

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20030970

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a petition to vacate a 12-foot wide Drainage and Public Utility Easement located at 829 Portland St. E, Lehigh Acres, Florida, and adopt a resolution, setting a Public Hearing for 5:00 p.m. on the **28th** day of **October**, 2003. (Case No. VAC2003-00048)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing drainage and/or utility conditions and the easement is not necessary to accommodate any future drainage and/or utility requirements.**

WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #:

04

5

C4B

3. MEETING DATE:

09-30-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 8/14/03
- Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00048 was submitted by Keith W and Kimberly Prospect.

LOCATION: Petition No. VAC2003-00048 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 1 and 2, Block 39, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 3346, Page 2616, Section 27, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the ~~East~~ North 6-feet and the ~~West~~ South 6-feet thereof. The site is located at 829 Portland St. E, Lehigh Acres, Florida.

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, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | G County Manager |
|-----------------------------|---------------------------------|-------------------------|------------|--------------------------------|----------------------|----------------------|----------------------|---------------------|
| | | | | | OA | OM | Risk | GC |
| <i>May</i> | N/A | N/A | N/A | <i>J. J. Redgum</i> 9-10-03 | <i>JA</i> 9/10/03 | <i>WS</i> 9/11/03 | <i>WS</i> 9/11/03 | <i>W</i> 9/11/03 |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 9/18/03
Time: 1:00 PM
Forwarded To:
Co. Adm.
9/10/03 10 AM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
9/10/03
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9/11/03
9:45 PM

PETITION TO VACATE

Case Number: VAC 2003-00048

Petitioner(s), KEITH W. PROSPECT and KIMBERLY PROSPECT
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, 206, Englewood Drive, Lehigh Acres, 33936, FL.
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: *Keith W. Prospect*
 Petitioner Signature
KEITH PROSPECT
 Printed Name

By: *Kimberly Prospect*
 Petitioner Signature
KIMBERLY PROSPECT
 Printed Name

VAC 2003-00048
 RECEIVED
 JUN 22 2003

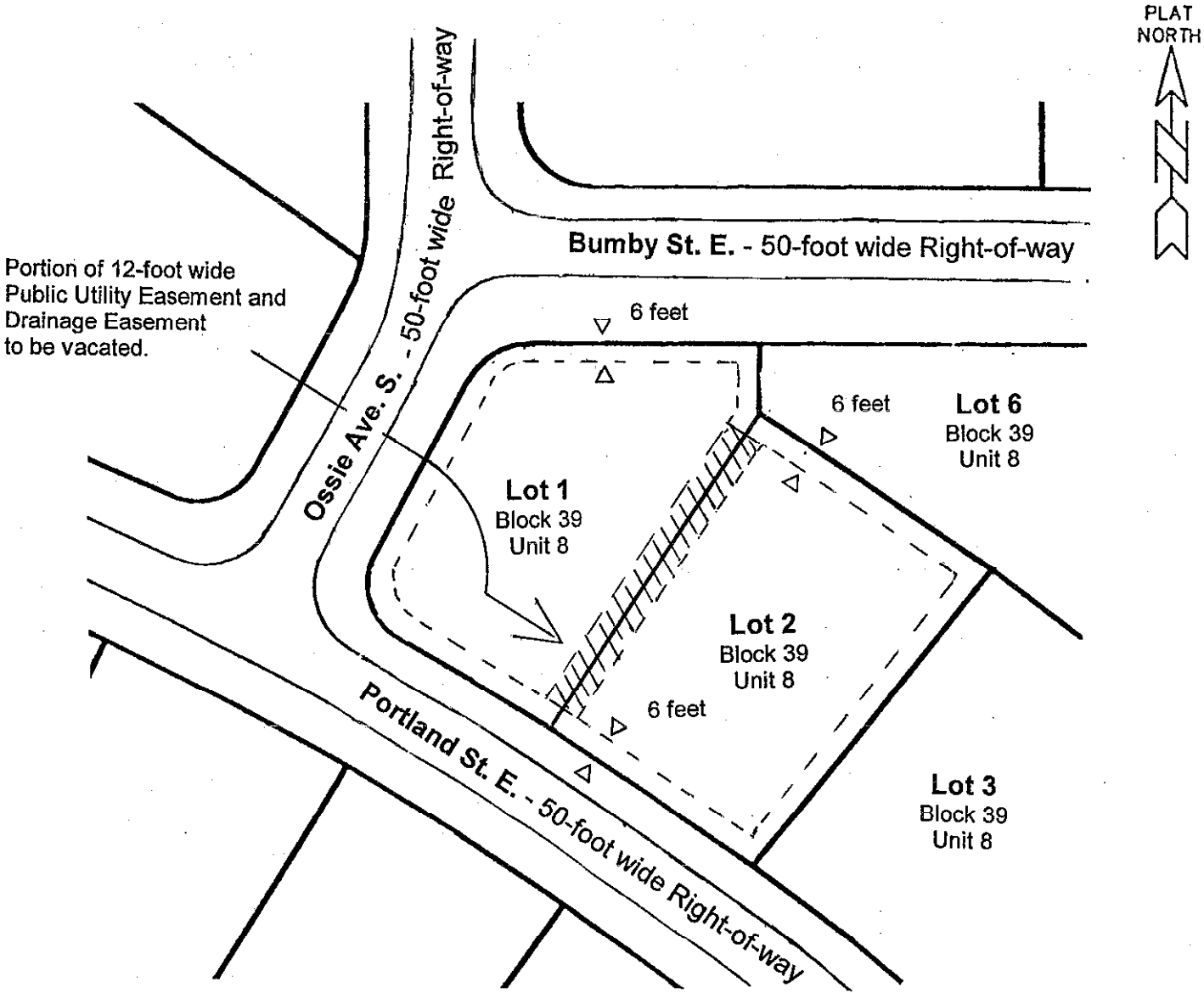
Exhibit "A"
Petition to Vacate
VAC2003-00048

Legal Description

A twelve-foot (12') wide Public Utility Easement AND Drainage Easement centered on the common lot line between Lots 1 and 2 of Block 39, Unit 8, A Replat of Part of Lehigh Acres, Section 27, Township 45 South, Range 27 East, Lee County, Florida, a Replat of Block 39, Unit 8, as recorded in Plat Book 18, at Page 131 of the Public Records of Lee County, Florida, according to map or plat there on file and recorded in Plat Book 35, Page 8 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the north six feet (6') and south six feet (6') thereof along the common lot line.

Exhibit "B"
Petition to Vacate
VAC2003-00048



Portion of 12-foot wide
Public Utility Easement and
Drainage Easement
to be vacated.

Block 39, Unit 8, A Replat of Part of Lehigh Acres, Section 27, Township 45 South, Range 27 East, Lee County, Florida, a Replat of Block 39, Unit 8, as recorded in Plat Book 18, at Page 131 of the Public Records of Lee County, Florida, according to map or plat there on file and recorded in Plat Book 35, Page 8 of the of the Public Records of Lee County, Florida.

Scale
1 inch = 60 feet

Exhibit "C"

Petition to Vacate

VAC2003-00048

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
View file format.

Your search for 27452708000390010 has returned 5 result(s).

| Account | Tax Year | Owner Name and Address | Status |
|------------------------|----------|--------------------------------------------------|--------|
| 27-45-27-08-00039.0010 | 2002 | PROSPECT KEITH W + KIMBERLY 829 PORTLAND ST E | PAID |
| 27-45-27-08-00039.0010 | 2001 | PROSPECT KEITH W + KIMBERLY 829 PORTLAND ST E | PAID |
| 27-45-27-08-00039.0010 | 2000 | PROSPECT KEITH W + KIMBERLY 829 PORTLAND ST E | PAID |
| 27-45-27-08-00039.0010 | 1999 | PROSPECT KEITH W + KIMBERLY 829 PORTLAND ST E | PAID |
| 27-45-27-08-00039.0010 | 1998 | PROSPECT KEITH W + KIMBERLY | PAID |

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

Pay Online:



Real Property Information

| | | |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------|
| Account | Tax Year | Status |
| 27-45-27-08-00039.0010 | 2002 | PAID |
| Original Account | Book/Page | |
| 27-45-27-08-00039.0010 | 2307/2630 | |
| Physical Address | Mailing Address | |
| PROSPECT KEITH W + KIMBERLY 829 PORTLAND ST E LEHIGH ACRES FL 33936 | PROSPECT KEITH W + KIMBERLY 1828 NW 141ST AV PEMBROKE PINES FL 33028 USA | |
| Legal Description | | |
| LEHIGH ACRES UNIT 8 REPLAT SEC 27 BLK 39 PB 35 PG 8 LOT 1 | | |
| Total Amount Due as of 9/8/2003 | | \$0.00 |

LEE COUNTY FLA
92 JUN 18 PM 1:09

CL 224



PREPARED BY:
Janet Allison
Vice President
LEHIGH CORPORATION
201 East Joel Boulevard
Lehigh Acres, Florida 33936

Strap #: 27-45-27-08-00039,0010

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: TOSHA R. BATTLE, O.C.

Documentary Tax Pd. 22.80
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By: T. Battle, Deputy Clerk

3220465

OR 2307 Pg 2630

BL274178-3
3800

Warranty Deed

REC. 6.00
DOC. 22.80
TOT. 28.80

This Indenture, made this 30th day of April A.D. 1992

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors, and/or assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders.

Between LEHIGH CORPORATION, a corporation existing under the laws of the State of Florida, having its principal place of business at 201 East Joel Boulevard, Lehigh Acres, Lee County, Florida 33936, party of the first part, and
KEITH W. PROSPECT, SS# _____, and
KIMBERLY PROSPECT, SS# _____, Husband and Wife
71 Thorncliff Park Drive
Apartment 1014
Toronto, CANADA M4H 1L3

party of the second part.

Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate, lying, and being in the County of Lee, State of Florida, to wit:

Lot 1, a Replat of Block 39, Unit 8,
as recorded in Plat Book 18, at Page 131,
Section 27,
Township 45 South, Range 27 East.

Lehigh Acres, Florida
According to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 35, Page 8, Public Records, Lee County, Florida. Subject to reservations, restrictions, and easements of record, and taxes for the calendar year. Reserving however, all oil, gas, and mineral rights.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof the said party of the first part has caused these presents to be signed in its name by its Vice President and its corporate seal to be affixed the day and year above written.



Lehigh Corporation
A Florida Corporation

By: Janet Allison
JANET ALLISON, Vice President

State of Florida
COUNTY OF LEE

I HEREBY CERTIFY that on this day and year first above written before me personally appeared the above named, the Vice President of LEHIGH CORPORATION, a corporation under the laws of the State of Florida, well-known to me and to me known to be the person described in and who executed the foregoing conveyance and acknowledged the execution thereof to be the free act and deed as such officer, for the uses and purposes therein mentioned; and affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation. (and who did not take an oath)

WITNESS my signature and official seal at Lehigh in the County of Lee and State of Florida, the day and year last aforesaid.

My Commission Expires:

OFFICIAL NOTARY SEAL
SUEANN N. DOWNS
COMMISSION NUMBER
0002455

Notary Public, State of Florida
Sueann N. Downs

MAC 2003-00048



INSTR # 5843399
 Official Records BK 03950 PG 2990
 RECORDED 06/04/2003 08:29:58 AM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY
 RECORDING FEE 10.50
 DEED DOC 3.50
 DEPUTY CLERK C Keller

LF298-04
 R298-04

QUITCLAIM DEED

7

THIS QUITCLAIM DEED, executed this _____ day of _____, 20____,
 by first party, Grantor, PROSPECT KEITH WAYNE + KEMP ANDRA M
 whose post office address is 1828 NW 141 ST. AVE. Pembroke Pines, FL 33028
 to second party, Grantee, PROSPECT KEITH WAYNE + KIMBERLY (husband + wife)
 whose post office address is 1828 NW 141 ST AVE, Pembroke PINES, FL. 33028

WITNESSETH, That the said first party, for good consideration and for the sum of _____ Dollars (\$ 500.00)
 paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Lehigh Acres, State of FLORIDA to wit:

LEGAL DESCRIPTION
 LEHIGH Acres Unit 8 REPLAT
 SEC 27 BLK 39 PB 35 PG 8 LOT 2
 BOOK 3346 PAGE 2616

ACCOUNT & SITE ADDRESS
 27-45-27-08-00039.0020
 831 PORTLAND ST. E.

VAC 2003-00048
 RECEIVED
 JUL 7 2 2003

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

[Signature]
Signature of Witness

Heather Faerman
Print name of Witness

[Signature]
Signature of Witness

Barbara Bonville
Print name of Witness

[Signature]
Signature of First Party

KEITH W PROSPECT
Print name of First Party

[Signature]
Signature of First Party

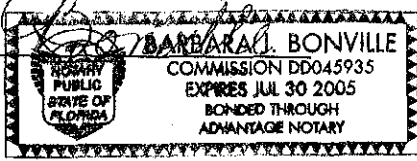
ANDRA M KEMP
Print name of First Party

State of Florida
County of Dade
On Keith W. Prospect before me,
appeared April 20, 2003

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Signature of Notary



Affiant Known Produced ID
Type of ID Fl. drivers license
(Seal)

State of _____
County of _____ }
On _____ before me,
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID
Type of ID _____
(Seal)

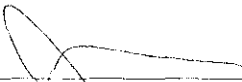
[Signature]
Signature of Preparer

KEITH PROSPECT
Print Name of Preparer

1828 NW 141ST Ave
Address of Preparer

Pembroke Pines
FL. 33028.
U. S. A.

IN WITNESS WHEREOF, The said first party Andra M. Kemp has signed and sealed these presents this 16th day of May, 2003. Signed, sealed and delivered in presence of:



Signature of Witness



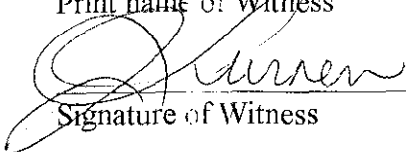
Signature of First Party

JOSEPH PAUL SERVOS

Print name of Witness

Andra M Kemp

Print name of First Party



Signature of Witness

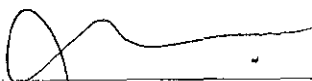
Judy Turner

Print name of Witness

Town of Milton)
in the Regional Municipality of)
Halton Province of Ontario Canada)
on May 16th, 2003 before me,
appeared ANDRA M. KEMP

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the persons(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature of Notary
Joseph P. Servos, a Notary Public
in and for the Province of Ontario

Affidavit _____ Known Produced ID

Type of ID Passport

(Seal)

AmeriGas

America's Propane Company

June 11, 2003

Keith & Kimberly Prospect
206 Eaglesmere Drive
Lehigh Acres, Florida 33936

Dear Keith & Kimberly:

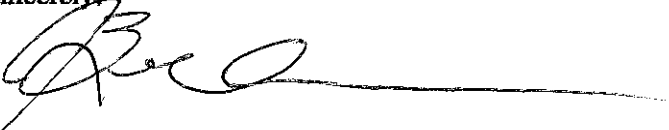
In reference to your letter dated June 9, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 27-45-27-08-00039.0020

STRAP NO.: 27-45-27-08-00039.0010

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

Sincerely,



Jim Riefstahl
Service Manager

VAC 2003-00048
RECEIVED
JUL 22 2003



July 16, 2003

Keith & Kimberly Prospect
206 Eaglesmere Drive
Lehigh Acres, FL 33936

Re: A Utility and/or drainage easement centered on the lot line common to Lots 1 & 2, Block 39, Unit 8 (Replat), Section 27, a subdivision of Lehigh Acres as recorded in Plat Book 35, Page 8, Public Records of Lee County, Florida.

Dear Mr. & Mrs. Prospect:

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

VAC 2003-00048
RECEIVED
JUL 22 2003

AN ALLETE COMPANY

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

Water For Florida's Future

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



June 23, 2003

Mr. Keith Prospect
206 Eaglesmere Drive
Lehigh Acres, Florida 33936

Re: 829 & 831 Portland St. E.

Dear Mr. Prospect:

This letter will serve to inform you of our facilities located at the above referenced property. Currently, we do not have service in this area of Lehigh therefore, Comcast has no objection to your proposed vacation of easement

Should you require additional information, please feel free to contact me here.

Cordially,

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

Lucia Vera
Project Coordinator

VAC 2003-00048
RECEIVED
JUL 22 2003



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.iline.com

June 13, 2003

Mr. and Mrs. Keith Prospect
206 Eaglesmere Dr.
Lehigh Acres, FL 33936

Re: Strap No. 27-45-27-08-00039.0020 and
Strap No. 27-45-27-08-00039.0010

Dear Mr. and Mrs. Prospect:

LCEC does not object to vacation of the easement described as follows:

A 12-foot-wide utility and/or drainage easement lying between Lots 1 and 2, Block 39, Unit 8, a replat of Lehigh Acres subdivision recorded in Plat Book 35, page 8 of the Public Records of Lee County, Florida, LESS AND EXCEPT the southerly 6 feet thereof.

Please call me at 656-2422 if you have any questions.

Sincerely,

Karen Hardin
Real Property Representative

VAC 2003-00048
RECEIVED
JUL 22 2003



Jeff Houhoulis
Service Planning Supervisor
2245 Thompson St
Ft. Myers, Fl. 33901
239-332-9122 Office
239-332-9128 Fax
email jeffrey_houhoulis@fpl.com

June 20, 2003

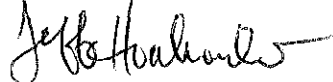
Mr. Keith Prospect
206 Eaglesmere Dr
Lehigh Acres, Fl. 33936

Re: 829 & 831 Portland St E

Dear Mr. Prospect,

Florida Power & Light has received your request for a vacation of easement located between 829 & 831 Portland St E. Florida Power and Light does not serve this area of Lehigh Acres, it is served by Lee County Co-Op. Please contact the Co-Op for this request, their phone number is 239-995-2121.

Thank You,


Jeff Houhoulis

VAC 2003-00048

RECEIVED
JUL 22 2003



June 19, 2003

Mr. & Mrs. Prospect
206 Eaglesmere Drive
Lehigh Acres, Florida 33936

Re: Vacation of Public Utility Easement:
A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 1 & 2,
Block 39, Section 27, Township 45S, Range 27E.

Dear Mr. & Mrs. Prospect:

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 863-452-3207.

Sincerely,

Wayne Jackson
Wayne Jackson
Engineer

VAC 2003-00048

RECEIVED
JUL 22 2003



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8375

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

August 14, 2003

Mr. & Mrs. Keith W and Kimberly Prospect
206 Eaglesmere Dr.
Lehigh Acres, Florida 33936

Re: VAC2003-00048

Dear Mr. & Mrs. Prospect:

You indicated that as a result of combining adjacent lots into one residential building site, these platted easements prohibit the construction of your proposed site plan. 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/II

U:\200308\VAC20030.004\8\Development Review Recommends.wpd



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number: _____

Bob Janas
District One

June 12, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Kimberly Prospect
206 Eaglemere Drive
Lehigh Acres, Fl. 33936

Andrew W. Coy
District Four

John E. Albion
District Five

**SUBJECT: PETITION TO VACATE AN EASEMENT AT 829 PORTLAND STREET
27-45-27-08-00039.0010, LEHIGH ACRES, FLORIDA**

Donald D. Stillwell
County Manager

James G. Yaeger
County Attorney

Dear Ms. Prospect:

Diana M. Parker
County Hearing
Examiner

Lee County Utilities has reviewed the Public utility easement, described in your letter of June 9th, 2003. Lee County Utilities has no facilities located within the easement, therefore, there is no objection to the vacation of this easement. However, you may also want to contact Florida Water Service as your property is located within their Utility service area. Their phone number is (239) 278-5050.

Should you 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
Senior Engineering Tech.
UTILITIES ENGINEERING

VAC 2003-00040
RECEIVED
JUL 22 2003

S:\UTILS\Eng\MMML\LETTERS\VACATION\829 PORTLAND STREET - LEHIGH -NO-OBJECTION.doc



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Monday, June 30, 2003

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

Mr. Keith W. Prospect
206 Eaglesmere Drive
Lehigh Acres, FL 33912

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 1 & 2, Unit 8, Block 398, Lehigh Acres Subdivision, as recorded in Plat Book 38 Page 8, in the public records, Lee County, Florida.

Dear Mr. Prospect:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility and drainage easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

-cc: Don Blackburn, Development Services
Joan Henry, County Attorney's Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., NRD

VAC 2003-00048

S:\NATRES\SURFACE\DOCUMENT\vac345.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

June 16, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

Ms. Kimberly Prospect
206 Eaglesmere Drive
Lehigh Acres, FL 33936

John E. Albion
District Five

Donald D. Stilwell
County Manager

**RE: Petition to Vacate
The 12' wide Drainage and Utility Easement
On the lot line common to Lots 1 and 2, Block 39,
Unit 8, Lehigh Acres**

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Ms. Prospect:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 35, page 8. DOT has no facilities within the easement and does not maintain it.

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

Very truly yours,

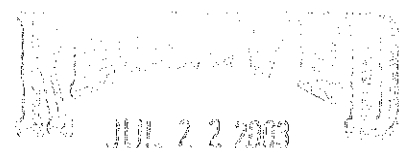
DEPARTMENT OF TRANSPORTATION


Margaret Lawson
Right-of-way Supervisor

MAL/mlb

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

VAC 2003-00048



S:\DOCUMENT\Petition To Vacate\2003\Lots 1&2 Blk 39 Lehigh Prospect.doc



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

June 17, 2003

Keith W. and Kimberly Prospect
206 Eaglesmere Drive
Lehigh Acres, FL 33936

RE: Vacation of A Utility Easement

Dear Mr. & Mrs. Prospect:

Our staff has conducted a review of your request to vacate a utility easement centered on the lot line common to Lots 1 and 2, Block 39, Unit 8, Lehigh Acres Subdivision as recorded in Plat Book 35, Page 8, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of June 9, 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

VAC 2003-00048
RECEIVED
JUL 22 2003

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413*(863)534-7168(Fax)*MS 1-66
www.dot.state.fl.us

RECYCLED PAPER

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2003-00048

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. VAC2003-00048 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

Deputy Clerk Signature

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00048

Legal Description

A twelve-foot (12') wide Public Utility Easement AND Drainage Easement centered on the common lot line between Lots 1 and 2 of Block 39, Unit 8, A Replat of Part of Lehigh Acres, Section 27, Township 45 South, Range 27 East, Lee County, Florida, a Replat of Block 39, Unit 8, as recorded in Plat Book 18, at Page 131 of the Public Records of Lee County, Florida, according to map or plat there on file and recorded in Plat Book 35, Page 8 of the of the Public Records of Lee County, Florida.

LESS AND EXCEPT the north six feet (6') and south six feet (6') thereof along the common lot line.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00048

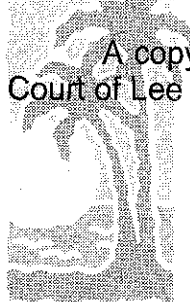
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 28th day of October 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.



LEE COUNTY

CHARLIE GREEN, CLERK

S O U T H W E S T F L O R I D A

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00048

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