

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 3114 Lee Blvd, Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of January, 2004. (Case No. VAC2003-00068)

**WHY ACTION IS NECESSARY:** To construct three (3) commercial buildings on the combined eight (8) lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

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

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

04

*C4A*

**3. MEETING DATE:**

*01-06-2004*

**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]* 12/5/03  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2003-00068 was submitted by Delacruz Drywall, Plastering & Stucco, Inc.

**LOCATION:** Petition No. VAC2003-00068 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 66, Unit 10, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 75, Section 26, Township 44 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northerly 6-foot and the Southerly 6-foot thereof. The site is located at 3114 Lee Blvd, Lehigh Acres, FL 33971.

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
<i>[Signature]</i>	N/A	N/A	N/A	<i>John Medema</i> 12-9-03	OA <i>[Signature]</i> 12/19/03	OM <i>[Signature]</i> 12/19/03	Risk <i>[Signature]</i> 12-9-03	GC <i>[Signature]</i> 12-9-03

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 12/5/03  
Time: 3:55 PM  
*[Signature]*  
12/9/03 NAM

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
12/19/03  
10:50 am SCR  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
12/19/03  
*[Signature]*

# PETITION TO VACATE

Case Number: VAC2003-00068

Petitioner(s), Delacruz Drywall Plastering & Stucco, Inc.  
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

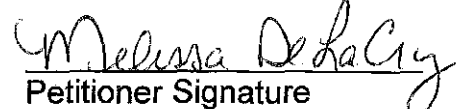
1. Petitioner(s) mailing address, 4908 Lee Cir S, Lehigh, FL 33971.
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached 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, Delacruz Drywall Plastering & Stucco, Inc.

By:   
Petitioner Signature

Guadalupe DELACRUZ  
Printed Name  
President

By:   
Petitioner Signature

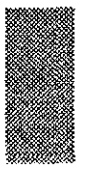
Melissa DELACRUZ  
Printed Name  
Secretary/Treasurer

Exhibit "A"  
Petition to Vacate  
VAC2003-00068

**Legal Description of Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easements centered on the common lot lines between Lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, and 7 and 8; all in Block 66, Unit 10 of the Plat of the N.E.  $\frac{1}{4}$  & S.  $\frac{1}{2}$  of Section 26, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to map or plat thereof on file and recorded in Plat Book 15, Page 75 of the of the Public Records of Lee County, Florida;

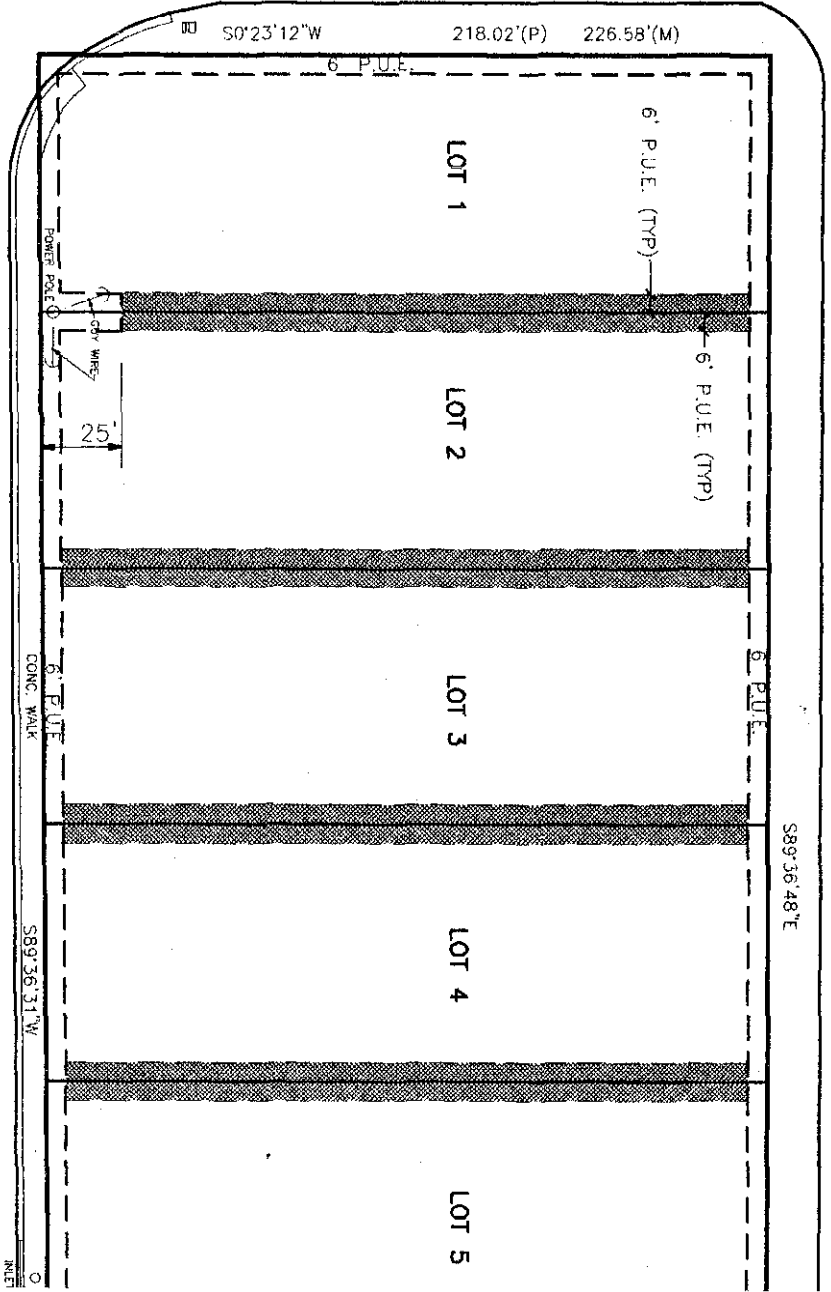
**LESS AND EXCEPT** the northerly six feet and southerly twenty-five feet of the easement on the common lot line between Lots 1 and 2; and less and except the northerly six feet and southerly six feet of each remaining easement described herein.



PUBLIC UTILITY  
EASEMENT TO BE  
VACATED

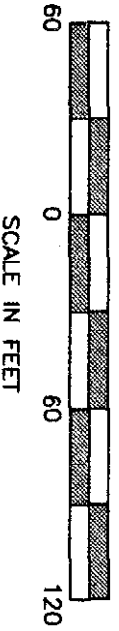
FIFTH STREET W  
(50' R/W)

OLIVE AVENUE  
(50' R/W)



LEE BOULEVARD  
(106' R/W)

PREPARED BY:  
**SPECTRUM ENGINEERING, INC.**  
1342 COLONIAL BOULEVARD, SUITE 31  
FORT MYERS, FL 33907



# Exhibit "C"

## Petition to Vacate

### VAC2003-00068

[Page One of One]

#### Real Property Information

<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
26-44-26-10-00066.0010	2003	PAID
<b>Original Account</b>	<b>Book/Page</b>	
26-44-26-10-00066.0010	3677/4216	
<b>Physical Address</b>	<b>Mailing Address</b>	
DELACRUZ DRYWALL PLASTERING + STUCCO INC 3114 LEE BLVD LEHIGH ACRES FL 33971	DELACRUZ DRYWALL PLASTERING + STUCCO INC 4908 LEE CIR S LEHIGH ACRES FL 33971 USA	
<b>Legal Description</b>		
LEHIGH ACRES UNIT 10 BLK.66 PB 15 PG 75 LOT 1 THRU 8		
<b>Total Amount Due as of 12/9/2003</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.

*The results to your tax search are based upon information provided to the Lee County Tax Collector by the Lee County Property Appraiser. **This website should not be relied upon for a title search.** Amounts due are subject to change without notice due to statutory compliance (i.e. tax deed application, county held tax certificates, errors & insolvencies (E&I), bankruptcy, litigation, etc.)*

View
  for Tax Year:

Save as File
 
 Extensive Search

Your search for 26442610000660010 has returned 6 result(s).

Account	Tax Year	Owner Name and Address	Status
26-44-26-10-00066.0010	2003	DELACRUZ DRYWALL 3114 LEE BLVD	PAID
26-44-26-10-00066.0010	2002	DELACRUZ DRYWALL 3114 LEE BLVD	REDEEM
26-44-26-10-00066.0010	2001	DELACRUZ DRYWALL 3114 LEE BLVD	PAID
26-44-26-10-00066.0010	2000	FLORIDA LANDMARK COMM INC 3114 LEE BLVD	PAID
26-44-26-10-00066.0010	1999	LEHIGH CORPORATION 3114 LEE BLVD	PAID
26-44-26-10-00066.0010	1998	LEHIGH CORPORATION	PAID

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

6 match(es) Page 1 of 1

15<sup>02</sup> R  
3073 ne DIS  
4<sup>00</sup> Cent. copy  
3092.70

INSTR # 5493328

OR BK 03677 PG 4216  
RECORDED 07/01/2002 01:12:15 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DEED DOC 3,073.70  
DEPUTY CLERK C Keller

This Instrument was prepared by:  
Gregg S. Truxton, Esquire  
Bolaños Truxton, P.A.  
12800 University Drive, Suite 340  
Fort Myers, Florida 33907

Parcel Identification No:  
26-44-26-10-00066.0010

[Space above this line for recording]

3

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** is made this 28<sup>th</sup> day of June, 2002, by **Florida Landmark Communities, Inc.**, a Florida corporation formerly known as Lehigh Corporation (hereinafter called the Grantor), to **DeLaCruz Drywall Plastering & Stucco, Inc.**, a Florida corporation (hereinafter called Grantee) whose address is: 4908 Lee Circle South, Lehigh Acres, Florida 33971.

**WITNESSETH:** That the Grantor, for and in consideration of the sum of Ten (\$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, Florida to-wit:

Lots 1 through 8, Block 66, Unit 10, Section 26, Township 44 South, Range 26 East, Lehigh Acres, a subdivision according to the plat thereof recorded in Plat Book 15, Page 75, in the public records of Lee County, Florida (the "Property");

And this conveyance is subject to: (1) applicable zoning ordinances, regulations and governmental requirements; (2) real estate taxes and assessments for the year 2002 and subsequent years; and (3) those specific exceptions to title set forth on Exhibit "A" attached hereto.

**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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

Grantor hereby expressly reserves for itself, its successors and its assigns, all of the oil, gas and mineral rights, which have not been previously reserved, provided that there shall be no right of exploration or surface entry upon the Property.

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Florida Landmark Communities, Inc.,  
A Florida corporation (formerly known as  
Lehigh Corporation)

Wendi Cuvea  
Print Name: Wendi Cuvea

By: B. D. A.  
Name: BRIAN D. GREEN  
Title: VICE PRESIDENT  
Address: 226 E. JOEL BLVD.  
LEHIGH, FL 33972

Patty Gardner  
Print Name: PATTY GARDNER

State of Florida )  
                          ) ss:  
County of Lee     )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of June, 2002 by Brian D. Green as Vice President of Florida Landmark Communities, Inc., A Florida corporation (formerly known as Lehigh Corporation). He/She () is personally known to me or ( ) has produced N/A as identification.

My Commission Expires:

Patty Gardner  
Notary Public, State of Florida at Large  
Print Notary Name:



Exhibit "A"

Title Exceptions

1. Lee County Ordinances 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.
2. Any lien provided by chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.
3. Agreement between Lee County Land and Title Company and Lehigh Utilities, Inc. recorded at Official Records Book 327, page 119.
4. Sewer and Water Covenants and Restrictions recorded in Official Records Book 10, page 695, as amended by instrument recorded at Official Records Book 41, page 264.
5. Subject land lies within the boundaries of the East County Water Control District and is subject to any acts and/or assessments thereof.
6. Developer's Agreement between Lehigh Corporation, Cliffside Properties, Inc. and Lehigh Utilities, Inc. affecting water systems, sewage systems and lift stations throughout Lehigh Acres recorded at Official Records Book 2357, page 2973 and as modified by instrument recorded in Official Records Book 2551, page 833.
7. As Recited on Plat: "All lots subject to a 6 foot drainage and utility easement both sides, front and back."
8. Covenants, conditions and restrictions recorded in Official Records Book 1320, Page 556, Official Records Book 1759, Page 1107, Official Records Book 2536, Page 3212, Official Records Book 2536, Page 3215 and Official Records Book 2536, Page 3218, Public Records of Lee County, Florida.
9. Order to amend Final Judgment recorded at Official Records Book 2385, page 857.
10. Reservation of any undivided one-half interest in all oil, gas and minerals by deed recorded at Deed Book 277, Page 240; Conveyance of said interests by Deed recorded at Official Records Book 553, Page 114; and Notice of Subsurface Interest recorded at Official Records Book 1095, page 88.



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



September 8, 2003

Spectrum Engineering, Inc  
C/O Grace McDonald  
1342 Colonial Bl #31  
Ft Myers, FL 33907

Re: Request for a letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: 3114 Lee Bl  
Lehigh Acres, FL

Dear Grace McDonald,

Comcast has no Conflict with the above referenced location and has no  
Objection with the vacation of the above referenced utility easement.

If I may be of further assistance please do not hesitate to contact me at (239)  
732-3865.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucia Vera".

Lucia Vera  
Design Coordinator



August 25, 2003

Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Blvd – Suite 31  
Fort Myers, Fla. 33907

RE: Vacation of easement – Block 66, Lots 1-8, Unit 10,  
Lehigh Acres, Lee County, Fla.

Dear Ms. McDonald:

The plat map sent to us for the above listed vacation of easement has been reviewed. At this time, Time Warner Cable has no facilities in this area and no future build is anticipated. Time Warner Cable has **NO CONFLICT** with this proposed construction.

If you have any further questions or concern, please do not hesitate to contact me at (941) 772-2218, Ext. 120.

Sincerely,

TIME WARNER CABLE

A handwritten signature in black ink, appearing to read "Adnaldo Rodriguez". The signature is written in a cursive style and is positioned over the printed name and title.

Adnaldo Rodriguez  
Technical Field Inspector

AR/sgs



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.lline.com

September 5, 2003

Ms. Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Blvd., Suite 31  
Ft. Myers, FL 33907

Re: Strap No. 26-44-26-10-00066.0010  
3114 Lee Boulevard, Lehigh Acres, FL

Dear Ms. McDonald:

LCEC does not object to vacation of the utility easements lying between Lots 1 through 8, Block 66, Unit 10, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 75 of the Public Records of Lee County, Florida more particularly described on attached Exhibit A.

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

Sincerely,

Karen Hardin  
Real Property Representative

Attachment



September 12, 2003

Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Boulevard, Suite 31  
Fort Myers, Florida 33907

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,  
lots 2 & 3, lots 3 & 4, lots 4 & 5, lots 5 & 6, and  
lots 7 & 8, Block 66, Section 26, Township 44S, Range 26E.as  
Recorded in Plat Book 15, page 75 of the Lee County  
Public Records. Strap No. 26-44-26-10-00066.0010

*missing lots 6 & 7*

Dear Ms. McDonald:

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

Attachment: Exhibit A



Customer Service Operation

P. O. Box 1530  
Labelle, Florida 33975-4613

November 12, 2003

Ms. Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Boulevard, Suite 31  
Fort Myers, Florida 33907

RE: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement  
Centered on the lot line common to lots 6 & 7,  
Block 66, Section 26, Township 44S, Range 26E, as  
Recorded in Plat Book 15, page 75 of the Lee County  
Public Records.

Dear Ms. McDonald:

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.

This letter is being written to reference a letter dated 9/12/03. Information on lots 6 & 7 were omitted on the original request.

If you require additional information, please contact me at 8630452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson  
Engineer



October 8, 2003

Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Boulevard, Suite 31  
Fort Myers, FL 33907

Re: **Delacruz Drywall**

A 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 1 & 2, Block 66, Unit 10, less and except the northerly 6-foot and the southerly 6-foot thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 2 & 3, Block 66, Unit 10, less and except the northerly 6-foot and the southerly 6-foot thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 3 & 4, Block 66, Unit 10, less and except the northerly 6-foot and the southerly 6-foot thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 4 & 5, Block 66, Unit 10, less and except the northerly 6-foot and the southerly 6-foot thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 5 & 6, Block 66, Unit 10, less and except the northerly 6-foot and the southerly 6-foot thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 7 & 8, Block 66, Unit 10, less and except the northerly 6-foot and the southerly 6-foot thereof according to the Plat of Lehigh Acres as recorded in Plat Book 15, Page 75 of the Public Records of Lee County, Florida.

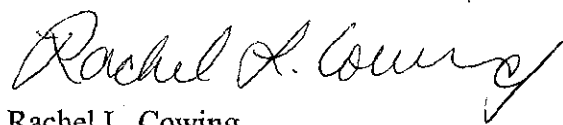
*missing lots 6 & 7*

Dear Mrs. McDonald:

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". The signature is written in black ink and is positioned above the typed name and title.

Rachel L. Cowing  
Legal Assistant



September 12, 2003

Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Boulevard, Suite 31  
Fort Myers, Florida 33907

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,  
lots 2 & 3, lots 3 & 4, lots 4 & 5, lots 5 & 6, and  
lots 7 & 8, Block 66, Section 26, Township 44S, Range 26E.as  
Recorded in Plat Book 15, page 75 of the Lee County  
Public Records. Strap No. 26-44-26-10-00066.0010

*missing lots 6 & 7*

Dear Ms. McDonald:

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,

*Wayneth Jackson*

Wayneth Jackson  
Engineer

Attachment: Exhibit A





October 8, 2003

Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Boulevard, Suite 31  
Fort Myers, FL 33907

Re: **Delacruz Drywall**

A 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 1 & 2, Block 66, Unit 10, less and except the northerly 6-feet and the southerly 6-feet thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 2 & 3, Block 66, Unit 10, less and except the northerly 6-feet and the southerly 6-feet thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 3 & 4, Block 66, Unit 10, less and except the northerly 6-feet and the southerly 6-feet thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 4 & 5, Block 66, Unit 10, less and except the northerly 6-feet and the southerly 6-feet thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 5 & 6, Block 66, Unit 10, less and except the northerly 6-feet and the southerly 6-feet thereof,

And

The 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 7 & 8, Block 66, Unit 10, less and except the northerly 6-feet and the southerly 6-feet thereof according to the Plat of Lehigh Acres as recorded in Plat Book 15, Page 75 of the Public Records of Lee County, Florida.

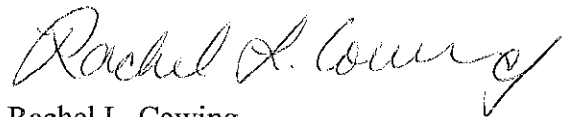
*missing lots 6 & 7*

Dear Mrs. McDonald:

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". The signature is written in black ink and is positioned above the typed name and title.

Rachel L. Cowing  
Legal Assistant



November 20, 2003

Grace McDonald  
Spectrum Engineering, Inc.  
Key West Professional Center, Bldg. D  
1342 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

Re: **Delacruz Drywall**

A 12-foot wide drainage and/or utility easement centered on the lot line common to lots 6 & 7, Block 66, Unit 10, less and except the northerly 6-feet thereof according to the Plat of Lehigh Acres as recorded in Plat Book 15, Page 75 of the Public Records of Lee County.

Dear Ms. McDonald:

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 black ink that reads "Rachel L. Cowing". The signature is written in a cursive, flowing style.

Rachel L. Cowing  
Legal Assistant

rlc



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8181

Bob Janes  
District One

Douglas R. St. Cerny  
District Two **August 25, 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

Grace McDonald  
Spectrum Engineering, Inc.  
1342 Colonial Boulevard, Suite 31  
Fort Myers, FL 33907

**SUBJECT: VACATION OF PLATTED EASEMENT(S)**  
**STRAP #: 26-44-26-10-00066.0010**  
**LOTS 1 THRU 8, BLOCK 66 - LEHIGH ACRES, UNIT 10**  
**3114 LEE BOULEVARD**

Dear Ms. McDonald:

Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated legal description. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Florida Water Services concerning your request, as the subject parcels are located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239)479-8531.

Sincerely,

**LEE COUNTY UTILITIES**

Terry A. Kelley  
Senior Engineering Technician  
Utilities Engineering Division

CC: Correspondence File

VIA FACSIMILE #277-1786  
ORIGINAL MAILED 08/25/03

S:\Utils\Engr\Tak\LETTERS\VAC\FY 2003\Spectrum Engineering - 3114 Lee Blvd - Lehigh.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8440

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*

December 4, 2003

DELACRUZ DRYWALL, PLASTERING & STUCCO, INC.  
4908 LEE CIR S.,  
LEHIGH ACRES, FL 33971

Re: VAC2003-00068 - Petition to vacate a 12-foot Public Utility Easement located at 3114 Lee Blvd, Lehigh Acres centered on the common lot line between lots 1, 2, 3, 4, 5, 6, 7 and 8 as recorded in Plat Book 15 at Page 75 of the Public Records of Lee County, Florida, less and except the north 6-feet and south 6-feet thereof.

Dear Sir or Madam:

You have indicated that in order to build three (3) commercial buildings/retail centers on the combined eight (8) lots, which you desire to eliminate the Public Utility Easement located between your eight (8) 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/rsk

U:\200312\20031015.144\5465680\DEVELOPMENT REVIEW RECOMMENDS.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Bob James  
District One  
Friday, October 03, 2003

Douglas R. St. Camy  
District Two  
Ms. Grace McDonald  
Spectrum Engineering, Inc.  
Ray Judah  
District Three  
1342 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

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

Re: Petition to Vacate several twelve (12) foot wide public utility easements common to Lots 1 & 2, 2 & 3, 3 & 4, 4 & 5, 5 & 6, 6 & 7 and 7 & 8, of Block 66, Unit 10, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 75, in the public records, Lee County, Florida.

Dear Ms. McDonald:

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 easements.

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

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**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. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

August 29, 2003

Ms. Grace McDonald  
Spectrum Engineering, Inc.  
Key West Professional Center, Bldg. D  
1342 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

**RE: Petition to Vacate the 6' wide Public Utility Easements  
Within Lots 1-8, Block 66, Unit 10, Lehigh Acres**

Dear Ms. McDonald:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 15, page 75. DOT has no facilities within the easements and does not maintain them.

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

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

cc: Don Blackburn, Development Services  
Terry Kelley, Lee County Utilities  
Allen Davies, Natural Resources  
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2003\Lots 1-8 Blk 66 Lchigh - McDonald.doc



## Florida Department of Transportation

JEB BUSH  
GOVERNOR

801 North Broadway Avenue  
Bartow, Florida 33830

JOSE ABREU  
SECRETARY

September 10, 2003

Spectrum Engineering, Inc.  
Attn: Grace McDonald  
1342 Colonial Blvd., Suite 31  
Fort Myers, Florida 33907

RE: Vacation of a Public Utility Easement

Dear Mr. McDonald:

In response to your letter we received on August 25, 2003, our staff has conducted a review of your request to vacate the subject area as marked and generally described as: Those portions of a 6' wide Public Utility Easement lying within Lots 1 thru 8, Block 66, Unit 10 Leigh Acres, Lee County, Florida per Plat Book 15, Page 75 as described in the legal descriptions on the attached "Exhibit A".

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

Sincerely,

Ruthie M. Chunn  
Right of Way Agent  
Property Management

RMC/blt

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

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](http://www.dot.state.fl.us)



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

Case Number: VAC2003-00068

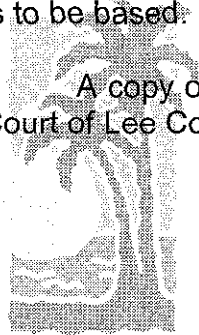
**TO WHOM IT MAY CONCERN:**

Notice is hereby given that on the 27th day of January 2004 @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

Deputy Clerk Signature

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

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00068**

**Legal Description of Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easements centered on the common lot lines between Lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, and 7 and 8; all in Block 66, Unit 10 of the Plat of the N.E.  $\frac{1}{4}$  & S.  $\frac{1}{2}$  of Section 26, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to map or plat thereof on file and recorded in Plat Book 15, Page 75 of the of the Public Records of Lee County, Florida;

**LESS AND EXCEPT** the northerly six feet and southerly twenty-five feet of the easement on the common lot line between Lots 1 and 2; and less and except the northerly six feet and southerly six feet of each remaining easement described herein.

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00068**

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. VAC2003-00068 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

\_\_\_\_\_  
Please Print Name

LEE COUNTY  
BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

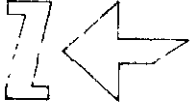
\_\_\_\_\_  
Please Print Name

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00068**

**Legal Description of Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easements centered on the common lot lines between Lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, and 7 and 8; all in Block 66, Unit 10 of the Plat of the N.E.  $\frac{1}{4}$  & S.  $\frac{1}{2}$  of Section 26, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to map or plat thereof on file and recorded in Plat Book 15, Page 75 of the of the Public Records of Lee County, Florida;

**LESS AND EXCEPT** the northerly six feet and southerly twenty-five feet of the easement on the common lot line between Lots 1 and 2; and less and except the northerly six feet and southerly six feet of each remaining easement described herein.



PLAT OF  
NE 1/4 S 1/2 of SECTION 26  
TOWNSHIP 44 SOUTH RANGE 26 EAST

A SUBDIVISION OF

# LEHIGH ACRES

LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITHE CO., INC., CORP.

DATE FILED JUNE 2 AUGUST, 1936

UNIT BOUNDARY

**SUBJECTORS - CERTIFICATE**

I, the undersigned, being duly qualified, do hereby certify that the above described plat has been approved by the State Engineer.

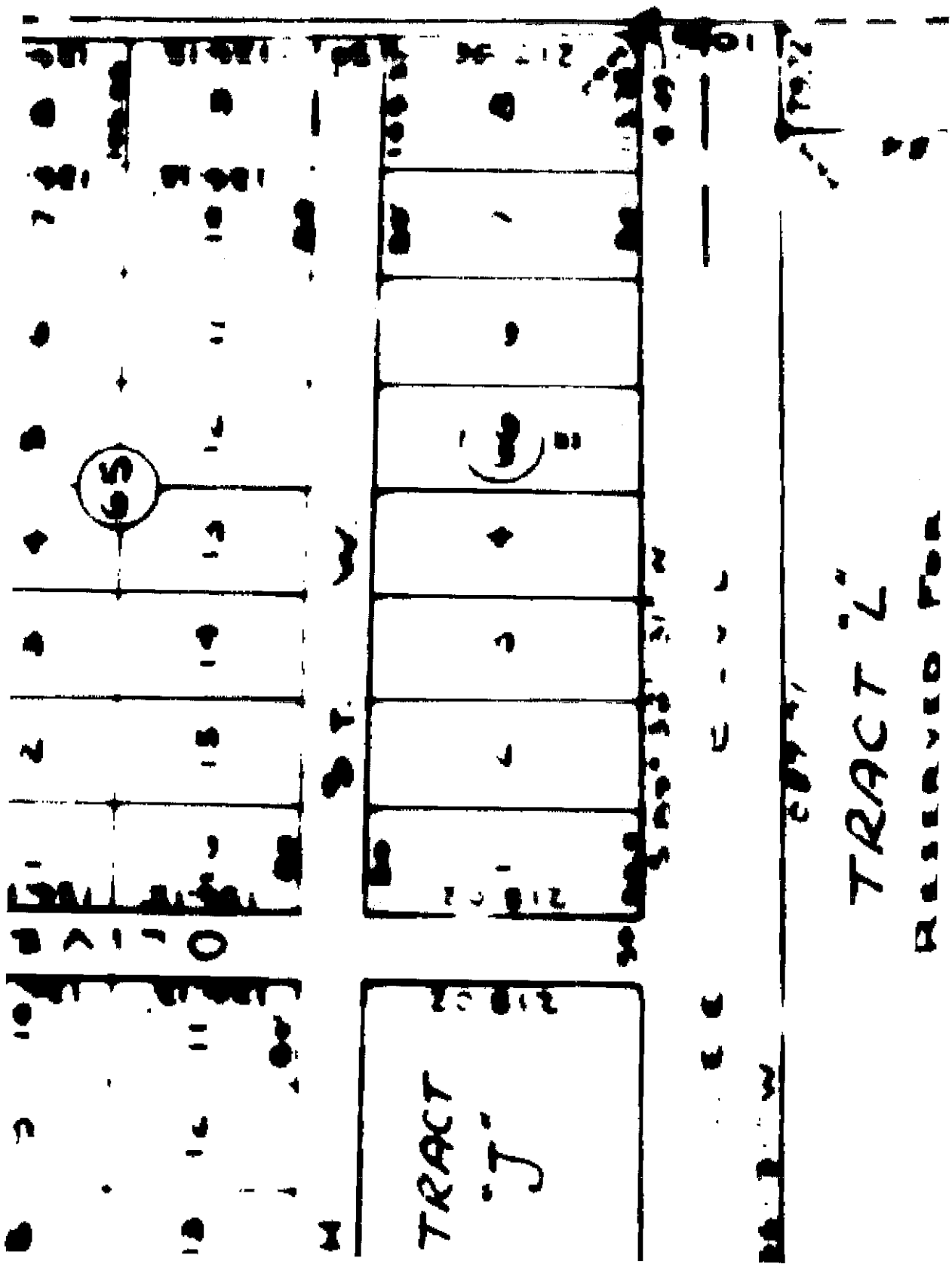
*[Signature]*  
Florida State Engineer

**NOTE**  
All lots included in this plat are subject to the provisions of the Act of the Legislature of the State of Florida, approved March 15, 1925, and to the Act of the Legislature of the State of Florida, approved March 15, 1925, and to the Act of the Legislature of the State of Florida, approved March 15, 1925.



**NOTE**  
The boundaries shown on this plat are the boundaries of the land as shown on the original survey of the land.





TRACT  
"J"

TRACT "L"

RESERVED FOR



RECEIVED  
DEC 03 2003  
M K W  
PERMIT COUNTER

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 3114 Lee Blvd. Lehigh Acres and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate SPECTRUM ENGINEERING, INC as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop.

This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

[Signature]  
Owner\*(signature)

GUADALUPE DELACRUZ  
Printed Name

[Signature]  
Owner\*(signature)

Melissa DeLaCruz  
Printed Name

\_\_\_\_\_  
Owner\*(signature)

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

\_\_\_\_\_  
Owner\*(signature)

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

\_\_\_\_\_  
Owner\*(signature)

\_\_\_\_\_  
Printed Name  
STATE OF FLORIDA  
COUNTY OF LEE

\_\_\_\_\_  
Owner\*(signature)

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

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of NOVEMBER, 2003, by GUADALUPE DELACRUZ, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)



[Signature]  
Notary Public  
Jon D. Kunz  
Commission #DD168512  
Expires: Dec 02, 2006  
Bonded Thru \_\_\_\_\_ (Name typed, printed or stamped)  
Atlantic Bonding Co., Inc.

\*If more than one owner then all owners must sign. See explanation on back.