

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

**Blue Sheet No. 20020800**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition VAC2002-00023 to Vacate a 12' wide Public Utility Easement on the common lot line between Tracts G & M of the College Pointe Plat, Plat Book 62, Page 76, Lee County, Florida and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 10th day of September, 2002.

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

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

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 2

04 Community Development

**C4A**

**3. MEETING DATE:**

**08-06-2002**

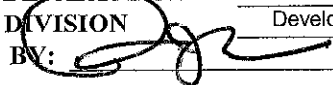
**4. AGENDA:**

- 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:  6/27/02
- Peter J. Eckenrode, Director

**7. BACKGROUND:**

The complete Petition to Vacate was submitted by James E. Kinsey, Jr., Managing Partner of Lake Pointe Commons, L.L.P., and President of Lake Pointe Commons Professional Office Condominium Association, Inc.

**LOCATION:** A 12-foot wide Public Utility Easement centered on the common line between Tract G and Tract M of the College Pointe Plat, as recorded in Plat Book 62, Page 76, in the Public Records of Lee County, Florida, less and except the northerly 10 feet and the southerly 35 feet thereof. The site is located at 9100 and 9101 West College Point Drive, Section 16, Township 45 South, Range 24 East.

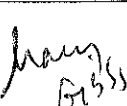
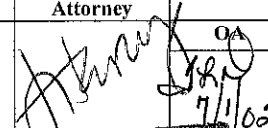

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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
					OM	Risk	GC	
	N/A	N/A	N/A		7/2/02	7/15	7/15/02	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.  
by CO. ATTY.  
10/28/02  
30000  
CO. ATTY.  
FORWARDED TO:  
CO. Admin.  
7/1/02 10:00 AM

RECEIVED BY  
Y ADMIN. TD  
7/1/02  
11:20 am  
ADMIN.  
TO TO: BL  
7/16 12:00

# PETITION TO VACATE

Case Number: \_\_\_\_\_

Lake Pointe Commons, LLP & Lake Pointe Commons

Petitioner(s), Professional Office Condominium Association, Inc.

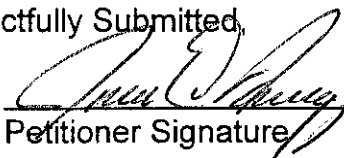
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, PO Box 1662, Ft. Myers, FL 33902
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:

  
Petitioner Signature

James E. Kinsey, Jr.

Printed Name

Managing Partner  
Lake Pointe Commons, LLP

By:

  
Petitioner Signature

James E. Kinsey, Jr.

Printed Name

President  
Lake Pointe Commons  
Professional Office  
Condominium Association, Inc.

SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.

ATTORNEYS AT LAW

*Firm Established 1924*

MAIN OFFICE:

2121 WEST FIRST STREET  
FORT MYERS, FLORIDA 33901  
(941) 334-1141 PHONE  
(941) 334-3965 FAX

PLEASE REPLY TO:

POST OFFICE DRAWER 400  
FORT MYERS, FL 33902

[www.sbshlaw.com](http://www.sbshlaw.com)

SOUTH LEE COUNTY OFFICE:

16521 SAN CARLOS BLVD. #104-D  
FORT MYERS, FLORIDA 33908  
(941) 489-1277 PHONE

ELECTRONIC MAIL:

[brett@sbshlaw.com](mailto:brett@sbshlaw.com)  
[stewart@sbshlaw.com](mailto:stewart@sbshlaw.com)  
[hersch@sbshlaw.com](mailto:hersch@sbshlaw.com)  
[kinsey@sbshlaw.com](mailto:kinsey@sbshlaw.com)

JOHN K. WOOLSLAIR (1908-1968)  
W. A. SHEPPARD (1898-1971)

JAY ANDREW BRETT  
JOHN F. STEWART +  
CRAIG R. HERSCH\*\*  
D. HUGH KINSEY, JR.  
OF COUNSEL  
JOHN W. SHEPPARD \*

- \* BOARD CERTIFIED: WILLS, TRUSTS & ESTATES
- CERTIFIED PUBLIC ACCOUNTANT (FL)
- + ALSO ADMITTED IN IOWA

**VIA FACSIMILE:** 939-1161

June 21, 2002

Mr. Tim Keene  
C/o Kinsey Associates Incorporated  
1342 Colonial Boulevard, #42  
Fort Myers, Florida 33907

Confirmation Copy

RE: LAKE POINTE COMMONS LLP, A FLORIDA LIMITED LIABILITY PARTNERSHIP AND LAKE POINTE COMMONS PROFESSIONAL OFFICE CONDOMINIUM ASSOCIATION, INC.

Dear Tim:

This will confirm that James E. Kinsey, Jr. is the duly appointed Managing Partner of Lake Pointe Commons LLP, a Florida Limited Liability Partnership. This will further confirm that James E. Kinsey, Jr. is the duly appointed President of Lake Pointe Commons Professional Office Condominium Association, Inc., a Florida Non-Profit Corporation. A copy of the organizational certificates for each of the entities from the Florida Secretary of State is attached. I trust this letter will be sufficient for your purposes in the vacation of easement preceding which you are now undertaking with Lee County. Please let me know if further information is required.

Very truly yours,

SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.

  
Jay A. Brett

JAB:kkc  
Attachments  
B-3355

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of LAKE POINTE COMMONS PROFESSIONAL OFFICE CONDOMINIUM ASSOCIATION, INC., a Florida corporation, filed on March 18, 2002, as shown by the records of this office.

The document number of this corporation is N02000002094.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Twenty-second day of March, 2002



CR2EO22 (1-99)

*Katherine Harris*

Katherine Harris  
Secretary of State

# State of Florida



Department of State

I certify from the records of this office that LAKE POINTE COMMONS, LLP is a Florida Limited Liability Partnership, filed on November 27, 2001.

The document number of this registration is LLP010001590.

I further certify that the status of said limited liability partnership is active.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Thirteenth day of March, 2002



CR2EO22 (1-99)

*Katherine Harris*

Katherine Harris  
Secretary of State

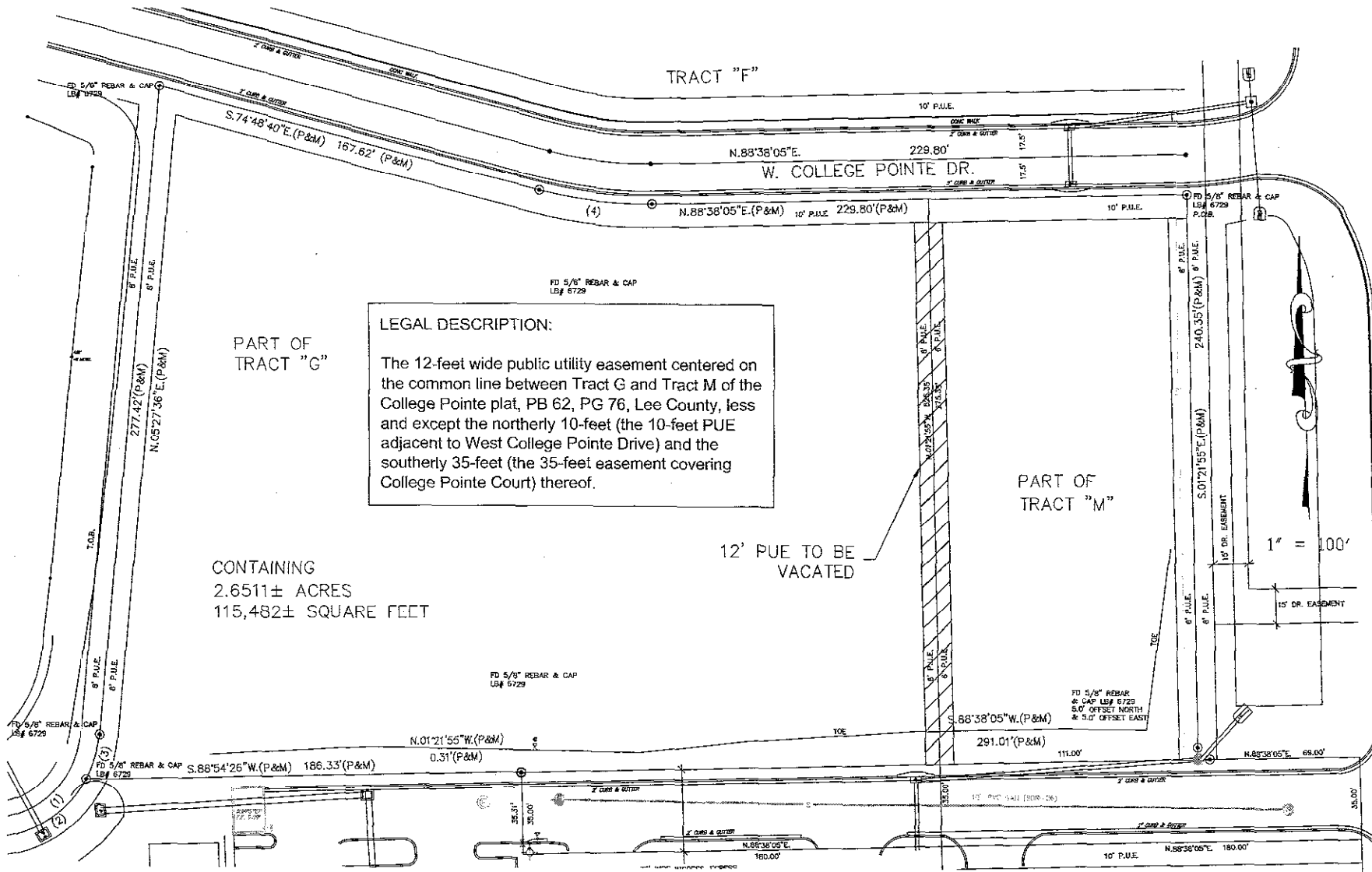
EXHIBIT "A"

LEGAL DESCRIPTION

Proposes 12-foot Public Utility Easement Vacation  
For  
Lake Pointe Commons, LLP

The 12-foot wide public utility easement centered on the common line between Tract G and Tract M of the College Pointe plat, PB 62, PG 76, Lee County, less and except the northerly 10-foot (the 10-foot PUE adjacent to West College Pointe Drive) and the southerly 35-foot (the 35-foot easement covering College Pointe Court) thereof.

Exhibit "B"



Scale 1" = 50'

Proposed 12-foot PUE Vacation

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

Discounts have been calculated, pay only one amt:	If Paid By Nov 30, 2001 <b>0.00</b>	If Paid By Dec 31, 2001 <b>0.00</b>	If Paid By Jan 31, 2002 <b>0.00</b>	If Paid By Feb 28, 2002 <b>0.00</b>	If Paid By Mar 31, 2002 <b>0.00</b>	Call for amt due after Mar 31, 2002
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020100 20019 164524430000M00007 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**

16-45-24-43-0000M.0000  
 ACCESS UNDETERMINED

WILTSHIRE WARREN B JR TR  
 P O BOX 1020  
 FORT MYERS FL 33902

**E & I#:** 20010924  
**REQUESTED:** 05/13/2002  
**PROCESSED:** 05/13/2002  
**BY** MXS1

To pay by phone or confirm receipt of your payment call the automated tax system (941) 332-8731.  
 See insert for details. **PIN Number: 01-00201705**

**PLEASE RETURN THIS PORTION WITH PAYMENT**

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001  
 WILTSHIRE WARREN B JR TR  
 P O BOX 1020  
 FORT MYERS FL 33902

DOR CODE: 10  
 MORTGAGE CODE: 000  
 DISTRICT CODE: 110

AD VALOREM TAXES			* See reverse side before calling	
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *
.0043277	99220.00	429.39	LEE CO GEN REV	(941) 335-2221
.0010124	99220.00	100.45	LEE CO CAP IMP	(941) 335-2221
.0026080	99220.00	258.77	LOCAL SCHOOL	(941) 337-8215
.0058700	99220.00	582.42	STATE SCHOOL	(941) 337-8215
.0012114	99220.00	120.20	LEE CO UNINCORP	(941) 335-2221
.0016800	99220.00	166.69	IONA MCG FIRE	(941) 433-0660
.0000358	99220.00	3.55	LEE CO HYACINTH	(941) 694-2174
.0009630	99220.00	95.55	LEE CO LIBRARY	(941) 335-2221
.0003595	99220.00	35.67	LEE CO MOSQUITO	(941) 694-2174
.0001000	99220.00	9.92	SFL WTR MGT/EVR	(561) 687-6461
.0000400	99220.00	3.97	W C INLD WATRWWY	(813) 485-9402
.0000733	99220.00	7.27	LEE CO ALL/HAZS	(941) 335-2186
.0005970	99220.00	59.23	SF WATR MGT DST	(561) 687-6461

**VALUES & EXEMPTIONS**

MARKET ASSESSED VAL	99220
SOH ASSESSED VAL	99220
TAXABLE VAL	99220

**REAL PROPERTY**

**LEGAL DESCRIPTION**

COLLEGE POINTE MULTI SECS  
 16+15 45-24 PB 62 PGS 76 THRU  
 78  
 BOOK: 2917 PAGE: 1379

**ACCOUNT & SITE ADDRESS**

16-45-24-43-0000M.0000  
 ACCESS UNDETERMINED

**\*PAID\***

1798.16 130648-12-10 11/27/2001

*Exhibit "C"*

NON-AD VALOREM ASSESSMENTS					* See reverse side before calling	
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *		
		1873.08	<b>COMBINED TOTAL</b>			

**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 <b>0.00</b>	If Paid By Dec 31, 2001 <b>0.00</b>	If Paid By Jan 31, 2002 <b>0.00</b>	If Paid By Feb 28, 2002 <b>0.00</b>	If Paid By Mar 31, 2002 <b>0.00</b>	Call for amt due after Mar 31, 2002
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020100 20019 164524430000600004 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**

16-45-24-43-0000G.0000  
 ACCESS UNDETERMINED

LAKE POINTE COMMONS LLP  
 P O BOX 1662  
 FORT MYERS FL 33902

**E & I#:** 20010924  
**REQUESTED:** 05/13/2002  
**PROCESSED:** 05/13/2002  
**BY** MXS1

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

See insert for details. PIN Number: 01-00201727

**PLEASE RETURN THIS PORTION WITH PAYMENT**

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

LAKE POINTE COMMONS LLP  
 P O BOX 1662  
 FORT MYERS FL 33902

DOR CODE: 00  
 MORTGAGE CODE: 000  
 DISTRICT CODE: 110

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	321810.00	1392.70	LEE CO GEN REV	(941) 335-2221	
.0010124	321810.00	325.80	LEE CO CAP IMP	(941) 335-2221	
.0026080	321810.00	839.28	LOCAL SCHOOL	(941) 337-8215	
.0058700	321810.00	1889.02	STATE SCHOOL	(941) 337-8215	
.0012114	321810.00	389.84	LEE CO UNINCORP	(941) 335-2221	
.0016800	321810.00	540.64	IONA MCG FIRE	(941) 433-0660	
.0000358	321810.00	11.52	LEE CO HYACINTH	(941) 694-2174	
.0009630	321810.00	309.90	LEE CO LIBRARY	(941) 335-2221	
.0003595	321810.00	115.69	LEE CO MOSQUITO	(941) 694-2174	
.0001000	321810.00	32.18	SFL WTR MGT/EVR	(561) 687-6461	
.0000400	321810.00	12.87	W C INLD WATR WY	(813) 485-9402	
.0000733	321810.00	23.59	LEE CO ALL/HAZS	(941) 335-2186	
.0005970	321810.00	192.12	SF WATR MGT DST	(561) 687-6461	

**VALUES & EXEMPTIONS**

MARKET ASSESSED VAL 321810  
 SOH ASSESSED VAL 321810  
 TAXABLE VAL 321810

**REAL PROPERTY**

**LEGAL DESCRIPTION**

COLLEGE POINTE MULTI SECS  
 16+15 45-24 PB 62 PGS 76 THRU  
 78  
 BOOK: 2917 PAGE: 1379

**ACCOUNT & SITE ADDRESS**

16-45-24-43-0000G.0000  
 ACCESS UNDETERMINED

**\*PAID\***

5832.14 130648-12-9 11/27/2001

NON-AD VALOREM ASSESSMENTS					* See reverse side before calling				
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *					
		6075.15	COMBINED TOTAL						

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.



INSTR # 5384043

OR BK 03599 PG 2439

This Instrument Prepared By:  
Charles B. Edwards, Esq.  
Smoot Adams Edwards Doragh & Brinson, P.A.  
Post Office Box 60259  
Fort Myers, Florida 33906-6259

RECORDED 03/15/02 03:41 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DOC TAX PD(F.S.201.02) 3,465.00  
DEPUTY CLERK M Bernard

Strap No.: 15-45-24-430000G.0000 and 15-45-24-43000M.0000

**TRUSTEE'S DEED**

**BY THIS DEED, WARREN B. WILTSHIRE, JR., individually and as Trustee under A. Donald Bass Revocable Trust dated 3-8-90, pursuant to an unrecorded Florida Land Trust with all the powers and authority permitted by Florida Statute 689.071, hereinafter called the Grantor, in consideration of \$10,00 and other valuable consideration paid by LAKE POINTE COMMONS, L.L.P. a Florida limited liability partnership, herein called Grantee, whose address is Post Office Box 1662, Fort Myers, Florida 33902, conveys to Grantee the following real property in Lee County, Florida:**

See Exhibit "A" attached hereto

Subject to:

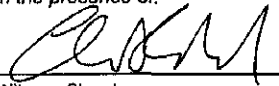
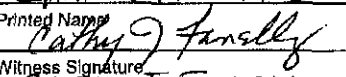
- (1) Declaration of Covenants, Operations and Reciprocal Easements recorded in O.R. Book 3055, Page 2863, as amended in O.R. Book 3079, Page 2631 and O.R. Book 3079, Page 2637, Public Records of Lee County, Florida.
- (2) Conditions and easements as shown and recited in Plat Book 62, Page 76 through 78 inclusive, Public Records of Lee County, Florida.
- (3) Non-exclusive blanket easement for 0.2 acres of open space lying in Tract "M" of College Pointe Subdivision, as recorded in Plat Book 62, Page 76 through 78 of the Public Records of Lee County, Florida as set forth in that Trustee's Deed from Warren B. Wiltshire, Jr., individually and as Trustee under the A. Donald Bass Revocable Trust dated the 8<sup>th</sup> day of March, 1990, grantor to V-BI, Limited Partnership, as recorded in O.R. Book 3055, Page 2923, Public Records of Lee County, Florida.
- (4) Taxes for the year 2002 and subsequent years.


**This property does not constitute the homestead of Grantor. Warren B. Wiltshire resides at 4 Georgetown Road, Fort Myers, Florida 33903**

**GRANTOR COVENANTS** with Grantee that Grantor has good right and lawful authority to sell and convey the property and Grantor warrants the title to the property for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

Dated this 14<sup>th</sup> day of March, 2002.

Signed, sealed and delivered  
in the presence of:

  
 Witness Signature  
CHARLES B. EDWARDS  
 Printed Name  
  
 Witness Signature  
CATHY J. FANELLY  
 Printed Name

  
 Warren B. Wiltshire, Jr., individually and as  
 Trustee under A. Donald Bass Revocable Trust  
 dated 3-8-90  
 PO Box 1020, Fort Myers, FL 33902-1020  
 Post Office Address

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of March, 2002, by Warren B. Wiltshire, Jr., individually and as Trustee of the A. Donald Bass Revocable Trust dated 3-8-90. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

NOTARY RUBBER STAMP SEAL



Cathy J. Fanally  
Commission # 064309  
Expires Dec. 18, 2003  
Bonded Thru  
Atlantic Bonding Co., Inc.

Cathy J. Fanally  
Notary Signature  
CATHY J. FANELLY  
Printed Notary Signature  
My Commission Expires: 12/18/2003

**Exhibit "A"**

A tract or parcel of land lying in part of tracts "G" and "M" of College Pointe Subdivision as recorded in Plat Book 62, Pages 76-78 of the Public Records of Lee County, Florida which is described as follows:

From the point of beginning being the northeast corner of Tract "M" of College Pointe Subdivision as recorded in Plat Book 62, Pages 76 thru 78; thence S.01°21'55"E for 240.35 feet along the east line of Tract "M" to the northerly right of way of a 35' ingress-egress, public utility and drainage easement as shown on said plat; thence S.88°38'05"W for 291.00 feet along said easement; thence N.01°21'55"W for 0.31 feet; thence S.88°54'26"W for 186.33 feet to a point on a curve concave to the west, radius 48.00 feet, central angle 23°19'51", chord bearing N.17°07'32"E., chord 19.41 feet; thence northerly along the arc of said curve for 19.55 feet to the point of tangency; thence N.05°27'36"E for 277.42 feet along the west line of tract "G" to the southerly right of way of W College Pointe Drive; thence S.74°48'40"E for 167.62 feet along said right of way to the point of curvature of a curve to the left; radius 167.50 feet, central angle 16°33'15"; thence easterly along the arc of said curve for 48.40 feet to the point of tangency; thence N.88°38'05"E for 229.80 feet to the point of beginning.

**LAKE POINTE COMMONS  
ADJACENT PROPERTY OWNERS LIST**

1. JIM KINSEY, MANAGING PARTNER  
PO 1662  
FORT MYERS, FL. 33902
  
2. WILTSHIRE WARREN B JR TR  
P O BOX 1020  
FT MYERS FL 33902
  
3. PHOENIX EQUITIES LTD  
15051 S TAMiami TRAIL #203  
FT MYERS FL 33901
  
4. FLORIDA GULF COAST BANK  
P O BOX 2939  
FORT MYERS FL 33902
  
5. V-B1 LTD PARTNERSHIP  
5601 SOUNDBLUFF RD  
OCEAN SPRINGS MS 39564
  
6. HEP-2-COL LC  
1541 SUNSET DR  
SUITE 300  
CORAL GABLES FL 33143

SEE ATTACHED MAP FOR LOCATION OF THE ABOVE.





May 14, 2002

WILTSHIRE WARREN B JR TR  
P O BOX 1020  
FT MYERS FL 33902

Re: Petition to Vacate 12' Public Utility Easement

Dear Sirs:

Please find attached a sketch depicting the location of a public utility easement. This easement is the subject of a Petition to Vacate. The petitioner, Lake Pointe Commons, LLP, is required to provide adjacent property owners notification of their request to vacate this easement.

Please feel free to give me a call if you have any questions.

Sincerely,  
*KEENE ENGINEERING, INC.*

A handwritten signature in black ink that appears to read 'Tim'.

William T. Keene, P.E.  
President

Attachment



KEENE  
ENGINEERING  
INCORPORATED

May 14, 2002

PHOENIX EQUITIES LTD  
15051 S TAMIAMI TRAIL #203  
FT MYERS FL 33901

Re: Petition to Vacate 12' Public Utility Easement

Dear Sirs:

Please find attached a sketch depicting the location of a public utility easement. This easement is the subject of a Petition to Vacate. The petitioner, Lake Pointe Commons, LLP, is required to provide adjacent property owners notification of their request to vacate this easement.

Please feel free to give me a call if you have any questions.

Sincerely,  
**KEENE ENGINEERING, INC.**

William T. Keene, P.E.  
President

Attachment





KEENE  
ENGINEERING  
INCORPORATED

May 14, 2002

FLORIDA GULF COAST BANK  
P O BOX 2939  
FORT MYERS FL 33902

Re: Petition to Vacate 12' Public Utility Easement

Dear Sirs:

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Please feel free to give me a call if you have any questions.

Sincerely,  
**KEENE ENGINEERING, INC.**

William T. Keene, P.E.  
President

Attachment



May 14, 2002

V-B1 LTD PARTNERSHIP  
5601 SOUNDBLUFF RD  
OCEAN SPRINGS MS 39564

Re: Petition to Vacate 12' Public Utility Easement

Dear Sirs:

Please find attached a sketch depicting the location of a public utility easement. This easement is the subject of a Petition to Vacate. The petitioner, Lake Pointe Commons, LLP, is required to provide adjacent property owners notification of their request to vacate this easement.

Please feel free to give me a call if you have any questions.

Sincerely,  
*KEENE ENGINEERING, INC.*

A handwritten signature in cursive script that reads 'William T. Keene'.

William T. Keene, P.E.  
President

Attachment



May 14, 2002

HEP-2-COL LC  
1541 SUNSET DR  
SUITE 300  
CORAL GABLES FL 33143

Re: Petition to Vacate 12' Public Utility Easement

Dear Sirs:

Please find attached a sketch depicting the location of a public utility easement. This easement is the subject of a Petition to Vacate. The petitioner, Lake Pointe Commons, LLP, is required to provide adjacent property owners notification of their request to vacate this easement.

Please feel free to give me a call if you have any questions.

Sincerely,  
**KEENE ENGINEERING, INC.**

A handwritten signature in cursive script, appearing to read 'William T. Keene', is written over the typed name.

William T. Keene, P.E.  
President

Attachment

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

895E 160E 2100 0250 0007

Postage	\$ .34	Postmark Here 5/14/02 #2
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>	

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
 Warren Wilbur  
 Street, Apt. No., or PO Box No.  
 POB 1020  
 City, State, ZIP+4  
 FM 33902

PS Form 3800, February 2000 See Reverse for Instructions

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

529E 160E 2100 0250 0007

Postage	\$ .34	Postmark Here 5/14/02 #4
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>	

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
 FLORIDA GOLF BANK  
 Street, Apt. No., or PO Box No.  
 POB 2939  
 City, State, ZIP+4  
 FM FL 33902

PS Form 3800, February 2000 See Reverse for Instructions

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

819E 160E 2100 0250 0007

Postage	\$ .34	Postmark Here 5/14/02 #6
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>	

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
 HEP-2-COL LLC  
 Street, Apt. No., or PO Box No.  
 1541 Sunset DR Suite 300  
 City, State, ZIP+4  
 Coral Gables, FL 33143

PS Form 3800, February 2000 See Reverse for Instructions

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

565E 160E 2100 0250 0007

Postage	\$ .34	Postmark Here 5/14/02 #3
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>	

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
 Phoenix Equities Ltd  
 Street, Apt. No., or PO Box No.  
 15051 Starniami Trail #203  
 City, State, ZIP+4  
 Ft Myers, FL 33908

PS Form 3800, February 2000 See Reverse for Instructions

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

109E 160E 2100 0250 0007

Postage	\$ .34	Postmark Here 5/14/02 #5
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>	

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
 VBI Ltd Partnership  
 Street, Apt. No., or PO Box No.  
 5611 Sandbluff Rd  
 City, State, ZIP+4  
 Ocean Springs, MS 39564

PS Form 3800, February 2000 See Reverse for Instructions

NOTICES TO AFFECTED  
 PROPERTY OWNERS  
 SENT CERT. MAIL  
 ON 5/14/02



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number (941)479-8531

Bob Janes  
District One

Douglas R. St. Cerny March 11, 2002  
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

William T. Keene  
Keene Engineering, Inc.  
1342 Colonial Blvd., Suite 42  
Fort Myers, FL 33907

**SUBJECT: VACATE PUBLIC UTILITY EASEMENT  
COLLEGE POINTE  
STRAP #: 16-45-24-43-0000G.0000 & M.0000**

Dear Mr. Keene:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate the existing 12-foot wide public utility easement centered on the common line between Tract G and Tract M, College Pointe as recorded in Plat Book 62, page 76 of Lee County Public Records, less and except the northerly 10-foot and the southerly 35-feet thereof.

Lee County Utilities has reviewed your request and has **NO OBJECTION** to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, we have no potable water or sanitary sewer facilities within the area to be vacated.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8531.

Sincerely,

**LEE COUNTY UTILITIES**

Terry A. Kelley  
Utilities Engineering Technician III  
Utilities Engineering Division

VIA FACSIMILE #939-1161  
Original mailed 03/11/02

S:\UTILS\Engn\TAK\LETTERS\VAC\FY 2001\Keene Engineering - College Pointe PUE - No Objection.doc



Box 370  
Fort Myers, Florida 33902-0370

March 11, 2002

William T. Keene, P.E.  
Keene Engineering, Inc.  
1342 Colonial Blvd. Suite 42  
Fort Myers, Florida 33907

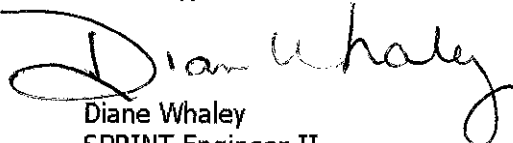
Re: Request vacation of 12' easement located at following parcels:  
STRAP NO. 16-45-24-43-0000G.0000  
STRAP NO. 16-45-24-43-0000M.0000  
Plat Book 62 Page 76

Dear Mr. Keene:

I am responding to your letter of March 1, 2002. Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, Sprint has no objection to the vacation of easement.

If I can be of further assistance, please contact me at 941-336-2049.

Sincerely,

  
Diane Whaley  
SPRINT Engineer II

Date: 3-5-02

William T. Keene, P.E.  
Keene Engineering, Inc.  
1342 Colonial Blvd. Ste 42  
Fort Myers, Florida 33907

Re: Request for a Letter of Review and Recommendation on a proposed easement vacation located on the following parcels: STRAP No. 16-45-24-43-0000G.0000 and 16-45-24-43-0000M.0000

Dear Mr. Keene:

We have reviewed the above referenced public utility easement vacation request. Our response is as follows:

We have no objection and recommend approval of the request.

We provide the following comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

*Jane Gunter*

*Jane Gunter*  
Name \_\_\_\_\_  
FPL

Company \_\_\_\_\_  
15834 Winkler Rd, FM

Address \_\_\_\_\_  
941-415-1329

Phone \_\_\_\_\_

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



March 6, 2002

William T. Keene, P.E.  
Keene Engineering Incorporated  
1342 Colonial Blvd, Ste 42  
Fort Myers, Florida 33907

Re: The 12-foot wide public utility easement centered on the common line between Tract G and Tract M of the College Pointe plat, PB 62, PG76, Lee County, Less and except the northerly 10-foot ( the 10-foot PUE adjacent to West College Pointe Drive) and the southerly 35-foot (the 35-foot easement covering College Pointe Court ) thereof.

Dear Mr. Keene:

Comcast has no objections to your proposed petition to vacate the public easements of the above referenced tracts, in the College Pointe area of South Fort Myers. We currently do not have any cable facilities at this site, and have no future plans to extend our plant at this time.

We thank you for taking our opinion into consideration. If you should require further information or assistance, please feel free to contact me here.

Cordially,

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

Lucia Vera  
Project Coordinator  
Comcast



Date: 4-2-02

William T. Keene, P.E.  
Keene Engineering, Inc.  
1342 Colonial Blvd. Ste 42  
Fort Myers, Florida 33907

Re: Request for a Letter of Review and Recommendation on a proposed easement vacation located on the following parcels: STRAP No. 16-45-24-43-0000G.0000 and 16-45-24-43-0000M.0000

Dear Mr. Keene:

We have reviewed the above referenced public utility easement vacation request. Our response is as follows:

We have no objection and recommend approval of the request.

We provide the following comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

BEN Streeter

Name

Time Warner Cable

Company

1418 SE 10<sup>th</sup> St. Cape Coral, FL 33990

Address

(941) 772-2218 ext. 120

Phone

# AmeriGas

*America's Propane Company*

March 25, 2002

Mr. William T. Keene, P.E.  
Keene Engineering Incorporated  
1342 Colonial Boulevard, Ste 42  
Fort Myers, Florida 33907

RE: EASMENT OF VACATION


Dear Mr. Keene:

In reference to your letter dated March 1, 2002, AmeriGas has no interest on right of way on the following parcels:

STRAP NO: 16-45-24-43-0000G.0000  
STRAP NO: 16-45-24-43-0000M.0000

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

Sincerely,



Teresa Michaels  
Customer Manager



**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 27, 2002

William T. Keene, P.E.  
Keene Engineering, Inc.  
1342 Colonial Blvd.  
Suite 42  
Fort Myers, FL 33907

Re: Recommendation for proposed vacation of a 12' Public Utility Easement  
Case #VAC2002-00023

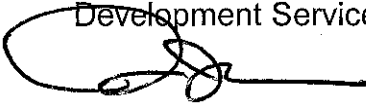
Dear Mr. Keene:

This office has received your request to vacate 12-foot wide Public Utility Easement centered on the common line between Tract G and Tract M of the College Pointe Plat, as recorded in Plat Book 62, Page 76, Lee County, Florida, less and except the northerly 10 feet and the southerly 35 feet thereof.

You indicate that as the result of developing a commercial 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\3\D&PUE.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

(941) 479-8124

**BOARD OF COUNTY COMMISSIONERS**

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

**Thursday, March 21, 2002**

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Mr. William T. Keene, P.E.**  
**1342 Colonial Blvd, Ste. 42**  
**Fort Myers, FL 33907**

**Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Tracts G and M, College Point Subdivision as recorded in Plat Book 62 at Page 76, Public Records of Lee County, Florida.**

**Dear Mr. Keene:**

**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 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\vac245.doc

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
District One

March 21, 2002

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mr. William T. Keene, P.E.  
Keene Engineering, Inc.  
1342 Colonial Blvd., Suite 42  
Fort Myers, FL 33907

**RE: Request for a Letter of Review and Recommendation  
On a proposed Easement Vacation located on the  
Following parcels: STRAP No. 16-45-24-43-0000G.0000  
And 16-45-24-43-0000M.0000 (Lake Pointe Commons)**

Dear Mr. Keene:

Lee County Department of Transportation has reviewed the above referenced public utility easement vacation request. DOT offers no objection to the vacation as proposed. DOT has no utilities in these easements.

Sincerely,

DEPARTMENT OF TRANSPORTATION

  
Scott M. Gilbertson, P.E.  
Director

MAL/SMG/mlb

Cc: Peter Eckenrode, Development Services Director  
Allen Davies, DNRM  
Terry Kelley, Utilities  
DOT PTV File (Lake Pointe Commons)

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2002-00023**

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. VAC2002-00023 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"

LEGAL DESCRIPTION

Proposes 12-foot Public Utility Easement Vacation  
For  
Lake Pointe Commons, LLP

The 12-foot wide public utility easement centered on the common line between Tract G and Tract M of the College Pointe plat, PB 62, PG 76, Lee County, less and except the northerly 10-feet (the 10-foot PUE adjacent to West College Pointe Drive) and the southerly 35-feet (the 35-foot easement covering College Pointe Court) thereof,

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00023

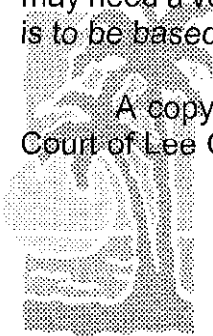
## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the \_\_\_\_\_ 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

S O U T H W E S T F L O R I D A

Deputy Clerk Signature

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

APPROVED AS TO FORM

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

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



EXHIBIT "A"

LEGAL DESCRIPTION

Proposes 12-foot Public Utility Easement Vacation  
For  
Lake Pointe Commons, LLP

The 12-foot wide public utility easement centered on the common line between Tract G and Tract M of the College Pointe plat, PB 62, PG 76, Lee County, less and except the northerly 10-feet (the 10-foot PUE adjacent to West College Pointe Drive) and the southerly 35-feet (the 35-foot easement covering College Pointe Court) thereof.