

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

Blue Sheet No. 20020380

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition VAC2002-00011 to Vacate 12' wide Public Utility and Drainage Easements centered on the side and rear lot lines of Lots 6 & 7, 7 & 8, 8 & 13, 7 & 14, 13 & 14, 6 & 15, and 14 & 15, Block 20, LEHIGH ACRES, as recorded in Plat Book 15, Page 70, of the Public Records of Lee County, Florida and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 11th day of June, 2002.

**WHY ACTION IS NECESSARY:** To develop a commercial building site. The vacation of the Public Utility and Drainage Easements will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirement.

**WHAT ACTION ACCOMPLISHES:** Vacates the Public Utility and Drainage Easements.

<b>2. DEPARTMENTAL CATEGORY:</b> COMMISSION DISTRICT #: 5		04 Community Development  <b>C4C</b>		<b>3. MEETING DATE:</b>  <b>05-07-2002</b>	
<b>4. AGENDA:</b>		<b>5. REQUIREMENT/PURPOSE:</b> (Specify)		<b>6. REQUESTOR OF INFORMATION:</b>	
<input checked="" type="checkbox"/>	CONSENT	<input checked="" type="checkbox"/>	STATUTE	F.S. Ch. 177	A. COMMISSIONER
	ADMINISTRATIVE		ORDINANCE		B. DEPARTMENT
	APPEALS	<input checked="" type="checkbox"/>	ADMIN. CODE	13-1	Community Development
	PUBLIC		OTHER		C. DIVISION
	WALK ON				Development Services
	TIME REQUIRED:				BY:  05/09/02
					Peter J. Eckenrode, Director

**7. BACKGROUND:**

The complete Petition to Vacate was submitted by Florida Landmark Communities, Inc.

**LOCATION:** The subject 12-foot wide Public Utility and Drainage Easements centered on the following lot lines: the rear lot line of the East one half of Lot 6, Block 20 AND the rear lot line of the West one half of Lot 8, Block 20 AND the rear lot line of Lot 7, Block 20 AND the West lot line of Lot 7, Block 20 AND the East lot line of Lot 7, Block 20 AND the West lot line of Lot 14, Block 20 AND the East lot line of Lot 14, Block 20, LEHIGH ACRES as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida LESS AND EXCEPT those portions of the 6 foot wide Drainage and Utility Easement lying adjacent to Fifth Street and Lee Boulevard. The site is located at 3019 5<sup>th</sup> Street West, Lehigh Acres, Florida, Section 25, Township 44 South, Range 26 East.

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

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

Attached to this Blue sheet is the Petition to Vacate, 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		<table style="width:100%; border:none;"> <tr> <td style="width:33%;">OM</td> <td style="width:33%;">Risk</td> <td style="width:33%;">GC</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td>4/18/02</td> <td>4/18/02</td> <td>4-16-02</td> </tr> </table>	OM	Risk	GC				4/18/02	4/18/02	4-16-02	
OM	Risk	GC													
4/18/02	4/18/02	4-16-02													

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
BY CO. ATTY.  
4/18/02  
CO. ATTY.  
FORWARDED TO:  
4/18/02 9:AM

RECEIVED BY  
COUNTY ADMIN.  
4-18  
10:40 A  
COUNTY ADMIN.  
FORWARDED TO:  
4/18 5:00

PETITION TO VACATE

Case Number: VAC 2002-00011

Petitioner, Florida Landmark Communities, Inc. 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, 1811 Cape Coral Parkway E.  
Cape Coral, Florida 33904
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 in 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,  
*FLORIDA LANDMARK COMMUNITIES, INC.*

By: *Brian D. Green* By: \_\_\_\_\_  
 Petitioner Signature Petitioner Signature

*Brian D. Green, V.P.* \_\_\_\_\_  
 Printed Name Printed Name

**LETTER OF AUTHORIZATION**

The undersigned being the fee simple owner of 3019 5<sup>th</sup> Street West located in Lee County, Florida, hereby authorizes TNT of Lee County, Inc., 4041 Cape Cole Boulevard, Punta Gorda, Florida 33955, to file applications on my behalf and to act as agent for all matters necessary regarding any Development Order, SFWMD, FDEP Permitting, and any other related Development Permits.

Florida Landmark Communities, Inc.

By: Brian D. Green  
Brian D. Green, V.P.

State of Florida  
County of

The foregoing instrument was sworn to (or affirmed) before me this 13th day of February, 2002 by Brian D. Green, V.P. of Florida Landmark Communities, Inc.  
(name and title) (name of corporation)  
a Florida corporation, on behalf of the corporation. He is personally known to me or who has  
(state)  
produced Personally Known as identification.



Tena M. Wyskochil  
Notary Public, State of Florida  
Tena M. Wyskochil  
Printed Name  
CC975195  
Commission No.

# **Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF  
EASEMENTS  
LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
**(12' DRAINAGE & UTILITY EASEMENTS)**

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS AS DEDICATED IN PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS BEING CENTERED ON THE FOLLOWING LOT LINES:

THE REAR LOT LINE OF THE EAST ONE HALF OF LOT 6, BLOCK 20

**AND**

THE REAR LOT LINE OF THE WEST ONE HALF OF LOT 8, BLOCK 20

**AND**

THE REAR LOT LINE OF LOT 7, BLOCK 20

**AND**

THE WEST LOT LINE OF LOT 7, BLOCK 20

**AND**

THE EAST LOT LINE OF LOT 7, BLOCK 20

**AND**

THE WEST LOT LINE OF LOT 14, BLOCK 20

**AND**

THE EAST LOT LINE OF LOT 14, BLOCK 20

LESS AND EXCEPT THOSE PORTIONS OF THE 6 FOOT WIDE DRAINAGE AND UTILITY LYING ADJACENT TO FIFTH STREET AND LEE BOULEVARD.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY RECORDS.

ALL ABOVE REFERENCED LOT AND BLOCK INFORMATION REFERS TO PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS.

DESCRIPTION PREPARED MARCH 6, 2002

**SHEET 1 OF 2**

S:\JOBS\15xx\1550\DESCRIPTIONS\1550-DrainageEase-001.doc

*Exhibit A*

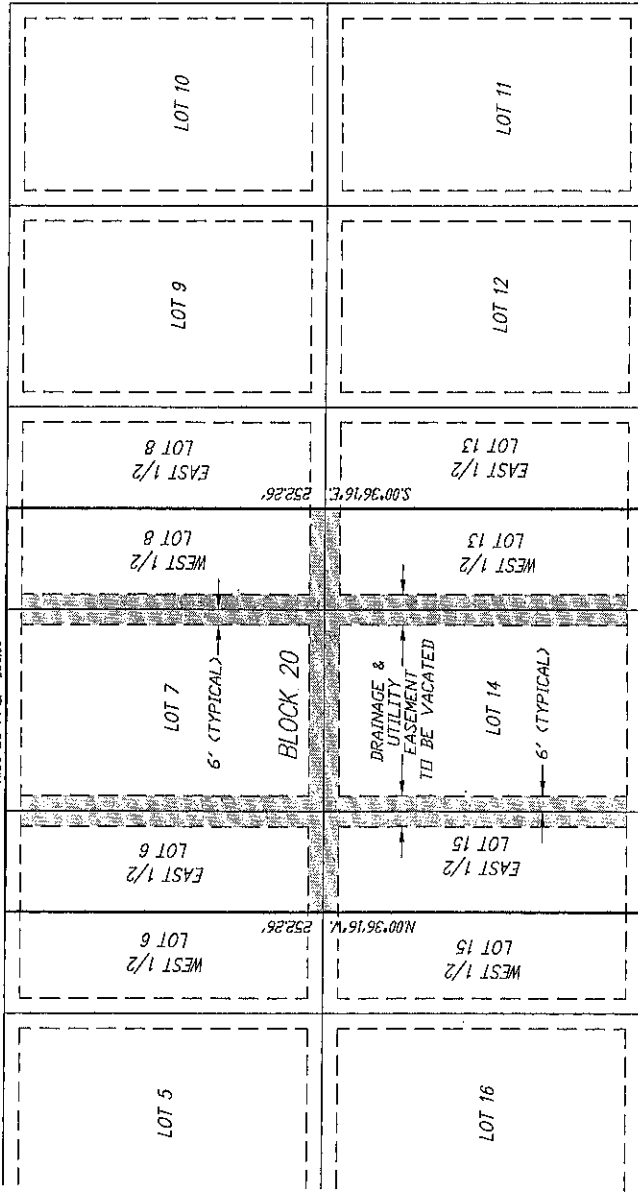
# SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST,  
LEE COUNTY, FLORIDA  
(12' DRAINAGE & UTILITY EASEMENTS)

FIFTH STREET  
(50' RIGHT-OF-WAY)

N89°23'44"E 160.00'



1" = 60'

LEGEND:

☒ INDICATES CENTERLINE

SEE SHEET 1 FOR COMPLETE DESCRIPTION.

THIS SKETCH OF DESCRIPTION  
IS NOT A BOUNDARY SURVEY

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) ASSUMED NORTH BASED ON THE NORTH RIGHT-OF-WAY LINE OF LEE BOULEVARD AS BEARING S.89°23'44"W.

Exhibit "B"

PREPARED 03-06-02  
SHEET 2 OF 2

*TRMCOA* 3/6/02  
THOMAS R. LEHNER, JR., P.S.M.  
FLORIDA CERTIFICATION NO. 5541

THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Exhibit "C"

# TAXES

## TAX ROLL SEARCH RESULTS

Searching the Real Estate Tax Roll for Account "25442603000200010" has returned 4 records.

Page 1 of 1

For a **DETAIL** explanation of a specific tax year displayed, Click on the underlined Account number in the column on the left of the table for the particular tax year.

For a definition of the abbreviations in the Tax Status column, Click on Legend.

Account	Tax Year	Owner Name and Address	Legal Description	Tax Status Legend	Prior Year(s) Taxes Due
<u>25-44-26-03-00020.0010</u>	2001	FLORIDA LANDMARK COMM INC 226 E JOEL BLVD LEHIGH ACRES FL 33972 USA	LEHIGH ACRES UNIT 3 REPLT BLK 20 DB 289/206 LTS 1-7 + 14-20 + W1/2 OF LTS 8+13	PAID	<a href="#">Click here for outstanding taxes</a>
<u>25-44-26-03-00020.0010</u>	2000	FLORIDA LANDMARK COMM INC 226 E JOEL BLVD LEHIGH ACRES FL 33972	LEHIGH ACRES UNIT 3 REPLT BLK 20 DB 289/206 LTS 1-7 + 14-20 + W1/2 OF LTS 8+13	PAID	<a href="#">Click here for outstanding taxes</a>
<u>25-44-26-03-00020.0010</u>	1999	LEHIGH CORPORATION 226 E JOEL BOULEVARD LEHIGH ACRES FL 33972 USA	LEHIGH ACRES UNIT 3 REPLT BLK 20 DB 289/206 LTS 1-7 + 14-20 + W1/2	PAID	<a href="#">Click here for outstanding taxes</a>

*Law Offices*  
**BOLAÑOS TRUXTON, P.A.**

**2121 Ponce De Leon Boulevard  
Suite 600  
Coral Gables, Florida 33134  
Telephone: (305) 567-0424  
Facsimile: (305) 567-0423**

**12800 University Drive  
Suite 340  
Ft. Myers, Florida 33907  
Telephone: (941) 437-5421  
Facsimile: (941) 437-5797**

**Reply to Ft. Myers**

*Email: [gtruxton@bolanostruxton.com](mailto:gtruxton@bolanostruxton.com)*

**April 1, 2002**

**Via Regular Mail**

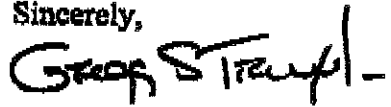
**Tom Lehnert, Jr.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, Florida 33912**

**Re: Florida Landmark Communities, Inc. sale to Anthony Zimbicki, Trustee  
Lee Boulevard/Grease Monkey**

**Dear Tom:**

Please find enclosed our original title opinion dated March 28, 2002 for submittal to Lee County, in connection with Florida Landmark's Petition VAC 2002-00011 to vacate the various twelve (12') foot utility easements in the center of the Property to be acquired by Anthony Zimbicki, Trustee.

Please feel free to give me a call with any questions or comments.

Sincerely,  
  
Gregg S. Truxton

cc: **Brian Green (w/enc.)**

*Law Offices*  
**BOLAÑOS TRUXTON, P.A.**

2121 Ponce De Leon Boulevard  
Suite 600  
Coral Gables, Florida 33134  
Telephone: (305) 567-0424  
Facsimile: (305) 567-0423

12800 University Drive  
Suite 340  
Ft. Myers, Florida 33907  
Telephone: (941) 437-5421  
Facsimile: (941) 437-5797

Reply to Ft. Myers

Email: [gtruxton@bolanosstruxton.com](mailto:gtruxton@bolanosstruxton.com)

March 28, 2002

Lee County  
Board of County Commissioners  
P.O. Box 398  
Fort Myers, Florida 33902

RE: Florida Landmark Communities, Inc. Petition to Vacate Public Utility and Drainage Easement, VAC 2002-00011

Gentlemen:

We are furnishing you with this opinion of title in connection with the efforts of Florida Landmark Communities, Inc., a Florida corporation ("Florida Landmark") to obtain approval of its Petition to Vacate Public Utility and Drainage Easement, VAC 2002-00011 (the "Easement Vacation"). The Easement Vacation covers the following parcel of real property located in Lee County, Florida (the "Property"):

See exhibit "A" attached hereto and made a part hereof.

In rendering the opinion set forth herein, we have examined the Old Republic National Title Insurance Company status of title report No. FM-020110130, having an effective date of March 14, 2002 at 5:00 P.M. Based on the foregoing, we are of the opinion that, as of March 14, 2002 at 5:00 P.M., fee simple title to the Property was vested as follows:

**FLORIDA LANDMARK COMMUNITIES, INC.,**  
A Florida corporation



Lee County  
Board of County Commissioners  
March 28, 2002  
Page 2

The Property is subject to the following encumbrances, liens and other exceptions:

1. **RECORDED MORTGAGES:**

None.

2. **GENERAL EXCEPTIONS:**

Real estate taxes and assessments; encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises; rights or claims of parties in possession not shown by the public records; easements or claims of easements not shown by the public records; any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records; and any adverse claim to any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any.

3. **SPECIAL EXCEPTIONS:**

(a) Agreement between Lee County Land and Title Company and Lehigh Utilities, Inc. recorded at Official Records Book 327, page 119.

(b) Sewer and Water Covenants and Restrictions recorded in Official Records Book 10, page 695, as amended by instrument recorded at Official Records Book 41, page 264.

(c) Subject land lies within the boundaries of the East County Water Control District and is subject to any acts and/or assessments thereof.

(d) Developer's Agreement between Lehigh Corporation, Cliffside Properties, Inc. and Lehigh Utilities, Inc. affecting water systems, sewage systems and lift stations throughout Lehigh Acres recorded at Official Records Book 2357, page 2973 and as modified by instrument recorded in Official Records Book 2551, page 833.

(e) As Recited on Plat: "All lots subject to a 6 foot drainage and utility easement both sides, front and back."

(f) Covenants, conditions and restrictions recorded in Official Records Book 1320, Page 556, Official Records Book 1759, Page 1107, Official Records Book 2536, Page 3212, Official Records Book 2536, Page 3215 and Official Records Book 2536, Page 3218, Public Records of Lee County, Florida.

(g) Order to amend Final Judgment recorded at Official Records Book 2385, page 857.

Lee County  
Board of County Commissioners  
March 28, 2002  
Page 3

3603. (h) Notice of Lot Split Approval recorded at Official Records Book 2824, page

(i) Reservation of an undivided one-half interest in all oil, gas and minerals by deed recorded at Deed Book 277, Page 240; Conveyance of said interests by Deed recorded at Official Records Book 553, Page 114; and Notice of Subsurface Interest recorded at Official Records Book 1097, Page 1570.

(j) Lee County Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.

(k) Any lien provided by chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.

NOTE: All of the Official Records Book references and other recording references contained herein refer to the Public Records of Lee County, Florida, unless otherwise indicated.

In rendering the opinions expressed herein, we have assumed, without investigation, (i) the authenticity of all agreements, documents and instructions recorded in the public records or submitted to us as copies of originals, (ii) the conformity to the originals of all agreements, documents and instruments recorded in the public records or submitted to us as copies of originals, and (iii) the genuineness of all signatures set forth on all originals and copies of all agreements, documents and instruments recorded in the public records or submitted to us.

This opinion is being issued to you solely in connection with the efforts of Florida Landmark to obtain approval of its Easement Vacation, and may only be relied on by you and your legal counsel in connection with the Easement Vacation. Neither this opinion nor the substance hereof may be communicated to or relied upon by any other person or entity for any reason whatsoever without our prior express written consent.

Sincerely yours,

Bolanos Truxton, P.A.

By:   
Gregg S. Truxton

Lee County  
Board of County Commissioners  
March 28, 2002  
Page 4

**Exhibit "A"**  
**Legal Description**

EXHIBIT "A"

**Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS • NAPLES • SARASOTA

DESCRIPTION  
OF  
EASEMENTS  
LYING IN

SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

(12' DRAINAGE & UTILITY EASEMENTS)

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS AS DEDICATED IN PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS BEING CENTERED ON THE FOLLOWING LOT LINES:

THE REAR LOT LINE OF THE EAST ONE HALF OF LOT 6, BLOCK 20

AND

THE REAR LOT LINE OF THE WEST ONE HALF OF LOT 8, BLOCK 20

AND

THE REAR LOT LINE OF LOT 7, BLOCK 20

AND

THE WEST LOT LINE OF LOT 7, BLOCK 20

AND

THE EAST LOT LINE OF LOT 7, BLOCK 20

AND

THE WEST LOT LINE OF LOT 14, BLOCK 20

AND

THE EAST LOT LINE OF LOT 14, BLOCK 20

LESS AND EXCEPT THOSE PORTIONS OF THE 6 FOOT WIDE DRAINAGE AND UTILITY LYING ADJACENT TO FIFTH STREET AND LEE BOULEVARD.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY RECORDS.

ALL ABOVE REFERENCED LOT AND BLOCK INFORMATION REFERS TO PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS.

DESCRIPTION PREPARED MARCH 6, 2002

SHEET 1 OF 2

BN080152x1550DESCRIPTIONS1550-Drainage&util-001.dwg





February 13, 2002

Mr. Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Pkwy. Suite 101  
Ft. Myers, FL 33912

Re: Proposed Grease Monkey, Lehigh Acres  
Petition to Vacate

Dear Mr. Lehnert:

LCEC does not object to vacation of the utility easements, less and except those portions described as follows:

1. A 12-foot-wide utility and/or drainage easement centered on the lot line between the East  $\frac{1}{2}$  of Lots 6 & 15 and Lots 7 & 14, Block 20, a Subdivision of Lehigh Acres, as recorded in Plat Book 15, page 70, Section 25, Township 44 South, Range 26 East, Lee County, Florida; LESS and EXCEPT the North 6 feet and the South 6 feet thereof, AND
2. A 12-foot-wide utility and/or drainage easement centered on the lot line between the West  $\frac{1}{2}$  of Lots 8 & 13 and Lots 7 & 14, Block 20, a Subdivision of Lehigh Acres, as recorded in Plat Book 15, page 70, Section 25, Township 44 South, Range 26 East, Lee County, Florida; LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

LCEC requests that 6' utility easements be reserved on the east and west boundary of the site being the West 6' of the East  $\frac{1}{2}$  of Lots 6 & 15 and the East 6' of the West  $\frac{1}{2}$  of Lots 8 & 13.

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

Sincerely,

Karen Hardin  
Real Property Representative



Box 370  
Fort Myers, Florida 33902-0370

March 15, 2002

Ms. Linda Stewart  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, Florida 33912

RE: Vacation of Easement - E. ½ Lot 6 & Lot 7, Lot 7 & W. ½ Lot 8 &  
E. ½ Lot 15 & Lot 14, Lot 14 & W. ½ Lot 13.  
Block 20, Section 25, Township 44 South,  
Range 26 East.  
A 12 foot wide public utility and drainage easement centered on the lot line common to  
The above listed lots.

Dear Ms. Stewart:

Sprint-Florida Incorporated has reviewed the document for the above referenced information.  
Based on the review, we have no objection to the vacation of a portion of a public utility easement at the  
Lehigh Acres location.

If you should require additional information, please contact me at 941-336-2023.

Sincerely,

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

Wayneth Jackson  
Engineer



WATER/SEWER

February 11, 2002

Mr. Thomas R. Lehnert  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, FL 33912

Re: Lots 7 & 8, the West half of lots 8 & 13, and the east half of lots 6  
& 15, Block 20, Lehigh Acres.

Dear Mr. Lehnert:

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



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

*Water For Florida's Future*





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

February 5, 2002

Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, FL 33912

Re: Request for a Letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location:  
A Tract or Parcel of land lying in Section 25, Township 44 South, Range 26  
East. Plat Book 15, Page 70, Lots 6,7,8,13,14 & 15.

Dear Mr. Lehnert,

Comcast has no existing utilities in the above referenced locations and has no objection with the vacation of the above referenced utility easements.

Sincerely,

A handwritten signature in cursive script that reads "Scott Miller".

Scott Miller  
Design Coordinator



**BOARD OF COUNTY COMMISSIONERS**

479-8355

Writer's Direct Dial Number: \_\_\_\_\_

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*

April 9, 2002

Florida Landmark Communities, Inc.  
Brian D. Green, V.P.  
1811 Cape Coral Parkway E.  
Cape Coral, Florida 33904

Re: Recommendation for proposed vacation of Public Utility and Drainage Easements at site at 3019 5<sup>th</sup> Street West in Lehigh Acres, Florida  
Case # VAC2002-00011

Dear Mr Green:

This office has received your request to vacate 12-foot wide Public Utility and Drainage Easements centered on the following lot lines: the rear lot line of the East one half of Lot 6, Block 20 AND the rear lot line of the West one half of Lot 8, Block 20 AND the rear lot line of Lot 7, Block 20 AND the West lot line of Lot 7, Block 20 AND the East lot line of Lot 7, Block 20 AND the West lot line of Lot 14, Block 20 AND the East lot line of Lot 14, Block 20, LEHIGH ACRES, LESS AND EXCEPT those portions of the 6 foot wide Drainage and Utility Easement lying adjacent to Fifth Street and Lee Boulevard, all the above referenced Lot and Block information is recorded in Plat Book 15, at Page 70, of the Public Records of Lee County, Florida.

You indicate that as the result of combining adjacent lots into one commercial building site, these platted easements prohibit the construction of your proposed site plan. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

U:\200203\VAC20020.001\1\D&PUE.WPD



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8580

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Flay 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*

February 26, 2002

Mr. Thomas Lehnert, Jr.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, FL 33912

**RE: Petition to Vacate:  
Lots 6, 7, 8, 13, 14 and 15, Lehigh Acres Subdivision,  
Plat Book 15, page 70, Section 25, Township 44, Range 26,  
Lee Boulevard (Grease Monkey Development Order)**

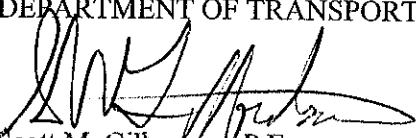
Dear Mr. Lehnert:

Lee County Department of Transportation has reviewed the above referenced Petition to Vacate and offers no objection to the vacation. DOT does not maintain the utilities or drainage associated with the lots with this Lehigh plat. DOT understands that the purpose of the vacation is to combine the lots to facilitate the construction of a commercial building.

I trust this sufficiently answers your request, and if you have any other questions please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF TRANSPORTATION



Scott M. Gilbertson, P.E.  
Director

MAL/SMG/mlb

cc: Don Blackburn, Development Services  
Allen Davies, Natural Resources  
Terry Kelly, Utilities  
Mike Tisch, DOT Engineering Services  
Petition to Vacate file – 2002 Lehigh, Lee Blvd., Banks Engineering (Grease Monkey)

S:\DOCUMENT\Petition To Vacate\2002\lee blvd grease monkey.doc



**LEE COUNTY**  
SOUTHWEST FLORIDA

(941) 479-8124

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: \_\_\_\_\_

Tuesday, February 12, 2002

Bob Janes  
District One

Douglas R. St. Cemy  
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. Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, FL 33912

Re: Petition to Vacate several Public utility and drainage easements located between Lots 6 & 7, 7 & 8, 13 & 14 and 14 & 15, Block 20, Lehigh Actres Subdivision as recorded in Plat Book 15 at Page 70, Public Records of Lee County, Florida.

Dear Mr. Lehnert:

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

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## Florida Department of Transportation

JEB BUSH  
GOVERNOR

THOMAS F. BARRY, JR.  
SECRETARY

February 11, 2002

Thomas R. Lehnert, Jr., P.S.M.  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Fort Myers, Florida 33912

RE: Vacation of A Utility and/or Drainage Easement

Dear Mr. Lehnert:

Our staff has conducted a review of your request to vacate a 12 foot wide utility and/or drainage easement centered on the lot lines common to Lots 6 & 15, Lots 7 & 14, Lots 8 & 13, Lots 15 & 14, Lots 13 & 14, Lots 6 & 7, Lots 8 & 7, Block 20, A subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 70, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of January 29, 2002.

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

Sincerely,

James W. Dunsford,  
District R/W Administrator,  
Property Management

JWD/jwd

cc: Scott Gilbertson, P.E. - Lee County  
Walter McCarthy, P.E. - Lee County  
Joe Philips - FDOT  
Tom Garcia - FDOT

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2002-00011**

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. VAC2002-00011 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

# **Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF  
EASEMENTS  
LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
**(12' DRAINAGE & UTILITY EASEMENTS)**

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS AS DEDICATED IN PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS BEING CENTERED ON THE FOLLOWING LOT LINES:

THE REAR LOT LINE OF THE EAST ONE HALF OF LOT 6, BLOCK 20

**AND**

THE REAR LOT LINE OF THE WEST ONE HALF OF LOT 8, BLOCK 20

**AND**

THE REAR LOT LINE OF LOT 7, BLOCK 20

**AND**

THE WEST LOT LINE OF LOT 7, BLOCK 20

**AND**

THE EAST LOT LINE OF LOT 7, BLOCK 20

**AND**

THE WEST LOT LINE OF LOT 14, BLOCK 20

**AND**

THE EAST LOT LINE OF LOT 14, BLOCK 20

LESS AND EXCEPT THOSE PORTIONS OF THE 6 FOOT WIDE DRAINAGE AND UTILITY LYING ADJACENT TO FIFTH STREET AND LEE BOULEVARD.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY RECORDS.

ALL ABOVE REFERENCED LOT AND BLOCK INFORMATION REFERS TO PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS.

DESCRIPTION PREPARED MARCH 6, 2002

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## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00011

### TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of June 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

SOUTH WEST FLORIDA

Deputy Clerk Signature

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

APPROVED AS TO FORM

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

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



# **Banks Engineering, Inc.**

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF  
EASEMENTS  
LYING IN  
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
(12' DRAINAGE & UTILITY EASEMENTS)

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AND

THE REAR LOT LINE OF LOT 7, BLOCK 20

AND

THE WEST LOT LINE OF LOT 7, BLOCK 20

AND

THE EAST LOT LINE OF LOT 7, BLOCK 20

AND

THE WEST LOT LINE OF LOT 14, BLOCK 20

AND

THE EAST LOT LINE OF LOT 14, BLOCK 20

LESS AND EXCEPT THOSE PORTIONS OF THE 6 FOOT WIDE DRAINAGE AND UTILITY LYING ADJACENT TO FIFTH STREET AND LEE BOULEVARD.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY RECORDS.

ALL ABOVE REFERENCED LOT AND BLOCK INFORMATION REFERS TO PLAT BOOK 15, PAGE 70, LEE COUNTY PUBLIC RECORDS.

DESCRIPTION PREPARED MARCH 6, 2002

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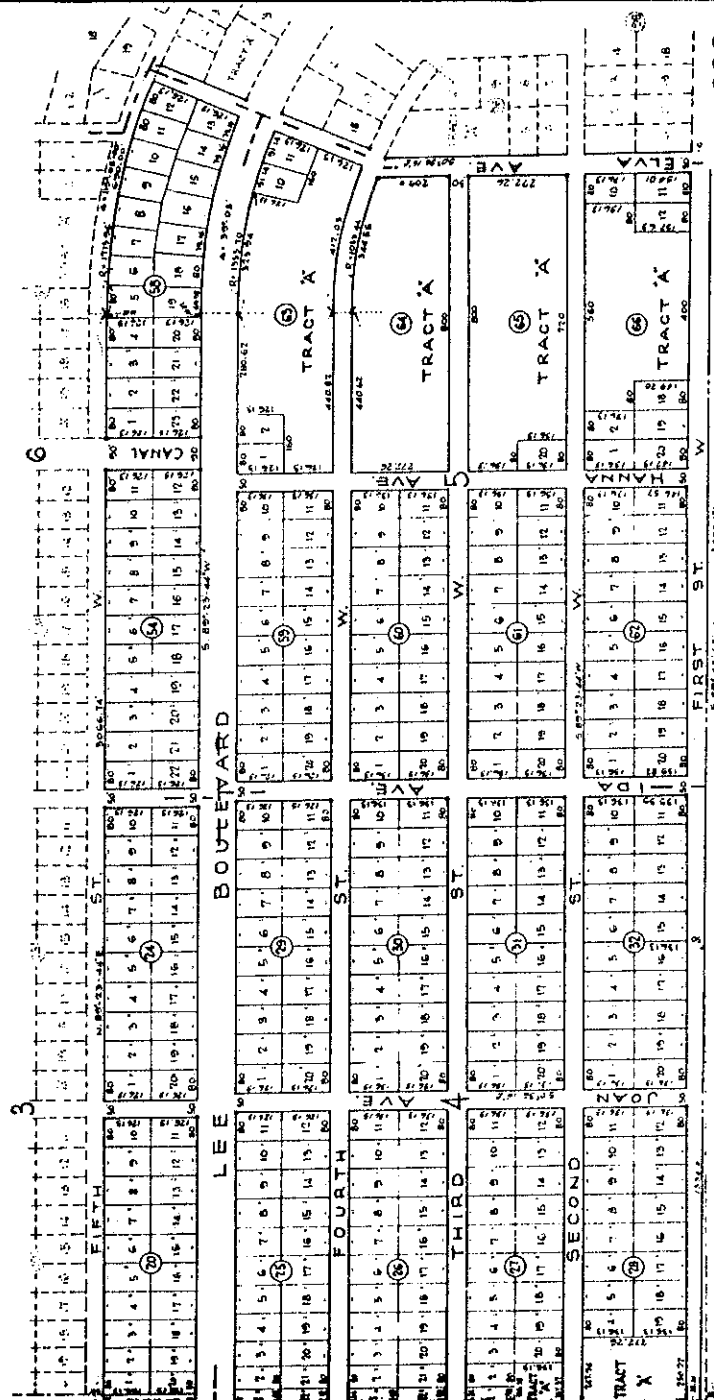
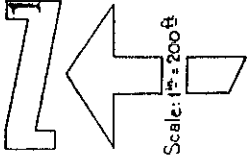
PLAT OF PART OF UNITS 3&6 ALL OF 4&5  
SECTION 25, TOWNSHIP 44S., RANGE 26E.

A SUBDIVISION OF

# LEHIGH ACRES

LEE COUNTY, FLORIDA

15 70



A 829

NOTE:

- All lots subject to a 6' Cool Drains and Utility Easement both sides front and back
- Interior R.R.M.s are 4' x 4' - 24' concrete
- Denotes P.R.M.s.
- All Canals to be dedicated to East County Water Control District.

SHEET 70 OF 101