

1. **REQUESTED MOTION:**

ACTION REQUESTED: Accept a Petition VAC2002-00054 to Vacate a 12-foot wide Public Utility Easement centered on Lots 22 and 23, Town and River Estates, Unit 2 and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 25th day of February, 2003.

WHY ACTION IS NECESSARY: To demolish two existing homes and combine the lots into one residential building 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 #: 3

04

C4A

3. **MEETING DATE:**

01-21-2003

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: *[Signature]* 11/22/02

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The complete Petition to Vacate was submitted by Mark Ebelini, agent for High Tide Real Estate Partnership and Frank Galeana, Jr., and Jamie Beth Gates Galeana.

LOCATION: A 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East, as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida. The site is located at 778 & 794 Cypress Lake Circle.

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

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

Attached to this Blue sheet is the Resolution with exhibits.

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>WPM 1/9</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>				<i>[Signature]</i> 1-8-03	<i>[Signature]</i> 1/9/03	<i>[Signature]</i> 1/9/03	<i>[Signature]</i> 1/9/03	<i>[Signature]</i> 1-9-03	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 1/22/03
Time: 4:05 PM
Forwarded To:

Rec. by CoAtty
Date: 1/23/03
Time: 2:52 PM
Forwarded To:
CO. ADM.
1/8/03 3PM

RECEIVED BY
COUNTY ADMIN.
1-8-02
2:45
COUNTY ADMIN.
FORWARDED TO:
BA

PETITION TO VACATE

Case Number: VAC2002-00054

Frank Galeana Jr. and Jamie Beth Gates Galeana, and
Petitioner(s), High Tide Real Estate Partnership

requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows: c/o Mark A. Ebelini, Esq.

Knott, Consoer, Ebelini, Hart & Swett, P.A.

1. Petitioner(s) mailing address, 1625 Hendry St., Ft. Myers, FL 33901
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. (not applicable - Petitioners own properties surrounding easements to be vacated)
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
Agent for Petitioners

Mark A. Ebelini, Esq.

Printed Name

By:

Petitioner Signature

Printed Name

RECEIVED
DEC 03 2007

COMMUNITY DEVELOPMENT

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

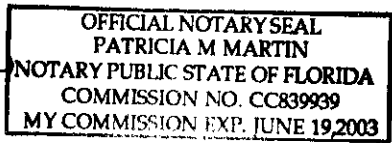
The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as: 794 Cypress Lake Circle (Strap #20-45-24-05-000L0.0220) and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Knott, Consoer, Ebelini, Hart & Swett, P.A. as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. These representatives will remain the only entities to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Jamie Beth Gates Galeana
Owner Jamie Beth Gates Galeana

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 2ND day of December, 2002 by Jamie Beth Gates Galeana who is personally known to me or has produced FL License as identification.



Patricia M Martin
Notary Public
PATRICIA M MARTIN
(Name typed, printed or stamped)

6450-422-63-901-0
*If more than one owner then all owners must sign. See explanation on back.

RECEIVED
DEC 03 2002

Lee County Community Development

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

RECEIVED

DEC 03 2002

DEVELOPMENT

94 2002-08-03

EXHIBIT "A"

Address: 794 Cypress Lake Circle
Fort Myers, FL 33919

Strap #: 20-45-24-05-000L0.0220

Legal: Lot 22, Block "L", less the Westerly 5 feet thereof, of that certain subdivision known as TOWN & RIVER ESTATES UNIT 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 23 at Page 56; said Westerly 5 feet being more particularly described as follows: Begin at the Southeast corner of Lot 23, Block "L", TOWN & RIVER ESTATES, as recorded in Plat Book 23, Page 56, Lee County, Florida, records; thence North 0°59'46.4" West, 90 feet along the line common to Lots 23 and 22; thence North 56°07'53" East, 5.95 feet; thence South 0°59'46.4" East, 93.23 feet; thence South 89°00'13.6" West, 5.0 feet to the Point of Beginning.

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as: 794 Cypress Lake Circle (Strap #20-45-24-05-000L0.0220) and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Knott, Consoer, Ebelini, Hart & Swett, P.A. as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. These representatives will remain the only entities to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

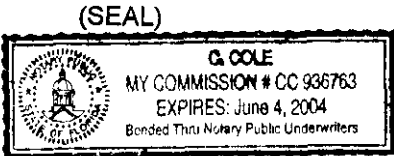
[Handwritten Signature]
Owner Frank Galeana, Jr.

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this _____ day of September, 2002 by Frank Galeana, Jr. who is personally known to me or has produced _____ as identification.

C Cole
Notary Public

C Cole
(Name typed, printed or stamped)



*If more than one owner then all owners must sign. See explanation on back.

1/3/03

VA E 2002-00054

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

EXHIBIT "A"

Address: 794 Cypress Lake Circle
Fort Myers, FL 33919

Strap #: 20-45-24-05-000L0.0220

Legal: Lot 22, Block "L", less the Westerly 5 feet thereof, of that certain subdivision known as TOWN & RIVER ESTATES UNIT 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 23 at Page 56; said Westerly 5 feet being more particularly described as follows: Begin at the Southeast corner of Lot 23, Block "L", TOWN & RIVER ESTATES, as recorded in Plat Book 23, Page 56, Lee County, Florida, records; thence North 0°59'46.4" West, 90 feet along the line common to Lots 23 and 22; thence North 56°07'53" East, 5.95 feet; thence South 0°59'46.4" East, 93.23 feet; thence South 89°00'13.6" West, 5.0 feet to the Point of Beginning.

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as: 778 Cypress Lake Circle (Strap #20-45-24-05-000L0.0230) and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Knott, Consoer, Ebelini, Hart & Swett, P.A. as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. These representatives will remain the only entities to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

High Tide Real Estate Partnership,
a Florida General Partnership
Owner*

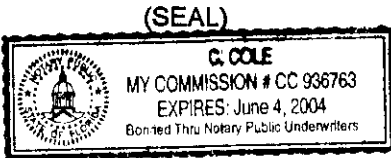
By: [Signature]
Frank Galeana, Jr., a General Partner

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this _____ day of September, 2002, by Frank Galeana, Jr., a General Partner of High Tide Real Estate Partnership, a Florida General Partnership, on behalf of the partnership. He is personally known to me or has produced _____ as identification.

C Cole
Notary Public

C Cole
(Name typed, printed or stamped)



*If more than one owner then all owners must sign. See explanation on back.

1/3/03

UAC 2002-00054

EXPLANATORY NOTES

Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:

- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
- 2) Where the property is subject to a land trust agreement, the trustee may initiate the application.
- 3) Where the fee owner is a corporation, any duly authorized corporate official may initiate the application.
- 4) Where the fee owner is a partnership, the general partner may initiate the application.
- 5) Where the fee owner is an association, the association may appoint an agent to initiate the application on behalf of the association.
- 6) Where the property is a condominium or time-share condominium, refer to Sec. 34-201(a)(1)b. for rules.
- 7) Where the property is a subdivision, refer to Sec. 34-201(a)(1)c. for rules.
- 8) Rezoning initiated by the Board of County Commissioners on property not owned by the county.

EXHIBIT "A"

Address: 778 Cypress Lake Circle
Fort Myers, FL 33919

Strap #: 20-45-24-05-000L0.0230

Legal: Lot 23 and the Westerly 5 feet of Lot 22, Block "L" of that certain subdivision known as Town & River Estates, Unit 2, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 23, Page 56, said Westerly 5 feet of Lot 22, Block "L" being more particularly described as follows: Begin at the Southeast corner of Lot 23, Block "L", Town & River Estates as recorded in Plat Book 23, Page 56, Lee County records. Thence N 0 degrees 59'46.4" W 90 feet along the line common to Lots 23 and 22; thence N 56 degrees 07'53" E 5.95 feet; thence S 0 degrees 59'46.4" E 93.23 feet; thence S 89 degrees 00'13.6" W. 5.0 feet to the point of beginning.

EXHIBIT "A"

A 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East, as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida.



Tax Collector

Cathy Curtis

Lee County, Florida

- [Home](#)
- [Taxes](#)
- [Vehicles & Vessels](#)
- [Hunting & Fishing](#)
- [Occupational Licenses](#)

Search...

- Home**
- Information**
- Record Search**
- Vehicles & Vessels
- Tangible Property
- Real Estate Property
- Tax Certificates
- Occupational Licenses
- Payments**
- Services**

Pay Online:



Real Property Information

Account	Tax Year	Status
20-45-24-05-000L0.0220	2002	PAID
Original Account	Book/Page	
20-45-24-05-000L0.0220	3263/4380	
Physical Address	Mailing Address	
GALEANA FRANK JR + GALEANA JAMIE BETH GATES 794 CYPRESS LAKE CIR FORT MYERS FL 33919	GALEANA FRANK JR + GALEANA JAMIE BETH GATES 794 CYPRESS LAKE CIR FT MYERS FL 33919 USA	
Legal Description		
TOWN + RIVER ESTS.UNIT 2 BLK.L PB 23 PG 56 LOT 22 LESS THE WLY 5 FT		
Total Amount Due as of 1/7/2003		\$C

See also:



Additional Information: Tax Detail

[New Search](#)

District	102
Market Assessed Value	\$319,060
Agricultural Exemption	\$0
Assessed SOH Value	\$319,060
Homestead Exemption	\$0
Other Exemption	\$0
Wholly Exemption	\$0
Taxable Value	\$319,060
Senior Exemption	\$0
Historical Exemption	\$0
Economic Exemption	\$0
Tax Amount	\$6,406
Ad Valorem Taxes	
Taxing Authority	Millage Rate Taxes Lev
PUBLIC SCHOOL - BY LOCAL BOARD	2.5990 \$829
PUBLIC SCHOOL - BY STATE LAW	5.9730 \$1,905

LEE COUNTY CAPITAL IMP	1.0124	\$323
LEE CO UNINCORPORATED - MSTU	1.2114	\$386
LEE COUNTY GENERAL REVENUE	4.3277	\$1,380
IONA MCGREGOR FIRE DISTRICT	1.7500	\$558
LEE COUNTY HYACINTH CONTROL	0.0327	\$10
LEE COUNTY LIBRARY FUND	0.9630	\$307
LEE COUNTY MOSQUITO CONTROL	0.3294	\$105
SFL WATER MGMT-EVERGLADE CONST	0.1000	\$31
TOWN & RIVER IMPROVEMENT MSTU	0.4535	\$144
WEST COAST INLAND WATERWAY	0.0400	\$12
LEE COUNTY ALL HAZARDS - UNINC	0.0733	\$23
SFL WATER MGMT-DISTRICT LEVY	0.5970	\$190

Non Ad Valorem Taxes

Taxing Authority	Rate	Amc
SOLID WASTE ASSESSMENT	1.0000	\$196

Nov 2002	Dec 2002	Jan 2003	Feb 2003	Mar 2003
\$6,150.41	\$6,214.48	\$6,278.55	\$6,342.61	\$6,406.68

[Back](#)

[Printable Version](#)

CC

Copyright © 2002 Lee County Tax Collector. All rights reserved. - View Site Policies



Tax Collector

Cathy Curtis

Lee County, Florida

- [Home](#)
- [Taxes](#)
- [Vehicles & Vessels](#)
- [Hunting & Fishing](#)
- [Occupational Licenses](#)

Search...

Home

- Information**
- Record Search**
- Vehicles & Vessels
- Tangible Property
- Real Estate Property
- Tax Certificates
- Occupational Licenses
- Payments**
- Services**

Pay Online:

Real Property Information

Account	Tax Year	Status
20-45-24-05-000L0.0230	2002	PAID
Original Account	Book/Page	
20-45-24-05-000L0.0230	3271/2593	
Physical Address	Mailing Address	
HIGH TIDE REAL ESTATE PTNSP C/O FRANK GALEANA JR + JAMIE 778 CYPRESS LAKE CIR FORT MYERS FL 33919	HIGH TIDE REAL ESTATE PTNSP C/O FRANK GALEANA JR + JAMIE 778 CYPRESS LAKE CIR FORT MYERS FL 33919 USA	
Legal Description		
TOWN + RIVER ESTS.UNIT 2 BLK.L PB 23 PG 56 LT 23 + PT LOT 22 WLY 5 FT LOT 22		
Total Amount Due as of 1/7/2003		\$0

See also:

Additional Information: Tax Detail [New Search](#)

District	102
Market Assessed Value	\$850,470
Agricultural Exemption	\$0
Assessed SOH Value	\$828,540
Homestead Exemption	\$25,000
Other Exemption	\$0
Wholly Exemption	\$0
Taxable Value	\$803,540
Senior Exemption	\$0
Historical Exemption	\$0
Economic Exemption	\$0
Tax Amount	\$15,888
Ad Valorem Taxes	
Taxing Authority	Millage Rate Taxes Lev
PUBLIC SCHOOL - BY LOCAL BOARD	2.5990 \$2,088
PUBLIC SCHOOL - BY STATE LAW	5.9730 \$4,799

LEE COUNTY CAPITAL IMP	1.0124	\$813
LEE CO UNINCORPORATED - MSTU	1.2114	\$973
LEE COUNTY GENERAL REVENUE	4.3277	\$3,477
IONA MCGREGOR FIRE DISTRICT	1.7500	\$1,449
LEE COUNTY HYACINTH CONTROL	0.0327	\$27
LEE COUNTY LIBRARY FUND	0.9630	\$773
LEE COUNTY MOSQUITO CONTROL	0.3294	\$272
SFL WATER MGMT-EVERGLADE CONST	0.1000	\$80
TOWN & RIVER IMPROVEMENT MSTU	0.4535	\$364
WEST COAST INLAND WATERWAY	0.0400	\$32
LEE COUNTY ALL HAZARDS - UNINC	0.0733	\$58
SFL WATER MGMT-DISTRICT LEVY	0.5970	\$479

Non Ad Valorem Taxes

Taxing Authority	Rate	Amc
SOLID WASTE ASSESSMENT	1.0000	\$196

Nov 2002	Dec 2002	Jan 2003	Feb 2003	Mar 2003
\$15,253.06	\$15,411.94	\$15,570.83	\$15,729.71	\$15,888.60

[◀ Back](#)

[Printable Version](#)

CC

Copyright © 2002 Lee County Tax Collector. All rights reserved. - View Site Policies

SUBJECT to easements, restrictions and reservations of record. And the said Grantor does hereby fully warrant the title to said land, and will defend that same against lawful claims of all persons whomsoever, except taxes for the year 2000 and subsequent.

Signed, Sealed and Delivered in Our Presence:

Thornton O. Beazell

Witness 1

Thornton O. Beazell

(Print Name of Witness 1)

Cynthia L. Roberts

Witness 2

Cynthia L. Roberts

(Print Name of Witness 2)

William D. Gaddie
WILLIAM D. GADDIE

Lera R. Gaddie
LERA R. GADDIE

(Two Separate Witnesses Required)

State of FLORIDA, County of LEE

The foregoing instrument was acknowledged before me this 21 day of June, 2000, by **WILLIAM D. GADDIE and LERA R. GADDIE, Husband and Wife**, who is/are personally known to me or who has/have produced driver licenses, as identification and who did take an oath.

Corrine Collins
Notary Public

(Print Name of Notary)

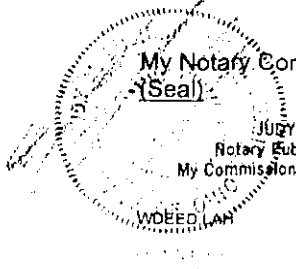
My Commission Expires:
(SEAL)



UAC200200054

State of Ohio
County of Cuyahoga

THE FOREGOING, instrument was acknowledged before me this 31 day
of May, 2000, by Helen Diersberger, who are personally
known to me or who have produced Driver's License as identification.



My Notary Commission Expires:
(Seal)

JUDY M. BUCHER
Notary Public, State of Ohio
My Commission Expires April 2, 2003

Judy M Bucher
Signature of Notary Public
Judy M Bucher
(Print Name of Notary)

UR 2002-00054

Lot 22, Block "L", less the Westerly 5 feet thereof, of that certain subdivision known as TOWN & RIVER ESTATES UNIT 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 23 at Page 56; said Westerly 5 feet being more particularly described as follows: Begin at the Southeast corner of Lot 23, Block "L", TOWN & RIVER ESTATES, as recorded in Plat Book 23, page 56, Lee County, Florida, records; thence North 0°59'46.4" West, 90 feet along the line common to Lots 23 and 22; thence North 56°07'53" East, 5.95 feet; thence South 0°59'46.4" East, 93.23 feet; thence South 89°00'13.6" West, 5.0 feet to the Point of Beginning.

INITIAL
17/3 D.



Florida Power & Light Company

November 15, 2002

Zsuzanna Weigel
Knott, Consoer, Ebelini, Hart & Sweet, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, FL 33901

Re: Proposed Vacation of Easement for 778 and 794 Cypress Lake Circle

Dear Ms. Weigel,

FPL would have no objection to vacating the two public utility easements of 6ft each along the lot line between 778 and 794 Cypress Lake Circle, Fort Myers, FL 33919, Town & River Estates, Unit 2 subdivision as recorded in Plat Book 23, Page 56 of Lee County Public Records.

If you have any question, please call me at (239) 415-1329.

Sincerely,

A handwritten signature in cursive script that reads "Jane Gunter".

Jane Gunter
Customer Project Manager



Box 570
Fort Myers, Florida 33902-0570

September 16, 2002

Knott, Consoer, Ebelini, Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, Florida 33902-2449

Attn: Zsuzsanna Weigel

RE: Town & River Estates, Unit 2 – PB23, Pg 56
778 & 794 Cypress Lake Circle
Petition to Vacate a Portion of a Utility Easement

Sprint-Florida Incorporated has reviewed the plans for the above referenced proposal. Based on the review of the request, we do not have any objections to the vacation of the utility easement of the western 6' of Lot 22 and the eastern 6' of Lot 23 on Cypress Lake Circle.

If you should have any questions or require additional information, please give me a call at (239) 336-2030.

Sincerely,
Sprint-Florida Incorporated

A handwritten signature in black ink that reads "Jack H. Mitchell". The signature is written in a cursive, slightly slanted style.

Jack H. Mitchell
Network Engineer I

cc: File

JAC. 2002 00054



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

RECEIVED
Knott, Consoer, Ebelini
Hart & Swett, P.A.

AM OCT 03 2002 PM
7 8 9 10 11 12 1 2 3 4 5 6



October 2, 2002

Knott, Consorer, Ebelini, Hart & Swett P.A.
C/O Zsuzsanna Weigel
PO BOX 2449
Ft Myers, FL 33902-2449

Re: Request for a Letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location:
Strap #20-45-24-02-000L0.0220
Strap #20-45-24-05-000L0.0230

Dear Ms Zsuzsanna Weigel,

This letter will serve to inform you that Comcast facilities are aerial on FPL poles and should not interfere with your petition to vacate.

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

Sincerely,

Debbie Becken

for

Lucia Vera
Design Coordinator

VAC 2002 - 00034

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob Jones
District One

Douglas R. St. Conny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James C. Younger
County Attorney

Diana M. Parker
County Hearing Examiner

November 21, 2002

Mark Ebelini, Esquire
Knot, Consoer, Ebelini, Hart & Sweet, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, FL 33901

Re: Recommendation for proposed vacation of a 12-foot wide Public Utility Easement located at 778 & 794 Cypress Lake Circle.

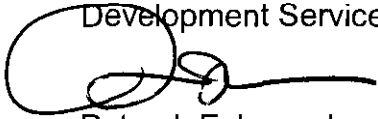
Dear Mr. Ebelini:

This office has received your request to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division


Peter J. Eckenrode
Director

PJE/jgh

U:\200211\VAC20020.005\4\D&PUE.WPD

 **LEE COUNTY**
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Wednesday, October 23, 2002

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Zsuzsanna Weigel
Knott, Consoer, Ebelini, Hart & Swett
1625 Hendry Street
Fort Myers, FL 33902-2449

Re: Petition to Vacate a twelve (12) foot wide utility easement common to Lots 22 & 23, Unit 2, Town & River Estates Subdivision as recorded in Plat Book 23 at Page 56, Public Records of Lee County, Florida.

Dear Ms. Weigel:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easement.

Should you have any questions, please call me at the above telephone number.

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT



Allen L. Davies, Jr.
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\vac286.doc

VAC2002-00054

From: Stephen Boutelle
To: Hagan, Jonathan
Date: Mon, Nov 25, 2002 8:14 AM
Subject: Re: Petition to Vacate

Then I would say it does not need to get a WAC opinion.

>>> Jonathan Hagan 11/21/02 02:31PM >>>

The public cannot use it to access the canal. The only allowable use of the easement is for the utility companies to place their utilities in it. This easement was dedicated (on the plat) to the public utility companies only.

Jon Hagan
Development Review Representative
Department of Community Development
Division of Development Services
haganjg@leegov.com
(941) 479-8587 ext. 14
(941) 479-8313 FAX

>>> Stephen Boutelle 11/18/02 02:37PM >>>

Jon,

I am not exactly sure. Could the public use it to access the canal legally? If so, then it needs to go to the WAC. Let me know the details. Next WAC is 12/5, 9:30 am.

Steve

>>> Jonathan Hagan 11/15/02 10:54AM >>>

Steve,

I have a request to vacate a 12' wide Public Utility Easement centered on Lots 22 & 23 of the Town & River Subdivision. The Public Utility Easement runs from the ROW (Cypress Lake Cir.) to a canal that connects to the Caloosahatchee River. Do they need to go before the WAC? The STRAP #'s are 20-45-24-05-000L0.0220/0230. Let me know if you need more information or have any questions. Thanks.

Jon Hagan
Development Review Representative
Department of Community Development
Division of Development Services
haganjg@leegov.com
(941) 479-8587 ext. 14
(941) 479-8313 FAX

CC: Koepfer, Chris



BOARD OF COUNTY COMMISSIONERS

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

Bob James
District One

Douglas R. St. Gemy
District Two

September 12, 2002

Ray Judah
District Three

Andrew W. Coy
District Four

Zsuzsanna Weigel
Knott, Consoer, Ebelini, Hart & Swett, P.A.
P. O. Box 2449
Fort Myers, FL 33902-2449

John E. Albion
District Five

Donald D. Stowell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

**SUBJECT: VACATE PUBLIC UTILITY EASEMENTS
STRAP #: 20-45-24-05-000L0.0220 & .0230
LOTS 22 & 23 – TOWN & RIVER ESTATES, UNIT 2**

RECEIVED
Knott, Consoer, Ebelini
Hart & Swett, P.A.

AM SEP 16 2002 PM
7 8 9 10 11 12 1 2 3 4 5 6



Dear Ms. Weigel:

Lee County Utilities has no objection to the proposed vacation of the existing 12-foot wide public utility easement centered on the common lot line of lots 22 and 23 in Town & River Estates, Unit 2 as described in your letter of September 10, 2002. 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.

Should you 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
Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

Via Facsimile #334-1446
Original mailed 09/12/02

UAC2002-00054



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number 479-8580

Bob Jones,
District One

Douglas R. St. Gemy
District Two

Ray Jurtah
District Three

Andrew W. Goy
District Four

John L. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

October 9, 2002

Ms. Zsuzsanna Weigel
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33902-2449

**RE: Request to Vacate
A Public Utility Easement located between
Lots 22 and 23, Town & River Estates, Unit 2,
Plat Book 23, Page 56, 778 and 794 Cypress Street,
Fort Myers, (20-45-24-05-000L0.0220)**

Dear Ms. Weigel:

Lee County Department of Transportation has reviewed the request to vacate the public utility easements along the side lot lines of Lots 22 and 23. DOT does not maintain utility easements; therefore, offers no objection to the vacation. The purpose of the vacation is to combine two lots and facilitate the construction of a home.

I trust this letter adequately responds to the request for review, and if you need any further information please do not hesitate to contact me.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc Don Blackburn, Development Services
Allen Davies, Natural Resources
Terry Kelly, Utilities
DOT PTV File (Cypress Street, Town & River Subdivision)

VAC 2002-00034

S:\DOCUMENT\Petition To Vacate\2002\Cypress St Town & River-Weigel.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00054**

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. VAC2002-00054 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

Deputy Clerk Signature

Please Print Name

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"

A 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East, as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00054

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 25th day of February 2003 @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

EXHIBIT "A"

A 12-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Town and River Estates, Unit 2, a subdivision in Section 20, Township 45 South, Range 24 East, as recorded in Plat Book 23, Page 56, in the Public Records of Lee County, Florida.

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF DEVELOPMENT SERVICES

RECEIVED BY
LEE CO. ATTORNEY

02 DEC -3 PM 2:43

DATE: December 3, 2002

To: John Fredyma
Assistant County Attorney

FROM:


Jon Hagan
Development/Review
Representative

RE: VAC2002-00054

Per Joan Henry's memo dated November 26, 2002 please find enclosed the revised Petition to Vacate and a authorization from Jamie Beth Gates Galeana. Please let me know if you have any questions. Thanks.

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

LOS ANGELES COUNTY
RECEIVED

NOV 27 AM 8:57

CLERK OF SUPERIOR COURT
COUNTY OF LOS ANGELES

DATE: November 26, 2002

To: Jon Hagan
Development Services

FROM:


Joan C. Henry
Assistant County Attorney

RE: Petition To Vacate #VAC 2002-00054

I have reviewed the Petition to Vacate for the above-referenced and find that it is legally insufficient for the following reason:

1. The warranty deed submitted indicates that Jamie Beth Gates Galeana is also an owner of the property. She should be referenced on the Petition to Vacate and she must sign the letter of authorization. Please note that a letter of authorization signed by Frank Galeana, Jr. and perhaps Jamie was submitted; however, the name is not printed under the second signature nor is she included in the notary's acknowledgment.

If you should have any questions or require additional information, please do not hesitate to contact me.

JCH/la
Attachments - File

BOARD OF COUNTY COMMISSIONERS
November 22, 2002

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Mark Ebelini, Esquire
Knot, Consoer, Ebelini, Hart & Sweet, P.A.
1625 Hendry Street
P.O. Box 2449
Fort Myers, FL 33901

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Re: Petition to Vacate #VAC2002-00054

Donald D. Stilwell
County Manager

Dear Mr. Ebelini:

James G. Yaeger
County Attorney

As a Petitioner requesting the Board of County Commissioners to take action on the Petition to Vacate you have recently filed, you should be aware of the following information.

Diana M. Parker
County Hearing Examiner

Property taxes become due and payable November 1, 2002. This is the date set by Florida Statutes §197.333. Although the taxes become due on November 1, the law affords you with some time to make payment before the tax liability becomes delinquent. In the normal scheme of things there is no need to be concerned about when the taxes are paid as long as it is before April 15. However, this is not the case with Petitions to Vacate.

Under Florida Statutes §177.101, the petitioner must prove to the Board of County Commissioners that all taxes on the land subject to the petition have been paid. This proof must be current as of the date the petition is presented to the Board for action, which is **the date of the public hearing**. If there is an outstanding tax liability on the hearing date, then the petition is not complete.

Since the public hearing on your petition to vacate will be scheduled for after November 1, 2002, you will be required to provide proof, at or before the public hearing, that the 2002 taxes have been paid. The Board cannot take action on an incomplete petition. Therefore, failure to provide proof as to payment of all applicable taxes will cause the Board to delay action on your petition pending submission of the necessary proof.

Please take the appropriate action to ensure that your petition is complete prior to the scheduled hearing date. Should you have any questions concerning the above, please feel free to contact this office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning & Development Services Division


Jon Hagan
Development Review Representative

U:\200211\VAC20020.005\4\PTVTAXES.WPD