

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20030928

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a petition to vacate a 40-foot wide drainage easement located along the rear of 17100 Phlox Drive, Fort Myers, Florida, and adopt a resolution setting a Public Hearing for 5:00 p.m. on the 28th day of October, 2003. (Case No. VAC2003-00033)

**WHY ACTION IS NECESSARY:** In order to fulfill a requirement of a settlement agreement between Lee County and the property owners to allow parking in this easement area as a result of right-of-way taken by Lee County for Alico Road. **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 #:** 05

C4A

3. **MEETING DATE:**

09-30-2003

4. **AGENDA:**

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

5. **REQUIREMENT/PURPOSE:**  
(Specify)

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

6. **REQUESTOR OF INFORMATION:**

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

BY: *[Signature]* 8/15/03

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate (VAC2003-00033) was submitted by Ms. Nicole Maxey of Lee County DOT.

**LOCATION:** A 40' wide drainage easement on Lots 1 through 4, Block 224, Unit 15, San Carlos Park Subdivision, as recorded at OR Book 50, Pages 509 through 512, in the public records of Lee County, Florida located in Section 9, Township 46 South, range 25 East.

The site is located at 17100 Phlox Drive, Fort Myers, Florida, 33912.

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 <i>after 9/16/03</i>			G County Manager
					OP	OM	Risk	GC
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 9-15-03	<i>[Signature]</i> 9/16/03	<i>[Signature]</i> 9/16/03	<i>[Signature]</i> 9/14/03	<i>[Signature]</i> 9/16/03

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 8/26/03  
Time: 11:55 am  
Forwarded To: *[Signature]*  
9/15/03

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
7/15  
10:20 am  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
9/15/03  
7/15/03

**PETITION TO VACATE**

Case Number: VAC2003-60033

Petitioner(s), Lee County Department of Transportation & William J. Richards and Flora V. Rodrigues 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, 1500 Monroe Street, Fort Myers, FL 33901
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,

Lee County Dept. of Transportation and William J. Richards & Flora V. Rodrigues

By: Nicole Maxey  
Petitioner Signature

By: \_\_\_\_\_  
Petitioner Signature

Nicole Maxey, P.E.  
Printed Name

\_\_\_\_\_  
Printed Name

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00033**

**Legal Description**

A Drainage Easement on a portion of Lots 1, 2, 3 and 4, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in Official Records (O.R.) Book 50, at Pages 509 through 512 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the Point of Commencement (P.O.C.) at the northwest corner of Section 9, Township 46 South, Range 25 East, Lee County, Florida; thence run South  $01^{\circ} 12' 39''$  East along the west line of the northwest quarter of said Section 9, for a distance 50.01 feet to a point 50.00 feet southerly of, as measured at right angles to, the north line of the northwest quarter of said Section 9 and a point on the original southerly right-of-way line of Alico Road, a right-of-way of variable width, the same being the northwest corner of Lot 1, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in O.R. Book 50, Pages 509 through 512 of the Public Records of Lee County, Florida; thence continue South  $01^{\circ} 12' 39''$  East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 25.50 feet to the Point of Beginning (P.O.B.) of the parcel of land herein described; thence continue South  $01^{\circ} 12' 39''$  East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 136.04 feet to the southwest corner of Lot 4, Block 224 of said Unit 15 of San Carlos Park; thence run North  $88^{\circ} 45' 11''$  East along the southerly boundary of said Lot 4, for a distance of 40.00 feet to a point 40.00 feet easterly of, as measured at right angles to, the westerly boundary of said Block 224; thence run North  $01^{\circ} 12' 39''$  West parallel with the westerly boundary of said Block 224, for a distance of 135.41 feet to a point 25.50 feet southerly of, as measured at right angles to, the northerly boundary of said Block 224; thence run South  $89^{\circ} 39' 11''$  West parallel with the northerly boundary of said Block 224, for a distance of 40.00 feet to the Point of Beginning (P.O.B); containing 5,428.9 square feet, more or less.

Bearings refer to the north line of Lot 1, Block 224, Unit 5 San Carlos Park, an unrecorded plat, according to the map recorded at O.R. Book 50, at Pages 509 through 512, of the Public Records of Lee County, Florida, as being South  $89^{\circ} 39' 11''$  West.

# Exhibit "B"

## Petition to Vacate

### VAC2003-00033

**PROPERTY DESCRIPTION**

A PORTION OF LOTS 1, 2, 3, AND 4, BLOCK 224, UNIT 15, SAN CARLOS PARK, AN UNRECORDED PLAT, ACCORDING TO THE MAP RECORDED IN O.R. BOOK 50 AT PAGES 509 THROUGH 512 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.01°12'39"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 50.01 FEET TO A POINT 50.00 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 AND A POINT ON THE ORIGINAL SOUTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, A RIGHT-OF-WAY OF UNIT 15, SAN CARLOS PARK, THE SAME BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 224, UNRECORDED IN O.R. BOOK 50 AT PAGES 509 THROUGH 512 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.01°12'39"E, ALONG THE WEST LINE OF SAID BLOCK 224, FOR A DISTANCE OF 25.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.01°12'39"E, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 AND ALONG THE WESTERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 136.04 FEET TO THE SOUTHWEST CORNER OF LOT 4, BLOCK 224 OF SAID UNIT 15 OF SAN CARLOS PARK; THENCE RUN N.88°45'11"E, ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 4, FOR A DISTANCE OF 40.00 FEET TO A POINT 40.00 FEET EASTERLY OF SAID LOT 4, FOR A RIGHT ANGLE TO, THE WESTERLY BOUNDARY OF SAID BLOCK 224; THENCE RUN N.101°12'39"W, PARALLEL WITH THE WESTERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 135.41 FEET TO A POINT 25.50 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY BOUNDARY OF SAID BLOCK 224; THENCE RUN S.89°39'11"W, PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID BLOCK 224, FOR A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5428.9 SQUARE FEET, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE NORTH LINE OF LOT 1, BLOCK 224, UNIT 15, SAN CARLOS PARK, AN UNRECORDED PLAT, ACCORDING TO THE MAP RECORDED IN O.R. BOOK 50 AT PAGES 509 THROUGH 512 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING S.89°39'11"W.

HOLE MONTES, INC.  
 CERTIFICATION OF AUTHORIZATION LB #1772  
 BY *Thomas J. Carris*  
 THOMAS J. CARRIS  
 P.L.S. #3741  
 STATE OF FLORIDA

**SKETCH AND LEGAL DESCRIPTION**  
 OF A PORTION OF  
 SECTION 8,  
 TOWNSHIP 46 SOUTH, RANGE 25 EAST  
 LEE COUNTY  
 FLORIDA

REVISION NO.	DESCRIPTION	DATE
1	ISSUED	8/02
2	REVISION	8/02
3	SECTION	8
4	TOWNSHIP	46
5	RANGE	25
6	PROJECT NO.	97.051
7	DRAWING NO.	B-3957

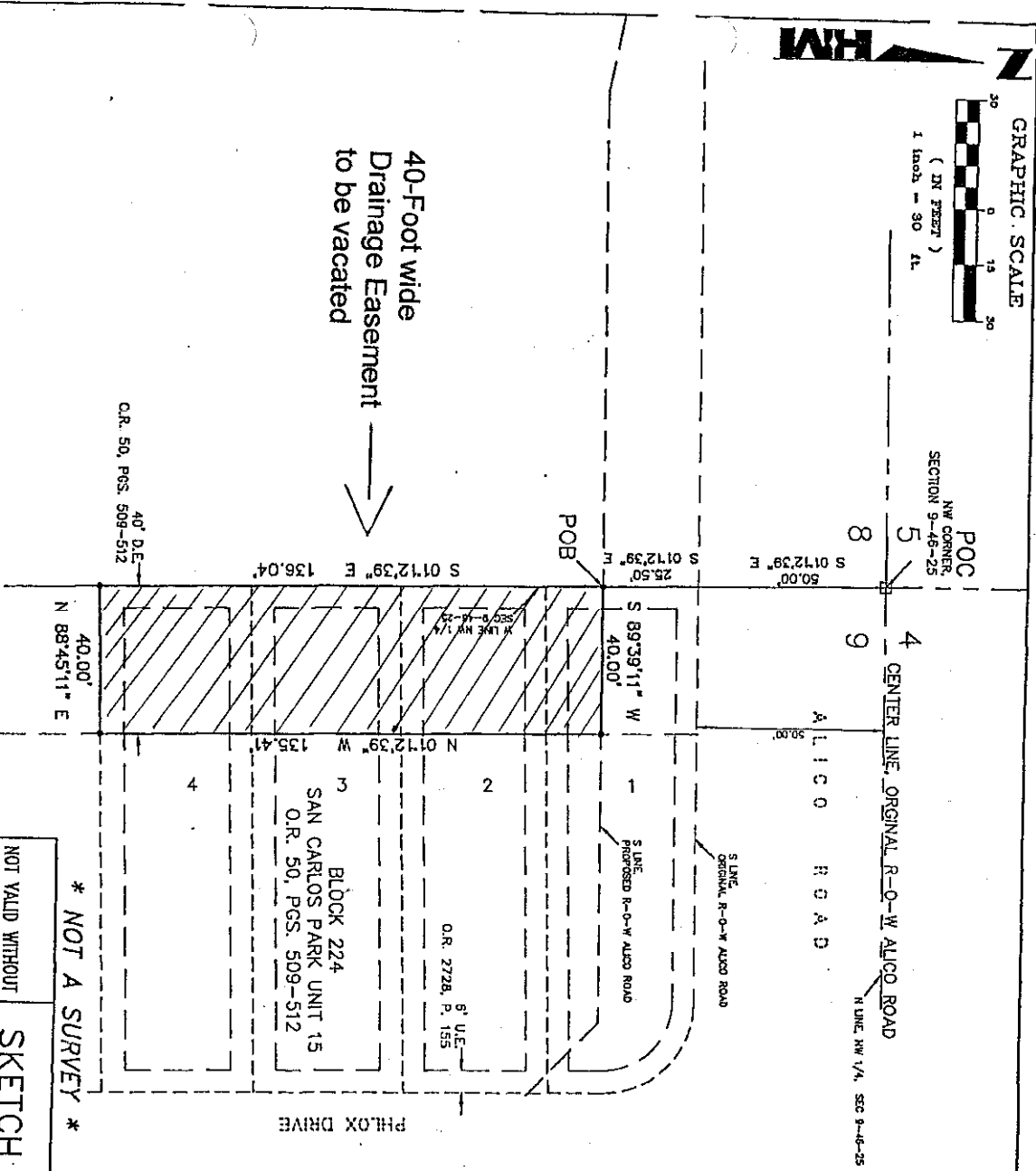
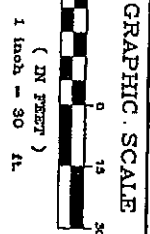
**\* NOT A SURVEY \***

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**H.M.M.**  
 HOLE MONTES  
 ENGINEERS, PLANNERS, SURVEYORS

950 Engineers Way  
 Naples, Florida 34110  
 Phone: (941) 234-2000  
 Florida Certificate of Authorization No. 1772

LEGEND  
 POINT OF COMMENCEMENT  
 POINT OF BEGINNING



**40-Foot wide  
 Drainage Easement  
 to be vacated**

SECTION 9-46-25  
 NW CORNER  
 POC  
 CENTER LINE, ORIGINAL R-O-W ALICO ROAD  
 ALICO ROAD  
 H LINE, NW 1/4, SEC 9-46-25

BLOCK 224  
 SAN CARLOS PARK UNIT 15  
 O.R. 50, PGS. 509-512

O.R. 50, PGS. 509-512  
 40' D.E.  
 40.00'  
 N 88°45'11" E



# Exhibit "C"

## Petition to Vacate

### VAC2003-00033

Pay Online:



#### Real Property Information

<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
09-46-25-04-00224.0010	2002	PAID
<b>Original Account</b>	<b>Book/Page</b>	
09-46-25-04-00224.0010	2813/789	
<b>Physical Address</b>	<b>Mailing Address</b>	
RODRIGUES FLORA V +J/T RICHARDS WILLIAM J 17100 PHLOX DR FORT MYERS FL 33912	RODRIGUES FLORA V +J/T RICHARDS WILLIAM J 17165 CAPRI DR FT MYERS FL 33912 USA	
<b>Legal Description</b>		
SAN CARLOS PARK UNIT 15 BLK 224 OR 50 PG 509 LOTS 1 THRU 4 LESS R/W OR 3185		
<b>Total Amount Due as of 7/24/2003</b>		<b>\$0.00</b>

<b>District</b>	053
<b>Market Assessed Value</b>	\$189,360.00
<b>Agricultural Exemption</b>	\$0.00
<b>Assessed SOH Value</b>	\$189,360.00
<b>Homestead Exemption</b>	\$0.00
<b>Other Exemption</b>	\$0.00
<b>Wholly Exemption</b>	\$0.00
<b>Taxable Value</b>	\$189,360.00
<b>Senior Exemption</b>	\$0.00
<b>Historical Exemption</b>	\$0.00
<b>Economic Exemption</b>	\$0.00
<b>Tax Amount</b>	<b>\$3,973.87</b>

#### Ad Valorem Taxes

<b>Taxing Authority</b>	<b>Millage Rate</b>	<b>Taxes Levied</b>
PUBLIC SCHOOL - BY LOCAL BOARD	2.5990	\$492.15
PUBLIC SCHOOL - BY STATE LAW	5.9730	\$1,131.05
LEE COUNTY CAPITAL IMP	1.0124	\$191.71
LEE CO UNINCORPORATED - MSTU	1.2114	\$229.39
LEE COUNTY GENERAL REVENUE	4.3277	\$819.49
LEE COUNTY HYACINTH CONTROL	0.0327	\$6.19
LEE COUNTY LIBRARY FUND	0.9630	\$182.35
LEE COUNTY MOSQUITO CONTROL	0.3294	\$62.38
SAN CARLOS FIRE DISTRICT	2.5000	\$473.40
SAN CARLOS IMPROVEMENT - MSTU	0.2317	\$43.87
SFL WATER MGMT-EVERGLADE CONST	0.1000	\$18.94
WEST COAST INLAND WATERWAY	0.0400	\$7.57
LEE COUNTY ALL HAZARDS - UNINC	0.0733	\$13.88
SFL WATER MGMT-DISTRICT LEVY	0.5970	\$113.05

#### Non Ad Valorem Taxes

<b>Taxing Authority</b>	<b>Rate</b>	<b>Amount</b>
EAST MULLOCK CREEK DRAINAGE	30.1000	\$12.34
SOLID WASTE ASSESSMENT	1.0000	\$176.11

<b>Nov 2002</b>	<b>Dec 2002</b>	<b>Jan 2003</b>	<b>Feb 2003</b>	<b>Mar 2003</b>
\$3,814.92	\$3,854.65	\$3,894.39	\$3,934.13	\$3,973.87

This Instrument Prepared by:  
Public Works/County Lands  
Post Office Box 398  
Fort Myers, Florida 33902-0398  
Project: **Alico Road Widening Project #4030**  
STRAP No.: **Part of 09-46-25-04-00224.0010**  
Parcel: **217**

1 INSTRUMENT NO. 4697824

**INSTR # 4697824**  
**OR BK 03158 PG 0712**

RECORDED 08/19/99 08:28 AM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 6.00  
REPERIODICALLY

THIS SPACE FOR RECORDING OFFICE USE

68

**QUIT-CLAIM DEED**

THIS Quit-Claim Deed, Executed this 28<sup>th</sup> day of JUNE, A.D. 1999, by **EAST MULLOCH DRAINAGE DISTRICT**, whose address is P.O. Box 511, Estero, Florida 33928, hereinafter referred to as "GRANTOR" and **LEE COUNTY**, a political subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, FL 33902-0398, hereinafter referred to as "GRANTEE" (wherever used herein the terms "GRANTOR" and "GRANTEE" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires).

WITNESSETH, That the said GRANTOR for and in consideration of the sum of \$1.00 in hand paid by the said GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said GRANTEE forever, all the right, title, interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to-wit:

**The Westerly 40 feet of Lots 1, 2, 3, and 4, Block 224, SAN CARLOS PARK, according to the plat thereof filed and recorded in the Office of the Clerk of the Circuit Court in Official Record Book 50, Page 509, Public Records of Lee County, Florida.**

**Said Westerly 40 feet shown on plat of San Carlos Park as a Drainage and Utility Easement.**

TO HAVE and to HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of the said GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the said GRANTEE forever.

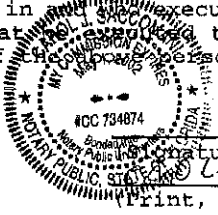
IN WITNESS WHEREOF, East Mulloch Drainage District, GRANTOR, has caused this document to be signed on the date first written.

Witness [Signature]  
DAVID L. CHOWIE  
Witness [Signature]  
MULTI [Signature]

EAST MULLOCH DRAINAGE DISTRICT  
By: [Signature]  
Supervisor  
ALAN C. FREEMAN  
(Please Print Name)

STATE OF FLORIDA  
COUNTY OF LEE

I hereby certify, that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared ALAN C. FREEMAN, Supervisor, to me known to be the person described in and who executed the foregoing instrument and that he acknowledged before me that he executed the same. I relied upon the following form(s) of identification of the above person PERSONALLY KNOWN.



ATTEST:  
By: [Signature]  
Deputy Clerk

[Signature]  
Print, Type or Stamp Name)  
BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA  
By: [Signature]  
Chairman

APPROVED AS TO FORM:  
By: [Signature]  
Office of County Attorney c17e  
8-10-99

105-

# This Warranty Deed

Made this 12 day of April A.D. 19 97  
by HAL WALSH

CHARLIE GREEN LEE CTY. FL

97 APR 15 PM 4:07

105-00  
Debra L. Petrucci  
Imperial Tax Pdl  
CHIEF, LEE COUNTY  
Deputy Clerk

4150370

\*RECORD VERIFIED - CHARLIE GREEN, CLERK  
By J. Miller, D.C.

hereinafter called the grantor, to

WILLIAM J. RICHARDS and FLORA V. RODRIGUES,  
As Joint Tenants with Full Rights of Survivorship  
whose post office address is:

17165 Capri Drive, Fort Myers, Florida 33912

Grantees' SSN:

hereinafter called the grantee:

(Whenever used herein the term "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, Florida, viz:

Lot(s) 1, 2, 3 and 4, Block 224, Unit 15, SAN CARLOS PARK SUBDIVISION, according to the plat thereof, as recorded in Official Record Book 50, Page(s) 509 to 512 Inclusive, in the Public Records of Lee County, Florida.

SUBJECT TO Covenants, restrictions, easements of record and taxes for the current year.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 09-46-25-04-00224.0010

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 December 31, 19 96

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

Signed, sealed and delivered in our presence:

(TWO SEPARATE WITNESSES REQUIRED)

Debra L. Petrucci

Marianne Curcio

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Hal Walsh

Name & Address: HAL WALSH

Name & Address: \_\_\_\_\_

Name & Address: \_\_\_\_\_

Name & Address: \_\_\_\_\_

State of FLA  
County of Lee

The foregoing instrument was acknowledged before me this 12 day of April, 19 97

by HAL WALSH

who is personally known to me or who has produced \_\_\_\_\_ as identification.

Debra L. Petrucci  
Print Name: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

PREPARED BY:  
Hal Walsh  
18393 Riccardo Road  
Fort Myers, Florida 33912

OFFICIAL NOTARY SEAL  
DEBRA L. PETRUZZELLI  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CO 389231  
MY COMMISSION EXP. AUG. 20, 1999

(Affix Seal)

OR2813 660789

WD-1  
5/93

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



May 9, 2003

Nicole Maxey, P.E.  
Lee County  
P.O. Box 398  
Fort Myers, Florida 33903-0398

Re: Vacation of Easement for Proposed Drainage Easement for Phlox Drive@  
Alico Road

Dear Ms. Maxey:

This letter will serve to inform you of our existing facilities at the above referenced site. Comcast has aerial lines running down the front easement of Phlox Drive at Alico Road. We have no objection of your vacation of easement down the rear easement of this property.

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

Sincerely,

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

Lucia Vera  
Project Coordinator

RECEIVED  
MAY 13 2003





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

May 1, 2003

Ms. Nicole Maxey, P.E  
Project Manager  
Lee County Southwest Florida  
Board of County Commissioners  
P.O. Box 398  
Ft. Myers, Fl. 33902-0398

Re: Request for a Letter of Review and Recommendation on a Proposed Drainage Easement Vacation:

Dear Ms. Maxey:

I have reviewed your request regarding vacation of the existing 40 foot drainage easement at the rear of lots 1 to lot 4 of Phlox Drive.

This is to advise that Sprint has no objection to your proposal as identified in your attached sketch.

If I can be of further assistance, please feel free to contact me at 336-2014.

Sincerely,

A handwritten signature in cursive script that reads "Denise Grabowski".

Denise Grabowski  
Engineer I – CSO Network Engineering

RECEIVED  
MAY 02 2003



Florida Power & Light Company

May 29, 2003

Lee County  
Attn: Nicole Maxey, P.E.  
P.O. Box 398  
Fort Myers, Florida 33902

Re: The proposed Drainage Easement Vacation located at Block 224, Lots 1,2,3 &4,  
San Carlos Park Unit 15, O.R. 50, Pages 509-512.

Dear Ms. Maxey:

Florida Power & Light Company has no facilities located within the proposed Drainage Easement to be vacated. Therefore, we have no objection to this proposed vacation.

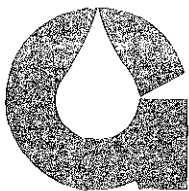
If you have any questions or concerns please call me at (239) 415-1315.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Sanders".

Jeff Sanders  
Customer Project Manager

RECEIVED  
MAY 30 2003



**Gulf Environmental Services, Inc.**

19910 S. Tamiami Trail, Suite A  
Estero, FL 33928-2114  
239/498-1000  
FAX 239/498-0625

May 9, 2003

Ms. Nicole Maxey, PE  
Project Manager  
Lee County Department of Transportation  
P.O. Box 398  
Fort Myers, FL 33902-0398

Re: Request for Vacation of Drainage Easement  
Alico Road Widening

Dear Nicole:

Based on the information in your letter dated April 25, 2003, and the accompanying sketch, Gulf Environmental Services, Inc. has no objection to the vacation of the drainage easement as described therein.

If you have any questions, or need additional information, please do not hesitate to contact me at (239) 498-1000.

Sincerely,

Kathy Babcock  
Administrative Manager

RECEIVED  
MAY 12 2003



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Janes  
District One April 30, 2003

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

Nicole Maxey, P.E.  
Lee County D.O.T.  
P.O. Box 398  
Fort Myers, Fl. 33902-0398

**SUBJECT: PETITION TO VACATE PORTION OF A DRAINAGE EASEMENT LOCATED  
AT 17100 ALICO ROAD, 09-46-25-04-00224.0010**

Dear Ms. Maxey:

Lee County Utilities is in receipt of your letter and the associated attachment, dated April 15, 2003, concerning the Petition to Vacate the public interest in a Drainage Easement west of the property mentioned above. Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation.

Please be advised that record drawings indicate Lee County Utilities owns and maintains a potable water facility near the area to be vacated. However, Lee County Utilities is proposing to replace this main during the construction of Alico Road.

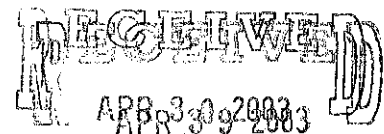
If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic  
Engineering Tech II  
UTILITIES ENGINEERING



S:\UTILS\Eng\AMMM\LETTERS\VACATION\17100 ALICO ROAD - NO-OBJECTION.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8374

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*

August 5, 2003

Ms. Nicole Maxey, P.E.  
Lee County Department of Transportation  
1500 Monroe Street, 3<sup>rd</sup> Floor  
Fort Myers, Florida 33931

Re: VAC2003-00033 - Petition to vacate a 40' wide drainage easement on Lots 1 through 4, Block 224, Unit 15, San Carlos Park Subdivision, as recorded at OR Book 50, Pages 509 through 512, in the public records of Lee County, Florida.

Dear Ms. Maxey:

You indicate that as a result of a settlement agreement between Lee County and the property owners you seek to vacate the easement referenced 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

Peter J. Eckenrode  
Director  
PJE/SBE

H:\Correspondence\Vacations\Vac2003\00033 Phfox\Development Review Recommends.wpd



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number (941) 479-8124

Tuesday, May 20, 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. Yacger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mrs. Nicole Maxey, P.E.  
Lee County Department of Transportation  
1500 Monroe Street, 3<sup>rd</sup> Floor  
Fort Myers, FL 33901-5500

Re: Petition to Vacate a portion of several drainage easements located within Lots 1,2,3, and 4, Block 224, Unit 15, San Carlos Park Subdivision, as recorded in O.R. Book 50, Pages 509 through 512, in Lee County, Florida.

Dear Mrs. Maxey:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a portion of the subject drainage easements.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

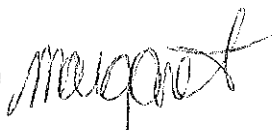
Allen L. Davies, Jr.  
Natural Resources Division

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

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## Memorandum

To: Nicole Maxey

From: Margaret Lawson 

Date: May 19, 2003

Subject: Petition to Vacate:  
Portion of Lots 1, 2, 3, and 4, Block 224, Unit 15,  
San Carlos Park, Section 9, Township 46, Range 25

---

Pursuant to the Administrative Code requirements, it is the intent of this memo to provide no objection to the request to vacate a portion of the drainage easement as described in the attached legal description. The vacation is a requirement of the settlement agreement with Lee County and the property owners.

If you need any further information regarding this petition to vacate please don't hesitate to ask.

MAL/mlb

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



## Florida Department of Transportation

JEB BUSH  
GOVERNOR

JOSÉ ABREU  
SECRETARY

May 6, 2003

Nicole Maxey, P.E., Project Manager  
Lee County Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

RE: Vacation of A Drainage Easement

Dear Ms Maxey:

Our staff has conducted a review of your request to vacate a drainage easement over Lots 1, 2, 3 and 4 Block 224, Unit 15 San Carlos Park, Unrecorded Plat, according to the map recorded in Or Book 50, pages 509 through 512, Public Records of Lee County, Florida, more particularly described on the attached sketch. This same area was further referenced in your letter and highlighted map of April 25, 2003.

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

RECEIVED  
MAY 08 2003



**NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE**

Case Number: VAC2003-00033

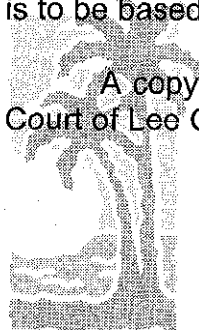
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 28th day of October 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.



**LEE COUNTY**

CHARLIE GREEN, CLERK

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

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

APPROVED AS TO FORM

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

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00033**

**Legal Description**

A Drainage Easement on a portion of Lots 1, 2, 3 and 4, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in Official Records (O.R.) Book 50, at Pages 509 through 512 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the Point of Commencement (P.O.C.) at the northwest corner of Section 9, Township 46 South, Range 25 East, Lee County, Florida; thence run South 01° 12' 39" East along the west line of the northwest quarter of said Section 9, for a distance 50.01 feet to a point 50.00 feet southerly of, as measured at right angles to, the north line of the northwest quarter of said Section 9 and a point on the original southerly right-of-way line of Alico Road, a right-of-way of variable width, the same being the northwest corner of Lot 1, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in O.R. Book 50, Pages 509 through 512 of the Public Records of Lee County, Florida; thence continue South 01° 12' 39" East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 25.50 feet to the Point of Beginning (P.O.B.) of the parcel of land herein described; thence continue South 01° 12' 39" East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 136.04 feet to the southwest corner of Lot 4, Block 224 of said Unit 15 of San Carlos Park; thence run North 88° 45' 11" East along the southerly boundary of said Lot 4, for a distance of 40.00 feet to a point 40.00 feet easterly of, as measured at right angles to, the westerly boundary of said Block 224; thence run North 01° 12' 39" West parallel with the westerly boundary of said Block 224, for a distance of 135.41 feet to a point 25.50 feet southerly of, as measured at right angles to, the northerly boundary of said Block 224; thence run South 89° 39' 11" West parallel with the northerly boundary of said Block 224, for a distance of 40.00 feet to the Point of Beginning (P.O.B); containing 5,428.9 square feet, more or less.

Bearings refer to the north line of Lot 1, Block 224, Unit 5 San Carlos Park, an unrecorded plat, according to the map recorded at O.R. Book 50, at Pages 509 through 512, of the Public Records of Lee County, Florida, as being South 89° 39' 11" West.

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00033**

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. **VAC2003-00033** 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

**LEE COUNTY**  
**SOUTHWEST FLORIDA**

Deputy Clerk Signature

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

Chairman Signature

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

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

APPROVED AS TO FORM

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

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

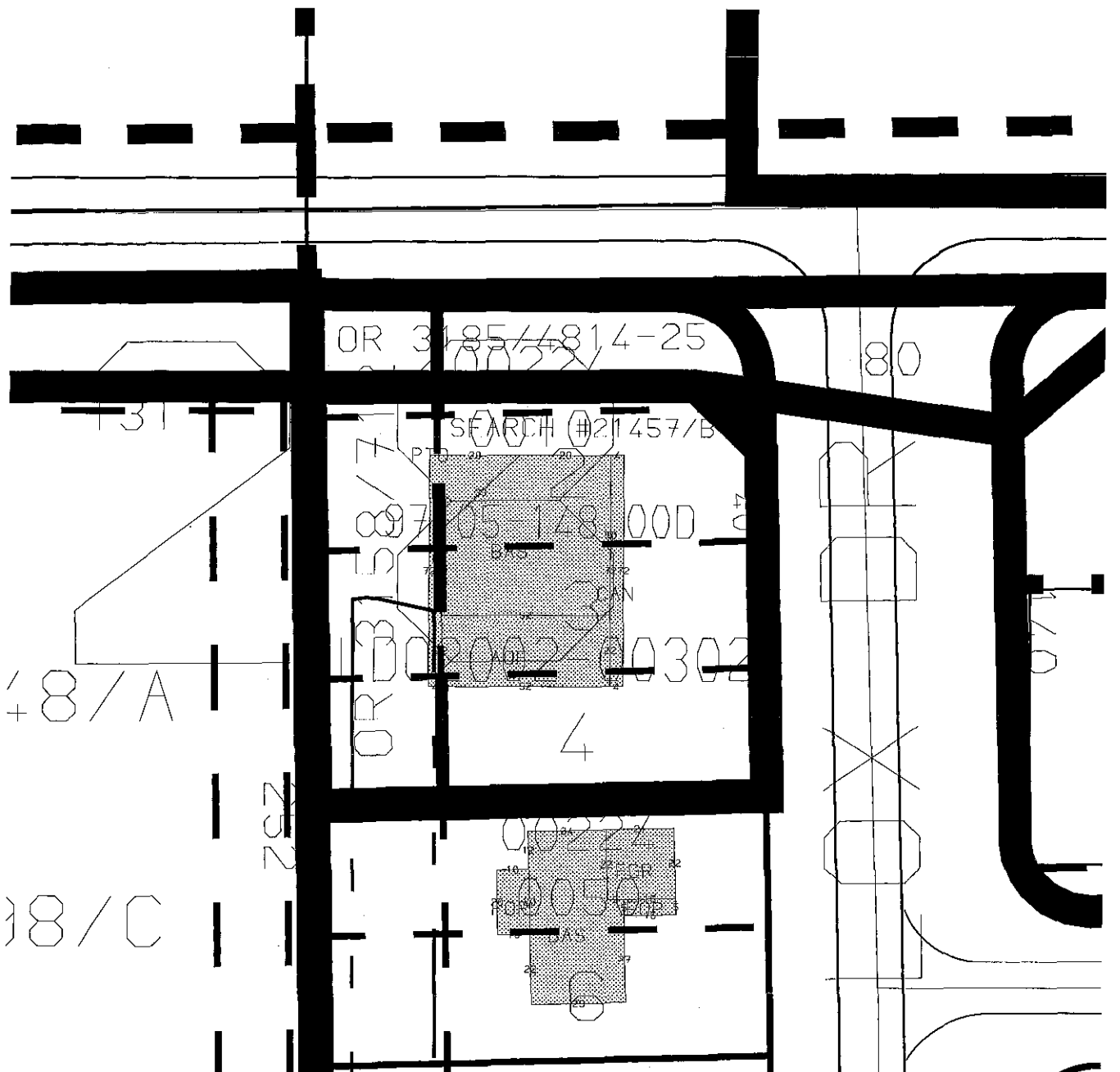
**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00033**

**Legal Description**

A Drainage Easement on a portion of Lots 1, 2, 3 and 4, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in Official Records (O.R.) Book 50, at Pages 509 through 512 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commence at the Point of Commencement (P.O.C.) at the northwest corner of Section 9, Township 46 South, Range 25 East, Lee County, Florida; thence run South 01° 12' 39" East along the west line of the northwest quarter of said Section 9, for a distance 50.01 feet to a point 50.00 feet southerly of, as measured at right angles to, the north line of the northwest quarter of said Section 9 and a point on the original southerly right-of-way line of Alico Road, a right-of-way of variable width, the same being the northwest corner of Lot 1, Block 224, Unit 15, San Carlos Park, an unrecorded plat, according to the map recorded in O.R. Book 50, Pages 509 through 512 of the Public Records of Lee County, Florida; thence continue South 01° 12' 39" East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 25.50 feet to the Point of Beginning (P.O.B.) of the parcel of land herein described; thence continue South 01° 12' 39" East along the west line of the northwest quarter of said Section 9 and along the westerly boundary of said Block 224, for a distance of 136.04 feet to the southwest corner of Lot 4, Block 224 of said Unit 15 of San Carlos Park; thence run North 88° 45' 11" East along the southerly boundary of said Lot 4, for a distance of 40.00 feet to a point 40.00 feet easterly of, as measured at right angles to, the westerly boundary of said Block 224; thence run North 01° 12' 39" West parallel with the westerly boundary of said Block 224, for a distance of 135.41 feet to a point 25.50 feet southerly of, as measured at right angles to, the northerly boundary of said Block 224; thence run South 89° 39' 11" West parallel with the northerly boundary of said Block 224, for a distance of 40.00 feet to the Point of Beginning (P.O.B.); containing 5,428.9 square feet, more or less.

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OR 3185/4814-25

80

SEARCH #21457/B

00705-148,000

0002002/00302

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00227  
0050  
AS

48/A

48/C

202

LEE COUNTY PROPERTY APPRAISER - NAME & LEGAL

STRAP: 09 46 25 04 00224 0010  
 RODRIGUES FLORA V +J/T  
 RICHARDS WILLIAM J  
 17165 CAPRI DR  
 FT MYERS  
 FL

DOR...: 48 WAREHOUSING, DIST TERMINALS  
 LOC...:  
 LEGAL1: SAN CARLOS PARK UNIT 15 B  
 LEGAL2: LK 224 OR 50 PG 509 LOTS  
 LEGAL3: 1 THRU 4 LESS R/W OR 3185/48

33912 N/R: HWDWXA  
 \*\*\* VALUES \*\*\* \*\*\* EX VALUES \*\*\*  
 JUST: 187,790 AG.:  
 ASSD: 187,790 HX.:  
 TXBL: 187,790 WID:  
 BLDG: 125,490 DIS:  
 LAND: 62,300 WLY:  
 NCST: 0 ENG:  
 PVAL: WDR:  
 SOH : DIFF:


UNIT MEAS.: SF #UNITS...: 17800.00  
 1ST TAX YR: 0 FRONTAGE: 17800  
 YR SPLIT...: DEPTH...: 0  
 YR CREATED: 1900 E/I NUM.:  
 ENERGY CD.: S/D VAL.:  
 ENERGY YR.: S/D CODE:  
 APRVED BY.: DSC.....: 2  
 TAX DIST...: ZONING...: RS-1  
 PRIOR DOR.: PEND...:  
 PRIOR STRP: 00-00-00-00-00000.0000

SITE: 17100 PHLOX DR 33912  
 # SALE PRICE D.O.S. BOOK PAGE TC VI  
 1: 15,000 04/97 2813 789 01 V  
 2: 30,000 02/97 2795 996 06 V  
 NBHD CODE: 592050  
 NBHD DESC: E. OF 41 TO SR 82

PAGE: 2600 MAINT DATE  
 LINE: 590 SITE: 06/04/1999  
 NAL.:  
 MAF.:  
 PAV.:  
 HIST DIST: N

**LEE COUNTY ATTORNEY'S OFFICE**

2115 Second Street, 6th Floor  
 P.O. Box 398  
 Ft. Myers, FL 33902-0398  
 Phone: (239) 335-2236  
 FAX: (239) 335-2118



**FAX COVER LETTER**

DATE: March 19, 2002

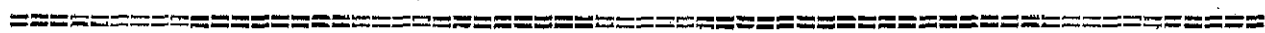
Pages to Follow:4  
(including fax cover sheet)

TO: Robert Clemens

FAX NUMBER: (813) 479-8391

FROM: John J. Renner, Asst. County Attorney

RE: Lee Co. v. Baker, et al, Alico Road Parcel 217



COMMENTS: Here is an offer to settle the sign shop case. The appraisal is based on replacing the lost parking on the former drainage easement. They want the area vacated ,a title policy and permits for the construction of the parking lot. The settlement looks fine since they accept our off-site cure, now we have to implement it. Our next step is to file a petition to vacate the area. Assuming the vacation, do you think we can get a title policy?

This facsimile message may contain privileged and confidential information intended only for the individual named above. If the reader of this message is not the intended recipient, or the agent responsible for delivering it to the individual recipient, you are hereby notified that any review, dissemination, distribution, or copying of this communication is prohibited. If this communication was received in error, please immediately notify us by telephone and return the original message to us at the address above. If you do not receive all these pages, please contact Beatrice at (239)335-2236. Thank you.

**STEWART & KEYES, P.L.**  
ATTORNEYS AT LAW

2125 FIRST STREET, SUITE 101  
P.O. DRAWER 790  
FORT MYERS, FL 33902-0790

PHONE (941) 334-7477

FAX (941) 334-7941

March 18, 2002

**VIA FACSIMILE AND MAIL**

John Renner, Esquire  
Assistant County Attorney  
Post Office Box 398  
Fort Myers, FL 33902-0398

Re: Lee County v. Baker, et al. — William J. Richards and Signs In One Day Of  
Southwest Florida, Inc. - Parcel 217

Dear John:

I have authority to settle this case as follows:

1. Lee County will vacate that part of the 40-foot drainage easement necessary to permit the owner to implement the cure as depicted on pages 24, 25 and 26 of David Vaughan's appraisal report. (See enclosed.)
2. Lee County will convey the vacated easement area to my client.
3. Lee County will deliver a title insurance commitment to my client as proposed insured so he can determine status of title. If title is acceptable, a title insurance policy will be issued with my client as the insured.
4. Lee County will obtain the permits necessary to provide replacement parking in the conveyed area. This is provided for on page 81 of the appraisal.
5. Lee County will pay \$33,337.00 to the owner for the part taken and the cost to cure depicted on page 106 of David Vaughan's appraisal report, less \$31,857.00 previously paid, for a total of \$1,480.00.
6. Lee County will pay costs, expert witness fees, and attorney's fees.



If this offer is acceptable, my client's obtaining fee title to the property used for the cure is a non-monetary benefit for the purposes of determining attorney's fees. I have discussed valuing the non-monetary benefit with Mike Maxwell. The size of the parcel to be conveyed is 40 feet times 136.54 feet, for a total of 5,462 square feet. The unit value of the parcel is \$5.50 per square foot. Its value is \$30,041.00. We attribute \$15,000.00 as the value of the non-monetary benefit. The statutory fee is 33%. The attorney's fees attributed to the non-monetary benefit is \$5,000.00.

Yours very truly,

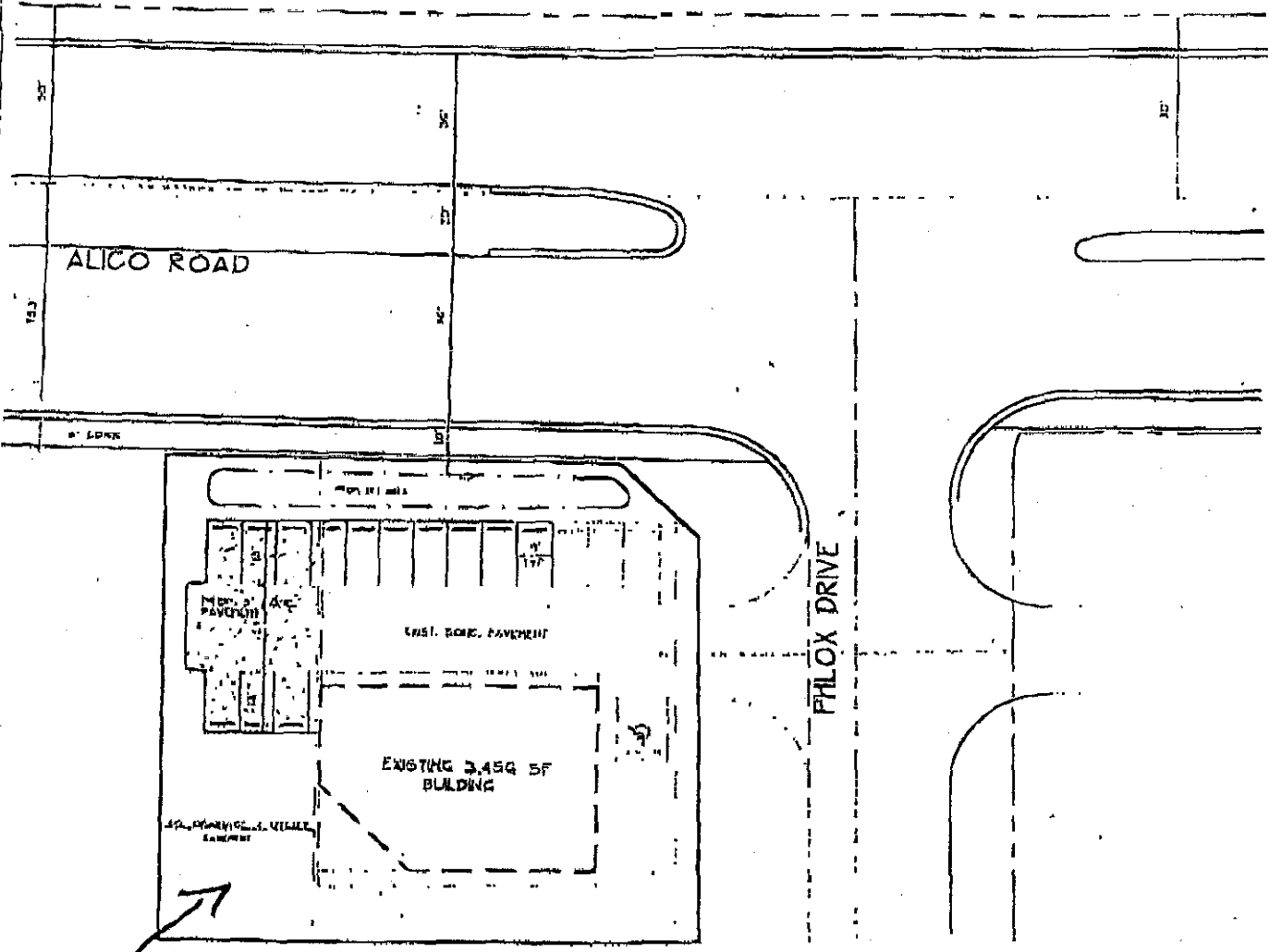
STEWART & KEYES, P.L.

  
William A. Keyes, Jr.

WAK:mh

cc: Mr. William Richards  
Mr. W. Michael Maxwell  
Mr. David Depew

SITE CONDITIONS AFTER TAKE WITH CURE



AREA TO BE VACATED AND CONVEYED

ALICORD

PHLOX DR

ALCO COMMERCIAL

STATE ROAD

# LEE COUNTY

Department of Transportation



1-54