

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 4903 Lee Blvd., Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 13th day of April, 2004. (Case No. VAC2004-00001)

WHY ACTION IS NECESSARY: To build a model home on the combined two (2) 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:

03-09-2004

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]* 1-26-04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00001 was submitted by Benfield Homes, Inc.

LOCATION: Petition No. VAC2004-00001 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot lines between Lots 12 and 13, Block 55, Unit 7, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 80, Section 29, Township 44 South, Range 26 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the Northerly 6-feet and the Southerly 6-feet thereof. The site is located at 4903 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 <i>Admin 2/19/04</i>				G County Manager
					QA	OM	Risk	GC	
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>John P. ... 2-17-04</i>	<i>[Signature]</i> 2/18/04	<i>[Signature]</i> 2/18/04	<i>[Signature]</i> 2/18/04	<i>[Signature]</i> 2/18	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 1/27/04
Time: 2:25 PM
Forwarded to:
Co. Adm.
2/17/04 4PM

RECEIVED BY
COUNTY ADMIN. TD
2/17/04
4:55 PM
COUNTY ADMIN
FORWARDED TO:
2/19/04
1:45 PM

RECEIVED
JAN 06 2004
am kw
PERMIT COUNTY CLERK

PETITION TO VACATE

Case Number: VAC 2004-00001

Petitioner(s), BENFIELD HOMES, 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, 305 SW 3RD ST., CAPE CORAL, FL 33991
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

JAMES V. LUKITSCH
Printed Name PRESIDENT,
BENFIELD HOMES, INC.

By: _____
Petitioner Signature

Printed Name

2944 2607 00055 0120 - 0130

EXHIBIT "A"
Petition To Vacate
VAC2004-00001

Legal description of Public Utility Easement to be vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 12 and 13, Block 55, Unit 7, Section 29, Township 44 South, Range 26 East, Lehigh Acres, as recorded in Plat Book 15 at Page 80 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six-feet and the southerly six-feet thereof.

HARRIS - JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (941) 772-9939
FAX: (941) 772-1315

Curve number 1

Radius= 1493.77
Delta= 05°18'34"
Arc= 138.42
Tangent= 69.26
Chord= 138.38
Chord Brg. N.87°57'18"W.

Curve number 2

Radius= 1629.90
Delta= 05°14'31"
Arc= 149.12
Tangent= 74.61
Chord= 149.07
Chord Brg. N.87°59'01"W.

BOUNDARY SURVEY OF
**LOTS 12 & 13, BLOCK 55
LEHIGH ACRES
UNIT 7**
SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 EAST
(PLAT BOOK 15, PAGE 80)
LEE COUNTY, FLORIDA

EXHIBIT "B"
PETITION TO VACATE
VAC2004-00001

LEGEND:

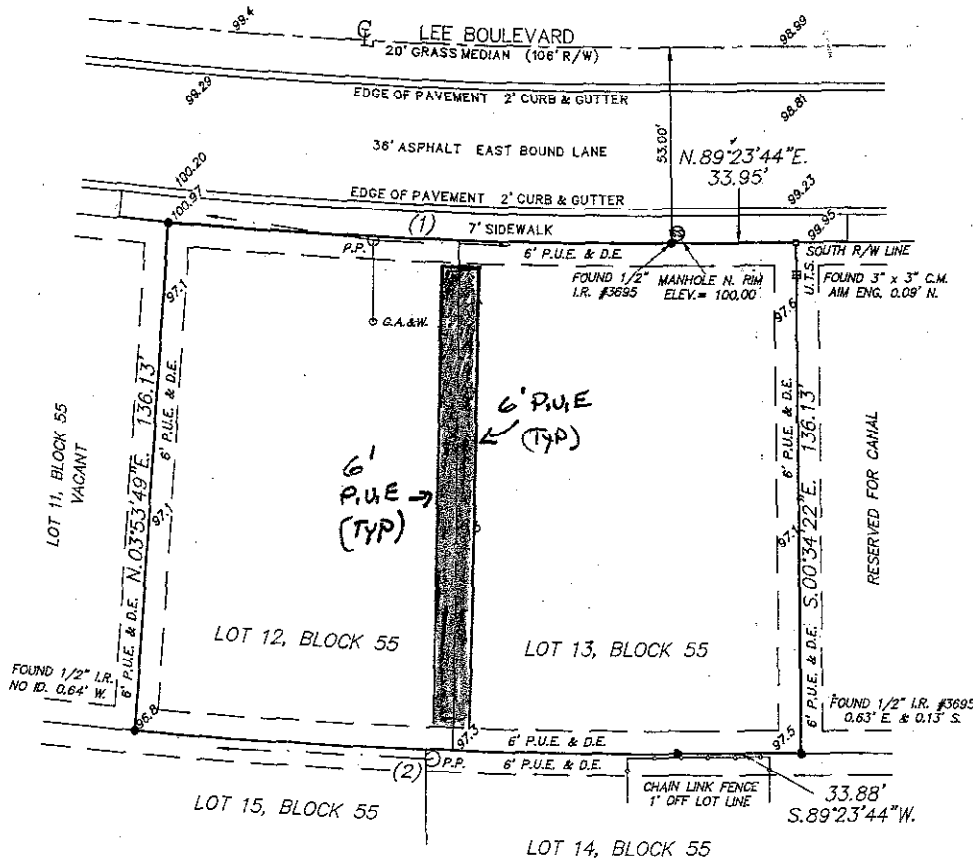
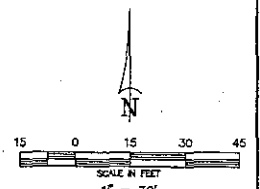
N.	NORTH	E.	EAST	P.O.B.	POINT OF BEGINNING
S.	SOUTH	W.	WEST	P.O.C.	POINT OF COMMENCEMENT
●	SET IRON PIN (CAP #4831)	○	FOUND IRON PIN (FND.I.R.)	P.C.	POINT OF CURVATURE
○	FOUND IRON PIN (FND.I.R.)	□	CONCRETE MONUMENT (C.M.)	O.R.	OFFICIAL RECORDS BOOK
□	CONCRETE MONUMENT (C.M.)	D	DELTA OF CURVE	R	RADIUS OF CURVE
CONC.	CONCRETE (CONC.)	A	ARC OF CURVE	C	CHORD LENGTH
P.R.M.	PERMANENT REFERENCE MONUMENT	C.B.	CHORD BEARING	C#	CURVE NUMBER
P.C.P.	PERMANENT CONTR'L POINT	A/C	AIR CONDITIONER	A O/H	OVERHEAD POWERLINES
(P)	AS PER PLAT	P.P.	PUBLIC UTILITY EASEMENT	W.M.	WATER METER
(D)	AS PER DEED	D.E.	DRAINAGE EASEMENT	UTS	TELEPHONE BOX
(S)	AS PER SURVEY	C.B.S.	CONCRETE BLOCK STRUCTURE	E.B.	ELECTRIC BOX
(M)	AS MEASURED	R/W/B	RECLAIMED WATER BOX	CATV	TV-CABLE BOX
P.U.E.	PUBLIC UTILITY EASEMENT	ELEV.	ELEVATION	E.O.P.	EDGE OF PAVEMENT
L.M.E.	LAKE MAINTENANCE EASEMENT	G.A.&W.	GUY ANCHOR & WIRE	C/G	CURB/CUTTER
D.E.	DRAINAGE EASEMENT	N/D	NAIL & DISK	CL	CENTERLINE
C.B.S.	CONCRETE BLOCK STRUCTURE	N/T.	NAIL & TINTAB	R/W	RIGHT-OF-WAY
R/W/B	RECLAIMED WATER BOX	D/H	DRILL HOLE	BM.	BENCHMARK
ELEV.	ELEVATION			∅	TYPICAL ELEVATION
G.A.&W.	GUY ANCHOR & WIRE				

SURVEY NOTES:

- 1: BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF LEE BOULEVARD, ASSUMED TO BEAR N.89°23'44"E.
- 2: FIELD NOTES IN LEHIGH ACRES, UNIT 7.
- 3: SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 4: THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
- 5: THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
- 6: UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
- 7: THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 8: ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
- 9: ELEVATIONS ARE ASSUMED.

FLOOD ZONE: "B" ELEVATION: N/A N.G.V.D.
COMMUNITY # 125124 PANEL # 0375
SUFFIX --- B REVISION DATE: 12/20/00

THIS SURVEY IS CERTIFIED TO:
BENFIELD HOMES, INC.
ISLAND TITLE GUARANTY AGENCY, INC.
AMERICAN PIONEER TITLE INSURANCE COMPANY
RIVERSIDE BANK OF THE GULF COAST



PROJECT # 02-C39
JOB #: LA-U7-55-12
SURVEY DATE: 6/4/02

John B. Harris
June 24, 2002
JOHN B. HARRIS, PSM
FLORIDA LAND SURVEYOR #4831
FLORIDA CERTIFICATE OF AUTHORIZATION LB #8921

Exhibit "C"

Petition to Vacate

VAC2004-00001

[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 29442607000550130 has returned 2 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
29-44-26-07-00055.0130	2003	SMITH TERRY E + SAUNDRA K 4901 LEE BLVD	PAID Details
29-44-26-07-00055.0130	2002	SMITH TERRY E + SAUNDRA K 4901 LEE BLVD	REDEEM Details

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

2 match(es) Page 1 of 1

Real Property Information

Account	Tax Year	Status
29-44-26-07-00055.0130	2003	PAID
Original Account		Book/Page
29-44-26-07-00055.0130		2537/2114
Physical Address		Mailing Address
SMITH TERRY E + SAUNDRA K 4901 LEE BLVD LEHIGH ACRES FL 33971		SMITH TERRY E + SAUNDRA K 4900 LEE CIRCLE ST LEHIGH ACRES FL 33971 USA
Legal Description		
LEHIGH ACRES UNIT 7 BLK.55 PB 15 PG 80 LOT 13		
Outstanding Balance as of 2/17/2004		\$0.00

Your search for 29442607000550120 has returned 3 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
29-44-26-07-00055.0120	2003	BENFIELD HOMES INC 4903 LEE BLVD	PAID Details
29-44-26-07-00055.0120	2002	BENFIELD HOMES INC 4903 LEE BLVD	REDEEM Details
29-44-26-07-00055.0120	2001	BENFIELD HOMES INC 4903 LEE BLVD	PAID 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
29-44-26-07-00055.0120	2003	PAID
Original Account		Book/Page
29-44-26-07-00055.0120		3679 /4056
Physical Address		Mailing Address
BENFIELD HOMES INC 4903 LEE BLVD LEHIGH ACRES FL 33971		BENFIELD HOMES INC 2309 HANCOCK BRIDGE PKWY CAPE CORAL FL 33990 USA
Legal Description		
LEHIGH ACRES UNIT 7 BLK 55 PB 15 PG 80 LOTS 12 + 13		
Outstanding Balance as of 2/17/2004		\$0.00

Prepared By: Luann Scimeca Scoggin
Island Title Guaranty Agency, Inc.
3701-B Del Prado Boulevard
Cape Coral, FL
incidental to the issuance of a title insurance policy.
File Number: 022270cc
Parcel ID #: 29-44-26-07-00055.0120
Grantee(s) SS #:



INSTR # 5878627
Official Records BK 03981 PG 1771
RECORDED 07/03/2003 09:16:00 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 0.75
DEPUTY CLERK P Johnston

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 06/21/2002 by

Terry E. Smith and Sandra K. Smith Tremelling

whose post office address is:

8697 Tangarine Road, Fort Myers, FL 33907

hereinafter called the GRANTOR, to

Benfield Homes, Inc, a Florida Corporation

whose post office address is:

4903 Lee Boulevard Lehigh Acres FL 33971

hereinafter called the GRANTEE.

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 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, viz:

LOTS 12 AND 13, BLOCK 55, UNIT 7, SECTION 29, TOWNSHIP 44 SOUTH, RANGE 26 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 15, PAGE 80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Subject property is vacant land and is not the homestead property of the Grantor nor is it contiguous to the homestead property of the Grantor.

THIS INSTRUMENT IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN DEED DATED JUNE 21, 2002, RECORDED JULY 3, 2002 IN OFFICIAL RECORDS BOOK 3679, PAGE 4056, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WHICH SHOULD HAVE INCLUDED LOT 13, BUT DID NOT BY SCRIVNER'S ERROR. SUBJECT PROPERTY IS NOT NOW, NOR WAS SAME EVER THE HOMESTEAD OF GRANTOR'S HEREIN, SAME BEING VACANT LAND AT TIME OF TRANSFER TO BENFIELD HOMES, INC.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 except as above noted, 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; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: M. Burt
Print Name:

Signature: Terry E. Smith
Print Name: Terry E. Smith

Signature: Sandra K. Tremelling
Print Name:

Signature: Sandra K. Tremelling
Print Name: Sandra K. Smith Tremelling

State of Florida
County of Lee

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 07/02/03 by:
Terry E. Smith and Sandra K. Smith Tremelling
who is personally known to me or who has produced Florida license as identification.

Signature: Margaret G. Burt
Print Name: Margaret G. Burt

Prepared By: Luann Scimeca Scoggin
Island Title Guaranty Agency, Inc.
1710 E. Cape Coral Parkway
Cape Coral, FL
Incidental to the issuance of a title insurance policy.
File Number: 022270sc
Parcel ID #: 29-44-26-07-00055.0120
Grantee(s) SS #:

1 2002 06 21 11 41 28 AM

INSTR # 5495973
OR BK 03679 PG 4056
RECORDED 07/03/2002 11:41:28 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 91.00
DEPUTY CLERK L Parent

WARRANTY DEED (INDIVIDUAL)

This WARRANTY DEED, dated 06/21/2002 by
Terry E. Smith and Sandra K. Smith, tenants in common

whose post office address is:
8697 Tangarine Road, Fort Myers, FL 33907
hereinafter called the GRANTOR, to
Benfield Homes, Inc, a Florida Corporation
whose post office address is:
4903 Lee Boulevard Lehigh Acres FL 33971

hereinafter called the GRANTEE:
(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)
WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 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, viz:

LOT 12, BLOCK 55, UNIT 7, SECTION 29, TOWNSHIP 44 SOUTH RANGE 26 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 15, PAGE 80, PUBLIC RECORDS, LEE COUNTY, FLORIDA.

Subject property is vacant land and is not the homestead property of the Grantor nor is it contiguous to the homestead property of the Grantor.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 except as above noted, 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; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: [Signature]
Print Name: LUANN SCIMECA-SCOGGIN

Signature: [Signature]
Print Name: Terry E. Smith

Signature: [Signature]
Print Name: Emalee Caple

Signature: [Signature]
Print Name: Sandra K. Smith

State of Florida
County of Lee

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 06/21/2002 by:
Terry E. Smith and Sandra K. Smith, tenants in common
who is personally known to me or who has produced Driver's License as identification.

Signature: [Signature]
Print Name: Luann Scimeca Scoggin



LUANN SCIMECA-SCOGGIN



November 21, 2003

Mr. James Lukitsch
Benfield Homes
903 Henry Ave.
Lehigh, FL 33936

Re: A 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 12 & 13, Block 55, Lehigh Acres Unit 7, as recorded in Plat Book 15, Page 80 of the Public Records of Lee County, Florida.

Dear Mr. Lukitsch:

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 style.

Rachel L. Cowing
Legal Assistant

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



November 3, 2003

James Lukitsch
Benfield Homes
903 Henry Ave.
Lehigh Acres, Florida 33936

Re: Strap#29-44-26-07-00055.0120
Strap#29-44-26-07-00055.0130
Block 55, Lots 12& 13. Lehigh Acres, Florida

Dear Mr. Lukitsch:

Currently, Comcast has underground plant in the front of the above referenced properties and aerial facilities in the rear. We have no objection to your petition to vacate the easement in between the two properties; however, should we have to relocate our lines you will be responsible for the cost incurred.

Should you have any questions or concerns, please feel free to contact me here at (239) 432-1865.

Cordially,

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

Lucia Vera
Project Coordinator



November 28, 2003

Mr. James Lukitsch
Benfield Homes
903 Henry Ave.
Lehigh Acres, Florida 33936

Re: Vacation of Public Utility Easement:
A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 12 & 13, Block 55 of Section 29,
Township 44S, Range 26E.
Strap No. 29-44-26-07-00055.0120
Strap No. 29-44-26-07-00055.0130

Dear Mr. Lukitsch:

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

November 19, 2003

Benfield Homes
Attn: James Lukitsch
903 Henry Ave.
Lehigh, FL 33936

Re: Strap No. 29-44-26-07-00055.0120 and
Strap No. 29-44-26-07-00055.0130

Dear Mr. Lukitsch:

LCEC does not object to vacation of the utility and/or drainage easements between Lots 12 and 13, Block 55, Unit 19, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 80, LESS and EXCEPT the North 6 feet and the South 6 feet thereof.

Please be advised however; that you must contact FPL as this is in their service area. You can contact me at 656-2422 if you have any questions.

Sincerely,

Karen Hardin
Real Property Representative



FPL

December 18, 2003

Mr. James Lukitsch
Benfield Homes
903 Henry Ave
Lehigh Acres, FL 33936

Re: Request for vacation of easement of the PUE that runs between
Strap # 29-44-26-07-00055.0120 & Strap # 29-44-26-07-00055.0130,
Block 55, Lots 12 & 13

Dear Mr. Lukitsch,

Florida Power & Light does not have any electrical facilities in the referenced PUE to be vacated between lots 12 and 13, Block 55, Lehigh Acres. Therefore, FPL has no objection to this vacation provided that good and sufficient easements are granted to provide electrical service to the property upon development.

Sincerely,

A handwritten signature in cursive script that reads "Eric Walther".

Eric Walther
FPL Customer Project Manager



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941)479-8181

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

November 12, 2003

James Lukitsch
Benfeild Homes
903 Henry Ave.
Lehigh, Fl. 33936

SUBJECT: PROPOSED EASEMENT VACATION
Lots 12 and 13, Block 55 Lehigh Acres.

Dear Mr. Lukitsch

Lee County Utilities has reviewed the Public utility easement, described in your letter of October 13, 2003. Lee County Utilities has no facilities located within the easement; therefore, there is no objection to the vacation of this easement. However, you may also want to contact Government Utility Authority, as your property is located within their Utility service area.

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181 ext. 8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech Sr.
UTILITIES ENGINEERING



LEE COUNTY
SOUTHWEST FLORIDA

239 479-8440

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

January 26, 2004

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

Benfield Homes, Inc.
C/O James Lukitsch
305 SW 3rd St.,
Cape Coral, FL 33991

Re: VAC2004-00001 - Petition to vacate a 12-foot wide Public Utility Easement on the combined lots of 12 and 13, Block 55, Lehigh Acres, Unit 7, Block 55, as recorded in Plat Book 15, Page 80, in the public records of Lee County, FL

Dear Mr. Lukitsch:

You have indicated that in order to build a model home 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:\200401\20040106.083\3427030\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One Monday, December 08, 2003

Douglas R. St. Cerny
District Two Mr. James Lukitsch
Benfield Homes

Ray Judah
District Three 903 Henry Ave.
Lehigh, FL 33936

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

Re: Petition to Vacate two twelve (12) foot wide public utility & drainage easements common to Lots 12 & 13, Block 5, Unit 7, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 80, in the public records, Lee County, Florida.

Dear Mr. Lukitsch:

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:\WATRES\SURFACE\DOCUMENT\vac400.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

November 5, 2003

Mr. James Lukitsch
Benfield Homes
903 Henry Avenue
Lehigh Acres, FL 33936

**RE: Petition to Vacate the 12 foot wide
Utility Easement on the lot line common
To Lots 12 and 13, Block 55, Unit 7, Lehigh Acres**

Dear Mr. Lukitsch:

Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 15, page 80. DOT has no facilities within the easement and does not maintain it.

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, Utilities
Allen Davies, Natural Resources
DOT PTV File

S:\DOCUMENT\Petition To Vacate\2003\Lots 12 & 13 Lehigh - Lukitsch.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



Florida Department of Transportation

JEB BUSH
GOVERNOR

801 North Broadway Avenue
Bartow, Florida 33830

JOSE ABREU
SECRETARY

December 16, 2003

Benfield Homes
Attn: Lames Lukitsch
903 Henry Avenue
Leigh, Florida 33836

RE: Vacation of a Public Utility Easement:

Dear Mr. Lukitsch:

In response to your letter we received on November 3, 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 136+' long Public Utility Easement identified as lying between Block 55 (Lot 12) and Block 55 (Lot 13) of a Subdivision known as Leigh Acres, Unit 7, Per Plat Book 15, Page 80, in Section 29, Township 44 South, Range 26 East, Lee County, Florida.

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

Sincerely,

Brian L. Toune
Property Management

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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00001

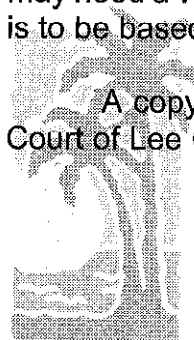
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 13th day of April 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

SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition To Vacate
VAC2004-00001

Legal description of Public Utility Easement to be vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 12 and 13, Block 55, Unit 7, Section 29, Township 44 South, Range 26 East, Lehigh Acres, as recorded in Plat Book 15 at Page 80 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six-feet and the southerly six-feet thereof.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00001**

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. VAC2004-00001 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

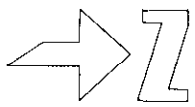
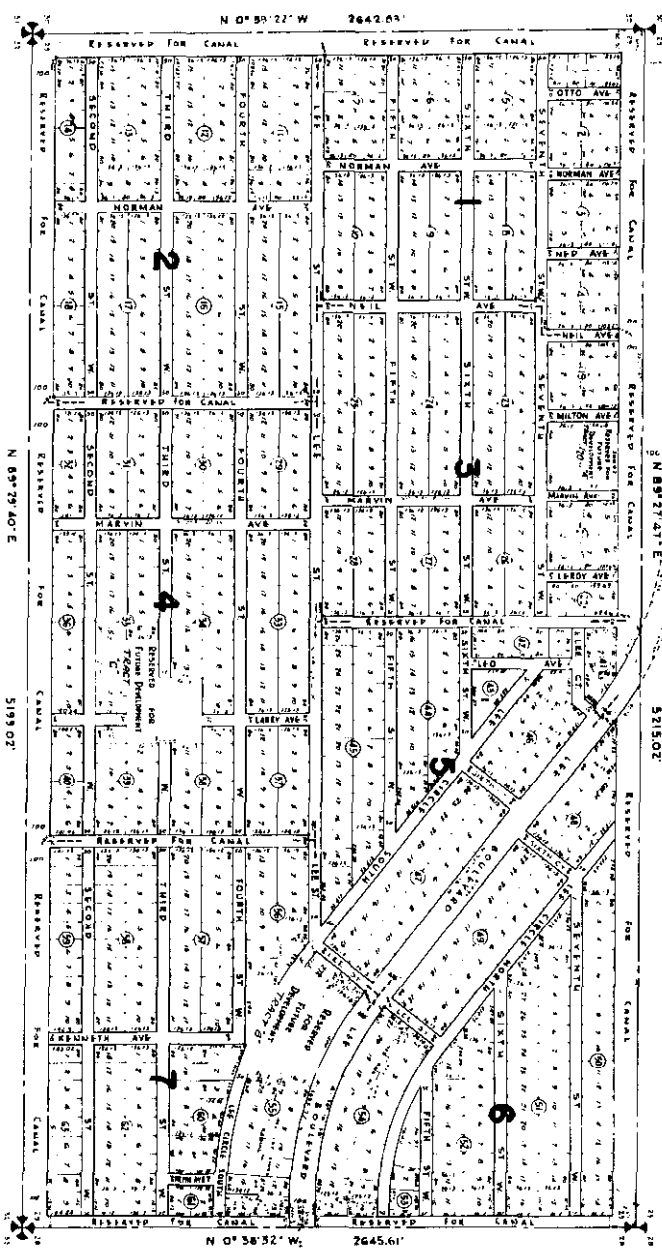
Please Print Name

EXHIBIT "A"
Petition To Vacate
VAC2004-00001

Legal description of Public Utility Easement to be vacated:

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LESS and EXCEPT the northerly six-feet and the southerly six-feet thereof.



PLAT OF
SOUTH 1/2 SECTION 29
TOWNSHIP 44 SOUTH, RANGE 26 EAST

A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO. DEVELOPERS
Scale: 1" = 40' August 1958
Unit Boundary

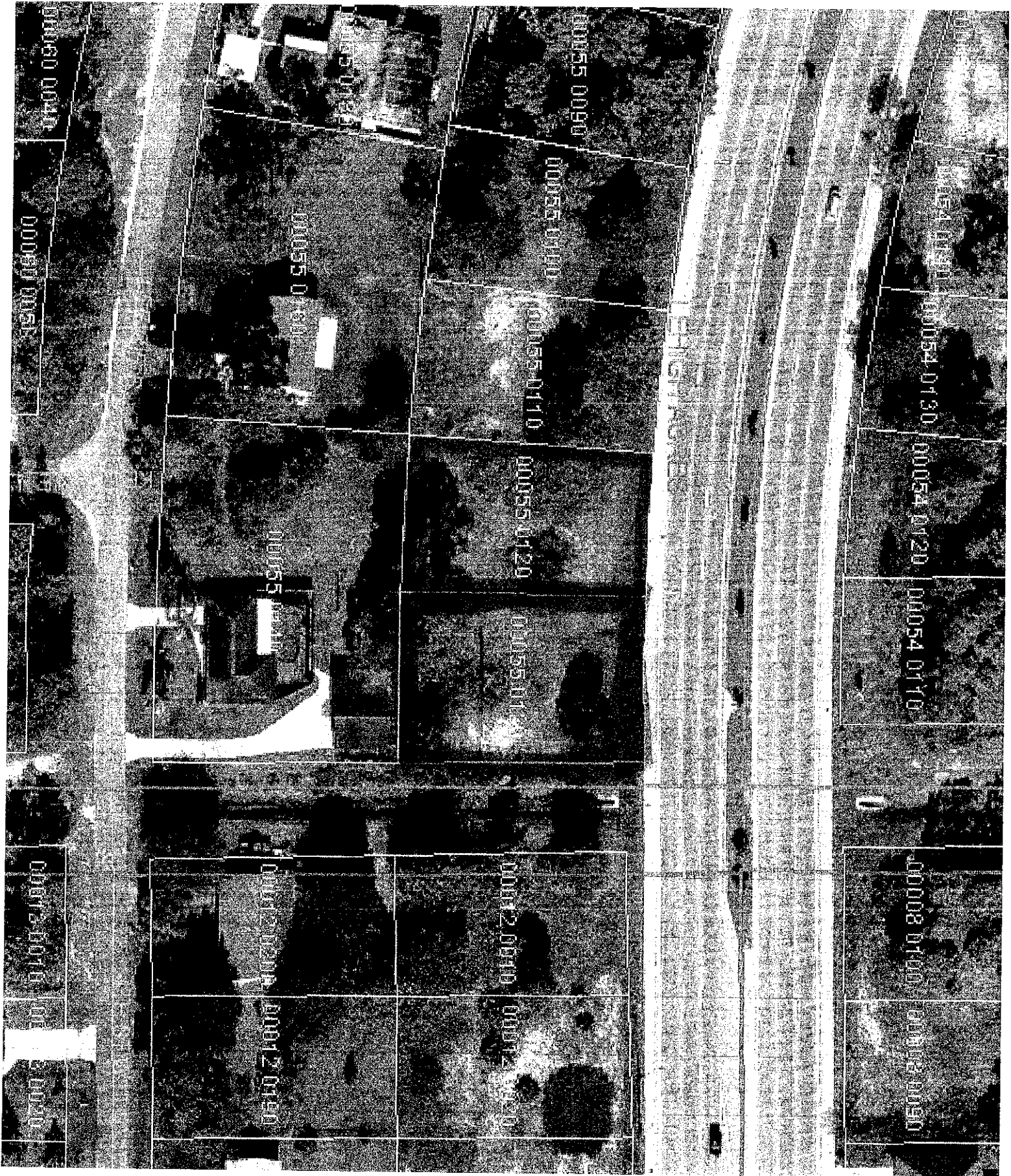
SURVEYORS CERTIFICATE

I, the undersigned surveyor, certify that the plat is a correct representation of the land as shown and that the same has been placed on file.

Surveyors Registered Land Surveyors No. 1018

NOTE: All lots within this plat are subject to the provisions of the Lehigh Acres Subdivision Ordinance, Chapter 10, Section 10-1, of the Code of Ordinances of Lee County, Florida, and to the provisions of the Lehigh Acres Subdivision Ordinance, Chapter 10, Section 10-1, of the Code of Ordinances of Lee County, Florida.

NOTE: Drawings, Plans, and Land Links are the property of Lee County, Florida.



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