

# Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. **20020197**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition VAC2002-00005 to vacate a twelve-foot wide public utility easement centered on the common lot line separating lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; LESS and EXCEPT, for the North six feet and South six feet thereof.; and adopt a resolution setting a public hearing for 5:00 p.m. on the 9th day of April, 2002:

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

**WHAT ACTION ACCOMPLISHES:** Sets the date for Public Hearing.

**2. DEPARTMENTAL CATEGORY:** 04 Community Development  
**COMMISSION DISTRICT # 05**

C4A

**3. MEETING DATE:**  
03-12-2002

**4. AGENDA:**

CONSENT  
 ADMINISTRATIVE APPEALS  
 PUBLIC  
 WALK ON  
 TIME REQUIRED:

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

STATUTE F.S.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 Petition to Vacate was submitted by Mr. And Ms. Lee; the property owners.

**LOCATION:** The easements in question is a twelve foot (12') wide public utility easement located six feet (6') to each side of the lot line separating lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; LESS and EXCEPT, for the North six feet and South six feet thereof,

The site is located at 4300 Ninth Street West, Lehigh Acres, Florida, Section 28, Township 44 South, Range 26 East.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, the Resolution to set the Public Hearing and the Notice of Public Hearing.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager								
N/A	N/A	N/A	N/A	N/A	<table border="1" style="font-size: 0.8em;"> <tr> <td>OA</td> <td>OM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td style="text-align: center;">2/24/02</td> <td style="text-align: center;">2/27/02</td> <td style="text-align: center;">2/27/02</td> <td style="text-align: center;">2/27/02</td> </tr> </table>	OA	OM	Risk	GC	2/24/02	2/27/02	2/27/02	2/27/02	N/A
OA	OM	Risk	GC											
2/24/02	2/27/02	2/27/02	2/27/02											

**10. COMMISSION ACTION:**

APPROVED  
 DENIED  
 DEFERRED  
 OTHER

Rec. by CoAtty  
 Date: 2/25/02  
 Time: 2:20 pm  
 Forwarded To: Admin

2/26/02  
 1:15 pm  
 COUNTY ADMIN.  
 2/28 9:30

VAC2002-00005  
RECEIVED  
PUE  
JAN 31 2002  
4/4/02  
PERMIT COUNTER

PETITION TO VACATE

Case Number: VAC2002-00005

Petitioner(s), John + Gloria Lee

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, 2941 Lafayette St Fort Myers Fla 33916
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: Gloria Lee  
Petitioner Signature

Gloria Lee  
Printed Name

By: John H Lee  
Petitioner Signature

John H Lee  
Printed Name

## **LEGAL DESCRIPTION OF PROPOSED VACATION**

A twelve-foot wide public utility easement centered on the common lot line between lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; **LESS** and **EXCEPT**, for the north six feet and south six feet thereof.

**EXHIBIT A**

DOVE

WWW.DOVESURVEY.COM

ASSOCIATES OF SOUTHWEST FLORIDA INC. 1762 FOWLER STREET, FORT MYERS, FLORIDA 33901 (941) 338-7600 FAX (941) 338-8838 Toll Free 1-866-338-7501



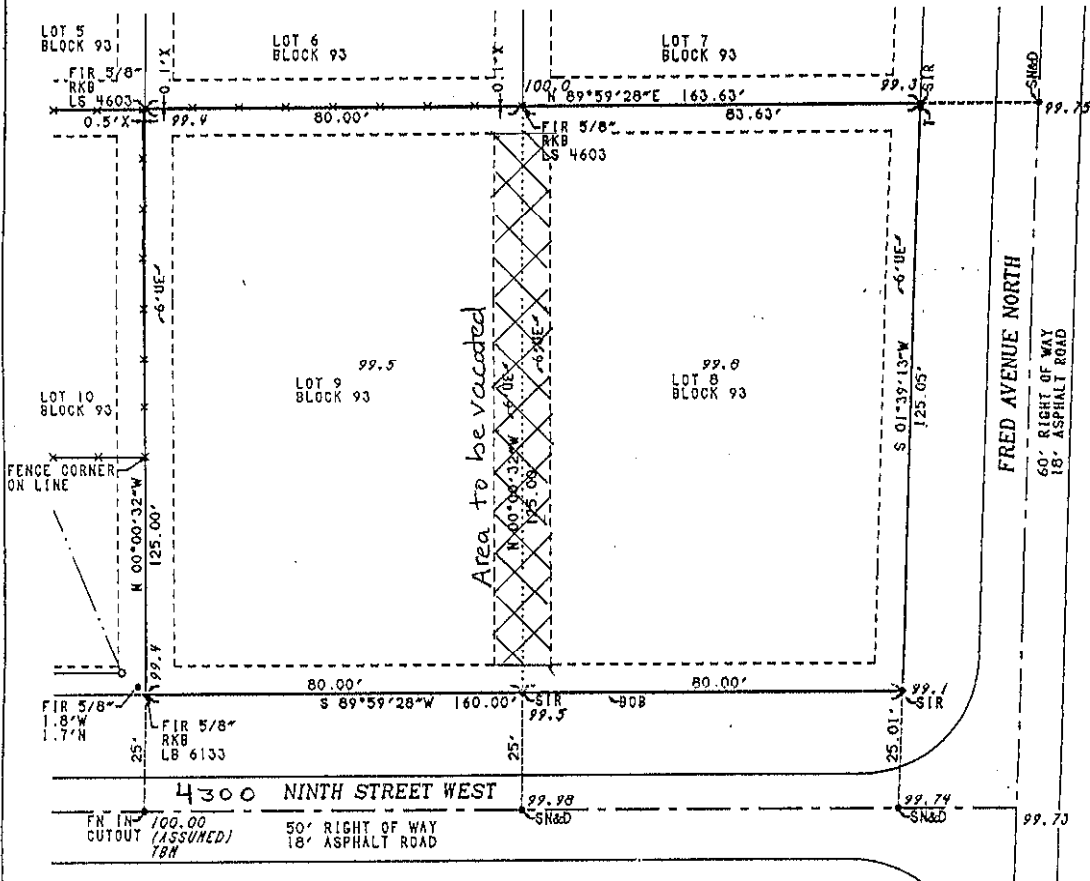
Sketch of a Boundary Survey

01-0929

05 DEC 01

Drawn By DMO

Certificate of authorization number LB 6611 © 2001 by Dove & Associates of Southwest Florida Inc.



LEGEND

- BOB = BASIS OF BEARINGS
CONC = CONCRETE
CSP = COVERED SCREENED PORCH
DE = DRAINAGE EASEMENT
EOP = EDGE OF PAVEMENT
FCM = FOUND CONCRETE MONUMENT
FDH = FOUND DRILL HOLE
FIR = FOUND IRON ROD
FN = FOUND NAIL
FN&D = FOUND NAIL & BRASS DISK
FN&I = FOUND NAIL & TAB
I = INSIDE PROPERTY
O/S = OFFSET
PC = POINT OF CURVE
PUE = PUBLIC UTILITY EASEMENT
SH&T = SET HUB & TACK
SIR = SET 5/8" IRON ROD & CAP
SN&D = SET NAIL & BRASS DISK
SWIR = SET WITNESS 5/8" IRON ROD & CAP STAMPED "WIT.COR. LB 6611"
S/W = 1-2" CONCRETE SEAWALL
TB = APPROXIMATE TOP BARK
UE = UTILITY EASEMENT
VG = VALLEY GUTTER
X = OUTSIDE PROPERTY
WATER METER
STORM DRAIN
CABLE TELEVISION SERVICE BOX
LIGHT POLE
POWER POLE
OVERHEAD POWER LINE
CHAIN LINK FENCE
WOOD FENCE
TELEPHONE SERVICE BOX
ELECTRIC SERVICE BOX
CONCRETE

CERTIFIED TO: John & Gloria Lee Fidelity National Title Insurance Company of NY First National Bank of Florida d/b/a C.A., Its Successors and/or Assigns Gold Coast Homes of Lee County Inc.

PARCEL DESCRIPTION: Lots 8 & 9, Block 93, Unit 10, Section 28, Township 44 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 79, Public Records of Lee County, Florida.

- Notes: 1) Only improvements shown were located. 2) Dimensions are in feet and decimals thereof. 3) Parcel subject to easements, restrictions, reservations, and right-of-ways of record. 4) Easements shown on this drawing are from the recorded plat. Any other easement(s) pertaining to the herein described land(s) must be furnished to the surveyor by the client or the client's agent per Florida Statute 61-0-17-6.0001(5) or the Florida Administrative Code. 5) This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties. 7) Parcel was surveyed from information supplied by the client. 8) Underground utilities and structures were not field located. 9) This certification is only for the land described. It is not a certification of title, zoning, easement, freedom of encumbrance, ownership, or rights-of-way. 10) Abstract not reviewed. 11) Parcel lies in Flood Zone B as per FIRM# 125124 0375 B panel not printed. 12) The elevations as shown hereon are assumed. 13) Added Individual Lot Dimensions - 10 DEC 01

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17-6, Florida Administrative code.

BY: Keith David Clay Registered Surveyor & Mapper Certificate No. 6267

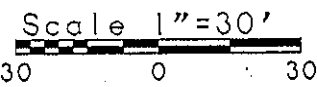
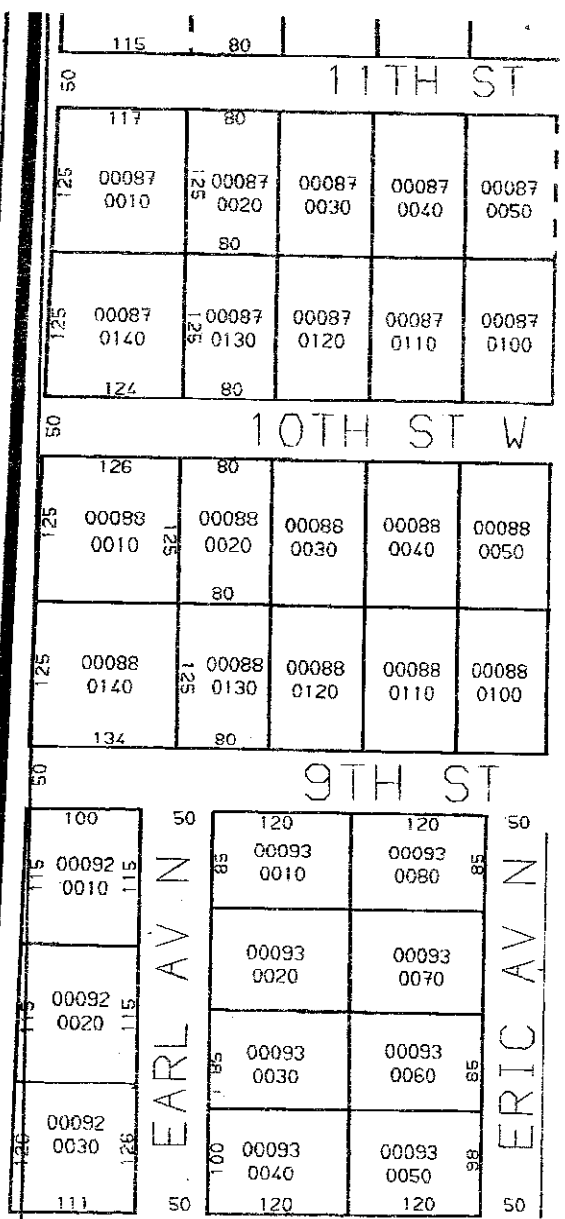
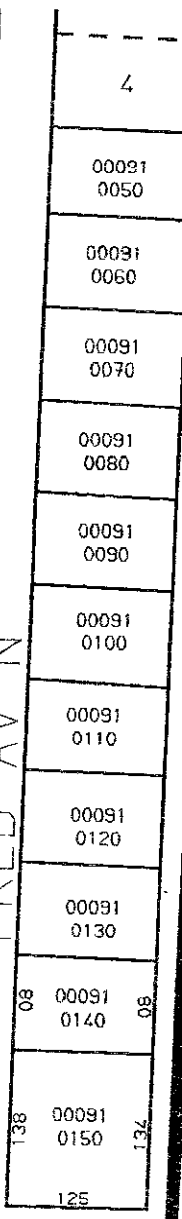
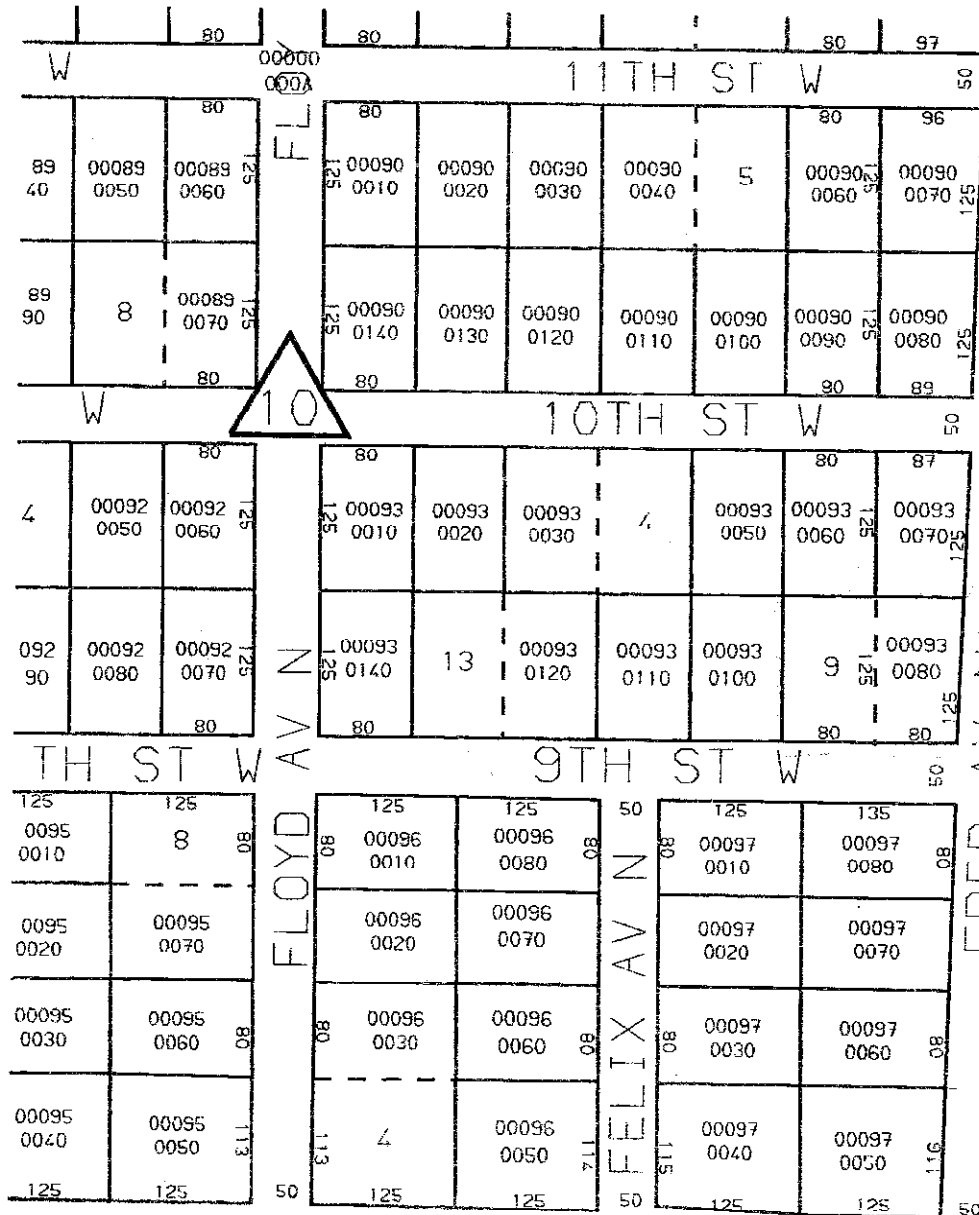


Exhibit B

Exhibit C-1



701

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001  
**DUPLICATE**

Discounts have been calculated, pay only one amt:	If Paid By Nov 30, 2001 <b>0.00</b>	If Paid By Dec 31, 2001 <b>0.00</b>	If Paid By Jan 31, 2002 <b>0.00</b>	If Paid By Feb 28, 2002 <b>0.00</b>	If Paid By Mar 31, 2002 <b>0.00</b>	Call for amt due after Mar 31, 2002
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020100 20019 284426100009300808 0000000000 0000000000 00000000

MAKE CHECK PAYABLE TO:  
 \*\*\* Paid \*\*\*

LEE COUNTY TAX COLLECTOR  
 P O BOX 1609  
 FT MYERS, FLORIDA 33902-1609

REAL PROPERTY

ACCOUNT & SITE ADDRESS

28-44-26-10-00093.0080  
 4300 9TH ST W

LEE JOHN H + GLORIA A  
 2941 LAFAYETTE ST  
 FT MYERS FL 33916

To pay by phone or confirm receipt of your payment call the automated tax system (941) 332-8731.  
 See insert for details. PIN Number: 01-00356300

PLEASE RETURN THIS PORTION WITH PAYMENT

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001

LEE JOHN H + GLORIA A  
 2941 LAFAYETTE ST  
 FT MYERS FL 33916

DOR CODE: 00  
 MORTGAGE CODE: 000  
 DISTRICT CODE: 060

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	5200.00	22.50	LEE CO GEN REV	(941) 335-2221	
.0010124	5200.00	5.26	LEE CO CAP IMP	(941) 335-2221	
.0026080	5200.00	13.56	LOCAL SCHOOL	(941) 337-8215	
.0058700	5200.00	30.52	STATE SCHOOL	(941) 337-8215	
.0012114	5200.00	6.30	LEE CO UNINCORP	(941) 335-2221	
.0000358	5200.00	0.19	LEE CO HYACINTH	(941) 694-2174	
.0009630	5200.00	5.01	LEE CO LIBRARY	(941) 335-2221	
.0003595	5200.00	1.87	LEE CO MOSQUITO	(941) 694-2174	
.0030000	5200.00	15.60	LEHIGH ACRS FIRE	(941) 334-1600	
.0003082	5200.00	1.60	LEHIGH ACS LIGHT	(941) 335-2186	
.0001000	5200.00	0.52	SFL WTR MGT/EVR	(561) 687-6461	
.0000400	5200.00	0.21	W C INLD WATRWWY	(813) 485-9402	
.0000733	5200.00	0.38	LEE CO ALL/HAZS	(941) 335-2186	
.0005970	5200.00	3.10	SF WATR MGT DST	(561) 687-6461	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL 5200  
 SOH ASSESSED VAL 5200  
 TAXABLE VAL 5200

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 10 BLK 93  
 PB 15 PG 79 LOTS 8 + 9  
 BOOK: 2860 PAGE: 2453

ACCOUNT & SITE ADDRESS

28-44-26-10-00093.0080  
 4300 9TH ST W

\*PAID\*

142.49 130699-94-1 11/28/2001

VAC 2002-00005

PUR

Due 4/4/02

NON-AD VALOREM ASSESSMENTS			* See reverse side before calling		
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *	
90.89000	PER ACRE	41.81	E CO WATR CONTL	(941) 368-0044	
		148.43	COMBINED TOTAL		

See reverse side for additional information.

RETAIN THIS PORTION FOR YOUR RECORDS

Exhibit C-2

6.00 KS  
24.50 DS

# Warranty Deed

CHARLIE GREEN LEE CTY. FL

Made this 18 day of August A.D. 19 1997  
by DAVID P. MIRON, Individually and as Trustee, as  
to an undivided 51% interest  
216 COMMONS WAY  
BREWSTER, MA 02631 4227768  
hereinafter called the grantor, to  
JOHN H. LEE and GLORIA A. LEE, Husband and Wife

97 AUG 26 PM 12:01

OR2860 PG0246

whose post office address is: 2941 LAFAYETTE STREET  
FORT MYERS, FL 33916

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:

LOTS 7, 8, AND 9, BLOCK 93, UNIT 10, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 15, PAGE 79, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO Covenants, restrictions, easements of records 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: 28-44-26-10-00093.0060/.0080

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:

*[Signature]*  
Name: WITNESS #1 SIGN

*[Signature]*  
Name & Address: DAVID P. MIRON,  
individually and as trustee LS

*NINFA O. RODRIGUEZ*  
Name: WITNESS #1 PRINT

Name & Address: LS

*Cynthia A. Halloran*  
Name: WITNESS #2 SIGN

Name & Address: LS

*Cynthia A. Halloran*  
Name: WITNESS #2 PRINT

Name & Address: LS

State of Connecticut  
County of New Haven

The foregoing instrument was acknowledged before me this 18 day of August, 19 97, by DAVID P. MIRON, Individually and as Trustee, as to an undivided 51% interest

who is personally known to me or who has produced conn DL as identification and who DID NOT take an oath.

(SEAL)

*[Signature]*  
Signature: Notary Public  
First Name: *[Signature]*  
Notary Public  
My Commission Expires: 9/30/98

PREPARED BY: TRACY LESLIE  
RECORD AND RETURN TO:  
Executive Title Insurance Services, Inc.  
1140 Lee Blvd., Suite #111  
Lehigh Acres, FL 33936  
File No: 97-6-771-DW

Exhibit D-1

Documentary Tax Pd. \$ 24.50  
Charlottesville Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
Deputy Clerk

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

Warranty Deed

CHARLIE GREEN LEE CTY. FL

97 AUG 26 PM 12:00

600RS  
24.50

Made this 10<sup>th</sup> day of August A.D. 19 1997  
by MARY HASSINGER, individually and as trustee as  
to an undivided 10% interest 4227766  
216 COMMONS WAY  
BREWSTER, MA 02631  
hereinafter called the grantor, to  
JOHN H. LEE and GLORIA A. LEE, Husband and Wife

Documentary Tax Pd. \$ 24.50  
\$ \_\_\_\_\_ Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
G. Sherwood Deputy Clerk

whose post office address is: 2941 LAFAYETTE STREET  
FORT MYERS, FL 33916

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:

LOTS 7, 8, AND 9, BLOCK 93, UNIT 10, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 15, PAGE 79, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO Covenants, restrictions, easements of records 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: 28-44-26-10-00093.0060/.0080

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:

Patricia A. Maloney  
Name: WITNESS #1 SIGN

Mary Hassinger  
Name & Address: MARY HASSINGER, INDIVIDUALLY AND AS TRUSTEE LS

Patricia A. Maloney  
Name: WITNESS #1 PRINT

Name & Address: LS

Kristen Kiel  
Name: WITNESS #2 SIGN

Name & Address: LS

Kristen Kiel  
Name: WITNESS #2 PRINT

Name & Address: LS

State of Connecticut  
County of New Haven

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of August, 19 97, by MARY HASSINGER, individually and as trustee as to an undivided 10% interest

who is personally known to me or who has produced CT. Lic #01035509 EXP 1-99 as identification and who DID NOT take an oath.

(SEAL)

Rosemary A. Garbudas  
Signature: Notary Public  
Print Name: ROSEMARY A. GARBUDAS  
Notary Public  
My Commission Expires: 7-31-99

PREPARED BY: TRACY LESLIE  
RECORD AND RETURN TO:  
Executive Title Insurance Services, Inc.  
1140 Lee Blvd., Suite #111  
Lehigh Acres, FL 33936  
File No: 97-6-771-DW

WD-1  
11/91

Exhibit D-2

OR2860 P00244

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



6.00 R  
24.50 DS

# Warranty Deed

CHARLIE GREEN LEE CTY. FL

97 AUG 26 PM 12:01

Made this 13th day of August A.D. 19 1997  
by PATRICIA A. HUMPHREY, individually and as  
Trustee, as to an undivided 39% interest  
216 COMMONS WAY 4227767  
BREWSTER, MA 02631  
hereinafter called the grantor, to  
JOHN H. LEE and GLORIA A. LEE, Husband and Wife

whose post office address is: 2941 LAFAYETTE STREET  
FORT MYERS, FL 33916

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:

LOTS 7, 8, AND 9, BLOCK 93, UNIT 10, SECTION 28, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, RECORDED IN PLAT BOOK 15, PAGE 79, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT TO Covenants, restrictions, easements of records 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: 28-44-26-10-00093.0060/.0080

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:

Candy Francis  
Name: \_\_\_\_\_  
WITNESS #1 SIGN

Patricia A. Humphrey  
Name & Address: PATRICIA A. HUMPHREY, individually and as trustee LS

Candy Francis  
Name: \_\_\_\_\_  
WITNESS #1 PRINT

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

Kristy M. Taft  
Name: \_\_\_\_\_  
WITNESS #2 SIGN

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

Kristy M. Taft  
Name: \_\_\_\_\_  
WITNESS #2 PRINT

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

State of Massachusetts  
County of Barnstable

The foregoing instrument was acknowledged before me this 13 day of August, 19 97

by PATRICIA A. HUMPHREY, Individually and as Trustee, as to an undivided 39% interest

who is personally known to me or who has produced Massachusetts lic. # 544320996 identification and who DID NOT take an oath.

(SEAL)

Robley E. Faulkes  
Signature: Notary Public  
Print Name: Robley E. Faulkes  
Notary Public  
Commission Expires: May 15 1998

PREPARED BY: TRACY LESLIE  
RECORD AND RETURN TO:  
Executive Title Insurance Services, Inc.  
1140 Lee Blvd., Suite #111  
Lehigh Acres, FL 33936  
File No: 97-6-771-DW

Exhibit D-3

Documentary Tax Pd. \$ 24.50  
Intangible Tax Pd. \$  
BY CHARLIE GREEN, CLERK, LEE COUNTY  
Deputy Clerk

\*RECORD VERIFIED - CHARLIE GREEN, CLERK  
\*BY: G. SHERWOOD, D.C.\*

OR2860 R60245



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

January 21, 2002

John H. & Gloria Lee  
2941 LaFayette St.  
Ft. Myers, FL 33916

Re: Request for a Letter of Review and Recommendation on a Proposed 12 foot  
Utility or Drainage Easement Vacation of the Following Locations:  
Lot 9, Block 93, Unit 10 Less and except the South and North 6 feet thereof.

Dear John & Gloria,

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

Sincerely,

Scott Miller  
Design Coordinator

VAC 2002-00005  
POE  
JAN 21 2002  
Due 4/4/02



Post Office Box 3455

North Fort Myers, FL 33918-3455

(941) 995-2121 • FAX (941) 995-7904

www.lcec.net • www.lfline.com

January 10, 2002

Mr. and Mrs. John H. Lee  
2941 Lafayette St.  
Ft. Myers, FL 33916

Re: Strap No. 28-44-26-10-00093.0080

Dear Mr. and Mrs. Lee:

LCEC does not object to vacation of the platted easements at the referenced site, LESS and EXCEPT that portion described in the following:

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 8 and 9, Block 93, Unit 10, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 79, LESS and EXCEPT the north 6 feet and the south 6 feet thereof.

Please call me at 656-2422 if you have any questions.

Sincerely,

Karen Hardin  
Real Property Representative

*Vac 2002 - 00005*  
*File*  
*Due 4/4/02*



Box 370  
Fort Myers, Florida 33902-0370

January 16, 2001

Mr. & Mrs John Lee  
2941 Layfayette Street  
Fort Myers, FL. 33916

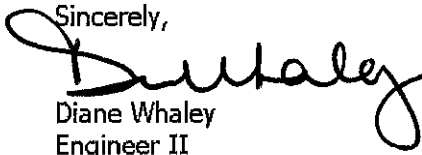
RE: Petition to vacate easement between lots 8 & 9 on 9<sup>th</sup> Block 93 unit 10.  
STRAP NO: 28-44-26-10-00093-0080

Dear Mr. Lee:

Sprint-Florida Incorporated has reviewed the document for the above referenced information.  
Based on the information, Sprint has no objection to your easement vacation request.

If you should require additional information, please contact me at 941-336-2049.

Sincerely,

  
Diane Whaley  
Engineer II

*Vac 2002-00005*

*PVE*

*Due 4/4/02*



January 28, 2002

John & Gloria Lee  
2941 Lafayette St.  
Fort Myers, FL 33916

Re: A Twelve-foot wide Drainage and/or Public Utility Easement centered on the common lot line between Lots 8 & 9, Block 93, unit 10 a subdivision of Lehigh Acres, as recorded in Plat Book 15, at Page 79 of the Public Records of Lee County, Florida less and except the north six feet and the south six feet thereof.

Dear Mr. & Ms. Lee:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Rachel L. Cowing".

Rachel L. Cowing  
Legal Secretary

VAC 2002-00005

PUE

Due 4/4/02

AN ALLETE COMPANY

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

*Water For Florida's Future*



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8376

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. Stillwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

February 21, 2002

John H. & Gloria Lee  
2941 LaFayette Street  
Fort Myers, Florida 33916

Case Number: **VAC2002-00005** - 4300 9<sup>th</sup> St. Lehigh

Dear Mr and Ms. Lee:

You indicate that a platted utility easement described as follows unnecessarily hinders the proposed construction of a single-family dwelling:

A twelve-foot wide public utility easement centered on the common lot line between lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; **LESS** and **EXCEPT**, for the north six feet and south six feet thereof.

Based on a review of the information provided, the comments of the utility providers serving the area and our subsequent research; this office will recommend this easement be vacated to the Board of County Commissioner's.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Tuesday, February 12, 2002

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*

Mr. & Mrs. John Lee  
2941 Lafayette St.  
Fort Myers, FL 339169

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 8 & 9, Block 93, Unit 10, Lehigh Acres Subdivision as recorded in Plat Book 15 at Page 79, Public Records of Lee County, Florida.

Dear Mr. & Mrs. Lee:

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 easements.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr., P.S.M.  
Engineer II  
Natural Resources Division

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

S:\WATRES\SURFACE\DOCUMENT\vac233.doc

**From:** Margaret Lawson  
**To:** Elrubaie, Sal  
**Date:** 2/12/02 10:14AM  
**Subject:** PTV - Lehigh - Mr & Mrs. Lee

Strap 28-44-26-10 00093.0080

Dot Has Reviewed the Plat and determined that the easement is a public utility easement - therefore DOT offers NO OBJECTION to the Vacation. DOT does not have a file on this PTV. I trust this is sufficient for your review and if you need a letter please let me know.

Margaret Lawson  
Lawsonmx@leegov.com  
RightofWay Supervisor  
Phone - 479-8517  
Fax - 479-8520



**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2002-00005**

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;  
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion  
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the  
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,  
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee  
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2002-00005 is set for the  
\_\_\_\_\_ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in  
accordance with the Lee County Administrative Code.

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

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

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

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

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

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

APPROVED AS TO FORM

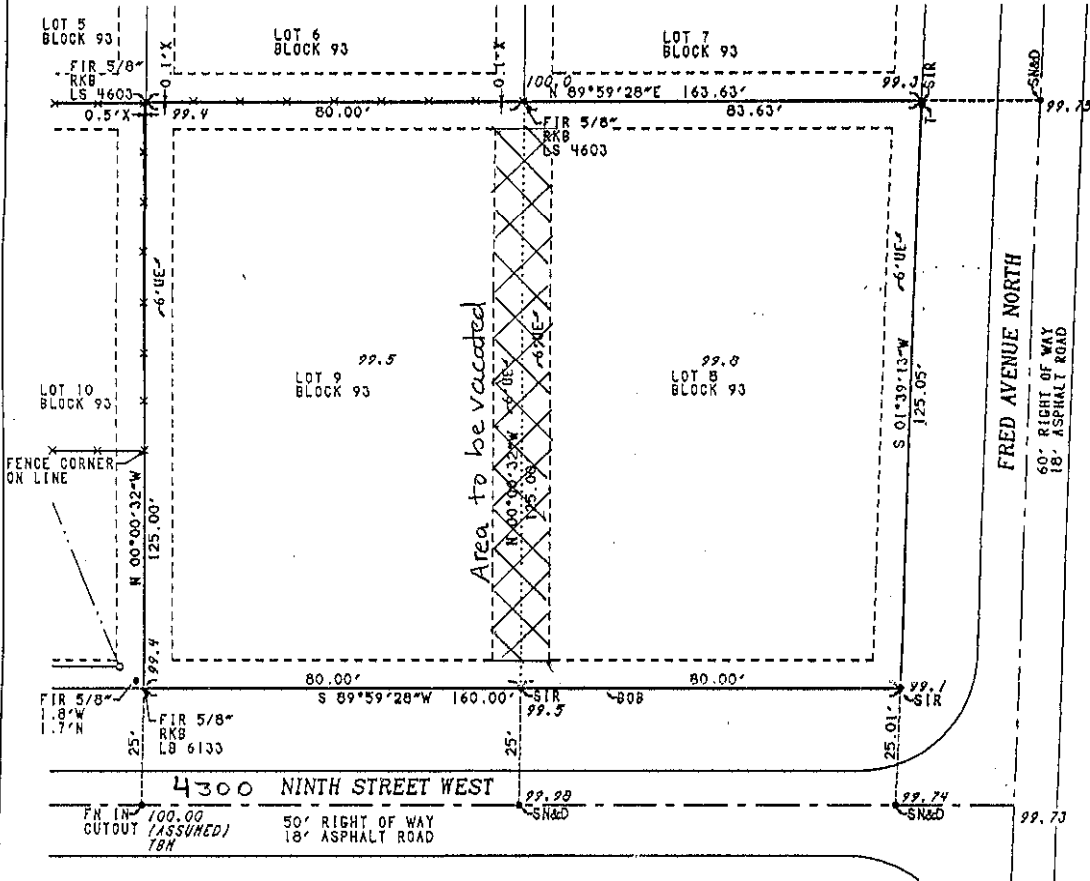
\_\_\_\_\_  
County Attorney Signature

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

## **LEGAL DESCRIPTION OF PROPOSED VACATION**

A twelve-foot wide public utility easement centered on the common lot line between lots 8 and 9 of Lehigh Acres Subdivision, Block 93, Unit 10, as recorded in Plat Book 15, Page 79 of the public records of Lee County, Florida; **LESS** and **EXCEPT**, for the north six feet and south six feet thereof.

**EXHIBIT A**



**LEGEND**

- |                                |   |                             |                            |
|--------------------------------|---|-----------------------------|----------------------------|
| BOB = BASIS OF BEARINGS        | PUE = PUBLIC UTILITY EASEMENT                                     | WM = WATER METER            | —X— = CHAIN LINK FENCE     |
| CONC = CONCRETE                | SM&T = SET HUB & TACK   | SD = STORM DRAIN            | —W— = WOOD FENCE           |
| CSP = COVERED SCREENED PORCH   | SIR = SET 5/8" IRON ROD & CAP                                     | ST = STAMPED "DOVE LB 6611" | TV = TELEPHONE SERVICE BOX |
| OE = ORNAMENT EASEMENT         | SM&D = SET NAIL & BRASS DISK                                      | TS = STAMPED "DOVE LB 6611" | ES = ELECTRIC SERVICE BOX  |
| EDP = EDGE OF PAVEMENT         | SWIR = SET WITNESS 5/8" IRON ROD & CAP STAMPED "WIT.COR. LB 6611" | LP = LIGHT POLE             | PO = POWER POLE            |
| FCH = FOUND CONCRETE MONUMENT  | S/W = 1.2" CONCRETE SEAWALL                                       | OC = OVERHEAD POWER LINE    | CONC = CONCRETE            |
| FDH = FOUND DRILL HOLE         | TB = APPROXIMATE TOP BANK   |                             |                            |
| FIR = FOUND IRON ROD           | UE = UTILITY EASEMENT   |                             |                            |
| FN = FOUND NAIL                | VG = VALLEY CUTTER  |                             |                            |
| FN&D = FOUND NAIL & BRASS DISK | X = OUTSIDE PROPERTY  |                             |                            |
| FN&T = FOUND NAIL & TAB        |   |                             |                            |
| I = INSIDE PROPERTY            |   |                             |                            |
| O/S = OFFSET                   |   |                             |                            |
| PC = POINT OF CURVE            |   |                             |                            |

**CERTIFIED TO:**  
 John & Gloria Lee  
 Fidelity National Title Insurance Company  
 of NY  
 First National Bank of Florida d/b/a C.A.,  
 Its Successors and/or Assigns  
 Gold Coast Homes of Lee County Inc.

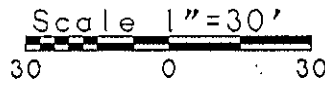
**PARCEL DESCRIPTION:**  
 Lots 8 & 9, Unit 10, Section 28,  
 Township 44 South, Range 26 East, Lehigh Acres,  
 according to the map or plat thereof on file  
 in the office of the Clerk of the Circuit  
 Court, recorded in Plat Book 15, Page 79,  
 Public Records of Lee County, Florida.

- Notes:**
- 1) Only improvements shown were located.
  - 2) Dimensions are in feet and decimals thereof.
  - 3) Parcel subject to easements, restrictions, reservations, and right-of-ways of record.
  - 4) Easements shown on this drawing are from the recorded plat. Any other easement(s) pertaining to the hereon described land(s) must be furnished to the surveyor by the client or the client's agent per Florida Statute 61-0-17-6.0031(5e) of the Florida Administrative Code.
  - 5) This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and sealer.

- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) Parcel was surveyed from information supplied by the client.
- 8) Underground utilities and structures were not field located.
- 9) This certification is only for the land described. It is not a certification of title, zoning, easement, freedom of encumbrance, ownership, or right-of-way.
- 10) Abstract not reviewed.
- 11) Parcel lies in Flood Zone B as per FIRMs 125124 0075 B panel not printed.
- 12) The elevations as shown hereon are assumed.
- 13) Added Individual Lot Dimensions - 13 DEC 01

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17-6, Florida Administrative code.

BY:   
 Keith David Clay  
 Registered Surveyor & Mapper  
 Certificate No. 6267



## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00005


TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 9th day of April 2002 @ 5:00PM 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  
**SOUTH WEST FLORIDA**

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

APPROVED AS TO FORM

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

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

## **LEGAL DESCRIPTION OF PROPOSED VACATION**

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**EXHIBIT A**



WWW.DOVESURVEY.COM

OF SOUTHWEST FLORIDA INC. 1762 FOWLER STREET, FORT MYERS, FLORIDA 33901  
(941) 333-7600 FAX (941) 333-8036 Toll Free 1-888-338-7601

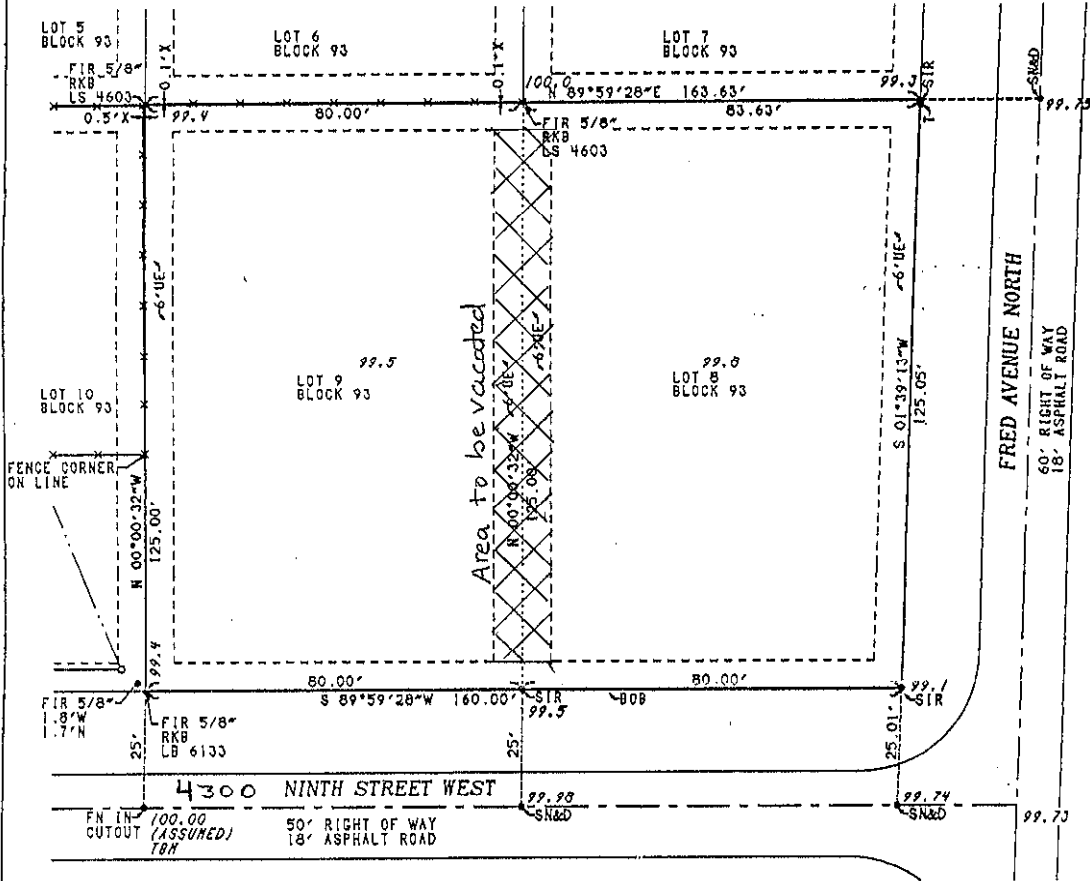
Certificate of authorization number LB 6611  
© 2001 by Dove & Associates of Southwest Florida Inc.

### Sketch of a Boundary Survey

01-0929

05 DEC 01

Drawn By DMO



#### LEGEND

- |                                |   |                                    |                            |
|--------------------------------|---|------------------------------------|----------------------------|
| BOB = BASIS OF BEARINGS        | PUE = PUBLIC UTILITY EASEMENT                                     | WM = WATER METER                   | —X— = CHAIN LINK FENCE     |
| CONC = CONCRETE                | SH&T = SET HUB & TACK   | SD = STORM DRAIN                   | —W— = WOOD FENCE           |
| CSP = COVERED SCREENED PORCH   | SIR = SET 5/8" IRON ROD & CAP                                     | CSB = CABLE TELEVISION SERVICE BOX | T = TELEPHONE SERVICE BOX  |
| DE = DRAINAGE EASEMENT         | SN&D = STAMPED "DOVE LB 6611" SET NAIL & BRASS DISK               | LP = LIGHT POLE                    | ESB = ELECTRIC SERVICE BOX |
| EDP = EDGE OF PAVEMENT         | SWIR = SET WITNESS 5/8" IRON ROD & CAP STAMPED "WIT.COR. LB 6611" | OP = OVERHEAD POWER LINE           | CONC = CONCRETE            |
| FCM = FOUND CONCRETE MONUMENT  | S/W = 1-2" CONCRETE SEAWALL                                       |                                    |                            |
| FDH = FOUND DRILL HOLE         | TB = APPROXIMATE TOP BANK   |                                    |                            |
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| PC = POINT OF CURVE            |   |                                    |                            |

CERTIFIED TO:  
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  - 5) This survey is not valid without the signature and the original revised seal of a Florida licensed surveyor and mapper.

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- 12) The elevations as shown herein are assumed.
- 13) Added Individual Lot Dimensions - 13 DEC 01

This survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors pursuant to Section 472.027, Florida Statutes, and Chapter 61G17-6, Florida Administrative Code.

BY:   
Keith David Clay  
Registered Surveyor & Mapper  
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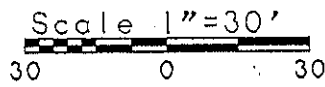


Exhibit B