

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a petition VAC2003-00011 to vacate a twelve-foot Public Utility Easement centered on the common lot line between lots 15 and 16, Metropolitan Business Park 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 Commercial Building in the center of 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

C4B

**3. MEETING DATE:**

05-20-2003

**4. AGENDA**

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC

TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1/13-8
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY [Signature] 5/02/03  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The complete Petition to Vacate was submitted by Bernard J. Dewolfe, property owner.

**LOCATION:** The Public Utility Easement is between Lots 15 & 16, Metropolitan Business Park as recorded in Plat Book 44, page 85. The site is located at 13571 and 13771 Metropolis Avenue, Fort Myers, Florida, Section 19, Township 45 South, Range 25 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
<u>[Signature]</u> (5/15/03)	N/A	N/A		<u>John J. Dewolfe</u> 5-7-03	OA <u>[Signature]</u> 5/7/03	OM <u>[Signature]</u> 5/7/03	Risk <u>[Signature]</u> 5/8/03	GC <u>[Signature]</u> 5/8/03	<u>[Signature]</u> 5-8-03

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 5/2/03  
Time: 1:03 PM  
Forwarded To:  
Co. ADM.  
5/7/03 9 AM

RECEIVED BY  
COUNTY ADMIN. TD  
5-7-03  
10:45  
COUNTY ADMIN.  
FORWARDED TO:  
5/8 500

**PETITION TO VACATE**

[Page 1 of 2]

Case Number: VAC2003-00011

Petitioner(s), Bernard J. DeWolfe & Marvin Matheny, Co-trustees 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, 16050 S. Tamiami Trail, Suite 103, Ft. Myers
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

By: \_\_\_\_\_  
Petitioner Signature

Bernard J. DeWolfe, Co-trustee  
Printed Name

\_\_\_\_\_  
Printed Name

**PETITION TO VACATE**

[Page 2 of 2]

Case Number: VAC2003-00011

Bernard J. DeWolfe and

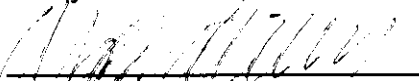
Petitioner(s), Marvin Matheny, Co-trustees

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, 16050 S. Tamiami Trail, Suite 103, Ft. Myers
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:   
Petitioner Signature

Marvin Matheny, Co-trustee  
Printed Name

By: \_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Printed Name



# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(941) 458-2388 • FAX: (941) 574-3719

APRIL 24, 2003  
JOB NUMBER 0268  
FILE: 0268L001.LGL

## DESCRIPTION

A PORTION OF THE 6.00 FEET WIDE AND 6.00 FEET WIDE PUBLIC UTILITY EASEMENTS LYING NORTH AND SOUTH OF THE COMMON LOT LINE LYING BETWEEN LOTS 15 AND 16, METROPOLITAN BUSINESS PARK, A SUBDIVISION LYING IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND RECORDED IN PLAT BOOK 44 AT PAGES 83 THRU 85, PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

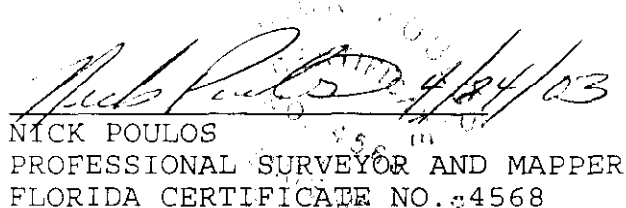
A 12.00 FEET WIDE STRIP OF LAND LYING 6.00 FEET NORTHERLY AND 6.00 FEET SOUTHERLY OF THE FOLLOWING DESCRIBED LOT LINE;

FROM THE NORTHWEST CORNER OF LOT 15, METROPOLITAN BUSINESS PARK; THENCE N.89°00'59"E. FOR 25.00 FEET ALONG THE COMMON LOT LINE LYING BETWEEN SAID LOT 15 AND LOT 16 TO THE POINT OF BEGINNING AND CENTERLINE OF SAID 12.00 FEET WIDE STRIP OF LAND; FROM SAID POINT OF BEGINNING; THENCE CONTINUE N.89°00'59"E. FOR 130.32 FEET ALONG SAID COMMON LINE TO AN INTERSECTION WITH THE WESTERLY SIDE OF A 29.00 FEET WIDE DRAINAGE EASEMENT AS SHOWN ON SAID PLAT AND THE POINT OF TERMINATION OF SAID CENTERLINE. SAID STRIP OR PARCEL OF LAND BEING 12.00 FEET IN WIDTH LYING 6.00 FEET ON EACH SIDE OF THE DESCRIBED CENTERLINE. THE SIDE LINES OF SAID STRIP OF LAND TO THE SHORTENED OR PROLONGED TO MEET AT THE WESTERLY SIDE OF SAID DRAINAGE EASEMENT.

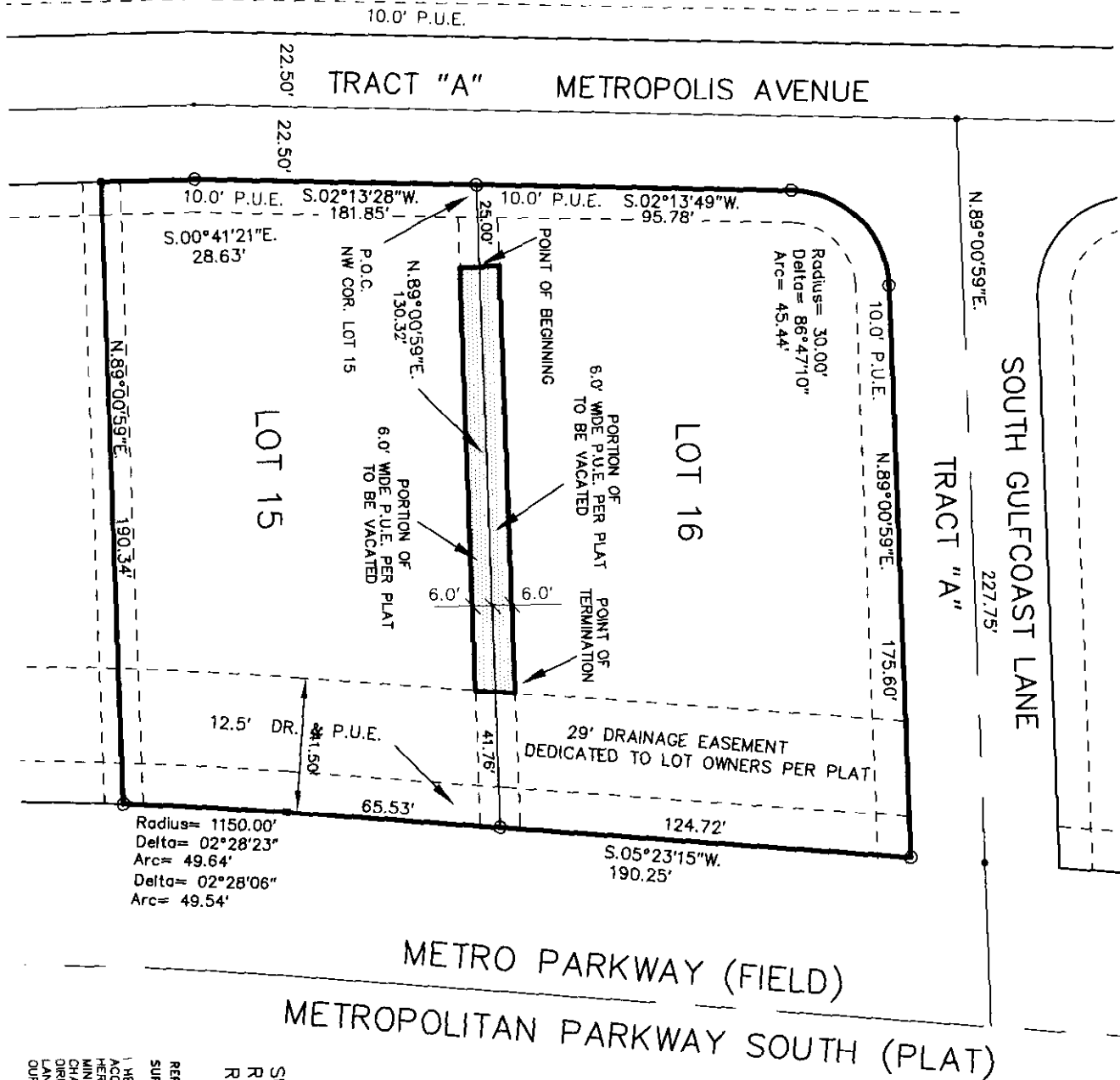
BEARINGS MENTIONED HEREIN ARE BASED ON THE PLAT OF METROPOLITAN BUSINESS PARK. THE NORTH LINE OF LOT 15 BEARING N.89°00'59"E.

REFER TO 8 1/2" X 11" SKETCH

GULF SHORE SURVEYING, INC.

  
NICK POULOS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 4568

BEARINGS SHOWN HEREON ARE BASED ON PLAT OF METROPOLITAN BUSINESS PARK AS RECORDED IN PLAT BOOK 44, PAGES 83-85 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THE NORTH LINE OF LOT 15 BEING THE RECORD PLAT BEARING OF N.89°00'59"E.



SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

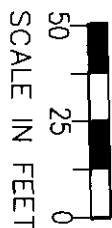
REFER TO B 1/2" X 11" (LEGAL DESCRIPTION) SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED, IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61G17-6 FAC AND WAS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 04/23/2003

NICK POLK, SURVEYOR AND MAPPER  
FLA. CERTIFICATE NO. 4568

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL WAXED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SKETCH OF DESCRIPTION (NOT A FIELD SURVEY)  
PORTION OF 6.0' & 6.0' WIDE PUBLIC UTILITY EASEMENT  
LEE COUNTY, FLORIDA

DATE : 04/23/2003  
SCALE : 1" = 50'  
CADD : N.P.  
CHECK : N.P.  
FILE : 0268L001

GULF SHORE SURVEYING, INC.



LICENSED BUSINESS NO. 6729  
LEE COUNTY: 2112 S.E. 11TH STREET CAPE CORAL, FL. 33990 (941) 458-2388  
CHARLOTTE COUNTY: 30930 OIL WELL ROAD PUNTA GORDA, FL. 33955 (941) 839-7800

0268  
L001

# Exhibit "C"

## Petition to Vacate VAC2003-00011

### 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  for Tax Year:   
 Save as File   Extensive Search

Your search for 19452514000000160 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
19-45-25-14-00000.0160	2002	DEWOLFE BERNARD J + 13751 METROPOLIS AV	PAID
19-45-25-14-00000.0160	2001	DEWOLFE BERNARD J + 13751 METROPOLIS AV	PAID
19-45-25-14-00000.0160	2000	DEWOLFE BERNARD J + 13751 METROPOLIS AV	PAID
19-45-25-14-00000.0160	1999	DEWOLFE BERNARD J CO-TR + 13751 METROPOLIS AV	PAID
19-45-25-14-00000.0160	1998	DEWOLFE BERNARD J CO-TR +	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  for Tax Year:   
 Save as File   Extensive Search

Your search for 19452514000000150 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
19-45-25-14-00000.0150	2002	DEWOLFE BERNARD J + 13771 METROPOLIS AV	PAID
19-45-25-14-00000.0150	2001	DEWOLFE BERNARD J + 13771 METROPOLIS AV	PAID
19-45-25-14-00000.0150	2000	DEWOLFE BERNARD J + 13771 METROPOLIS AV	PAID
19-45-25-14-00000.0150	1999	DEWOLFE BERNARD J CO-TR + 13771 METROPOLIS AV	PAID
19-45-25-14-00000.0150	1998	DEWOLFE BERNARD J CO-TR +	PAID

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

This Instrument Prepared by:  
Robert D. Royston, Jr., Esq.  
COSTELLO, SIMS & ROYSTON  
P. O. Drawer 60205  
Fort Myers, FL 33906

INSTR # 4793185  
OR BK 03209 PG 3568

RECORDED 01/13/00 09:19 AM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 6.00  
DOC TAX PD (F.S. 201.02) 0.70  
DEPUTY CLERK B Sherwood

Return to:  
Robert D. Royston, Jr., Esq.  
COSTELLO, SIMS & ROYSTON  
P. O. Drawer 60205  
Fort Myers, FL 33906

Property Appraiser's Parcel Number:

66  
70D

Quit Claim Deed

THIS INDENTURE, made this 28th day of DECEMBER, 1999 between ALLEN H. JOHNSON, individually and as a Co-Trustee of the Metropolitan Land Trust, dated September 28, 1987, GRANTOR, and BERNARD J. DeWOLFE and MARVIN MATHENY, as Co-trustees of the Metropolitan Land Trust, dated September 28, 1987, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise to manage and dispose of the real property described herein, whose mailing address is 16050 South Tamiami Trail, Suite 103, Fort Myers, FL 33908. GRANTEEES:

WITNESSETH: That said GRANTOR, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable considerations to said GRANTOR in hand paid by said GRANTEEES, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed to the said GRANTEEES, and GRANTEEES' heirs and assigns forever, all the right, title, interest, claim and demand which GRANTOR has in and to the following described land situate, lying and being in Lee County, Florida, to wit:

Lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 21 METROPOLITAN BUSINESS PARK, as recorded in Plat Book 44, pages 84 and 85, Public Records of Lee County, Florida.

This property is not the homestead of the Grantor or contiguous to the homestead of the Grantor.

IN WITNESS WHEREOF, GRANTOR, has hereunto set GRANTOR'S hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

(First Witness to Grantor)

DIANE E. MCGILL

(Printed Name of First Witness)

(Second Witness to Grantor)

(Printed Name of Second Witness)

*[Handwritten Signature]*

(Signature ALLEN H. JOHNSON, individually and as Trustee of the Metropolitan Land Trust, dated September 28, 1987)

Post Office Address of GRANTOR:

5252-2 Cedarbend Drive  
Fort Myers, FL 33919

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of December, 1999, by ALLEN H. JOHNSON, individually and as Trustee of the Metropolitan Land Trust, dated September 28, 1987, a Florida Land Trust, on its behalf.

My Commission Expires:

(SEAL)



*[Handwritten Signature]*

Notary Public, State of Florida

(printed name of notary)

Personally Known  OR Produced Identification   
Type of Identification Produced \_\_\_\_\_

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



January 9, 2003

David Douglas Associates, Inc  
C/O Jason White  
2037 West First St  
Ft Myers, FL 33901

Re: Request for a letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: 13751/13771  
Metropolis Avenue, Fort Myers, Florida

Dear Mr. Jason White,

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

If you should require further information, please feel free to contact me at  
(239) 415-4750.

Sincerely,  
*Mike Evanek*

Mike Evanek  
Design Coordinator





Florida Power & Light Company

February 26, 2003

David Douglas Associates, Inc.  
Attn: Jason White, E.I.  
2037 W. First Street  
Fort Myers, Florida 33901

Re: petition to vacate a PUE between Lots 15 and 16, Metropolitan Business Park,  
13751 and 13771 Metropolis Avenue

Dear Mr. White:

Florida Power & Light Co. has no facilities located within the proposed easement to be vacated. Therefore, we have no objection to vacate this easement.

If you have any questions or concerns, please call me at (239) 415-1315.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Sanders".

Jeff Sanders  
Customer Project Manager



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

January 10, 2003

Mr. Jason White E.I  
David Douglas Assocs. Inc.  
2037 W. First Street  
Fort Myers, Fl. 33901

Re: Request for Letter of Review – Petition for Vacation of Easement  
13751/13771 Metropolis Avenue, Fort Myers.

Dear Mr. White:

This is in response to your letter of January 7<sup>th</sup> regarding the subject matter.

Please be advised that Sprint has no objection to your Petition as described in your letter and attachments.

If I can be of further assistance, please feel free to contact me at 336-2014.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Grabowski".

Denise Grabowski  
Engineer I – Network CSO



BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number:

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stowell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

February 5, 2003

Jason White  
David Douglas Associates  
2037 W. First Street  
Fort Myers, Fl. 33901

**SUBJECT: PETITION TO VACATE THE 6' PUE BETWEEN LOTS 15 AND 16,  
METROPOLITAN BUSINESS PARK, 13751 AND 13771 METROPOLIS AVE.**

Dear Mr. White:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate an existing 'Public Utility Easement, as described in your letter and sketch of January 31, 2003. Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation.

Please be advised that our record drawings indicate Lee County Utilities owns and maintains potable water, gravity collection facilities and a pump station near the area to be vacated. Lee County Utilities' position of 'No Objection' is for the adjoined side lot line easements only. The area across the entire front, rear and perimeter sides of the combined properties will remain a public utility easement as well as the existing Pump/lift Station easement as you have indicated in your letter.

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

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic  
Engineering Tech II  
UTILITIES ENGINEERING

VIA FACSIMILE  
Original Mailed

\\LCFNW15\DATA\SHARED\ENVSrv\UTILS\Engr\MMM\LETTERS\VACATION\13751 and 13771 Metropolis Ave - NO-OBJECTION.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob James  
*District One*

Douglas B. St. Gemy  
*District Two* **May 1, 2003**

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. Jason White  
David Douglas and Associates, Inc.  
2037 West First Street  
Fort Myers, Florida 33901**

**Re: VAC2003-00011 - Petition to vacate a portion of a twelve-foot Public Utility Easement centered on the common lot line between lots 15 and 16, Metropolitan Business Park, as recorded in Plat Book 44 at Page 85 of the Public Records of Lee County, Florida.**

Dear Mr. White:

You have indicated that in order to construct a building in the center of your two (2) lots you desire to eliminate a portion of 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.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

PJE/rlw

U:\200305\VAC20030.001\1\Development Review Recommends.wpd

 **LEE COUNTY**  
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Tuesday, February 18, 2003

Bob Jones  
*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*

Mr. Jason White, E.I.  
David Douglas & Associates, Inc.  
2037 First Street  
Fort Myers, FL 33901

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 15 & 16, Metropolitan Business Park Subdivision, as recorded in Plat Book 44 Page 83, in Lee County, Florida

Dear Mr. White:

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\vac311.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

479-8580

Bob James  
District One

Douglas B. St. Genny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stowell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

February 5, 2003

Mr. Jason White  
David Douglas Associates, Inc.  
2037 W. First Street  
Fort Myers, FL 33901

**RE: Petition to Vacate:  
Public Utility Easement, Metropolis Avenue,  
Metropolitan Business Park, Plat Book 44, Page 84,  
Section 19, Township 45, Range 25**

Dear Mr. White:

Lee County Department of Transportation has reviewed the above referenced request to vacate. Lee County DOT does not maintain the public utility easement; therefore, offers no objection to the vacation.

I trust this responds to your request for review, and if I may be of any further assistance please do not hesitate to contact me.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

Cc: Terry Kelley, Lee County Utilities  
Allen Davies, Lee County Division of Natural Resources  
Don Blackburn, Lee County Development Services  
DOT PTV File: Metropolis Ave., PUE (Douglas)

S:\DOCUMENT\Petition To Vacate\2003\Metropolis Ave - White.doc



## Florida Department of Transportation

JEB BUSH  
GOVERNOR

THOMAS F. BARRY, JR.  
SECRETARY

January 15, 2003

Jason White, E.I., Project Engineer  
David Douglas Associates, Inc.  
2037 West First Street  
Fort Myers, Florida 33901

RE: Vacation of A Public Utility Easement

Dear Mr. White:

Our staff has conducted a review of your request to vacate a Public Utility Easement common to the lot line of Lots 15 and 16, Metropolitan Business Park, as recorded in Plat Book 44, Page 83, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of January 7, 2003.

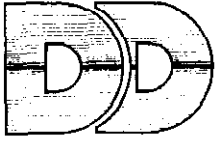
Based on this review, we offer "No Objections" to this vacation request.

Sincerely,

James W. Dunsford,  
District R/W Administrator,  
Property Management

JWD/jwd

cc: Scott Gilbertson, P.E. - Lee County  
Peter J. Eckenrode - Lee County  
Mike Rippe - FDOT  
Tom Garcia - FDOT



**DAVID DOUGLAS ASSOCIATES, INC.**  
**ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS**

December 30, 2002

Peter J. Eckenrode  
Development Services Director  
Lee County Development Services  
P.O. Box 398  
Fort Myers, Florida 33902

RE: Request for a letter of Review and Recommendation on a proposed utility easement vacation at the following location: 13751 /13771 Metropolis Avenue, Fort Myers, Florida

Dear Mr. Eckenrode:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility easement at the location identified above in order to accomplish the following purpose:

1. Construct an 11,606 square foot building with site layout, utilities and drainage for the owner of lots 15 and 16 in the Metropolitan Business Park. This easement is on a single owners property and does not abut any other landowner.

We have included a sketch or drawing of the utility easement we desire to vacate. Please provide us with a letter of review and recommendation so we proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Sincerely,

Jason White E.I.  
Project Engineer

JW/mo  
Enclosure

Cc: Bernard DeWolfe



**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00011**

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. VAC2003-00011 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



# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(941) 458-2388 • FAX: (941) 574-3719

APRIL 24, 2003  
JOB NUMBER 0268  
FILE: 0268L001.LGL

## DESCRIPTION

A PORTION OF THE 6.00 FEET WIDE AND 6.00 FEET WIDE PUBLIC UTILITY EASEMENTS LYING NORTH AND SOUTH OF THE COMMON LOT LINE LYING BETWEEN LOTS 15 AND 16, METROPOLITAN BUSINESS PARK, A SUBDIVISION LYING IN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND RECORDED IN PLAT BOOK 44 AT PAGES 83 THRU 85, PUBLIC RECORDS OF LEE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 12.00 FEET WIDE STRIP OF LAND LYING 6.00 FEET NORTHERLY AND 6.00 FEET SOUTHERLY OF THE FOLLOWING DESCRIBED LOT LINE;

FROM THE NORTHWEST CORNER OF LOT 15, METROPOLITAN BUSINESS PARK; THENCE N.89°00'59"E. FOR 25.00 FEET ALONG THE COMMON LOT LINE LYING BETWEEN SAID LOT 15 AND LOT 16 TO THE POINT OF BEGINNING AND CENTERLINE OF SAID 12.00 FEET WIDE STRIP OF LAND; FROM SAID POINT OF BEGINNING; THENCE CONTINUE N.89°00'59"E. FOR 130.32 FEET ALONG SAID COMMON LINE TO AN INTERSECTION WITH THE WESTERLY SIDE OF A 29.00 FEET WIDE DRAINAGE EASEMENT AS SHOWN ON SAID PLAT AND THE POINT OF TERMINATION OF SAID CENTERLINE. SAID STRIP OR PARCEL OF LAND BEING 12.00 FEET IN WIDTH LYING 6.00 FEET ON EACH SIDE OF THE DESCRIBED CENTERLINE. THE SIDE LINES OF SAID STRIP OF LAND TO THE SHORTENED OR PROLONGED TO MEET AT THE WESTERLY SIDE OF SAID DRAINAGE EASEMENT.

BEARINGS MENTIONED HEREIN ARE BASED ON THE PLAT OF METROPOLITAN BUSINESS PARK. THE NORTH LINE OF LOT 15 BEARING N.89°00'59"E.

REFER TO 8 1/2" X 11" SKETCH

GULF SHORE SURVEYING, INC.

*Nick Poulos*  
NICK POULOS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 4568  
STATE OF FLORIDA  
PROFESSIONAL SURVEYORS & MAPPERS

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00011

### 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



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