

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET NO: 20030487

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a petition VAC2003-00012 to vacate a twelve-foot Public Utility Easement centered on the common lot line between lots 1 and 2, Kingsbridge Subdivision 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 construct a Single Family Home in the center of the two lots. 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 # 2

C4A

3. MEETING DATE:

05-06-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1. *(initials)*
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 4-20-03
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Richard and Patricia Garman, property owners.

LOCATION: The Public Utility Easement is between Lots 1 & 2, Kingsbridge Subdivision, as recorded in Plat Book 40, page 38. The site is located at 11761 Memory Ln and 921 Shaddelee Ln E, Fort Myers, Florida, Section 10, Township 45 South, Range 24 East.

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

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, the Resolution to set the Public Hearing, and the Notice of Public Hearing.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration				G County Manager
<i>[Signature]</i>	N/A	N/A		<i>[Signature]</i> 4-22-03	OA <i>[Signature]</i> 4/23/03	OM <i>[Signature]</i> 4/23/03	Risk <i>[Signature]</i> 4/23/03	GC <i>[Signature]</i> 4/23/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *4/21/03*
Time: *3:30 PM*
Forwarded for
CO. ADM.
4/22/03 4PM

RECEIVED BY
BY ADMIN. *[Signature]*
4-23-03
10:30
FOR MIN.
DATE TO: *BH*

PETITION TO VACATE

Case Number: VAC 2003-00012

Petitioner(s), RICHARD E. GARMAN AND PATRICIA A. GARMAN
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, 1950 COURTNEY DR. #3, FORT 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.
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:

Richard E. Garman
Petitioner Signature

Richard E. Garman
Printed Name

By:

Patricia A. Garman
Petitioner Signature

Patricia A. Garman
Printed Name

RECEIVED
APR 09 2003
B
COMMUNITY DEVELOPMENT

Exhibit "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide Public Utility Easement centered on the common lot line between lots 1 and 2, Kingsbridge Subdivision, as recorded in Plat Book 40 at Page 30 of the Public Records of Lee County, Florida, less and except the north six feet thereof.

EXHIBIT "B"

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

11000 Metro Parkway, Suite 27 - Fort Myers, Florida 33912 - 239-936-5222

JOB NO. 030117 & 2
 ADDRESS
 SHEET NO. 1 OF 1
 DATE 1/20/03
 CHECKED BY AJQ
 SCALE OR DESCRIPTION 1" = 40'

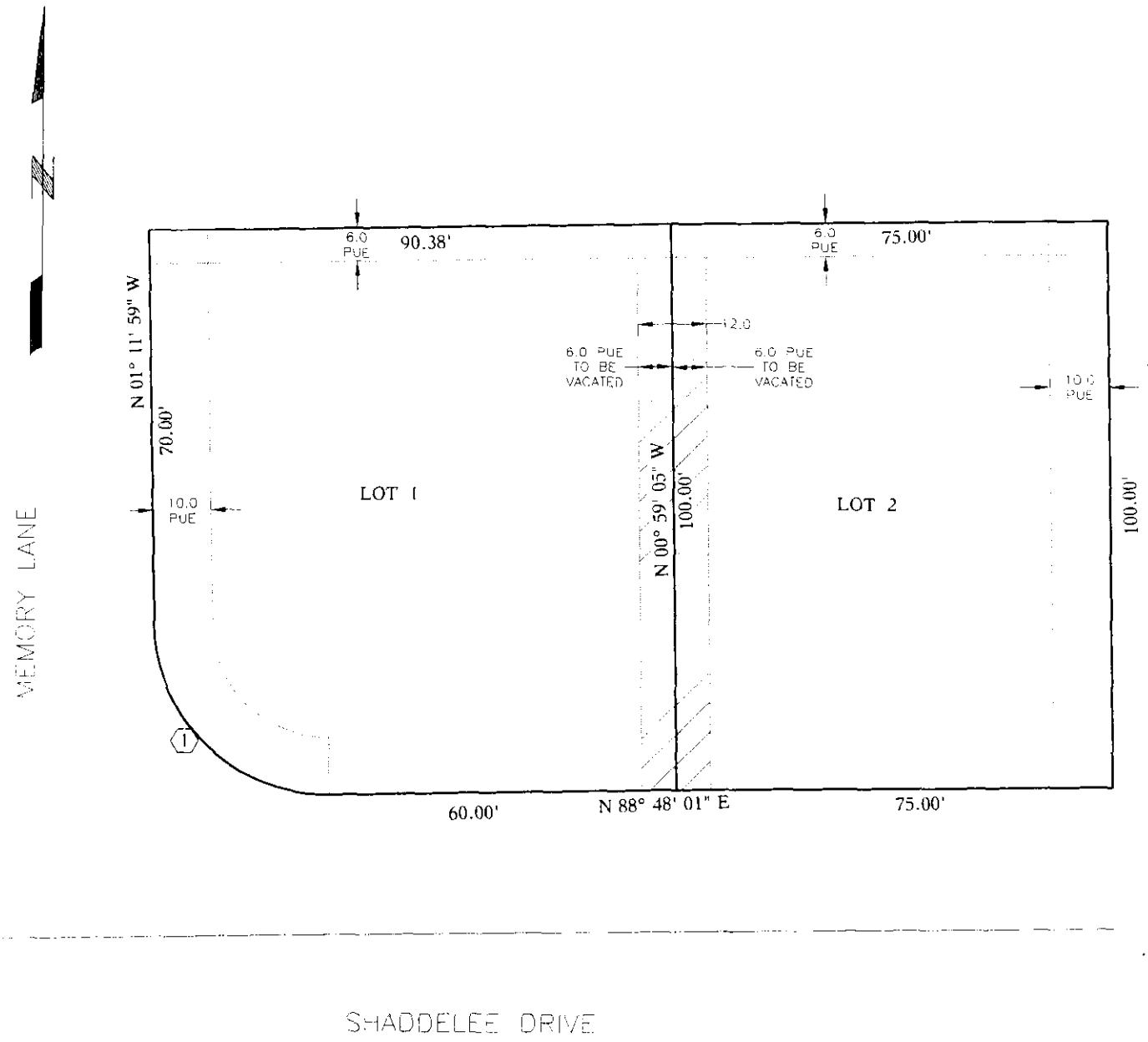
KINGSBRIDGE SUBDIVISION

P.B. 40

PG. 39

LEGAL DESCRIPTION:

LOTS 1 & 2 KINGSBRIDGE SUBDIVISION



Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

By clicking on the 'Start Search' button below, you agree that the information available at this site may not reflect current ownership information. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

View Account for Tax Year:

Save as File Extensive Search

Your search for 104524400000.0010 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
10-45-24-40-00000.0010	2002	GARMAN RICHARD E + PATRICIA A 11761 MEMORY LN	PAID
10-45-24-40-00000.0010	2001	GARMAN RICHARD E + PATRICIA A 11761 MEMORY LN	PAID
10-45-24-40-00000.0010	2000	GARMAN RICHARD E + PATRICIA A 11761 MEMORY LN	PAID
10-45-24-40-00000.0010	1999	GARMAN RICHARD E + PATRICIA A 11761 MEMORY LN	PAID
10-45-24-40-00000.0010	1998	GARMAN RICHARD E + PATRICIA A	PAID

(Click on the account number for more information and/or online payment.)
 5 match(es) Page 1 of 1

Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

By clicking on the 'Start Search' button below, you agree that the information available at this site may not reflect current ownership information. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

View Account for Tax Year:

Save as File Extensive Search

Your search for 104524400000.0020 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
10-45-24-40-00000.0020	2002	GARMAN RICHARD E + PATRICIA A 921 SHADDELEE LN E	PAID
10-45-24-40-00000.0020	2001	GARMAN RICHARD E + PATRICIA A 921 SHADDELEE LN E	PAID
10-45-24-40-00000.0020	2000	GARMAN RICHARD E + PATRICIA A 921 SHADDELEE LN E	PAID
10-45-24-40-00000.0020	1999	GARMAN RICHARD E + PATRICIA A 921 SHADDELEE LN E	PAID
10-45-24-40-00000.0020	1998	GARMAN RICHARD E + PATRICIA A	PAID

(Click on the account number for more information and/or online payment.)
 5 match(es) Page 1 of 1

EXHIBIT "C"
VAC2003-00012

2468120

This instrument was prepared by

SIMON M. HARRISON
PERCH AND HARRISON, P.A.
1630 Medical Lane, Suite A
FORT MYERS, FLORIDA 33907

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 3 day of June 19 88, Between

ROGER W. STEVENS, As Trustee and Individually

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

RICHARD E. GARMAN AND PATRICIA A. GARMAN, Husband and Wife

whose post office address is 2690 Bowen Road, Elina, New York 14059

of the County of _____, State of New York, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of
TEN AND NO/100 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:

Lots 1, 2, 3, 4, 5, 6, 8, 10, 11 and 13, KINGSBRIDGE SUBDIVISION, according to the map or plat thereof, recorded in Plat Book 40, pages 38 and 39, Public Records of Lee County, Florida.

Lot 9, less and except a strip of land ten feet in width lying parallel and adjacent to the Right-Of-Way of McGregor Boulevard, KINGSBRIDGE SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 40, pages 38 and 39, Public Records of Lee County, Florida.

Lot 12, less and except a ten foot strip parallel and adjacent to the road Right-of-Way of McGregor Boulevard, said lot being in KINGSBRIDGE SUBDIVISION according to the map or plat thereof, as recorded in Plat Book 40, pages 38 and 39, Public Records of Lee County, Florida.

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:

[Signature]

[Signature]

ROGER W. STEVENS, Individually and
as Trustee (Seal)

_____ (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

ROGER W. STEVENS, Individually and as Trustee

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

WITNESS my hand and official seal in the County and State last aforesaid this 3 day of June 19 88

My commission expires:

[Signature]

Notary Public

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES OCT 15, 1990
BONDED THRU GENERAL INS. UND.

RECORDED & RETURNED VERIFIED
JUN 0 11 30 AM '88
[Signature]

2931 Michigan Avenue
Fort Myers, Florida 33916
Phone 941-334-8828
Fax 941-334-8575



February 3, 2003

Dan E Miller
12498-204 Riverside Dr
Ft Myers, FL 33919

Re: Request for a Letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: Kingsbridge Subdivision
Division, Platt Book 40, Page 39 Lots 1 & 2.

Dear Dan E Miller,

This letter will serve to inform you that Comcast has no facilities in the
above referenced location. Comcast has no conflict with the vacation of
easement.

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".

Lucia Vera
Design Coordinator

Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

11000 Metro Parkway, Suite 27 - Fort Myers, Florida 33902 - 239-936-6227

JOB: LOTS 1 & 2

ADDRESS:

SHEET NO. 1 OF 1

DATE 1/20/03

CHECKED BY AJG

SCALE OR DESCRIPTION 1" = 40'

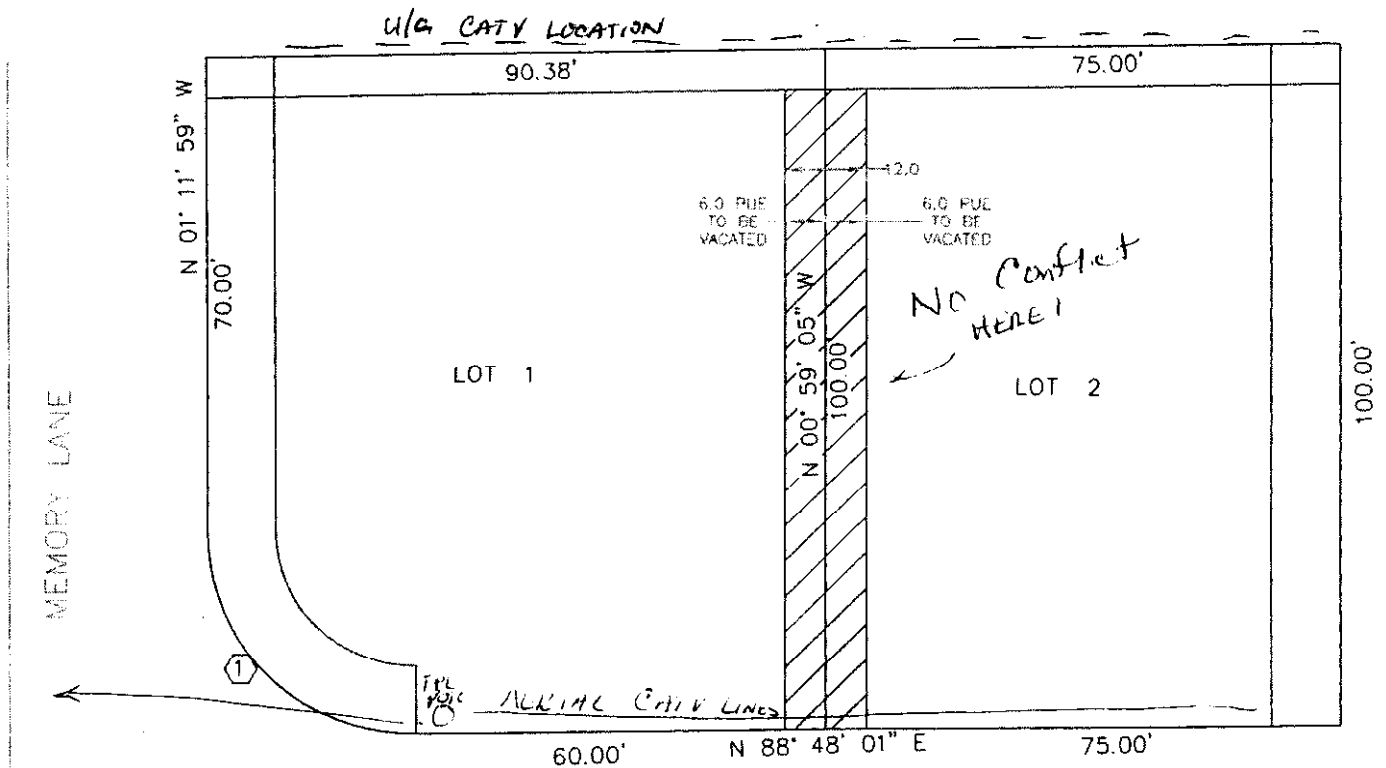
KINGSBRIDGE SUBDIVISION

P.B. 40

P.G. 39

LEGAL DESCRIPTION:

LOTS 1 & 2 KINGSBRIDGE
SUBDIVISION



SHADDELEE DRIVE



Florida Power & Light Company

January 28, 2003

Mr. Dan E. Miller
12490-204 Riverside Drive
Fort Myers, FL 33919

Re: Proposed Vacation of Easement for Lots 1 & 2 Kingsbridge Subdivision

Dear Mr. Miller,

FPL would have no objection to vacating a 12-foot wide Public Utility Easement centered on the lot line common to Lots 1 & 2, Kingsbridge Subdivision of Fort Myers recorded in Plat Book 40 Page 39.

If you have any question, please call me at (941) 415-1329.

Sincerely,

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

Jane Gunter
Customer Project Manager

AmeriGas

America's Propane Company

March 17, 2003

Dan Miller
12498 Riverside Drive Unit #204
Fort Myers, Florida 33919

RE: VACATE OF EASEMENT

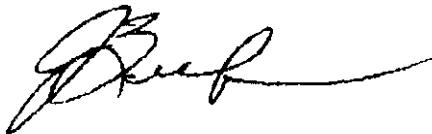
Dear Mr. Miller:

In reference to your letter dated February 20, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 10-45-24-40-00000.0010
STRAP NO.: 10-45-24-40-00000.0020

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

Sincerely,



Jim Fliefstahl
Service Manager



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

February 21, 2003

Douglas R. St. Cerny
District Two

Dan E. Miller
12498-204 Riverside Drive
Fort Myers, FL 33919

Ray Judah
District Three

Andrew W. Coy
District Four

**SUBJECT: PETITION TO VACATE PLATTED PUBLIC UTILITY EASEMENTS
STRAP #S: 10-45-24-40-00000.0010 & .0020
KINGSBRIDGE SUBDIVISION, LOTS 1 & 2**

John E. Albion
District Five

Donald D. Stilwell
County Manager

Dear Mr. Miller:

James G. Yaeger
County Attorney

Lee County Utilities is in receipt of your letter and associated attachments concerning a proposed Petition to Vacate an existing 12-foot wide public utility easement centered on the common lot line of Lots 1 and 2, in the Kingsbridge Subdivision as recorded in Plat Book 40, Page 39 of Lee County Public Records.

Diana M. Parker
County Hearing Examiner

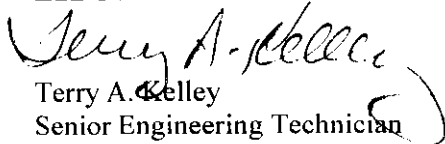
Lee County Utilities has reviewed your request and currently has ***NO OBJECTION*** to the proposed vacation. However, please be advised that record drawings indicate that Lee County Utilities owns and maintains a sanitary sewer lateral for the above-mentioned parcels near the easement to be vacated. Lee County Utilities' position of '***NO OBJECTION***' is based in part, on the belief that this sewer lateral is located within the Schaddelee Drive right-of-way and will not be affected by the proposed vacation.

If it is later determined that this sewer lateral extends outside of the right-of-way and into the easement to be vacated, a new easement will be required for access and maintenance of this lateral.

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

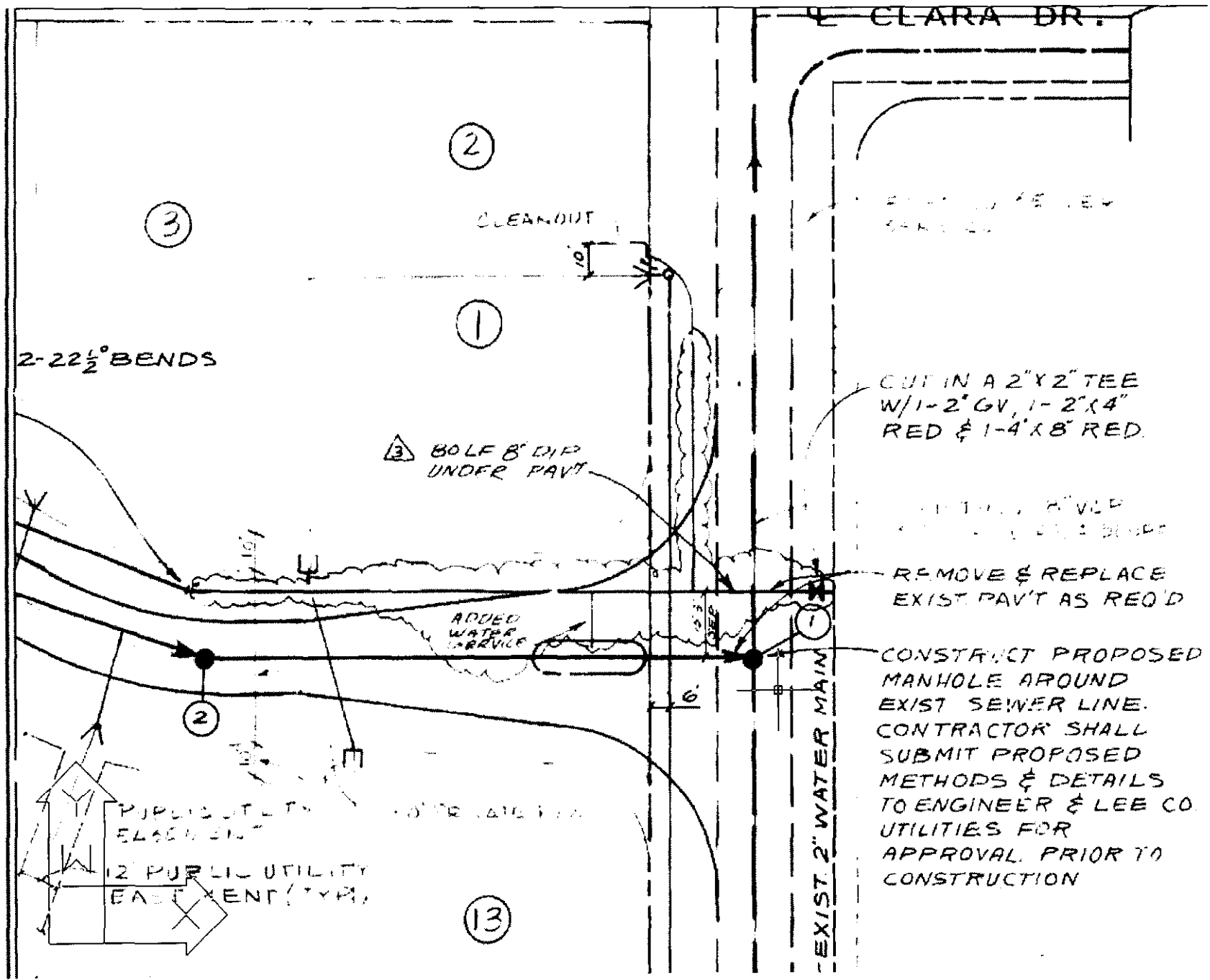
Sincerely,

LEE COUNTY UTILITIES


Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

cc: Correspondence File

SAUTILS\Eng\TAK\LETTERS\VAC\FY 2003\Miller - Kingsbridge, Lots 1 & 2 PUE Vacation.doc



CLARA DR.

2

3

1

2-22 1/2° BENDS

CLEANOUT

3 BOLT 8" DIA UNDER PAVT

ADDED WATER SERVICE

PUBLIC UTILITY EAST EXTENT (TYPE)

12 PUBLIC UTILITY EAST EXTENT (TYPE)

13

EXIST 2" WATER MAIN

CUT IN A 2" X 2" TEE W/ 1-2" GV, 1-2" X 4" RED & 1-4" X 8" RED.

REMOVE & REPLACE EXIST PAVT AS REQ'D

CONSTRUCT PROPOSED MANHOLE AROUND EXIST SEWER LINE. CONTRACTOR SHALL SUBMIT PROPOSED METHODS & DETAILS TO ENGINEER & LEE CO UTILITIES FOR APPROVAL PRIOR TO CONSTRUCTION

EXIST 2" WATER MAIN



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

January 28, 2003

Dan Miller
12498-204 Riverside Dr.
Fort Myers, Florida 33919


RE: Request to Vacate Public Utility Easement at the following location: Kingsbridge
Subdivision, Platt Book 40, Page 39 Lots 1 & 2.

Dear Dan:

Sprint-Florida Incorporated has reviewed the documents for the above referenced information.
Based on the review of the plans, we do not have any objections to vacating the Public Utility
Easement at the following location: Kingsbridge Subdivision, Platt Book 40, Page 39 Lots 1 & 2.

If you should have any questions or require additional information, please give me a call at
(941) 336-2131.

Sincerely,
Sprint-Florida Incorporated


Leon Bryant
Network Engineer I

cc: File

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 17, 2003

Richard and Patricia Garman
1950 Courtney Drive #3
Fort Myers, Florida 33901

Re: VAC2003-00012 - Petition to vacate a twelve-foot Public Utility Easement centered on the common lot line between lots 1 and 2, Kingsbridge Subdivision, as recorded in Plat Book 40 at Page 39 of the Public Records of Lee County, Florida, less and except the north six feet thereof.

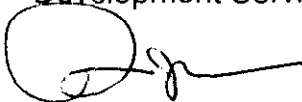
Dear Mr. & Mrs. Garman:

You have indicated that in order to construct a single family home in the center of lots 1 and 2 you desire to eliminate the Public Utility Easement between your two lots. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

PJE/mmr

C:\Documents and Settings\robertmm\My Documents\VAC2003-00012\Development Review Recommends.wpd



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Monday, February 24, 2003

Bob Jones
District One

Douglas R. St. Comy
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Dan E. Miller
12498-204 Riverside Drive
Fort Myers, FL 33919

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 1 & 2, Kingsbridge Subdivision, as recorded in Plat Book 40 Page 39, in Lee County, Florida

Dear Mr. Miller:

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\vac313.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: _____ VAC2003-00012 _____**

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. VAC2003-00012 is set for the
_____ in the Lee County Commission Chambers.

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

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide Public Utility Easement centered on the common lot line between lots 1 and 2, Kingsbridge Subdivision, as recorded in Plat Book 40 at Page 38 of the Public Records of Lee County, Florida, less and except the north six feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00012

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

Exhibit "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide Public Utility Easement centered on the common lot line between lots 1 and 2, Kingsbridge Subdivision, as recorded in Plat Book 40 at Page 38 of the Public Records of Lee County, Florida, less and except the north six feet thereof.