

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20010607

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a petition VAC2001-00010 to vacate a 12 foot Public Utility and Drainage Easement on the common lot line between Lots 36 and 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee county, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 thereof and adopt a resolution setting a Public Hearing 5:00 P.M. on the 26th Day of March, 2002.

**WHY ACTION IS NECESSARY:** Vacate the easement to build a Single family home, The vacation of the public utility and drainage easement will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirements.

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

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

**C4A**

**3. MEETING DATE:**

**02-26-2002**

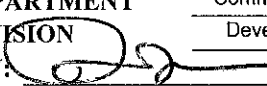
**4. AGENDA:**

- 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:  1-29-02
- Peter J. Eckenrode, Director

**7. BACKGROUND:**

**LOCATION:** A 12 foot Public Utility and Drainage Easement on the common lot line between Lots 36 and 37, Block 111, Unit 7 a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of Public Records of Lee County, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 thereof. The Project is located at 8240 Matanzas Rd., San Carlos Park, Florida.

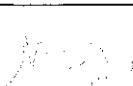
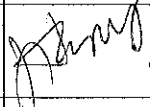
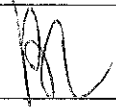
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

There are no objections to this Petition to Vacate. Staff recommends adoption of this resolution.

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	
	N/A 13	N/A 15			GA 2/8/02	OM 2/1/02	Risk 2/1/02	GC 2-12-02	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

**RECEIVED BY  
COUNTY ADMIN.**  
2/1/02 YSS  
**COUNTY ADMIN.  
FORWARDED TO:**  
2/1/02 330

REC'D. 1/31/02  
by CO. ATTY.  
11:35 AM  
CO. ATTY.  
FORWARDED TO:  
Admin  
2/1/02 3:30 PM

PETITION TO VACATE

Case Number: VAC 2001-00010

Petitioner(s), Vicki Ott

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. 984 Estero, FL, 33928

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".

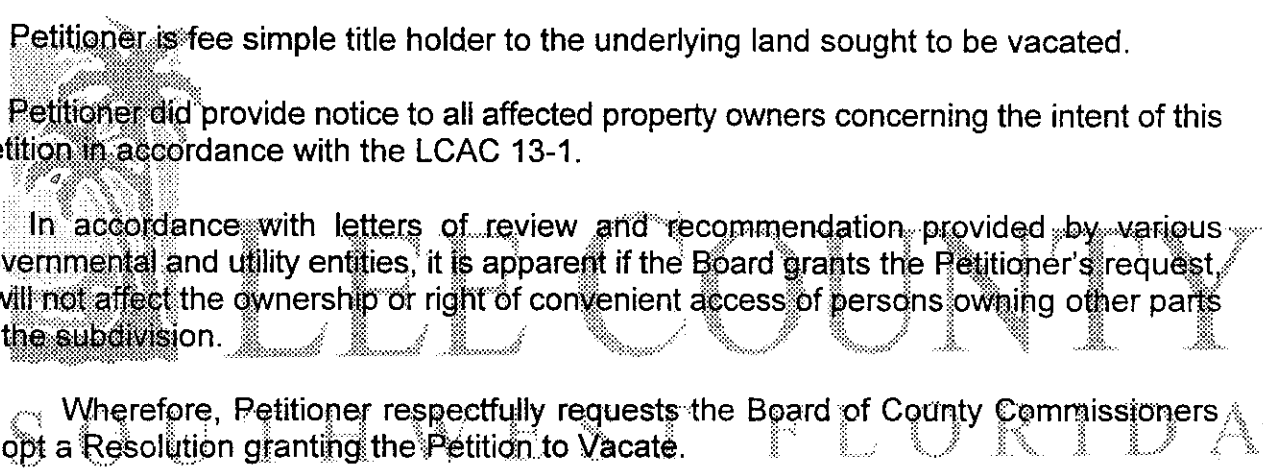
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".

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: Vicki K Ott  
Petitioner Signature

Vicki K Ott  
Printed Name

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

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

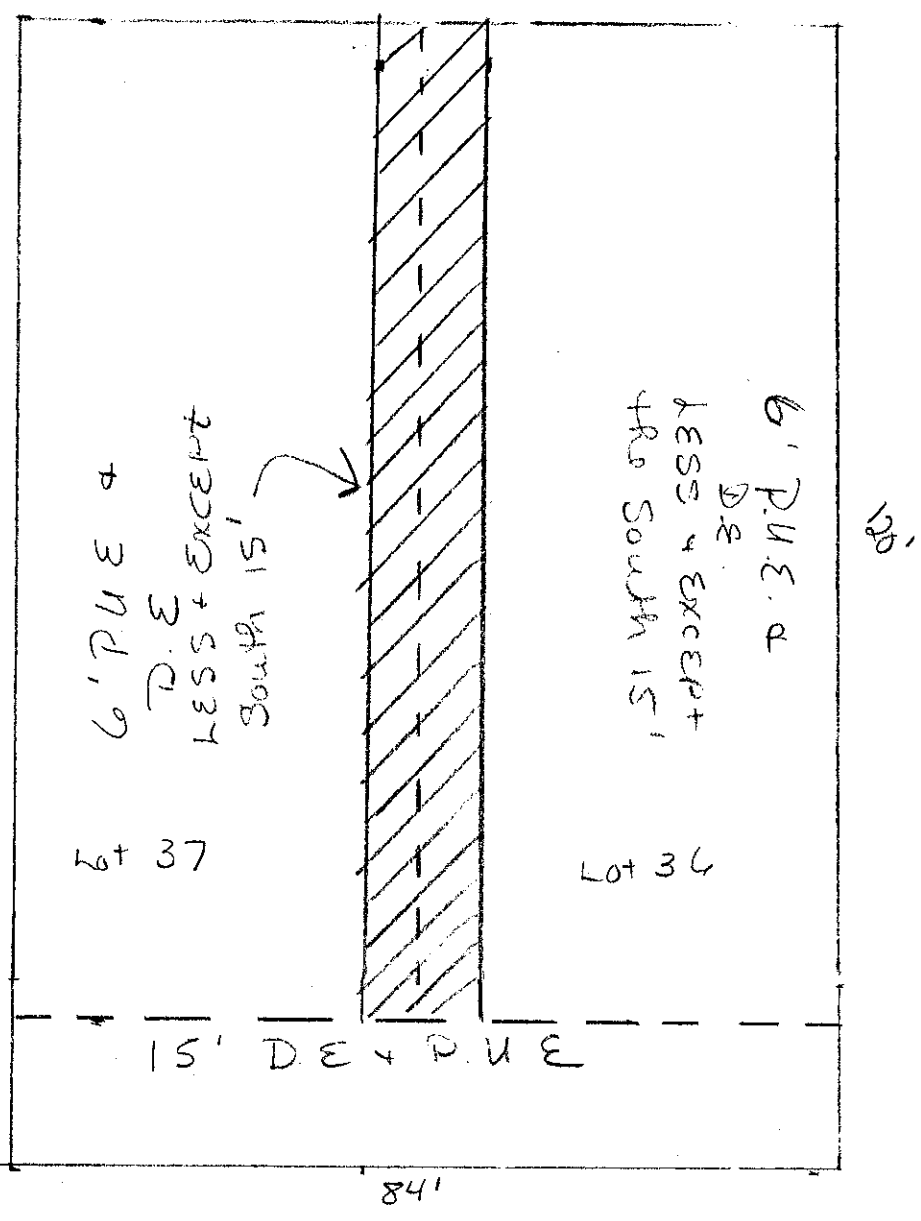
**EXHIBIT "A"**

A legal description of the area proposed for vacation:

A Twelve foot wide Drainage Easement centered on the common lot line between Lots 36 and 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 feet thereof.

North  
1"=20'

8240 MATANZAS RD.



SAN CARLOS PARK.

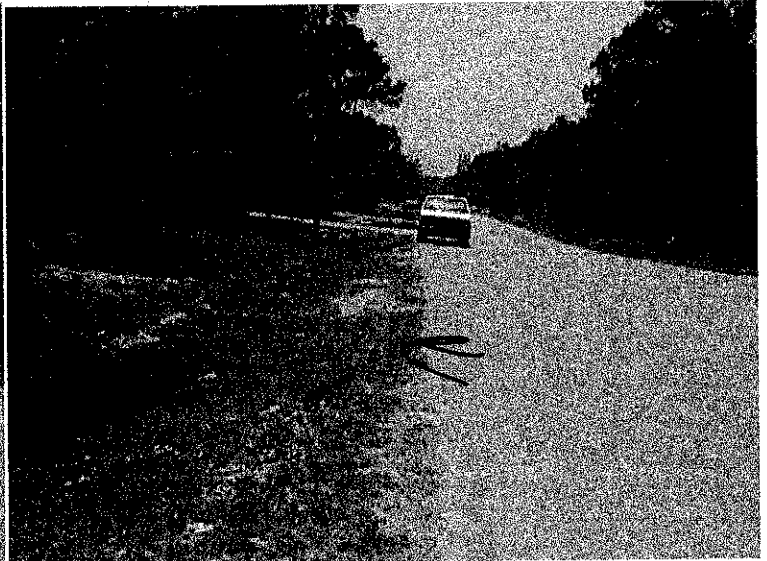
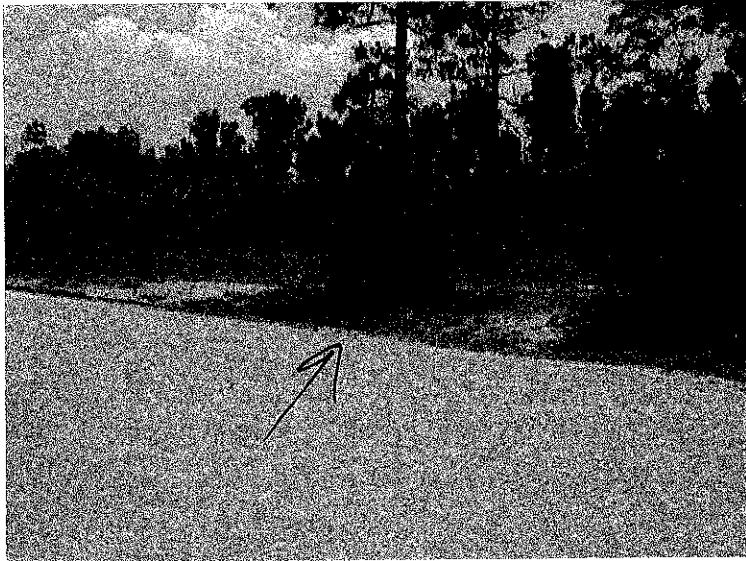
Block 111  
lots 36-37  
Unit 7  
16-46 25-67-00-0360  
Vicki OTT.

EXHIBIT C

8240 MATANZAS RD

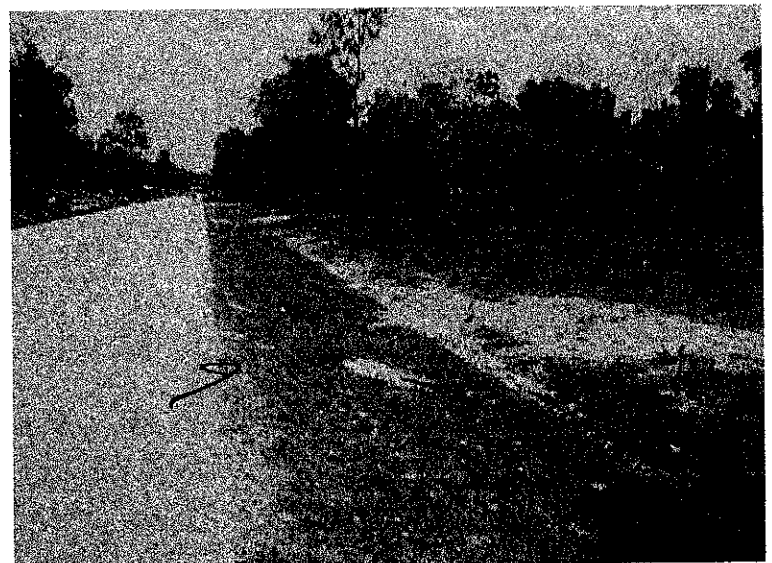
-

16462507001110360



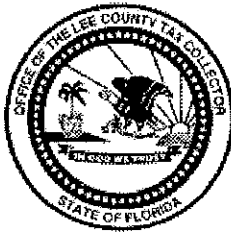
PROPERTY FROM N/WEST ANGLE

PROPERTY FROM EAST ANGLE



PROPERTY LOOKING N/WEST

PROPERTY FROM WEST ANGLE



PAID

RECEIPT

Transaction # 120466-2

02/26/2001

09:21:34 AM

CSV

LEE COUNTY TAX COLLECTOR

Items Paid

Type	Item / Tax Year	Receipt	Pay Date	Date	Cashier	Amount	Void
1-01 - Real Estate Tax	16-46-25-07-00111.0360 / 2000	120466-2-1	02/26/2001	02/26/2001	KXG1	\$210.72	

Total Items Paid: \$210.72

Payment

Type	Date	Cashier	Amount	Void
Check	02/26/2001	KXG1	\$210.72	

Total Payment \$210.72

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

6.006  
7095

3569141

GREEN LEE CTY, FL.  
94 APR -6 PM 11:03

Documentary Tax Pd. \$ 70  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
K. DeLisle Deputy Clerk

Parcel ID Number: 16-46-25-07-00111.0360  
Grantee #1 TIN:

[Space Above This Line For Recording Data]

# Warranty Deed

This Indenture, Made this 25<sup>th</sup> day of March, 1994 A.D., Between  
Neal R. Ott, a married man, joined by his wife, Vicki K. Ott,

of the County of LEE, State of Florida, grantor, and  
Vicki K. Ott, a married woman,

whose address is: 20332 Sherrill Lane P. O. Box 984, ESTERO, Florida 33928

of the County of LEE, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of  
-----  
TEN & NO/100 (\$10.00) ----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate,  
lying and being in the county of LEE State of Florida to wit:

Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,  
51, 52, and 53, Block 111, Unit 7, SAN CARLOS PARK, according  
to the map or plat thereof on file and recorded in the Office  
of the Circuit Court of Lee County, Florida in Deed Book 315,  
Page 128.

The property herein conveyed DOES NOT constitute the HOMESTEAD  
property of the Grantor. The Grantor's HOMESTEAD address is  
20332 Sherrill Lane Estero, Florida 33928.

Subject to restrictions and easements of record, if any, and  
taxes for the year 1994 and thereafter.

RECORD VERIFIED - CHARLIE GREEN, CLERK  
By: K. DeLisle, D.C.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set their hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

Neal R. Ott, a married man,  
joined by his wife, Vicki K.  
Ott

By: [Signature] (Seal)

Neal R. Ott,  
P.O. Address: 20332 Sherrill Lane P. O. Box 984, ESTERO, FL. 33928

By: [Signature] (Seal)

Vicki K. Ott,  
P.O. Address: 20332 Sherrill Lane P. O. Box 984, ESTERO, FL. 33928

[Signature]  
Printed Name: GARY K. WILSON  
Witness as to Both  
[Signature]  
Printed Name: BETHEL J. NAGY  
Witness as to Both

STATE OF Florida  
COUNTY OF Collier

The foregoing instrument was acknowledged before me this  
Neal R. Ott and Vicki K. Ott

25<sup>th</sup> day of



OFFICIAL SEAL  
BETHEL JANE NAGY  
My Commission Expires  
Nov. 9, 1996  
Comm. No. CC 234433

who are personally known to me or who have produced their driver's licenses  
as identification.

This Document Prepared By:  
PORTER, WRIGHT, MORRIS & ARTHUR  
4501 TAMiami TRAIL NORTH SUITE 400  
NAPLES, FL. 33940-3060

[Signature]  
Printed Name: BETHEL JANE NAGY  
NOTARY PUBLIC  
My Commission Expires:

OTT/OTT

082488 PG0284



Box 370  
Fort Myers, Florida 33902-0370

November 19, 2001

Ms. Vicki Ott  
P.O. Box 984  
Estero, Fl. 33928

Ref: Vacation of Easement – Strap No. 16-46-25-07-00111.0360

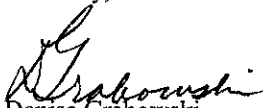
Dear Ms. Ott:

This is in response to your letter received today regarding vacation of utility easement between Lots 36 and 37, Block 111 in the San Carlos Park Subdivision, in which you agree to pay for any removal/and or relocation charges estimated at approximately \$2,500.

In view of the above, please be advised that Sprint has no objection to vacation of the 12 foot easement between these lots and will proceed with an engineering plan to abandon this facility. Please also be advised that an alternate easement to the east side of lot 37 will not be necessary. Service to existing facilities will be provided from the 15' utility easement at the rear of the property.

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

Sincerely,

  
Denise Grabowski  
Engineer I – CSO





Box 370  
Fort Myers, Florida 33902-0370

September 5, 2001

Lee County Development Services  
P.O. Box 398  
Ft. Myers, Florida 33902

Attention: Ms. Sharon Mihm:

Ref: Vacation of Utility and Drainage Easement  
Lots 36 and 37 – Block 111 Unit 7 – San Carlos Park

Dear Ms. Mihm:

This is in response to your letter advising us of your intent to submit a petition seeking vacation of the abovementioned easement.

In reviewing our records we wish to advise that Sprint has existing buried cable facilities in this easement. In order to vacate we would need to transfer several customers from this facility to existing facilities in the rear 15' drainage and utility easement. All labor charges incurred would be at the customer's expense. This amount is estimated at approximately \$2500.00.

Please be advised that if labor charges are less, billing would be on the lesser amount.

If you should have any questions, or need additional information, please feel free to contact me at 336-2014.

Sincerely,

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

Denise Grabowski  
Engineer – CSO Engineering

Sept. 4, 2001  
Today's Date

*Received  
9/4*

MS. Denise Grabowski  
Contact Person

Sprint  
Company Name

P.O. Box 370  
Mailing Address

Ft. Myers, Fl. 33902  
City State Zip

RE: Request for a letter of Review and Recommendation on a proposed easement vacation located on the following parcel(s):

STRAP NO. 16-46-25-07-0011-0360  
STRAP NO. 16-46-25-07-0011-0370

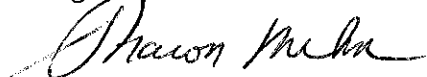
To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the easements on the property identified above. As a result of combining adjacent lots into one building site, these platted easements prohibit the construction of our proposed site plan. We have included a sketch or drawing of the parcel(s) with the easements clearly marked and more particularly described as follows:

A 12-foot wide Utility and/or Drainage Easement centered on the lot line common to Lots 36 & 37 Block 111 Unit 7 a subdivision of San Carlos Park as recorded in Deed Book 315 Page 155 less and except the South 15 feet thereof.

Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed



SHARON MIHM  
LEE COUNTY DEV. SERVICES  
FOR VICKI OTT - 8340 MATANZAS RD

Please REPLY TO SHARON MIHM (either email,  
(fax or mail))

P.O. Box 398

FT. MYERS FL 33902

FAX - 941-479-8386

EMAIL - MIHMSA@LEE.GOV.COM



Florida Power & Light Company  
15834 Winkler Road  
Fort Myers, FL 33908  
(941) 415-1326

September 6, 2001

Ms. Sharon Mihm  
Lee County  
Developmental Services  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: VACATION OF EASEMENT  
LOTS 36 & 37 BLOCK 111 UNIT 7  
SAN CARLOS PARK

Dear Ms. Mihm:

I have reviewed the attached request for review and recommendation for the vacation of above mentioned easement. I offer the following comments:

Florida Power & Light Company has "No objection" to the vacating of this easement; however, it is to be noted that FPL has overhead electric facilities within the 15' wide drainage easement at the rear of the property. Access to these facilities must be maintained from adjacent Public Utility Easements.

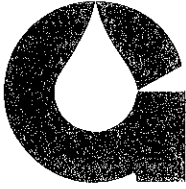
If you have any questions, please feel free to call me at (941) 415-1326.

Yours truly,

A handwritten signature in cursive script that reads "John W. Hahn".

John W. Hahn  
Senior System Project Manager

Attachments



**Gulf Environmental Services, Inc.**

19910 S. Tamiami Trail, Suite A  
Estero, FL 33928-2114  
941/498-1000  
FAX 941/498-0625

January 16, 2002

Ms. Sharon Mihm  
Development Review Technician  
Lee County Department of Community  
Development  
Development Services Division  
P.O. Box 398  
Ft. Myers, FL 33902-0398

Re: Request to Vacate Public Utility Easement – 8240 Matanzas Road

Dear Ms. Mihm:

Gulf Environmental Services, Inc. has no objection to the vacation of the twelve foot (12') public utility easement centered on the common lot lines between Lots 36 & 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at Page 155 of the Public Records of Lee County, Florida, Section 16, Township 46, Range 25 East.

The easement to be vacated, as described above, specifically does not include the fifteen foot (15') Drainage and Public Utility Easement located adjacent to the southern lot lines of Lots 36 & 37 in Block 111. Active utility mains are in this easement, which is not vacated by this letter.

If you have any questions or need additional information, please do not hesitate to contact me at (941) 498-1000.

Sincerely,

Kathy Babcock  
Administrative Manager

LEE COUNTY  
RECEIVED  
02 JAN 17 AM 9:42  
DEV. SERV. CNTR.  
941-498-1000



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

January 24, 2002

Sharon Mihm  
Lee County Development Services  
P.O Box 398  
Fort Myers, Florida 33902

Re: Request for a Letter of Review and Recommendation on a Proposed 12 foot  
Utility or Drainage Easement Vacation of the Following Locations:  
Strap # 16-46-25-07-00111.0360 & 16-46-25-07-00111.0370, Lots 36 & 37 Block  
111, Unit 7 subdivision of San Carlos Park, Fl. As recorded in Deed Book 315, Page  
155 less and except the South 15 feet thereof.

Dear Sharon,

Comcast has no existing utilities in this easement and has no objection with the  
vacation of the above referenced 12-foot Utility or Drainage easement.

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

Sincerely,

Lucia Vera  
Project Coordinator

LEE COUNTY  
REGISTRY  
02 JAN 25 AM 9:19  
COUNTY DEV  
SERVICES CTR.  
1000 PALM ST. 1000

793-9600 Fax ~~793-1317~~  
Lucia Vera 992-1289

Sept. 4, 2001  
Today's Date

Mr. Scott Muller  
Contact Person

Comcast  
Company Name

26880 OLD US 41  
Mailing Address

Bonita Springs, FL 34135  
City State Zip

RE: Request for a letter of Review and Recommendation on a proposed easement vacation located on the following parcel(s):

STRAP NO. 16-46-25-07-00111-0360  
STRAP NO. 16-46-25-07-00111-0370

To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the easements on the property identified above. As a result of combining adjacent lots into one building site, these platted easements prohibit the construction of our proposed site plan. We have included a sketch or drawing of the parcel(s) with the easements clearly marked and more particularly described as follows:

A 12-foot wide Utility and/or Drainage Easement centered on the lot line common to Lots 36 & 37 Block III Unit 7 a subdivision of San Carlos Park as recorded in DEED Book 315 Page 155 less and except the South 15 Feet thereof.

Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed,

SHARON MIHM  
LEE COUNTY DEV. SERVICES  
FOR VICKI OTT - 8240 MATANZAS RD

Please Reply TO SHARON MIHM (either email,  
P.O. Box 398 Phone 479-8375 (Fax or mail  
FT. MYERS FL 33902 FAX - 41-479-8386 Email.  
mihmsa@LeeCo.com.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 2130  
CONNECTION TEL 8819419921289  
CONNECTION ID  
ST. TIME 01/23 21:27  
USAGE T 01'07  
PGS. SENT 4  
RESULT OK

793-9600 Fax 793-1317  
Lucia Vera 992-1289

Sept. 4, 2001  
Today's Date

Mr. Scott Miller  
Contact Person

Comcast  
Company Name

26880 OLD US 41  
Mailing Address

Bonita Springs, FL 34135  
City State Zip

RE: Request for a letter of Review and Recommendation on a proposed easement vacation located on the following parcel(s):

STRAP NO. 16-46-25-07-0011-0360  
STRAP NO. 16-46-25-07-0011-0370

To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the easements on the property identified above. As a result of combining adjacent lots into one building site, these platted easements prohibit the construction of our proposed site plan. We have included a sketch or drawing of the parcel(s) with the easements clearly marked and more particularly described as follows:

- A 12-foot wide Utility and/or Drainage Easement centered on the lot line common to Lots 36 & 37 Block III Unit 7 a subdivision of San Carlos Park as recorded in Map Book 315 Page 155 less and except the South 15 feet thereof.

Bob Janes  
*District One*

January 28, 2002

Douglas R. St. Cerny  
*District Two*

Ms. Vicki Ott  
P.O. Box 984  
Estero, FL 33928

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

Re: Recommendation for proposed vacation of Public Utility and Drainage Easement located at 8240 Matanzas Road.

John E. Albion  
*District Five*

Dear Ms. Ott:

Donald D. Stilwell  
*County Manager*

This office has received your request to vacate a 12 -foot wide Public Utility and Drainage Easement.

James G. Yaeger  
*County Attorney*

You indicate that as the result of combining adjacent lots into one residential building site, these platted easements prohibit the construction of your proposed site plan. You have also submitted an easement agreement to relocate a 6' Drainage Easement to the east side of the property. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Diana M. Parker  
*County Hearing Examiner*

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director

PJE/sam

U:\200105\VAC20010.001\01D&PUE.WPD





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8132

Bob Janes  
District One

Douglas R. St. Cerny  
District Two  
February 23, 2001

Ray Judah  
District Three

Vicki K. Ott  
3319 Whidden Loop Rd  
Immokalee, FL 34142

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

**SUBJECT: PETITION TO VACATE DRAINAGE EASEMENT**  
16 46 25 07 00111.0360

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Dear Ms. Ott:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to that proposed.

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

Sincerely,

**ENVIRONMENTAL SERVICES DEPARTMENT**

Bradley S. Vance  
Professional Engineer II  
Natural Resources Division

cc: Don Blackburn, Development Services  
John Fredyma, County Attorney Office  
Margaret Lawson, LCDOT  
Roland Ottolini, P.E., NRD

*Brad Vance gave verbal on 1/14/02 as the relocation of easement  
Shannon 1/14/02*

# Memo

To: Sharon Mihm, Development Review  
From: Margaret Lawson, Right-of-way Supervisor *Margaret*  
Date: December 14, 2001  
Subject: **VAC 2001-00010**

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I have reviewed the perpetual stormwater drainage easement and offer the following comments:

- A) Exhibit "B" and Exhibit "C" appear to be the same sketch.
- B) The strap number of the property should be shown in the header of the document.
- C) This document is not a DOT document. It is a Natural Resources document and should be reviewed by Brad Vance of Natural Resources.

The document as stated above appears to be acceptable to DOT and DOT offers no objection to the vacation as proposed.

MAL/mlb

cc: Brad Vance, DNRM  
Petition to Vacate file

LEE COUNTY  
RECEIVED  
01 DEC 17 AM 9:52  
01/14/01  
DEV/PLANNING/INTL.  
SERVICES FLOOR

**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**DEVELOPMENT SERVICES DIVISION**

**DATE:** December 11, 2001

**TO:** Margaret Lawson

**FROM:** Sharon Mihm 

DEVELOPMENT REVIEW TECH.

**RE: VAC2001-00010**

On August 29, 2001 you attended a meeting, in which we discussed the relocation of a drainage easement to the east side of lot 36. Enclosed is a copy of the Easement agreement, legal description of the new easement, site plan as it is now and site plan with relocated easement. Please look it over and let me know if it meets DOT approval. If it does, may I have a letter of no objection to the vacation as it is now. Thank you for your assistance.

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2001-00010**

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. \_\_\_\_\_ 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**  
Legal Description

A 12 foot wide Drainage Easement & Public Utility Easement centered on the common lot lines between Lots 36 & 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46, Range 25 East.

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

Case Number: VAC2001-00010

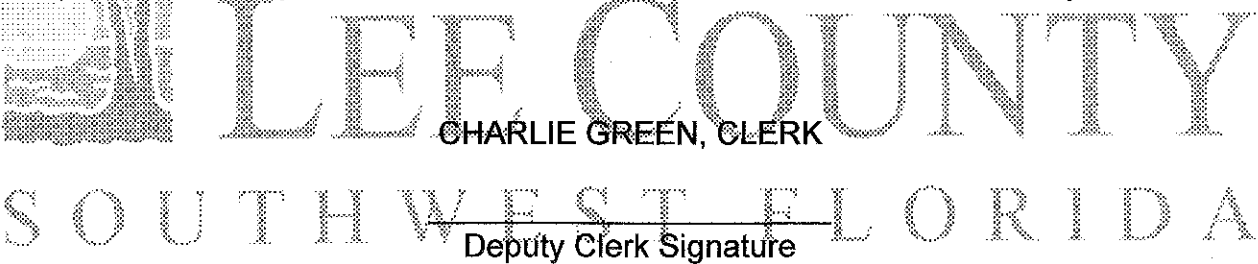
**TO WHOM IT MAY CONCERN:**

Notice is hereby given that on the \_\_\_\_\_ 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**  
Legal Description

A 12 foot wide Drainage Easement & Public Utility Easement centered on the common lot lines between Lots 36 & 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46, Range 25 East.

This Instrument Prepared by:

Lee County Environmental Services Department  
Natural Resources Division

P.O. Box 398

Fort Myers, FL 33902-0398

STRAP Number: 16-46-25-07-0011.0360

This Space for Recording

## PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Vicki Ott  
owner whose address is 3319 Whidbey Loop Rd. Immokalee (Grantor)  
and LEE COUNTY, a political subdivision of the State of Florida, whose address is  
P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

Original to be recorded at  
time of granted vacation.

*(Signature)*



7. County/Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, there successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this 10 day of Dec, 2000.

Signed, sealed and delivered in presence of two separate witnesses:

[Signature]  
1<sup>st</sup> Witness Signature

Dottie Willard  
Printed Name of 1<sup>st</sup> Witness

[Signature]  
2<sup>nd</sup> Witness Signature

DEBRA ZARELLA  
Printed Name of the 2<sup>nd</sup> Witness

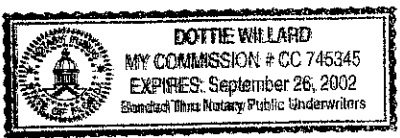
[Signature]  
By: \_\_\_\_\_  
GRANTOR

STATE OF FLORIDA     )  
  )  
COUNTY OF LEE        )

The foregoing instrument was acknowledged before me this 10 day of December, 2000 by Vicki K Ott (name of person acknowledged) who is personally known to me or who has produced FL DL (type of identification) as identification.

[Signature]  
Signature of Notary Public

Dottie Willard  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

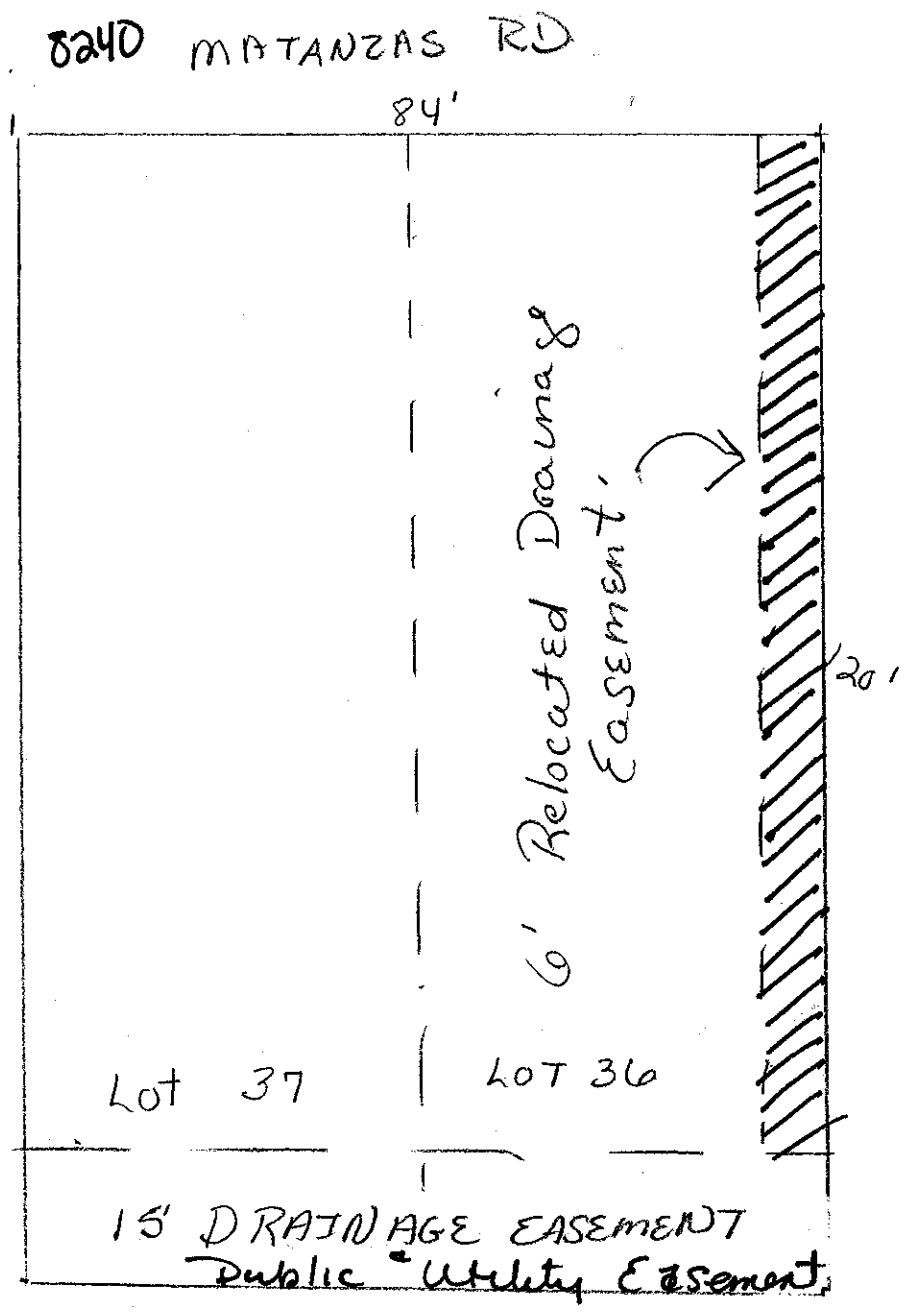


## **EXHIBIT A**

A legal description of the proposed relocation of drainage easement

A 6 foot wide Drainage Easement on the east side of Lot 36, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46, Range 25 East.

NORTH  
↑  
1" = 20'



Block III  
lots 36 + 37  
Unit 7  
16-46-25-07-00111.0360  
Vicki OTT

SAN CARLOS Park.

"EXHIBIT"

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2001-00010**

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

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

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

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

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

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

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

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

APPROVED AS TO FORM

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

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

**EXHIBIT "A"**

A legal description of the area proposed for vacation:

A Twelve foot wide Drainage Easement centered on the common lot line between Lots 36 and 37, Block 111, Unit 7, a subdivision of San Carlos Park, as recorded in Deed Book 315 at page 155 of the Public Records of Lee County, Florida, Section 16, Township 46 South, Range 25 East, less and except the South 15 feet thereof.

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2001-00010

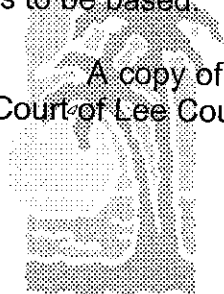
## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 26th day of March 2002 @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

# S O U T H W E S T F L O R I D A

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

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

APPROVED AS TO FORM

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

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

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