

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 2910 Lee Blvd., Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 9th day of March, 2004. (Case No. VAC2003-00078)

WHY ACTION IS NECESSARY: To build a commercial building on the combined six (6) 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.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4C

3. MEETING DATE:

02-17-2004

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]* 1-28-04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00078 was submitted by Roderick W. Willis.

LOCATION: Petition No. VAC2003-00078 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between lots 5 and 6, 6 and 7 **LESS and EXCEPT** the north six feet (6'); The 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between lots 14 and 15, 15 and 16 **LESS and EXCEPT** the south six feet (6'); The 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between the west fifty feet (50') of lots 7 and 14; The 12-foot wide Drainage and Public Utility Easement centered on the common lot lines between the east thirty feet (30') of lots 5 and 16; all in Block 24, Unit 3, Section 25, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 70 of the Public Records of Lee County, Florida. The site is located at 2910 Lee Blvd., Lehigh Acres, Florida 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
					OM	Risk	GC	
<i>Man 6/15/04</i>	N/A	N/A	N/A	<i>John D. ... 1-30-04</i>	<i>2/3/04</i>	<i>2/11/04</i>	<i>2/13/04</i>	<i>AS 040804</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *1/29/04*
Time: *4:15 PM*
Forwarded To: *Co. 2/2/04*

RECEIVED BY COUNTY ADMIN: *TD*
2/2/04
9/15/04
COUNTY ADMIN FORWARDED TO: *PP*
2/15/04

RECEIVED
JAN 22 2004

PETITION TO VACATE

Case Number: VAC2003-00078

COMMUNITY DEVELOPMENT

Petitioner(s), Roderick W. Willis 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, 11350 Mahogany Run, Fort Myers, FL 33913.
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: Roderick W. Willis
Petitioner Signature

By: _____
Petitioner Signature

Roderick W. Willis
Printed Name

Printed Name

Exhibit "A"
Petition to Vacate
VAC2003-00078

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

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in the Block 24, Unit 3 of the Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 80 of the Public Records of Lee County, Florida:

Lots 6 and 15;

Lots 5 and 6, 6 and 7, less and except the north six feet thereof;

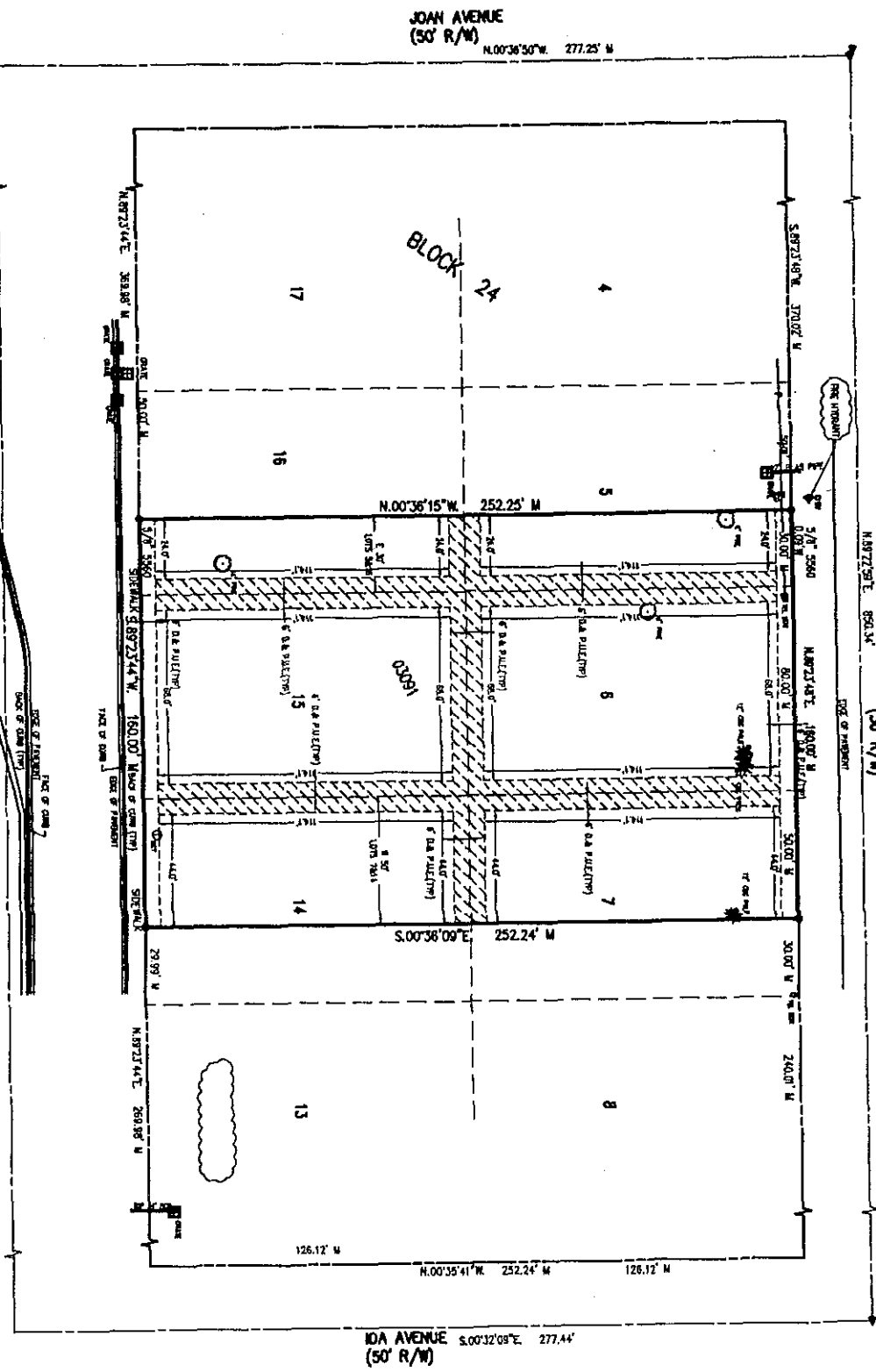
Lots 14 and 15, 15 and 16, less and except the south six feet thereof;

The westerly fifty feet of Lots 7 and 14;

The easterly fifty feet of Lots 5 and 16;

Petition to Vacate VAC2003-00078

NOTE: RECORD LOT DIMENSIONS:
S 00°36'16" E 126.15'
N 89°23'44" E 80.00'



- OBSERVATIONS:**
- R & P FILE - REMAINING & PARTIAL UNIT EASEMENT
 - M - METERS
 - REC - RECORDED
 - RES - RESURVEYED & RECORDED
 - W - WITNESS
 - W/ - WITNESS
 - C/S - CONCRETE SLAB
 - C/W - CONCRETE WALL
 - BE - BUILT UP
 - LP - LEAD PIPING
 - CP - CEMENT PIPE
 - FE - FENCE
 - UC - UNDERGROUND UTILITY
- LEGEND:**
- - FOUND CONCRETE FOUNDATION
 - - FOUND CONCRETE FOUNDATION (1/4\"/>
- NOT A SURVEY**

LEE BOULEVARD (106' R/W)

VAC 2003-00078

EXHIBIT B

H. L. BENNETT
241 1/2 N. W. 24th St.
Lee County, Florida 33407
Tel: (889) 975-0882

SKETCH OF A PARCEL IN
SECTION 25, TWP 44 S, RGE 27 E
LEE COUNTY, FLORIDA

NO.	DESCRIPTION	DATE
1	APPROVED FOR THE SUBMITTAL	12/18/03
2	APPROVED FOR THE SUBMITTAL	12/18/03
3	APPROVED FOR THE SUBMITTAL	12/18/03
4	APPROVED FOR THE SUBMITTAL	12/18/03
5	APPROVED FOR THE SUBMITTAL	12/18/03
6	APPROVED FOR THE SUBMITTAL	12/18/03
7	APPROVED FOR THE SUBMITTAL	12/18/03
8	APPROVED FOR THE SUBMITTAL	12/18/03
9	APPROVED FOR THE SUBMITTAL	12/18/03
10	APPROVED FOR THE SUBMITTAL	12/18/03
11	APPROVED FOR THE SUBMITTAL	12/18/03
12	APPROVED FOR THE SUBMITTAL	12/18/03
13	APPROVED FOR THE SUBMITTAL	12/18/03
14	APPROVED FOR THE SUBMITTAL	12/18/03
15	APPROVED FOR THE SUBMITTAL	12/18/03
16	APPROVED FOR THE SUBMITTAL	12/18/03
17	APPROVED FOR THE SUBMITTAL	12/18/03

Part of Units 3 & 6, All of 4 & 5, In Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 80 of the Public Records of Lee County, Florida

Exhibit "C"

Petition to Vacate

VAC2003-00078

[Page One of One]

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
View file format.



Your search for 25442603000240060 has returned 3 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
25-44-26-03-00024.0060	2003	WILLIS RODERICK W NEED SITE PLAN	PAID <input type="button" value="Details"/>
25-44-26-03-00024.0060	2002	WILLIS RODERICK W NEED SITE PLAN	PAID <input type="button" value="Details"/>
25-44-26-03-00024.0060	2001	FLORIDA LANDMARK COMM INC	PAID <input type="button" value="Details"/>

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

3 match(es) Page 1 of 1



Real Property Information

Account	Tax Year	Status
25-44-26-03-00024.0060	2003	PAID
Original Account	Book/Page	
25-44-26-03-00024.0060	3904/675	
Physical Address	Mailing Address	
WILLIS RODERICK W NEED SITE PLAN FL	WILLIS RODERICK W 11350 MAHOGANY RUN FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES REPLT UT 3 BLK 24 PB 15 PG 70 LOTS 6 + 15 + POR OF LOTS 5 +		
Outstanding Balance as of 1/30/2004		\$0.00

195
4
1239
\$1,262.50



INSTR # 5787467
Official Records BK 03904 PG 0675
RECORDED 04/16/2003 02:53:10 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEED DOC 1,239.00
DEPUTY CLERK J Miller

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:
25-44-26-03-00024.0060

4

[Space above this line for recording]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 15th day of April, 2003, by **Florida Landmark Communities, Inc.**, a Florida corporation (hereinafter called the Grantor), to **Roderick W. Willis** (hereinafter called Grantee) whose address is: 11350 Mahogany Run, Fort Myers, Florida 33913.

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:

See Exhibit "A" Attached Hereto (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 2003 and subsequent years; and (3) those specific exceptions to title set forth on Exhibit "B" 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 or granted, 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

Patty Gardner
Print Name: Patty GARDNER

Rachel Morgan
Print Name: Rachel Morgan

By: *Brian D. Green*
Brian D. Green,
Vice President
226 E. Joel Boulevard
Lehigh Acres, Florida 33972

State of Florida)
) ss:
County of Lee)

The foregoing instrument was acknowledged before me this 15th day of April, 2003, by Brian D. Green, as Vice President of Florida Landmark Communities, Inc., A Florida corporation. He () 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:

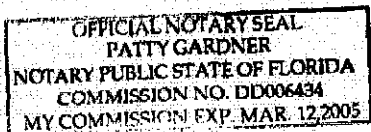


Exhibit "A"

The East 30 feet of Lots 5 and 16, all of Lots 6 and 15, and the West 50 feet of Lots 7 and 14, of Block 24, Plat of Part of Units 3 & 6 All of 4 and 5, Section 25, Township 44 South, Range 26 East, according to the plat thereof as recorded in Plat Book 15, at Page 70, of the Public Records of Lee County, Florida;

Together with a non-exclusive easement for ingress, egress and driveway purposes on, over and across the real property more particularly described in that certain Reciprocal Agreement and Grant of Easement recorded in Official Records Book 2661, at Page 1891, of the public records of Lee County, Florida; and

Together with a non-exclusive easement for ingress, egress and driveway purposes on, over and across the real property more particularly described in that certain Access Easement Agreement recorded in Official Records Book 3520 at Page 1742 and as amended by that Amendment to Access Easement Agreement recorded in Official Records Book 3657 at Page 1501 and that Second Amendment to Access Easement Agreement recorded in Official Records Book 3759 at Page 2108, of the public records of Lee County, Florida.

Exhibit "B"

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. Matters as shown on the Plat recorded in Plat Book 15, at Page 70, of the public records of Lee County, Florida, and as subsequently modified by Resolution No. 01-10-15 as recorded in Official Records Book 3505, page 3636.
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, Official Records Book 2536, Page 3218 and Official Records Book 3743, Page 2954.
9. Order to amend Final Judgment recorded at Official Records Book 2385, page 857.
10. Notice of Lot Split Approval recorded at Official Records Book 3490, page 3427.
11. Reservation of an 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 1097, Page 1570.
12. Reciprocal Agreement and Grant of Easement recorded in Official Records Book 2661 at Page 1891.
13. Access Easement Agreement recorded in Official Records Book 3520 at Page 1742 and as amended by that Amendment to Access Easement Agreement recorded in Official Records Book 3657 at Page 1501 and that Second Amendment to Access Easement Agreement recorded in Official Records Book 3759 at Page 2108.
14. Access Easement Agreement executed between the parties contemporaneously herewith, to be recorded in the public records.

Note: All references contained herein refer to the Public Records of Lee County, Florida.



November 11, 2003

Mr. Roderick W. Willis
11350 Mahogany Run
Fort Myers, FL 33913

Re: The West 6-foot wide drainage and/or utility easement, less and except the north 6-feet thereof; and the West 50-feet of the South 6-foot wide drainage and/or utility easement located on Lot 7, Block 24, Section 25, Township 44 South, Range 27 East, Lee County, Florida, recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida,

And

The East 6-foot wide drainage and/or utility easement, less and except the South 6-feet thereof, and the East 30-feet of the North 6-foot wide drainage and/or utility easement located on Lot 16, Block 24, Unit 3 of Section 25, Township 44 South, Range 27 East, Lee County, Florida, as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida,

And

The North 6-foot wide drainage and/or utility easement, the west 6-foot wide drainage and/or utility easement, less and except the South 6-feet thereof, and the East 6-foot wide drainage and/or utility easement, less and except the South 6-feet thereof, located on Lot 15, Block 24, of Unit 3 of Section 25, Township 44 South, Range 27 East, Lee County, Florida, as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida,

And

The West 6-foot wide drainage and/or utility easement, less and except the South 6-feet thereof, and West 50-feet of the North 6-foot wide drainage and/or utility easement, located on Lot 14, Block 24, of Unit 3 of Section 25, Township 44 South, Range 27 East, Lee County Florida, as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida,

And

The South 6-foot wide drainage and/or utility easement, the West 6-foot wide drainage and/or utility easement, less and except the North 6-feet thereof, and the East 6-foot wide drainage and/or utility easement, less and except the North 6-feet thereof, located on Lot 6, Block 24, of Unit 3 of Section 25, Township 44 South, Range 27 East, Lee County Florida, as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida,

And

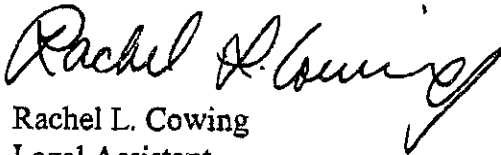
The West 6-foot wide drainage and/or utility easement, less and except the North 6-feet thereof, and the East 30-feet of the South 6-foot easement located on Lot 5, Block 24, of Unit 3 of Section 25, Township 44 South, Range 27 East, Lee County, Florida, as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida.

Dear Mr. Willis:

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,



Rachel L. Cowing
Legal Assistant

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



October 27, 2003

Roderick W. Willis
11350 Mahogany Run
Fort Myers, Florida 33913

Re: Vacation of Easement for 2910 Lee Blvd
Strap#25-44-26-03-00024.0060
Strap#25-44-26-03-00024.0070

Dear Mr. Willis:

This letter will serve to inform you that Comcast has no objection to your proposed vacation of easement of the above referenced property.

Should you require additional information or assistance, please feel free to contact me here at (239) 432-1865.

Cordially,

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

Lucia Vera
Project Coordinator



October 22, 2003

Mr. Roderick W. Willis
11350 Mahogany Run
Fort Myers, Florida 33913

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement.
Please see attached sheets.

Legal description: A parcel of land composed of the East 30 feet of Lots 5 & 16, all of Lots 6 & 15, and the West 50 feet of Lots 7 & 14, of Block 24, Unit 3, of Section 25, Township 44 South, Range 26 East, Lee County Florida, as recorded in Plat Book 15 at Page 70, of the Public records of Lee County, Florida.

Dear Mr. Willis:

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
Engineer

Attachment



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.lline.com

October 21, 2003

Mr. Roderick W. Willis
11350 Mahogany Run
Ft. Myers, FL 33913

Re: Proposed Vacation of Utility Easements at ^{2910 LEE Blvd}~~2909 5th St. West~~, Lehigh Acres

Dear Mr. Willis:

LCEC does not object to vacation of the utility and/or drainage easements described on the attached six (6) sketches prepared by H. L. Bennett, dated October 8, 2003 and identified as Project Number 03091.

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

Sincerely,

A handwritten signature in cursive script that reads 'Karen Hardin'.

Karen Hardin
Real Property Representative

Attachments



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

January 27, 2004

RODERICK WILLIS
11350 MAHOGANY RUN,
FORT MYERS, FL 33913

Re: VAC2003-00078 - Petition to vacate a 12-foot wide **Drainage and Public Utility Easement** located at 2910 Lee Blvd, Lehigh Acres, Block 24, Unit 3, as recorded in Plat Book 15 at Page 70, of the public records of Lee County, FL

Dear Mr. Willis:

You have indicated that in order to build a commercial building on the combined six (6) lots, you desire to eliminate the Drainage and Public Utility Easement located between these 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:\200401\20031219.160\9392650\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8124

Writer's Direct Dial Number: _____

Thursday, October 23, 2003

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Roderick W. Willis
11350 Mahogany Run
Fort Myers, FL 33913

Re: Petition to Vacate several twelve (12) foot wide public utility easements common to Lots 5 & 6, 6 & 7, 5 & 16, 6 & 15, 7 & 14, Block 24, Unit 3, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 70, in the public records, Lee County, Florida.

Dear Mr. Willis:

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

RECEIVED
DEC 19 2003

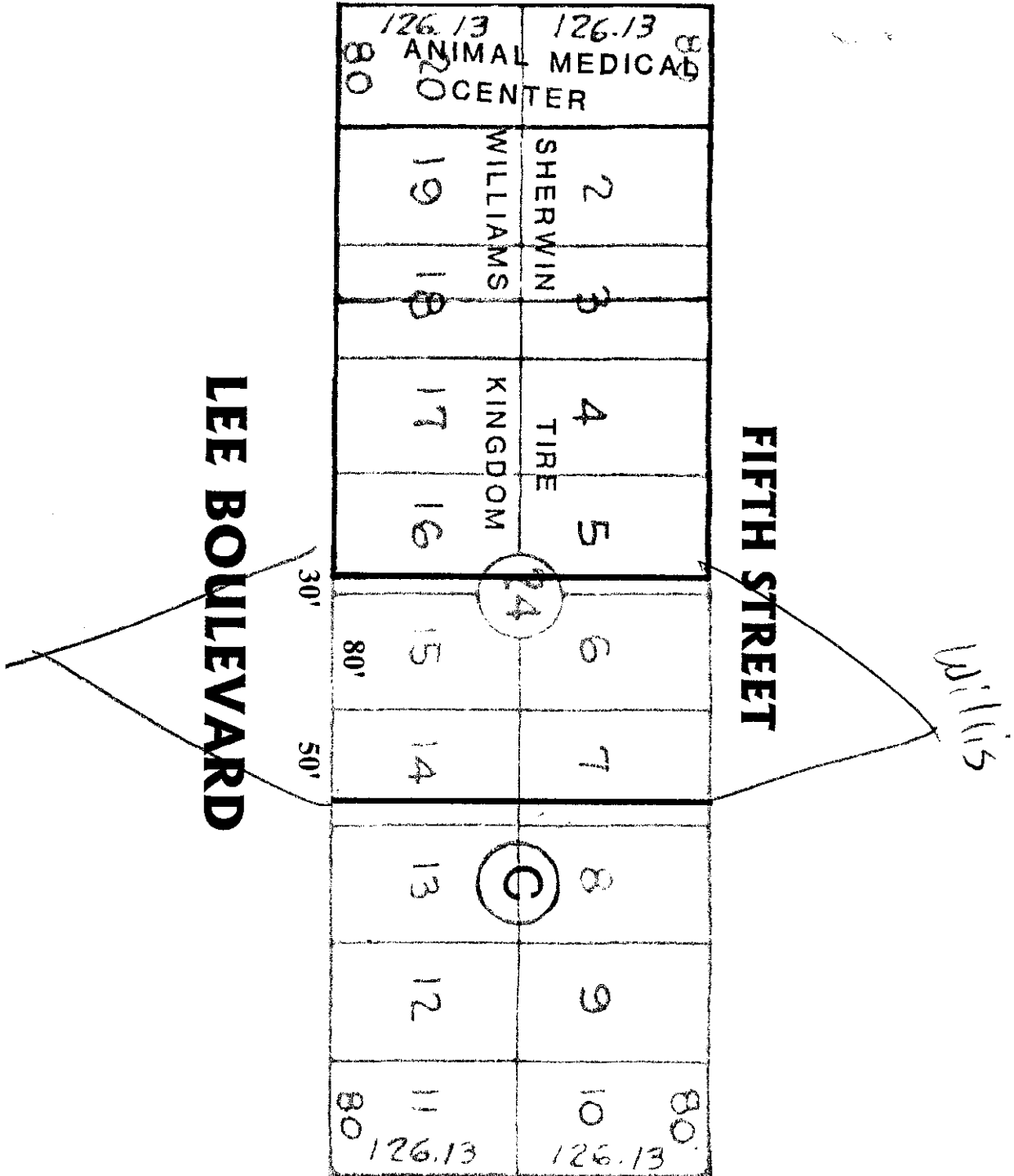
PROJECT COUNTER

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

VAC 2003-00078

S:\NATRES\SURFACE\DOCUMENT\vac394.doc

EXHIBIT "B"





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

January 23, 2004

Mr. Roderick W. Willis
11350 Mahogany Run
Fort Myers, FL 33913

**RE: Petition to Vacate Public Utility and Drainage Easement
Plat Book 15, Page 70 (25-44-26-03-000024.0060)
2910 Lee Boulevard, Lehigh Acres**

Dear Mr. Willis:

Lee County Department of Transportation has reviewed the above referenced request for a letter of review and recommendation. The purpose of the vacation request is to facilitate the issuance of a development order.

DOT has done a technical review and site inspection. Based upon the review, DOT has determined that there are no County maintained structures located within the easements to be vacated. Based upon the review, DOT offers no objection to the vacation.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources
DOT PTV File 04/Lehigh/Lee Boulevard/Willis

S:\DOCUMENT\Petition To Vacate\2004\Lee Boulevard - Willis.doc

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00078

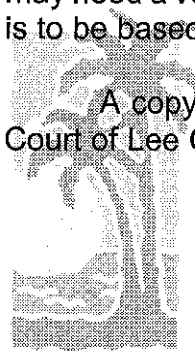
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 9th day of March 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

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00078

Legal Description of Public Utility and Drainage
Easements to be Vacated

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in the Block 24, Unit 3 of the Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 80 of the Public Records of Lee County, Florida:

Lots 6 and 15;

Lots 5 and 6, 6 and 7, less and except the north six feet thereof;

Lots 14 and 15, 15 and 16, less and except the south six feet thereof;

The westerly fifty feet of Lots 7 and 14;

The easterly fifty feet of Lots 5 and 16;

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00078**

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. VAC2003-00078 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
VAC2003-00078

Legal Description of Public Utility and Drainage
Easements to be Vacated

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot lines between the following lots, all in the Block 24, Unit 3 of the Plat of Part of Units 3 & 6, All of 4 & 5, in Section 25, Township 44 South, Range 25 East, a Subdivision of Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 80 of the Public Records of Lee County, Florida:

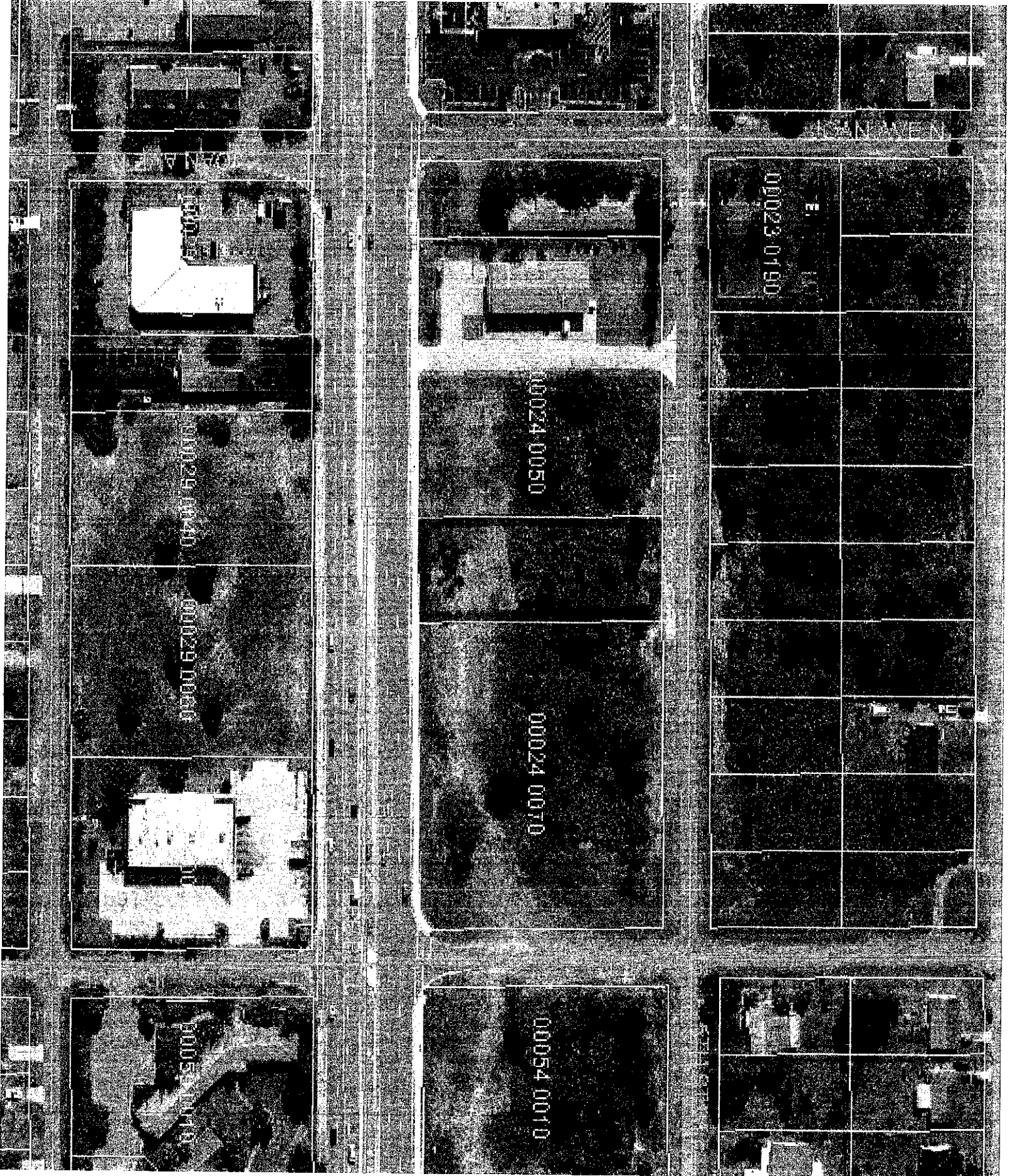
Lots 6 and 15;

Lots 5 and 6, 6 and 7, less and except the north six feet thereof;

Lots 14 and 15, 15 and 16, less and except the south six feet thereof;

The westerly fifty feet of Lots 7 and 14;

The easterly fifty feet of Lots 5 and 16;



00023-0190

00024-0050

00024-0070

00054-0010

00024-0040

00029-0060

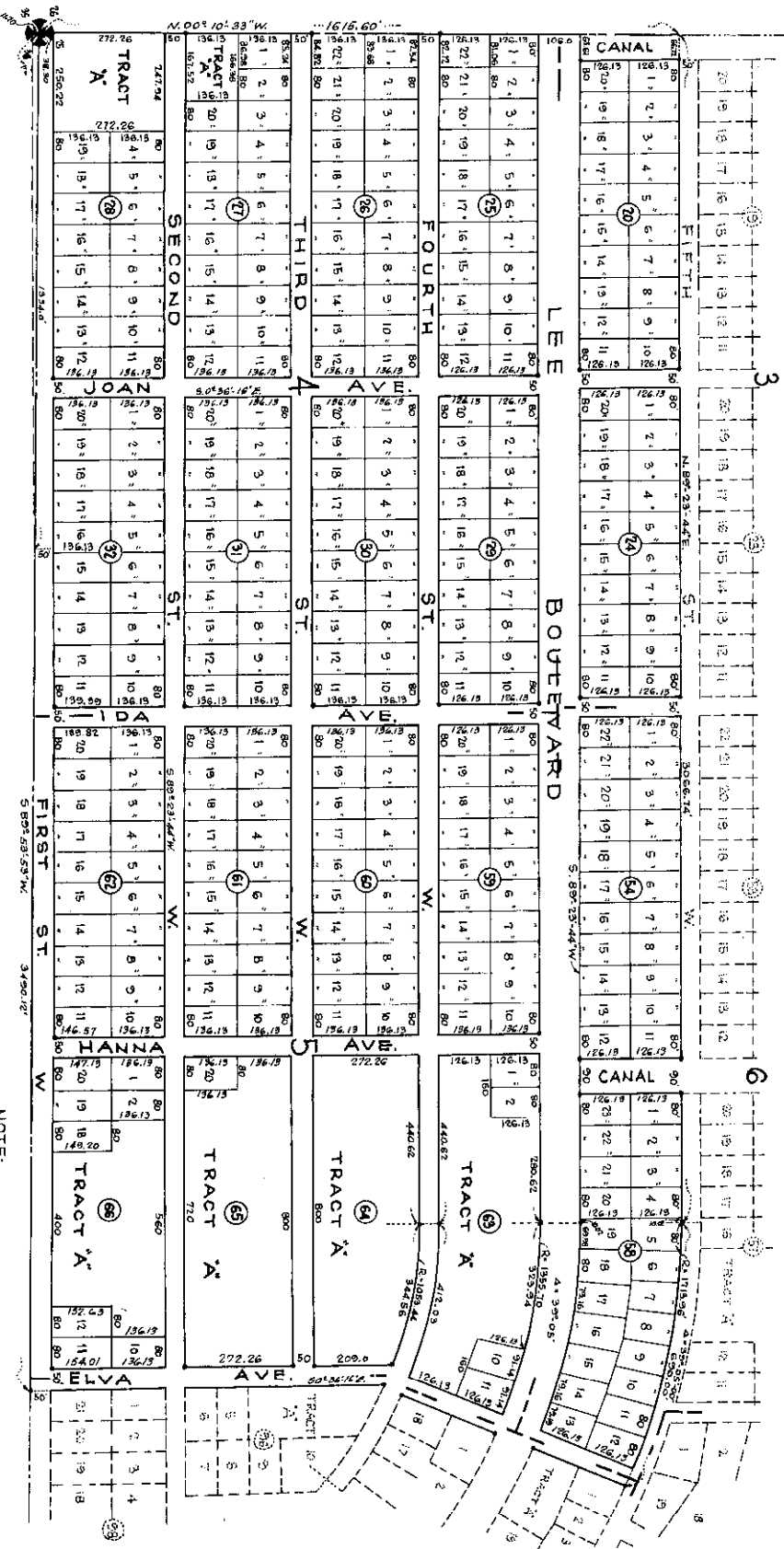
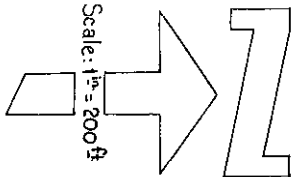
00052-0010

PLAT OF PART OF UNITS 3 & 6 ALL OF 4 & 5
SECTION 25, TOWNSHIP 44 S., RANGE 26 E.

A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA

PLAT BOOK 15, PAGE 70

Scale: 1" = 200'



NOTE:

- All lots subject to a 6-foot Drainage and Utility Easement both sides Front and back.
- Interior R.R.M.s are 4' x 4' x 24' concrete
- Denotes P.R.M.s.
- All Canals to be dedicated to East County Water Control District.