

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030404

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2003-00003 to Vacate a ^(JK) Ten foot drainage easements lying along the ^(JK) common lot line between Lots 8 and 9, less and except the west 6 feet thereof, Fort Myers Shores, Unit 4, a Subdivision in Sections 19 and 30, Township 43 S, Range 26 E, recorded in Plat Book 11, page 28, Public Records of Lee County, Florida, and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 27th day of May, 2003.

WHY ACTION IS NECESSARY: As a result of a building permit being issued to build the house in 1978, and a permit to expand the structure in 1996, the easement was not detected and building took place over an existing easement. 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:

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  4-11-03
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Mathew D. Uhle, agent for Rodolfo Saludo.

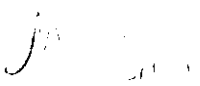
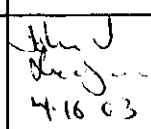

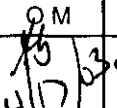
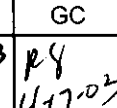
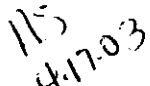
LOCATION: The Drainage Easement is between Lots ^(JK) 8 and ^(JK) 9, less and except the west 6 feet thereof, Fort Myers Shores, Unit 4, a Subdivision in Sections 19 and 30, Township 43 S, Range 26 E, recorded in Plat Book 11, page 28, Public Records of Lee County, Florida, located at 2234 Santiago Ave., East Ft. Myers, FL. 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
	N/A	N/A		 4-16-03	OA  4/16/03	OM  4/17/03	Risk 4/17/03	GC  4/17-03	 4-17-03

10. COMMISSION ACTION:

APPROVED
DENIED
DEFERRED
OTHER

Rec. by CoAtty
Date: 4/15/03
Time: 4 PM
Forwarded To:
Co. ADM.
4/16/03 4PM

RECEIVED BY
COUNTY ADMIN. TD
4-16-03
H.05
4/17/03
BH

RECEIVED

JAN 29 2003

PETITION TO VACATE

Case Number: VAC 2003-00003 COMMUNITY DEVELOPMENT

Matthew D. Uhle

Petitioner(s), RODOLFO M. SALUDO

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, c/o Matthew D. Uhle, Esq.
Knott, Consoer, Ebelini, Hart & Swett, P.A.
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 - Petitioner is the owner of the adjoining property)
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: *Matthew D. Uhle*
 Petitioner Signature
 Agent for Petitioner
 Matthew D. Uhle, Esq.
 Printed Name

By: _____
 Petitioner Signature
 Printed Name

Exhibit "A"

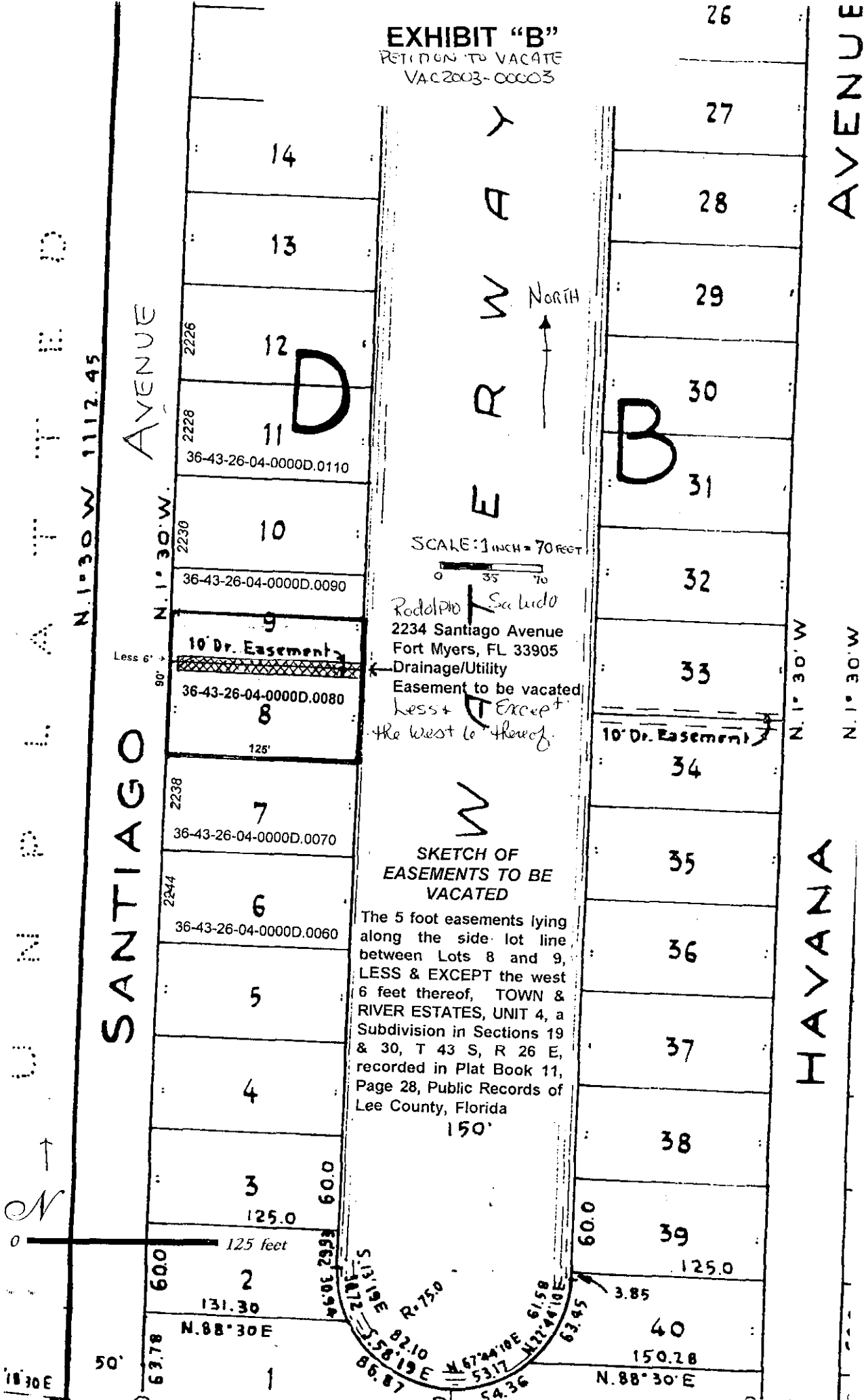
Petition to Vacate
VAC2003-00003

Legal Description of Drainage Easement to be Vacated:

A portion of the ten-foot wide drainage easement lying on the common lot line between Lots 8 and 9 of the Fort Myers Shores, Unit 4, a subdivision in Sections 19 and 30, Township 43 South, Range 26 East, as recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida, less and except the west 6 feet thereof.

EXHIBIT "B"

PETITION TO VACATE
VAC 2003-00003



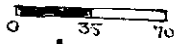
N. 1° 30' W. 1112.45

AVENUE

SANTIAGO

N. 1° 30' W.

SCALE: 1 INCH = 70 FEET



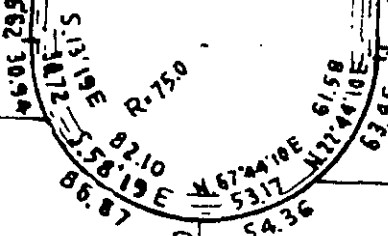
Rodolfo T. Saucedo
2234 Santiago Avenue
Fort Myers, FL 33905

Drainage/Utility
Easement to be vacated
Less & Except
the west 6 feet thereof.

**SKETCH OF
EASEMENTS TO BE
VACATED**

The 5 foot easements lying along the side lot line between Lots 8 and 9, LESS & EXCEPT the west 6 feet thereof, TOWN & RIVER ESTATES, UNIT 4, a Subdivision in Sections 19 & 30, T 43 S, R 26 E, recorded in Plat Book 11, Page 28, Public Records of Lee County, Florida

150'



26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

AVENUE

N. 1° 30' W.

N. 1° 30' W.

HAVANA

Exhibit "C"

Petition to Vacate

VAC2003-00003

Real Property Information

Account	Tax Year	Status
30-43-26-04-0000D.0080	2002	PAID
Original Account	Book/Page	
30-43-26-04-0000D.0080	2550/2788	
Physical Address	Mailing Address	
SALUDO RODOLFO M 2234 SANTIAGO AV FORT MYERS FL 33905	SALUDO RODOLFO M 2234 SANTIAGO AV SE FT MYERS FL 33905 USA	
Legal Description		
FT.MYERS SHORES UNIT 4 BLK D PB 11 PG 28 LOT 8 + PT LT 9 TH S 1/2		
Total Amount Due as of 4/16/2003		\$0.00

Your search for 304326040000d0080 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
30-43-26-04-0000D.0080	2002	SALUDO RODOLFO M 2234 SANTIAGO AV	PAID
30-43-26-04-0000D.0080	2001	SALUDO RODOLFO M 2234 SANTIAGO AV	PAID
30-43-26-04-0000D.0080	2000	SALUDO RODOLFO M 2234 SANTIAGO AV	PAID
30-43-26-04-0000D.0080	1999	SALUDO RODOLFO M 2234 SANTIAGO AV	PAID
30-43-26-04-0000D.0080	1998	SALUDO RODOLFO M	PAID

(Click on the account number for more information and/or online payment.)

5 match(es) Page 1 of 1

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 2234 Santiago Avenue, Fort Adams, Florida 33905 (Strap #10-43-26-04-00000.0000) as 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 Knight, Cosensar, Ebellini, Hart & Swett, P.A. 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 authorizing 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 authorization is delivered to Lee County.

[Signature]
Owner (signature)
Rudolfo M. Saludo
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 20 day of November, 2002, by Rudolfo M. Saludo, who is personally known to me or who has produced [Signature] as identification.

[Signature]
Notary Public



(Name typed, printed or stamped)
5430733332460
X07

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

R 10, 50
As 190
11-20

3682812

Return to:
William H. Grace, P.A.
P.O. Box 2119
Fort Myers, FL 33902

Property Appraiser's Parcel
ID Number 30-43-26-04-0000D.0070

This instrument prepared by:
William H. Grace, P.A.
P.O. Box 2119
Fort Myers, FL 33902

Documentary Tax Pd. \$ 70
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
F. Carroll Deputy Clerk

DR2550 PG2788

RECORD VERIFIED - CHARLIE GREEN CLERK
BY: HELEN CARROLL, D.C.

THIS QUIT CLAIM DEED, Executed this 31st day of October,
A.D., 1994, by AURORA SALUDO
2238 Santiago Avenue S.E., Fort Myers, FL 33905
first party, to RODOLFO SALUDO
2234 Santiago Avenue S.E., Fort Myers, FL 33905
second party:

WITNESSETH, That the said first party, for and in
consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND
VALUABLE CONSIDERATION, in hand paid by the second party, the
receipt whereof is hereby acknowledged, does hereby remise, release
and quit claim unto the said second party forever, all the right,
title, interest, claim and demand which the said first party has in
and to the following described lot, piece or parcel of land,
situate, lying and being in the County of Lee, State of Florida, to
wit:

Lots 7, 8 and the South one-half (S $\frac{1}{2}$) of Lot 9, Block
D, of that certain subdivision known as FORT MYERS
SHORES, UNIT 4, 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 11,
Page 28.

TO HAVE AND TO HOLD the same together with all and singular
the appurtenances thereunto belonging or in anywise appertaining,
and all the estate, right, title interest, lien, equity and claim
whatsoever of the said first party, either in law or equity, to the
only proper use, benefit and behoof of the said second party
forever.

IN WITNESS WHEREOF, the said first party has signed and sealed
these presents the day and year first above written.

THIS INSTRUMENT PREPARED WITHOUT TITLE EXAMINATION.

Signed, sealed and delivered in our presence:

Witnesses

Marie L. Robinson
Witness signature
Type name of witness below:

DIANE L. ROBINSON

Aurora Saludo
AURORA SALUDO

Billie Jean Connerly
Witness signature
Type name of witness below:

Billie Jean Connerly

STATE OF FLORIDA
COUNTY OF LEE

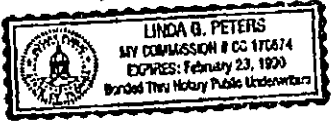
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared AURORA SALUDO, who is personally known to me or who has produced FL DL Lic as identification and who did take an oath and who executed the foregoing instrument and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31st day of October, 1994.

Linda G. PETERS
PRINT NAME OF NOTARY PUBLIC

My Commission Expires:

Linda G. Peters
NOTARY PUBLIC



(SEAL)

My Commission No. CC 176674

DR2550 P62789

6.2.77

E A S E M E N T

This easement made the 27th day of January, A. D., 1971 by FRANCIS A. BAINES and AUDREY L. BAINES (Husband and Wife) hereinafter called the grantors, to LEE COUNTY, a political subdivision of the State of Florida, whose Post Office Address is P. O. Box 398, Fort Myers, Florida 33902, hereinafter called grantee;

W I T N E S S E I T H

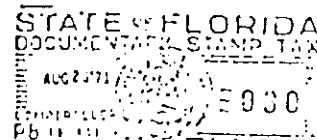
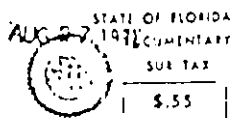
That the grantors, for and in consideration of the sum of ONE and - - - - - 00/100 Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grant, bargain, sell and transfer unto the grantee a perpetual easement for the installation and maintenance of drainage and public utilities in and under the following described parcel of land situated in Lee County, Florida, to wit:

The north ten feet (10') of the south thirty five feet (35') of Lot 9, Block D, of Unit No. 4 of Fort Myers Shores according to a map or plat thereof recorded in Plat Book 11 at Page 28 of the public records of Lee County; being in Section 30, Township 43 South, Range 26 East.

The granting of this easement by the grantors is hereby expressly conditional upon the following condition, and if said condition is not met or fulfilled by the grantee herein, this easement shall automatically become null and void, and the grantee would have no further easement, rights or other rights hereunder:

1. If the grantee should ever cease using this easement for the uses and purposes hereinabove stated, this easement shall automatically become null and void.

TO HAVE and TO HOLD said easement unto the said grantee under the terms and conditions hereinabove specified.



IN WITNESS WHEREOF the said grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

William J. ...
Oliver L. Syren

Francis A. Baines
Audrey L. Baines

STATE OF FLORIDA)
COUNTY OF LEE)

ss:

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared FRANCIS A. BAINES and AUDREY I. BAINES 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 aforementioned this 27th day of January, A. D., 1971.

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR. 8, 1972

Oliver L. Syren
Notary Public

This instrument prepared by:

Oliver L. Syren, Lee County Public Works Dept.
Room 331, Courthouse, Fort Myers, Florida

RECORDED & INDEXED
AUG 26 9 21 AM '71
CLERK OF COURT
FORT MYERS, FLORIDA



Florida Power & Light Company

December 3, 2002

Zsuzanna Weigel
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, Fl. 33901

Re: Vacating of Easement:

Dear Ms. Zwiegel:

Florida Power & Light has no objection to vacating the easement common to lots 8 & 9 Less and except the west 6 feet thereof.

Strap No. 30-43-26-04-0000D.0080

If I can be of further assistance please do not hesitate to call mee at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan R. Thompson', is written over a horizontal line.

Dan Thompson
Customer Project Manager
239-332-9168



P. O. Box 370
Fort Myers, FL 33902-0370

November 13, 2002
Mrs. Zsuzanna Weigel

1625 Henry Street
P.O. Box 2449
Ft. Myers, Fl. 33902

Re: Petition to Vacate a Portion of Plat; Unit 4 as recorded in PB 11, PAGE 28 Strap Number 30-43-26-04-0000D.0080. 2234 Santiago Ave.

Mrs. Zsuzanna Weigel

Sprint has facilities on the east side paralleling Santiago Ave. Sprint has no facilities on the south side of lot 9 and the north side of lot 8 or in the prescribed area to be vacated. Sprint has no objection in vacating the drainage easement the running east from Santiago to the canal.

Please see the attached:

If you have any Questions please advise; Craig Sloan 239-336-2039

Call for locates to verify 1-800-432-4770 ALL CLEAR
Prior to construction.

A handwritten signature in black ink, appearing to read "Craig Sloan".

Craig Sloan
OSP Eng. I

Cc; WJ, BT



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

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: 2234 Santiago Av

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,

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

for - Lucia Vera
Design Coordinator

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

April 1, 2003

Mr. Matthew D. Uhle, Esq.
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry St.
Ft. Myers, FL 33901

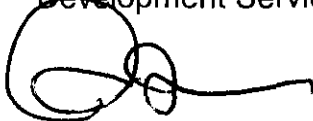
Re: VAC2003-00033 Vacation of a Drainage Easement

Dear Mr. Uhle:

As a result of a building permit being issued to expand a garage, building took place over an existing easement. 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:\200304\VAC20030.000\3\reviewandrec.wpd



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. George
District Two

Ray Judah
District Three

Andrew W. Goy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

November 18, 2002

Zsuzsanna Weigel
Knott, Consoer, Ebelini, Hart & Sweet, P.A.
1625 Hendry Street, Third floor
Fort Myers, FL., 33901

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

AM NOV 20 2002 PM
7 8 9 10 11 12 1 2 3 4 5 6



**SUBJECT: PROPOSED EASEMENT VACATION AT THE FOLLOW STRAP NUMBERS
2234 SANTIAGO AVE., 30-43-26-04-0000D.0080**

Dear Mr.:

Lee County Utilities has reviewed your request to vacate a drainage/utility easement as described in your letter dated September 27, 2002. Lee County Utilities has no facilities located within the easement, therefore, there is no objection to the vacation of this easement.

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech II
UTILITIES ENGINEERING

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Bob James
District One

Douglas B. St. Gemy
District Two

Ray Judah
District Three

Andrew W. Goy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

November 25, 2002

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

**RE: Petition to Vacate
Two 5 foot wide Drainage/Utility Easements,
Each along the lot line between Lots 8 and 9, of
Fort Myers Shores Subdivision Unit 4, as recorded
In Plat Book 11, page 28, of Lee County Public Records
Site Address: 2234 Santiago Avenue, Fort Myers, Florida 33905
(30-43-26-04-0000D.0080)**

Dear Ms. Weigel:

Lee County Department of Transportation has reviewed the above referenced request to vacate. DOT offers no objection to this vacation. An easement was recorded in 1971 that granted a replacement easement. There are no drainage structures located within the drainage easement requested to be vacated.

I trust this letter responds to your request for review.

Yours very truly,

DEPARTMENT OF TRANSPORTATION


Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Don Blackburn, Development Services
Terry Kelley, Utilities
Allen Davies, Natural Resources
DOT PTV File (Santiago Street/Weigel)

S:\DOCUMENT\Petition To Vacate\2002\Ft.Myers Shores - Weigel.doc

 **LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Wednesday, November 13, 2002

Bob James
District One

Douglas H. St. Geme
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 Hoaming
Examiner*

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

RECEIVED (941) 479-8124
Knott, Consoer, Ebelini,
Hart & Swett, P.A.

AM NOV 15 2002 PM
7 8 9 10 11 12 1 2 3 4 5 6

Re: Petition to Vacate a two five (5) foot wide public utility and drainage easement common to Lot 8 & 9, Unit 4, Fort Myers Shores Subdivision, as recorded in Plat Book 11 Page 28, in 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 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.
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\vac294.doc

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00003

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 27th day of May 2003 05:00 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"
Petition to Vacate
VAC2003-00003

Legal Description of Drainage Easement to be Vacated:

A portion of the ten-foot wide drainage easement lying on the common lot line between Lots 8 and 9 of the Fort Myers Shores, Unit 4, a subdivision in Sections 19 and 30, Township 43 South, Range 26 East, as recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida, less and except the west 6 feet thereof.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00003**

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. VAC2003-00033 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

Exhibit "A"

Petition to Vacate
VAC2003-00003

Legal Description of Drainage Easement to be Vacated:

A portion of the ten-foot wide drainage easement lying on the common lot line between Lots 8 and 9 of the Fort Myers Shores, Unit 4, a subdivision in Sections 19 and 30, Township 43 South, Range 26 East, as recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida, less and except the west 6 feet thereof.

FORT MYERS SHORES

A SUBDIVISION IN SECTIONS 19 & 30
T.43S., R.26E.

LEE COUNTY, FLORIDA

Scale: 1 inch=100 FT. November 1956

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT M.H. Davis Development Corporation (M.H. Davis Development Corp.) has caused this plat of Unit No. 4 of Fort Myers Shores to be made, and does hereby dedicate to the general use of the public all streets, roads, avenues and/or easements shown on this plat, and all public utilities, and in witness whereof M.H. Davis Development Corporation has caused this dedication to be signed in its name by its Vice President and its corporate seal to be affixed hereunto, this 15th day of December, A.D. 1956.

M.H. DAVIS DEVELOPMENT CORP.

By: *Robert H. Kelly* Vice President
Attest: *Robert H. Kelly* Secy-Treasurer

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day before me personally appeared _____ a duly qualified notary public for the State of Florida, in and to be known to be the persons described in and who executed the foregoing dedication and they acknowledged the same to be the act and deed of said corporation, and that they affixed thereto the official seal of said corporation and that said dedication is the act and deed of said corporation.

Notary Public for the State of Florida
My Commission Expires April 19, 1959

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY that the plat herein reflected of Unit No. 4 of Fort Myers Shores is a true and correct copy of the original recent survey made and platted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7, Chapter 107, Laws of Florida, Acts of 1945.

APPROVALS

This plat approved this 15th day of December, 1956, in open meeting of the Board of County Commissioners.

W. J. Farabee Chairman
R. A. Farabee Clerk

I HEREBY CERTIFY that this plat of Unit 4 of Fort Myers Shores has been examined by me, and from my examination I find that the same is in conformity with the requirements of Chapter 107, Laws of Florida. I FURTHER CERTIFY that said plat was filed for record by J. M. Davis on this 15th day of December, A.D. 1956 and is recorded in Plat Book 11 at page 28 of the Public Records of Lee County, Florida.

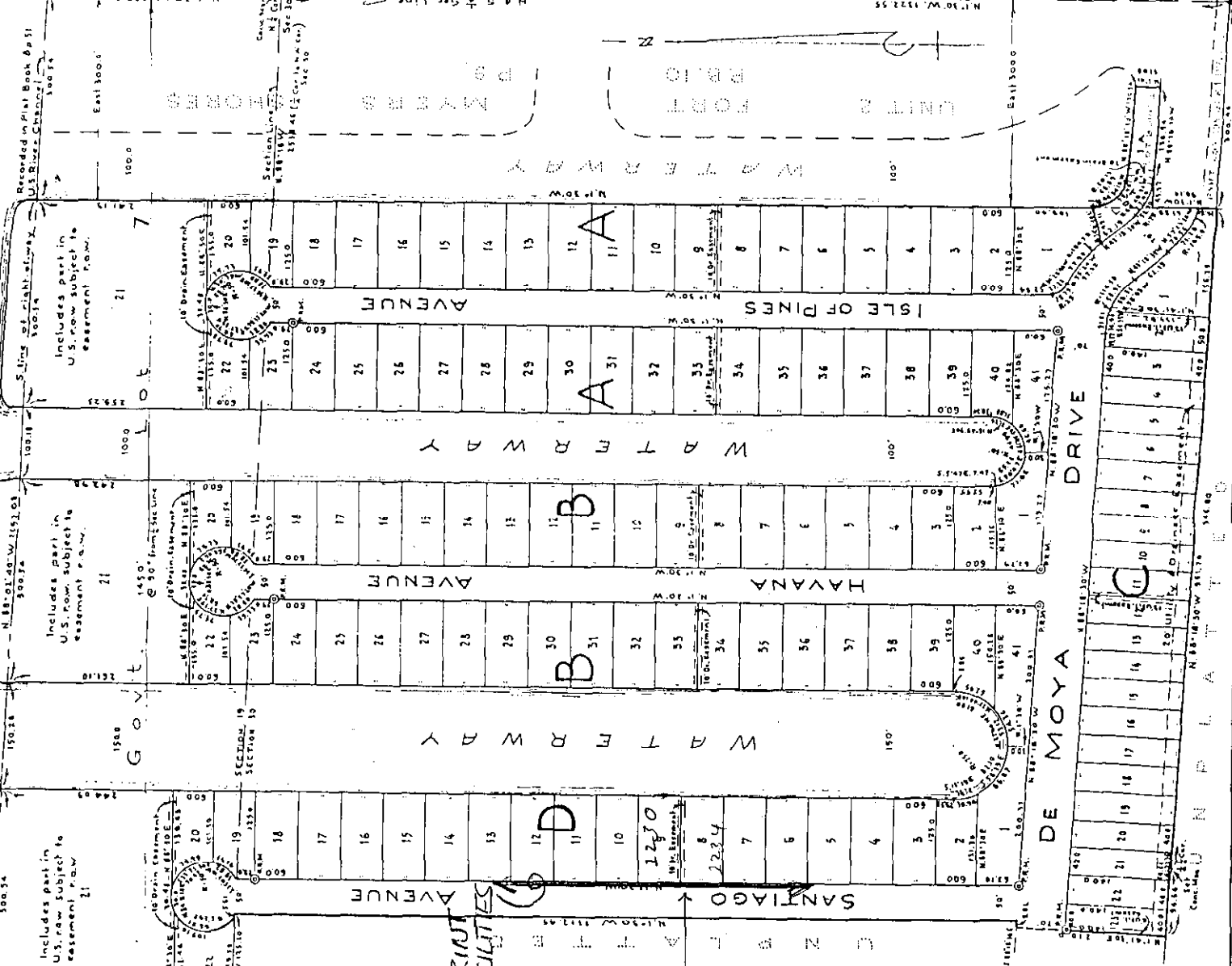
Dot Gerbage
Clerk of the County in and for Lee County

DESCRIPTION

The west 150.0 ft. of the east 1450.0 ft. measured on a bearing of N 88° 01' 40" W. 300.74 ft. from the intersection of the Caloosahatchee River and the State River Channel in the Caloosahatchee River, subject to the right-of-way for said channels shown on a plat recorded in Plat Book 6 at page 51 of the public records of Lee County, Florida, all that part of the plat of Unit No. 4 of Fort Myers Shores, also all that part of the plat of Unit No. 30, recorded in Plat Book 6 at page 51 of the public records of Lee County, Florida, that contains 30 lots, also the section line thereof, for 1345.80 ft. to the point of beginning, then said point of beginning run N 74° 30' E for 100 ft., then run along the east line thereof, north of Unit No. 4 of Fort Myers Shores, as recorded in Plat Book 11 at page 27 of said public records. ALSO all of Unit No. 4 of said Unit No. 2.

NOTES: Bearings are thus calculated from centerline Survey State Road No. 20 (Formerly S.R. No. 25) P.R.M.'s are 4"x4" concrete monuments or 4"x4" concrete posts. All bearings and acre lengths are approximate. All dimensions are subject to adjustment.

CALOOSAHAATCHEE RIVER



OK
16' EASEMENT
TO BE
INCUT

