

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00026 to Vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6, Block 5, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26, at Page 2, of the Public Records of Lee County, Florida and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 13th day of AUGUST, 2002

WHY ACTION IS NECESSARY: To construct a Single Family Residence. The vacation of the Drainage and Public Utility Easement will not alter existing drainage or utilities and the easement is not necessary to accommodate any future drainage or utility requirement.

WHAT ACTION ACCOMPLISHES: Vacates the Drainage and Public Utility Easement.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04 Community Development

C4A

3. MEETING DATE:

06-25-2002


4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY:  6/07/02

Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Johnny and Mary Carbone.

LOCATION: A 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6, Block 5, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26, at Page 2, of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof. The site is located at 3850 Hyde Park Drive, Section 03, Township 44 South, Range 26 East.

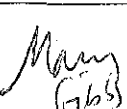
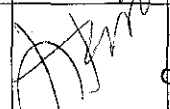

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of the Clerk of Circuit Court, Minutes Department.

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

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services Risk			G County Manager	
	N/A	N/A	N/A		OA 6/11/02	OM 6/11/02	Risk 6/12/02	GC 6/12/02	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 6/10/02
Time: 1130AM
Forwarded To:
Admin
6/10/02 4:30PM

RECEIVED BY
COUNTY ADMIN.
6/11 9:15
COUNTY ADMIN.
6/13/02
10:55am

PETITION TO VACATE

Case Number: VAC 2002-00026

Petitioner(s), Johnny & Mary Carbone

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, 14891 DRAWDY RD FT MYERS FL 33905
- 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: Johnny Carbone
Petitioner Signature

Johnny Carbone
Printed Name

By: Mary Carbone
Petitioner Signature

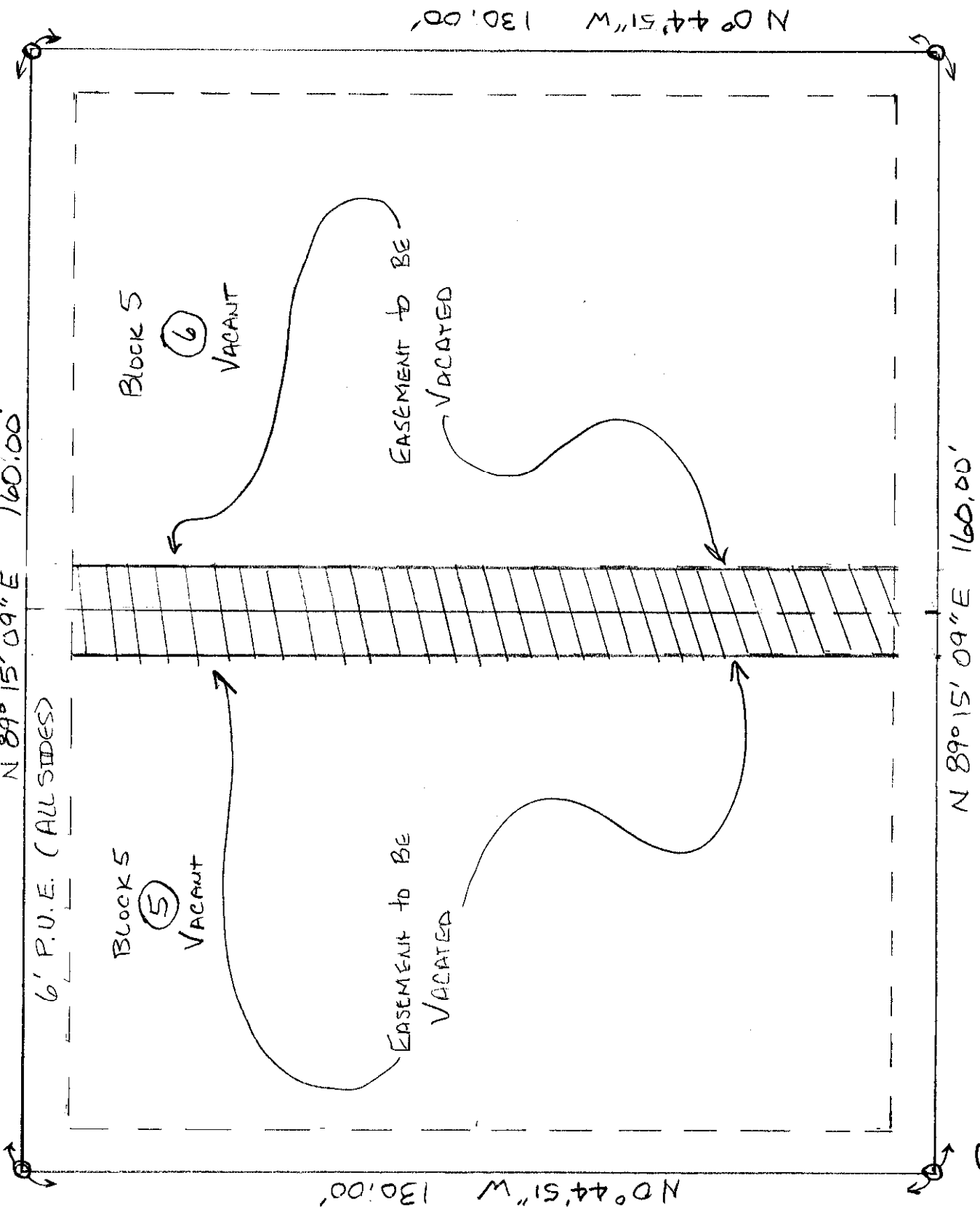
MARY CARBONE
Printed Name

EXHIBIT "A"

A legal description of the area proposed for vacation:

A twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6 Block 5 Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 2 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

3850 HYDE PARK DR. NEW PARCEL # 03-44-26-01-00005.0050
BLOCK 5 LOTS 5-6 LEHIGH ACRES
UNIT 1 PLAT BOOK NO PAGE A
1" = 30'



HYDE PARK DR.

Exhibit B

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 0.00	If Paid By Dec 31, 2001 0.00	If Paid By Jan 31, 2002 0.00	If Paid By Feb 28, 2002 0.00	If Paid By Mar 31, 2002 0.00	Call for amt due after Mar 31, 2002
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020100 20019 034426010000500507 00000000000 00000000000 00000000

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

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

REAL PROPERTY

ACCOUNT & SITE ADDRESS

CARBONE JOHNNY L SR + MARY L
 6017 LATIMER AV
 FORT MYERS FL 33905

E & I #: 20010802
 REQUESTED: 02/06/2002
 PROCESSED: 02/06/2002
 BY MXS1

03-44-26-01-00005.0050
 3850 HYDE PARK DR

To pay by phone or confirm receipt of your payment call the automated tax system (941) 332-8731.
 See insert for details. PIN Number: 01-00111411

PLEASE RETURN THIS PORTION WITH PAYMENT

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

CARBONE JOHNNY L SR + MARY L
 6017 LATIMER AV
 FORT MYERS FL 33905

DOR CODE: 00
 MORTGAGE CODE: 000
 DISTRICT CODE: 063

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	2300.00	9.95	LEE CO GEN REV	(941) 335-2221	
.0010124	2300.00	2.33	LEE CO CAP IMP	(941) 335-2221	
.0026080	2300.00	6.00	LOCAL SCHOOL	(941) 337-8215	
.0058700	2300.00	13.50	STATE SCHOOL	(941) 337-8215	
.0012114	2300.00	2.79	LEE CO UNINCORP	(941) 335-2221	
.0000358	2300.00	0.08	LEE CO HYACINTH	(941) 694-2174	
.0009630	2300.00	2.21	LEE CO LIBRARY	(941) 335-2221	
.0003595	2300.00	0.83	LEE CO MOSQUITO	(941) 694-2174	
.0030000	2300.00	6.90	LEHIGH ACRS FIRE	(941) 334-1600	
.0001000	2300.00	0.23	SFL WTR MGT/EVR	(561) 687-6461	
.0000400	2300.00	0.09	W C INLD WATRWWY	(813) 485-9402	
.0000733	2300.00	0.17	LEE CO ALL/HAZS	(941) 335-2186	
.0005970	2300.00	1.37	SF WATR MGT DST	(561) 687-6461	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	2300
SOH ASSESSED VAL	2300
TAXABLE VAL	2300

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 1 BLK 5 PB
 26 PG 2 LOT 5
 BOOK: 1939 PAGE: 2726

ACCOUNT & SITE ADDRESS

03-44-26-01-00005.0050
 3850 HYDE PARK DR

PAID

66.21 12124-554-1 12/18/2001

NON-AD VALOREM ASSESSMENTS			* See reverse side before calling	
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *
90.89000	PER ACRE	21.81	E CO WATR CONTL	(941) 368-0044
		68.26	COMBINED TOTAL	

Exhibit "C"

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.



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 0.00	If Paid By Dec 31, 2001 0.00	If Paid By Jan 31, 2002 0.00	If Paid By Feb 28, 2002 0.00	If Paid By Mar 31, 2002 0.00	Call for amt due after Mar 31, 2002
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020100 20019 034426010000500605 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

03-44-26-01-00005.0060
 3848 HYDE PARK DR

WEIDER DORGLAS R + MARILYN K
 322 CHIPPEWA DR
 GREENVILLE OH 45331

To pay by phone or confirm receipt of your payment call the automated tax system (941) 332-8731.

See insert for details. PIN Number: 01-00111412

PLEASE RETURN THIS PORTION WITH PAYMENT

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

WEIDER DORGLAS R + MARILYN K
 322 CHIPPEWA DR
 GREENVILLE OH 45331

DOR CODE: 00
 MORTGAGE CODE: 000
 DISTRICT CODE: 063

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	2300.00	9.95	LEE CO GEN REV	(941) 335-2221	
.0010124	2300.00	2.33	LEE CO CAP IMP	(941) 335-2221	
.0026080	2300.00	6.00	LOCAL SCHOOL	(941) 337-8215	
.0058700	2300.00	13.50	STATE SCHOOL	(941) 337-8215	
.0012114	2300.00	2.79	LEE CO UNINCORP	(941) 335-2221	
.0000358	2300.00	0.08	LEE CO HYACINTH	(941) 694-2174	
.0009830	2300.00	2.21	LEE CO LIBRARY	(941) 335-2221	
.0003595	2300.00	0.83	LEE CO MOSQUITO	(941) 694-2174	
.0030000	2300.00	6.90	LEHGH ACRS FIRE	(941) 334-1600	
.0001000	2300.00	0.23	SFL WTR MGT/EVR	(561) 687-6461	
.0000400	2300.00	0.09	W C INLD WATRWWY	(813) 485-9402	
.0000733	2300.00	0.17	LEE CO ALL/HAZS	(941) 335-2186	
.0005970	2300.00	1.37	SF WATR MGT DST	(561) 687-6461	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	2300
SOH ASSESSED VAL	2300
TAXABLE VAL	2300

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 1 BLK 5 PB
 26 PG 2 LOT 6
 BOOK: 1545 PAGE: 443

ACCOUNT & SITE ADDRESS

03-44-26-01-00005.0060
 3848 HYDE PARK DR

PAID

65.53 11963-987-1 11/29/2001

NON-AD VALOREM ASSESSMENTS			* See reverse side before calling	
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *
90.89000	PER ACRE	21.81	E CO WATR CONTL	(941) 368-0044
		68.26	COMBINED TOTAL	

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.



Prepared By: **Tracy A. Rison**
Island Title Guaranty Agency, Inc.
1710 E. Cape Coral Parkway Cape Coral, FL 33904
incidental to the issuance of a title insurance policy.
File #: **013334ec**
Parcel ID #: **03-44-26-01-00005.0050**
Grantee(s) SS #: /

INSTR # 5325172
OR BK 03555 PG 2705
RECORDED 01/09/02 09:14 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DOC TAX PD(F.S.201.02) 17.50
DEPUTY CLERK J Miller

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated **December 31, 2001**
by
Andre J. Lemieux

whose post office address is
15564 Crystal Lake Drive, North Fort Myers, FL 33917
hereinafter called the GRANTOR, to
Johnny L. Carbone Sr. and Mary I. Carbone, husband and wife

whose post office address is
6017 Latimer Avenue, Fort Myers, FL 33905

hereinafter called the GRANTEE:
(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)
WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

Lot 5, Block 5, West Part Unit 1, Section 3, 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 26, Page 2 of the Public Records of Lee County, Florida.

The above described property is vacant land.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: *Tracy A. Rison*
Print Name: Witness #1 Tracy A. Rison
Signature: *J. Osekawsky*
Print Name: Witness #2 J. Osekawsky

Andre J. Lemieux
Andre J. Lemieux

(TWO SEPARATE WITNESSES REQUIRED)

State of **Florida**
County of **Lee**

I am a notary public of the state of **Florida**, and my commission expires:
THE FOREGOING INSTRUMENT was acknowledged before me on **December 31, 2001** by:
Andre J. Lemieux

who is personally known to me or who has produced **Drivers License** as identification and who **did not** take an oath.



Tracy A. Rison
MY COMMISSION # CC757771 EXPIRES
August 8, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

Signature: *Tracy A. Rison*
Print Name: **Tracy A. Rison**

Notary Public



3848 Hyde Park Dr
Ft. Myers FL 33905

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

INSTR # 5442542
OR BK 03641 PG 4173
RECORDED 05/09/2002 01:14:49 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 17.50
DEPUTY CLERK G Sherwood

LEHIGH ACRES UNIT 1 BLK 5 PB 26 PG 2 LOT
Strap# 03-44-26-01-00005.0060

WARRANTY DEED

For good consideration, we Weider Douglas + Marilyn K
of 322 S Chippew A Dr , County of Greenville , State of
Ohio , hereby bargain, deed and convey to Carbone Johnny Sr + Mary
6017 Latimer Ave Fort Myers Fl. 33905 , County of Lee , State of
Florida , the following described land in Lee County, free and clear
with WARRANTY COVENANTS; to wit:

See above.

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, and assigns, against every person lawfully claiming the same or any part thereof.

Being the same property conveyed to the Grantors by deed of _____, dated _____, 19 _____.

WITNESS the hands and seal of said Grantors this _____ day of _____, 19 _____.

Douglas R. Weider
Grantor
Marilyn Weider
Grantor

STATE OF OHIO
COUNTY OF DEKLE
On may 6, 2002 before me, David D. Detling, personally appeared Douglas + Marilyn Weider, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.
Signature [Signature]

Affiant Known Unknown
ID Produced _____
(Seal)



DAVID D. DETLING
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES MAY 17, 2006



15834 Winkler rd
Ft. Myers , Florida 33908
Fax: 1-941-693-4295

May 10, 2002

Re: Vacating of Easement

Dear Mr. & Mrs. Carbone

In reply to your recent request, FPL Company has no objection to vacating the easement common to lots 5 & 6 ,less and except the north 6 feet and the south 6 feet thereof , of the following strap number;

03-44-26-01-00005.0050

If you any questions , please feel free to contact me at 693-4295.

Sincerely,

A handwritten signature in black ink that reads "Dan R. Thompson". The signature is written in a cursive, flowing style.

Dan Thompson
Customer Project Manager

cc:file

301 Tower Road
Naples, FL 34113-8074
tel / 941-793-9600
fax / 941-793-1317



May 15, 2002

Johnny & Mary Carbone
14891 Drawdy Road
Fort Myers, Florida 33905

Re: a twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6 Block 5 Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 2 of the Public Records of Lee County, Florida, Less and except the north six feet and the south six feet thereof

Dear Johnny & Mary Carbone,

This letter will serve to inform you that we have no conflict with your request to vacate the above referenced drainage easement. Comcast has no facilities on this street and has no future plans to extend to Hyde Park Drive.

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

Cordially,

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

Lucia Vera
Project Coordinator

AmeriGas

America's Propane Company

May 15, 2002

Ms. Mary Carbone
14891 Drawdy Road
Fort Myers, Florida 33905

RE: VACATE OF EASEMENT

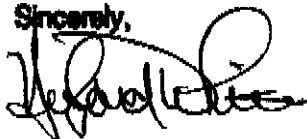
Dear Mrs. Carbone:

In reference to your letter dated May 10, 2002, AmeriGas has no interest on right of way on the following parcels:

STRAP NO: 03-44-26-01-00005.0050

Please feel free to contact me at 941-334-2849, should you have further questions.

Sincerely,



Neyland White
Service Manager



Box 370
Fort Myers, Florida 33902-0370

May 13, 2002

Mr. & Mrs. Carbone
14891 Drawdy Road
Fort Myers, Florida 33905


RE: Vacation of Easement – Lots 5 & 6 Block 5 Unit 1,
Section 3, Township 44 South, Range 26 East.
A 10 foot wide public utility and drainage easement centered
on the lot line between the above listed lots.

Dear Mr. & Mrs. Carbone:

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
East Fort Myers location.

If you should require additional information, please contact me at 941-336-2126.

Sincerely,


Raymond Campbell
Network Engineer Sprint LTD

CC: Roberta Taylor



May 15, 2002

Mary Carbone
14891 Drawdy Road
Ft. Myers, FL 33905

Re: A twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 & 6, Block 5, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 2 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

Dear Mrs. Carbone:

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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

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

June 6, 2002

Mary Carbone
14891 Drawdy Road
Fort Myers, FL 33905

Re: Recommendation for proposed vacation of a portion of a Drainage and Public Utility Easement located at 3850 Hyde Park Drive.

Dear Ms. Carbone:

This office has received your request to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6, Block 5, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26, at Page 2, of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/jgh

U:\200206\VAC20020.002\6\D&PUE.WPD



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Monday, May 20, 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

Ms. Mary Carbone
14891 Drawdy road
Fort Myers, FL 33905

Re: Petition to Vacate a twelve (12) foot wide drainage and public utility easement common to Lots 5 & 6, Block 5, Unit 1, Lehigh Acres Subdivision as recorded in Plat Book 26 at Page 02, Public Records of Lee County, Florida.

Dear Ms. Carbone:

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 drainage and public utility easement.

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:\NATRES\SURFACE\DOCUMENT\vac254.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob James
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

May 16, 2002

Johnny and Mary Carbone
14891 Drawdy Road
Fort Myers, FL 33905

RE: Petition to Vacate
Lehigh Acres - 3850 Hyde Park Drive
Section 03, Township 44, Range 26
Plat Book 26, page 2

Dear Mr. And Mrs. Carbone:

Lee County Department of Transportation has reviewed your request to vacate a public utility and drainage easement located between Lots 5 and 6. DOT does not maintain the drainage at this location. Therefore, DOT offers no objection to the vacation.

I trust this letter responds to your request for review, and should you have any additional questions please do not hesitate to contact me.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

Cc: Jon Hagen, Development Services Rep.
DOT PTV File Lehigh S03, T44, R26 (Carbone)

S:\DOCUMENT\Petition To Vacate\2002\Lehigh - Carbone.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00026**

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. VAC2002-00026 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"

A legal description of the area proposed for vacation:

A twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 5 and 6 Block 5 Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 2 of the Public Records of Lee County, Florida, less and except the north six feet and the south six feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00026

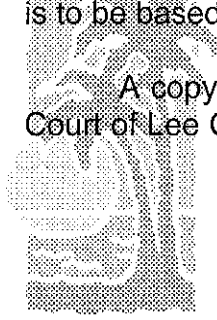
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 13th day of August, 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

SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

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