

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 546 and 548 Empire Ave S., Lehigh Acres, Florida 33936, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of January, 2004. (Case No. VAC2003-00073)

**WHY ACTION IS NECESSARY:** To build a single-family residence on the combined 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:**

**01-13-2004**

**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  12/9/03

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2003-00073 was submitted by Jose R. & Vilma L. Gonzalez.

**LOCATION:** Petition No. VAC2003-00073 proposes to vacate a 12-foot wide Public Utility Easement centered on the lot lines common to Lots 3 and 4, Block 9, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18, Page 38, Section 15, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Easterly 6-foot and the Westerly 6-foot thereof. The site is located at 546 and 548 Empire Ave S., 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 12/27/03</i>				G County Manager
					OA	OM	Risk	GC	
<i>Nancy Gibbs</i>	N/A	N/A	N/A	<i>John J. ... 12-19-03</i>	<i>12/19/03</i>	<i>12/19/03</i>	<i>12/19/03</i>	<i>12/19/03</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 12/11/03  
Time: 3:40 PM  
Forwarded To:  
Co. Admin.  
12/19/03 9AM

RECEIVED BY  
COUNTY ADMIN: TD  
12/19/03  
11:05am SLT  
COUNTY ADMIN  
FORWARDED TO: BW  
12/19 12:00

RECEIVED  
NOV 10 2003  
AMKW  
LEECOUNTY GOVERNMENT

PETITION TO VACATE

Case Number: VAC 2003-00073

Petitioner(s), Jose R Gonzalez / Vilma L. Gonzalez  
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, 9530 W. Terry St. Bonita Springs Fl 34135
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  
Jose R. Gonzalez  
Printed Name

By: [Signature]  
Petitioner Signature  
Vilma L. Gonzalez  
Printed Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2003-00073**

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

The Twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 3 and 4, Block 9, Unit 2 of the plat of Section 15, Township 45 South, Range 27 East, a Subdivision of Lehigh Acres, Florida, according to map or plat of there on file and recorded in Plat Book 18, Page 38 of the Public Records of Lee County, Florida;

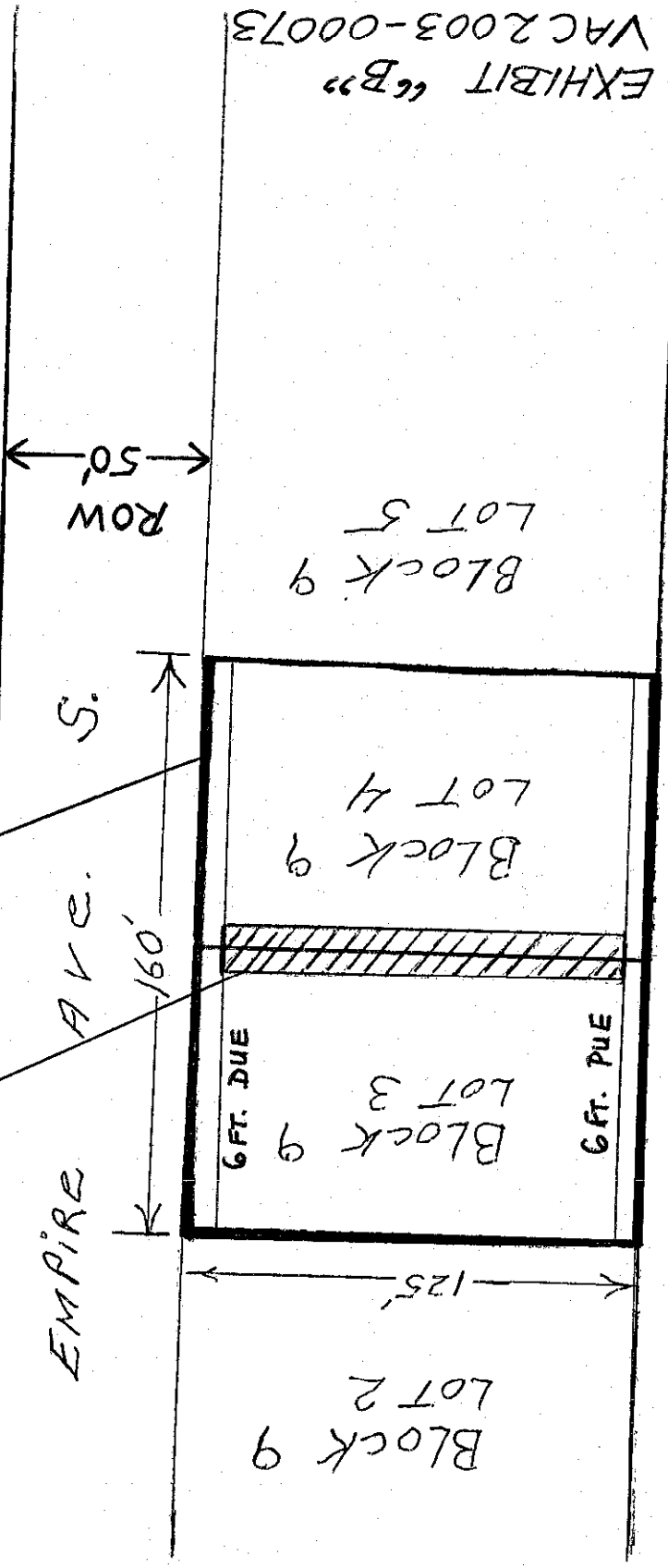
**LESS and EXCEPT** the easterly six-feet and the westerly six-feet of each easement.

EXHIBIT "B"  
VAC 2003-00073

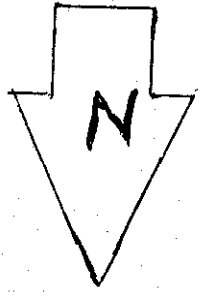
PLAT OF  
SUBDIVISION OF BLOCK 9  
UNIT 2, SECTIONS 15, TOWNSHIP  
RANGE 27E, A SUBDIVISION  
OF TEN HIGH ACRES  
LET COUNTY, FLORIDA  
PLAT BOOK 18, PAGE 38

PROPOSED 12' EASEMENT  
TO BE VACATED LESS  
AND EXCEPT THE EAST  
AND WEST 6'

PROPERTY BOUNDARY



CANAL



GRAPHIC SCALE  
SCALE IN FEET  
0 25 50

EXHIBIT "B"  
VAC 2003-00073

**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      Account  for Tax Year:   
 Save as File       Extensive Search  
 View file format.

Your search for 15452702000090030 has returned 6 result(s).

Account	Tax Year	Owner Name and Address	Status
15-45-27-02-00009.0030	2003	GONZALEZ JOSE R + VILMA L 546 EMPIRE AVE S	PAID
15-45-27-02-00009.0030	2002	GONZALEZ JOSE R + VILMA L 546 EMPIRE AV S	PAID
15-45-27-02-00009.0030	2001	MCGUIRL MARGARET M + 546 EMPIRE AV S	PAID
15-45-27-02-00009.0030	2000	MCGUIRL MARGARET M + 546 EMPIRE AV S	PAID
15-45-27-02-00009.0030	1999	MCGUIRL MARGARET M + 546 EMPIRE AV S	PAID
15-45-27-02-00009.0030	1998	MCGUIRL MARGARET M	PAID

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

6 match(es) Page 1 of 1

Exhibit "C"  
VAC 2003-00073

EXHIBIT "C"

VA2003-00073



PAID

RECEIPT

Transaction # 161974-10

11/24/2003

10:24:18 AM

BS

LEE COUNTY TAX COLLECTOR

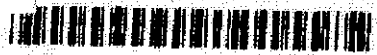
Items Paid

Type	Item / Tax Year	Receipt	Pay Date	Date	Cashier	Amount	Void
1-01 - Real Estate Tax	15-45-27-02-00009.0030 / 2003	161974-10-1	11/24/2003	11/24/2003	MYM1	\$85.43	
1-01 - Real Estate Tax	15-45-27-02-00009.0040 / 2003	161974-10-2	11/24/2003	11/24/2003	MYM1	\$85.43	
<b>Total Items Paid:</b>						<b>\$170.86</b>	

Payment

Type	Date	Cashier	Amount	Void
Check	11/24/2003	MYM1	\$170.86	
<b>Total Payment</b>			<b>\$170.86</b>	

\*\*\*\*\* END \*\*\*\*\*



*This Instrument Prepared by and return to:*

Name: *Virgil Bates*  
*Tradewinds Title, Inc.*  
Address: *904 Lee Blvd., Suite 106*  
*Lehigh Acres, FL 33936*  
*56350*  
Parcel I.D. #: *15-45-27-02-00009.0030*  
Recording Fees: \$ *52.50*

INSTR # *5888765*  
Official Records BK *03990* PG *0040*  
RECORDED *07/14/2003* *06:37:46 AM*  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE *10.00*  
DEED DOC *42.00*  
DEPUTY CLERK *W Miller*

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**THIS WARRANTY DEED** Made the 28<sup>th</sup> day of June, A.D. 2003, by **MARGARET M. MCGUIRL** and **ROBERT E. MCGUIRL**, as joint tenants with full rights of survivorship, hereinafter called the grantors, to **JOSE R. GONZALEZ** and **VILMA L. GONZALEZ**, husband and wife, whose post office address or principal place of business is **9530 W Terry St., Bonita Springs, FL 34135**, hereinafter called the grantees:

*(Wherever used herein the terms "grantors" and "grantees" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)*

**Witnesseth:** That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees all that certain land situate in **Lee County, State of Florida**, viz:

Lot 3, Block 9, Unit 2, Section 15, 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 18, Page 38, Public Records of Lee County, Florida.

**SUBJECT TO TAXES FOR THE YEAR 2003 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.**

*Subject Property is not now nor has it ever been the homestead property of the grantor. Subject property is vacant land.*

*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 grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple, that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.*

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

Signed, sealed and delivered in the presence of:

**Must be witnessed by two separate people not related to seller or buyer**

Carmel R Malo  
1<sup>st</sup> Witness Signature

Carmel R Malo  
Printed Name

Kathleen McNamara  
2<sup>nd</sup> Witness Signature

KATHLEEN McNamara  
Printed Name

Margaret M. McGuirl L.S.  
Margaret M. McGuirl

Address:  
65 Everill St., Warwick, RI 02889

Robert E. McGuirl L.S.  
Robert E. McGuirl

Address:  
65 Everill St., Warwick, RI 02889

State of Rhode Island  
County of Kent

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of June, 2003, by Margaret M. McGuirl and Robert E. McGuirl, who are known to me or who have produced drivers license as identification and who did (did not) take an oath.

Dana Ann Gelsomino  
Signature of Notary

**DANA ANN GELSOMINO**  
Notary Public of Rhode Island  
Printed Name of Notary My Commission Expires 3/30/06  
My commission expires

Notary Seal:

**DANA ANN GELSOMINO**  
Notary Public of Rhode Island  
My Commission Expires: \_\_\_\_\_





This Instrument Prepared by and return to:

Name: Virgil Bates  
Tradewinds Title, Inc.  
Address: 904 Lee Blvd., Suite 106  
Lehigh Acres, FL 33936  
56507  
Parcel I.D. #: 15-45-27-02-00009.0040  
Recording Fees: \$ 52.50

INSTR # 5888764  
Official Records BK 03990 PG 0038  
RECORDED 07/14/2003 06:36:54 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 42.00  
DEPUTY CLERK W Miller

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**THIS WARRANTY DEED** Made the 28<sup>th</sup> day of June, A.D. 2003, by **MARGARET M. MCGUIRL** and **PATRICK T. MCGUIRL**, as joint tenants with the right of survivorship, hereinafter called the grantors, to **JOSE R. GONZALEZ** and **VILMA L. GONZALEZ**, husband and wife, whose post office address is **9530 W. Terry St, Bonita Springs, FL 34135**, hereinafter called the grantees:

*(Wherever used herein the terms "grantors" and "grantees" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)*

**Witnesseth:** That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees all that certain land situate in **Lee County, State of Florida**, viz:

Lot 4, Block 9, Unit 2, Section 15, 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 18, Page 38, Public Records, Lee County, Florida.

**SUBJECT TO TAXES FOR THE YEAR 2003 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.**

*Subject Property is not now nor has it ever been the homestead property of the grantor. Subject property is vacant land.*

*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 grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.*

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

Signed, sealed and delivered in the presence of:

**Must be witnessed by two separate people not related to seller or buyer**

Hedi A. Medeiros  
1<sup>st</sup> Witness Signature

Hedi A Medeiros  
Printed Name

Jennifer E. Boulet  
Witness Signature

Jennifer E. Boulet  
Printed Name

Margaret M. McGuirl L.S.

Margaret M. McGuirl  
Address:  
65 Everill St., Warwick, RI 02889

Patrick T. McGuirl L.S.

Patrick T. McGuirl  
Address:  
65 Everill St., Warwick, RI 02889

State of Rhode Island

County of Kent

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of June, 2003, by Margaret M. McGuirl and Patrick T. McGuirl, who are known to me or who have produced drivers licence as identification and who did (did not) take an oath.

Dana Ann Gelsomino  
Signature of Notary

DANA ANN GELSOMINO  
Notary Public of Rhode Island  
My Commission Expires 3/30/06

Printed Name of Notary  
My commission expires \_\_\_\_\_

Notary Seal:

DANA ANN GELSOMINO  
Notary Public of Rhode Island  
My Commission Expires 3/30/06



September 29, 2003

Jose Gonzalez  
Vilma Gonzalez  
9530 W. Terry Street  
Bonita Springs, Florida 34135

Dear Mr. Gonzalez:

In reference to your letter dated August 21, 2003 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 15-45-27-02-00009.0030  
STRAP NO.: 15-45-27-02-00009.0040

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

Sincerely,

A handwritten signature in black ink that reads "Mike Yonker / rf.". The signature is written in a cursive, flowing style.

Mike Yonker  
Sales & Service Manager



November 5, 2003

Vilma & Jose Gonzalez  
9530 W. Terry Street  
Bonita Springs, Florida 34135

Re: A 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 3 & 4, Block 9, Lehigh Acres Unit 2, of the plat thereof recorded in Plat Book 18, Page 38 of the Public Records of Lee County, Florida

Dear Mr. & Mrs. Gonzalez:

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 Assistant



September 10, 2003

Mr. & Mrs. Jose Gonzalez  
9530 W. Terry St.  
Bonita Springs, Florida 34135

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement  
centered on the lot line common to lots 3 & 4,  
Block 9, Section 15, Township 45S, Range 27E.as  
Recorded in Plat Book 18, page 38 of the Lee County  
Public Records. Strap No. 15-45-27-02-00009.0030

Dear Mr. & Mrs. Gonzalez:

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,

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

Wayneth Jackson  
Engineer



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

Mr. Jose Gonzalez  
9530 W. Terry St.  
Bonita Springs, FL 34135

Re: Strap No. 15-45-27-02-00009.0030 and  
Strap No. 15-45-27-02-00009.0040

Dear Mr. Gonzalez:

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

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 3 and 4, Block 9, Unit 2, a subdivision of Lehigh Acres as recorded in Plat Book 18, page 38, of the Public Records of Lee County, Florida.

Please call me at 1-800-282-1643, extension 422 if you have any questions.

Sincerely,

Karen Hardin  
Real Property Representative



September 5, 2003

Jose & Vilma Gonzalez  
9530 W Terry St  
Bonita Springs, Fla. 34135

RE: Vacation of road easement

Dear Mr. Gonzalez:

Your request for the above listed vacation of road 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 that reads "Adnaldo Rodriguez".

Adnaldo Rodriguez

Technical Field Inspector

AR/ss

cc: Enclsoure

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



September 8, 2003

Jose Gonzalez  
9530 W Terry St  
Bonita Springs, Fl 34135

Re: Request for a letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: 546-548 Empire Av  
Lehigh, FL 33936

Dear Jose Gonzalez,

Comcast has no existing utilities in 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 that reads "Lucia Vera".

Lucia Vera  
Design Coordinator





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

JOSE & VILMA GONZALEZ  
9530 W. TERRY ST.  
BONITA SPRINGS, FL 34135

Re: VAC2003-00073 - Petition to vacate a 12-foot Public Utility located at 546 and 548 Empire Ave S. centered on the common lot line between lots 3 and 4, Block 9, Unit 2, subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 38 of the Public Records of Lee County, Florida, less and except the easterly 6-feet and westerly 6-feet thereof.

Dear Mr. & Mrs. Gonzalez:

You have indicated that in order to build a single-family residence on the combined two (2) lots, you desire to eliminate the Public Utility Easement located between your two (2) 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\20031110.110\1230780\DEVELOPMENT REVIEW RECOMMENDS.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
*District One*

Wednesday, September 10, 2003

Douglas R. St. Cerny  
*District Two*

Mr. Jose Gonzalez  
9530 W. Terry Street  
Bonita Springs, FL 34135

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 3 & 4, Unit 2, Block 9, Lehigh Acres Subdivision, as recorded in Plat Book 18 Page 38, in the public records, Lee County, Florida.

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Dear Mr. Gonzalez:

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

S:\NATRES\SURFACE\DOCUMENT\vac377.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. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

August 27, 2003

Jose and Vilma Gonzalez  
9530 W. Terry Street  
Bonita Springs, FL 34135

**RE: Petition to Vacate the 12 foot wide  
Drainage and Utility Easement on the  
Lot line common to Lots 3 and 4, Block 9,  
Unit 2, Lehigh Acres**

Dear Mr. And Mrs. Gonzalez:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 18, page 38. DOT has no facilities within the easement and does not maintain it.

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

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

cc: Terry Kelley, Lee County Utilities  
Don Blackburn, Development Services  
Allen Davies, Natural Resources  
DOT PTV File (Lehigh/Gonzalez)

S:\DOCUMENT\Petition To Vacate\2003\Lots 3&4 Blk 9 Lehigh - Gonzalez.doc



## Florida Department of Transportation

**JEB BUSH**  
GOVERNOR

801 North Broadway Avenue  
Bartow, Florida 33830

**JOSE ABREU**  
SECRETARY

October 27, 2003

Jose and Vilma Gonzalez  
9530 W. Terry Street  
Bonita Springs, Florida 34135

RE: Vacation of a Public Utility Easement:

Dear Mr. and Mrs. Gonzalez:

In response to your letter we received on September 2, 2003 our staff has conducted a review of your request to vacate the subject area as marked and generally described as: That portion of a 12' wide by 125' long Public Utility Easement lying between 546 and 548 Empire Avenue South, Leigh, Florida 33936 in Section 15, Township 45 South, Range 27 East, Lee County, Florida

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

Sincerely,

Gerald W. Strouse,  
Property Management Administrator

GWS/blt

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

00010020

00010010

00011 0020

00011 0010

00011 0210

00011 0220

00012 0010

00012 0010

00019 0020

00019 0030

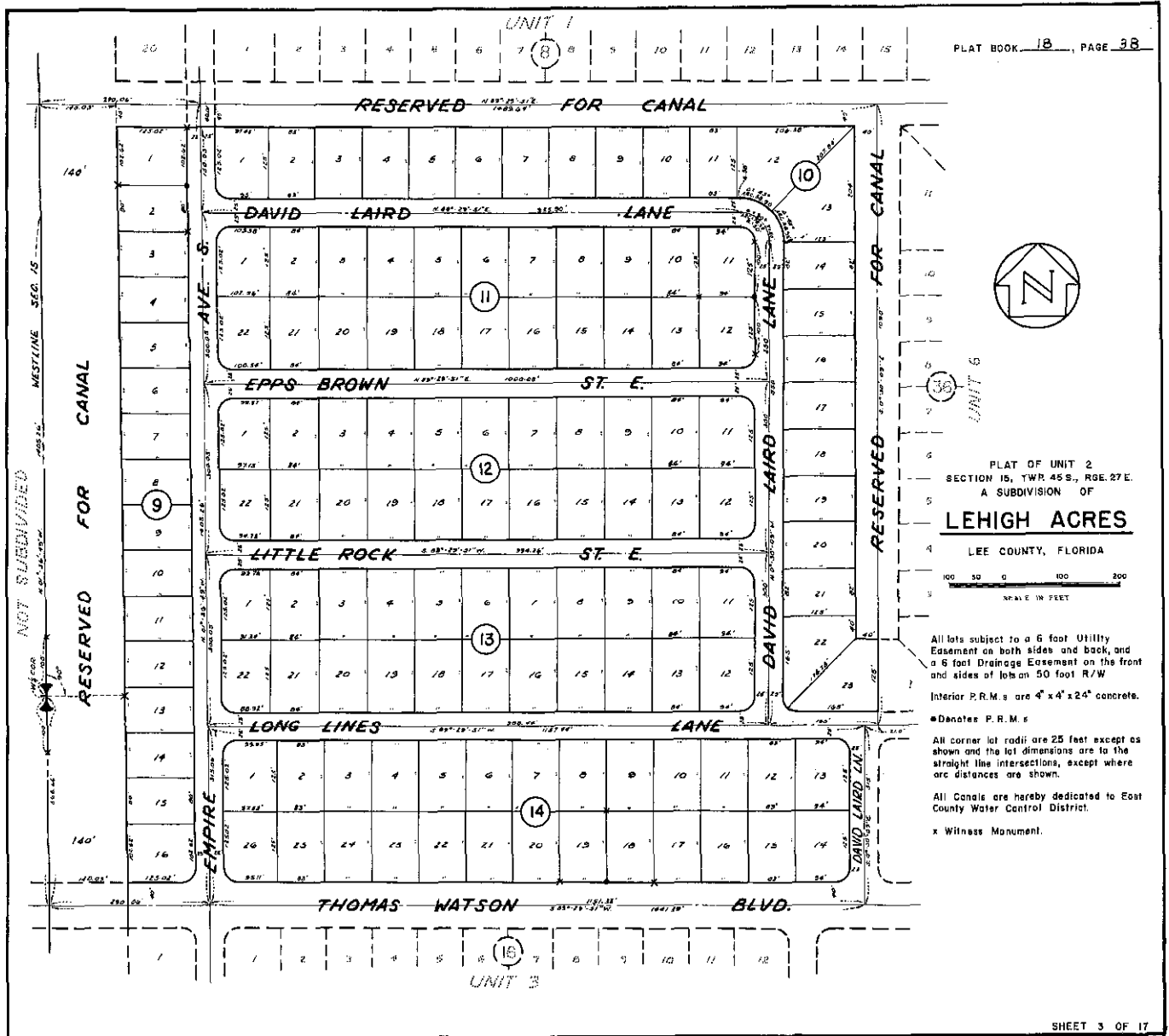
00019 0040

EIGH ACRES

00020 0210

00020 0210

00020 0200



PLAT OF UNIT 2  
SECTION 15, TWP. 45 S., RGE. 27 E.  
A SUBDIVISION OF  
**LEHIGH ACRES**  
LEE COUNTY, FLORIDA

All lots subject to a 6 foot Utility Easement on both sides and back, and a 6 foot Drainage Easement on the front and sides of lots on 50 foot R/W

Interior P.R.M.s are 4" x 4" x 24" concrete.

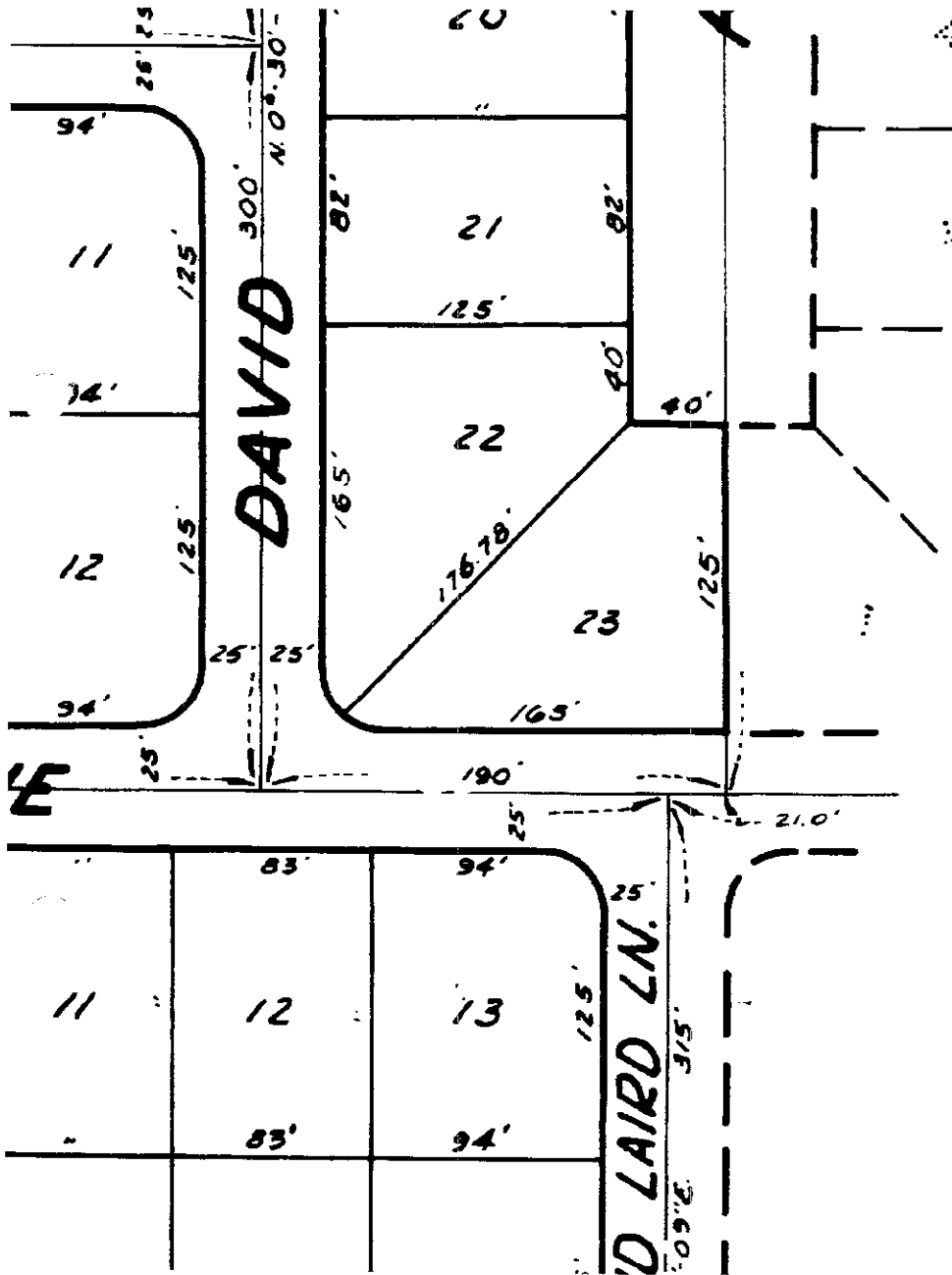
• Denote P.R.M.s

All corner lot radii are 25 feet except as shown and the lot dimensions are to the straight line intersections, except where arc distances are shown.

All Canals are hereby dedicated to East County Water Control District.

x Witness Monument.

# LEE COUNTY, FLORIDA



All lots subject to a 6 foot Utility Easement on both sides and back, and a 6 foot Drainage Easement on the front and sides of lots on 50 foot R/W

Interior P.R.M.s are 4" x 4" x 24" concrete.

● Denotes P. R. M. s

All corner lot radii are 25 feet except as shown and the lot dimensions are to the straight line intersections, except where arc distances are shown.

All Canals are hereby dedicated to East County Water Control District.

x Witness Monument.

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00073

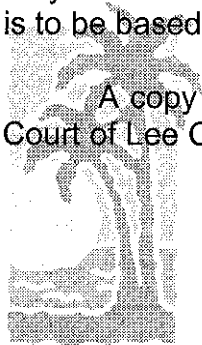
## TO WHOM IT MAY CONCERN:

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**  
**VAC2003-00073**

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

The Twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 3 and 4, Block 9, Unit 2 of the plat of Section 15, Township 45 South, Range 27 East, a Subdivision of Lehigh Acres, Florida, according to map or plat of there on file and recorded in Plat Book 18, Page 38 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the easterly six-feet and the westerly six-feet of each easement.

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00073**

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. VAC2003-00073 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**  
**VAC2003-00073**

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

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**LESS and EXCEPT** the easterly six-feet and the westerly six-feet of each easement.