

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a petition VAC2003-00016 to vacate a twelve-foot Public Utility Easement centered on the common lot line between lots 19 and 20, Block 14, Unit 2, Lehigh Acres and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 10th day of June, 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 # 5

C4A

3. MEETING DATE:

05-13-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1 *(JK)*
- 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 Julio and Antoinette Sanabria, property owners.

LOCATION: The Public Utility Easement is between Lots 19 & 20, Block 14, Unit 2, Lehigh Acres, as recorded in Plat Book 18, page 38. The site is located at 715 and 717 Milwaukee Blvd, Lehigh Acres, Florida, Section 15, Township 45 South, Range 27 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> 4-24-03	QA <i>[Signature]</i> 4/24/03	OM <i>[Signature]</i> 4/24/03	Risk <i>[Signature]</i> 4/24	GC <i>[Signature]</i> 4/24/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *4/21/03*
Time: *3:30 pm*
4/24/03 11AM

RECEIVED BY
COUNTY ADMIN. *TD*
4-24-03
10:25
COUNTY
FORWARD *[Signature]*
4/24/03

PETITION TO VACATE

Case Number: VAC 2003-00016

Petitioner(s), HORTONVILLE SUBDIVISION - PUBLIC UTILITIES 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, 1745 W. RD. COOK DRUM, FORT MYERS, FL 33907
- 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: *[Signature]*
 Petitioner Signature
HORTONVILLE SUBDIVISION
 Printed Name

By: *[Signature]*
 Petitioner Signature
BURT L. HUNTER, JR.
 Printed 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 19 and 20, Block 14, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 38 of the Public Records of Lee County, Florida, less and except the north six feet thereof.

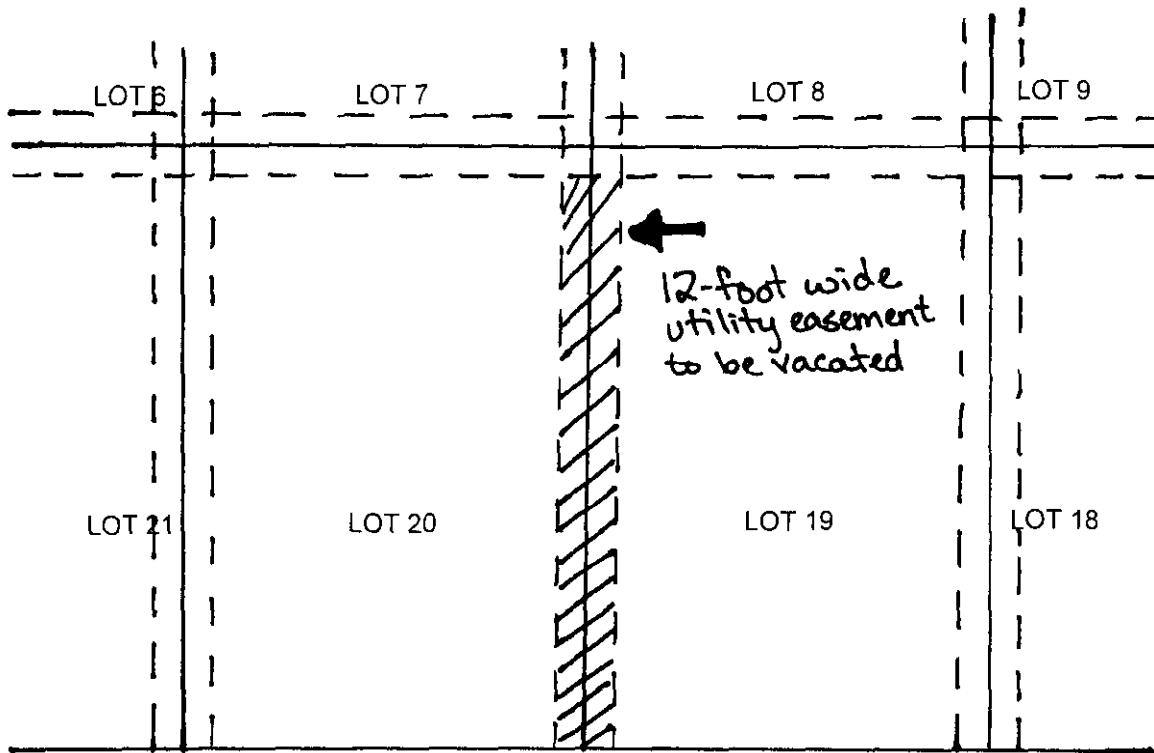
Exhibit "B"
VAC2003-00016

Section 15, Township 45 South, Range 27 East
Subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 18 at Page 38 of the Public
Records of Lee County Florida.

Scale
1" = 40'



BLOCK 14
UNIT 2



MILWAUKEE BLVD* 80-foot Right-of-way
(*f/k/a or a/k/a Thomas Watson Blvd.)

All lots subject to a 6 foot Utility Easement on both sides and back.

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 1545270200014.0190 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
15-45-27-02-00014.0190	2002	SANABRIA ANTOINETTE S + JULIO 717 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0190	2001	SANABRIA ANTOINETTE S + JULIO 717 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0190	2000	SANABRIA ANTOINETTE S + JULIO 717 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0190	1999	NOVA CAPITAL LP 717 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0190	1998	NOVA CAPITAL LP	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 1545270200014.0200 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
15-45-27-02-00014.0200	2002	SANABRIA ANTOINETTE S + JULIO 715 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0200	2001	SANABRIA ANTOINETTE S + JULIO 715 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0200	2000	SANABRIA ANTOINETTE S + JULIO 715 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0200	1999	NOVA CAPITAL LP 715 MILWAUKEE BLVD	PAID
15-45-27-02-00014.0200	1998	NOVA CAPITAL LP	PAID

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

EXHIBIT "C"
VAC 2003-00016

INSTR # 5240586
OR BK 03488 PG 3455

RECORDED 09/21/01 12:52 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DOC TAX PD(F.S.201.02) 126.00
DEPUTY CLERK C Keller

THIS INSTRUMENT PREPARED BY:
GUARDIAN TITLE SERVICES CORPORATION
Teri A. Scheall
3501 DEL PRADO BOULEVARD, SUITE 303
CAPE CORAL, FLORIDA 33904

STRAP NO: 15-45-27-02-00014.0190/0200
GRANTEE'S SOCIAL SECURITY NO:

THIS SPECIAL WARRANTY DEED Made this 12th day of September A.D. 2001, by

FLORIDA LANDMARK COMMUNITIES, INC., f/k/a Lehigh Corporation, a Florida Corporation, a corporation existing under the laws of Florida, and having its principal place of business at: 226 E. Joel Boulevard, Lehigh Acres, Florida, 33972 hereinafter called the grantor, to

Antoinette S. Sanabria and Julio E. Sanabria, Jr., wife and husband

whose post office address is: 1745-08 Red Cedar Drive
Fort Myers, FL 33907

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" shall include singular and plural, all the parties to this instrument, the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that land situate Lee County, State of Florida, viz:

Lots 19 and 20, Block 14, Unit 2, Section 15, Township 45 South, Range 27 East, Lehigh Acres, according to the plat thereof as recorded in Plat Book 18, Page 33, in the Public Records of Lee County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that it has good, right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be



December 18, 2002

Julio Sanabria Jr
Antoinette Sanabria
1745-08 Red Cedar Drive
Fort Myers, Fla. 33907-7683

RE: Vacation of easement
715 & 717 Milwaukee Blvd, Lehigh Acres, Fla.

Dear Julio & Antoinette:

The plat map sent to us for the above listed vacation of has been reviewed. At this time, Time Warner Cable has no facilities in this area and no future build is anticipated. Time Warner Cable has **NO CONFLICT** with this proposed construction.

If you have any further questions or concern, please do not hesitate to contact me at (941) 772-2218, Ext. 120.

Sincerely,

TIME WARNER CABLE

A handwritten signature in cursive script that reads 'B Streeter'.

Benjamin R. Streeter
Technical Field Inspector

BRS/sgs

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



December 16, 2002

Julio & Antoinette Sanabria
1745-8 Red Cedar Dr
Ft Myers, FL 33907

Re: Request for a letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: 715 & 717 Milwaukee
Bl. Lehigh Acres, FL

Dear Julio & Antoinette Sanabria

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

Sincerely,
Mike Evanek

Mike Evanek
Design Coordinator



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

December 10, 2002

Antoinette and Julio Sanabria
1745-08 Red Cedar Dr.
Ft. Myers, FL 33907-7683

Re: 715 and 717 Milwaukee Blvd., Lehigh Acres

Dear Ms. Sanabria and Mr. Sanabria:

LCEC does not object to vacation of the easements at the referenced site described as follows:

A twelve-foot-wide drainage and/or public utility easement centered on the common lot line between Lots 19 and 20, Block 14, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at page 38, of the Public Records of Lee County, Florida, LESS and EXCEPT the north six feet and the south six feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative

AmeriGas

America's Propane Company

January 22, 2003

Antoinette Sanabria
1745-08 Red Cedar Drive
Fort Myers, Florida 33907

RE: VACATE OF EASEMENT

Dear Ms. Sanabria:

In reference to your letter dated January, 7, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 15-45-27-02-00014.0190
STRAP NO.: 15-45-27-02-00014.0200

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

Sincerely,



Teresa Michaels
Customer Manager



April 2, 2003

Julio & Antoinette Sanabria
1745-08 Red Cedar Drive
Fort Myers, Florida 33907-7683

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 19 & 20,
Block 14, Unit 2, Section 15, Township 45S, Range 27E,
as recorded in Plat Book 18, Page 38 of the Official Records of Lee County.

Dear Mr. & Mrs. Sanabria:

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

If you should require additional information, please contact me at 239-336-2162.

Sincerely,

A handwritten signature in cursive script that reads "Sabrina Thompson".

Sabrina Thompson
Engineer



January 6, 2003

Julio & Antoinette Sanabria
1745-08 Red Cedar Drive
Fort Myers, FL 33907-7683

Re: A twelve-foot wide Drainage and/or Public Utility Easement on the common lot line between Lots 19 and 20, Block 14, Unit 2, A subdivision of Lehigh Acres, as recorded in Plat Book 18 on page 38 of the Public Records of Lee County, Florida, less and except the north/east six feet and the south/west six feet thereof.

Dear Mr. & Mrs. Sanabria:

Please be advised that Florida Water Services Corporation has reviewed the above-referenced request for a vacation of easement. We have no objection to the vacation of easement as described above.

Please call me at (407) 598-4187, if you need any additional information or other assistance.

Sincerely,

A handwritten signature in cursive script that reads "Rachel L. Cowing".

Rachel L. Cowing
Legal Secretary

AN ALLETE COMPANY

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

Water For Florida's Future

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

Julio and Antoinette Sanabria
1745-08 Red Cedar Drive
Fort Myers, Florida 33907

Re: VAC2003-00016 - Petition to vacate a twelve-foot Public Utility Easement centered on the common lot line between lots 19 and 20, Block 14, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 38 of the Public Records of Lee County, Florida, less and except the north six feet thereof

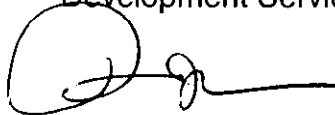
Dear Mr. & Mrs. Sanabria:

You have indicated that in order to construct a single family home in the center of lots 19 and 20 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\VAC2003-00016\Development Review Recommends.wpd

**LEE COUNTY**
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Wednesday, January 22, 2003

Bob Jones
District One

Douglas R. Sl. Gentry
District Two

Ray Jurfah
District Three

Andrew W. Coy
District Four

John L. Albion
District Five

Donald D. Stilwell
County Manager

James C. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. & Mrs. Julio Sanabria
1745-08 Red Cedar Drive
Fort Myers, FL 33907-7683

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 19 & 20, Block 14, Unit 2, Lehigh Acres Subdivision, as recorded in Plat Book 18 Page 38, in Lee County, Florida. (Corrective letter)

Dear Mr. & Mrs. Sanabria:

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\vac298.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

479-8580

Bob James
District One

Douglas B. St. Conny
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

Dina M. Parker
County Hearing Examiner

December 16, 2002

Mr. And Mrs. Sanabria
1745-08 Red Cedar Drive
Fort Myers, FL 33907-7683

**RE: Petition to Vacate
The 12 foot wide Drainage and Utility Easement
Centered on the Lot Line common to Lots 19 and 20,
Block 14, Unit 2, Lehigh Acres**

Dear Mr. And Mrs. Sanabria:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 18, page 38. DOT has no facilities within the easement and does not maintain it.

Therefore, DOT offers no objection to this petition to vacate as proposed.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/JMK/mlb

Cc: Don Blackburn, Development Services
Allen Davies, Natural Resources
PTV File

S:\DOCUMENT\Petition To Vacate\2002\Lots 19&20 - Sanabria.doc

April 16, 2003

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. BOX 398
FORT MYERS, FLORIDA 33902-0398

RE: VAC2003-00016 – Petition to vacate Public Utility Easement between lots 19 and 20, Block 14, Unit 2, Lehigh Acres, Florida.

To Whom It May Concern:

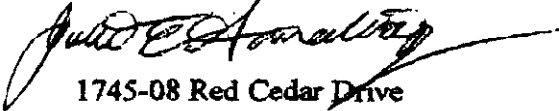
This request was submitted to Vacate Public Utility Easement between lots 19 and 20, because we would like to build a Single Family Home on the center of the lots.

If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Antoinette Sanabria



Julio E. Sanabria Jr.



1745-08 Red Cedar Drive
Fort Myers, Florida 33907-7683

Telephone: (239) 278-4006

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: _____ VAC2003-00016**

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. VAC2003-00016 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 19 and 20, Block 14, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18 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: VAC2003-00016

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of June 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 19 and 20, Block 14, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 38 of the Public Records of Lee County, Florida, less and except the north six feet thereof.