

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a portion of Platted Waterway/Canal and Public Utility Easement located at 1386 Sunrise Dr., North Fort Myers, Florida 33917, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of April, 2004 (Case No. VAC2003-00075), and to authorize the Chairman to accept the donation of a replacement Perpetual Stormwater Drainage Easement Grant.

WHY ACTION IS NECESSARY: To construct a concrete patio, retaining wall and pool as additions to an existing single-family dwelling unit, and also to restore the original developer's intent for this lot to abut the waterway. **The vacation of the canal and utility easement will not alter existing waterway/canal and utility conditions and the easement is not necessary to accommodate any future waterway/canal and utility requirements.** The Board must accept all real estate conveyances to the County. *Wf*

WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing, and provides a necessary drainage easement to facilitate the requested vacation.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #: 4

C4A

3. MEETING DATE:

03-30-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE: *Wf*

- (Specify) F.S. Ch. 125&
- 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]* 3-29-04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00075 was submitted by Thomas D. & Vicki J. Harrell.

LOCATION: Petition No. VAC2003-00075 proposes to vacate a portion of Platted Waterway/Canal Beginning at the northerly most corner of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; and a six-foot wide Public Utility Easement located along the easterly (rear) lot line of said Lot 95.

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. However, the replacement drainage easement is being held in trust by the County pending the outcome of the public hearing on the request 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, Replacement Perpetual Stormwater Drainage Easement Grant and Exhibits. The Petitioner will pay the recording costs of the replacement easement. *Wf*

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>[Signature]</i>	N/A	N/A	N/A	<i>John J. Meigs</i> 3-11-04	<i>JA</i> 3/15/04	<i>OM</i> 3/16/04	<i>CR</i> 3/16/04	<i>GC</i> 3/15/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

3/10/04
2:40 PM
Co. Adm.

RECEIVED BY
COUNTY ADMIN: *TD*
3/12/04
11:30am *SC*
COUNTY ADMIN
FORWARDED TO: *PL*
3/16/04 2:34pm

Wf

PETITION TO VACATE

Case Number: VAC 2003-00075

Petitioner(s), Thomas Harrell and Vicki Harrell
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, 1386 Sunrise Drive, N. Ft. Myers, FL 33917
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:

Thomas D. Harrell
Petitioner Signature

By:

Vicki J. Harrell
Petitioner Signature

THOMAS D. HARRELL
Printed Name

VICKI J. HARRELL
Printed Name

Exhibit "A"
Petition to Vacate
VAC2003-00075

Legal Description of
Portion of Platted Waterway/Canal and
Public Utility Easement to be Vacated

Portion of Platted Waterway/Canal to be Vacated

Beginning at the northerly most corner of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; Thence North 61° 58' 30" East along the easterly prolongation of the line between Lot 96 of the aforesaid Plat and said Lot 95 a distance of 12.26 feet to a point on the water-face of the existing seawall; Thence South 27° 06' 49" East along said seawall face a distance of 85.01 feet; Thence South 61° 58' 30" West along the easterly prolongation of the line between Lot 94 of the aforesaid Plat and said Lot 95 a distance of 10.91 feet; Thence North 28° 01' 30" West along the line between said Lot 95 and the platted waterway, a distance of 85.00 feet to the Point of Beginning. Parcel contains 984.5 square feet, more or less.

Portion of Public Utility Easement to be Vacated

The six-foot wide Public Utility Easement located along the easterly (rear) lot line of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; less and except the southerly six feet thereof.

Exhibit "C"
 Petition to Vacate
 VAC2003-00075
 [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 01442404000000950 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
01-44-24-04-00000.0950	2003	HARRELL THOMAS D + VICKI J 1386 SUNRISE DR	PAID <input type="button" value="Details"/>
01-44-24-04-00000.0950	2002	HARRELL THOMAS D + VICKI J 1386 SUNRISE DR	PAID <input type="button" value="Details"/>
01-44-24-04-00000.0950	2001	HARRELL THOMAS D + VICKI J 1386 SUNRISE DR	PAID <input type="button" value="Details"/>
01-44-24-04-00000.0950	2000	HARRELL THOMAS D + VICKI J 1386 SUNRISE DR	PAID <input type="button" value="Details"/>
01-44-24-04-00000.0950	1999	HARRELL THOMAS D + VICKI J 1386 SUNRISE DR	PAID <input type="button" value="Details"/>
01-44-24-04-00000.0950	1998	HARRELL THOMAS D + VICKI J	PAID <input type="button" value="Details"/>

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

6 match(es) Page 1 of 1

THOMAS D. II. ALL
1386 ~~SUNSHINE~~ DRIVE
No. Ft. Myers, FL 33917
PO BOX 132
CAPE CORAL, FL 33910-0132

AGREEMENT FOR DEED

RAMCO FORM 23

3504720

DR2452 PB3696

This instrument Prepared by:
Darrell D. Haverley
1303 Evalena Lane
No. Ft. Myers, FL 33917

Documentary Tax Pd. 329.00
188.00
Set any/ible Tax Pd.
CHARLIE SPEN, CLERK, LEE COUNTY
By *[Signature]* Deputy Clerk

Property Appraisers Parcel Identification (Folio) Number(s):
01-44-24-04-00000.0950
S.S. # (s):
256-94-2952 and 319-44-8309

1500
329.00
188.00

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Agreement, Made this 14th. day of December
in the year of our Lord, one thousand nine hundred and 93
Between DARRELL D. HAVERLEY AS TRUSTEE OF THE DARRELL D. HAVERLEY
TRUST, part y of the first part, and

THOMAS D. HARRELL and VICKI J. HARRELL, husband & wife, part ies of the second part.
Witnesseth, That if the the said part ies of the second part, shall first make the payments and perform
the covenants hereinafter mentioned on their part to be made and performed, the said part y of the
first part hereby covenant s and agrees to convey and assure to the said part ies of the second part,
their heirs, personal representatives, administrators or assigns, in fee simple, clear of all incumbrances
whatever, by a good and sufficient deed, the lot ~~xxxxxxx~~ of land, situated in the County of
LEE State of FLORIDA, known and described as follows, to-wit:

Lot 95, PORT EDISON, a subdivision according to the plat thereof, as
recorded in Plat Book 11 at Pages 19 and 20, in the Public Records of
Lee County, Florida; subject to Zoning, Restrictions, Regulations and
Easements of Record.
There is an attached ADDENDUM which by reference is made a part hereof;

and the said part ies of the second part hereby covenant and agree to pay to the said part y of the first
part the sum of \$96,500.00 Dollars,
in the manner following : \$2,500.00 paid in hand, with the balance of
\$94,000.00 to be paid in \$722.80 installments, applied first towards the
accrued interest with remainder of payment applied towards principal
with interest at the rate of 8 1/2 per centum per annum, payable monthly
on the whole sum remaining from time to time unpaid; and to pay all taxes, assessments or impositions
that may be legally levied or imposed upon said land subsequent to the year 1993

and to keep the buildings upon said premises insured in some company
satisfactory to the part y of the first part, and payable for the parties, respectively as their interests may
appear, in a sum not less than \$70,000.00 Dollars
during the term of this agreement. And in case of failure of the said part ies of the second part to make any of the
payments or any part thereof, or to perform any of the covenants on their part hereby made and entered
into, this contract shall, at the option of the part y of the first part, be forfeited and terminated, and the
part ies of the second part shall forfeit all payments made by them on this contract; and such payments
shall be retained by the said part y of the first part in full satisfaction and liquidation of all damages by
him sustained, and the said part y of the first part shall have the right to re-enter and take
possession of the premises aforesaid without being liable to any action therefor, and at the option of the
part y of the first part the unpaid balance shall without demand become due and payable, and all costs and
expenses of collection of said moneys by foreclosure or otherwise, including attorney's fees, shall be paid by the
part ies of the second part, and the same are hereby secured.

It Is Mutually Agreed, by and between the parties hereto, that the time of each payment shall be an
essential part of this contract, and that all covenants and agreements herein contained shall extend to and be
obligatory upon the heirs, personal representatives, administrators and assigns of the respective parties.

In Witness Whereof, The parties to these presents have hereunto set their hands and seals the day and
year first above written.

Signed, sealed and delivered in the presence of:

Anita L Powell
Witness Signature (to be Seller)
Anita L Powell.
Printed Name

Jean Dutton
Witness Signature (to be Seller)
Jean Dutton
Printed Name

Anita L Powell
Witness Signature (to be Buyer)
ANITA L. POWELL
Printed Name

Jean Dutton
Witness Signature (to be Buyer)
Jean Dutton
Printed Name

Darrell D. Haverley, TR.
Seller Signature
Darrell D. Haverley, Trustee
Printed Name

1303 Evalena Lane, No. Ft. Myers, FL
Post Office Address

Thomas D. Harrell, Vicki J. Harrell
Buyer Signature
Thomas D. Harrell, Vicki J. Harrell
Printed Name

108 N.E. 7th. AVE. CAPE CORAL FL
Post Office Address

RECORDED & VERIFIED - CHARLIE GREEN, CLERK
LEE COUNTY, FLORIDA

OR2452 .J3697

STATE OF FLORIDA
COUNTY OF LEE
SWORN TO AND SUBSCRIBED BEFORE ME THIS 14th DAY OF DEC 1993.
PERSONALLY KNOWN TO ME DARRELL D. HAYERLEY
THOMAS D HARRELL
VICKI J HARRELL

NOTARY Joan Garcia
JOAN GARCIA



OFFICIAL SEAL
JOAN GARCIA
My Commission Expires
April 14, 1997
Comm. No. CC 268335

ADDENDUM TO AGREEMENT FOR DEED,
(HAVERLEY-HARRELL, Dec. 14, 1993)

This ADDENDUM is made part of, and is attached to, that certain AGREEMENT for DEED dated December 14, 1993 by and between DARRELL D. HAVERLEY as TRUSTEE of THE DARRELL D. HAVERLEY TRUST, party of the first part as Seller; and THOMAS D. HARRELL and VICKI J. HARRELL, husband and wife, parties of the second part as buyers.

1. There shall be no pre-payment on Principal prior to January 1, 1996; thereafter pre-payment of Principal may be made without penalty.
2. This Agreement for Deed shall be considered ASSIGNABLE with prior written approval from the seller and such approval shall not be unreasonably withheld.
3. The first monthly payment shall be due on or before January 10, 1993, and on or before the 10th, of each subsequent month; and, shall be made monthly until such time as this Agreement for Deed is paid in full. Payments will be made to Seller at his address as furnished Buyers from time to time; there shall be a \$10.00 late-payment penalty for any payment more than ten (10) days late, postmark to govern.
4. An additional \$72.20 per month ESCROW MONEY for taxes shall be paid each month, making the total monthly payment to be \$795.00
5. PERSONAL PROPERTY: Consideration for purchase of the following inventory of PERSONAL PROPERTY is included in the amount due under the terms of this Agreement for Deed. For purposes of valuation, and insurance, however, the inventory shall bear a total combined value of \$4,100.00

Buyers shall keep the Personal Property insured together with insurance on the building, and this insurance shall equal at least the amount above mentioned.

INVENTORY OF PARAGRAPH # 5 PERSONAL PROPERTY:

- | | |
|----------------------------------|--------------------------|
| Hot Point Self-cleaning Range | All Drapes and Curtains |
| Hot Point Dishwasher | All Blinds |
| Hot Point Washer (New, in crate) | All Roll-up Porch Blinds |
| Hot Point Dryer (" " ") | Ladder (In shed) |
| Frig with Cross-Top Freezer | Metal Shelving (In shed) |
| About 10 Gallons of Paint | Misc. supplies |

93 DEC 14 PM 2:00
CHARLE GREEN LEE CIV. R.

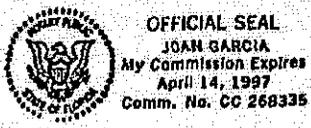
Darrell D. Haverley
Darrell D. Haverley, Trustee Date 12/14/93

Thomas D. Harrell
Thomas D. Harrell Date 12/14/93

Vicki J. Harrell
Vicki J. Harrell Date 12/14/93

STATE OF FLORIDA, COUNTY OF LEE, ss:
I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared DARRELL D. HAVERLEY, THOMAS D. HARRELL, and VICKI J. HARRELL to me known to be the persons described in and who executed the foregoing instrument, and has produced _____ as identification, and acknowledged before me under oath that they executed same.

Joan Garcia
NOTARY JOAN GARCIA





8441 Littleton Road
North Fort Myers, FL 33903

February 17, 2004

Mr. Thomas Harrell
1386 Sunrise Drive
North Fort Myers, Florida 33917

RE: Request for vacation of public utility easement 1386 Sunrise drive N. Ft. Myers, Fl.

Dear Mr. Harrell:

With reference to your letter of February 6, 2004 requesting Sprint Telephone of Florida's concurrence with the vacation of a rear lot line Public Utility Easement, Located at 1386 Sunrise Dr. Lot 9 Port Edison North Fort Myers, Florida, Strap number Strap # 01-44-24-04-00000.0950. Sprint Telephone of Florida agrees to the vacation of the rear lot line utility easement only.

Should you have any questions about this matter please call me at 239-336-2117.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Dever", written in a cursive style.

Hal Dever
Engineer



8441 Littleton Road
North Fort Myers, FL 33903

July 1, 2003

Mr. Thomas Harrell
1386 Sunrise Drive
North Fort Myers, Florida 33917

RE: Request for vacation of public utility easement 1386 Sunrise drive N. Ft. Myers, Fl.

Dear Mr. Harrell:

With reference to your letter of July 1, 2003 requesting Sprint Telephone of Florida's concurrence with the vacation of a Public Utility Easement, Located at 1386 Sunrise Dr. Lot 9 Port Edison North Fort Myers, Florida, Strap number Strap # 01-44-24-04-00000.0950. Sprint Telephone of Florida agrees to the vacation with the following stipulation:

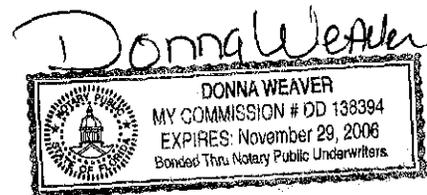
1. Should there be any relocation of telephone facilities all cost will be born by the home owner. Some or part of the buried drop wire serving this house is in the PUE in question and will need to be relocated before construction starts.

Should you have any questions about this matter please call me at 239-336-2117.

Sincerely,

Hal Dever
Engineer

original copy



VAC 2003-00075
RECEIVED

NOV 17 2003

COMMUNITY DEVELOPMENT

CEC

LE. POWER. POSSIBILITIES.

Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.lline.com

June 27, 2003

Mr. Thomas Harrell
1386 Sunrise Dr.
N. Ft. Myers, FL 33917

Re: Lot 95, Port Edison

Dear Mr. Harrell:

LCEC does not object to vacation of the northerly and easterly 6' public utility and/or drainage easements on Lot 95, Port Edison, as recorded in Plat Book 11, pages 19-20, of the Public Records of Lee County, Florida; **LESS and EXCEPT** the westerly 6', adjacent to Sunrise Drive, shown on the attached sketch.

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

Sincerely,

Karen Hardin
Karen Hardin
Real Property Representative

original copy

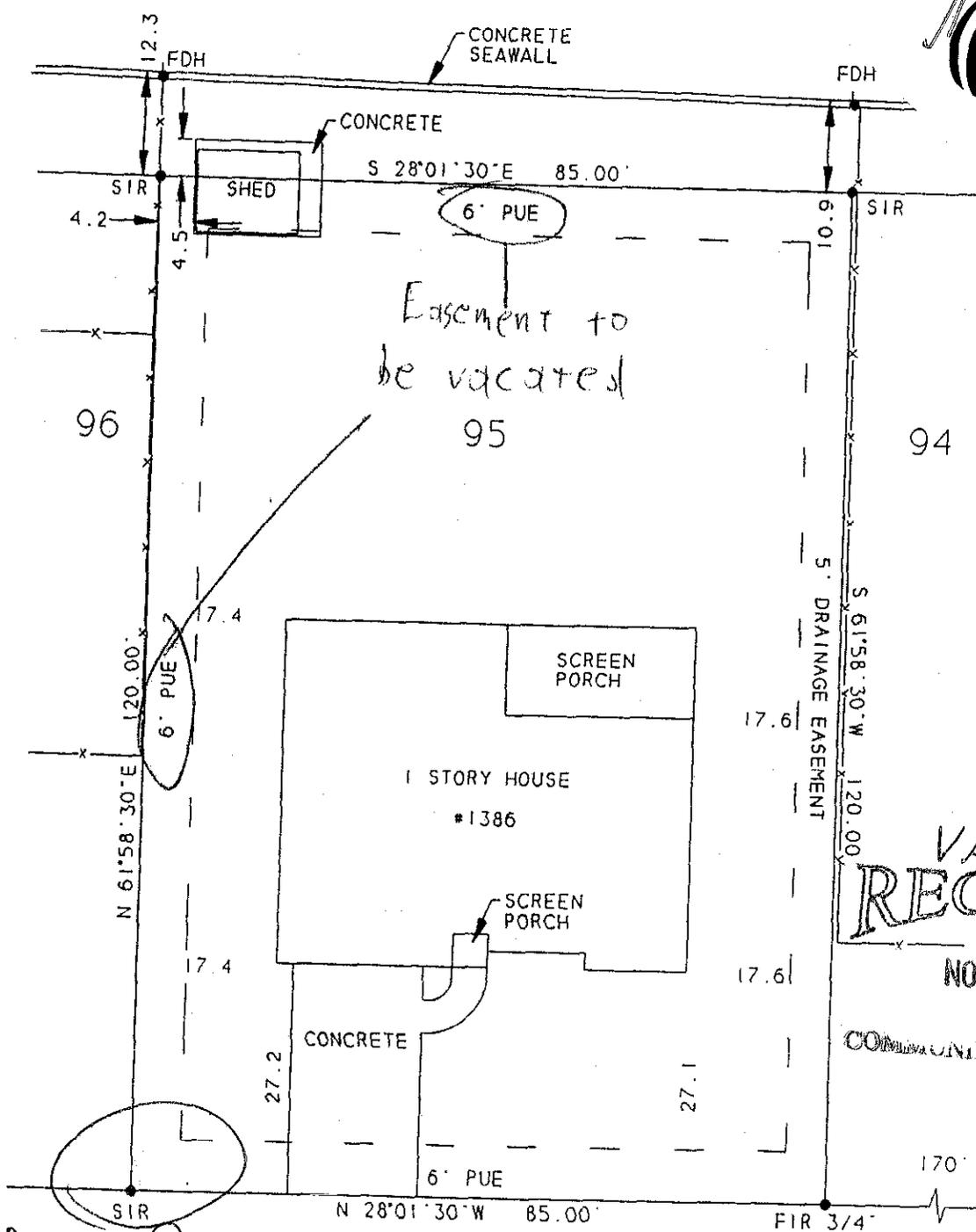
Donna Weaver
DONNA WEAVER
MY COMMISSION # DD 138394
EXPIRES: November 29, 2006
Bonded Thru Notary Public Underwriters

VAC 2003-00075
RECEIVED
NOV 11 7 2003

COMMUNITY DEVELOPMENT



WATERWAY



Easement to be vacated

VAC200300075
RECEIVED

NOV 17 2003

COMMUNITY DEVELOPMENT
POINT OF CURVATURE

less and except

SUNRISE DRIVE (50')

Donna Weaver

DONNA WEAVER
 MY COMMISSION # DD 138394
 EXPIRES: November 29, 2006
 Bonded Thru Notary Public Underwriters

BOUNDARY SURVEY

LOT 95
PORT EDISON
LEE COUNTY, FLORIDA
PLAT BOOK 11 PAGES 19-20

CERTIFIED TO:
THOMAS HARRELL

Original Copy

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



July 10, 2003

Thomas Harrell
1386 Sunrise Dr
N. Ft Myers, FL 33917

Re: Vacation of Easement @ 1386 Sunrise Dr, North Fort Myers, FL 33917

Dear Thomas Harrell:

This letter will serve to inform you that Comcast has no Conflict with the proposed vacation of easement. All facilities are located aerial in the front.

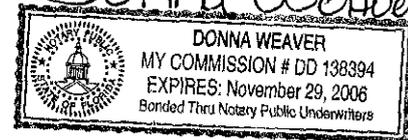
If you have any questions or concerns, please feel free to contact me here (239) 732-3865.

Sincerely,

Lucia Vera
Project Coordinator

original copy

Donna Weaver



VAC2003.00075
RECEIVED

NOV 11 7 2003

COMMUNITY DEVELOPMENT



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941)479-8531

Bob Janes
District One

July 3, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Thomas Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917

Andrew W. Coy
District Four

John E. Albion
District Five

**SUBJECT: REVIEW & RECOMMENDATION
PUBLIC UTILITY EASEMENT(S) VACATION REQUEST
STRAP #: 01-44-24-04-00000.0950**

Donald D. Stillwell
County Manager

James G. Yaeger
County Attorney

Dear Mr. Harrell:

Diana M. Parker
County Hearing
Examiner

Lee County Utilities is in receipt of your letter and associated attachments concerning the proposed Petition to Vacate existing 6' Public Utility Easements. Based on information provided in your letter, it is our understanding that the easement to be vacated are located 1) along the common lot line between Lots 95 and 96 and to the rear of lot 95, Port Edison as recorded in Plat Book 11, Page 19 of Lee County Public Records.

Lee County Utilities has reviewed your request and has **NO OBJECTION** to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, our records indicate that we have no potable water or sanitary sewer facilities within the area to be vacated.

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

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

cc: Correspondence File

Original Copy

Donna Weaver
DONNA WEAVER
MY COMMISSION # DD 138394
EXPIRES: November 29, 2006
Bonded Thru Notary Public Underwriters

VAC 2003.00075
RECEIVED

NOV 11 7 2003

S:\Utils\Engr\Tak\LETTERS\VAC\FY 2003\Harrell - Sunrise Dr - Lot 95.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8440

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

March 4, 2004

THOMAS & VICKI HARRELL
1386 SUNRISE DR.
N. FORT MYERS, FL 33917

RE: VAC2003-00075 - Petition to vacate a portion of Platted Waterway/Canal and Public Utility Easement on lot 95, Port Edison, as recorded in Plat Book 11, Page 19-20, in the public records of Lee County, FL.

Dear Mr. & Mrs. Harrell:

You have indicated that in order to construct a concrete patio, retaining wall and pool as additions to an existing single-family dwelling unit on your lot, you desire to eliminate a portion of Platted Waterway/Canal and a six-foot wide Public Utility Easement, which is located at 1386 Sunrise Dr., North Fort Myers, Florida. The vacation of this portion of canal will restore the original developer's intent for this lot to abut the waterway.

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\20031117.113\8146930\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

Writer's Direct Dial Number: _____

BOARD OF COUNTY COMMISSIONERS

Wednesday, July 16, 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. Thomas Harrell
1386 Sunrise Dr.
North Fort Myers, FL 33917

Re: Petition to Vacate a two (6) six foot wide public utility easements along the northwest side and along the rear of Lot 95, Port Edison Subdivision, as recorded in Plat Book 11 Page 19, in the public records, Lee County, Florida

Dear Mr. Harrell:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easements .

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

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

Original Copy



S:\NATRES\SURFACE\DOCUMENT\vac359.doc

VAC2003-00075
RECEIVED

NOV 17 2003



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Wednesday, July 16, 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. Thomas Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917

Re: Petition to Vacate a portion of a canal right of way along the rear lot line of Lot 95, Port Edison Subdivision, as recorded in Plat Book 11 Page 19, in the public records, Lee County, Florida.

Dear Mr. Harrell:

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 canal right of way.

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

Attachments: Exhibit "B"

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

S:\NATRES\SURFACE\DOCUMENT\vac356.doc

Original
Copy

Donna Weaver

VAC 2003.00075
RECEIVED

NOV 17 2003

 **LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8580

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. Stillwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

July 15, 2003

Mr. Thomas Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917

**Re: Request for Letter of Review and Recommendation
On a proposed Public Utility Easement Vacation
At 1386 Sunrise Drive**

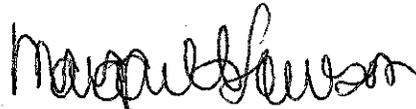
Dear Mr. Harrell:

Lee County Department of Transportation has reviewed your request to abandon a 6 foot public utility easement. Lee County DOT does not maintain utility easements.

Lee County DOT offers no objection to the vacation.

Yours very truly,

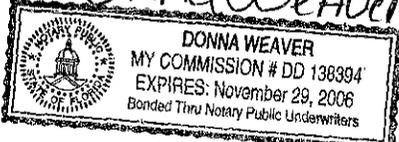
DEPARTMENT OF TRANSPORTATION


Margaret Lawson
Right-of-way Supervisor

original copy

MAL/mlb

cc: Don Blackburn, Development Services
Allen Davies, Natural Resources
Terry Kelley, Utilities
DOT PTV File PUE Sunrise Drive

Donna Weaver

DONNA WEAVER
MY COMMISSION # DD 138394
EXPIRES: November 29, 2006
Bonded thru Notary Public Underwriters

VAC1003-00075
RECEIVED

NOV 17 2003

S:\DOCUMENT\Petition To Vacate\2003\Sunrise Drive - Harrell.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

September 25, 2003

Mr. Thomas Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917

**RE: Request to vacate a portion of a canal
Right-of-way along the rear lot line of
Lot 95, Port Edison Subdivision as
Recorded in Plat Book 11, page 19,
1386 Sunrise Drive, North Fort Myers,
Section 01, Township 44, Range 24**

Dear Mr. Harrell:

Lee County Department of Transportation has reviewed your request to vacate a canal right-of-way as described on the plat of Port Edison Subdivision. The description of the property to be vacated is exclusively for a canal right-of-way. It is the understanding of DOT that no drainage easements will be vacated as part of this submittal.

DOT offers no objection to the vacation as proposed.

Yours very truly,

DEPARTMENT OF TRANSPORTATION



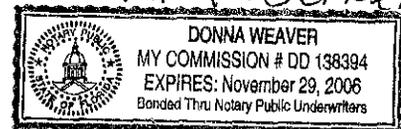
Margaret Lawson
Right-of-way Supervisor

Original Copy

Donna Weaver

MAL/mlb

cc: Terry Kelley, Utilities
Allen Davies, Natural Resources
Don Blackburn, Development Services
DOT PTV File (Sunrise Drive)



VAC 2003.00075
RECEIVED

NOV 11 7 2003

S:\DOCUMENT\Petition To Vacate\2003\Harrell - Sunrise Dr.doc

Department of Community Development
ATTN: Ruth Keith
P.O. Box 398
Forth Myers, FL 33902-0398

Dear Ruth Keith:

We would like to vacate the existing Right of Way and Public Utility Easement lying on the Eastern boundary of our property located at 1386 Sunrise Drive, North Fort Myers, FL (STRAP # 01-44-24-04-00000.0950). The purpose for said vacation is to clear the county's claim to the land so that we can obtain building permits on the location of said easement and Right of Way for a concrete patio, retaining wall and pool.

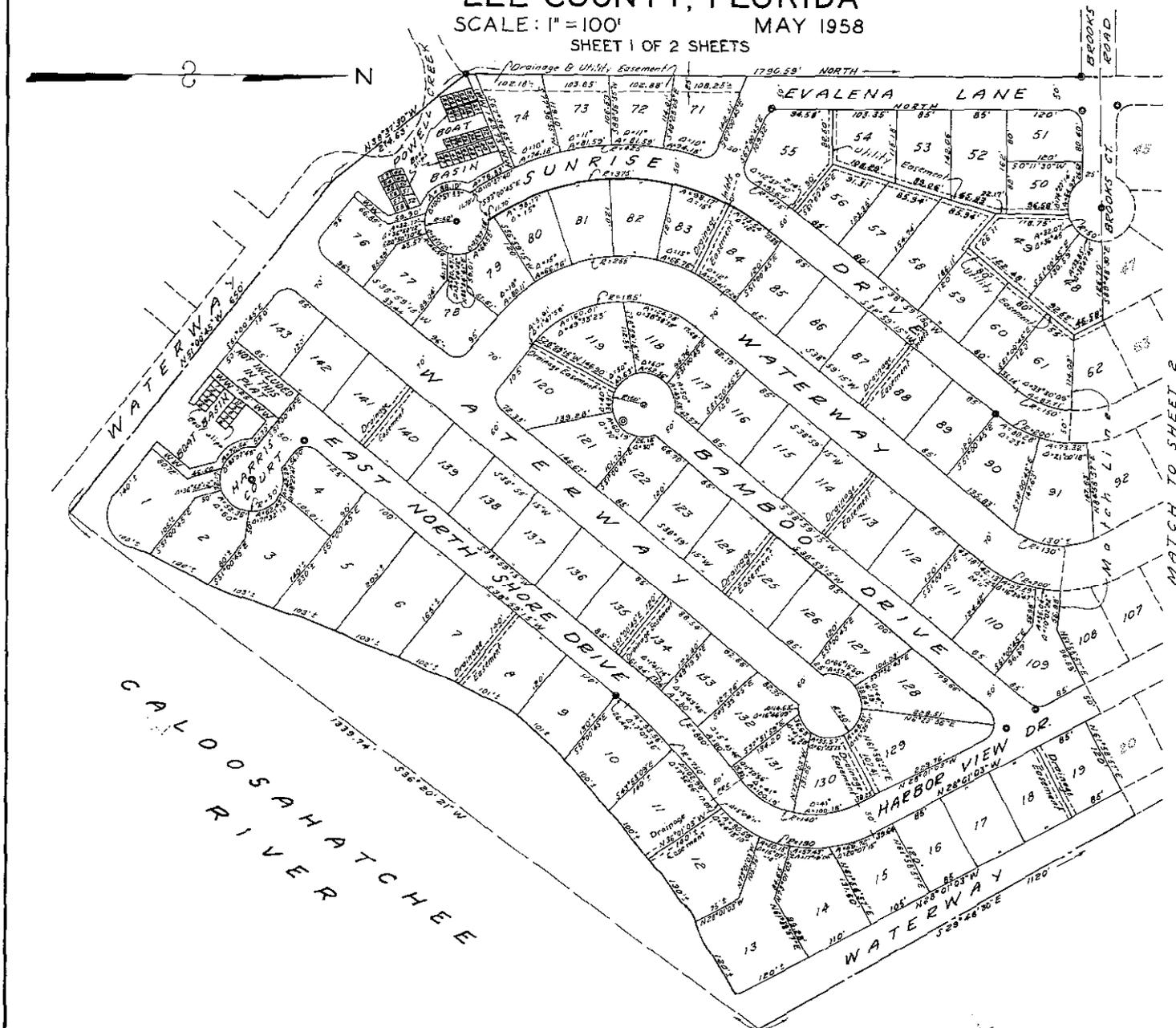
Should you have any questions on this matter, feel free to call me at 239-656-6913.

Thank you,
Thomas and Vicki Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917

PORT EDISON

A SUBDIVISION IN
SECTION 1, TWP. 44 S, RGE. 24 E
LEE COUNTY, FLORIDA

SCALE: 1" = 100'
MAY 1958
SHEET 1 OF 2 SHEETS

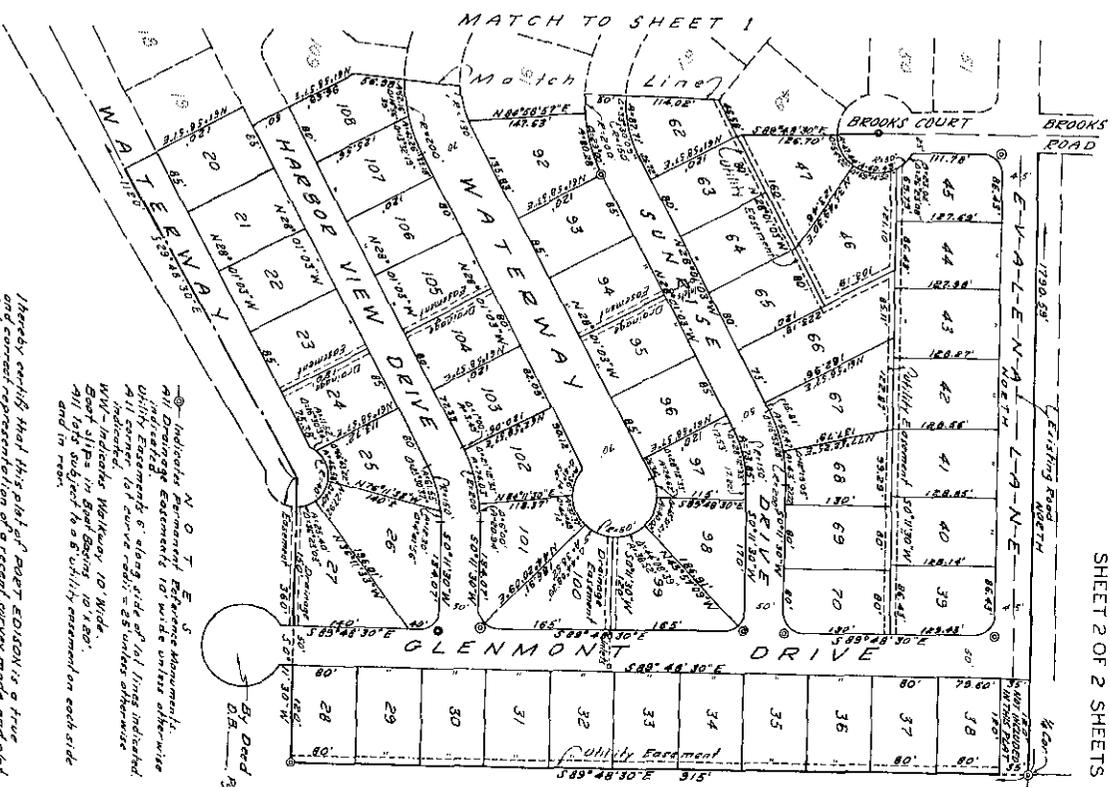


PORT EDISON

A SUBDIVISION IN

SECTION 1, TWP. 44 S., RGE. 24 E.
LEE COUNTY, FLORIDA

SCALE: 1" = 100'
SHEET 2 OF 2 SHEETS



I hereby certify that this plat of PORT EDISON is a true and correct representation of the same as the same was laid out and under my direction and that the same has been set in accordance with the provisions of Section 2, Chapter 1027, Laws of Florida, Act of 1925.

Reg. Land Surveyor, Trip Cent. No. 1032
W. S. Thompson, Sr., of Wynon, Florida

DESCRIPTION

Begin of the 1/2 corner on the west side of Section 1, Twp. 44 S., Rge. 24 E., Lee County, Florida, to a point 100 feet north of the center line of the canal N 51° 20' 48" W 650', thence along the center line of a canal N 51° 20' 48" W 3750', thence along the center line of Powell Creek to a point N 38° 37' 00" W 246.63 from the last named point, thence north 1790.59 to the P.O.B.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Forster-Brammieri Realty & Development Co., a corporation under the laws of Florida, the owner of the herein described lands has caused and for oneself, its heirs, assigns and legal representatives, do hereby dedicate to the public use of the public of streets, roads, drives and easements for utility purposes.

IN WITNESS WHEREOF, Forster-Brammieri Realty & Development Co. has caused this dedication to be signed by its president and its corporate seal to be affixed, attested by its secretary this 14th day of June, A.D. 1958.

FORSTER-BRAMMIER REALTY & DEVELOPMENT CO.

By Donald J. Forster
President
Attest: Frank J. ...
Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I HEREBY CERTIFY that on this day before me personally appeared James S. Forster and Leon K. Forster, respectively president and secretary of Forster-Brammieri Realty & Development Co., a corporation under the laws of Florida, known to be the persons described in and who executed the foregoing dedication and they acknowledged the execution thereof to be their own free and voluntary act and deed and that they are in possession and control of the same and that said corporation and that said dedication is the act and deed of said corporation.

WITNESSES my hand and official seal of Lee County, Florida, this 14th day of June, A.D. 1958.

APPROVALS

This plat approved this 14th day of June, A.D. 1958 in open meeting of the Board of County Commissioners of Lee County, Florida.

Approved: W. S. Thompson, Sr.
Chairman
By D. J. ...
Clerk

I HEREBY CERTIFY that this plat of PORT EDISON has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 1027, Laws of Florida, Act of 1925 and that for record of said plat this 15th day of July, A.D. 1958 my official seal of Lee County, Florida, is hereunto affixed.

By W. S. Thompson, Sr.
Clerk of the Circuit Court in and for Lee County

This Instrument Prepared by:

Lee County Environmental Services Department
Natural Resources Division
P.O. Box 398
Fort Myers, FL 33902-0398
STRAP Number: _____

This Space for Recording

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Thomas D. Harrell & Vicki Harrell owner whose address is 1386 Sunrise Dr., N. Ft. Myers, FL 33917 (Grantor) and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.

6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

Exhibit "A" Legal Description

Legal Description of Drainage Easement

The southerly five feet of the following described parcel or tract of land situate in Section 1, Township 44 South, Range 24 East, Lee County, Florida:

Beginning at the northerly most corner of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; Thence North $61^{\circ} 58' 30''$ East along the easterly prolongation of the line between Lot 96 of the aforesaid Plat and said Lot 95 a distance of 12.26 feet to a point on the waterface of the existing seawall; Thence South $27^{\circ} 06' 49''$ East along said seawall face a distance of 85.01 feet; Thence South $61^{\circ} 58' 30''$ West along the easterly prolongation of the line between Lot 94 of the aforesaid Plat and said Lot 95 a distance of 10.91 feet; Thence North $28^{\circ} 01' 30''$ West along the line between said Lot 95 and the platted waterway, a distance of 85.00 feet to the Point of Beginning.

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Reuben Garces
 1382 Sunrise Dr.
 N. Ft. Myers, FL 33917

A. Signature

X *Reuben Garces*

- Agent
- Addressee

B. Received by (Printed Name)

Reuben Garces

C. Date of Delivery

D. Is delivery address different from item 1?

- Yes
- No

if YES, enter delivery address below



3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

2. Article Number

(Transfer from service label)

7003 1010 0004 6083 0094

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-P-4081

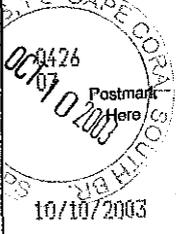
4600 8909 4000 0101 8002

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 4.42



Sent To *Mr. Reuben Garces*
 Street, Apt. No., or PO Box No. *1382 Sunrise Dr*
 City, State, ZIP+4 *N. Ft. Myers, FL 33917*

PS Form 3800, June 2002

See Reverse for Instructions

Mr. Reuben Garces
1382 Sunrise Drive
North Fort Myers, FL 33917

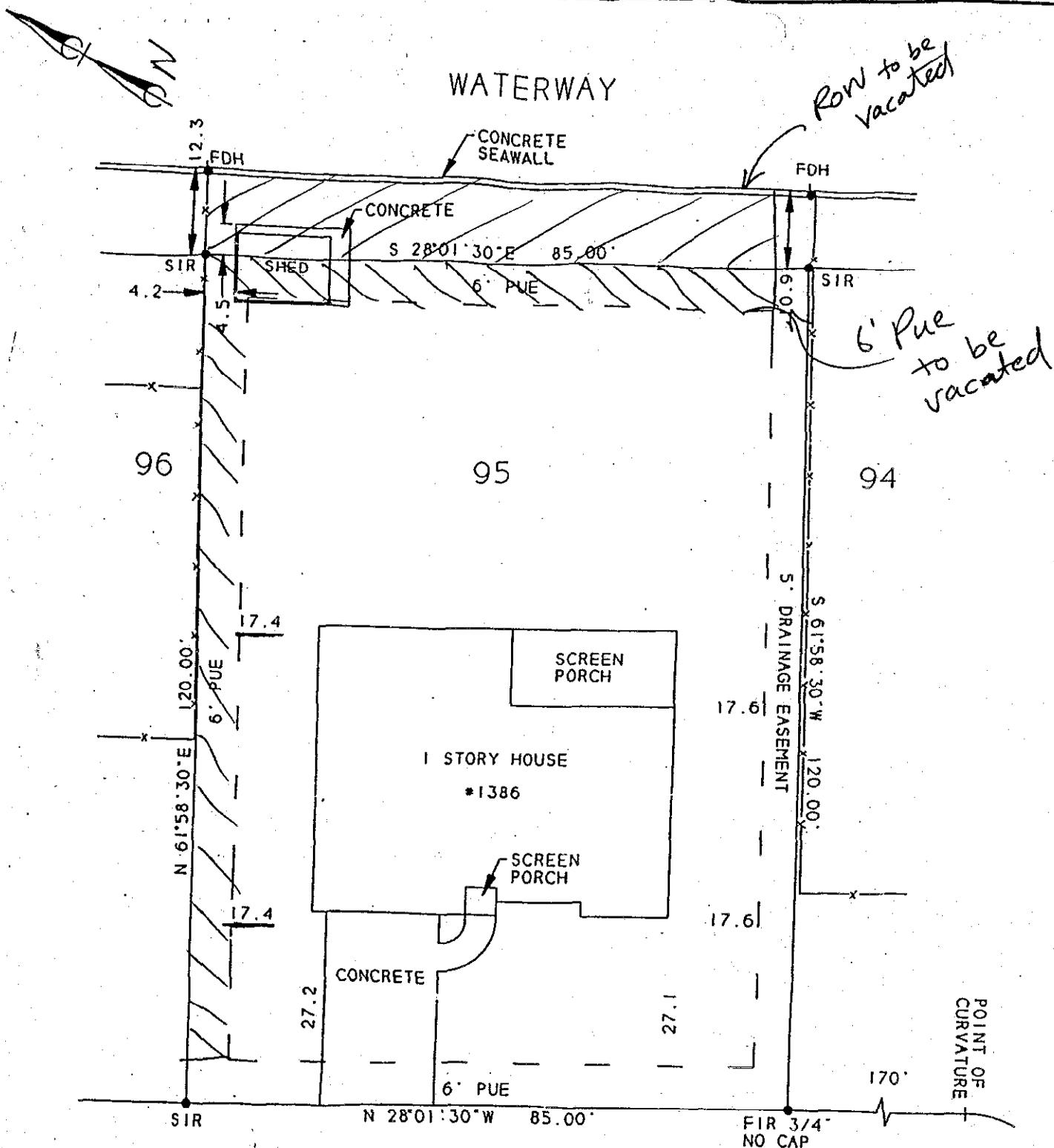
Mr. Garces:

We intend to initiate a petition to vacate the public interest in the right-of-way lying on along the north-east edge of:

1386 Sunrise Drive
North Fort Myers, FL 33917

A sketch of the property with the affected right-of-way shaded is attached.

Thomas Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917



SUNRISE DRIVE (50')

BOUNDARY SURVEY
 LOT 95
 PORT EDISON
 LEE COUNTY, FLORIDA
 PLAT BOOK 11 PAGES 19-20

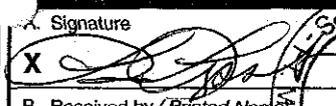
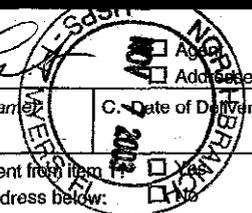
VAC2003.00075
 CERTIFIED TO:
 THOMAS KARTEL

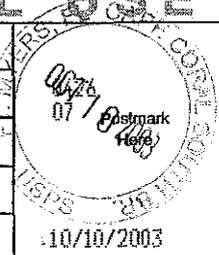
RECEIVED

NOV 17 2003

COMMUNITY DEVELOPMENT

Exhibit B

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p>B. Received by (Printed Name) </p> <p>C. Date of Delivery </p>	
<p>1. Article Addressed to: Lew and Mary Lipsit 1392 Sunrise Dr North Fort Myers, FL 33917</p>		<p>D. Is delivery address different from item if YES, enter delivery address below: LEW LIPSIT</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7003 1010 0004 6083 0100</p>			
PS Form 3811, August 2001		Domestic Return Receipt	
		2ACPRI-03-P-4081	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
NORTH FORT MYERS FL 33917	
Postage	\$ 0.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 4.42
	
<p>Sent To Lew and Mary Lipsit</p> <p>Street, Apt. No., or PO Box No. 1392 Sunrise Dr</p> <p>City, State, ZIP+4 N. Ft. Myers FL 33917</p>	
PS Form 3800, June 2002 See Reverse for Instructions	

0010 0809 4000 0101 7002

Lew and Mary Lipsit
1392 Sunrise Drive
North Fort Myers, FL 33917

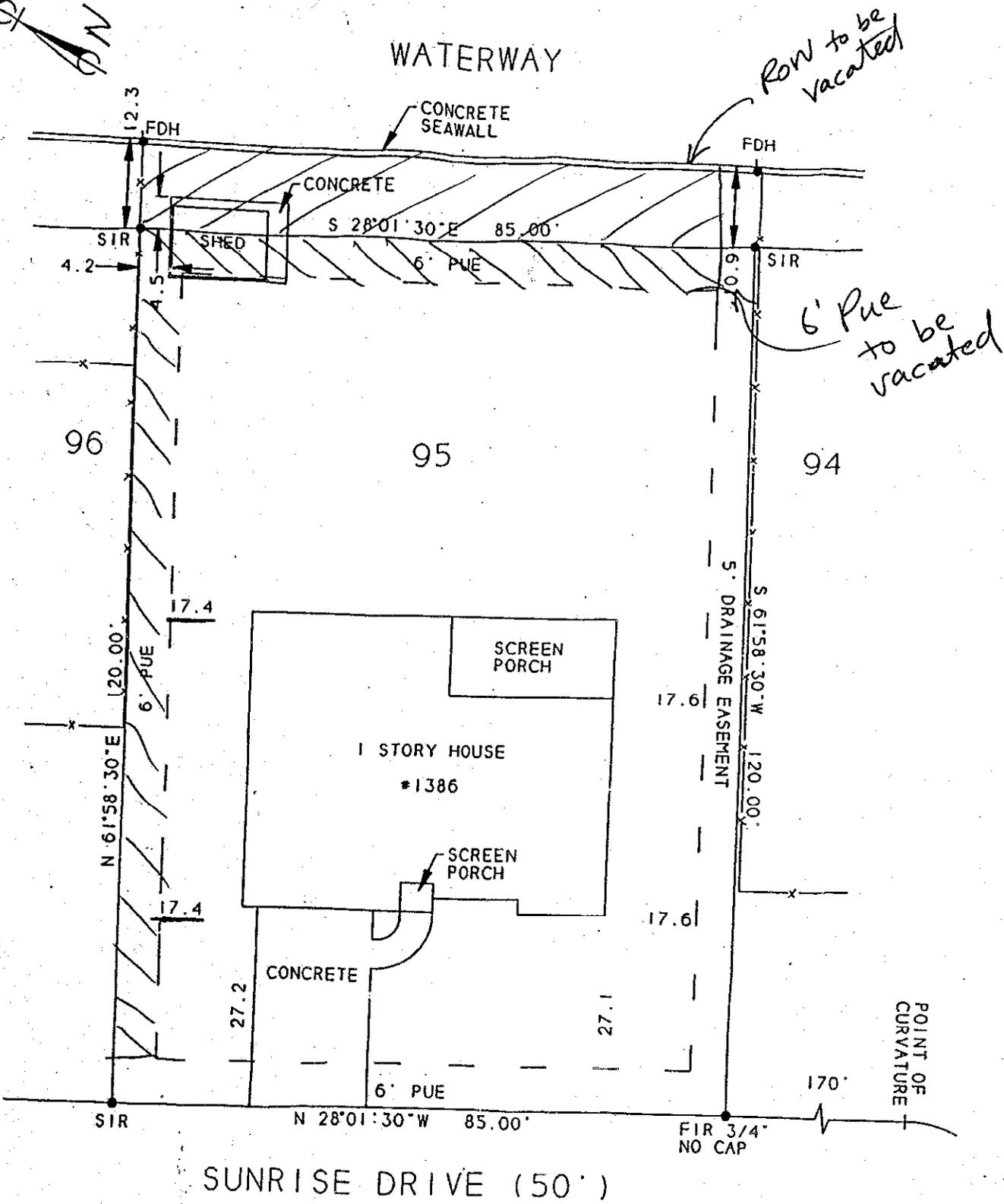
Mr. and Mrs. Lipsit:

We intend to initiate a petition to vacate the public interest in the right-of-way lying on along the north-east edge of:

1386 Sunrise Drive
North Fort Myers, FL 33917

A sketch of the property with the affected right-of-way shaded is attached.

Thomas Harrell
1386 Sunrise Drive
North Fort Myers, FL 33917



BOUNDARY SURVEY

LOT 95
 PORT EDISON
 LEE COUNTY, FLORIDA
 PLAT BOOK 11 PAGES 19-20

VAC 2003-00075
 CERTIFIED BY
 THOMAS MARRELL
RECEIVED

NOV 17 2003

COMMUNITY DEVELOPMENT

Exhibit B

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00075**

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. VAC2003-00075 is set for the
_____ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of
County Commissioners of Lee County, Florida this _____

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2003-00075

Legal Description of
Portion of Platted Waterway/Canal and
Public Utility Easement to be Vacated

Portion of Platted Waterway/Canal to be Vacated

Beginning at the northerly most corner of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; Thence North 61° 58' 30" East along the easterly prolongation of the line between Lot 96 of the aforesaid Plat and said Lot 95 a distance of 12.26 feet to a point on the water-face of the existing seawall; Thence South 27° 06' 49" East along said seawall face a distance of 85.01 feet; Thence South 61° 58' 30" West along the easterly prolongation of the line between Lot 94 of the aforesaid Plat and said Lot 95 a distance of 10.91 feet; Thence North 28° 01' 30" West along the line between said Lot 95 and the platted waterway, a distance of 85.00 feet to the Point of Beginning. Parcel contains 984.5 square feet, more or less.

Portion of Public Utility Easement to be Vacated

The six-foot wide Public Utility Easement located along the easterly (rear) lot line of Lot 95, Port Edison, Lee County, Florida, Plat Book 11, Pages 19-20 of the Public Records of Lee County, Florida; less and except the southerly six feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00075

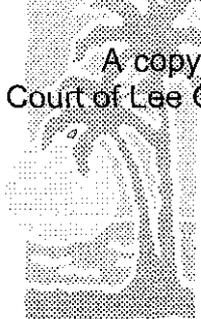
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 27th 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
VAC2003-00075

Legal Description of
Portion of Platted Waterway/Canal and
Public Utility Easement to be Vacated

Portion of Platted Waterway/Canal to be Vacated

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