

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20030835

1. **REQUESTED MOTION:**

ACTION REQUESTED: Schedule a Public Hearing for vacating a 12-foot wide Public Utility Easement located at 712 and 714 Plumosa Ave., Lehigh Acres Florida. (VAC2003-00034, BS# 20030835) JHF

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

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

2. **DEPARTMENTAL CATEGORY:** 04
COMMISSION DISTRICT #: 5

C4C

3. **MEETING DATE:**

08-05-2003


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: 
- Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to Vacate, VAC2003-00034 was submitted by Steven and Silvia O'Reilly. JHF

LOCATION: Petition No. VAC2003-00034 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 5 & 6, Block 33, Unit 10, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 44, Section 29, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the East 6-feet and the West 6-feet thereof. The site is located at 712 Plumosa Ave., Lehigh Acres Florida and 714


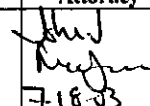
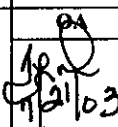
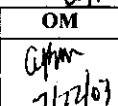
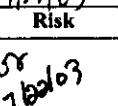

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services OM Risk GC			G County Manager
	N/A	N/A	N/A	 7-18-03	 7/21/03	 7/21/03	 7/21/03	

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7-16-03
Time: 4:25

RECEIVED BY COUNTY ADMIN
7-21-03
4:40
COUNTY ADMIN
FORWARDED TO
7/22/03

Forwarded to:
Co. ADM.
7/21/03 10AM

PETITION TO VACATE

Case Number: VAC 2003-00034 MKW

Petitioner(s), Steven + Silvia O'Reilly
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, 310 Roosevelt Ave, Lehigh Acres FL 33972

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.

*W/ the
owner's
pieces*

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: Steve O'Reilly
Petitioner Signature

Steven O'Reilly
Printed Name

By: Silvia O'Reilly
Petitioner Signature

Silvia O'Reilly
Printed Name

Exhibit "A"
Petition to Vacate
VAC2003-00010

Legal Description

A twelve-foot (12') wide public utility easement located six feet (6') each side of the common lot line separating Lots 5 and 6 of Block 39, Unit 10 of the plat of Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 44 of the of the Public Records of Lee County, Florida.

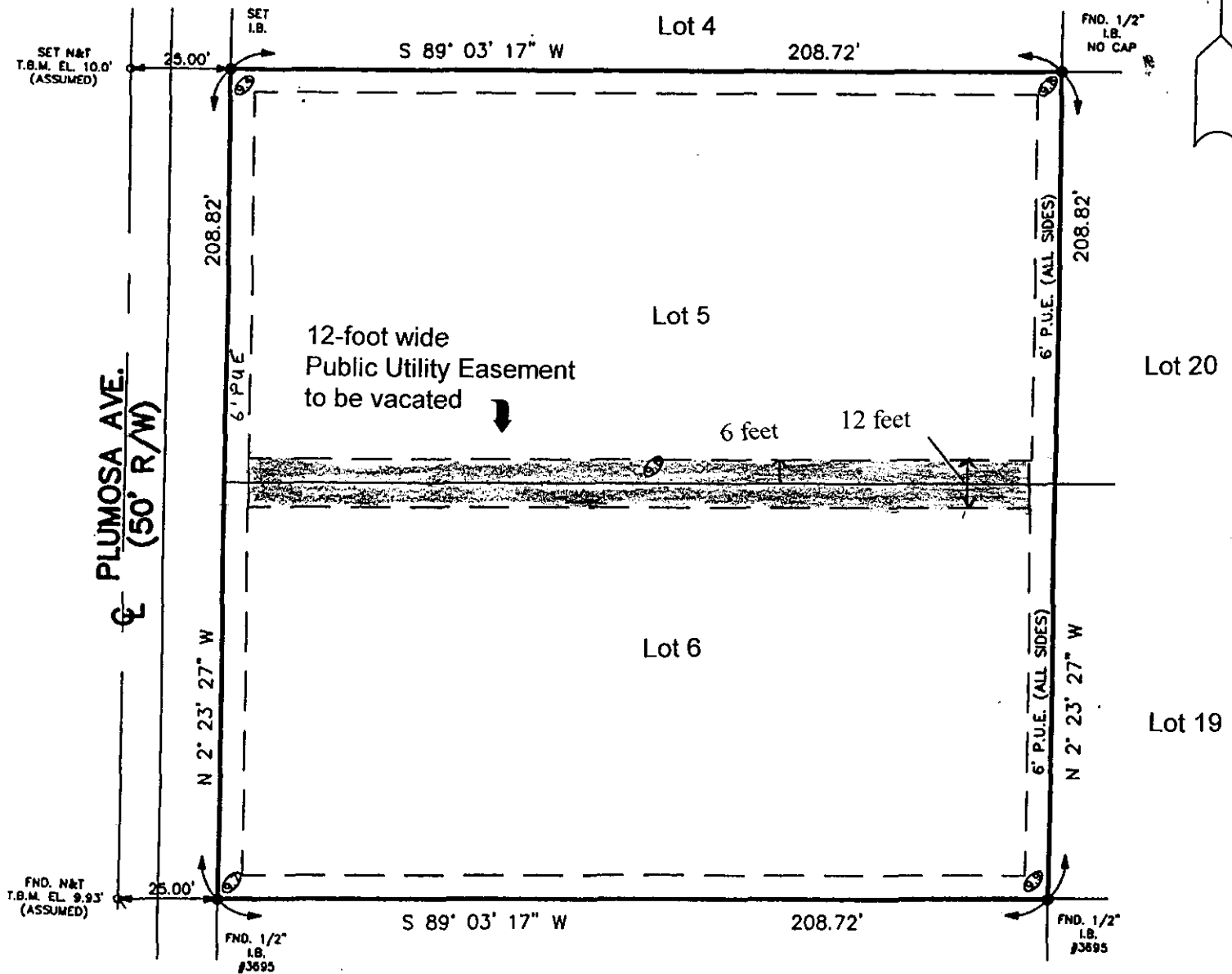
LESS AND EXCEPT the west (front) six feet (6') and east (rear) six feet (6') thereof.

EXHIBIT "B"
 Petition to Vacate
 VAC2002-00034

SKETCH OF PUBLIC UTILITY EASEMENT TO BE VACATED

Lots 4 and 5, Block 39, Unit 10 of the Plat of
 Section 29, Township 44 South, Range 27 East,
 A Subdivision of Lehigh Acres, Lee County, Florida
 According to the map or plat thereof on file and recorded
 in Plat Book 15, Page 44 of the Public Records of Lee County, Florida

PLAT
 NORTH



Lot 7

Scale: One inch = 40 feet

Exhibit "C"
Petition to Vacate
VAC2003-00034

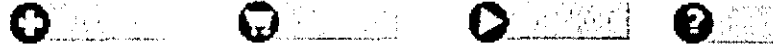
Pay Online:



Real Property Information

Account	Tax Year	Status
29-44-27-10-00039.0050	2002	PAID
Original Account	Book/Page	
29-44-27-10-00039.0050	3723/4465	
Physical Address	Mailing Address	
OREILLY STEVEN + SILVIA 714 PLUMOSA AV LEHIGH ACRES FL 33936	OREILLY STEVEN + SILVIA 310 ROOSEVELT AV LEHIGH ACRES FL 33972 USA	
Legal Description		
LEHIGH ACRES UNIT 10 BLK.39 DB 254 PG 20 LOT 5		
Total Amount Due as of 7/18/2003		\$0.00

Pay Online:



Real Property Information

Account	Tax Year	Status
29-44-27-10-00039.0060	2002	PAID
Original Account	Book/Page	
29-44-27-10-00039.0060	3723/4465	
Physical Address	Mailing Address	
OREILLY STEVEN + SILVIA 712 PLUMOSA AV LEHIGH ACRES FL 33936	OREILLY STEVEN + SILVIA 310 ROOSEVELT AV LEHIGH ACRES FL 33972 USA	
Legal Description		
LEHIGH ACRES UNIT 10 BLK.39 DB 254 PG 20 LOT 6		
Total Amount Due as of 7/18/2003		\$0.00

Prepared By: Jessy Yox
Morgan And Associates Title Company
55 Homestead Road North
Lehigh Acres, FL
incidental to the issuance of a title insurance policy.
File Number: 02-080055
Parcel ID #: 29-44-27-10-00039.0060
29-44-27-10-00039.0050
Grantee(s) SS #:



INSTR # 5559874
OR BK 03723 PG 4465
RECORDED 09/10/2002 09:39:46 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 70.00
DEPUTY CLERK K Cartwright

WARRANTY DEED (INDIVIDUAL)

This WARRANTY DEED, dated 08-20-02 by

William R. Townsend and Sue S. Townsend, husband and wife,
whose post office address is
1040 Colliers Creek Rd., Watkinsville, GA 30677,
hereinafter called the GRANTOR, to

Steven O'Reilly and Silvia O'Reilly, husband and wife
whose post office address is
712 & 714 Plumosa Ave. Lehigh Acres FL 33936,
hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all 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, Florida, viz:

Lots 5 and 6, Block 39, Unit 10, Section 29, Township 44 South, Range 27 East, LEHIGH ACRES, according to the plat thereof, recorded in Plat Book 15, Page 44 of the Public Records of Lee County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: [Signature]
Print Name: TODD C. TOWNSEND

Signature: [Signature]
Print Name: William R. Townsend

Signature: [Signature]
Print Name: OLIVIA STEWART

Signature: [Signature]
Print Name: Sue S. Townsend

State of GEORGIA
County of HART

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 08-20-02 by: William R. Townsend and Sue S. Townsend, husband and wife who is personally known to me or who has produced Drivers Licence as identification.

Signature: [Signature]
Print Name: ~~Jessy Fox~~ Millicent Corice Basler





June 2, 2003

Mr. & Mrs. O'Reilly
310 Roosevelt Ave.
Lehigh Acres, Florida 33972

Re: Vacation of Public Utility Easement:
A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 5 & 6,
Block 39, Section 29, Township 44S, Range 27E.

Dear Mr. & Mrs. O'Reilly:

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 863-452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson
Engineer



June 11, 2003

Steven & Silvia O'Reilly
310 Roosevelt Ave.
Lehigh Acres, FL 33972

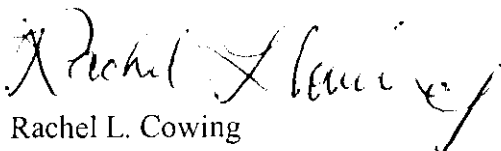
Re: A 12-foot wide public utility and/or Drainage Easement centered on the lot line common to Lots 5 & 6, Block 39, a subdivision of Lehigh Acres Unit 10, as recorded in Plat Book 254, Page 20 less and except the east 6-feet and the west 6-feet thereof.

Dear Mr. & Mrs. O'Reilly:

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,


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

June 2, 2003

Steven & Silvia O'Reilly
310 Roosevelt Avenue
Lehigh Acres, Florida 33912

RE: VACATE OF EASEMENT

Dear Steven & Silvia:

In reference to your letter dated May 22, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 29-44-27-10-00039.0050

STRAP NO.: 29-44-27-10-00039.0060

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

Sincerely,



Jim Riefstahl
Service Manager



Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.iline.com

June 2, 2003

Steven and Silvia O'Reilly
310 Roosevelt Ave.
Lehigh Acres, FL 33972

Re: Strap No. 29-44-27-10-00039.0050 and
Strap No. 29-44-27-10-00039.0060

Dear Steven and Silvia O'Reilly:

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 between Lots 5 and 6, Block 39, Unit 10, a subdivision of Lehigh Acres, Section 29, Township 44 South, Range 27 East, according to the plat thereof recorded in Plat Book 15, page 44, of the Public Records of Lee County, Florida; **LESS** and **EXCEPT** the west 6 feet thereof.

Please call me at 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin
Real Property Representative

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



June 10, 2003

Steven & Silvia O'Reilly
310 Roosevelt Ave
Lehigh Acres, Florida 33972

Re: Vacation of Easement for 712 & 714
Plumosa Ave, Lehigh Acres

Dear Sirs:

This letter will serve to inform you of Comcast's facilities in the area referenced above. Currently, we do not have any plant at this location; therefore we have no objection to your proposed vacation of easement.

Should you require additional information, please feel free to contact me here.

Cordially,

A handwritten signature in cursive script, appearing to read "Lucia Vera".

Lucia Vera
Design Coordinator

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

479-8375

Bob Jones
District One

Douglas R. St. Conny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

July 16, 2003

Mr. & Mrs. Steven O'Reilly
310 Roosevelt Ave.
Lehigh Acres, Fl. 33972

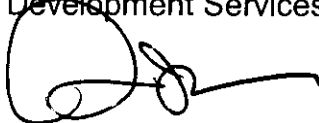
Re: VAC2000-00047

Dear Mr. & Mrs. O'Reilly

You indicated that as a 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



Pete J. Eckenrode
Director

PJE/III

H:\VACATIONS\VAC2003-00034\Development Review Recommends.wpd



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8181

Bob Janes
District One

Douglas R. St. Cerny May 30, 2003
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

Steven and Silvia O'Reilly
310 Roosevelt Avenue
Lehigh Acres, FL 33972

**SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #S: 29-44-27-10-00039.0050 & .0060
LOTS 5 & 6, BLOCK 39 - LEHIGH ACRES, UNIT 10
712-714 PLUMOSA AVENUE**

Dear Mr. & Mrs. O'Reilly:

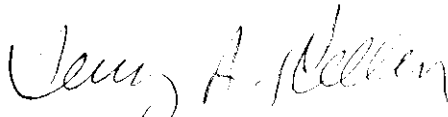
Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated legal description. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Florida Water Services concerning your request, as the subject parcel(s) are located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239)479-8531.

Sincerely,

LEE COUNTY UTILITIES



Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

CC: Correspondence File

Via Facsimile #368-2942
Original Mailed 05/30/03

S:\UTILS\Eng\TAK\LETTERS\VAC\FY 2003\O'Reilly - Plumosa Av - Lehigh.doc



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

Writer's Direct Dial Number:

BOARD OF COUNTY COMMISSIONERS

Friday, June 06, 2003

Bob James
District One

Douglas R. St. Croix
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

Steven & Sylvia O'Reilly
310 Roosevelt Avenue
Lehigh Acres, FL 33972

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 5 & 6, Unit 10, Block 39 Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 44, in the public records, Lee County, Florida.

Dear Mr. & Mrs. O'Reilly:

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\vac343.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob James
District One

Douglas B. St. Gemy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John F. Albion
District Five

Donald D. Stulwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

June 2, 2003

Mr. And Mrs. Steven O'Reilly
310 Roosevelt Avenue
Lehigh Acres, FL 33972

**RE: Petition to Vacate
The 12' wide Utility Easement on the
Lot line common to Lots 5 and 6,
Block 39, Unit 10, Lehigh Acres**

Dear Mr. And Mrs. O'Reilly:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 15, page 44. DOT has no facilities within the easement and does not maintain it.

Therefore, DOT offers 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\2003\Lots 5&6 Block 39 Lehigh - O'Reilly.doc



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

June 5, 2003

Steven and Silvia O'Reilly
310 Roosevelt Avenue
Lehigh Acres, FL 33972

RE: Vacation of A Utility and/or Drainage Easement

Dear Mr/Mrs. O'Reilly:

Our staff has conducted a review of your request to vacate a utility and/or drainage easement centered on the lot line common to Lots 5 and 6, Block 39, Unit 10, Lehigh Acres, as recorded in 15, Page 44, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of May 28, 2003.

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

Sincerely,

A handwritten signature in black ink, appearing to read "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

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00034**

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. VAC2003-00034
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"
Petition to Vacate
VAC2003-00010

Legal Description

A twelve-foot (12') wide public utility easement located six feet (6') each side of the common lot line separating Lots 5 and 6 of Block 39, Unit 10 of the plat of Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 44 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the west (front) six feet (6') and east (rear) six feet (6') thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00034

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

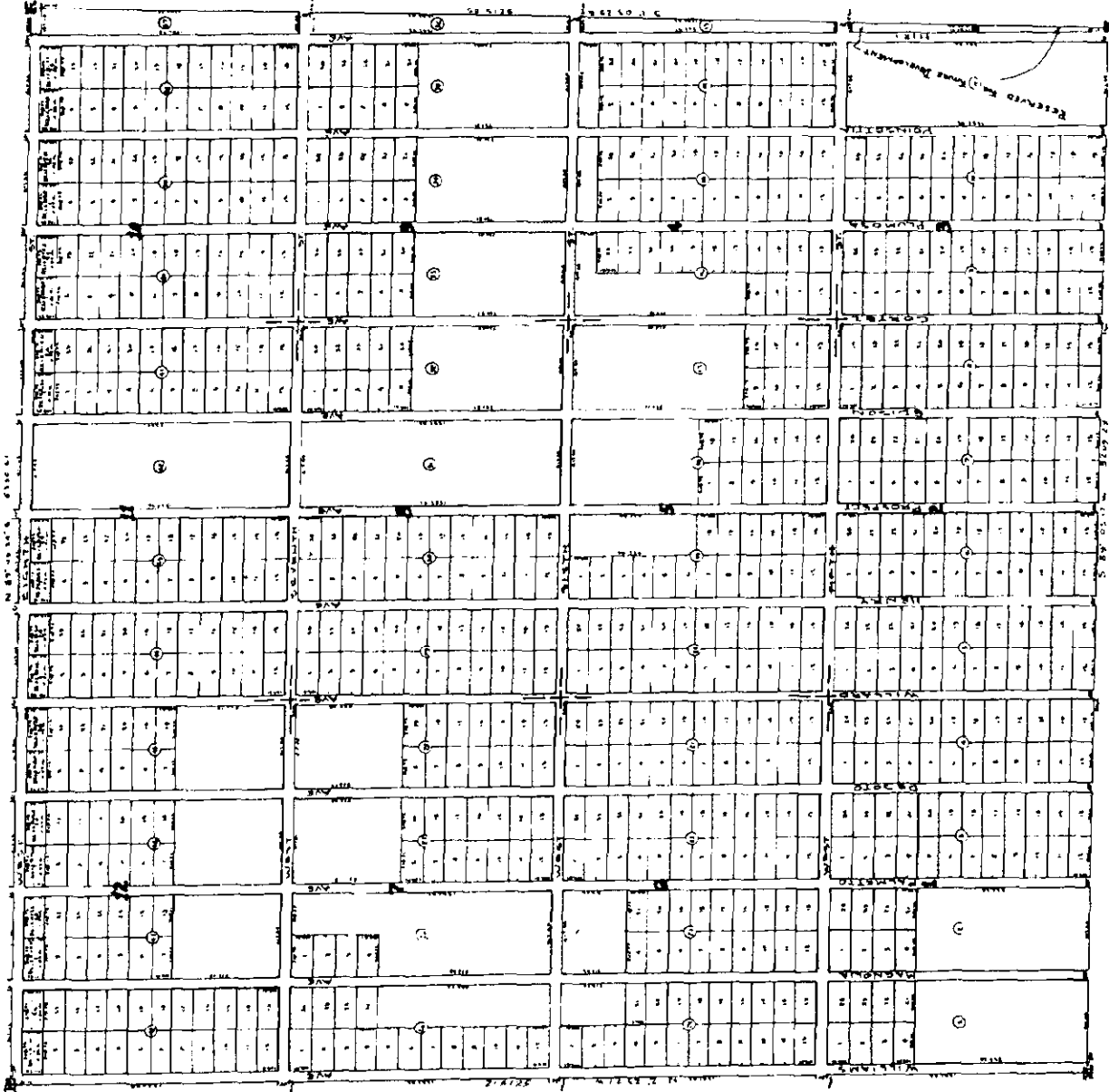
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00010

Legal Description

A twelve-foot (12') wide public utility easement located six feet (6') each side of the common lot line separating Lots 5 and 6 of Block 39, Unit 10 of the plat of Section 29, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, according to map or plat there on file and recorded in Plat Book 15, Page 44 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the west (front) six feet (6') and east (rear) six feet (6') thereof.



PLAT
OF
SECTION 29
TWP 44 S R. 6 E 27 E

A SUBDIVISION OF
LEHIGH ACRES

LEHIGH COUNTY, PA.
SUBDIVISION
FILED
FEB. 16, 1934

CERTIFICATE OF SURVEY
of certain parcels of land
situated in the Township of Lehigh
County, Pennsylvania, and
more particularly described
as shown on the plat hereon
filed for record.

WITNESSETH that the above
described parcels of land
have been surveyed and
found to contain the
area thereon as shown on
the plat hereon filed.

WITNESSETH that the above
described parcels of land
have been surveyed and
found to contain the
area thereon as shown on
the plat hereon filed.

