#### Lee County Board Of County Commissioners **Agenda Item Summary** Blue Sheet No. 20031176 1. REQUESTED MOTION: ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 914 Capetown Avenue, Lehigh Acres, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 25th day of November , 2003. (Case No. VAC2003-00052) WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage or utility requirements. WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing. 3. MEETING DATE: 2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #: 5 10-21-2003 5. REQUIREMENT/PURPOSE: 6. REQUESTOR OF INFORMATION: 4. AGENDA: (Specify) CONSENT X STATUTE F.S. Ch. 177 A. COMMISSIONER **ADMINISTRATIVE** B. DEPARTMENT Community Development **ORDINANCE** Development Services APPEALS X ADMIN. CODE 13-1 C. DIVISION **PUBLIC OTHER** BY: 103 WALK ON TIME REQUIRED: Peter J. Eckenrode, Director **BACKGROUND:** The completed petition to vacate, VAC2003-00052 was submitted by E. Elsafy LOCATION: Petition No. VAC2003-00052 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 14 and 15, Block 11, Unit 3, a subdivision of Lehigh Acres, as recorded in Plat Book 20, Page 40, Section 26, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the East 6-feet and the West 6-feet thereof. The site is located at 914 Capetown Avenue, 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: D $\overline{\mathbf{G}}$ Budget Services Department Purchasing Human Other County County Manager Director or Contracts Resources Attorney EM. 10/0/09 ÓМ GC Risk ~~~ WIGO N/A N/A 10-3-03 101 RECEIVED BY 10. COMMISSION ACTION: COUNTY ADMIN Rec. by CoAtti APPROVED 35 pm 300 DENTED Date: /L COUNTY ADMIN DEFERRED FORWARDED TO: 1/3/ OTHER

MMR/ October 1, 2003 U:\200310\VAC20030.005\2\BluesheetforCHesmt.doc

#### NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00052

TO WHOM IT MA	AY CONCERN:					
Notice is h	ereby given that on the	_25th da	y of No	vember, 200	03 @ 5:0	oo pmin the
County Commiss	ioners' Meeting Room,	Old Lee	County (	Courthouse,	2120 M	lain Street,

County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK
Deputy Clerk Signature
Please Print Name
APPROVED AS TO FORM
County Attorney Signature
Please Print Name

### Exhibit "A" VAC2003-00052

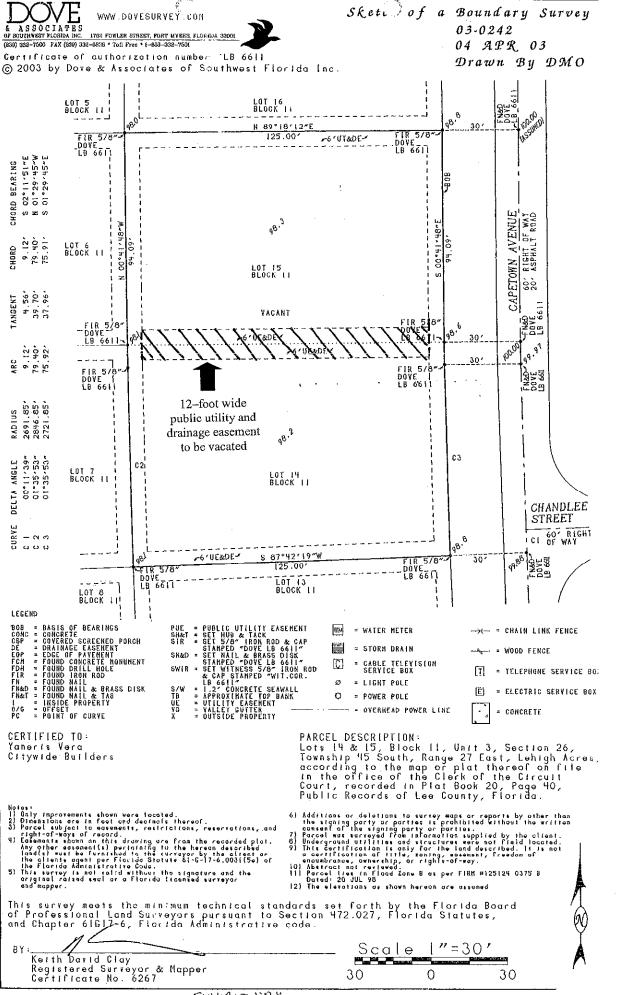
### LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide public utility and drainage easement centered on the common lot line between lots 14 and 15, Block 11, Unit 3, Section 26, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 20 at Page 40 of the Public Records of Lee County, Florida, less and except the easterly six feet and the westerly six feet thereof.

### **PETITION TO VACATE**

33965

Case Number: <u>VAC 2003 - 0003</u> 2
Petitioner(s), <u>E ELSAFY</u> 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, 44/6 Scott Ave, FORT MYCES, 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.
<ol><li>Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.</li></ol>
7. In accordance with tetters 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: By: Petitioner Signature By: Petitioner Signature
Printed Name Printed Name





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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 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 i interpretation.

View

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Account for T	ax Year:	All 🐷	
2645270300011.01	40	Extensive	Search
Start Search	Reset		

Your search for 2645270300011.0140 has returned 5 result(s).

Account	Tax Year	Owner Name and Address	Status
26-45-27-03-00011.0140	2002	ELSAFY E 914 CAPETOWN AV	PAID
26-45-27-03-00011,0140	2001	VERA YANERIS 914 CAPETOWN AV	PAID
26-45-27-03-00011.0140	2000	NEWBOLD JOHN J + 914 CAPETOWN AV	PAID
26-45-27-03-00011.0140	1999	NEWBOLD JOHN J + 914 CAPETOWN AV	PAID
26-45-27-03-00011.0140	1998	NEWBOLD JOHN J +	PAID

d Back

Printable Version

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EXHIBIT "C" VAC 2003-00052





Prepared by: Yaneris Vera

Address: 4416 Scott Ave

Fort Myers, FL 33905

Property Appraisers Parcel Identification (Folio) Numbers: 26-45-27-03-00011,0140

INSTR # 5759128
Official Records BK 03081 PG 2879
RECORDED 03/25/2003 01:33:51 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 0.70
DEPUTY CLERK G Sherwood

THIS QUIT CLAIM DEED, made the 25th day of March, A.D. 2003 by Yaneris Vera, a single woman herein called the grantor, whose post office address is 4416 Scott Ave, Fort Myers, FL 33905, to E. Elsafy, a single man whose post office address is 4416 Scott Ave, Fort Myers, FL 33905, hereinafter called the grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNES SETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars 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, State of Florida, viz:

Lots 14 and 15, Block 11, Unit 3, Section 26, 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 20, Page 40, Public Records, Lee County, Florida.

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

TO HAVE AND TO HOLD, the same forever.

AND, the grantor hereby covenants with said grantee that the grantor QUIT CLAIMS AND CONVEYS, WITHOUT FURTHER WARRANTY, ANY AND ALL TITLE HE/SHE/THEY MAY HAVE TO THE SUBJECT PROPERTY. IN WITNESS WHEREOF, the said grantor has signed and sealed the presents the day and year first above written.

Yaneris

Signed, sealed and delivered in the presence of:

Yaneris Vera, a single woman

Printed Name

Signature

Signatur

Printed Name

STATE OF FLORIDA COUNTY OF Lee The forgoing instrument was acknowledged before me this 25<sup>th</sup> day of March, 2003 by Yaneris Vera, a single woman. He/She is personally known to me or has produced PLOTICE As identification.

SEAL

JENNIFER MICHEEL
MY COMMISSION # CC 860865
EXPIRES: August 5, 2003
Bonded Thru Notary Public Underwriters

Notary Signature

Printed Notary Signature My Commission Expires: 2931 Michigan Avenue Fort Myers, Florida 33916 Phone 941-334-8828 Fax 941-334-8575

# comcast.

June 10, 2003

Jerrel L. Brown 11630 Ruth Rd N. Fort Myers, Florida 33917

Re: Vacation of Easement for 914 Capetown Ave, Lehigh Acres

Dear Mr. Brown:

This letter will serve to inform you of Comcast's facilities in the area referenced above. Currently, we do not have any plant at this location; therefore we have no objection to your proposed vacation of easement.

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

Cordially

Lucia Vera

**Design Coordinator** 



(239) 995-2121 • FAX (239) 995-7904

www.lcoc.net • www.iiine.com



June 2, 2003

City Wide Builders, Inc. Attn: Linda G. Brown 11630 Ruth Rd. N. Ft. Myers, FL 33917

Re: Strap No. 26-45-27-03-00011.0140

Dear Ms. Brown:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lots 14 and 15, Block 11, Unit 3, Section 26, 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 20, page 40, Public Records of Lee County, Florida; LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

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

Sincerely,

Karen Hardin

Real Property Representative



September 23, 2003

E. Eleafy 4416 Scott Avenue Fort Mycrs, Florida 33905

Dear Mr. Elsafy:

In reference to your least regarding Case #VAC2003-0052, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 26-45-27-03-00011.0140

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

Sincerely.

Mike Yonker

Sales & Service Manager



June 17, 2003

City Wide Builders Inc. Att: Jerrel L. Brown 11630 Ruth Rd. N. Fort Myers, FL 33917

Re:

A 12-foot wide utility and/or drainage, easement centered on lot line common to Lots 14 & 15, Block 11, Unit 3, Section 26, 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 20, Page 40, Public Records of Lee County, Florida.

Dear Mr. Brown:

Please be advised that Florida Water Services Corporation has reviewed the abovereferenced 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,

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



June 2, 2003

Jerrel. Brown City Wide Builders Inc. 11630 Ruth Rd North Fort Myers, Florida 33917

Re: Vacation of Public Utility Easement:
A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 14 & 15,
Block 11, Unit 3, Section 26, Township 45S, Range 27E,
as recorded in Plat Book 20, Page 40 of the Official Records of Lee County.

Dear: Mr. Brown

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

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

Sincerely,

Sabrina Thompson

Engineer



**BOARD OF COUNTY COMMISSIONERS** 

479-8587

Writer's Direct Dial Number:

Ext. 14

Bob Janes District One

Douglas R. St. Cerny District Two

October 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

E. Elsafy 4416 Scott Ave Ft Myers, Florida 33905

Re: VAC2003-00052 - Petition to vacate a twelve-foot Public Utility and Drainage Easement centered on the common lot line between lots 14 and 15, Block 11, Unit 3, a subdivision of Lehigh Acres, as recorded in Plat Book 20 at Page 40 of the Public Records of Lee County, Florida, less and except the east six feet and west six feet thereof.

Dear Mr. Elsafy:

You have indicated that in order to build a single family residence in the center of your two lots you desire to eliminate the Public Utility and Drainage Easement between your two lots. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Services Division

Peter J. Eckenrode

Director

PJE/mmr

C:\Documents and Settings\robertmm\My Documents\VAC2003-00052\1st bluesheet\Development Review Recommends.wpd



(941) 479-8124

BOARD OF COUNTY COMMISSIONERS 123, 2003	30ARD OF	COUNTY COMMIS Tuesday, Se	ssioners eptember	23,	2003
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Writer's Direct Dial Number:

Bob Janes

District One

Mr. E. Elsafye

District Two

Fort Myers, FL 33905

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

Douglas R. St. Cern 4416 Scott Ave.

Lee County, Florida

Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 14 & 15, Unit 3, Block 01 Lehigh Acres Subdivision, as recorded in Plat Book 20 Page 40, in the public records,

Dear Mr. Elsafye:

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

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

S:\NATRES\SURFACE\DOCUMENT\vac380.doc



Writer's Direct Dial Number: 479-8580

**BOARD OF COUNTY COMMISSIONERS** 

sənat dog enO təhteiQ

Pouglas 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

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Dear Mr. Brown:

:3A

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 20, page 40. DOT has no facilities within the easement and does not maintain it.

June 11, 2003

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

Very fruly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson Right-of-way Supervisor dlm\JAM

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

Block 11, Unit 3, Lehigh Acres

Petition to Vacate

North Fort Myers, FL 33917

11630 Ruth Road

Mr. Jerrel L. Brown Citywide Builders, Inc.

The 12' wide Utility and Drainage Easement On the lot line common to Lots 14 and 15,

S:\DOCUMENT\Petition To Vacate\2003\Lots 14&15 Lehigh - Brown.doc

RESOLUTION NO.	TO	SET PUBLIC HEARING
FOR PETITION TO \	/ACATE Case Number	:VAC2003-00052
WHEREAS, a Petition and	to Vacate was filed with t	he Board of County Commissioners;
		iscontinue, close or vacate a portion cribed in the attached Exhibit "A".
	aring in order to grant a va	e County Administrative Code, the acation affecting a public easement,
BE IT THEREFORE F County, Florida, as follows:	RESOLVED by the Boar	d of County Commissioners of Lee
A Public Hearing or		VAC2003-00052 is set for the ee County Commission Chambers.
2. A Notice of Publi accordance with the Lee Cou		ion to Vacate will be published in
THIS RESOLUTION p County Commissioners of Le		red into the minutes of the Board of
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 FO	DRM
	County Attorney Signa	ture
	Please Print Name	<del></del> ,

## Exhibit "A" VACCOO3-00052

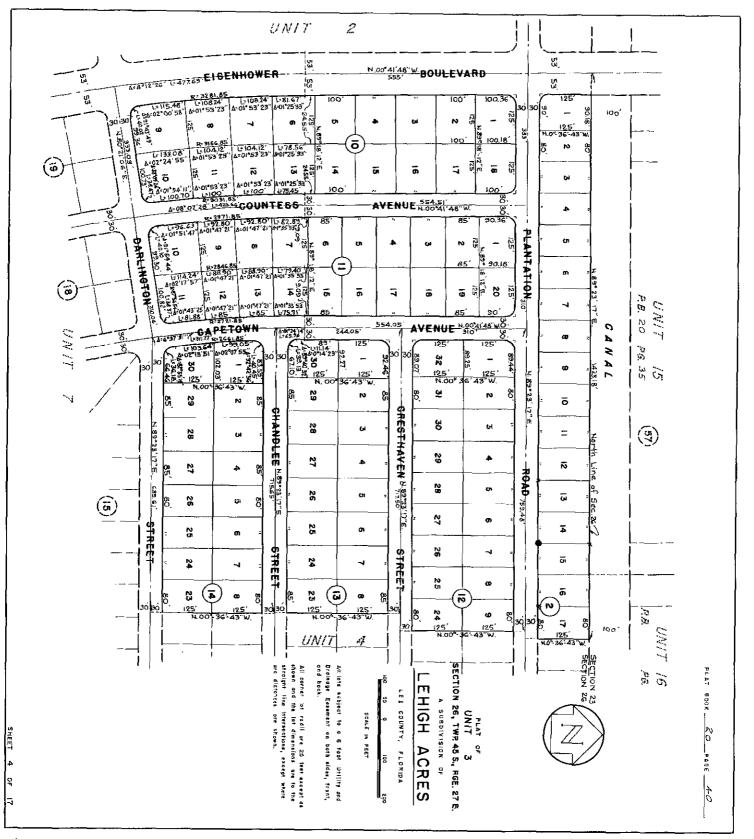
### LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide public utility and drainage easement centered on the common lot line between lots 14 and 15, Block 11, Unit 3, Section 26, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 20 at Page 40 of the Public Records of Lee County, Florida, less and except the easterly six feet and the westerly six feet thereof.

## Exhibit "A"

#### LEGAL DESCRIPTION OF THE AREA TO BE VACATED

A twelve-foot wide public utility and drainage easement centered on the common lot line between lots 14 and 15, Block 11, Unit 3, Section 26, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 20 at Page 40 of the Public Records of Lee County, Florida, less and except the easterly six feet and the westerly six feet thereof.



## EHIGH ACRES   000120290 000130280   0001300000   000130000000   0001300000   0001300000   000130000000000	
00014 0020	

# To: Bocc/ Zoning

Request for vacate of Utilities and drainage easement of following property Lot 15 Block II and Lot 14 Block II. To commonly Join propertys to build house and garage on center of properties.

Discription as follows.

6ft. on lot 14 and 6 FT. on lot 15, BIK 11, unit 3, section 26, Township 45 South, range 27 eugt, Lehigh Acres, recorded in plat Book 20, Page 40, Public Records of Lee County, Florida.

Less and except the east 6ft, and

west 6ft, there of.

To:

MAC PAPERS

Ph:

1-800-227-1722

Attn:

Don Thornton

Fax:

1-800-248-6927

ACCOUNT # LE0813 - LEE COUNTY BOCC

Purchase Order #

50431

Contact:

**Ann Bates** 

Ph:

239-335-2221

Location:

Lee County Administration

2115 Second Street - 4th Floor

Ft. Myers, FL 33901

Order for copier paper per Quote Q-030713

Color	Size	Quantity
White		
Recycled	8 1/2 x 11	10 boxes