

1. **REQUESTED MOTION:**

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 640 Charwood Avenue South, Lehigh Acres, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 28th day of October, 2003. (Case No. VAC2003-00055)

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 utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

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

2. **DEPARTMENTAL CATEGORY:** 04
COMMISSION DISTRICT #: 5

C4A

3. **MEETING DATE:**

10-07-2003

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]* 9/18/03

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2003-00055 was submitted by Marcos Y. and Marilyn L. Que.

LOCATION: Petition No. VAC2003-00055 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 1 and 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27, Page 171, Section 16, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northwesternly 6-feet and the Southeasterly 6-feet thereof. The site is located at 640 Charwood Avenue South, Lehigh Acres, Florida 33936.

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 <i>Admin 9/25/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>Johnnie King 9/19/03</i>	<i>RK/TD 9/19/03</i>	<i>9/22/03</i>	<i>8/29/03</i>	<i>9/22/03</i>	<i>HS for WTH 9.25.03</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 9/19/03
Time: 8:30 am
Forwarded To:
Co. Admin
9/19/03 HEM

RECEIVED BY
COUNTY ADMIN: TD
9/22/03
COUNTY ADMIN
FORWARDED TO: HS
9/25/03

PETITION TO VACATE

Case Number: VA C 2003-00055

Petitioner(s), MARCOS Y. QUE & MARILYN L. QUE
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, 629 CHARLES SISE ST. E.
LEHIGH ACRES, FL. 33936-9540
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

MARCOS Y. QUE, M.D.
Printed Name

By: [Signature]
Petitioner Signature

MARILYN L. QUE
Printed Name

RECEIVED
AUG 26 2003
[Signature]
COMMIT COUNTER

EXHIBIT A
PETITION TO VACATE
VAC2003-00055

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27 at Page 171 of the Official Public Records of Lee County, Florida, LESS and EXCEPT the Northwesterly Six-feet and the Southeasterly Six-feet thereof.

EXHIBIT A

Exhibit "C"

Petition to Vacate

VAC2003-00055

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 16452708000270010 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
16-45-27-08-00027.0010	2002	QUE MARCOS Y + MARILYN L 640 CHARWOOD AV S	REDEEM
16-45-27-08-00027.0010	2001	JOANDY INVESTMENT CO 640 CHARWOOD AV S	PAID
16-45-27-08-00027.0010	2000	JOANDY INVESTMENT CO 640 CHARWOOD AV S	PAID
16-45-27-08-00027.0010	1999	MORGAN JOHN M TR 640 CHARWOOD AV S	PAID
16-45-27-08-00027.0010	1998	MORGAN JOHN M 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 Account for Tax Year:

Save as File Extensive Search
 View file format.

Your search for 16452708000270020 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
16-45-27-08-00027.0020	2002	QUE MARCOS Y + MARILYN L 642 CHARWOOD AV S	PAID
16-45-27-08-00027.0020	2001	JOANDY INVESTMENT CO 642 CHARWOOD AV S	PAID
16-45-27-08-00027.0020	2000	JOANDY INVESTMENT CO 642 CHARWOOD AV S	PAID
16-45-27-08-00027.0020	1999	MORGAN JOHN M TR 642 CHARWOOD AV S	PAID
16-45-27-08-00027.0020	1998	MORGAN JOHN M TR	PAID

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

WARRANTY DEED

This instrument prepared by:
Amy Wellington
Morgan & Associates Title Company
8911 Daniels Parkway, Suite 6
Fort Myers, FL 33912
(239) 454-0572



INSTR # 5820588
Official Records BK 03931 PG 2599
RECORDED 05/13/2003 03:12:25 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 362.60
DEPUTY CLERK G Sherwood



File No. FM03-03011

THIS INDENTURE, Made this 30 day of April, 2003, Between

Joandy Investment Company, a Florida corporation
25 Homestead Road North, Suite 11
Lehigh Acres, Florida 33936
of the County of Lee, State of Florida, Grantor, and

Marcos Y. Que and Marilyn L. Que, husband and wife
629 Charles Sise Street
Lehigh Acres, Florida 33936
of the County of Lee, State of Florida, Grantee,

WITNESSETH, That said grantor, for and in consideration of the sum of ***** TEN AND 00/100 ***** DOLLARS, and other good and valuable considerations to said grantor in hand paid by said grantee the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to grantee, grantee's heirs and assigns forever the following described property in Lee County, Florida, to wit:

Lots 1 and 2, Block 27, Unit 8, Section 16, Township 45 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 27, page 171, Public Records of Lee County, Florida.

Subject to reservations, restrictions and easements of record.

And the grantor does hereby fully warrant the title to such land and will defend the same against the lawful claims of all persons whomsoever.

Page 2 of Warranty Deed

IN WITNESS WHEREOF, Grantor has executed this deed on the day and year first written.
Signed, Sealed and delivered in our presence:

Joandy Investment Company, a Florida corporation

By: [Signature]
Johann Thierer, President

[Signature]

Witness (Two Required)

ENGELBERT KELLER
Print Name of Witness

[Signature]

Witness (Two Required)

Bayer Jörg
Print Name of Witness

§ 489

COUNTRY OF GERMANY

The foregoing instrument was acknowledged before me this 17. day of April, 2003 by Johann Thierer, President of Joandy Investment Company, a Florida corporation on behalf of the corporation. He is personally known to me or produced _____ as identification and did not take an oath.

My Commission Expires:
(Notary Seal)



[Signature]
Notary Public



May 16, 2003

Dr. and Mrs. Marcos Que
629 Charles Sise St.
Lehigh Acres, FL 33936

Re: Strap No. 16-45-27-08-00027.0010 and
Strap No. 16-45-27-08-00027.0020

Dear Dr. and Mrs. Que:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lots 1 and 2, Block 27, Unit 8, Section 16, Township 45 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Court, recorded in Plat Book 27, Page 171, Public Records of Lee County, Florida, **LESS AND EXCEPT** the southeasterly 6 feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative



May 15, 2003

Mr. and Mrs. Marcos Que
629 Charles Sise Street
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 27, Unit 8, Section 16, Township 45S, Range 27E,
as recorded in Plat Book 27, Page 171 of the Official Records of Lee County.

Dear Mr. and Mrs. Que:

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 941-637-5242.

Sincerely,

Wayneth Jackson

Wayneth Jackson
Engineer



July 21, 2003

Marcos & Marilyn Que
629 Charles Sise Street
Lehigh Acres, Florida 33936

Re: A Utility Easement centered on Lots 1 & 2, Block 27, Unit 8,
Section 16, Township 4.5 South, Range 27 East, Lehigh Acres,
according to the map or plat thereof on file in the office of the
Clerk of the Court, recorded in Plat Book 27, Page 171, Public
Records of Lee County, Florida.

Dear Mr. & Mrs. Que:

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

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



May 21, 2003

Marcos & Marilyn Que
629 Charles Sise Street
Lehigh Acres, FL 33936

Re: Request for a letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: Lots 1 & 2, Block
27, Unit 8, Section 16 Township 45 South, Range 27 East Lehigh
Acres, FL 33936

Dear Marcos & Marilyn Que,

Comcast has existing underground facilities in the front easement, but has no
objection to your vacation of easement down the center of the two lots.

If I can be of further assistance to you please do not hesitate to contact me at
941-432-1865.

Sincerely,

A handwritten signature in cursive script that reads "Lucia Vera". The signature is written in black ink and is positioned above the printed name and title.

Lucia Vera
Design Coordinator



BOARD OF COUNTY COMMISSIONERS

239 479-8348

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

September 17, 2003

Marcos Y. Que and Marilyn L. Que
629 Charles Sise Street
Lehigh Acres, Florida 33936

Re: Recommendation for proposed vacation of a Drainage and Public Utility Easement located at 640 Charwood Avenue South, Lehigh Acres, Florida. VAC2003-00055

Dear Mr. and Mrs. Que:

This office has received your request to vacate 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 & 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27, Page 171, of the Official Public Records of Lee County, Florida, LESS and EXCEPT the Northwesterly 6-feet and the Southeasterly 6-feet thereof.

You indicate that as the 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

Pete Eckenrode
Director

PJE/ rlm

U:\200309\VAC20030.005\5\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: ~~(941) 479-8124~~

Monday, July 14, 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

Dr. & Mrs. Marcos Que
629 Charles Sise Street
Lehigh Acres, FL 33936

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 1 & 2, Block 27, Unit 8, Lehigh Acres Subdivision, as recorded in Plat Book 27 Page 171, in Lee County, Florida.

Dear Dr. & Mrs. Que:

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\vac353.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

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. Stillwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

May 19, 2003

Dr. and Mrs. Marcos Que
629 Charles Sise Street
Lehigh Acres, FL 33956

**RE: Petition to Vacate
The 12 foot wide Drainage and Utility Easement
On the lot line common to Lots 1 and 2,
Block 27, Unit 8, Lehigh Acres**

Dear Dr. and Mrs. Que:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 27, page 171. 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/mlb

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

S:\DOCUMENT\Petition To Vacate\2003\Lots 1&2 Blk 27 Lehigh - Que.doc

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00055

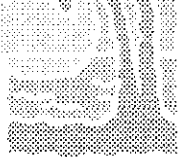
TO WHOM IT MAY CONCERN:

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

SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT A
PETITION TO VACATE
VAC2003-00055

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27 at Page 171 of the Official Public Records of Lee County, Florida, LESS and EXCEPT the Northwesterly Six-feet and the Southeasterly Six-feet thereof.

EXHIBIT A

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2003-00055

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. VAC2003-00055 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
PETITION TO VACATE
VAC2003-00055

A legal description of the area proposed for vacation:

A Twelve-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2, Block 27, Unit 8, a subdivision of Lehigh Acres, as recorded in Plat Book 27 at Page 171 of the Official Public Records of Lee County, Florida, LESS and EXCEPT the Northwesterly Six-feet and the Southeasterly Six-feet thereof.

EXHIBIT A

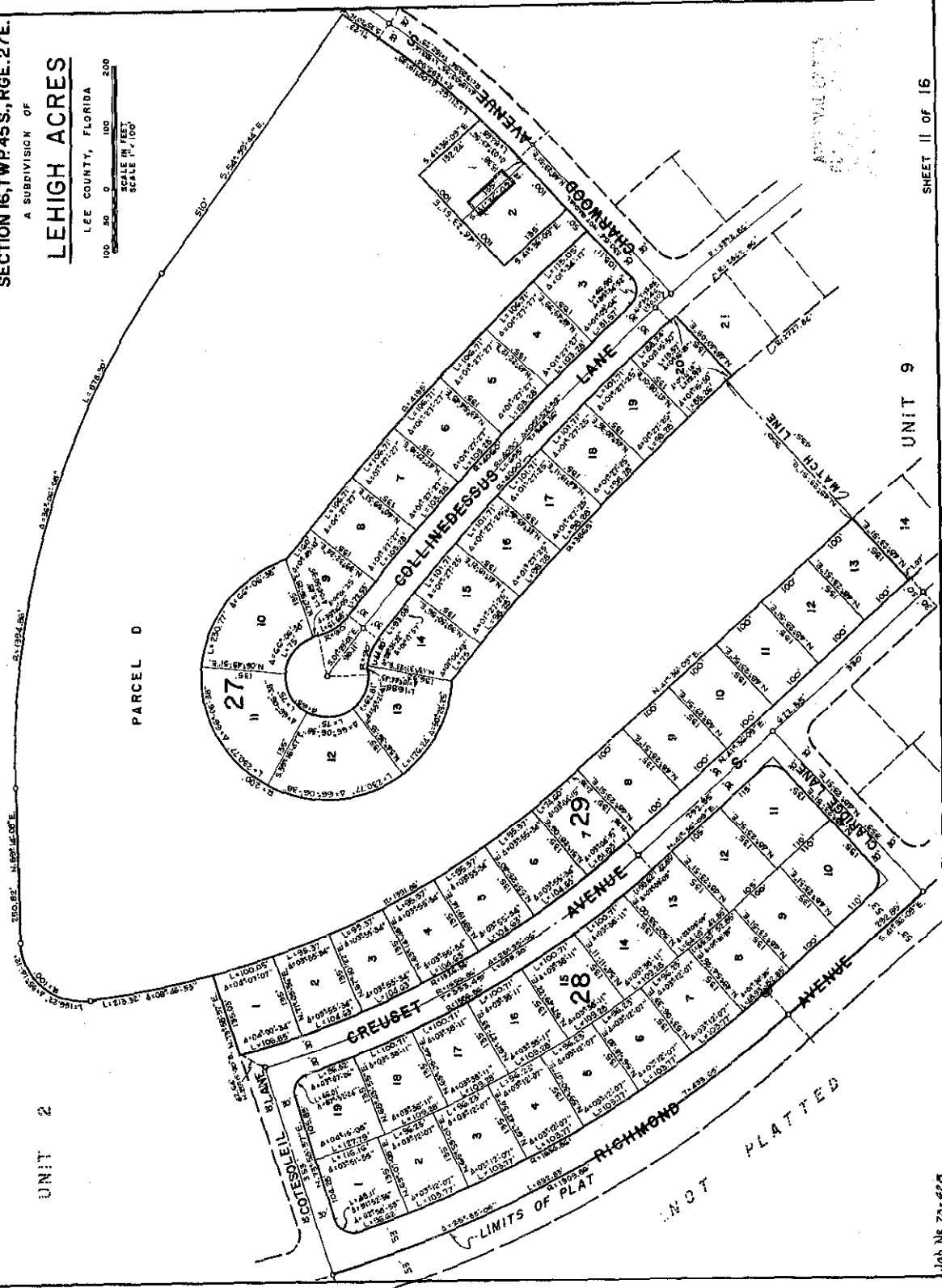


PLAT OF
UNIT 8
SECTION 16, TWP. 45S., RGE. 27E.

A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA
1/8" = 50' 0" 1/4" = 100' 0" 1/2" = 200' 0"
SCALE IN FEET
SCALE 1" = 100'

NOTES
All lots subject to a 6 foot utility and
Drainage Easement on both sides, front,
and back.
All corner lot radii are 30 feet except as
shown and the lot dimensions are to the
straight line intersections, except where
arc distances are shown.

UNIT 3



UNIT 9

SHEET 11 of 16

Job No 73-425

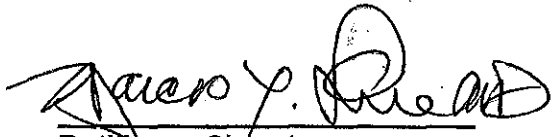
September 17, 2003

Re: Petition to Vacate Case No. VAC2003-00055
Located at 640 Charwood Avenue South
Lehigh Acres, Florida

Dear Pete Eckenrode,

The purpose for this Drainage and Public Utility Easement vacation is to construct a single family residence on the combined lots.

Sincerely,


Petitioner Signature


Petitioner Signature

NORTH



MIRROR LAKES CT.

CHARWOOD AVE.

100

100

132

85

SITE

00027

0010

00027

0020

100

15

NORTH



MILWAUKEE BLVD.

HOMESTEAD AVE. S.

CHARWOOD AVE.

MIRROR LAKES CT.

SITE

