

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate three (3) 12-foot wide Public Utility Easements located at 1122, 1124, 1126, 1128 Gunnery Rd. S., Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of April, 2004. (Case No. VAC2004-00006)

WHY ACTION IS NECESSARY: To construct a commercial building on the combined four (4) 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

C4B

3. MEETING DATE:

04-06-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: M. Gibbs

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00006 was submitted by Charles D. & Tracy Biggerstaff.

LOCATION: Petition No. VAC2004-00006 proposes to vacate 12-foot wide Public Utility Easements centered on the common lot line between Lots 37 and 38, 38 and 39, and 39 and 40; all in Block 17, Unit 7, Section 33, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 87 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six-feet (6') and the westerly six-feet (6') thereof. The site is located at 1122, 1124, 1126, 1128 Gunnery Rd. S., 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 Risk	G County Manager
Mam Gibbs	N/A	N/A	N/A	John Wedgner 3/24/04	DA 3/25/04 OM 3/25/04	GC 3/25/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 3/22/04
Time: 1:00 pm
Co. Adm.
3/25/04 4:00 pm

RECEIVED BY
COUNTY ADMIN: TD
3/25/04
10:00 am
COUNTY ADMIN
FORWARDED TO: PR
3/25/04
4 pm

PETITION TO VACATE

Case Number: VAC2004-00006

Petitioner(s), Charles + Tracy Biggerstaff
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, 3103 5TH ST SW, Lehigh Acres, FL 33971
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Wherefore Petitioner respectfully requests the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted,

By:

Charles Biggerstaff
Petitioner Signature

Charles Biggerstaff
Printed Name

By:

Tracy Biggerstaff
Petitioner Signature

Tracy Biggerstaff
Printed Name

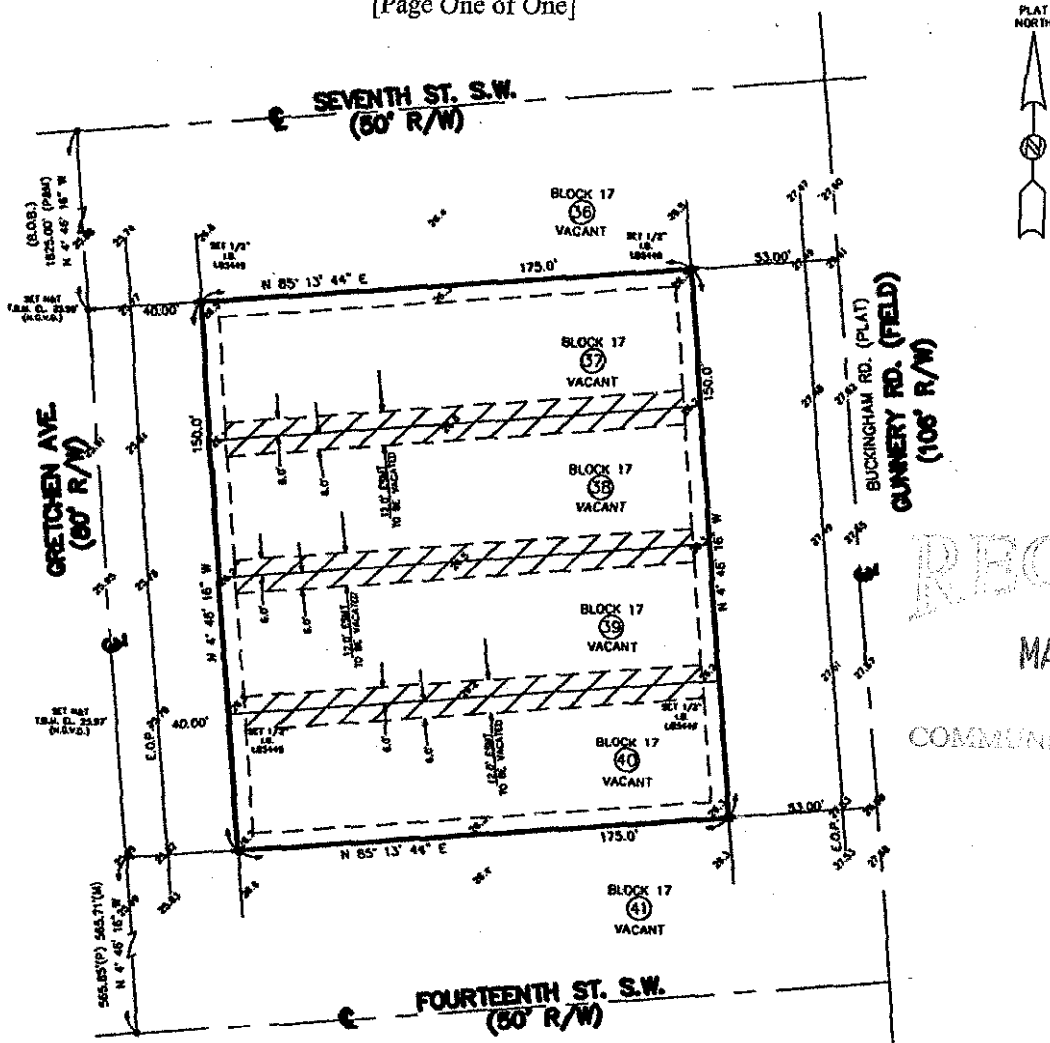
EXHIBIT "A"
Petition To Vacate
VAC2004-00006

Legal Description of the **Public Utility Easement** to be vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 37 and 38, 38 and 39, and 39 and 40; all in Block 17, Unit 7, Section 33, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 87 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six-feet (6') and the westerly six-feet (6') thereof.

Exhibit "B"
 Petition to Vacate
 VAC2004-00006
 [Page One of One]



RECEIVED

MAR 09 2004

COMMUNITY DEVELOPMENT

Chris B...
 PSM 5941
 2-5-04

NOT A SURVEY- SKETCH ONLY

1122, 1124, 1126, & 1128 GUNNERY ROAD
 LOTS 37-40, BLOCK 17, UNIT 7
 SECTION 33, TOWNSHIP 44 SOUTH, RANGE 26 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 87, PLATTED AUG. 1959, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

S.T.A.R. Surveying, Inc. (LB5449)
 Professional Surveyors and Mappers
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936
 (239) 368-7400 (239) 368-7685 (Fax)

DATE:	2-4-04
JOB NUMBER:	0327B
DRAWN BY:	B.J.P.
SCALE:	1" = 70'
SHEET:	1 of 1

VAC2004-00006

Exhibit "C"
 Petition to Vacate
 VAC2004-00006
 [Page One of Four]

Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

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

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



Your search for 33442607000170370 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
33-44-26-07-00017.0370	2003	BIGGERSTAFF CHARLES D + TRACY 1122 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0370	2002	BIGGERSTAFF CHARLES D + TRACY 1122 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0370	2001	BIGGERSTAFF CHARLES D + TRACY 1122 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0370	2000	BIGGERSTAFF CHARLES D + TRACY 1122 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0370	1999	BIGGERSTAFF CHARLES D + TRACY 1122 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0370	1998	VAN OFLEN JOSEPH	REDEEM	<input type="button" value="Details"/>
(Click on the account number for more information and/or online payment.)				
6 match(es) Page 1 of 1				

Exhibit "C"
 Petition to Vacate
 VAC2004-00006
 [Page Two of Four]

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



Your search for 33442607000170380 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
33-44-26-07-00017.0380	2003	BIGGERSTAFF CHARLES D + TRACY 1124 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0380	2002	BIGGERSTAFF CHARLES D + TRACY 1124 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0380	2001	BIGGERSTAFF CHARLES D + TRACY 1124 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0380	2000	BIGGERSTAFF CHARLES D + TRACY 1124 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0380	1999	BIGGERSTAFF CHARLES D + TRACY 1124 GUNNERY RD S	PAID	<input type="button" value="Details"/>
33-44-26-07-00017.0380	1998	BIGGERSTAFF CHARLES D + TRACY	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

Exhibit "C"
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 VAC2004-00006
 [Page Three of Four]

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



Your search for 33442607000170390 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
33-44-26-07-00017.0390	2003	BIGGERSTAFF CHARLES D + TRACY 1126 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0390	2002	BIGGERSTAFF CHARLES D + TRACY 1126 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0390	2001	BIGGERSTAFF CHARLES D + TRACY 1126 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0390	2000	BIGGERSTAFF CHARLES D + TRACY 1126 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0390	1999	BIGGERSTAFF CHARLES D + TRACY 1126 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0390	1998	BIGGERSTAFF CHARLES D + TRACY	PAID <input type="button" value="Details"/>

 (Click on the account number for more information and/or online payment.)
 Page 1 of 1

Exhibit "C"
 Petition to Vacate
 VAC2004-00006
 [Page Four of Four]

Tax Roll Search - Real Property

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*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 33442607000170400 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
33-44-26-07-00017.0400	2003	BIGGERSTAFF CHARLES D + TRACY 1128 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0400	2002	WIGGLESWORTH R A 1128 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0400	2001	WIGGLESWORTH R A 1128 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0400	2000	WIGGLESWORTH R A 1128 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0400	1999	WIGGLESWORTH R A 1128 GUNNERY RD S	PAID <input type="button" value="Details"/>
33-44-26-07-00017.0400	1998	WIGGLESWORTH R A	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

Prepared by Holly K. Anderson
Executive Title Insurance Services, Inc.
1140 Lee Blvd., Suite 111 - Lehigh Acres, FL 33936
Incidental to the issuance of a title insurance policy
File # 6*99-771-11A
Parcel ID# 33-44-26-07-00017.0370

4668995

4668995

4/2000

WARRANTY DEED
(INDIVIDUAL)

This WARRANTY DEED, dated 7th day of May, 1999,
by Joseph Van Offen, A Single Man

Documentary Tax Ps. \$ 42.00
Intangible Tax Ps.
CHARLIE GREEN, CLERK, LEE COUNTY
Karen Carlwright, Deputy Clerk

whose post office address is 161 Ivy Brook Lane, Fairfield Glade, TN 38555

hereinafter called the GRANTOR, to
Charles D. Biggerstaff and Tracy Biggerstaff, husband & wife

whose post office address is 3103 5th Street Lehigh Acres, FL 33971
Su

RECORDED BY
KAREN CARTWRIGHT, D.C.

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 37, BLOCK 17, UNIT 7, LEHIGH ESTATES, LEHIGH ACRES, FLORIDA, 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 87, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SAID PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR(S) UNDER THE LAWS AND CONSTITUTION OF THE STATE OF FLORIDA IN THAT NEITHER GRANTOR(S) NOR ANY MEMBER OF THE HOUSEHOLD OF THE GRANTOR(S) RESIDE THEREON.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any, taxes and assessments for the year 1998 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 any wise 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: Gladys Harrison
Print Name: GLADYS HARRISON

Signature: Joseph Van Offen
Print Name: Joseph Van Offen

Signature: Kathy Burgess
Print Name: Kathy Burgess

TWO SEPARATE WITNESSES REQUIRED

State of TN
County of Cumberland

THE FOREGOING INSTRUMENT was acknowledged before me on 7th day of May, 1999 by

Joseph Van Offen, A Single Man

He/She is personally known to me or who has produced _____ as identification and who DID NOT take an oath

Notary Seal

Notary Public: Barbara A. Harris
Print Name: Barbara A. Harris

My Commission Expires: 7/7/2001

CHARLIE GREEN
LEE COUNTY CLERK
1999 JUL -2 PM 12:53

RECORD VERIFIED - CHARLIE GREEN, CLERK
By: J. WARR, D.C.

4077770

FOR OFFICIAL USE ONLY:
PARCEL # 33-44-26-07-00017.0380
AND 33-44-26-07-00017.0390

This Instrument prepared and recorded by:
LISA WISKOWSKI
FLEETWOOD TITLE CORPORATION
904 LEE BLVD., SUITE 106,
LEHIGH ACRES, FL 33936

REC \$ 10.50
RPTT \$ 94.50
COPY \$
CERT. \$
INDEX \$
TOTAL \$ 105.00

DR2771 PG0981

PAGE 1 OF 2

Documentary Tax Po. \$ 94.50
Instrumental Tax Po.
CHARLIE GREEN, CLERK, LEE COUNTY
Deputy Clerk
[Signature]

THIS WARRANTY DEED

FTC-33620-LAW

Made the 6th day of December, A.D. 1996
by PAUL A. REMES
703 S. MAIN ST. APT. G, FOND DU LAC, WI 54935
acquiring title through instrument as recorded in O. R. Book
2777, Page 980 in the public records of LEE County, Florida.
hereinafter called the grantor,
to CHARLES D. BIGGERSTAFF AND TRACY T. BIGGERSTAFF, HUSBAND AND WIFE
whose post office address is:
3103 5TH ST. SW
LEHIGH ACRES, FL 33971

herein called the grantee:
(wherever used herein the terms "grantor" and "grantee" include
all the 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 consideration, receipt whereof
is hereby acknowledged, conveys and confirms unto the grantee,
all that certain land situate in LEE County, Florida, viz:

LOTS 38 AND 39, BLOCK 17, UNIT 7, SECTION 33, 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 87, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT property is vacant land and is not now, nor has it ever
been the homestead property of the grantor. It also is not
contiguous to the present homestead of the grantor.

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; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1996. Subject to easements, restrictions, reservations, conditions and limitations of record in the public records of LEE County, Florida.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Robert A. Post
WITNESS

Paul A. Remes LS
PAUL A. REMES

ROBERT A. POST
PRINTED NAME OF WITNESS

David J. DeBusman
WITNESS (TWO SEPARATE WITNESSES
REQUIRED)

703 S. MAIN ST. APT. G
FOND DU LAC, WI 54935

David J. DeBusman
PRINTED NAME OF WITNESS

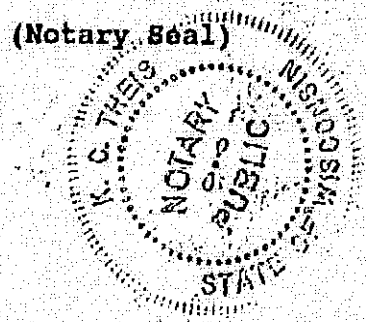
STATE OF WISCONSIN

COUNTY OF FOND DU LAC

The foregoing instrument was acknowledged before me this 16th day of NOVEMBER, 1996 by PAUL A. REMES who is/are personally known to me and did produce acceptable identification being in the form of SS CARD + DRIVERS LICENSE and who did understand the body of this instrument and did sign this instrument of their own free act and deed.

K.C. This
Notary Public
My Commission Expires: is permanent
K.C. THIS
PRINTED NAME OF NOTARY PUBLIC

(Notary Seal)



DR2771 PG0982



Prepared By: Erica M. Selmea
Team Title Insurance, Inc.
4244 Evans Avenue
Fort Myers, FL 33901
incidental to the issuance of a title insurance policy.
File Number: 2-03-1587-es
Parcel ID #: 33-44-26-07-00017.0400

INSTR # 5989493
Official Records BK 04076 PG 4578
RECORDED 09/30/2003 02:54:54 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 126.00
DEPUTY CLERK P Johnston

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 9/17/03 by
R. A. Wigglesworth
whose post office address is P.O. Box 965, Land O Lakes, WI 54540
hereinafter called the GRANTOR, to

Charles D. Biggerstaff and Tracy T. Biggerstaff, Husband and Wife
whose post office address is
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, renounces, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

Lot 40, Block 17, Unit 7, Lehigh Estates, Lehigh Acres, Florida, 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 87, of the Public Records of Lee County, Florida.

Grantor hereby warrants that the property described in this instrument is not his constitutional homestead as provided by the Florida Constitution.

The above described property is vacant land.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2003 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 to 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 TWO WITNESSES:

Witness
Signature: Lona M Nixon
Print Name: LONA M NIXON

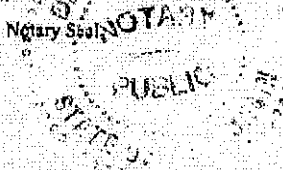
R. A. Wigglesworth
R. A. Wigglesworth

Witness
Signature: William S Ducote
Print Name: WILLIAM S DUCOTE

RECORDER'S MEMO
Legibility of Writing, Typing or
Printing Unsatisfactory in this
Document When Received.

State of Wisconsin
County of Ozaukee

I am a notary public of the State of Wisconsin, and my commission expires _____
THE FOREGOING INSTRUMENT was acknowledged before me on by R. A. Wigglesworth
who is/are personally known to me or who has/have produced _____ as identification and who did/did not take an oath.



Signature: Debra A Kecker
Print Name: _____
Notary Public



October 2, 2003

Mr. Charles D. Biggerstaff
Biggerstaff Enterprises, Inc.
1130 Lee Blvd., Unit B
Lehigh Acres, FL 33936

Re: Strap No. 33-44-26-07-00017.0370,
Strap No. 33-44-26-07-00017.0380,
Strap No. 33-44-26-07-00017.0390, and
Strap No. 33-44-26-07-00017.0400

Dear Mr. Biggerstaff:

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

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 37 and 38, Block 17, Unit 7, Lehigh Estates, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 87, of the Public Records of Lee County, Florida, **LESS** and **EXCEPT** the East 6 feet and the West 6 feet thereof; and

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 38 and 39, Block 17, Unit 7, Lehigh Estates, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 87, of the Public Records of Lee County, Florida, **LESS** and **EXCEPT** the East 6 feet and the West 6 feet thereof; and

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 39 and 40, Block 17, Unit 7, Lehigh Estates, a subdivision of Lehigh Acres as recorded in Plat Book 15, page 87, of the Public Records of Lee County, Florida, **LESS** and **EXCEPT** the East 6 feet and the West 6 feet thereof.

Please call me at (239) 656-2422 if you have any questions.

Sincerely,

Karen Hardin
Real Property Representative

RECEIVED
JAN 20 2004
VAC 2004-00006
COMMUNITY DEVELOPMENT



December 16, 2003

Mr. Charles D. Biggerstaff
Biggerstaff Enterprises, Inc.
1130 Lee Blvd, Unit B
Lehigh Acres, FL 33936

Re: Request for Letter of Review and Recommendation for proposed vacation of the public utility easement between Strap# 33-44-26-07-00017.0370, 33-44-26-07-00017.0380, 33-44-26-07-00017.0390, & 33-44-26-07-00017.0400.

Dear Mr. Biggerstaff:

Florida Power and Light Company does not have any electrical facilities in the referenced PUE to be vacated between lots 37 and 40, Block 17, Unit 7 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 black ink that reads "Mark Hoogwerf". The signature is fluid and cursive.

Mark Hoogwerf
FPL Customer Project Manager

RECEIVED

JAN 26 2004

VAC2004-00006
COMMUNITY DEVELOPMENT



October 23, 2003

Mr. Charles D. Biggerstaff
Biggerstaff Enterprises, Inc.
1130 Lee Boulevard, Unit B
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 37&38, 38&39 and 39&40, Block 17, Unit 7, of Section 33, Township 44S, Range 26E, as recorded in Plat Book 15 at Page 87, of the Lee County public records.
Strap No. 33-44-26-07-00017.0370
Strap No. 33-44-26-07-00017.0380
Strap No. 33-44-26-07-00017.0390
Strap No. 33-44-26-07-00017.0400

Dear Mr. Biggerstaff:

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

RECEIVED

JAN 26 2004

VAC 2004-00006
COMMUNITY DEVELOPMENT



October 2, 2003

Mr. Charles Biggerstaff
Biggerstaff Enterprises Inc.
1130 Lee Blvd – Unit B
Lehigh Acres, Fla. 33936

RE: Vacation of easement
1122, 1124, 1126, 1128 Gunnery Road S
Lehigh Acres, Fla.

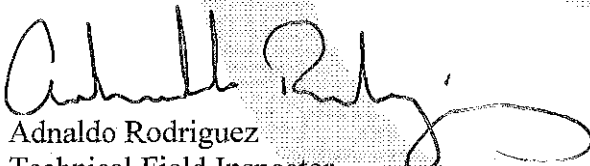
Dear Mr. Biggerstaff:

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

If you have any further questions or concern, please do not hesitate to contact me at (239) 772-2218, Ext. 120.

Sincerely,

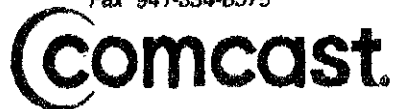
TIME WARNER CABLE


Adnaldo Rodriguez
Technical Field Inspector

AR/sgs

RECEIVED
JAN 26 2004
VAL2004-00000
COMMUNITY DEVELOPMENT

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



October 7, 2003

Charles D. Biggerstaff
Biggerstaff Enterprises Inc.
1130 Lee Blvd, Unit B
Lehigh Acres, Florida 33936

Re: Strap#33-44-26-07-00017.0370 1122 Gunnery Rd,
Strap#33-44-26-07-00017-0380 1124 Gunnery Rd,
Strap#33-44-26-07-00017.0390 1126 Gunnery Rd,
Strap#33-44-26-07-00017-0400 1128 Gunnery Rd,

Dear Mr. Biggerstaff:

This letter will serve to inform you that Comcast has no objection to your request to vacate the above referenced easements, in order to merge the four separate parcels into one and construct a commercial building.

If you should require further assistance or information, please feel free to contact me here.

Cordially,


Lucia Vera
Project Coordinator

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JAN 26 2004

VAC 2004-00006
COMMUNITY

AmeriGas

America's Propane Company

November 14, 2003

Biggerstaff Enterprises Inc.
1130 Lee Blvd, Unit B
Lehigh Acres, Florida 33936
Attn: Charles D. Biggerstaff

Dear Mr. Biggerstaff

In reference to your letter dated September 305, 2003 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 33-44-26-07-00017.0370
STRAP NO.: 33-44-26-07-00017.0380
STRAP NO.: 33-44-26-07-00017.0390
STRAP NO.: 33-44-26-07-00017.0400

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

Sincerely,

Mike Yonker /rf
Mike Yonker
Sales & Service Manager

RECEIVED
JAN 26 2004
VAC 2604-000000
COMMUNITY



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two
October 7, 2003

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Charles D. Biggerstaff
Biggerstaff Enterprises, Inc.
1130 Lee Blvd., Unit B
Lehigh Acres, FL 33936

SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #S: 33-44-26-07-00017.0370, .0380, .0390 & .0400
LOTS 37 THRU 40, BLOCK 17 - LEHIGH ESTATES, UNIT 7
1122-1128 GUNNERY ROAD SOUTH

Dear Mr. Biggerstaff:

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

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

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

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

CC: Correspondence File

RECEIVED

JAN 20 2004

VAC2004-00006
COMMUNITY DEVELOPMENT



November 20, 2003

Mr. Charles D. Biggerstaff
Biggerstaff Enterprises Inc.
1130 Lee Blvd., Unit B
Lehigh Acres, FL 33936

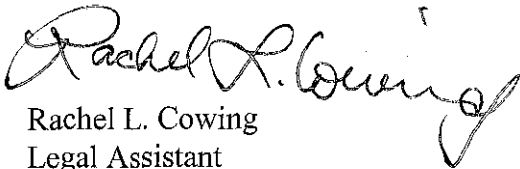
Re: A 12-foot wide drainage and/or utility easement centered on the lot line common to lots 37 & 38, A 12-foot wide drainage and/or utility easement centered on the lot line common to lots 38 & 39, A 12-foot wide drainage and/or utility easement centered on the lot line common to lots 39 & 40 Lehigh Estates Unit 7, Block 17, as recorded in Plat Book 15, Page 87 of the Public Records of Lee County, Florida.

Dear Mr. Biggerstaff:

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

rlc

RECEIVED
JAN 26 2004
VACATION
COMMUNITY DEVELOPMENT



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____
239 479-8440

Bob Janes
District One

Douglas R. St. Cerny
District Two **March 16, 2004**

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

CHARLES & TRACY BIGGERSTAFF
3103 SW 5th ST.,
LEHIGH ACRES, FL 33971

Re: VAC2004-00006 - Petition to Vacate a 12-foot wide Public Utility Easement on the combined lots of 37 and 38, 38 and 39, and 39 and 40 Lehigh Estates, Block 17, Unit 7, Lehigh Acres, as recorded in Plat Book 15, Page 87, in the Public Records of Lee County, FL.

Dear Mr. & Mrs. Biggerstaff:

You have indicated that in order to construct a commercial building on the combined four (4) lots, you desire to eliminate the Public Utility Easement located between these lots. This will only vacate the public interest in the utility easement at the location identified above.

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:\200403\20040120.151\6335000\DEVELOPMENT REVIEW RECOMMENDS.WPD

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00006**

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. VAC2004-00006 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

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
VAC2004-00006

Legal Description of the **Public Utility Easement** to be vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 37 and 38, 38 and 39, and 39 and 40; all in Block 17, Unit 7, Section 33, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 87 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six-feet (6') and the westerly six-feet (6') thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00006

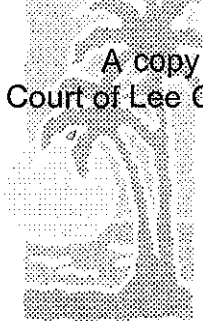
TO WHOM IT MAY CONCERN:

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

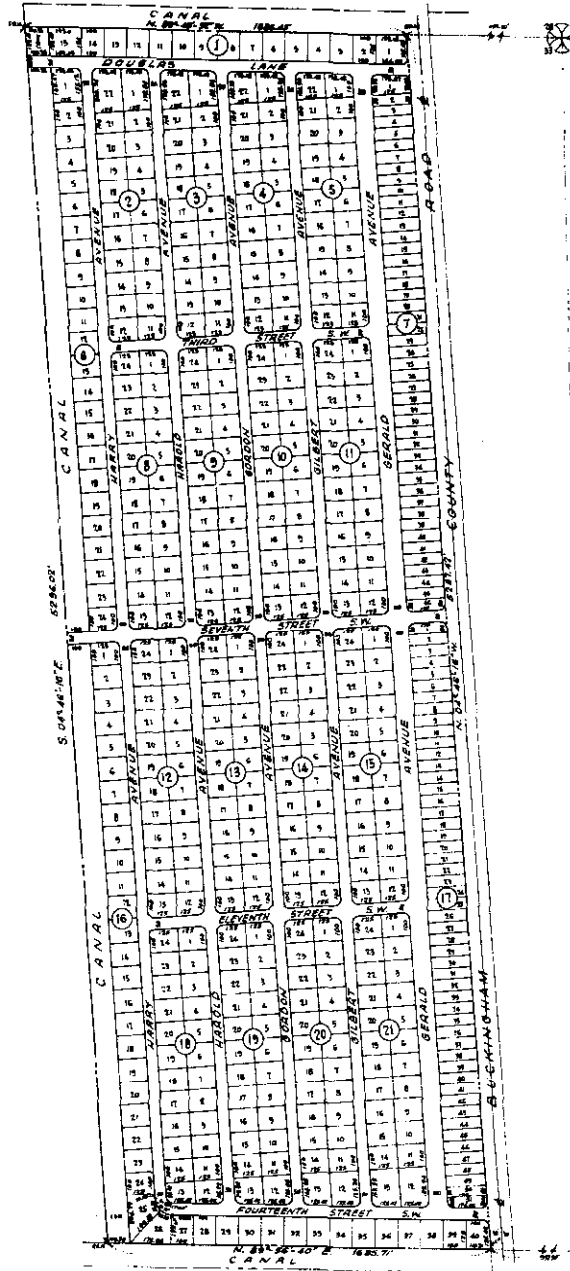
Please Print Name

EXHIBIT "A"
Petition To Vacate
VAC2004-00006

Legal Description of the **Public Utility Easement** to be vacated:

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LESS and EXCEPT the easterly six-feet (6') and the westerly six-feet (6') thereof.



UNIT 7
LEHIGH ESTATES
 A SUBDIVISION OF
LEHIGH ACRES
 LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO., DEVELOPERS

Scale: 0 100 200 300 400

August 1959

DESCRIPTION

The East 1680 feet, measured at right angles to the West right of way line of Buckingham County Road, of that part of Section 33, Township 44 South, Range 26 East, lying West of said Buckingham County Road.

SURVEYORS CERTIFICATE

I the undersigned hereby certify that the plat as shown is a correct representation of the land platted and that permanent reference monuments have been placed as shown.

R. L. [Signature]
 Florida Registered Land Surveyor
 No. 1198

NOTE:

All lots subject to a 6 foot Utility Easement, both sides, front, and back.
 Interior P.R.M.s are 4"x4"x24" concrete.
 Section corner P.R.M.s are 6"x6"x36" concrete.
 Unless otherwise stated, all intersections will have a 25 foot radius, but lot distances are given to the straight line intersections except where arc distances are shown.

REMARKS:
 DIMENSIONS, BEARINGS, LOT AND LAND LINES ON DRAWING OR LATEST DATA SHALL GOVERN.



BIGGERSTAFF ENTERPRISES INC.

1130 LEE BLVD., UNIT B
LEHIGH ACRES FL 33936
PHONE: 239-368-6363 FAX: 239-368-7863

March 15, 2004

Ms. Ruth Keith, Development Review Technician
Lee County Department of Community Development
PO Box 398
Fort Myers, FL 33902

Re: **VAC2004-00006 - Petition to Vacate a 12-foot wide Public Utility Easement on the combined lots of 37 and 38, 38 and 39, and 39 and 40 Lehigh Estates, Block 17, Unit 7, Lehigh Acres, as recorded in Plat Book 15, Page 87, in the Public Records of Lee County, FL.**
Additional Information as Requested

Dear Ms. Keith,

Please be advised we are requesting to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the utility easement at the location identified above in order to accomplish the following purpose:

We wish to merge the four separate parcels into one and construct a commercial building (office / warehouse facility) for our company's use.

Please process accordingly and Petition for scheduling the Public Hearing.

Should you need any additional information, please do not hesitate to contact me.

Sincerely,



Charles D. Biggerstaff
Owner

