

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20021273

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00050 to Vacate a Twelve foot wide Public Utility Easement common to Lots 11 and 12, Block 77, Unit 8 a Subdivision of Lehigh Acres, Florida, and set a Public Hearing for 5:00 p.m. on the 10th day of December, 2002.

WHY ACTION IS NECESSARY: To construct a Single Family Residence. 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 THE ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 05

C4B

3. MEETING DATE:

11-19-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____

B. DEPARTMENT Community Development

C. DIVISION Development Services

BY: *[Signature]* 10/29/02
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Mr. & Mrs. James Garecht.

LOCATION: The Public Utility Easement is between Lots 11 & 12, Block 77, Unit 8, Lehigh Acres, as recorded in the Official Records of Lee County, Florida, Section 34, Township 44, Range 26 East, Less and Except the North and South 6 feet thereof. The site is located at 3900 13th St., SW, Lehigh Acres, 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, 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 Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>[Signature]</i>	N/A	N/A		<i>[Signature]</i>	QA <i>[Signature]</i> 11/4/02	OM <i>[Signature]</i> 11/7/02	Risk <i>[Signature]</i> 11/07/02	GC <i>[Signature]</i> 11-5-02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/30/02
Time: 4:17m
Forwarded To:
Admin
11/1/02 11:47m

RECEIVED BY
COUNTY ADMIN. *[Signature]*
11-1-02
11:00
COUNTY ADMIN.
FORWARDED TO: *[Signature]*
11/1/02 11:30

PETITION TO VACATE

Case Number: VAC 2002-00050

Petitioner(s), Jim & Laurie Garecht

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, 3701 127th St SW Lehigh FLA 33971.
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: James H. Garecht
Petitioner Signature

JAMES H. GARECHT
Printed Name

By: Laurie J. Garecht
Petitioner Signature

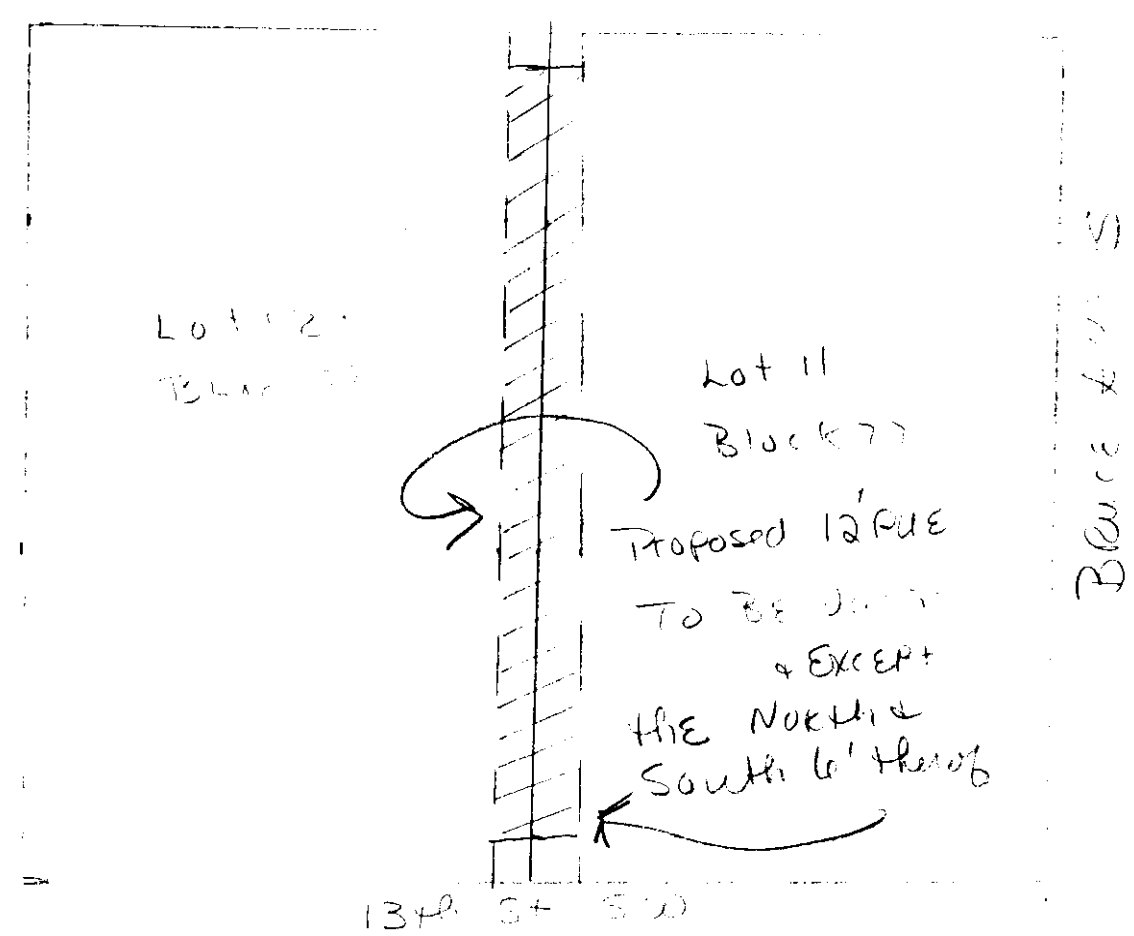
Laurie J. Garecht
Printed Name

LEGAL DESCRIPTION

A 12 foot wide Public Utility Easement centered on the lot line common to Lots 11 and 12, Block 77, Unit 8, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 90, as recorded in the Official Records of Lee County, Florida, Section 34, Township 44 S, Range 26 East, Less and Except the North and South 6 feet thereof.

EXHIBIT A

↑
NORTH
1" = 30'



MR & MRS JAMES GALECHY
2900 13th St SW
LEHIGH AREA
34-44-26 08 00077-0110
Block 77 lots 11 & 12.

EXHIBIT E

WARRANTY DEED

This instrument prepared by:
Susan Vertefeuille
Morgan & Associates Title Company
55 Homestead Road
Lehigh Acres, FL 33936
(941) 369-8033

I HEREBY CERTIFY THAT THIS INSTRUMENT HAS BEEN RECORDED IN ACCORDANCE WITH THE PUBLIC RECORDS ACT OF FLORIDA.

INSTR # 5416339
OR BK 03623 PG 0857
RECORDED 04/15/2002 11:19:31 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 25.20
DEPUTY CLERK C Keller

Strap No. 34-44-26-08-00077.0110

File No. 02-020063

INSTR # 5542614
OR BK 03710 PG 4131
RECORDED 08/21/2002 04:40:56 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 25.20
DEPUTY CLERK C Keller

THIS INDENTURE, Made this 26 day of Feb, 2002, Between

Ferrel E. Shelley, a single person
106 Cherokee Drive, Greenwood, South Carolina 29646
of the County of Greenwood, State of South Carolina, Grantor, and
Laurie

James H. Garecht and Laura J. Garecht, husband and wife
N1489 Hillside Road, Lake Geneva, Wisconsin 53147
of the County of Lake Geneva, State of Wisconsin, Grantee.

WITNESSETH, That said grantor, for and in consideration of the sum of ***** TEN AND 00/100 ***** DOLLARS, and other good and valuable considerations to said grantor in hand paid by said grantee the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to grantee, grantee's heirs and assigns forever the following described property in Lee County, Florida, to wit:

Lot 11, Block 77, Unit 8, Section 34, 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 15, page 90, Public Records of Lee County, Florida.

Subject to reservations, restrictions and easements of record.

And the grantor does hereby fully warrant the title to such land and will defend the same against the lawful claims of all persons whomsoever.

*Re-recorded to correct first name of grantee.

Page 2 of Warranty Deed

IN WITNESS WHEREOF, Grantor has executed this deed on the day and year first written.
Signed, Sealed and delivered in our presence:

Sam Champion
Witness (Two Required)
Sam Champion
Print Name of Witness

Ferrel E Shelly
Ferrel E. Shelly

Angie Haden
Witness (Two Required)
Angie Haden
Print Name of Witness

STATE OF S.C. COUNTY OF GREENWOOD

The foregoing instrument was acknowledged before me this 26 day of Feb., 2002
by Ferrel E. Shelley who is personally known to me or produced
SCID as identification and did not take an oath.

My Commission Expires:
(Notary Seal)
My Commission Expires February 15, 2005

Cynthia Penkell
Notary Public

WARRANTY DEED

1 1000 00 000 10 000 00 110 00 000 10 000 1 1000

This instrument prepared by:
Susan Vertefeuille
Morgan & Associates Title Company
55 Homestead Road
Lehigh Acres, FL 33936
(941) 369-8033

INSTR # 5416337
DR BK 03623 PG 0853
RECORDED 04/15/2002 11:18:32 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 25.20
DEPUTY CLERK C Keller

Strap No. 34-44-26-08-00077.0120

File No. 02-020063

THIS INDENTURE, Made this 28th day of February, 2002, Between

Karen A. Swiney, a single person
4985 Ruth Road, Virginia Beach, Virginia 23464
of the County of Virginia Beach, State of Virginia, Grantor, and

James H. Garecht and Laura J. Garecht, husband and wife
N1489 Hillside Road, Lake Geneva, Wisconsin 53147
of the County of Lake Geneva, State of Wisconsin, Grantee,

WITNESSETH, That said grantor, for and in consideration of the sum of ***** TEN AND 00/100 ***** DOLLARS, and other good and valuable considerations to said grantor in hand paid by said grantee the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to grantee, grantee's heirs and assigns forever the following described property in Lee County, Florida, to wit:

Lot 12, Block 77, Unit 8, Section 34, 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 15, page 90, Public Records of Lee County, Florida.

Subject to reservations, restrictions and easements of record.

And the grantor does hereby fully warrant the title to such land and will defend the same against the lawful claims of all persons whomsoever.

Page 2 of Warranty Deed

IN WITNESS WHEREOF, Grantor has executed this deed on the day and year first written. Signed, Sealed and delivered in our presence:

[Signature]
Witness (Two Required)
HARVE SAUNDERS, JR.
Print Name of Witness

[Signature]
Karen A. Swiney

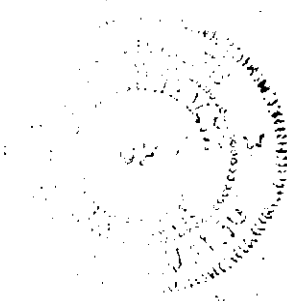
[Signature]
Witness (Two Required)
RITA H. CONWELL
Print Name of Witness

STATE OF Virginia COUNTY OF Norfolk

The foregoing instrument was acknowledged before me this 28th day of February, 2002 by Karen A. Swiney who is personally known to me or produced Civil Service I.D. as identification and did not take an oath.

My Commission Expires: 30 NOV 2004
(Notary Seal)

[Signature]
N. Grimes
Notary Public



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 34426080007701100 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

34-44-26-08-00077.0110
3900 13TH ST SW

GARECHT JAMES H + LAURIE J
N1489 HILLSIDE RD
LAKE GENEVA WI 53147

E & I #: 20011195
REQUESTED: 09/03/2002
PROCESSED: 09/03/2002
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: 01-00462713

PLEASE RETURN THIS PORTION WITH PAYMENT

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

GARECHT JAMES H + LAURIE J
N1489 HILLSIDE RD
LAKE GENEVA WI 53147

DOR CODE: 00
MORTGAGE CODE: 000
DISTRICT CODE: 060

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	1600.00	6.92	LEE CO GEN REV	(239) 335-2221	
.0010124	1600.00	1.62	LEE CO CAP IMP	(239) 335-2221	
.0012114	1600.00	1.94	LEE CO UNINCORP	(239) 335-2221	
.0026080	1600.00	4.17	LOCAL SCHOOL	(239) 337-8215	
.0058700	1600.00	9.39	STATE SCHOOL	(239) 337-8215	
.0005970	1600.00	0.96	SF WATR MGT DST	(561) 682-6486	
.0000358	1600.00	0.06	LEE CO HYACINTH	(239) 694-2174	
.0009630	1600.00	1.54	LEE CO LIBRARY	(239) 335-2221	
.0003595	1600.00	0.58	LEE CO MOSQUITO	(239) 694-2174	
.0030000	1600.00	4.80	LEHIGH ACRS FIRE	(239) 334-1600	
.0003082	1600.00	0.49	LEHIGH ACS LIGHT	(239) 335-2186	
.0001000	1600.00	0.16	SFL WTR MGT/EVR	(561) 682-6486	
.0000400	1600.00	0.06	W C INLD WATRWWY	(813) 485-9402	
.0000733	1600.00	0.12	LEE CO ALL/HAZS	(239) 335-2186	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	1600
SOH ASSESSED VAL	1600
TAXABLE VAL	1600

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 8 BTK.77
PB 15 PG 90 LOT 11
BOOK: 252 PAGE: 793

ACCOUNT & SITE ADDRESS

34-44-26-08-00077.0110
3900 13TH ST SW

PAID

53.31 11761-341-1 11/09/2001

NON-AD VALOREM ASSESSMENTS					* See reverse side before calling
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *	
90.89000	PER ACRE	22.72	E CO WATR CONTL	(239) 368-0044	
		55.53	COMBINED TOTAL		

The Tax Certificate Sale began on May 16, 2002. Certificates were sold on all unpaid real estate taxes, resulting in additional charges. Contact the Tax Collector's Office at (941) 339-6000 if you have any questions.

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 344426080007701208 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

34-44-26-08-00077.0120
3902 13TH ST SW

GARECHT JAMES H + LAURIE J
N1489 HILLSIDE RD
LAKE GENEVA WI 53147

E & I #: 20011195
REQUESTED: 09/03/2002
PROCESSED: 09/03/2002
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: 01-00462714

PLEASE RETURN THIS PORTION WITH PAYMENT

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

GARECHT JAMES H + LAURIE J
N1489 HILLSIDE RD
LAKE GENEVA WI 53147

DOR CODE: 00
MORTGAGE CODE: 000
DISTRICT CODE: 060

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	1600.00	6.92	LEE CO GEN REV	(239) 335-2221	
.0010124	1600.00	1.62	LEE CO CAP IMP	(239) 335-2221	
.0012114	1600.00	1.94	LEE CO UNINCORP	(239) 335-2221	
.0026080	1600.00	4.17	LOCAL SCHOOL	(239) 337-8215	
.0058700	1600.00	9.39	STATE SCHOOL	(239) 337-8215	
.0005970	1600.00	0.96	SF WATR MGT DST	(561) 682-6486	
.0000358	1600.00	0.06	LEE CO HYACINTH	(239) 694-2174	
.0009630	1600.00	1.54	LEE CO LIBRARY	(239) 335-2221	
.0003595	1600.00	0.58	LEE CO MOSQUITO	(239) 694-2174	
.0030000	1600.00	4.80	LEHIGH ACRS FIRE	(239) 334-1600	
.0003082	1600.00	0.49	LEHIGH ACS LIGHT	(239) 335-2186	
.0001000	1600.00	0.16	SFL WTR MGT/EVR	(561) 682-6486	
.0000400	1600.00	0.06	W C INLD WATRWWY	(813) 485-9402	
.0000733	1600.00	0.12	LEE CO ALL/HAZS	(239) 335-2186	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	1600
SOH ASSESSED VAL	1600
TAXABLE VAL	1600

REAL PROPERTY

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 8 BLK. 77
PB 15 PG 90 LOT 12
BOOK: 227 PAGE: 578

ACCOUNT & SITE ADDRESS

34-44-26-08-00077.0120
3902 13TH ST SW

PAID

53.86 12266-275-1 12/31/2001

NON-AD VALOREM ASSESSMENTS			* See reverse side before calling	
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *
90.89000	PER ACRE	22.72	E CO WATR CONTL	(239) 368-0044
		55.53	COMBINED TOTAL	

The Tax Certificate Sale began on May 16, 2002. Certificates were sold on all unpaid real estate taxes, resulting in additional charges. Contact the Tax Collector's Office at (941) 339-6000 if you have any questions.

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.



Post Office Box 3455
North Fort Myers, FL 33918-3455
(941) 995-2121 • FAX (941) 995-7904
www.lcec.net • www.ilinc.com

July 31, 2002

Mr. and Mrs. James Garecht
c/o Frank Borek
3901 12th St. SW
Lehigh Acres, FL 33971

Re: Strap No. 34-44-26-08-00077.0110
Strap No. 34-44-26-08-00077.0120

Dear Mr. and Mrs. Garecht:

LCEC does not object to vacation of the platted easements described as follows:

A 12-foot-wide utility and/or drainage easement centered on the lot line common to Lots 11 and 12, Block 77, Unit 8, a subdivision of Lehigh acres, as recorded in Plat Book 15, page 90, LESS and EXCEPT the north 6 feet and the south 6 feet thereof.

Please call me at 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin
Real Property Representative



August 26, 2002

Tim & Laura Garecht
c/o Frank Borek
3901 12th Street SW
Lehigh Acres, FL 33972

Re: STRAP# 34-44-26-08-00077-0110
STRAP# 34-44-26-08-00077-0120
A 12-foot wide Utility and/or Drainage Easement centered on the
lot line common to Lots 11 & 12, Block 77, Unit 8, a subdivision
of Lehigh Acres as recorded in Plat Book 15, Page 90 less and
except the north/east 6 feet and the south/west 6 feet thereof.

Dear Mr. & Mrs. Garecht:

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

AN ALLETE COMPANY

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

Water For Florida's Future



Lehigh Acres, Florida 33902-0370

August 8, 2002

Mr. & Mrs. James Garecht
C/O Mr. Frank Bozek
3901 12th Street S.W.
Lehigh Acres, Florida 33936

RE: Vacation of Easement – Lots ~~11~~ & 12, Unit 8, Block 77,
Section 34, Township 44 South, Range 26 East. As recorded in Plat Book 15, Page 90,
Public Records of Lee County Florida.
A 12 foot wide public utility and drainage easement centered
On the lot line between the above listed lots.

Dear Mr. & Mrs. Garecht:

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

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

Sincerely,

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

Wayneth Jackson
Engineer



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

August 20, 2002

Jim & Laurie Garecht
C/O Frank Boze'c
3901 12th St SW
Lehigh Acres, FL 33971

Re: Request for a Letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location:
Strap #34-44-26-08-00077-0120
Strap #34-44-26-02-00077-0110

Dear Frank Boze'c,

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

Sincerely,

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

Scott Miller
Design Coordinator



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: ~~479-8585~~

John E. Manning
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

October 28, 2002

Mr. & Mrs. James Garecht
3901 12th St., SW,
Lehigh Acres, FK 33971

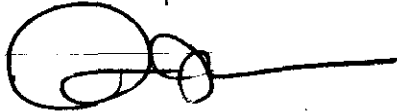
Re: VAC2002-00050/12 foot Public Utility easement common to lots 11 & 12, 34-44-26-08-00077.0110

Dear Mr. & Mrs. Garecht:

You indicated that as a 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/sam

U:\200210\VAC20020.005\0\reviewandrec.wpd



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Wednesday, August 14, 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. & Mrs. Jim Garecht
c/o Mr. Frank Bozek
3901 12th St. West
Lehigh Acres, FL 33971

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 1 and 12, Block 77, Unit 8, Lehigh Acres Subdivision as recorded in Plat Book 15 at Page 90, Public Records of Lee County, Florida.

Dear Mr. & Mrs. Garecht:

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 public utility and 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.
Engineer I
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\vac261.doc



BOARD OF COUNTY COMMISSIONERS

(941) 479-8580

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. Stillwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

August 1, 2002

James and Laurie Garecht
C/O Frank Borek
3901 12th Street SW
Lehigh Acres, FL 33971

**RE: PETITION TO VACATE THE 12 FOOT WIDE UTILITY EASEMENT
ON THE LOT LINE COMMON TO LOTS 11 AND 12, BLOCK 77,
UNIT 8.**

Dear Mr. & Mrs. Garecht:

Lee County Department of Transportation has reviewed your request to vacate the above described utility easement recorded in Plat Book 15, Page 90. DOT does not have any facilities within the easement and does not maintain the easement.

Lee County Department of Transportation offers no objection to this petition to vacate.

Sincerely,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right Of Way Supervisor

JK/ML/lhc

cc: PTV File – (Lehigh Garecht)

S:\DOCUMENT\Petition To Vacate\2002\Garecht - Lots 11 & 12.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00050**

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. VAC2002-00050 is set for the
_____ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

LEGAL DESCRIPTION

A 12 foot wide Public Utility Easement centered on the lot line common to Lots 11 and 12, Block 77, Unit 8, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 90, as recorded in the Official Records of Lee County, Florida, Section 34, Township 44 S, Range 26 East, Less and Except the North and South 6 feet thereof.

EXHIBIT A

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00050

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of December 2002 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

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