

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition VAC2002-00024 to Vacate the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 and 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, 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:** It would eliminate the encroachment of a home that was built in 1974. The vacation of this easement will also provide clear title for future re-sale of the property. **The vacation of this five foot portion of the Drainage Easement will not alter existing or future drainage requirements.**

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

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

C4B

3. **MEETING DATE:**

07-09-2002

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:  6/14/02

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The complete Petition to Vacate was submitted by Dan E. and George Ann Ingram.

**LOCATION:** The subject parcel to vacate is the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 and 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, located in Section 20, Township 43 South, Range 26 East, of the Public Records of Lee County, Florida. The site is located at 13879 Sleepy Hollow Lane, Ft Myers, Florida.


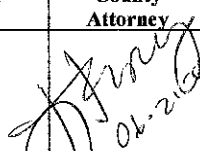
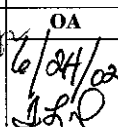
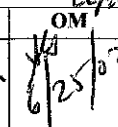
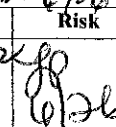
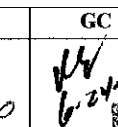
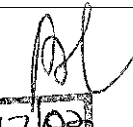
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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, Resolution to set the Public Hearing, and Notice of Public Hearing.

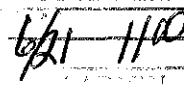
8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services 6/26/02				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A	N/A						

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

APPROVED BY:  TD  
6/21/02  
6/26/02 2:00BH

REC'D 6/17/02  
by CO. ATTY.  
B. J. SPIN  
CO. ATTY.  
FORWARDED TO:  
Admin  
6/21/02 10:30AM

**PETITION TO VACATE**

Case Number: VAC 2002-00024

Petitioner(s), DAN E. & George Ann Ingram  
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, 13750 Ox Bow 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. *(waived by Lee County Development Services)*
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: Dan E. Ingram  
Petitioner Signature

DAN E. INGRAM  
Printed Name

By: George Ann Ingram  
Petitioner Signature

George Ann Ingram  
Printed Name

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 204326070000013203 0000000000 0000000000 00000000

MAKE CHECK PAYABLE TO: LEE COUNTY TAX COLLECTOR  
P O BOX 1609  
FT MYERS, FLORIDA 33902-1609

REAL PROPERTY

ACCOUNT & SITE ADDRESS

20-43-26-07-00000.1320  
13879 SLEEPY HOLLOW LN

INGRAM GEORGE ANN + DAN E  
13750 OX BOW RD  
FORT MYERS FL 33905

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

See insert for details. PIN Number: 01-00240052

PLEASE RETURN THIS PORTION WITH PAYMENT

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

INGRAM GEORGE ANN + DAN E  
13750 OX BOW RD  
FORT MYERS FL 33905

DOR CODE: 01  
MORTGAGE CODE: 000  
DISTRICT CODE: 187

AD VALOREM TAXES				
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *
.0043277	76510.00	331.11	LEE CO GEN REV	(941) 335-2221
.0010124	76510.00	77.48	LEE CO CAP IMP	(941) 335-2221
.0026080	76510.00	199.54	LOCAL SCHOOL	(941) 337-8215
.0058700	76510.00	449.11	STATE SCHOOL	(941) 337-8215
.0012114	76510.00	92.68	LEE CO UNINCORP	(941) 335-2221
.0020000	101510.00	203.02	FT MY SHRS FIRE	(941) 694-2833
.0003658	101510.00	3.63	LEE CO HYACINTH	(941) 694-2174
.0009630	76510.00	73.68	LEE CO LIBRARY	(941) 335-2221
.0003695	101510.00	36.49	LEE CO MOSQUITO	(941) 694-2174
.0001000	76510.00	7.65	SFL WTR MGT/EVR	(561) 887-8461
.0000400	76510.00	3.06	W C INLD WATR WY	(813) 485-8402
.0000733	76510.00	5.81	LEE CO ALL/HAZS	(941) 335-2188
.0005970	76510.00	46.88	SF WATR MGT DST	(561) 887-8461

VALUES & EXEMPTIONS	
MARKET ASSESSED VAL	101510
SOH ASSESSED VAL	101510
HOMESTEAD-EX VAL	25000
TAXABLE VAL	76510

REAL PROPERTY

LEGAL DESCRIPTION

RIVER FOREST UNIT 4 PB  
PG 100 LOT 132  
BOOK: 3413 PAGE: 2930

ACCOUNT & SITE ADDRESS

20-43-26-07-00000.1320  
13879 SLEEPY HOLLOW LN

\*PAID\*

1651.88 11879-1872-1 11/13/2001

NON-AD VALOREM ASSESSMENTS				
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *
1.000000	ACTL LEVY	191.99	SOLID WSTE ASMT	(941) 338-3302
		1720.71	<b>COMBINED TOTAL</b>	

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.

**INSTR # 5248939**

**OR BK 03494 PG 4644**

RECORDED 10/03/01 01:17 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DOC TAX PD(F.S. 201.02) 0.70  
DEPUTY CLERK L Parent

**QUITCLAIM DEED**

**THIS QUITCLAIM DEED**, Executed this 1st day of October ,

2001 (year),

by first party, Grantor, Loral White & George Ann Ingram  
whose post office address is 13879 Sleepy Hollow Lane, Ft. Myers, FL 33905  
to second party, Grantee, George Ann & Dan E. Ingram as JTWROS ✓  
whose post office address is 13750 Ox Bow Rd., Ft. Myers, FL 33905

**WITNESSETH**, That the said first party, for good consideration and for the sum of  
Ten Dollars (\$ 10.00 ) paid by the said second party, the receipt whereof  
is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party  
forever, all the right, title, interest and claim which the said first party has in and to the following  
described parcel of land, and improvements and appurtenances thereto in the County of

Lee , State of Florida to wit:

Lot number 132 of River Forest Subdivision, Unit 4, as shown on Plat thereof recorded in  
Plat Book 21, Page 100, of the records of the Clerk of the Circuit Court of Lee County, Florida.

Subject to restrictions of record

[Signatures on following page.]

Initials of First Party

April 22, 2002

Peter J. Eckenrode  
Lee County Development Services  
1500 Monroe Street, 2nd Floor  
Fort Myers, FL 33901-5500

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

STRAP NO. 20-43-26-07-00000.1320

To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in a portion of the "drainage easement" on the property identified above. As a result of improperly locating the home on the building site when the structure was erected in 1974, a corner of the basic structure encroaches onto the easement by 1.93 feet (with overhang 4.14 feet). We have included a sketch and/or drawing of the parcel with the easements clearly marked as well as a drawing of a survey taken showing the encroachment of the building into the easement. The easement description is as follows:

A 25-foot wide Drainage Easement centered on the lot line common to Lots 131 & 132 River Forest Subdivision, Unit 4, as recorded in Plat Book 21 Page 100 .

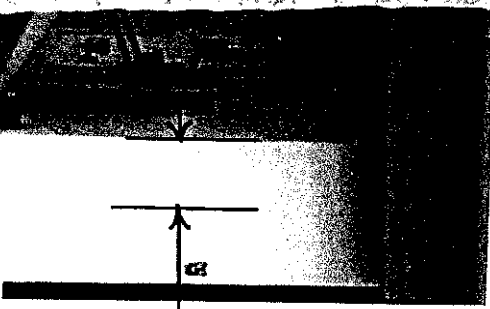
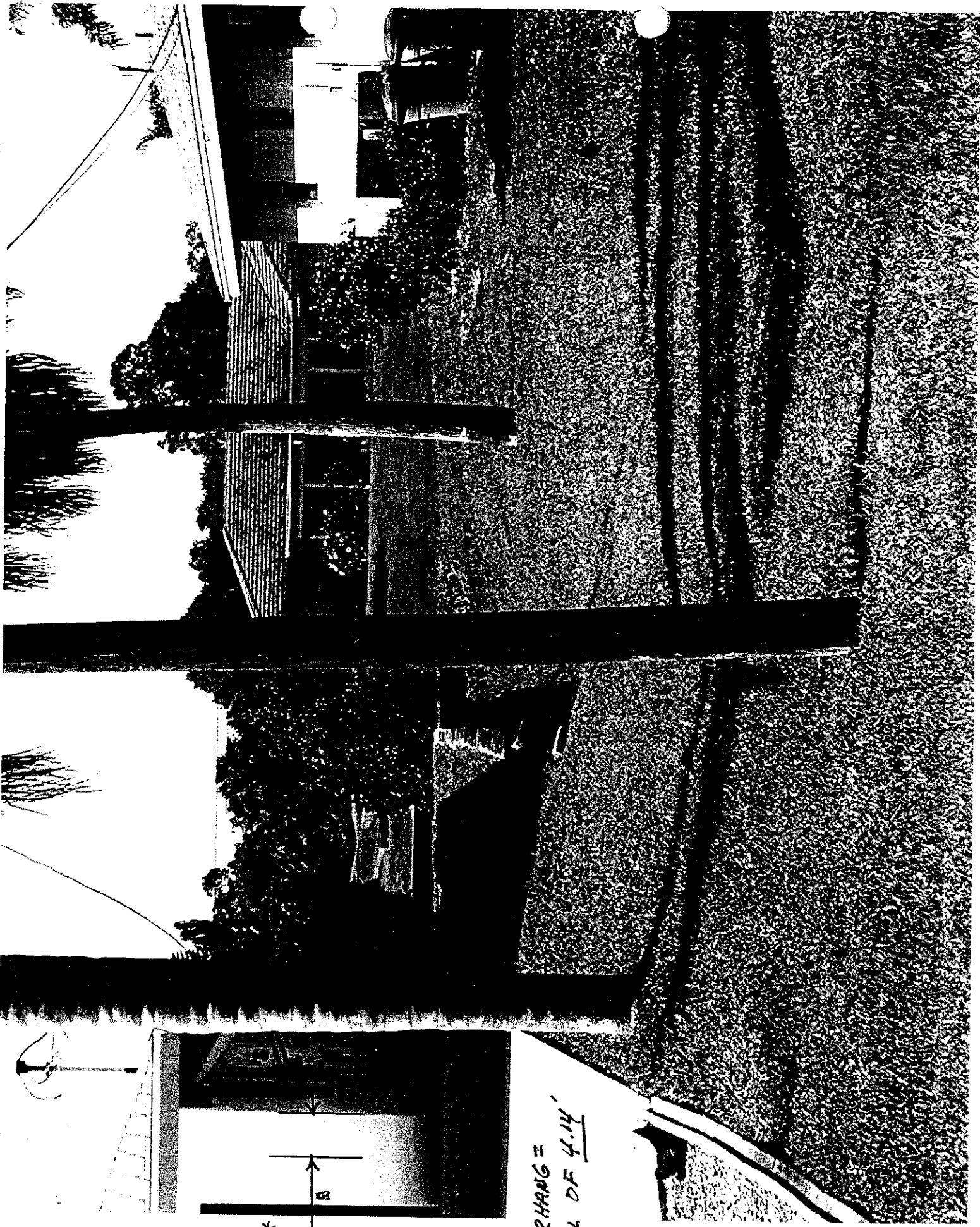
The area requested to be vacated is a strip 5' wide along the East side of the entire length of Drainage Easement as shown on the plat and survey.

Also attached you will find a photo of the easement with two red flags representing the center of the easement (Lot Line). Noted on the photo are the dimensions of the structure that encroaches onto the easement.

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

Current Owners:  
Dan E. & George Ann Ingram  
13750 Ox Bow Road  
Ft. Myers, FL 33905  
941-693-8924  
941-470-3391 (Cell)

Under contract to sell to:  
James J. and Diane C. Cox  
9 Tomahawk Trail  
Medford, New Jersey 08055  
609-654-6206



\*  
+OVERHANG =  
TOTAL DF 4.14'

\*

# MAP OF BOUNDARY SURVEY

C PADRON SURVEYORS INC.  
131 SW 57 STREET, CAPE CORAL, FLORIDA  
PHONE (941) 229 2873  
FAX (941) 540 1635

## LEGEND & ABBREVIATIONS

- A = ARC DISTANCE
- A/C = AIR CONDITIONER PAD
- AE = EASEMENT EASEMENT
- ASPH. = ASPHALT
- B.L.C. = BUILDING
- B.M. = BENCH MARK
- (C) = CALCULATED DIMENSION
- C.B. = CATCH BASIN
- C.B.S. = CONCRETE BLOCK STRUCTURE
- ∠ = CORNER ANGLE
- CD = CHORD DISTANCE
- COING. = CHORD BEARING
- C. = CLEAR
- C.L. = CENTER LINE
- C.L.F. = CHAIN LINK FENCE
- C.M.E. = CANAL MAINTENANCE EASEMENT
- CONC. = CONCRETE
- D.E. = DRAINAGE EASEMENT
- D.M.E. = DRAINAGE & MAINTENANCE EASEMENT
- ELEV. = ELEVATION
- ENCL. = ENCLOSED
- F.B.M. = FOUND BENCH MARK
- F.L.P. = FOUND IRON PIPE
- F.L.R. = FOUND IRON ROD
- F.M. = FOUND NAIL
- F.L.F. = CHAIN LINK FENCE
- N & S.E. = NORTH & SOUTH EASEMENT
- L.B. = LOCATED BUSINESS
- L.M.E. = LAKE MAINTENANCE EASEMENT
- (M) = MEASURED DIMENSION
- N.L. = NODAL LINE
- N.O.M. = NODAL MARK
- = WOOD FENCE
- EXC.S. = EXISTING CURB
- NOVA = NATIONAL GEODETIC NETWORK DATUM
- N.T.S. = NOT TO SCALE
- O/S = OFF SET
- O.R.E. = OFFICIAL RECORD BOOK
- P.L. = PLAT BOOK
- P.C. = POINT OF CURVATURE
- P.C.C. = POINT OF COMPOUND CURVE
- P.C. = PLACE
- P.L. = PLANTER OR PLACE
- P/L = PROPERTY LINE
- P.L.S. = PROFESSIONAL LAND SURVEYOR
- P.C.P. = PERMANENT CONTROL POINT
- P.L.S.M. = PROFESSIONAL LAND SURVEYOR & MAPPER
- P.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- P.R.M. = PERMANENT REFERENCE MONUMENT
- P.I. = POINT OF INTERCITY
- P.M.L. = PAYMENT
- P.M.C. = POINT OF REVERSE CURVATURE
- R = RADIUS
- (M) = RECORDED DIMENSION
- R.D. = ROAD
- R.C. = RANGE
- R.L.S. = REGISTERED LAND SURVEYOR
- R.P. = BENCH POINT
- R.R. = RAIL ROAD
- R/W = RIGHT OF WAY
- SEC. = SECTION
- S.I.P. = SET IRON PIPE WITH CAP P.L.S. #121
- S.P. = SCREENED PITCH
- S.W.K. = SIDE WALK
- T = TANGENT
- T.M. = TOWNSHIP
- U.E. = UTILITY EASEMENT
- U.P. = UTILITY POLE
- UT. = UTILITY
- W.F. = WOOD FENCE
- W.M. = WATER METER
- W.V. = WATER VALVE

WATER WAY

Red Line Indicates Proposed East Side of Easement Based On Vacation Request

**PROPERTY ADDRESS:**  
13879 SLEEPY HOLLOW LANE, FT MYERS, FLORIDA 33905.

**LEGAL DESCRIPTION:**  
LOT 132, SUBDIVISION RIVER FOREST UNIT NO 4, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21 PAGE 100, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**SURVEYORS NOTE:**  
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORD OF LEE COUNTY (SETBACKS, EASEMENTS & OTHER RESTRICTIONS)

### LEGAL NOTES

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP. EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY. THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORDS. LEGAL DESCRIPTION PROVIDED BY CLIENT. THE LIABILITY OF THIS SURVEY IS LIMITED TO THE BEST INFORMATION PROVIDED BY CLIENT. THE LIABILITY OF THIS SURVEY IS LIMITED TO THE BEST ATTEMPTED TO LOCATE, ERECT AND/OR FOUNDATIONS AND/OR UNDERGROUND IMPROVEMENTS OF ANY NATURE IF SHOWN. BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN IF SHOWN. ELEVATIONS ARE REFERRED TO N.C.V.D. OF 1929 THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1 10000

TYPE OF SURVEY	DATE
BOUNDARY	3-12-02
FOUNDATION	
FINAL SURVEY	

DATE OF FIELD WORK 3-12-02  
SCALE 1" = 20'  
DRAWN BY C.P.  
CHECKED BY C.P.

**CECILIO E. PADRON P.L.S.# 6121**  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

### CERTIFIED TO:

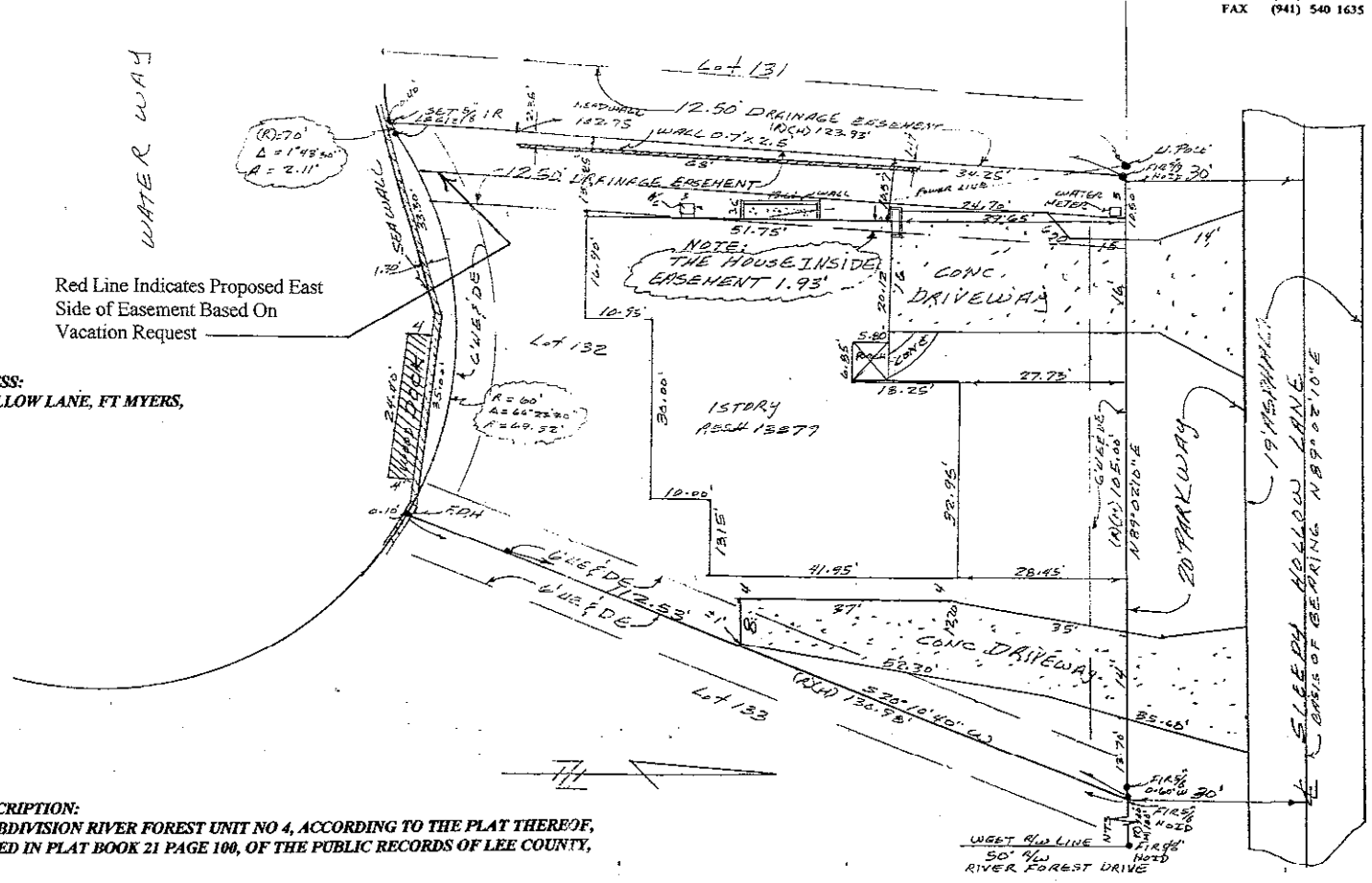
**JAMES J. COX AND DIANE C. COX,**  
**TRADEWINDS TITLE, INC. & ALLIANCE**  
**TITLE OF AMERICA, INC.**

SIGN: DATE 3-13-02  
SEAL

ORDER NO 1249

BENCH MARK USED:

BASED ON THE FLOOD INSURANCE RATE MAP OF THE FEDERAL AGENCY REVISED ON 7-17-89 THE HEREIN DESCRIBED PROPERTY IS SITUATED WITHIN ZONE 27 BASE FLOOD ELEVATION 8.1. COMMUNITY NUMBER 125124 PANEL NUMBER 0250 SUFFIX B.





15384 Winkler rd  
Ft Myers, Florida 33908  
Fax: 1-941-693-4287

May 8, 2002

Re: 13879 Sleepy Hollow Lane

Dear Mr. Ingram

In reply to your recent request, FPL Company has no objection to the use of the utility easement located on the side of the property described as Strap No. 20-43-26-07-00000.1320 ;A 25-foot wide Drainage Easement centered on the lot line common to Lots 131 & 132 River Forest Subdivision, Unit 4 , as recorded in Plat Book 21 Page 100.

The above mentioned residence doe not lie in the typical 6 foot side lot line utility easement according to the survey provided.

If you have any questions regarding this matter, please contact me at 941-693-4295.

Sincerely,

A handwritten signature in black ink that reads "Dan R. Thompson".

Dan Thompson

Customer Project Manager  
cc:file

332 9168





Box 370  
Fort Myers, Florida 33902-0370

May 10, 2002

Mr. & Mrs. Ingram  
13750 Ox Bow Road  
Fort Myers, Florida 33905

RE: Vacation of Easement – Lots 131 & 132, Unit 4,  
Section 20, Township 43 South, Range 26 East.  
A 25 foot wide public utility and drainage easement centered  
On the lot line between the above listed lots.

Dear Mr. & Mrs. Ingram:

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 Fort Myers Shores location.

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

Sincerely,

A handwritten signature in cursive script that reads "Ray Campbell".

Ray Campbell  
Engineer

Attachment



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

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 26, 2002

Dan E. & George Ann Ingram  
13750 Ox Bow Road  
Fort Myers, Fl. 33905

**SUBJECT: PROPOSED DRAINAGE EASEMENT VACATION AT  
20-43-26-07-00000.1320, 13879 SLEEPY HOLLOW LANE**

Dear Sir or Madam::

Lee County Utilities has reviewed the drainage easement described in your letter of April 22, 2002. Lee County Utilities has no facilities located within this drainage easement, therefore, there is no objection to the vacation of this drainage easement only. The 6' utility easement across the front of your property must remain in place.

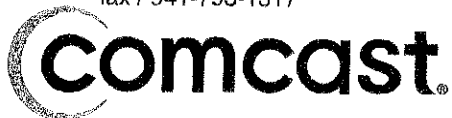
Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Engineering Tech III  
UTILITIES ENGINEERING

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



May 13, 2002

Dan E. & George Ann Ingram  
13750 Ox Bow Road  
Fort Myers, Florida 33905

Re: Vacation of Drainage Easement- 13879 Sleepy Hollow Lane.

Dear Mr. & Mrs. Ingram:

This letter will serve to inform you that Comcast has no conflict with your request to vacate the 25-foot wide Drainage Easement centered on the lot line common to Lots 131 & 132 River Forest Subdivision, Unit 4, as recorded in Plat Book 21 Page 100. Our facilities run aerial along the north side of Sleepy Hollow Lane and should not interfere with your proposed vacation of easement.

If you should require additional information, please feel free to contact me here.

Cordially,

A handwritten signature in cursive script, appearing to read "Lucia Vera". The signature is written in dark ink and is positioned above the typed name and title.

Lucia Vera  
Project Coordinator  
Comcast

# AmeriGas

America's Propane Company

May 15, 2002

Dan E. Ingram  
George Ann Ingram  
13750 Ox Bow Road  
Fort Myers, Florida 33905

**RE: VACATE OF EASEMENT**

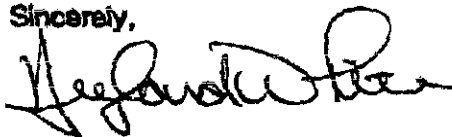
Dear Mr. & Mrs. Ingram:

In reference to your letter dated April 22, 2002, AmeriGas has no interest on right of way on the following parcels:

**STRAP NO: 20-43-26-07-00000.1320**

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

Sincerely,



**Neyland White**  
Service Manager



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

**(239) 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*

**June 14, 2002**

**Dan E. and George Ann Ingram  
13750 Ox Bow Road  
Ft Myers, Fl. 33905**

**Re: Recommendation for proposed vacation, for width reduction of a Drainage Easement located at 13879 Sleepy Hollow Lane, Ft Myers, Florida.  
VAC2002-00024**

**Dear Mr Ingram:**

This office has received your request to vacate the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 and 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, of the Public Records of Lee County, Florida.

You indicate that by reducing the width of the 25 foot Drainage Easement by 5 feet, it would eliminate the encroachment of a home that was built in 1974. The vacation of this easement will also provide clear title for future re-sale of the property. 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/rlm

U:\200206\WAC20020.002\AD&PUE.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(941) 479-8124

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

Tuesday, April 30, 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. Scwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mr. & Mrs. Dan E. Ingram  
13750 Ox Bow Rd.  
Fort Myers, FL 33905

**Re:** Petition to Vacate a portion of a twenty five foot (25') wide drainage easement centered on the lot line common to Lots 131 & 132, Unit 4, River Forest Subdivision as recorded in Plat Book 21, Page 100, Public Records of Lee County, Florida.

Dear Mr. & Mrs. Ingram:

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 drainage 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



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8580

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stillwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

May 15, 2002

Dan E. and George Ann Ingram  
13750 Ox Bow Road  
Fort Myers, FL 33905

**RE: Petition to Vacate  
25 Foot Drainage Easement centered on Lot Line  
Common to Lots 131 and 132, River Forest Subdivision,  
Unit 4, as recorded in Plat Book 21, page 100,  
Strap 20 43 26 07 00000.1320**

Dear Mr. And Mrs. Ingram:

Lee County Department of Transportation has had an opportunity to review your request to vacate the above referenced easement. The roads and drainage within River Forest Subdivision are not county maintained; therefore, the Department of Transportation offers no objection to the vacation. Further, as we discussed, I contacted Community Development with regard to this petition to vacate submittal. It is a minimum encroachment of only 1.9 feet. Therefore, it may be possible to discuss administrative relief with regard to this encroachment, as opposed to following through on the petition to vacate. Please contact Don Blackburn in Community Development with regards to possibly processing an administrative procedure for releasing the encroachment.

I trust this information will be helpful, and if you have any questions, please do not hesitate to contact me.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

Cc: Don Blackburn, Development Services  
DOT PTV File Ox Bow Road (Dan Ingram)

LEE COUNTY  
RECEIVED  
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COMM. DEV./  
PUB. WORKS. CNTR.  
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DOT PTV File Ox Bow Road (Dan Ingram)



**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2002-00024**

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. VAC2002-00024 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

# **VACATION REQUEST**

## **Exhibit "A"**

### **DESCRIPTION:**

**Vacate the East 5-foot portion of a 25-foot wide Drainage Easement centered between Lots 131 and 132, River Forest Subdivision, Unit 4, as recorded in Plat Book 21, Page 100, located in Section 20, Township 43 South, Range 26 East, of the Public Records of Lee County, Florida.**

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

Case Number: VAC2002-00024

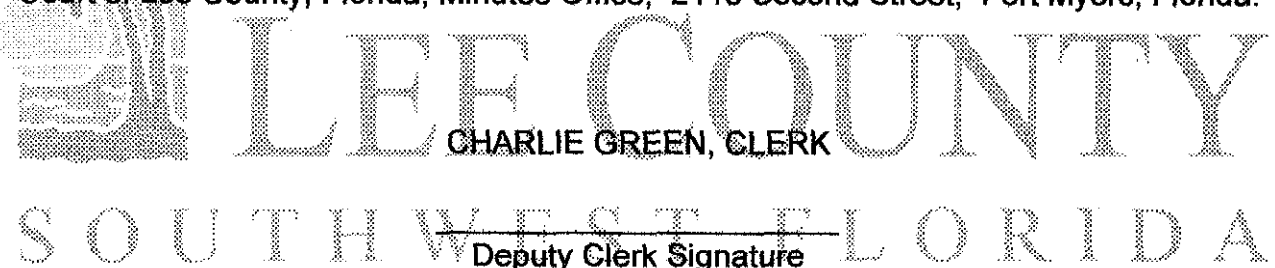
**TO WHOM IT MAY CONCERN:**

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

# **VACATION REQUEST**

## **Exhibit "A"**

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