

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY BLUE SHEET NO: 20030387**

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00033 to Vacate a Public Utility and Drainage Easement and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 27th day of May, 2003.

WHY ACTION IS NECESSARY: To address an existing building addition encroachment into the easement. **The vacation of the easement will not alter existing utilities or drainage and the easement is not necessary to accommodate any future utility or drainage requirements.**

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

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 4

C4A

3. MEETING DATE:

04-29-2003

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]* 4-1-03
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Kathy Morgan, Agent for Clifford Wilcoxon & Keith Stengel.

LOCATION: The 12 foot Public Utility Easement is between Lots 7 & 8, less 10 feet adjacent to East North Shore Drive, and the 6 foot Public Utility Easement located northeasterly of the southwesterly lot line of Lot 7, less 10 feet adjacent to East North Shore Drive; and a 10 foot wide drainage easement centered on the lot line common to Lots 7 & 8, Port Edison. The site is located at 359 & 369 East North Shore Drive, N. Ft. Myers, Florida, Section 01, Township 44 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 Rel.	D Other	E County Attorney	F County Administration			G County Manager
<i>[Signature]</i>	N/A	N/A		<i>[Signature]</i> 4-11-03	OM <i>[Signature]</i> 4/11/03	Risk <i>[Signature]</i> 4/11/03	GC <i>[Signature]</i> 4-14-03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *4/14/03*
Time: *8:40 AM*
Forwarded To:
Co. ADM.
4/14/03 4PM

RECEIVED BY COUNTY ADMIN. *ID*
4-11-03
4:50
COUNTY ADMIN.
FORWARDED TO: *BH*
4/15/03 1:00
C

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00033**

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. VAC2002-00033 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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00033

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 27th day of May 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

PETITION TO VACATE

Case Number: VAC 2002-00033

Petitioner(s), Clifford Wilcoxon and Keith Stengel

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, 369 E. North Shore Dr. 233 SW 9th Terr.
N. Fort Myers, FL 33917 Cape Coral, FL 33991
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: Clifford Wilcoxon
Petitioner Signature

Clifford Wilcoxon
Printed Name

By: Keith Stengel
Petitioner Signature

Keith Stengel
Printed Name

EXHIBIT "A"

**Petition to Vacate
Drainage and Utility Easements
For
Parcel Strap #01-44-24-04-00000.0070
and #01-44-24-04-00000.0080**

**Legal Description
Petition to Vacate
VAC2002-00033**

Vacating drainage and utility easements on a portion of property within Port Edison Subdivision, Section 01, Township 44 South, Range 24 East, as recorded in Plat Book 11, pages 19 and 20 of the public records of Lee County, Florida, and being more particularly described as follows:

A 6.00 foot wide public utility easement located northeasterly of the southwesterly lot line of Lot 7; less 10 feet adjacent to East North Shore Drive;

A 12.00 foot wide public utility easement centered on the lot line common to Lots 7 and 8; less 10 feet adjacent to East North Shore Drive and;

A 10.00 foot wide drainage easement centered on the lot line common to Lots 7 and 8.

EXHIBIT "B"

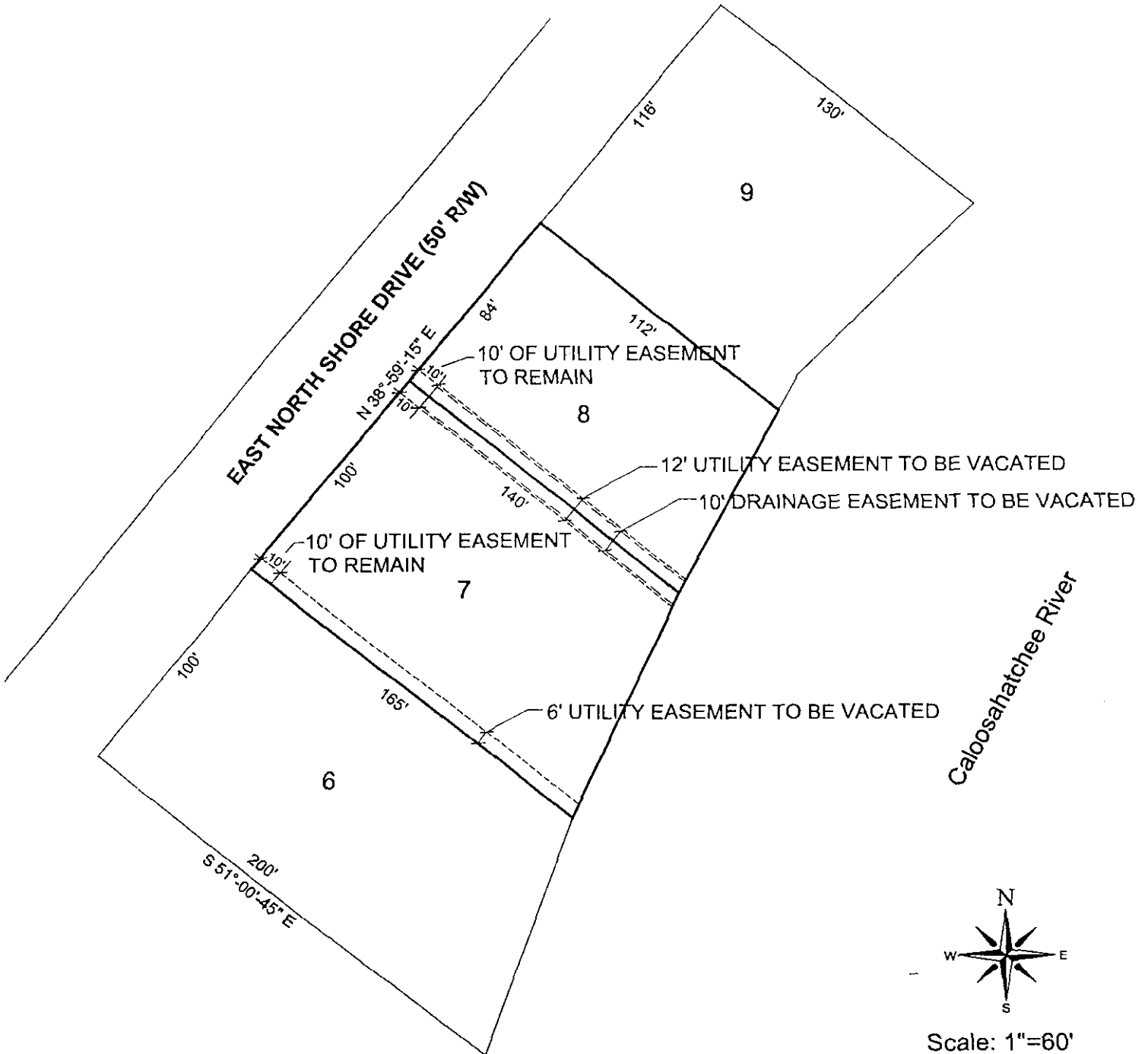
SKETCH OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED

PARCEL STRAP #01-44-24-04-00000.0070
and STRAP #01-44-24-04-00000.0080

Owners: Keith Stengel - Lot 7
and Clifford Wilcoxon - Lot 8

Section 01, Township 44 South, Range 24 East
Port Edison Subdivision

Plat Book 11, Page 19 and 20, public records of Lee County, Florida



Petition to Vacate
VAC2002-00033

Exhibit "C"

Petition to Vacate - VAC2002-00033

Real Property Information

Account	Tax Year	Status
01-44-24-04-00000.0080	2002	PAID
Original Account	Book/Page	
01-44-24-04-00000.0080	3441/3231	
Physical Address	Mailing Address	
WILCOXEN CLIFFORD D 369 EAST NORTH SHORE DR NORTH FORT MYERS FL 33917	WILCOXEN CLIFFORD D 369 E NORTH SHORE DR N FT MYERS FL 33917 USA	
Legal Description		
PORT EDISON PB 11 PG 19 LOT 8 LESS E 16 FT.		
Total Amount Due as of 4/9/2003		\$0.00

Real Property Information

Account	Tax Year	Status
01-44-24-04-00000.0070	2002	PAID
Original Account	Book/Page	
01-44-24-04-00000.0070	1674/4	
Physical Address	Mailing Address	
STENGEL KEITH CARLTON 359 EAST NORTH SHORE DR NORTH FORT MYERS FL 33917	STENGEL KEITH CARLTON 233 SW 9TH TERR CAPE CORAL FL 33991 USA	
Legal Description		
PORT EDISON PB 11 PG 19 LOT 7		
Total Amount Due as of 4/9/2003		\$0.00

5.00
290.70
Documentary Tax Pd \$290.70
Inscribed Tax Pd
SAL. CLERK, CLERK, LEE COUNTY
cc. Sal. Graci

1673281

This instrument was prepared by
MICHAEL S. MORELAND
Attorney at Law
Post Office Box 1992
FORT MYERS, FLORIDA 33902

Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

1674 4

This Indenture, Made this 3rd day of May 1983 Between

VERNIE R. SPICER and CAROLYN A. SPICER, Husband and Wife

of the County of Lee, State of Florida, grantor, and

KEITH CARLTON STENGEL

whose post office address is P.O. Box 2404 - Fort Myers, Florida 33902

of the County of Lee, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION ----- Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to wit

Lot numbered seven (7) of that certain subdivision known as PORT EDISON, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 11, Pages 19 and 20.

SUBJECT to taxes, restrictions and reservations of record.

SUBJECT TO that certain mortgage from VERNIE R. SPICER and CAROLYN A. SPICER, Husband and Wife, dated December 5, 1980, and payable to DOLORES E. REIBER, recorded in O. R. Book 1472, Page 2037, Public Records of Lee County, Florida with an assumption balance of \$64,548.59 which the Grantee hereby assumes and agrees to pay.

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

* Grantor and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written. Signed, sealed and delivered in our presence.

[Handwritten signatures of Vernie R. Spicer and Carolyn A. Spicer]

VERNIE R. SPICER (Seal)
CAROLYN A. SPICER (Seal)

STATE OF Florida
COUNTY OF Lee
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared VERNIE R. SPICER and CAROLYN A. SPICER, Husband and Wife

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of May 1983.

My commission expires: Notary Public

REC'D
MAY 3 2 01 1983
LEE COUNTY CLERK

1673

INSR # 5174398 OR BK 3441 PG 3231 RECD 06/30/01 10:28 AM
CHARLIE GREEN, CLERK OF COURT, LEE COUNTY
DOC TAX PD(F.S. 201.02) 0.70
DEPUTY CLERK C KELLER

QUITCLAIM DEED

THIS DEED, made this 8th day of March, 2001, between **RONDA WILCOXEN**, a married woman, "GRANTOR", and **CLIFFORD D. WILCOXEN**, a married man, "GRANTEE", whose social security number is: 352-32-7567, and whose mailing address is 369 East North Shore Drive, North Fort Myers, Florida 33917.

(2)

THE GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), to her in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, has released, remised, and quitclaimed, and by these presents does hereby release, remise, and forever quitclaim unto the GRANTEE, his heirs, and assigns forever, all the right, title, and interest of the GRANTOR in and to the following described real property having tax identification number 01-44-24-04-00000.0080:

All of Lot 8, of PORT EDISON SUBDIVISION, as recorded in Plat Book 11, Pages 19 and 20, Public Records of Lee County, Florida, EXCEPT the following described portion thereof, Beginning at the Northeast corner of said Lot 8; thence run Southwesterly along the East North Shore Drive for 16 feet; thence Southeasterly parallel to the line dividing Lots 8 and 9 of said subdivision to the Caloosahatchee River; thence Northeasterly along said River to the Intersection of the line dividing Lots 8 and 9, of said subdivision; thence Northwesterly along the said line to the point of beginning

subject to restrictions, reservations and easements of record, and taxes for current and subsequent years.

TO HAVE AND TO HOLD the same together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the GRANTEE, his heirs and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has signed and sealed this Deed on the day and year first above written.

Caulette Logelin
Witness
Print Name: Caulette Logelin

Ronda Wilcoxen
RONDA WILCOXEN

Vera Bergermann
Witness
Print Name: Vera Bergermann

STATE OF FLORIDA
COUNTY OF LEE

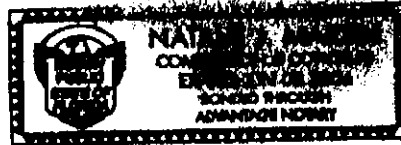
Before me personally appeared **RONDA WILCOXEN**, known to me personally or identified to me Natalie J. Martin, as the person described in and who, after being sworn and under oath given by me, executed the foregoing instrument, and acknowledged to and before me that she executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 8th day of March, 2001.

(SEAL)

Natalie J. Martin
Print Name: Natalie J. Martin
Commission No. 00943858
Commission Expires: 6-8-04

Please return to:
M. Brian Cheffer, Esquire
Roetzel & Andress
2320 First Street
Fort Myers, FL 33901
941/337-3850
#83377



THIS INSTRUMENT IS PREPARED BY:

Kathy L. Morgan
Land Development Consultant
6747 Plantation Manor Loop
Fort Myers, Florida 33912

Strap No: 01-44-24-00-00000.0070
01-44-24-00-00000.0080

PERPETUAL DRAINAGE EASEMENT

This indenture is made this 4th day of FEBRUARY, ~~2002~~²⁰⁰³ between Clifford Wilcoxon, whose address is 369 E. North Shore Drive, Fort Myers, Florida 33917, together with Keith Stengel, whose address is 233 S.W. 9th Terrace, Cape Coral, Florida 33991, (Grantor) and Lee County, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902 (Grantee) as follows:

For good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a perpetual drainage easement over a portion of their property that has a common lot line between the two Grantors property, and more particularly described in attached Exhibit "A".

This easement includes the right to use the drainage easement to convey drainage from E. North Shore Drive to the Caloosahatchee River. Grantee has the right and authority to maintain the drainage easement area, including the right to enter upon Grantor's lands to properly maintain the easement so that it will continuously accommodate the off-site water flows. Grantor has a right and authority to maintain the drainage easement area in the event the Grantee fails to do so. However, primary maintenance responsibility rests with the Grantee.

Grantor warrants that subject to existing easements, if any, for public highways, roads, railroads, laterals, ditches, pipelines and electrical transmission and/or distribution lines and telephone and cable television lines covering the land described above, Grantor is lawfully possessed of the land and has good and lawful right and power to convey, and that the property is free and clear of all liens and encumbrances except as recorded in the public records.

This easement is binding on the parties, their successors and assigns.

IN WITNESS of the above instrument is executed.


Angela Wright
Witness Signature
Angela Wright
Printed Name

Kathy Morgan
Witness Signature
KATHY MORGAN
Printed Name

By: Clifford Wilcoxen
Clifford Wilcoxen

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Agreement was acknowledged before me this 24 day of Jan., 2002 by CLIFFORD WILCOXEN. He is personally known to me or has produced the following identification Florida Drivers License.

Johanna Seybold
Notary Public
 Johanna Seybold
Commission # CC 799267
Expires FEB. 18, 2003
BONDED THRU
ATLANTIC BONDING CO., INC.

Janet E. Allison
Witness Signature
Janet E. Allison
Printed Name

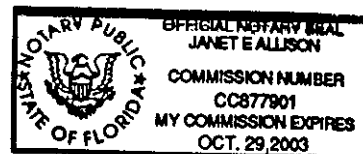
Kathy Morgan
Witness Signature
KATHY MORGAN
Printed Name

By: Keith Stengel
Keith Stengel

STATE OF FLORIDA
COUNTY OF LEE

The foregoing Agreement was acknowledged before me this 4th day of February, 2002 by KEITH STENGEL. He is personally known to me or has produced the following identification FLORIDA Drivers License.

Janet E. Allison
Notary Public



ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney

Attachments:

Exhibit A - Legal Description and Sketch of Easement Area

EXHIBIT A

DESCRIPTION OF DRAINAGE EASEMENT

Commencing from a permanent reference monument located between lots 9 and 10, and on the southerly right of way line of East North Shore Drive of the Port Edison Plat as recorded in Plat Book 11, pages 19 and 20 in the public records of Lee County, run 203.00 feet to the point of beginning of a 10.00 foot drainage easement being 5.00 feet wide on each side of the following centerline; thence south 51°00'45" east a distance of 140.00 feet and there terminating at the Caloosahatchee River.

Letter of Authorization

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **STRAP #01-44-24-04-00000.0080**

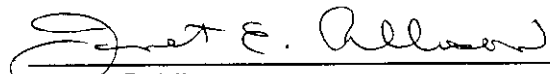
The property described herein is the subject of an application for zoning or development. We hereby designate **Kathy L. Morgan, Land Development Consultant**, as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.


Clifford Wilcoxon, Owner

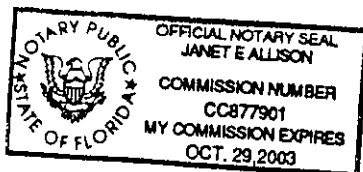
STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 5th day of June, 2002, by **CLIFFORD WILCOXEN** who is personally known to me or who has produced FL DL 422-104-43-139-0 as identification.


Notary Public


Janet E. Allison
(Name typed, printed or stamped)



Letter of Authorization

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **STRAP #01-44-24-04-00000.0070**

The property described herein is the subject of an application for zoning or development. We hereby designate **Kathy L. Morgan, Land Development Consultant**, as the legal representative of the property and as such, this individual is 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 authorization of agents to assist in the preparation of applications, plans, surveys and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.




Keith Stengel, Owner

STATE OF FLORIDA

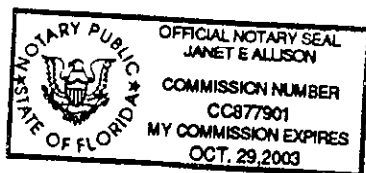
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 5th day of June, 2002, by **KEITH STENGEL** who is personally known to me or who has produced FL DL 5352-503-54-417-0 as identification.



Notary Public

Janet E. Allison
(Name typed, printed or stamped)





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

July 24, 2002

Ms. Kathy Morgan
6747 Plantation Manor Loop
Fort Myers, Fla. 33912

Re: Request for a Letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: Strap # 01-44-24-04-00000.0070
and # 01-44-24-04-00000.0080

Vacating a utility and Drainage easement on a portion of property within
Port Edison Subdivision, Section 01, Township 44 South, Range 24 East, as recorded in
Plat Book 11 pages 19 and 20 of the public records of Lee County, Florida.

A 6 foot wide public utility easement located northeasterly of the southwesterly
lot line of lot 7; less 10 feet adjacent to East North Shore Drive

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 7 and 8, less 10 feet adjacent to East North Shore Drive.

A 10 foot wide drainage easement centered on the lot line common to lots 7
and 8.

Dear Kathy,

Comcast has no objection with the vacation of the above referenced utility and
drainage easement.

Sincerely,

Scott Miller
Design Coordinator



Post Office Box 3455
North Fort Myers, FL 33918-3455
(941) 995-2121 • FAX (941) 995-7004
www.lcec.net • www.ifline.com

June 26, 2002

Ms. Kathy Morgan
Land Development Consultant
6747 Plantation Manor Loop
Ft. Myers, FL 33912

Re: Strap No. 01-44-24-04-00000.0070 and 01-44-24-04-00000.0080

Dear Ms. Morgan:

LCEC does not object to vacation of the utility and/or drainage easements described on the attached Exhibits "A" and "B".

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

Sincerely,

Karen Hardin
Real Property Representative

Attachment



844 Littleton Road
North Fort Myers, FL 33903

June 27, 2002

Ms. Kathy Morgan
6747 Plantation Manor Loop
Fort Myers, Florida 33912

RE: Easement Vacation

Dear Ms. Morgan:

With reference to your letter of June 17, 2002, requesting Sprint Telephone of Florida's concurrence with the vacation of a Public Utility Easement between, Strap No. 01-44-24-04-00000.0070, and Strap No. 01-44-24-04-00000.0080 lots 7 & 8 as recorded in Plat book 11 pages 19-20. Sprint Telephone of Florida agrees to the vacation with the following stipulation:

1. Should there be any relocation of telephone facilities all cost will be born by the homeowner.

If you have any questions about this matter please call me at 941-336-2117.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Dever".

Hal Dever
Engineer I



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number **479-8585**

Bob Jones
District One

Douglas B. St. Germy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John L. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

March 31, 2003

**Ms. Kathy Morgan
6747 Plantation Manor Loop
Ft. Myers, FL 33912**

Re: VAC2002-00033 - Vacation of a 12' Public Utility Easement common to Lots 7 & 8; a 10' Drainage Easement common to Lots 7 & 8, and a 6' Utility Easement northeasterly of the southwesterly lot line of Lot 7, Less and Except the 10' adjacent to East North Shore Drive.

Dear Ms. Morgan:

You indicated that as a result of a building addition encroachment into the easement, these platted easements should be vacated in order to prevent future title problems. 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:\200303\VAC20020.003\3\reviewandrec.wpd



BOARD OF COUNTY COMMISSIONERS

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

Bob James
District One

June 20, 2002

Douglas B. St. Cerny
District Two

Kathy L. Morgan

Ray Judah
District Three

6747 Plantation Manor Loop
Fort Myers, FL 33912

Andrew W. Coy
District Four

**SUBJECT: PETITION TO VACATE PUBLIC UTILITY/DRAINAGE EASEMENT(S)
LOTS 7 & 8 - PORT EDISON
STRAP #S: 01-44-24-04-00000.0070 & .0080**

John E. Albion
District Five

Donald D. Stilwell
County Manager

Dear Ms. Morgan:

James G. Yaeger
County Attorney

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate three (3) existing Public Utility/Drainage Easements as recorded in Plat Book 11, pages 19 & 20 of the public records of Lee County, Florida and more particularly described as follows:

Diana M. Parker
County Hearing Examiner

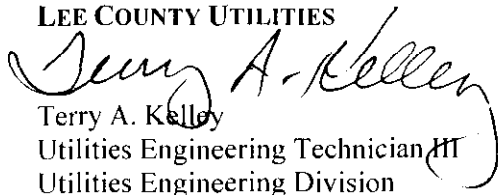
- A 6-foot wide public utility easement located northeasterly of the southwesterly lot line of lot 7; less 10 feet adjacent to East North Shore Drive
- A 12-foot wide public utility easement centered on the common lot line of lots 7 and 8; less 10 feet adjacent to East North Shore Drive
- A 10-foot wide drainage easement centered on the common lot line of lots 7 and 8.

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 #768-6688
Original mailed 06/20/02

cc: Sal Elrubaie, Development Services
Correspondence File

S:\UTILS\Eng\TAK\LETTERS\VAC\FY 2002\Morgan, K - Port Edison - No Objection.doc



BOARD OF COUNTY COMMISSIONERS

(941) 479-8124

Writer's Direct Dial Number: _____

Wednesday, September 18, 2002

Bob Janes
District One

Ms. Kathy Morgan
6747 Plantation Manor Loop
Fort Myers, FL 33912

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 7, & 8, a six (6) foot public utility easement on the southeast line of Lot 7, and a ten (10) foot wide drainage easement common to Lots 7 & 8, all of Port Edison Subdivision as recorded in Plat Book 11 at Pages 19& 20, Public Records of Lee County, Florida.

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Ms. Morgan:

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 easements subject to the following:

- 1. Provide for a replacement easement outside of the existing building envelope.

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

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BOARD OF COUNTY COMMISSIONERS

479-8580

Writer's Direct Dial Number: _____

Bob Janes
District One

January 25, 2002

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

Ms. Kathy Morgan
6747 Plantation Manor Loop
Fort Myers, FL 33912

John E. Albion
District Five

Donald D. Stilwell
County Manager

**RE: Maintenance of an Encroachment within the Drainage Easement
Located at 369 East North Shore Drive, Port Edison Subdivision**

James G. Yaeger
County Attorney

Dear Ms. Morgan:

Diana M. Parker
County Hearing
Examiner

This is in response to your inquiry regarding the drainage and utility easement located along the southwest line of Lot 8, Port Edison, recorded in Plat Book 11, page 19. The drainage swale located within the easement is not maintained by Lee County Department of Transportation

If the owner of Lot 8 wishes to remove the encroachment within the easement by having a portion or all of the easement vacated, he must follow Administrative Code AC-13-1, titled, "Vacation of Plats or Easements Created Through the Platting Process in Accordance with Chapter 177, Florida Statutes".

If you have further questions, please contact me at 479-8580.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

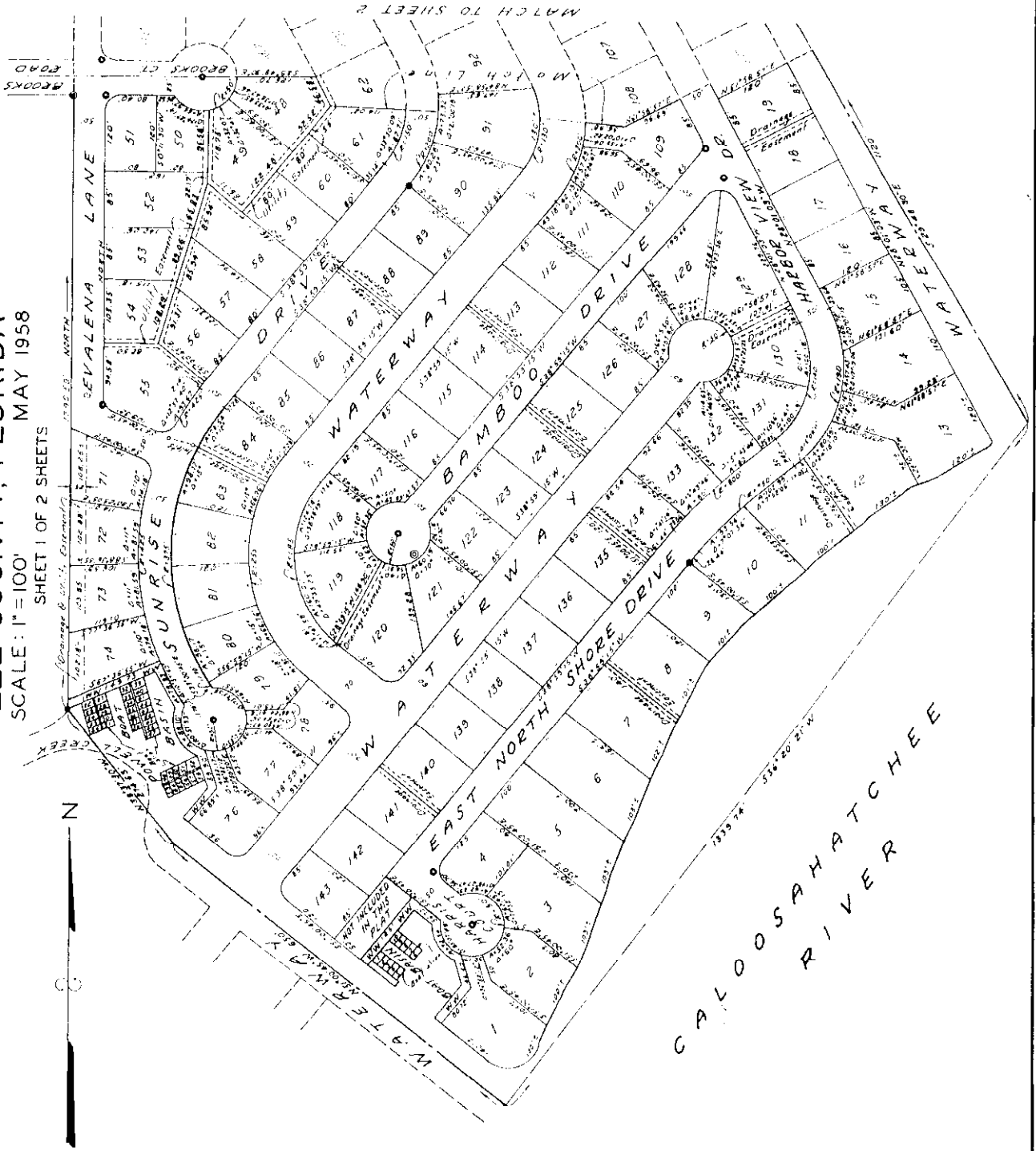
Margaret Lawson
Right-of-way Supervisor

JMK/MAL/mlb

cc: Road Name File

PORT EDISON

A SUBDIVISION IN
SECTION 1, TWP. 44 S, RGE. 24 E
LEE COUNTY, FLORIDA
SCALE: 1"=100'
MAY 1958
SHEET 1 OF 2 SHEETS

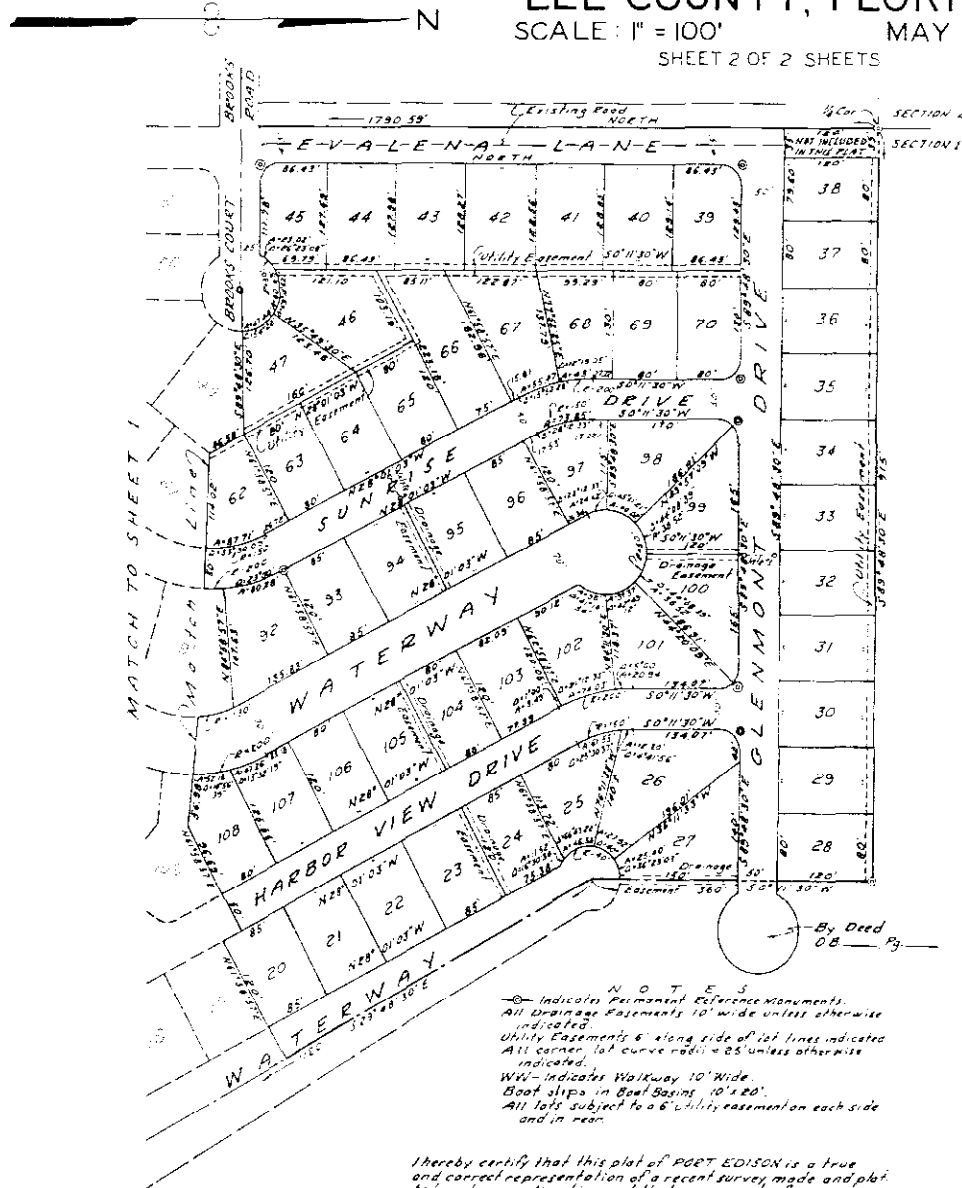


PORT EDISON

P/B 11, PGE. 20

A SUBDIVISION IN
SECTION 1, TWP. 44 S, RGE. 24 E
LEE COUNTY, FLORIDA
SCALE: 1" = 100' MAY 1958

SHEET 2 OF 2 SHEETS



NOTES
 - Indicates Permanent Reference Monuments.
 All Drainage Easements 10' wide unless otherwise indicated.
 Utility Easements 6' along side of lot lines indicated.
 All corner lot curve radii = 85' unless otherwise indicated.
 WW - indicates Walkway 10' Wide.
 Boat slips in Boat Basins 10' x 20'.
 All lots subject to a 6' utility easement each side and in rear.

I hereby certify that this plat of PORT EDISON is a true and correct representation of a recent survey made, and plotted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7 Chapter 10275, laws of Florida, Acts of 1925.

Reg. Land Surveyor, Fla. Cert. No 1032
 W.S. Thompson Co., Fort Myers, Florida

DESCRIPTION

Begin at the 1/4 corner on the west side of Section 1, Twp. 44 S, Rge. 24 E; thence by said 1/4 Sec line S 89° 48' 30" E 315'; thence S 0° 11' 30" W 320'; thence S 29° 18' 30" E 120'; thence along the northern shore of the Colusa Water River to a point S 34° 20' E 133.74' from the last named point; thence along the center line of a canal N 51° 00' 45" W 650'; thence along the center line of Powell Creek to a point N 38° 37' 30" W 274.63' from the last named point; thence north 1790.53' to the P.O.B.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Fortiner-Brammeier Realty & Development Co., a corporation under the laws of Florida, the owner of the hereinafter described lands has caused this plat of PORT EDISON to be made and does hereby dedicate to the perpetual use of the public all streets, roads, drives and/or avenues and waterways shown hereon. IN WITNESS WHEREOF Fortiner-Brammeier Realty & Development Co. has caused this dedication to be signed in its name by its president and its corporate seal to be affixed, attested by its secretary this 12th day of June, A.D. 1958.

FORTINER-BRAMMEIER REALTY & DEVELOPMENT CO

By James S. Fortiner
 President

Attest: Jean K. Fortiner
 Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
 COUNTY OF LEE
 I HEREBY CERTIFY that on this day, before me personally appeared James S. Fortiner and Jean K. Fortiner, respectively president and secretary of Fortiner-Brammeier Realty & Development Co., a corporation under the laws of Florida, known to be the persons described in and who executed the foregoing dedication and they acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation and that said dedication is the act and deed of said corporation.
 WITNESS my hand, and official seal at Fort Myers, said county and state, this 12th day of June, A.D. 1958.

William H. Williams
 Notary Public, State of Florida at Large
 My Commission expires July 1, 1957

APPROVALS

This plat approved this 12th day of June, A.D. 1958 in open meeting of the Board of County Commissioners of Lee County, Florida

Approved: William H. Williams
 Chairman
D. A. Parahoo
 Clerk

I HEREBY CERTIFY that this plat of PORT EDISON has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, laws of Florida, Acts of 1925.
 I FURTHER CERTIFY that said plat was filed for record at 2:33 P.M. this 21st day of July, 1958 and duly recorded in Plat Book 11 on page 20 of the public records of Lee County, Florida.

D. A. Parahoo
 Clerk of the Circuit Court in and for Lee County

W. S. Thompson
 County Road Superintendent

COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **Strap number 01-44-24-04-00000.0080**.

The property described herein is the subject of an application for a Public Hearing and a Limited Review Development Order. We hereby designate **Kathy Morgan, Land Development Consultant** as the legal representative of the property and as such, this individual is 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 authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:


1. The property will be developed and used in conformity with the approved development order including all conditions placed on the development and all commitments agreed to by the applicant in connection with the development order.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the development order, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the development order will constitute a violation of the Land Development Code.
4. All terms and conditions of the development order will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the development order.


Clifford Wilcoxon, Owner

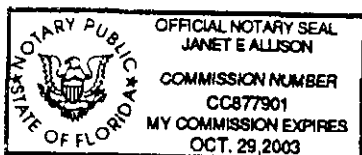
STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 5th day of June, 2002, by **CLIFFORD WILCOXEN** who is personally known to me or who has produced FLDL W422-104-43-139-C a identification.

(SEAL)


Notary Public

Janet E. Allison
(Name typed, printed or stamped)



COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **Strap number 01-44-24-04-00000.0070**.

The property described herein is the subject of an application for a Public Hearing and a Limited Review Development Order. We hereby designate **Kathy Morgan, Land Development Consultant** as the legal representative of the property and as such, this individual is 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 authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

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Keith Stengel, Owner

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 5th day of June, 2002, by **KEITH STENDEL** who is personally known to me or who has produced FLDL 5352-503-54-417-0 as identification.



Notary Public

Janet E. Allison

(Name typed, printed or stamped)

(SEAL)

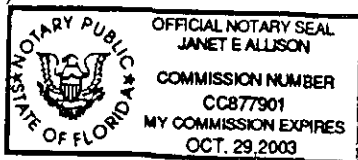


EXHIBIT I - D - 1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. #01-44-24-04-00000.0080 CASE NO. _____

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Clifford Wilcoxon 369 East North Shore Drive North Fort Myers, Florida 33917	100%

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: Clifford Wilcoxon
Clifford Wilcoxon

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5th day of June,
2002, by CLIFFORD WILCOXEN, who is personally known to me or who has produced _____
FL DL W 422-104-43-139-0 as identification.

Janet E. Allison
Signature of Notary Public

(Seal)

Janet E. ALLISON
Printed Name of Notary Public

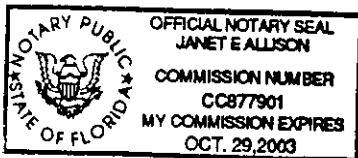


EXHIBIT I - D - 1
DISCLOSURE OF INTEREST FORM FOR:

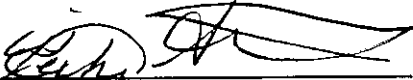
STRAP NO. #01-44-24-04-00000.0070 CASE NO. _____

If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

<u>Name and Address</u>	<u>Percentage of Ownership</u>
Keith Stengel 233 SW 9th Terrace Cape Coral, Florida 33991	100%

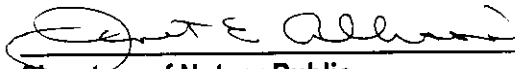
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Signature: 
Keith Stengel

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5th day of June, 2002, by KEITH STENGEL, who is personally known to me or who has produced FL DL 5352-503-54-417-0 as identification.


Signature of Notary Public

Janet E. Allison
Printed Name of Notary Public

(Seal)

