

**Lee County Board Of County Commissioners**

Agenda Item Summary

Blue Sheet No. 20020316

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition VAC2001-00047 to vacate a six-foot wide public utility easement along the southernmost six feet of the rear of Lot 10, Block J, of PRINCIPIA Subdivision, as recorded in Plat Book 28, Page 43 of the official Public Records of Lee County, Florida **less and except** for the east six feet thereof; and adopt a resolution setting a public hearing for 5 : 00 p.m. on the 14th day of May, 2002:

**WHY ACTION IS NECESSARY:** To rectify a pool encroachment that has been in place over twenty years and through several different property owners. **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 # 03** *C4A*

**3. MEETING DATE:**

*4-16-02*

**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: *Peter J. Eckenrode* 3/26/02  
 Peter J. Eckenrode, Director

**7. BACKGROUND:** The Petition to Vacate was submitted by Mr. and Mrs. S. Smith the current property owners.

**LOCATION:** The site is located at 856 Creighton Drive, Fort Myers, Florida, Section 22, Township 45 South, Range 24 East.

The easement in question is a six-foot wide public utility easement along the southernmost six feet of the rear of Lot 10, Block J, of PRINCIPIA Subdivision, as recorded in Plat Book 28, Page 43 of the official Public Records of Lee County, Florida **less and except** for the east six feet thereof

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
					OA	OM	Risk	GC	
<i>May 2002</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
 COUNTY ADMIN.  
*4/4 2:40*  
 COUNTY ADMIN.  
 REFERRED TO:

Rec. by CoAtty  
 Date: *3/27/02*  
 Time: *3:00pm*  
 Forwarded To:  
*Admin*  
*4/4/02 2:30 PM*

## PETITION TO VACATE

Case Number: VAC2001-00047

Petitioners, **SHANNON L. and KIMBERLY M. SMITH** request the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner's mailing address, **856 Creighton Drive, Fort Myers, Florida 33919.**
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(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with F.S. Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

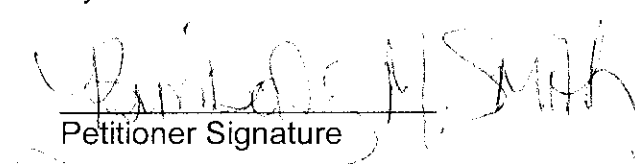
Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted:

By: **SHANNON L. SMITH**

  
\_\_\_\_\_  
Petitioner Signature

By: **KIMBERLY M. SMITH**

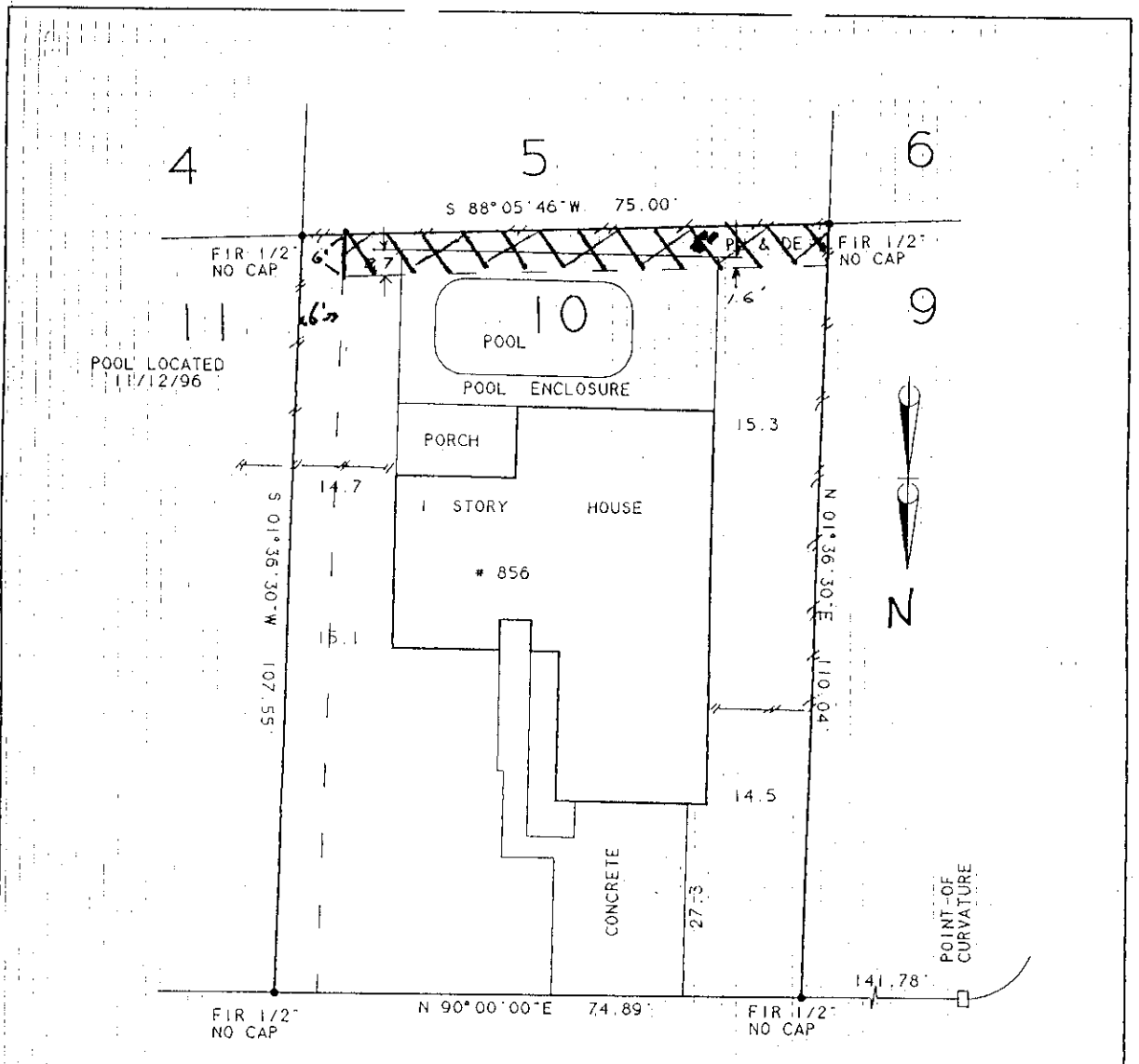
  
\_\_\_\_\_  
Petitioner Signature

## **LEGAL DESCRIPTION**

The public utility easement to be vacated is comprised of:

The South six (6) feet of of Lot 10, Block J of the subdivision plat of "Principia" as recorded in the public records of Lee County, Florida at Plat Book 28, Page 43.

**Less and except:** The eastern six feet of the above easement.



**CREIGHTON DRIVE (50')**  
**BOUNDARY SURVEY**

LOT 10 BLOCK J  
 PRINCIPIA  
 LEE COUNTY, FLORIDA  
 PLAT BOOK 28 PAGES 42-44

CERTIFIED TO:  
 FIRST OF AMERICAN BANK CORPORATION  
 TERRY & JENNIFER KELLY  
 FIDELITY NATIONAL TITLE INSURANCE CO.

**Exhibit B**

BASIS FOR BEARINGS: CREIGHTON DRIVE - PLAT		SCALE: 0 20	DATE: 10/30/96
COMMUNITY NUMBER: 125124	PANEL NUMBER: 325	SUFFIX: C	DATE OF FIRM INDEX: 9/20/96
FIRM ZONE: A 10	BASE FLOOD ELEVATION: 8		
<b>LEGEND</b> FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FDH: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" W/ CAP * 3196 SDH: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT PU & DE: DRAINAGE EASEMENT SN&D: SET NAIL & DISK * 3196 PRM: PERMANENT REFERENCE MONUMENT + 8.5 - EXISTING ELEVATION ■ - TELEPHONE RISER --- - WIRE FENCE --- - BOARD FENCE ◆ - UTILITY POLE (P) - PLAT (F) - FIELD (D) - DEED (C) - COMPUTED FN&D: FOUND NAIL & DISK		THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.  <i>G.L. Davis</i> G.L. DAVIS, CERTIFICATE NO. 3196	

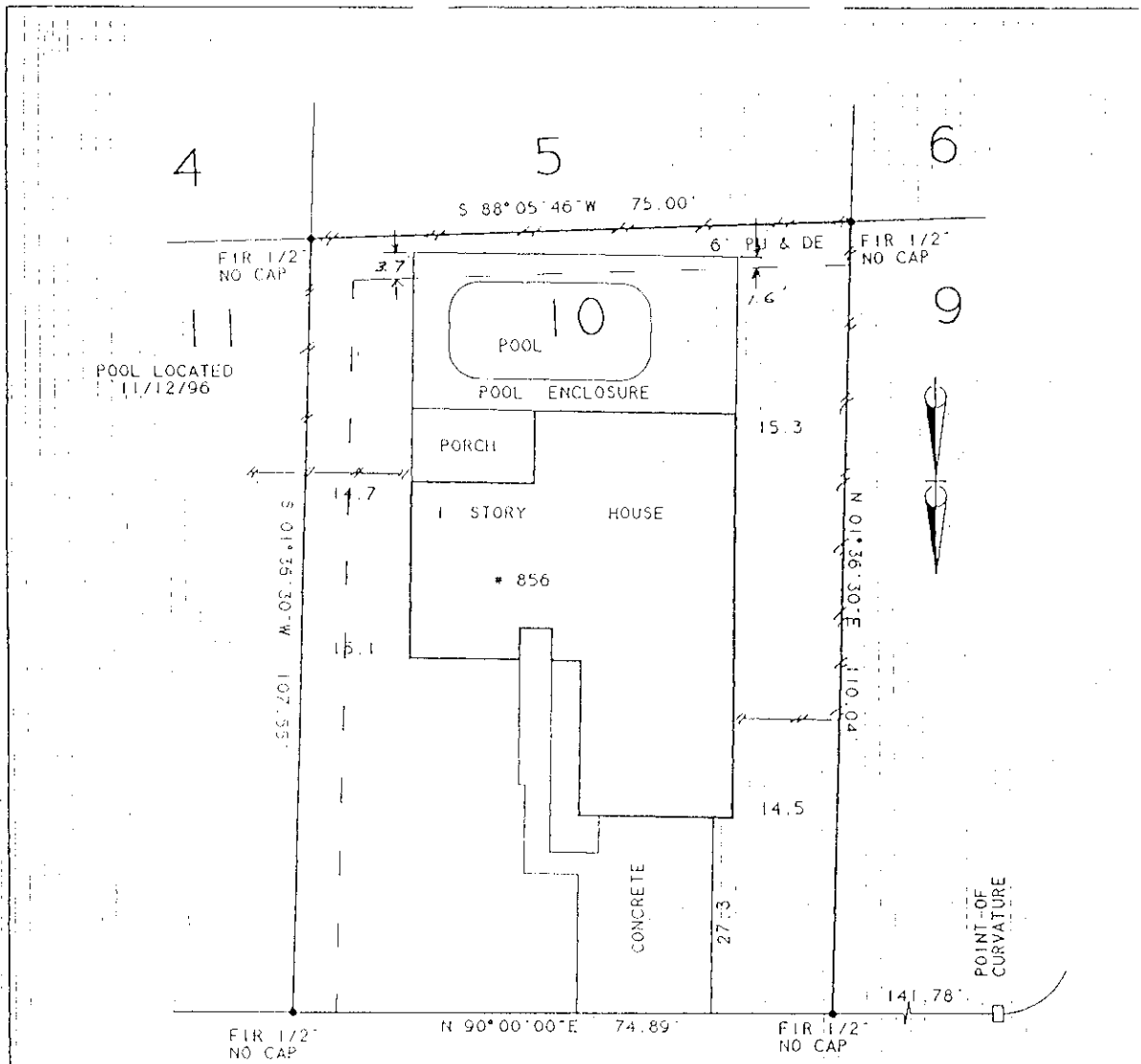
**CHARLES E. DAVIS**  
**LAND SURVEYOR**

4409 S.E. 16th PLACE SUITE 8  
 CAPE CORAL, FLORIDA 33904  
 TEL: (941) 549-6454 FAX: (941) 549-2548

JOB NUMBER:  
**96-1794**

November 2001	December 2001	January 2002	February 2002	March 2002	
\$1,246.63	\$1,259.61	\$1,272.60	\$1,285.58	\$1,298.57	
<b>Tax Status</b>	PAID	<b>Paid Amount</b>	\$1,246.63	<b>PIN Number</b>	01-00394084
<b>Mailing Address</b>		<b>Tax Year</b>	<b>Account Number Original Account Number</b>		<b>District</b>
SMITH SHANNON L + KIMBERLY M 856 CREIGHTON DR FORT MYERS FL 33919		2001	22-45-24-07-000J0.0100 22-45-24-07-000J0.0100		110
<b>Site Address</b>		<b>Legal Description</b>			<b>OR Book/Page</b>
856 CREIGHTON DR		PRINCIPIA BLK J PB 28 PG 43 LOT 10			2778/2890
<b>VALUES</b>					
<b>Just Value</b>				\$87,450.00	
<b>Assessed Value</b>				\$87,450.00	
<b>Assessed Save Our Homes Value</b>				\$81,010.00	
<b>Homestead Exemption</b>				\$25,000.00	
<b>Other Exemption</b>				\$0.00	
<b>Taxable Value</b>				\$56,010.00	
<b>AD VALOREM TAXES</b>					
<b>Taxing Authority</b>		<b>Mill Rate</b>		<b>Taxes Levied</b>	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$146.07	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$328.78	
LEE COUNTY CAPITAL IMP		1.0124		\$56.70	
LEE CO UNINCORPORATED - MSTU		1.2114		\$67.85	
LEE COUNTY GENERAL REVENUE		4.3277		\$242.39	
IONA MCGREGOR FIRE DISTRICT		1.6800		\$136.10	
LEE COUNTY HYACINTH CONTROL		0.0358		\$2.90	
LEE COUNTY LIBRARY FUND		0.9630		\$53.94	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$29.12	
SFL WATER MGMT- EVERGLADE CONST		0.1000		\$5.60	
WEST COAST INLAND WATERWAY		0.0400		\$2.24	
LEE COUNTY ALL HAZARDS - UNINC		0.0733		\$4.11	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$33.44	
<b>NON AD VALOREM ASSESSMENTS</b>					
<b>Levying Authority</b>		<b>Rebate/Base</b>		<b>Amount</b>	
SOLID WASTE ASSESSMENT		1.0000		\$189.33	
<b>COMBINED TOTAL</b>				\$1,298.57	

Exhibit C



# CREIGHTON DRIVE (50')

## BOUNDARY SURVEY

LOT 10 BLOCK J  
 PRINCIPIA  
 LEE COUNTY, FLORIDA  
 PLAT BOOK 28 PAGES 42-44

CERTIFIED TO:  
 FIRST OF AMERICAN BANK CORPORATION  
 TERRY & JENNIFER KELLY  
 FIDELITY NATIONAL TITLE INSURANCE CO.

### Exhibit B

BASIS FOR BEARINGS: CREIGHTON DRIVE - PLAT		SCALE: 0 20	DATE: 10/30/96
COMMUNITY NUMBER 125124	PANEL NUMBER 325	SUFFIX C	DATE OF FORM INDEX 9/20/96
FIRM ZONE A 10	BASE FLOOD ELEVATION 8		
<b>LEGEND</b> FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FDH: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" W/ CAP • 3196 SDH: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT SN&D: SET NAIL & DISK • 3196		<b>PRM - PERMANENT REFERENCE MONUMENT</b> • 8.5 - EXISTING ELEVATION ■ - TELEPHONE RISER --- W --- WIRE FENCE --- B --- BOARD FENCE ◆ - UTILITY POLE (P) - PLAT (F) - FIELD (D) - DEED (C) - COMPUTED FN&D: FOUND NAIL & DISK	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.   G.L. DAVIS, CERTIFICATE NO. 3196

CHARLES E. DAVIS  
 LAND SURVEYOR

4409 S.E. 161st PLACE SUITE 8  
 CAPE CORAL, FLORIDA 33904  
 TEL: (941) 549-6454 FAX: (941) 549-2548

JOB NUMBER:  
 96-1794

Help

FitWidth | FitHeight | BestFit | 1:1 | Zoom In | Zoom Out | Rotate 90

INSTR # 5280420

OR BR 03517 PG 4841

RECORDED 11/09/01 03:25 PM  
CHARLES GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE \$0.00  
REC. TO: POW. S. 2001.021 \$96.40  
REPLY CLERK N. BARNARD

THIS INSTRUMENT PREPARED BY:  
DIANE E. MCGILL, P.A.  
Diane E. McGill, Esquire ✓  
13611 McGregor Boulevard  
Suite 3  
Fort Myers, FL 33919  
RETURN TO BOX #2  
STRAP NO: 22-45-24-07-00000-0100

WARRANTY DEED

THIS WARRANTY DEED executed this 3<sup>rd</sup> day of October, 2001, BY

TERRANCE D. KELLY and JENNIFER B. KELLY, Husband and Wife,  
Grantor\*, and

SHARON L. SMITH and KIMBERLY M. SMITH, Husband and Wife,

whose post office address is 856 Creighton Drive, Fort Myers,

of the County of Lee, State of FLORIDA,  
grantee\*.

WITNESSETH that the said first party, for and in consideration of the sum of --- Ten (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt of whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described lot, place or parcel of land, situate, lying and being the County of Lee, State of Florida, to-wit:

Lot 10, Block J, of PRINCIPIA, according to the Plat thereof, as recorded in Plat Book 28, on pages 42-44, inclusive of the Public Records of Lee County, Florida.

\*"Grantor" and "grantee" are used for singular or plural, as context requires.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes for the year 2001, assessments, restrictions and reservations of record.

IN WITNESS WHEREOF, the grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Sandra Johnson  
Witness #1

Sandra Johnson  
Printed name

Burt E Baker  
Witness #2

Burt E Baker  
Printed name

Terrance D. Kelly  
TERRANCE D. KELLY  
Address: 856 Creighton Ave #17  
Fort Myers, FL 33901

Exhibit D-1

Help

Fit Width | Fit Height | Best Fit | 1:1 | Zoom In | Zoom Out | Rotate 90

DE BE 03217 PG 4642

Johnson  
 Witness #1 \_\_\_\_\_  
 Address: \_\_\_\_\_  
JENNIFER S. KELLY  
 Printed name \_\_\_\_\_  
Sandra Johnson  
 Printed name \_\_\_\_\_  
THANKS  
 Witness #2 \_\_\_\_\_  
Pat Baker  
 Printed name \_\_\_\_\_

STATE OF CALIFORNIA  
COUNTY OF LA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared TERRANCE D. KELLY, to me known to be the person(s) described in and who executed the foregoing instrument or who has produced His Driver's License as identification and acknowledged before me that he executed the same.

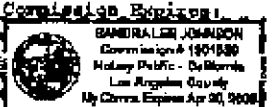
WITNESS my hand and official seal in the County and State last aforesaid this 31 day of October, 2001.

My  Sandra Lee Johnson  
 Notary Public  
Sandra Lee Johnson  
 Printed Name

STATE OF CALIFORNIA  
COUNTY OF Los Angeles

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared JENNIFER S. KELLY, to me known to be the person(s) described in and who executed the foregoing instrument or who has produced DL# 0442727 as identification and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31 day of October, 2001.

My  Sandra Lee Johnson  
 Notary Public  
Sandra Lee Johnson  
 Printed Name

\*Affidavit is attached as an exhibit to this Warranty Deed

Exhibit D-2





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

September 17, 2001

Ms. Pearl Bishop  
Realty Executives  
13251 McGregor Blvd.  
Fort Myers, FL 33919

RE: PUBLIC UTILITY EASEMENT  
LOT 10 OF BLOCK J OF PRINCIPIA  
TERRANCE D. & JENIFFER B. KELLY

Dear Ms. Bishop:

We have reviewed the encroachment of the pool deck and pool screen enclosure into the Public Utility Easement in the rear of Lot 10 of Block "J" of Principia As Recorded in P.B. 28, Pg. 43 of the Public Records of Lee County, Florida and offer the following comments:

Florida Power & Light Company has "No Objection" to the vacating that portion of the 6' P.U.E. lying within the property described above. FPL's underground electric facilities lie within the 6' P.U.E. on the adjacent property.

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

September 21, 2001

Executive Realty  
13251 McGregor Boulevard  
Fort Myers, Florida 33919

Attn: Pearl Bishop

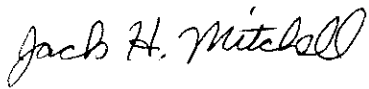
RE: Rear 6' Utility Easement Vacation - 856 Creighton Drive  
Block "J", Lot 10

Dear Ms. Bishop:

Sprint-Florida Incorporated has reviewed the request for the above referenced information. Based on the review of the request, we do not have any objections to vacating the rear 6' utility easement as shown in the above description.

If you should have any questions or require additional information, please give me a call at (941) 336-2030.

Sincerely,  
Sprint-Florida Incorporated

A handwritten signature in black ink that reads "Jack H. Mitchell". The signature is written in a cursive style with a large, looped initial "J".

Jack H. Mitchell  
Network Engineer I

cc: File

301 Tower Road  
Naples, FL 34113  
Collier: 941-732-3834  
Lee: 941-432-1801  
FAX: 941-992-1289



October 12, 2001

Ms. Pearl Bishop  
Realty Executives  
13251 McGregor Blvd.  
Fort Myers, Florida 33919

Re: Easement Vacation on Lot 10 of Block J of Principia, Lee County, Florida for  
Terrance D. and Jeniffer B. Kelly

Dear Ms. Bishop:

Comcast has reviewed the plans of the above referenced property. Comcast has no conflict with the easement vacation of Lot 10 of Block J of Principia, Lee County, Florida.

If I can be of any additional information regarding this project, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Gene Howell".

Gene Howell  
Construction Manager

GH/whs



BOARD OF COUNTY COMMISSIONERS

Winn's Direct Dial Number (941)479-8181

Bill Jewis  
District One

Douglas R. St. Louis  
District Two  
September 21, 2001

Ray J. Baker  
District Three

Andrew W. Dill  
District Four

John B. Atkins  
District Five

Donald J. Smith  
District Six

James A. Taylor  
County Attorney

Diana M. Furr  
County Planning  
Executive

Pearl Bishop  
RealtyExecutives  
13251 McGregor Blvd  
Fort Myers, Fl. 33919

**SUBJECT: PROPOSED EASEMENT VACATION AT THE FOLLOW STRAP NUMBERS  
22-45-24-07-000J0.0100, 857 Creighton Drive**

Dear Ms. Bishop:

Lee County Utilities has reviewed the easement as described in your letter of September 20, 2001. Lee County Utilities has no facilities located within the easement, therefore, there is no objection to the vacation of this easement.

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181 ext. 8532.

Sincerely,

Mary McCormic  
Utilities Engineering Technician III  
Lee County Department of Public Works  
Environmental Services Division, Utilities Section



BOARD OF COUNTY COMMISSIONERS

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

Bob Jones  
District One

Douglas R. ...  
District Two  
October 9, 2001

Ray ...  
District Three

Andrew W. ...  
District Four

John E. ...  
District Five

Donald D. ...  
District Six

John ...  
District Seven

Edward M. ...  
County Clerk  
Esquire

Pearl Bishop  
Realty Executives  
13251 McGregor Blvd  
Fort Myers, Fl. 33919

**SUBJECT: PROPOSED EASEMENT VACATION ACROSS THE SOUTH END OF THE FOLLOW STRAP NUMBERS 22-45-24-07-000J0.0100, 856 Creighton Drive**

Dear Ms. Bishop:

Lee County Utilities has reviewed the easement as described in your letter of September 20, 2001. Lee County Utilities has no facilities located within the easement, therefore, there is no objection to the vacation of this easement.

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181 ext. 8532.

Sincerely,

Mary McCormic  
Utilities Engineering Technician III  
Lee County Department of Public Works  
Environmental Services Division, Utilities Section



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number 479-8376

Bill Jones  
District One

Charles R. St. Geme  
District Two

Bill Jordan  
District Three

Andrew W. Coy  
District Four

John E. Alton  
District Five

David D. Stowell  
County Manager

James B. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Executive

March 22, 2002

Mr. & Mrs. Smith  
856 Creighton Drive  
Fort Myers, Florida 33919

Re: VAC2001-00047

Dear Shannon L. and Kimberly M. Smith:

You have indicated that you wish to vacate a six-foot wide public utility easement your rear lot line in order to rectify and "clean up" a situation that has existed for over twenty years. Based upon the lack of objection on the part of any utility, the age of the original encroachment; this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode.  
Director

H:\Correspondence\Vacations\VAC2001\00047 Cretin\reviewandrec.wpd

BOARD OF COUNTY COMMISSIONERS

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

Monday, October 08, 2001

Bob Jones  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Cox  
*District Four*

John E. Alton  
*District Five*

Dorval G. Stilwell  
*County Manager*

James G. Yaezel  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Ms. Pearl Bishop**  
**Realty Executives of Southwest Florida**  
**13251 McGregor Blvd.**  
**Fort Myers, FL 33919**

**Re: Petition to Vacate a portion of a Public Utility Easement Lot 10, Block J,  
Principia Subdivision, Plat Book 28 at Page 43, Lee County, FL.**

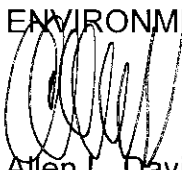
Dear Ms. Bishop:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easement.

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

Regards,

ENVIRONMENTAL SERVICES 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:\NATRES\SURFACE\DOCUMENT\vac204.doc

Bob James  
District One

Douglas R. St. Cery  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yulecar  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

October 8, 2001

Ms. Pearl Bishop  
Realty Executives  
13251 McGregor Boulevard  
Fort Myers, FL 33919

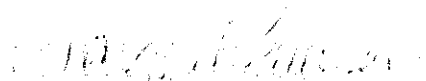
**RE: Petition to Vacate  
Public Utility, Lot 10, Block J, Principia Subdivision,  
Plat Book 28, page 43; 846 Creighton Drive,  
22-45-24-07-0000J.0010**

Dear Ms. Bishop:

Lee County Department of Transportation has reviewed the above referenced request to vacate a public utility easement. DOT studied the plat and determined that the easement is for public utilities and does not include the language "DRAINAGE". Therefore, DOT offers no objection to the vacation.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

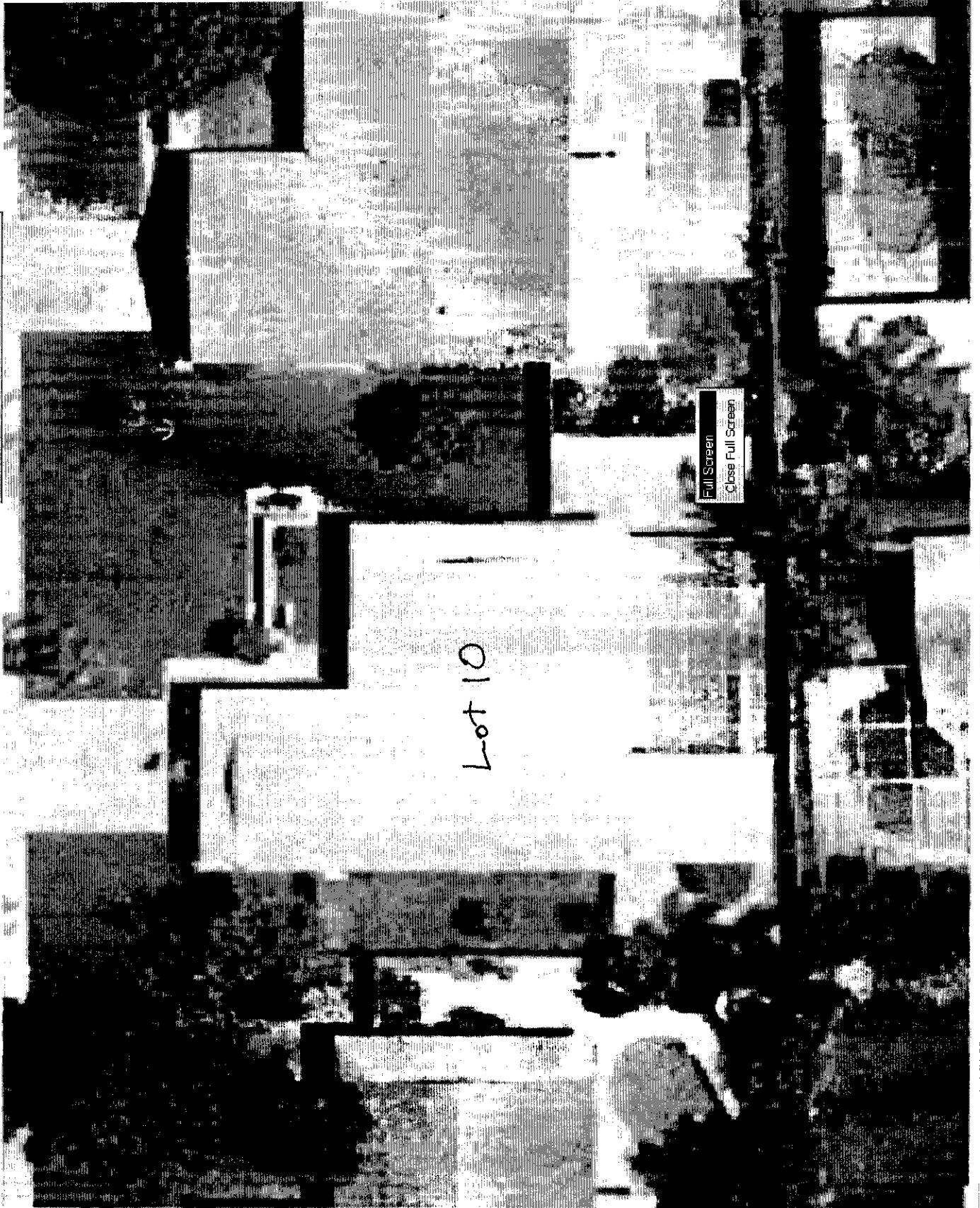
  
Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

cc: Jon Hagen, Development Services  
Terry Kelly, Lee County Utilities  
Petition to Vacate File



92



Help

Fit Width | Fit Height | Best Fit | 1:1 | Zoom In | Zoom Out | Rotate 90

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS that RUTENBERG HOMES, INC. a corporation under the Laws of the State of Florida, the owner of the herein described lands, has caused this plot of PRINCIPIA to be made and does hereby dedicate to the perpetual use of the public all drives, avenues, courts, boulevards, circles & easements, both public utility and drainage.

IN WITNESS WHEREOF RUTENBERG HOMES, INC. has caused this dedication to be signed in its name by its Vice-President and its corporate seal to be affixed, attested to by its Assistant Secretary this 30<sup>th</sup> day of May, A.D. 1972.

by Earl W. Ringhart RUTENBERG HOMES, INC. Vice-President, attested by Wayne A. Rose Assistant Secretary

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day personally appeared Earl W. Ringhart and Wayne A. Rose respectively known as the Vice-President and Assistant Secretary of RUTENBERG HOMES, INC., a corporation under the Laws of the State of Florida, to me known to be the persons described in and who executed the foregoing dedication, and they acknowledge the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and they affixed hereto the official seal of said corporation and that said dedication is the act and deed of said corporation.

WITNESS my hand and official seal at Fort Myers, said county and state this 30 day of May A.D. 1972

Betty Lou La Crosse  
Notary Public, State of Florida at large  
My commission expires Notary Public State of Florida at Large

My Notary Seal Expires Nov. 1, 1976

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS that KRAMLICH ASSOCIATES, INC. a Corporation under the laws of the State of Delaware, the owner of the herein described lands, has caused this plot of PRINCIPIA to be made and does hereby dedicate to the perpetual use of the public all drives, avenues, courts, boulevards, circles & easements, both public utility and drainage.

IN WITNESS WHEREOF KRAMLICH ASSOCIATES, INC. has caused this dedication to be signed in its name by its President and its corporate seal to be affixed, attested to by its Secretary this 22<sup>nd</sup> day of May, A.D. 1972

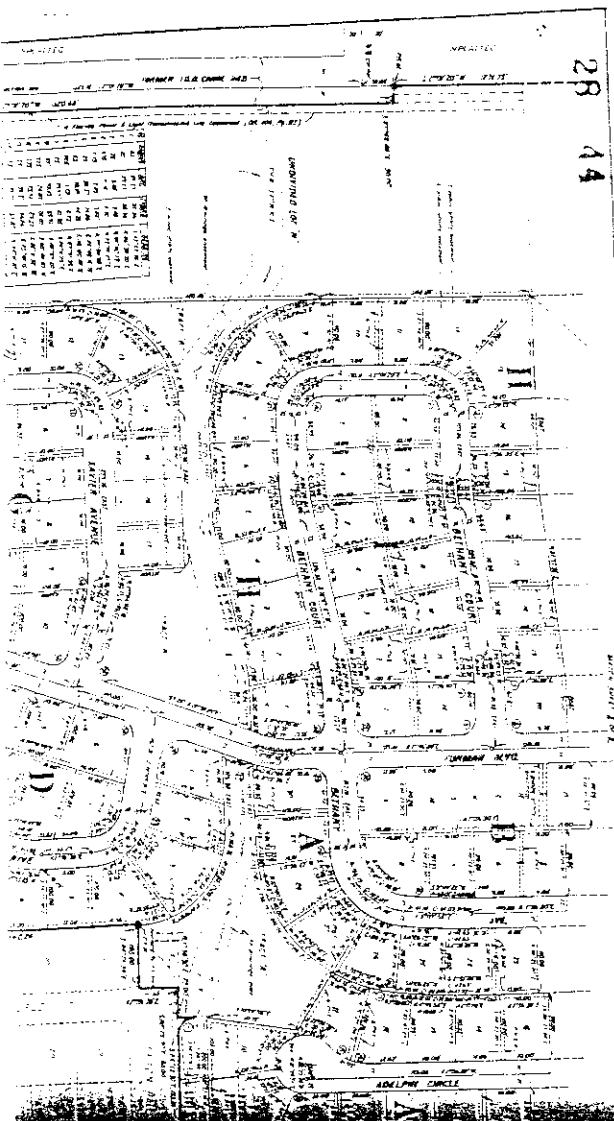
by Bernard Kramlich KRAMLICH ASSOCIATES, INC. President, attested by Phyllis Ladd Secretary

**ACKNOWLEDGMENT**

STATE OF  
COUNTY OF

I HEREBY CERTIFY that on this day personally appeared Bernard Kramlich and Phyllis Ladd respectively known as the President and Secretary of KRAMLICH ASSOCIATES, INC., a corporation under the Laws of the State of Delaware, to me known to be the persons described in and who executed the foregoing dedication, and they acknowledge the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and they affixed hereto the official seal of said corporation and that said dedication is the act and deed of said corporation.





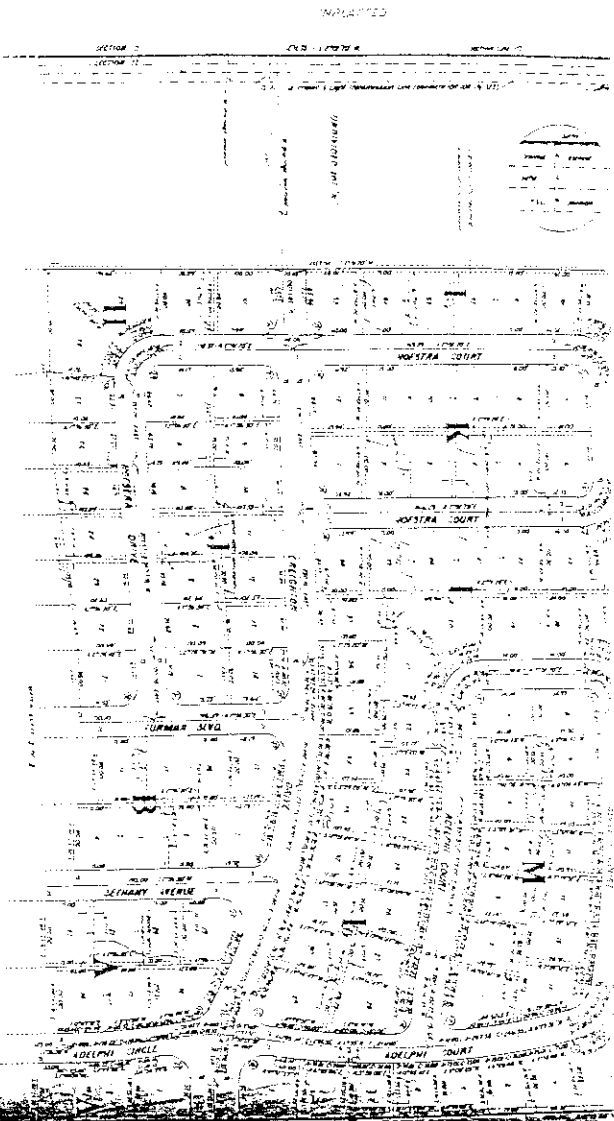
28 44

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200	LOT 200

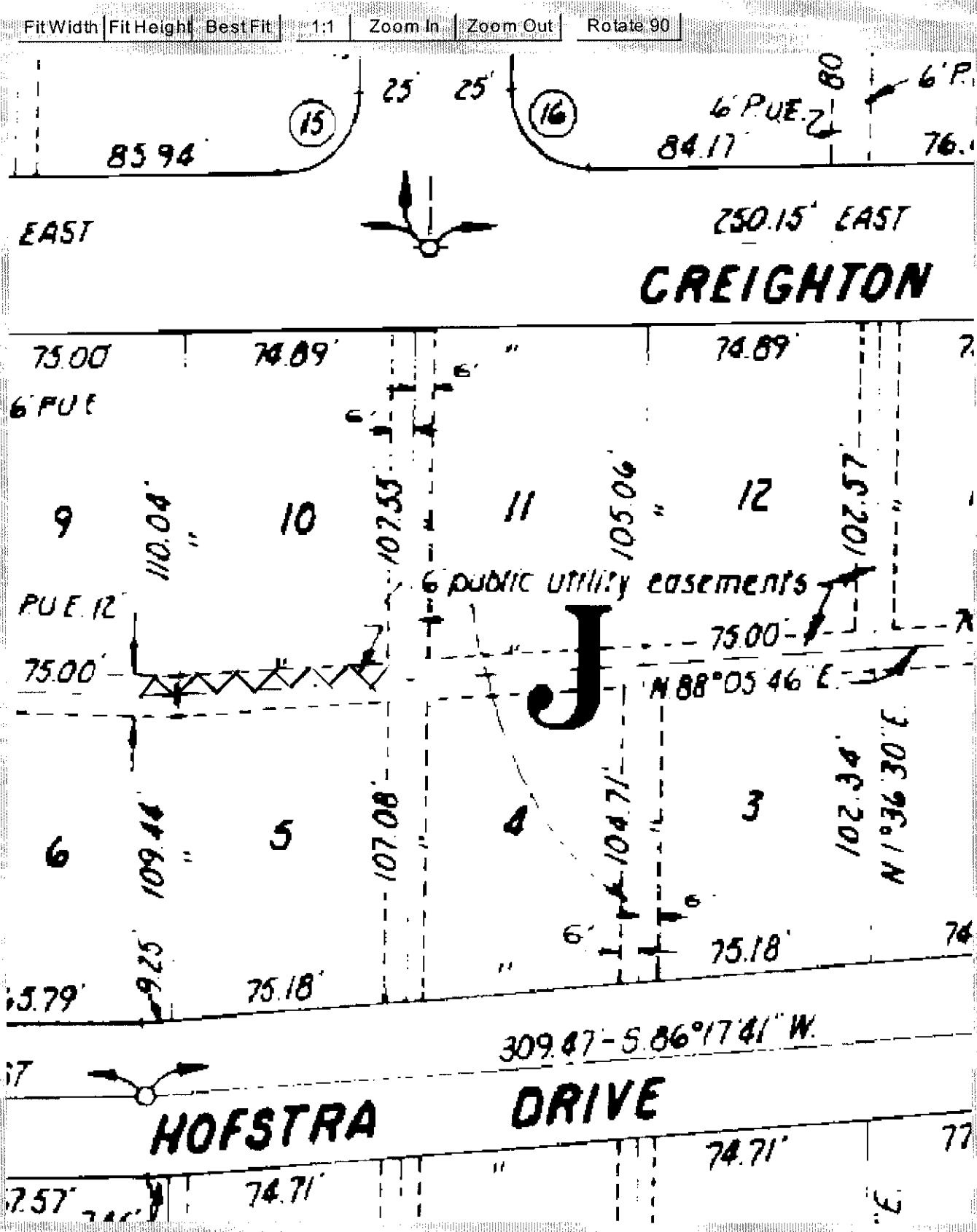
APPROVAL OF THIS  
 PLAN IS GRANTED BY THE  
 BOARD OF PLANNING AND ZONING  
 OF THE CITY OF FORT MYERS,  
 FLORIDA, ON THIS 15th DAY OF  
 APRIL, 1964.

**PRINCIPIA**  
 A SUBDIVISION OF LAND IN THE  
 NW 1/4, SECTION 22, T45S, R24E,  
 AND A REPLAT OF LOTS 38, 39, 40, 41 AND LOTS  
 OF UNIT ONE, COLLEGE PARK  
 (PLAT NUMBER 21, PAGE 47)  
 LEE COUNTY, FLORIDA  
 SHEET 2 OF 3  
 DUANE HALL & ASSOCIATES, INC.  
 1000 WINDYBUSH DRIVE, FORT MYERS, FLORIDA  
 FORT MYERS, FLORIDA 33905, F.L.A.  
 DATE: APRIL 15, 1964

PLATED



Help



**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2001-00047

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. VAC2001-00047 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

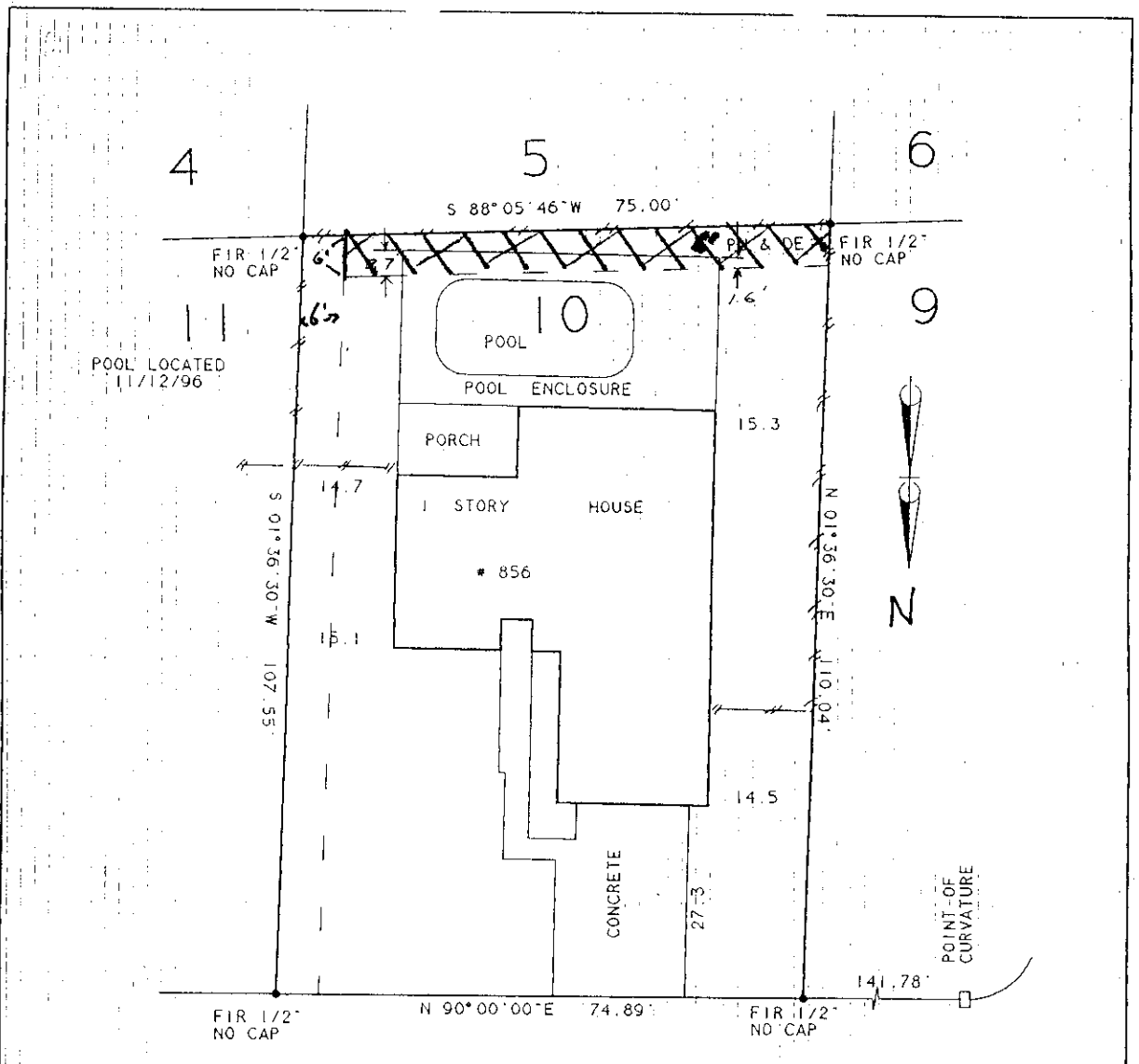
\_\_\_\_\_  
Please Print Name

## **LEGAL DESCRIPTION**

The easement to be vacated is comprised of:

A six-foot wide public utility easement along the southernmost six (6) feet of Lot 10, Block J of the subdivision plat of "PRINCIPIA" as recorded in the public records of Lee County, Florida at Plat Book 28, Page 43.

**Less and except:** The eastern six feet of the above easement.



# CREIGHTON DRIVE (50')

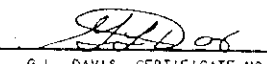
## BOUNDARY SURVEY

CERTIFIED TO:

LOT 10 BLOCK J  
 PRINCIPIA  
 LEE COUNTY, FLORIDA  
 PLAT BOOK 28 PAGES 42-44

FIRST OF AMERICAN BANK CORPORATION  
 TERRY & JENNIFER KELLY  
 FIDELITY NATIONAL TITLE INSURANCE CO.

### Exhibit B

BASIS FOR BEARINGS: CREIGHTON DRIVE - PLAT		SCALE: 0 20	DATE: 10/30/96
COMMUNITY NUMBER: 125124	PANEL NUMBER: 325	SUFFIX: C	DATE OF FIRM INDEX: 9/20/96
FIRM ZONE: A 10	BASE FLOOD ELEVATION: 8		
<b>LEGEND</b> FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FDH: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" W/ CAP • 3196 SDH: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT PU & DE: DRAINAGE EASEMENT SN&D: SET NAIL & DISK • 3196		PRM: PERMANENT REFERENCE MONUMENT • 8.5 - EXISTING ELEVATION [ ] - TELEPHONE RISER [ ] - WIRE FENCE [ ] - BOARD FENCE [ ] - UTILITY POLE (P) - PLAT (F) - FIELD (D) - DEED (C) - COMPUTED FN&D: FOUND NAIL & DISK	THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.   G.L. DAVIS, CERTIFICATE NO. 3196

<b>CHARLES E. DAVIS</b> LAND SURVEYOR	4409 S.E. 16TH PLACE SUITE 8 CAPE CORAL, FLORIDA 33904 TEL: (941) 549-6454 FAX: (941) 549-2548	JOB NUMBER: <b>96-1794</b>
--	--	-------------------------------



# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2001-00047

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of May 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.

CHARLIE GREEN, CLERK

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

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

APPROVED AS TO FORM

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

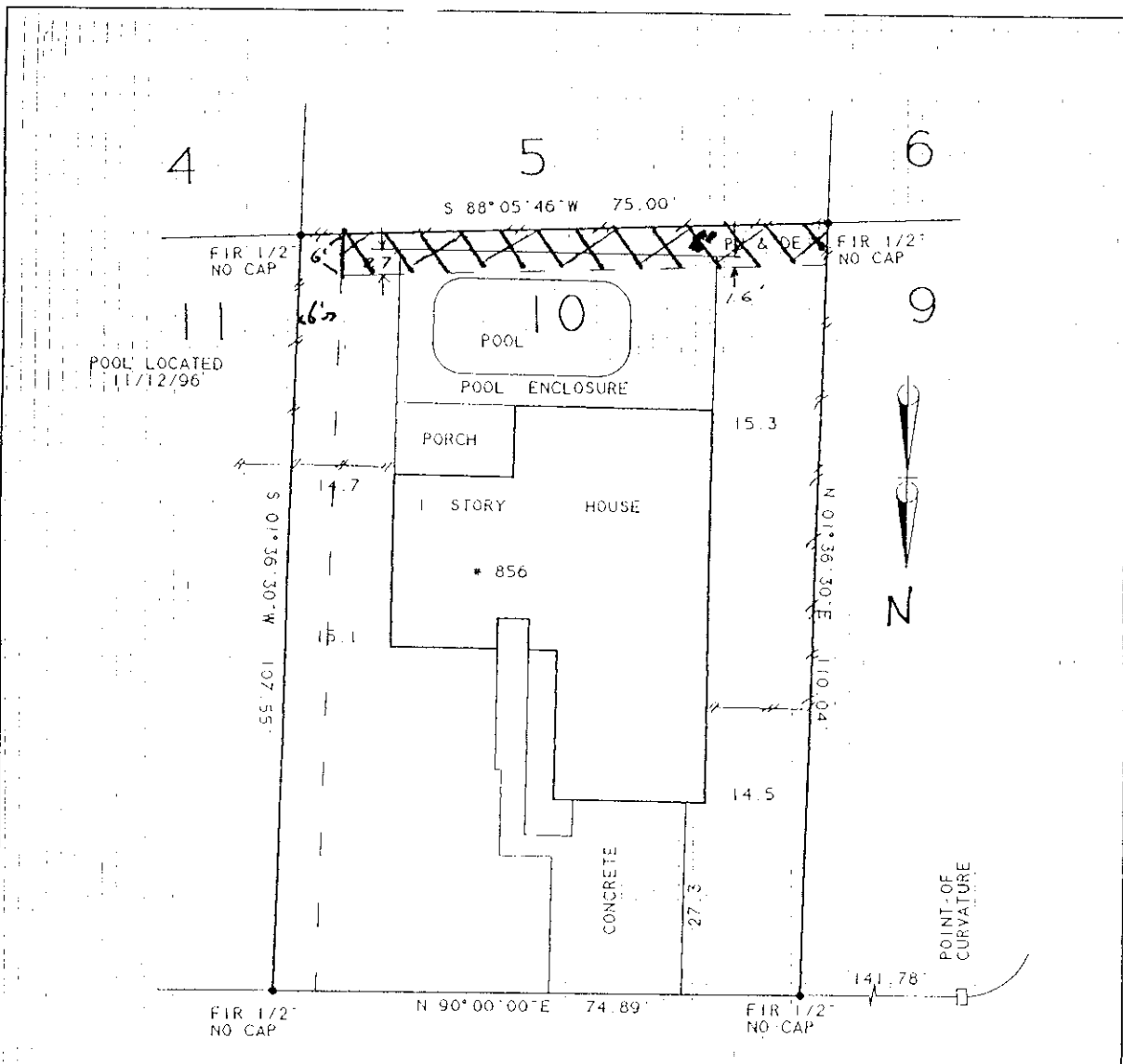
\_\_\_\_\_  
Please Print Name

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CERTIFIED TO:  
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 PRINCIPIA  
 LEE COUNTY, FLORIDA  
 PLAT BOOK 28 PAGES 42-44

FIRST OF AMERICAN BANK CORPORATION  
 TERRY & JENNIFER KELLY  
 FIDELITY NATIONAL TITLE INSURANCE CO.

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<b>LEGEND</b> FIR: FOUND IRON ROD FIP: FOUND IRON PIPE FDH: FOUND DRILL HOLE FCM: FOUND CONCRETE MONUMENT SIR: SET IRON ROD 1/2" W/ CAP # 3196 SDH: SET DRILL HOLE SCM: SET CONCRETE MONUMENT PUE: PUBLIC UTILITY EASEMENT PU & DE: PUBLIC UTILITY AND DRAINAGE EASEMENT SN&D: SET NAIL & DISK # 3196		PRM: PERMANENT REFERENCE MONUMENT +8.5 - EXISTING ELEVATION ■ - TELEPHONE RISER --- - WIRE FENCE - - - - BOARD FENCE ● - UTILITY POLE (P) - PLAT (F) - FIELD (D) - DEED (C) - COMPUTED FN&D: FOUND NAIL & DISK	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  G.L. DAVIS, CERTIFICATE NO. 3196

CHARLES E. DAVIS  
 LAND SURVEYOR

4409 S.E. 161H PLACE SUITE 8  
 CAPE CORAL, FLORIDA 33904  
 TEL: (941) 549-6454 FAX: (941) 549-2548

JOB NUMBER:  
 96-1794