

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 767 Barnum Ave S., Lehigh Acres, FL 33936, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 11th day of May, 2004. (Case No. VAC2004-00008)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. **The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.**

WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #: 5

C4A

3. MEETING DATE:

04-13-2004

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

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

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

A. COMMISSIONER
B. DEPARTMENT Community Development
C. DIVISION Development Services
BY: *[Signature]* 3/23/04
Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00008 was submitted by I&E Homes, Inc. as the agent for Michael K. and Cynthia L. O'Hara.

LOCATION: Petition No. VAC2004-00008 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of the each easement. The site is located at 767 Barnum Ave S., Lehigh Acres, FL 33936.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager								
<i>[Signature]</i>	N/A	N/A	N/A	<i>John J. [Signature]</i> 3-26-04	<table border="1"> <tr> <td>OA</td> <td>OM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td><i>[Signature]</i> 3/30/04</td> <td><i>[Signature]</i> 3/30/04</td> <td><i>[Signature]</i> 3/30/04</td> <td><i>[Signature]</i> 3/30/04</td> </tr> </table>	OA	OM	Risk	GC	<i>[Signature]</i> 3/30/04	<i>[Signature]</i> 3/30/04	<i>[Signature]</i> 3/30/04	<i>[Signature]</i> 3/30/04	<i>[Signature]</i>
OA	OM	Risk	GC											
<i>[Signature]</i> 3/30/04	<i>[Signature]</i> 3/30/04	<i>[Signature]</i> 3/30/04	<i>[Signature]</i> 3/30/04											

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 3/25/04
Time: 3:55
Forwarded To:
Co. Adam
3/26/04 4PM

RECEIVED BY
COUNTY ADMIN: *[Signature]*
3/26/04
4:20pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
3/31/04



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00008

Petitioner(s), Michael & Cynthia O'Hara
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, P.O. Box 1361, Lehigh Acres, Fl. 33970
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:

Petitioner Signature

Petitioner Signature

Michael K O'Hara
Printed Name

Cynthia L O'Hara
Printed Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00008

Legal Description of Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida;

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

SKETCH OF DESCRIPTION

OF
A PARCEL OF LAND
LYING IN
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA

NOTES:

SKETCH BASED ON THE RECORDED PLAT BOOK 18 PAGE 75.

BEARINGS BASED ON THE CENTERLINE OF BARNUM AVE. AS BEARING
S.00°30'09"E.


PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND
RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN & UNWRITTEN).

Exhibit "B"
Petition to Vacate
VAC2004-00008
[Page One of One]

*** THIS IS NOT A SURVEY ***

Dennis J. O'Connell
DENNIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER L# 5430 DATE SIGNED 1/27/04

LOTS 11 & 12, BLOCK 29,
LEHIGH ACRES, UNIT 5

TITLE: SKETCH OF DESCRIPTION			
 METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB# 7071 www.metrotnfl.com		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457	
FILE NAME: 4802SK1.DWG	FIELD BOOK/PAGE: N/A	PROJECT NO.:	ISSUE:
1-27-2004	DJO	4802	2 OF 2
SURVEY DATE:	DRAWN BY:	SCALE:	CHECKED BY:
1-27-2004	DJO	1" = 40'	DJO
			FILE NO. (S-T-R) 22-45-27

Curve number 1
Radius= 508.33'
Delta= 18°45'00"
Arc= 148.02'
Tangent= 74.54'
Chord= 147.80'
Chord Brg.= N.08°52'39"W.

Curve number 2
Radius= 631.33'
Delta= 18°45'00"
Arc= 184.86'
Tangent= 92.95'
Chord= 183.91'
Chord Brg.= S.08°52'39"E.

Curve number 3
Radius= 481.33'
Delta= 18°45'00"
Arc= 140.71'
Tangent= 70.86'
Chord= 140.21'
Chord Brg.= S.08°52'39"E.

Curve number 4
Radius= 481.33'
Delta= 08°17'09"
Arc= 78.01'
Tangent= 39.09'
Chord= 77.92'
Chord Brg.= S.21°53'44"E.

LEGEND

- P.T. = POINT OF TANGENCY
- P.C. = POINT OF CURVE
- P.I. = POINT OF INTERSECTION
- P.R.C. = POINT OF CURVE
- R/W = RIGHT-OF-WAY
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- P.B. = PLAT BOOK
- (P) = PLAT

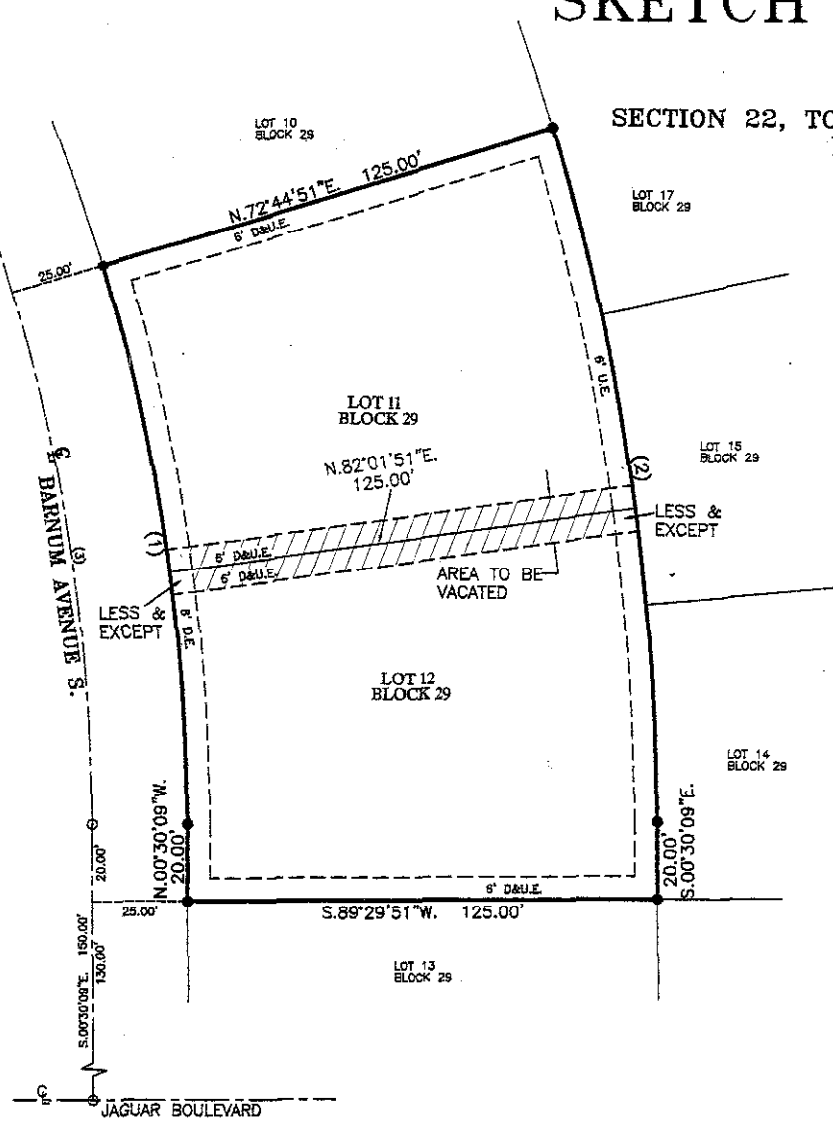


Exhibit "C"

Petition to Vacate

VAC2004-00008

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

Your search for 22452705000290110 has returned 8 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	<input type="button" value="Details"/>
22-45-27-05-00029.0110	2003	OHARA MICHAEL + CYNTHIA 767 BARNUM AVE S	PAID	<input type="button" value="Details"/>
22-45-27-05-00029.0110	2002	OHARA MICHAEL + CYNTHIA 767 BARNUM AV S	REDEEM	<input type="button" value="Details"/>
22-45-27-05-00029.0110	2001	PRICE WM O + MARY LOU 767 BARNUM AV S	REDEEM	<input type="button" value="Details"/>
22-45-27-05-00029.0110	2000	PRICE WM O + MARY LOU 767 BARNUM AV S	REDEEM	<input type="button" value="Details"/>
22-45-27-05-00029.0110	1999	PRICE WM O + MARY LOU 767 BARNUM AV S	REDEEM	<input type="button" value="Details"/>
22-45-27-05-00029.0110	1998	PRICE WM O + MARY LOU	REDEEM	<input type="button" value="Details"/>
22-45-27-05-00029.0110	1997	PRICE WM O + MARY LOU	REDEEM	<input type="button" value="Details"/>
22-45-27-05-00029.0110	1996	PRICE WM O + MARY LOU	REDEEM	<input type="button" value="Details"/>

This Instrument Prepared by & return to:

Name: Micki Regas
Tradewinds Title, Inc.
Address: 904 Lee Blvd., Suite 106
Lehigh Acres, FL 33936
58038

Parcel I.D. #: 22-45-27-05-00029.0110

Rec. 10.50 DS. 80.50

SPACE ABOVE THIS LINE FOR PROCESSING DATA

INSTR # 5946088

Official Records BK 04040 PG 2029

RECORDED 08/26/2003 04:51:23 PM

CHARLIE GREEN, CLERK OF COURT

LEE COUNTY

RECORDING FEE 10.50

DEED DOC 80.50

DEPUTY CLERK P Johnston

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 15th day of August, A.D. 2003,

by **WILLIAM O. PRICE**, an unmarried widower, hereinafter called the grantor, to
* and **CYNTHIA L. O'HARA**, Husband and wife,
MICHAEL K. O'HARA, whose post office address is* hereinafter called the grantee:
*860 S. Main St., Labelle, FL 33935.

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

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

Lots 11 and 12, Block 29, Unit 5, Section 22, Township 45 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 18, Page 75, Public Records, Lee County, Florida.

SUBJECT TO TAXES FOR THE YEAR 2003 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, 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 he is lawfully seized of said land in fee simple; that he has good right and lawful authority to sell and convey said land, and 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, 1999.

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

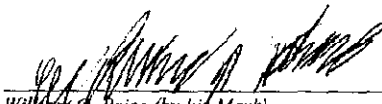
Signed, sealed and delivered in the presence of:


Witness Signature as to the Mark of William O. Price

Cheryl Curson
Printed Name


Witness Signature as to the Mark of William O. Price

NOAH JENNINGS
Printed Name


L.S.
William O. Price (by his Mark)
Address:
Box 115, St. Elmo, IL 62458

The undersigned parties, personally known to William O. Price herein affirm that William O. Price, being of sound mind, executed this document in our presence, with the full knowledge of the content and consequences of same.

[Signature]
Witness Signature

Cheryl Carson
Printed Name

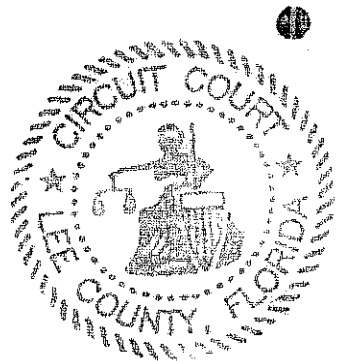
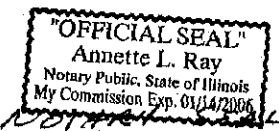
[Signature]
Witness Signature

RODH JENNINGS
Printed Name

State of Illinois
County of Fayette

The foregoing instrument was acknowledged before me this 15th day of August, 2003, by William O. Price, and Cheryl Carson and RODH JENNINGS witnesses as to the, Mark of William O. Price, who is known to me or who has produced Illinois driver's license identification and who did (did not) take an oath.

[Signature]
Signature of Acknowledger
My commission expires 01/14/2006



I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE CHARLIE GREEN, CLERK CIRCUIT COURT LEE COUNTY, FLORIDA
DATED: January 22, 2004
BY: [Signature]
Deputy Clerk



December 30, 2003

Richard Lance Jackson
I&E Homes, Inc.
P. O. Box 1361
Lehigh Acres, FL 33936

Re: 767 Barnum Ave. S., Lehigh Acres

Dear Mr. Jackson:

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

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 11 and 12, Block 29, Unit 5, a subdivision of Lehigh Acres, as recorded in Plat Book 18, page 75, 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 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin
Real Property Representative

301 Tower Road
Naples, FL 34113
Collier: (239)-732-3861
Lee: (239)-432-1861
FAX: 239-334-8575



December 30, 2003

Richard Lanee
I&E Homes, Inc.
P.O. Box 1361
Lehigh Acres, Fl. 33936

Re: Vacation of Utility Easement located at 767 Barnum Ave., Lehigh Acres, Florida
33936 Lots 11 & 12 Blk 29 Unit 5.

Dear Mr. Lanee:

Comcast Communications has reviewed the plans of the above referenced properties. Comcast has no objection to the vacation of the easement as indicated on the attached sketch.

If I can be of any additional information regarding this project, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stanton". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Stanton
Design Department



January 12, 2004

Richard Lance Jackson
I & E Homes, Inc.
P.O. Box 1361
Lehigh Acres, Fla. 33936

RE: Vacation of easement
767 Barnum Ave S, Lehigh Acres, Fla. 33936

Dear Mr. Jackson:

Your request for the above listed vacation of easement has been reviewed. 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 vacation of right of way.

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/ss

AmeriGas

America's Propane Company

December 30, 2003

Richard Lance Jackson
I & E Homes, Inc.
P.O. Box 1361
Lehigh Acres, Florida 33936

Dear Mr. Jackson:

In reference to your letter dated October 10, 2003 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 22-45-27-05-00029.0110

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

Sincerely,


Mike Yonker
Sales & Service Manager



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

December 19, 2003

**Richard Lance Jackson
I & E Homes, Inc.
P.O. Box 1361
Lehigh Acres, Fl. 33936**

**SUBJECT: PETITION TO VACATE AN EASEMENT BETWEEN TWO PARCELS
767 BARNUM AVE S., LEHIGH ACRES, LOTS 11 & 12**

Dear Mr. Jackson:

Lee County Utilities has reviewed the easement described in your letter of December 17, 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. Their phone number is (239) 368-1615 x 10.

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Senior Engineering Tech.
UTILITIES ENGINEERING

S:\UTILS\Engr\MMMM\LETTERS\VACATION\NOT WITHIN LCU SERVICE AREA\767 BARNUM AVE S - LEHIGH ACRES - NO-OBJECTION.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



January 6, 2004

Mr. Richard Lance Jackson
I&E Homes, Inc.
P. O. Box 1361
Lehigh Acres, Florida 33970

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 11 & 12, Unit 5, Block 29 of Section 22, Township 45S, Range 27E.
Strap No. 22-45-27-05-00029.0110
Address: 767 Barnum Avenue South, Lehigh Acres, Florida

Dear Mr. Jackson:

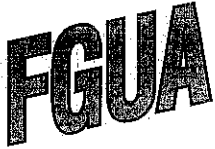
Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility easement at the Lehigh Acres location.

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



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

614 N. Wymore Road, Winter Park, Florida 32789, Ph: (407) 629-6900, Fax: (407) 629-6963, E-mail: FGUA@FGUA.com

January 19, 2004

Mr. Richard Lance Jackson
I & E Homes, Inc.
P.O. Box 1361
Lehigh Acres, FL 33970

RE: Vacation of Easement

Dear Mr. Jackson:

It is my pleasure to inform you that your request for an easement vacation at 767 Barnum Avenue South, Lehigh Acres, Florida as illustrated in the documents that you had provided, was unanimously approved by the FGUA Board of Directors at its January 15, 2004 meeting.

Please do not hesitate to contact me at 407-629-6900 or csweat@govmserv.com should you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, reading "Charles L. Sweat". The signature is written in black ink and is positioned above the typed name and title.

Charles L. Sweat
FGUA Director of Operations

CLS/fd



BOARD OF COUNTY COMMISSIONERS

479-8440

Writer's Direct Dial Number: _____

Bob Janes
District One

March 23, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

MICHAEL & CYNTHIA O'HARA
P.O. BOX 1361,
LEHIGH ACRES, FL 33970

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Re: VAC2004-00008 - Petition to vacate a 12-foot wide Public Utility centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, S22, T45 South, R27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of the each easement

Dear Mr. & Mrs. O'Hara:

You have indicated that in order to build a single-family residence on the combined two (2) lots, you desire to eliminate the Public Utility Easement located between those lots located at 13731 and 13711 Metropolis Avenue, Lehigh Acres. 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:\200402\20040205.122\3039680\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One
Tuesday, December 30, 2003

Douglas R. St. Cerny
District Two
Mrs. Julie Kirchmeyer
P.O. Box 1361
Lehigh Acres, FL 33970

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

Re: Petition to Vacate a twelve (12) foot wide public utility & drainage easements common to Lots 11 & 12, Block 29, Unit 5, Lehigh Acres Subdivision, as recorded in Plat Book 18 Page 75, in the public records, Lee County, Florida.

Dear Mrs. Kirchmeyer:

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

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac403.doc

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00008**

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. VAC2004-00008 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
VAC2004-00008

Legal Description of Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida;

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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00008

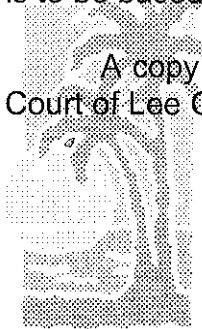
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of May 2004 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.



LEE COUNTY

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

S O U T H W E S T F L O R I D A

EXHIBIT "A"
Petition to Vacate
VAC2004-00008

Legal Description of Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 11 and 12; Block 29, of the Plat of Unit 5, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 75 of the Public Records of Lee County, Florida;

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



PLAT OF UNIT 5
SECTION 22, TWP 45S., RGE. 27E.
A SUBDIVISION OF
LEHIGH ACRES

LEE COUNTY, FLORIDA



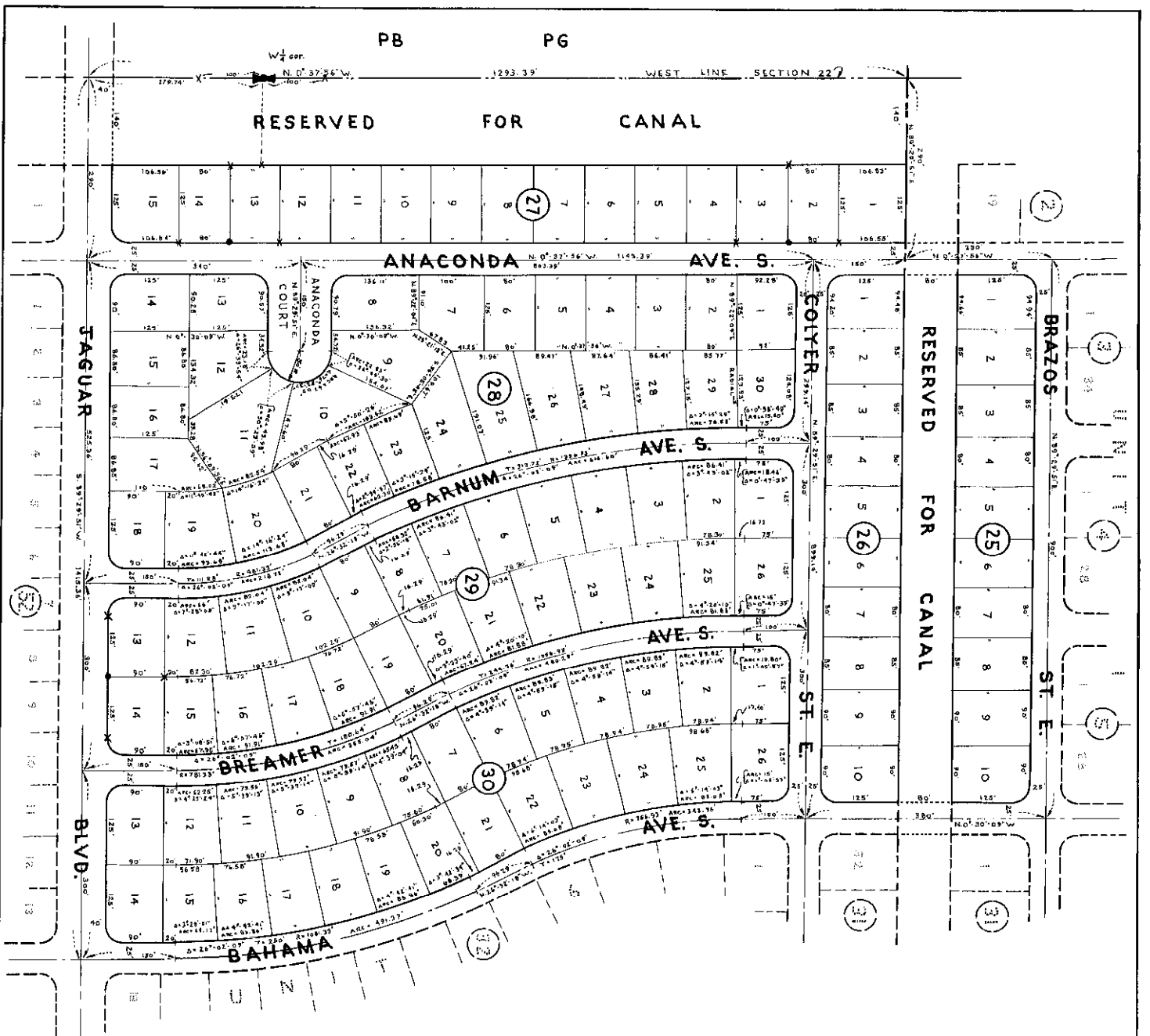
SCALE IN FEET

All lots subject to a 6 foot Utility Easement on both sides and back, and a 6 foot Drainage Easement on the front and sides of lots on 50 foot R/W
Interior P.R.M.s are 4" x 4" x 24" concrete.

*Denotes P.R.M.s

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

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





www.IE-Florida.com

January 6, 2004

Department of Community Development
Attn: Peter J. Eckenrode
Director Development Services
1500 Monroe St.
Ft. Myers, FL. 33905

Re: A request for vacation of easement.

To Whom It May Concern:

Purpose is to combine two (2) lots into one for future building site of a Single Family Home.

Strap #: 22-45-27-05-00029.0010.

Lots 11&12 Block 29

Street Address: 767 Barnum Ave. S., Lehigh Acres, FL. 33936

Contact person regarding this letter would be either Julie Kirchmeyer or Lance Jackson. We can be reached at the number listed below if you have any questions or concerns.

Signed,

x

Michael K. and Cynthia L. O'Hara
P.O. Box 1361
Lehigh Acres, FL. 33970
(239)369-8389

Corporate Office:
1140 Loo Boulevard
Suite 101-102
Lehigh Acres, FL 33936

Mailing Address:
Post Office Box 1361
Lehigh Acres, FL 33970

Phone: (239) 369-8389
Toll-free US and Canada:
1-888-668-2722
Fax: (239) 369-6282

I&E Group, Inc.
I&E Homes, Inc., CGC 059631
I&E Realty, Inc.
Incoming & Entertainment, Inc.
I&E Drafting Team, Inc.
I&E Aircraft Rental, Inc.

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Michael & Cynthia O'Hara and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate LEE HOMES, INC. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner (signature) _____
Printed Name Michael O'Hara

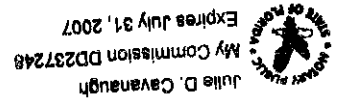
Owner (signature) _____
Printed Name Cynthia O'Hara

Owner (signature) _____
Printed Name _____

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 11th day of March, 2004, by Michael & Cynthia O'Hara, who is personally known to me or who has produced as identification and who did (or did not) take an oath.

Notary Public
Julie D. Cavanaugh
(Name typed, printed or stamped)
Julie D. Cavanaugh



(SEAL)

00028 0070

00028 0300

00029 0010

00029 0250

00030 0010

00028 0290

00028 0280

00029 0030

00029 0230

00028 0270

00029 0040

00030 0030

00028 0260

00029 0050

00029 0220

00028 0250

00029 0060

00029 0210

00030 0040

00028 0240

00029 0070

00029 0200