

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

BLUE SHEET NO: 20030656

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a Public Utility Easement located at 2379 Dover Avenue, Fort Myers Villas subdivision and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 8th day of July, 2003.

**WHY ACTION IS NECESSARY:** To rectify a pool encroachment that has been in place over twenty years and through several different property owners. **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. (Case # VAC2003-00025).

**2. DEPARTMENTAL CATEGORY:** 04

COMMISSION DISTRICT #2

*C4B*

**3. MEETING DATE:**

*06-17-2003*

**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 Peter J. Eckenrode, Director

**7. BACKGROUND:**

The complete Petition to Vacate was submitted by Ms. Cindy Roberts, Agent for Alece Martino.

**LOCATION:** The Public Utility Easement is along the north six feet of lot 26, Block 46, Unit 4A, Part 1. The site is located at 2379 Dover Ave., Fort Myers, Florida, Section 13, Township 45 South, Range 24.

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<br>Department<br>Director | B<br>Purchasing<br>or<br>Contracts | C<br>Human<br>Rel. | D<br>Other | E<br>County<br>Attorney      | F<br>County Administration   |                                    |                                      |                                    | G<br>County<br>Manager |
|-----------------------------|------------------------------------|--------------------|------------|------------------------------|------------------------------|------------------------------------|--------------------------------------|------------------------------------|------------------------|
| <i>[Signature]</i>          | N/A                                | N/A                |            | <i>[Signature]</i><br>6-4-03 | <i>[Signature]</i><br>6/4/03 | PM<br><i>[Signature]</i><br>6/4/03 | Risk<br><i>[Signature]</i><br>6/4/03 | GC<br><i>[Signature]</i><br>6/4/03 | <i>[Signature]</i>     |

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *6/3/03*  
Time: *8:50 am*  
Forwarded To:  
*C.C. AGM*  
*6/4/03 9AM*

RECEIVED BY  
TY ADMIN. *TD*  
*6/4/03*  
TY ADMIN.  
FORWARDED TO:  
*BT*  
*6/4/03*

RECEIVED  
MAY 15 2003

PETITION TO VACATE

Case Number: VAC 2003 0025 ZONING COUNTY

Petitioner(s), ALECE MARTINO

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, 4118 11th St. W Lehigh Acres, 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: Alece Martino  
Petitioner Signature

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

Alece Martino  
Printed Name

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

IDD Canal (60' Wide)

N89d29'0"E 118.09'

6' wide Public Utility Easement

To Be Vacated

Unit No. 4-A

Part 1

FORT MYERS VILLAS

Sect.13-Town.45s-Rng.24e

LOT 26

N0d31'0"W 110.0'

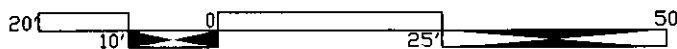
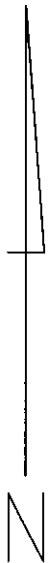
N0d29'30"E 85.44'

Dartmouth Street (50' Wide)

R=25', S=38.84'

N89d29'0"E 91.60'

Dover Avenue (50' Wide)



SCALE

EXHIBIT B

VAC2003-00025

# Exhibit "C"

## Petition to Vacate

### VAC2003-00025

Pay Online:



#### Real Property Information

|   |   |               |
|---|---|---------------|
| <b>Account</b>  | <b>Tax Year</b>   | <b>Status</b> |
| 13-45-24-08-00046.0260                                | 2002  | PAID          |
| <b>Original Account</b>                               | <b>Book/Page</b>  |               |
| 13-45-24-08-00046.0260                                | 0/0   |               |
| <b>Physical Address</b>                               | <b>Mailing Address</b>                                      |               |
| MARTINO ALECE<br>2379 DOVER AV<br>FORT MYERS FL 33907 | MARTINO ALECE<br>2379 DOVER AVE<br>FT MYERS FL 33907<br>USA |               |
| <b>Legal Description</b>                              |   |               |
| FT MYERS VILLAS U 4-A PT 1 BLK 46 PB 13 PG 19 LOT 26  |   |               |
| <b>Total Amount Due as of 6/3/2003</b>                |   | <b>\$0.00</b> |

#### 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 13452408000460260 has returned 5 result(s).

| Account                | Tax Year | Owner Name and Address                   | Status |
|------------------------|----------|--|--------|
| 13-45-24-08-00046.0260 | 2002     | MARTINO ALECE<br>2379 DOVER AV           | PAID   |
| 13-45-24-08-00046.0260 | 2001     | MARTINO ALECE<br>2379 DOVER AV           | PAID   |
| 13-45-24-08-00046.0260 | 2000     | MARTINO JAMES H + ALECE<br>2379 DOVER AV | PAID   |
| 13-45-24-08-00046.0260 | 1999     | MARTINO JAMES H + ALECE<br>2379 DOVER AV | PAID   |
| 13-45-24-08-00046.0260 | 1998     | MARTINO JAMES H + ALECE                  | PAID   |

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

5 match(es) Page 1 of 1

5E  
417.50

2009411

#1297

WARRANTY DEED  
INDIVID TO INDIVID

RAMCO FORM CI

This Warranty Deed Made the 24th day of October A D 1985 by  
JACK B. GOFF and BETTY V. GOFF, husband and wife

hereinafter called the grantor, to

JAMES H. MARTINO and ALECE MARTINO, husband and wife

whose postoffice address is 2379 Dover Avenue, Fort Myers, Florida 33907

hereinafter called the grantee:

Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 26, Block 46, of that certain subdivision known as FORT MYERS VILLAS, UNIT NO. 4-A, PART 1, 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 13, page 19.

417.50  
*Warrant*

REC-1810 PG 3810

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 the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1984, easements, restrictions and reservations of record.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*City Clerk*  
*Wanda M Dawson*

*Jack B. Goff* L.S.  
*Betty V. Goff* L.S.  
JACK B. GOFF  
BETTY V. GOFF

STATE OF Florida  
COUNTY OF Lee

SPACE BELOW FOR RECORDERS USE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

JACK B. GOFF and BETTY V. GOFF,  
husband and wife

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

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of October, A. D. 1985.

(notary seal)

*William C. White, III*  
NOTARY PUBLIC - My commission expires;  
WILLIAM C. WHITE, III

This Instrument prepared by: Notary Public, State of Florida at Large  
Wanda M Dawson  
Dawson Title Services, Inc.  
1851 Kenwood Lane, Suite 107  
Fort Myers, Florida 33907

Oct 24 4 42 PM '85  
RECORDED IN OFFICIAL  
RECORDS  
LEE COUNTY, FLORIDA  
RECORD VERIFIED  
*Cheri J. ...*  
CLERK OF CIRCUIT COURT



May 12, 2003

Ms. Alece Martino  
4118 11<sup>th</sup> Street West  
Lehigh Acres, Florida 33971

RE: Vacating of Easement  
2379 Dover Avenue  
Fort Myers, Florida 33907

Dear Ms. Martino,

This letter is to advise you that Sprint has no objections with the recommendation to vacate the six foot public utilities easement on the North end of the above mentioned property.

If you should require any additional information please call me at 239-336-2123.

Sincerely,

A handwritten signature in cursive script that reads "Bryan C. Brashear".

Bryan Brashear  
Network Engineer I



Florida Power & Light Company, 15834 Winkler Rd., Ft. Myers, FL 33908

May 8, 2003

Mrs. Alcece Martino  
2379 Dover Ave  
Ft. Myers, FL 33907

Re: Proposed Vacation of Easement for 2379 Dover Ave

Dear Mrs. Martino,

FPL would have no objection to vacating the 6 ft. Public Utility Easement on the North side of 2379 Dover Ave, Lot 26, Blk 46, Unit 4A, Part 1, Fort Myers Villas, Plat Book 13, Page 19.

If you have any questions or concerns, please call me at 415-1348

Sincerely,

A handwritten signature in black ink that reads "Eric Walther". The signature is written in a cursive style with a large initial "E".

Eric Walther  
Associate Project Designer

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



May 7, 2003

Cindy Roberts  
4118 11<sup>th</sup> St W  
Lehigh Acres, FL 33971

Re: Vacation of Easement- Lot 26 Blk 46 Unit 4A Fort Myers Villas  
2379 Dover Av

Dear Cindy Roberts:

This letter will serve to inform you that Comcast has no objection to your request for vacation of the right away located 6' P.U.E, N side of your property at 2379 Dover Av Fort Myers, FL 33907 Villas

If you should have any further questions or concerns, please feel free to contact me here at (239) 432-3870.

Sincerely,

A handwritten signature in black ink that reads 'Brian Bell'.

Brian Bell  
Construction & Design Supervisor





BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob Janes  
*District One*

Douglas B. St. Gemy  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John F. Albion  
*District Five*

Donald D. Stihwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

June 30, 2003

Ms. Alece Martino  
4118 11<sup>th</sup> Street West  
Lehigh Acres, Florida 33971

Re: VAC2003-00025 - Petition to Vacate a six-foot public utility easement located along the north six feet of lot 26, Block 46, Unit No. 4-A, Part 1, in the subdivision of Fort Myers Villas, as recorded in Plat Book 13, Page 19 of the official Public Records of Lee County, Florida.

Dear Ms. Martino:

You indicated that in order to rectify a pool encroachment that has been in place over twenty years and through several different property owners you desire to eliminate the public utility easement located along the north six feet of your lot.

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 Eckenrode  
Director

PJE/EBM

H:\Development Review Recommends.doc



**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. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

May 7, 2003

Cindy Roberts  
Realty World Roberts Assoc. Inc.  
1919-5 Courtney Drive  
Fort Myers, Fl. 33901

*1345 2408 000 46 0260*

**SUBJECT: PETITION TO VACATE REAR PUBLIC UTILITY EASEMENT AT  
2379 DOVER AVENUE, FORT MYERS, FL. 33907**

Dear Ms. Roberts:

Lee County Utilities has reviewed the Public utility easement, described in your letter of May 5, 2003. Lee County Utilities has no facilities located within the rear public utility easement, therefore, there is no objection to the vacation of this easement. All of our record drawings indicate Lee County Utilities owns and maintains potable water and gravity collection facilities within the right-of way.

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Engineering Tech II  
UTILITIES ENGINEERING

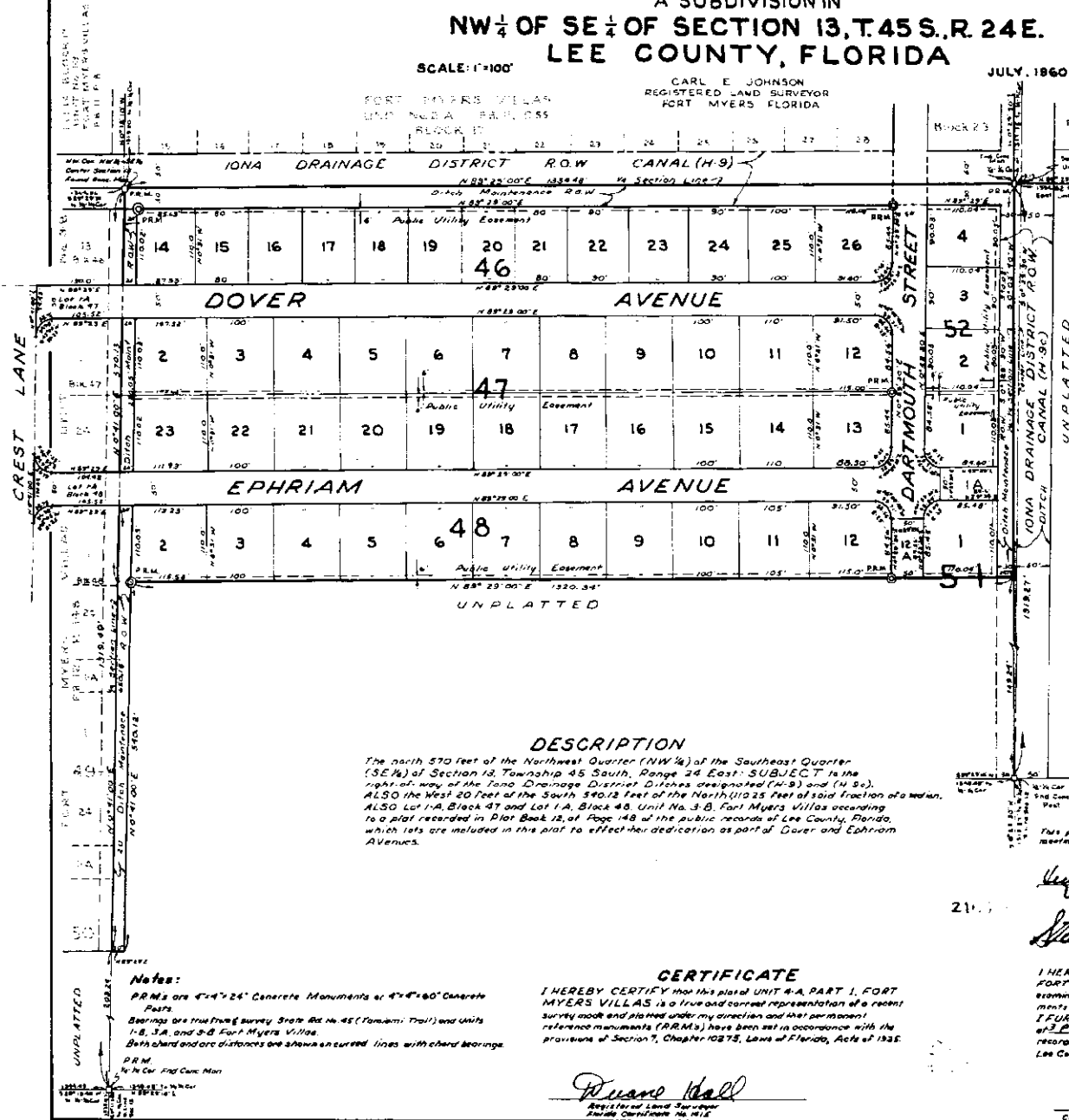
# FORT MYERS VILLAS

UNIT No. 4-A  
PART-1  
A SUBDIVISION IN  
NW 1/4 OF SE 1/4 OF SECTION 13, T.45 S., R. 24 E.  
LEE COUNTY, FLORIDA

SCALE: 1"=100'

JULY, 1960

CARL E. JOHNSON  
REGISTERED LAND SURVEYOR  
FORT MYERS, FLORIDA



**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS that J. Foster Pate Associates, Incorporated, a corporation under the laws of Florida, the owner of the herein described lands has caused this plat of UNIT No. 4-A, PART 1, FORT MYERS VILLAS to be made and does hereby dedicate to the perpetual use of the public all streets and avenues and ditch easements. Right of way shown hereon.

IN WITNESS WHEREOF J. Foster Pate Associates, Incorporated has caused this dedication to be signed in its name by its president and its corporate seal affixed, effected by the secretary this 30 day of July A.D. 1960.

J. FOSTER PATE ASSOCIATES  
INCORPORATED

*[Signature]*  
President

*[Signature]*  
Secretary

### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me personally appeared J. Foster Pate, President and Jane F. Pate, Secretary of J. Foster Pate Associates, Incorporated, a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication, and they acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation and that said dedication is the act and deed of said corporation.

WITNESS my hand and official seal of Fort Myers said County and State this 30 day of July A.D. 1960.

*[Signature]*  
Notary Public State of Florida at Large  
My Commission Expires March 8, 1962

### APPROVALS

This plat accepted this 30 day of August, A.D. 1960 in open meeting of the Board of County Commissioners of Lee County, Fla.

*[Signature]* D. J. Farabee  
Chairman of Planning  
City

*[Signature]* D. J. Farabee  
City

### DESCRIPTION

The north 570 feet of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 13, Township 45 South, Range 24 East; SUBJECT is the right of way of the Iona Drainage District Ditches designated (H-9) and (H-8). ALSO the West 20 feet of the South 570.12 feet of the North 110.25 feet of said fraction of a section. ALSO Lot 1-A, Block 47 and Lot 1-A, Block 48, Unit No. 3-B, Fort Myers Villas according to a plat recorded in Plat Book 12, of Page 148 of the public records of Lee County, Florida, which lots are included in this plat to effect their dedication as part of Dover and Ephriam Avenues.

### CERTIFICATE

I HEREBY CERTIFY that this plat of UNIT No. 4-A, PART 1, FORT MYERS VILLAS is a true and correct representation of a recent survey made and plotted under my direction and that permanent reference monuments (P.R.M.s) have been set in accordance with the provisions of Section 7, Chapter 10875, Laws of Florida, Acts of 1935.

*[Signature]*  
Registered Land Surveyor  
Florida Certificate No. 8124

**Notes:**  
P.R.M.s are 4"x4"x24" Concrete Monuments or 4"x4"x60" Concrete Posts  
Bearings are true from survey State Act No. 45 (Tammami Trail) and Units 1-B, 3-A, and 3-B Fort Myers Villas.  
Both chord and arc distances are shown on curved lines with chord bearings.

I HEREBY CERTIFY that this plat of UNIT No. 4-A, PART 1, FORT MYERS VILLAS has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10875, Laws of Florida, Acts of 1935. I FURTHER CERTIFY that said plat was filed for record at 2:11 P.M. this 2 day of August, A.D. 1960, and was duly recorded in Plat Book 13, Page 19 of the public records of Lee County, Florida.

*[Signature]*  
Clerk of the Circuit Court in and for Lee County

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00025**

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. VAC2003-00025 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

## **Legal Description:**

A six-foot (6') wide **Public Utility Easement** located along the North six feet of lot 26, Block 46, Unit No. 4-A, Part 1, in the subdivision of Fort Myers Villas; as recorded in Plat Book 13, Page 19 of the official Public Records of Lee County, Florida.

**Exhibit A**

VAC2003-00025

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00025

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 8th day of July 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

## **Legal Description:**

A six-foot (6') wide **Public Utility Easement** located along the North six feet of lot 26, Block 46, Unit No. 4-A, Part 1, in the subdivision of Fort Myers Villas; as recorded in Plat Book 13, Page 19 of the official Public Records of Lee County, Florida.

**Exhibit A**

VAC2003-00025

