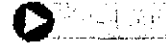
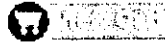
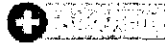
Petition to Vacate
VAC2003-00008

Exhibit "C"

Petition to Vacate

VAC2003-00008

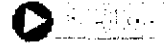
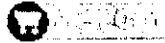
Pay Online:



Real Property Information

Account	Tax Year	Status
07-44-27-11-00326.0010	2002	PAID
Original Account	Book/Page	
07-44-27-11-00326.0010	2713/542	
Physical Address	Mailing Address	
DORJE YING-TIBETAN BUDDHIST 1865 LOCKHAVEN CT LEHIGH ACRES FL 33972	DORJE YING-TIBETAN BUDDHIST NYINGMAPA MEDITATION CTR CORP P O BOX 922 LEHIGH ACRES FL 33970 USA	
Legal Description		
GREENBRIAR UNIT 56 BLK 326 PB 27 PG 79 LOT 1		
Total Amount Due as of 7/18/2003	\$0.00	

Pay Online:



Real Property Information

Account	Tax Year	Status
07-44-27-11-00326.0020	2002	PAID
Original Account	Book/Page	
07-44-27-11-00326.0020	2713/544	
Physical Address	Mailing Address	
DORJE YING-TIBETAN BUDDHIST 1864 LOCKHAVEN CT LEHIGH ACRES FL 33972	DORJE YING-TIBETAN BUDDHIST NYINGMAPA MEDITATION CTR CORP P O BOX 922 LEHIGH ACRES FL 33970 USA	
Legal Description		
GREENBRIAR UNIT 56 BLK 326 PB 27 PG 79 LOT 2		
Total Amount Due as of 7/18/2003	\$0.00	

10.50K
9.00D
19.60

Seminole Paper & Printing Co., Inc. 1987

Name: Guardian Title of Le gh
Box 85
Address: File #L65822R

This Instrument Prepared by: Cindy Dunn
Guardian Title of Lehigh
Address: 1103 W. Leeland Heights Blvd.
Lehigh Acres, FL 33936

Property Appraisers Parcel Identification (Folio) Number(s):
07-44-27-11-00326.0010
Grantee(s) S.S. #(s):

3975857

Documentary Tax Pd. \$ 9.10
\$ 8 Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By *C. Dunn* Deputy Clerk

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 5 day of January A.D. 19 96 by
Attila Debajtsy

hereinafter called the grantor, to
Dorje Ying-Tibetan Buddhist Nyingmapa Meditation Center Corp.

whose post office address is P.O. Box 922
Lehigh Acres, FL 33970

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00----- and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, viz:

Lot 1, Block 326, Unit 56, GREENBRIAR, Sections 6 & 7, 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 27, Page 79, Public Records of Lee County, Florida.

SUBJECT PROPERTY IS VACANT LAND AND NOT THE HOMESTEAD OF THE GRANTOR HEREIN.

DR2713 PG0542

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: C. KELLER, D.C.

96 JUN -6 PM 12: 23

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, and hereby 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 December 31, 19 95 .

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature (as to Grantor) [Signature]
Printed Signature Margaret K. Depew
Witness Signature (as to Grantor) [Signature]
Printed Signature CINDY DUNN

Grantor Signature [Signature] U.S.
Printed Signature Attila Debajtsy
Post Office Address P.O. Box 22, Kissimmee FL 33935

Witness Signature (as to Co-Grantor, if any)
Printed Signature
Witness Signature (as to Co-Grantor, if any)
Printed Signature

Co-Grantor Signature, if any
Printed Signature
Post Office Address

STATE OF Florida)
COUNTY OF Lee)

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

ATTILA De bajtsy
known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that He executed the same, and an oath was not taken. (Check one:) [] Said person(s) is/are personally known to me. [X] Said person(s) provided the following type of identification: Florida Drivers License

NOTARY RUBBER STAMP SEAL



Witness my hand and official seal in the County and State last aforesaid this 5th day of January, A.D. 19 96.

Notary Signature [Signature]
Printed Notary Signature Margaret K. Depew

Name: Guardian Title of Lehigh
Box 85
Address: File #L65826R

10.500
9.100
19.600

©Seminole Paper & Printing Co., Inc. 1987

This Instrument Prepared by: Cindy Dunn
Guardian Title of Lehigh
Address: 1103 W. Leeland Heights Blvd.
Lehigh Acres, FL 33936

3975858

Documentary Tax Pd. \$ 9.10
\$ 0 Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By C. Keller Deputy Clerk

Property Appraisers Parcel Identification (Folio) Number(s):
07-44-27-11-00326.0020
Grantee(s) S.S. #[s]:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

OR2713 PG0544

This Warranty Deed Made the 4TH day of MARCH A.D. 19 96 by
Josef Gaisbauer

hereinafter called the grantor, to
Dorje Ying-Tibetan Buddhist Nyingmapa Meditation Center Corp.

whose post office address is P.O. Box 922
Lehigh Acres, FL 33970

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00----- and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, viz:

Lot 2, Block 326, Unit 56, GREENBRIAR, Sections 6 & 7, 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 27, Page 79, Public Records of Lee County, Florida.

SUBJECT PROPERTY IS VACANT LAND AND NOT THE HOMESTEAD OF THE GRANTOR HEREIN.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: C. KELLER, D.C.

96 JUN -6 PM 12: 24

DR2713 PG0545

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, and hereby 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 December 31, 19 95 .

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature (as to Grantor) Anna Fahrngruber

Printed Signature ANNA FAHRNGRUBER

Witness Signature (as to Grantor) Cornelia Fahrngruber

Printed Signature CORNELIA FAHRNGRUBER

Witness Signature (as to Co-Grantor, if any)

Printed Signature

Witness Signature (as to Co-Grantor, if any)

Printed Signature

Grantor Signature Josef Gaisbauer U.S.

Printed Signature Josef Gaisbauer

Post Office Address

Co-Grantor Signature, if any U.S.

Printed Signature

Post Office Address

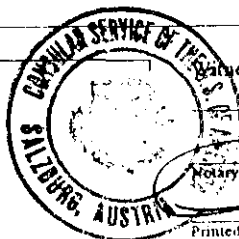
STATE OF REPUBLIC OF AUSTRIA
CITY OF SALZBURG)
COUNTY OF CONSULAR AGENT OF THE)
UNITED STATES OF AMERICA)

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

JOSEF GAISBAUER

known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that executed the same, and an oath was not taken. (Check one:) Said person(s) is/are personally known to me. Said person(s) provided the following type of identification: AUSTRIAN I.D. NR. 4683729 ISSUED ON MAY 18, 1987
AT: BRAUNAU

NOTARY RUBBER STAMP SEAL

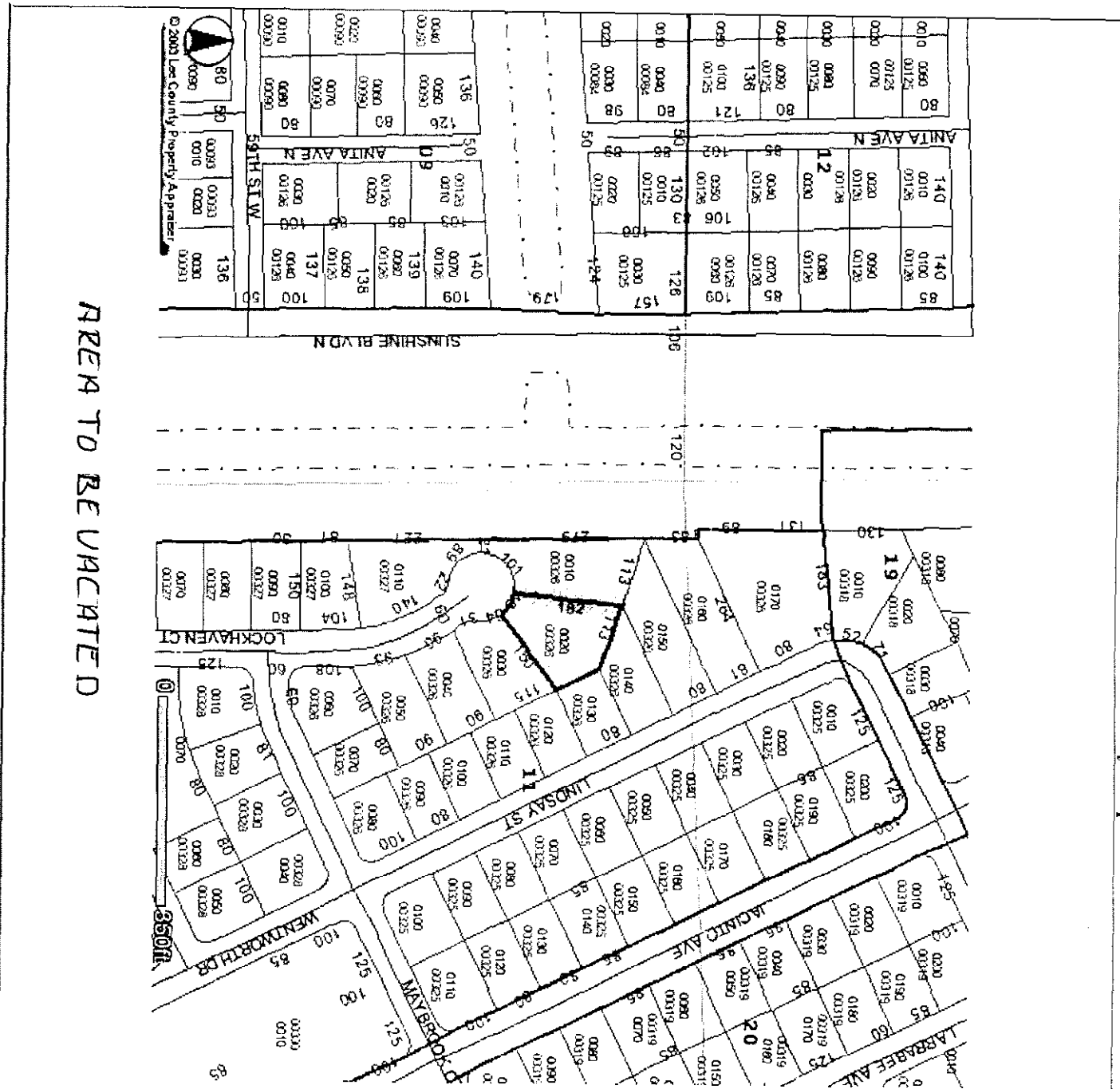


Witness my hand and official seal in the County and State last aforesaid this 4th day of MARCH, A.D. 1996.

Notary Signature
Printed Notary Signature

Jeanie De Graff Mayer
JEANIE DEGRAFF MAYER
CONSULAR AGENT OF THE
UNITED STATES OF AMERICA

Lee County Map



AREA TO BE VACATED



Post Office Box 3455
North Fort Myers, FL 33918-3455
(941) 995-2121 • FAX (941) 995-2904
www.lcec.net • www.lcec.com

January 17, 2003

Ms. Diane Grgach
Dorje Ying Nyingmapa Ctr. Corp.
P. O. Box 922
Lehigh Acres, FL 33970

Re: Strap No. 07-44-27-11-00326.0010 and
Strap No. 07-44-27-11-00326.0020

Dear Ms. Grgach:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 1 & 2, Block 326, Unit 56, a subdivision of Greenbriar as recorded in Plat Book 27, page 79, LESS and EXCEPT the north 6 feet and the south 6 feet thereof.

Please be advised; however, that you must contact FPL as this is in their service area.

Sincerely,

Karen Hardin
Real Property Representative



RUSS REED
CUSTOMER PROJECT MANAGER
2425 THOMPSON ST
FT MYERS, FL, 33901
PHONE 239-332-9167
FAX 239-332-9128

Diane Grgach
Dorje Ying Nyingmapa Ctr Corp
PO Box 922
Lehigh Acres FL 33970

Re Vacating of Easement

Florida Power & Light Co. has no objection to vacating the easement common to Lots 1 & 2 Block 326 Unit 56 less the north/east and south/west 6' thereof. These lots have the following strap numbers:

07-44-27-11-00326.0010

07-44-27-11-00326.0020

If I may be of further assistance, please do not hesitate to contact me at 239-332-9167.

Sincerely,

Russ Reed
Customer Project Manager



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

January 31, 2003
Mrs. Dore Ying Nyingmapa CTR. Corp.
P.O. Box 922
Lehigh Acers, FL 33970

Att: Diane Grgach

Re: Petition to vacate a utility easement.

Sprint has no objection in vacating the proposed easement.
The Easement between lots 01 & 02 in Section 7, Township 44 South, Range 27 East,
Unit 56, Lots 1 & 2, as recorded in Plat Book 27, Page 79, in the Public Records of
Lee county, Florida. Strap number for Parcel 07-44-27-11-00326.0010, 0020.

In reviewing this request, Sprint has no objection to this vacation of said easement
between lots 1 & 2 as requested.

See Att:

If you have any Questions please advise; Craig Sloan 239-336-2039

Call for locates to verify 1-800-432-4770 ALL CLEAR
Prior to construction.

A handwritten signature in black ink, appearing to read "Craig Sloan".

Craig Sloan
Eng. I

Cc;WJ



February 17, 2003

Diane Girgach
Dorje Ying Nyingmapa CTR. Corp.
P.O. Box 922
Lehigh Acres, FL 33970

Re: STRAP# 07-44-27-11-00326-0010
STRAP# 07-44-27-11-00326-0020
A 12-foot wide Utility and/or Drainage Easement centered on the lot line common to Lots 1 & 2, Block 326, Unit 56 subdivision of Greenbriar as recorded in Plat Book 27, Page 79 less and except the north/east 6 feet and south/west 6 feet thereof.

Dear Ms. Girgach:

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, appearing to read "Rachel L. Cowing".

Rachel L. Cowing
Legal Secretary

AN ALLETE COMPANY

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

Water For Florida's Future

AmeriGas

America's Propane Company

January 22, 2003

Diane Grgach
1547 Canal Street
Lehigh Acres, Florida 33972

RE: VACATE OF EASEMENT

Dear Ms. Grgach::

In reference to your letter dated January, 14, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 07-44-27-11-00326.0010
STRAP NO.: 07-44-27-11-00326.0020

Please feel free to contact me at 941-334-2849, should you have further questions.

Sincerely,


Teresa Michaels
Customer Manager

2931 Michigan Avenue
Fort Myers, Florida 33916
Phone 941-334-8828
Fax 941-334-8575



February 3, 2003

Dorje Ying Nyingmapa Ctr. Corp
C/O Diane Grgach
PO BOX 922
Lehigh Acres, FL 33970

Re: Request for a Letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location:
Strap # 07-44-27-11-00326-0010
Strap # 07-44-27-11-00326-0020

Dear Diane Grgach,

This letter will serve to inform you that Comcast has no facilities in the above referenced location. Comcast has no conflict with the vacation of easement.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucia Vera'.

Lucia Vera
Design Coordinator



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

January 27, 2003

Diane Grgach
Dorje Ying Nyingmapa Center, Corp.
P.O. Box 922
Lehigh Acres, Florida 33970

RE: Vacation of A Utility and/or Drainage Easement

Dear Ms Grgach:

Our staff has conducted a review of your request to vacate a 12-foot utility and/or drainage easement centered on the lot line common to Lots 1 and 2, Block 326, Unit 56, a subdivision of Green Briar, as recorded in Plat Book 27, Page 79, Public Records of Lee County, Florida. This same area was further referenced in your letter January 14, 2003.

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

Sincerely,

A handwritten signature in black ink that reads "James W. Dunsford".

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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

April 8, 2003

Ms. Diane Grgach
Dorje Ying Nyingmapa Ctr. Corp.
P. O. Box 922
Lehigh Acres, FL 33970

**RE: Petition to Vacate
The 12 foot wide Drainage and Utility Easement
On the lot line common to Lots 1 and 2,
Block 326, Unit 56, Greenbriar Subdivision
Of Lehigh Acres**

Dear Ms. Grgach:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 27, page 79. DOT has no facilities within the easement and does not maintain it.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION


Margaret Lawson
Right-of-way Supervisor

MAL/mlb

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

S:\DOCUMENT\Petition To Vacate\2003\Greenbriar Subdivision - Grgach.doc



(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Thursday, February 13, 2003

Bob Jones
District One

Douglas H. St. Geme
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John F. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Ms. Diane Girgach
Dorje Ying Nyingmapa Ctr. Corp.
P.O. Box 922
Lehigh Acres, FL 33970

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 1 & 2, Block 326, Unit 56, Green Briar Subdivision, as recorded in Plat Book 27 Page 79, in Lee County, Florida.

Dear Ms. Girgach:

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 and drainage 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\vac306.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

479-8374

Bob James
District One

Douglas B. St. Genny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John F. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

June 11, 2003

Ms. Diane Grgach
Dorje Ying Nyingmapa Center Corp.
P.O. Box 922
Lehigh Acres, Florida 33970

Re: VAC2003-00008 - Petition to vacate a twelve-foot (12') wide Public Utility and Drainage Easement centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida; Less and Except the North six feet (6') and South six feet (6') thereof.

Dear Ms. Grgach:

You have indicated that in order to construct a residential structure spanning both lotst; you desire to eliminate the platted lot lines, right-of-way, public utility and drainage easements within the property described above.

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

for Peter J. Eckenrode
Director

PJE/sbe

H:\Correspondence\Vacations\Vac2003\00008 DYN Center\Development Review Recommends.wpd

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00008**

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. VAC2003-00008 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

Legal Description:

A twelve-foot (12') wide **Public Utility and Drainage Easement** centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida.

Less and Except: The Northerly six feet (6') and Southerly six feet (6') of this easement as measured perpendicular from the boundary line of the property.

Exhibit A

Petition to Vacate
VAC2003-00008

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00008

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 26th day of August 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

Legal Description:

A twelve-foot (12') wide **Public Utility and Drainage Easement** centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida.

Less and Except: The Northerly six feet (6') and Southerly six feet (6') of this easement as measured perpendicular from the boundary line of the property.

Exhibit A

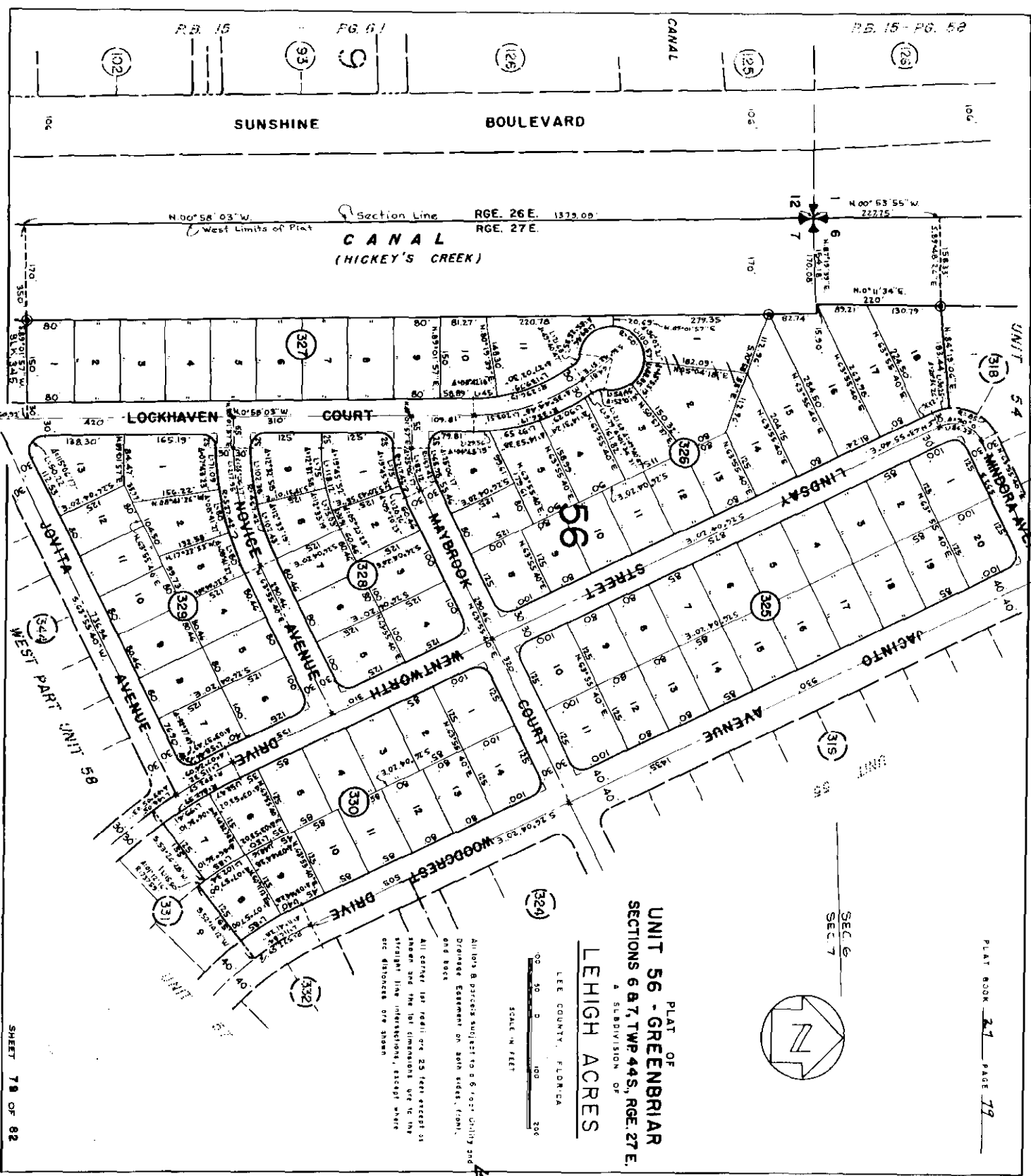
Legal Description:

A twelve-foot (12') wide **Public Utility and Drainage Easement** centered on the lot line common to Lots 1 and 2 of Block 326, Unit 56 - Greenbriar, in the subdivision of Lehigh Acres; as recorded in Plat Book 27, Page 79 of the official Public Records of Lee County, Florida.

Less and Except: The Northerly six feet (6') and Southerly six feet (6') of this easement as measured perpendicular from the boundary line of the property.

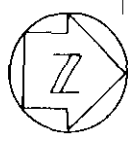
Exhibit A

Petition to Vacate
VAC2003-00008

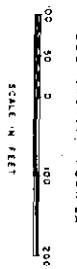


PLAT BOOK 21 PAGE 19

SEC 6
SEC 7



PLAT OF
UNIT 56 - GREENBRIAR
SECTIONS 6 & 7, TWP 44S, RGE. 27E,
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA



All lots & parcels subject to a 6-foot Utility and
Drainage Easement on both sides, front,
and back.
All corner lot (red) are 25 feet except as
shown and the lot dimensions are to the
straight line intersections, except where
the distances are shown.

SHEET 78 OF 82

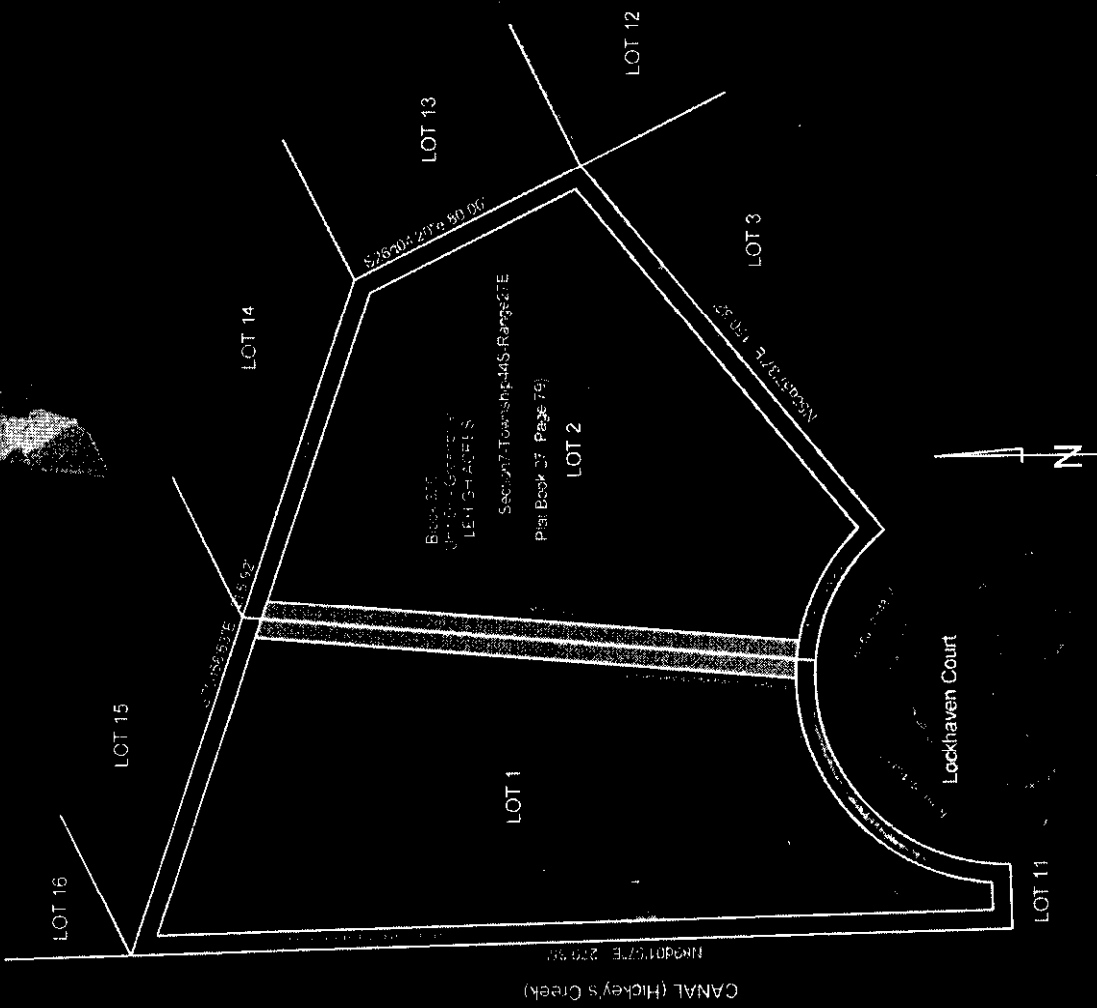


EXHIBIT B