

1. **REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate two (2) 12-foot wide Public Utility Easement located at 5600, 5594 and 5584 6<sup>th</sup> Street West, Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 8<sup>th</sup> day of June, 2004. (Case No. VAC2004-00020)

**WHY ACTION IS NECESSARY:** Future construction of a commercial building on 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:**  
**COMMISSION DISTRICT #:** 5

04

C4B

3. **MEETING DATE:**

05-18-2004

4. **AGENDA:**

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

5. **REQUIREMENT/PURPOSE:**  
(Specify)

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

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 4/29/04

Peter J. Eckenrode, Director

7. **BACKGROUND:**

The completed petition to vacate, VAC2004-00020 was submitted by Janet Tripp, as the agent on behalf of David G. and Dawn L. Foote.

**LOCATION:** Petition No. VAC2004-00020 proposes to vacate two (2) 12-foot wide Public Utility Easement centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement. The site is located at 5600, 5594 and 5584 6<sup>th</sup> Street West, Lehigh Acres, Florida 33971 and its strap number is 30-44-26-01-00009.0040, 30-44-26-01-00009.0050 and 30-44-26-01-00009.0060

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

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

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

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OM	Risk	GC		
<i>Mary Galtis</i>	N/A	N/A	N/A	<i>John Dreger 5-3-04</i>	<i>1/20 5/4/04</i>	<i>5/4/04</i>	<i>5/4/04</i>	<i>5/4/04</i>	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 4/30/04  
Time: 4:25  
Forwarded To:  
*Co. Admin.*

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
05/03/04  
4:50 PM SLT  
COUNTY ADMIN  
FORWARDED TO:  
*[Signature]*  
5/16/04  
SAM

BK

Dos 2002-00146 30 44 2601 00009.0040 - 5600 6th St W. Lehigh  
30 44 2601 00009.0050  
30 44 2601 00009.0060

**PETITION TO VACATE**

Case Number: VAC 2004-00020

Petitioner(s), David G. Foote AND Dawn L. Foote  
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, 6091 Greenbriar Farms Rd.  
Ft. Myers, FL. 33905
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted,

By:

[Signature]  
Petitioner Signature

David G. Foote  
Printed Name

By:

[Signature]  
Petitioner Signature

Dawn L. Foote  
Printed Name

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 David G. and Dawn L. Foote 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 Janet Tripp 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.

[Signature]  
Owner\*(signature)

David G. Foote  
Printed Name

[Signature]  
Owner\*(signature)

Dawn L. Foote  
Printed Name

Owner\*(signature)

Printed Name

Owner\*(signature)

Printed Name

Owner\*(signature)

Printed Name

Owner\*(signature)

Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 20th day of April, 2004, by David G and Dawn L. Foote, who is personally known to me or who has produced N/A as identification and who did take an oath.

(SEAL)



[Signature]  
Notary Public

Rodger M. Schrecengost  
(Name typed, printed or stamped)

**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00020

**Legal Description of the Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.

Exhibit "B"  
Petition to Vacate  
VAC2004-00020  
[Page One of One]

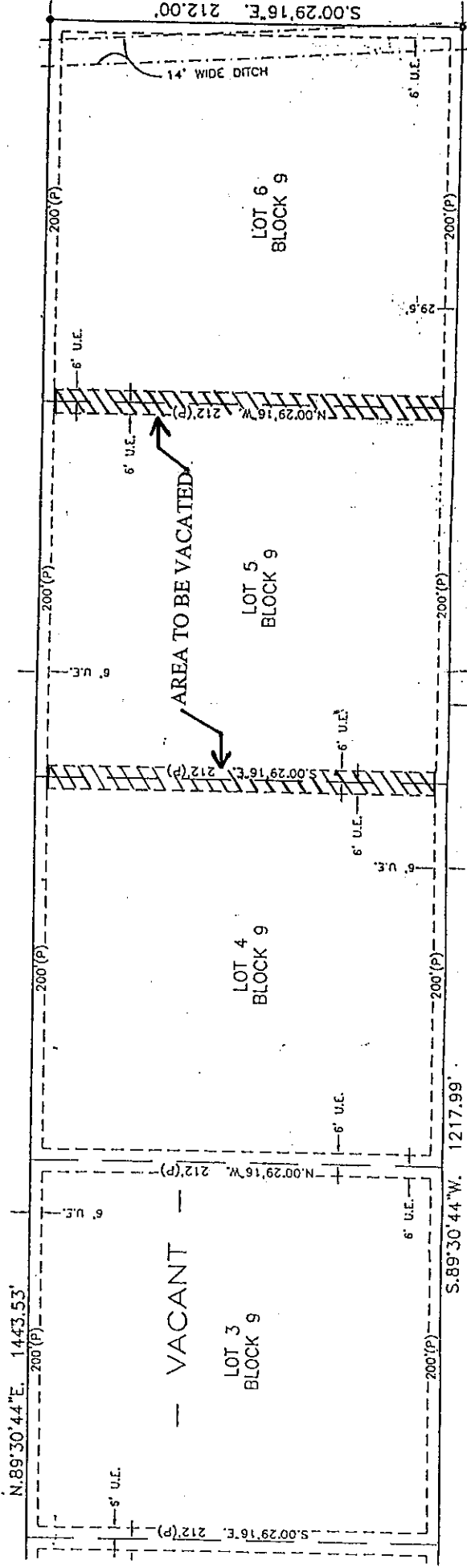
SCALE: 1 inch = 80 feet



PLAT OF  
UNIT I  
LEHIGH ESTATES  
A SUBDIVISION OF  
**LEHIGH ACRES**  
LEE COUNTY, FLORIDA

RECORDED IN PLAT BOOK 15,  
PAGE 81 OF THE PUBLIC RECORDS,  
LEE COUNTY, FLORIDA

ANGELFISH CANAL



SIXTH STREET S.W.

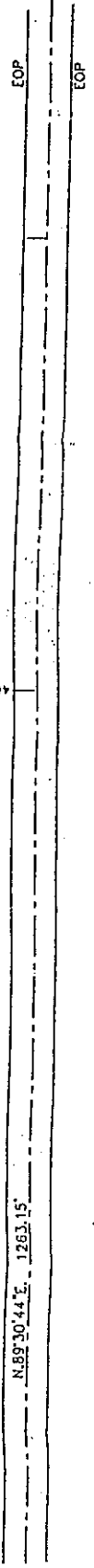




Exhibit "C"  
 Petition to Vacate  
 VAC2004-00020  
 [Page One of Three]

View  
 Save as File  
 View file format.

Search By:

Tax Year:




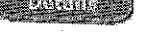
Account:   Extensive Search





Page 1 of 1  
4 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance
30-44-26-01-00009.0040	2003	FOOTE DAVID G + DAWN L 5600 6TH ST W	PAID 
30-44-26-01-00009.0040	2002	FOOTE DAVID G + DAWN L 5600 6TH ST W	PAID 
30-44-26-01-00009.0040	2001	FOOTE DAVID G + DAWN L 5600 6TH ST W	PAID 
30-44-26-01-00009.0040	2000	ATLANTIC ENGINEERING CO LLC C/O JIM FIER 5600 6TH ST W	PAID 

Page 1 of 1  
4 matches



Exhibit "C"  
 Petition to Vacate  
 VAC2004-00020  
 [Page Two of Three]

View  
 Save as File  
 View file format.

**Search By:**

**Tax Year:**

**Account:**   Extensive Search














Page 1 of 1  
4 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance
30-44-26-01-00009.0050	2003	FOOTE DAVID G + DAWN L 5594 6TH ST W	PAID 
30-44-26-01-00009.0050	2002	FOOTE DAVID G + DAWN L 5594 6TH ST W	PAID 
30-44-26-01-00009.0050	2001	FOOTE DAVID G + DAWN L 5594 6TH ST W	PAID 
30-44-26-01-00009.0050	2000	ATLANTIC ENGINEERING CO LLC C/O JIM FIER 5594 6TH ST W	PAID 

Page 1 of 1  
4 matches

Exhibit "C"  
 Petition to Vacate  
 VAC2004-00020  
 [Page Three of Three]


View  
 Save as File  
 View file format.

**Search By:**

**Tax Year:**

**Account:**   Extensive Search

**Start Search**



**View Cart**

**Checkout**

**Help**

Page 1 of 1  
4 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance
30-44-26-01-00009.0060	2003	FOOTE DAVID G + DAWN L 5584 6TH ST W	PAID <a href="#">Details</a>
30-44-26-01-00009.0060	2002	FOOTE DAVID G + DAWN L 5584 6TH ST W	PAID <a href="#">Details</a>
30-44-26-01-00009.0060	2001	FOOTE DAVID G + DAWN L 5584 6TH ST W	PAID <a href="#">Details</a>
30-44-26-01-00009.0060	2000	ATLANTIC ENGINEERING CO LLC C/O JIM FIER 5584 6TH ST W	PAID <a href="#">Details</a>

Page 1 of 1  
4 matches



INSTR # 9490696  
OR BK 03673 PG 4611  
RECORDED 06/27/2002 09:59:16 AM  
CHARLES GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 1,157.00  
DEPUTY CLERK & Cartwright

THIS INSTRUMENT PREPARED BY:  
GUARDIAN TITLE SERVICES CORPORATION  
Shora L. Bastian  
3501 DEL PRADO BOULEVARD, SUITE 303  
CAPE CORAL, FLORIDA 33904

STRAP NO: 30-44-26-01-00009.0040,.0050,.0060  
GRANTEE'S SOCIAL SECURITY NO:

**THIS WARRANTY DEED** Made and executed this 21st of June A.D. 2002, by:

**Atlantic Engineering Company, LLC, a Florida Limited Liability Company**

a corporation existing under the laws of the State of Florida, and having its principal place of business at: 15210 Wayzata Blvd. c/o Jim Fier, Wayzata, MN 55391

hereinafter called the grantor, to

**David G. Foote and Dawn L. Foote**

whose Post Office address is: 5091 Greenbrier Farms Road  
Fort Myers, FL 33905

hereinafter called the grantees:

[Whenever 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 considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees, all that certain land situate in Lee County, Florida, viz:

**Lots 4, 5 and 6, Block 9, Plat of Unit 1, Lehigh Estates, Section 30, Township 44 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 15, Page 81, in the Public Records of Lee County, Florida.**

**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 grantees that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey such land; that it hereby warrants the title to such 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 and assessments for the year 2000 and thereafter, conditions, restrictions, easements and limitations of record, and to all zoning rules and regulations and to any other laws, ordinances, rules and regulations of any governmental authority or otherwise.

**IN WITNESS WHEREOF**, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

(CORPORATE SEAL)

**Atlantic Engineering Company,  
LLC, a Florida Limited Liability Company**

By: **Estero Engineering, LLC**  
a Florida Limited Liability  
Company

  
Richard Neslund, President

Signed, sealed, and delivered in the presence of:

SB Bastian  
Witness #1

Also Print: Sherril Bastian

Erin K. Miller  
Witness #2

Also Print: ERIN K. MILLER

STATE OF FLORIDA

COUNTY OF Lee

EXECUTION OF the foregoing instrument was acknowledged before me this 19th day of June, 2002, by Richard Neslund, President of Atlantic Engineering Company, LLC, a Florida Limited Liability Company, By: Estero Engineering, LLC a Florida Limited Liability Company, on behalf of the corporation, who is personally known to me or has produced sufficient evidence of identification (described below), and who did not take an oath.

Description of Identification produced: Driver License

SB Bastian  
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME - \_\_\_\_\_

(SEAL)

COMMISSION NO. - \_\_\_\_\_

COMMISSION EXP. DATE - \_\_\_\_\_

Notary Name/Commission No./Exp. Date - typed or printed

FILE NUMBER: C96167W



Sherril Bastian  
MY COMMISSION # CC917544 EXPIRES  
March 12, 2004  
BONDED THRU TROY FARM INSURANCE, INC.



October 22, 2003

Mr. Dave Foote  
6091 Greenbriar Farms Rd  
Fort Myers, Florida 33905

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement  
centered on the lot line common to lots 4 & 5 and lots 5 & 6,  
Block 9, Unit 1, of Section 30, Township 44 South, Range  
26 East.

Strap #30-44-26-01-00003.0040

Strap #30-44-26-01-00009.0050

Strap #30-44-26-01-00009.0060

Dear Mr. Foote:

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*

Wayneth Jackson  
Engineer



November 7, 2003

Mr. Dave Foote  
6091 Greenbriar Farms Road  
Fort Myers, FL 33905

**Re: Strap #30-44-26-01-00003.0040**  
**Strap #30-44-26-01-00009.0050**  
**Strap #30-44-26-01-00009.0060**

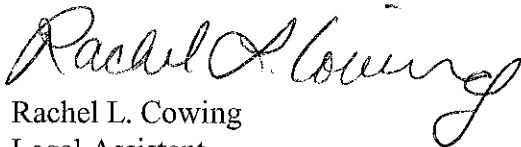
A 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 4 & 5 and a 12-foot wide drainage and/or utility easement centered on the lot line common to Lots 5 & 6, Block 9, Lehigh Estates Unit 1, Section 30, Township 44 South, Range 26 East, Lee County, Florida.

Dear Mr. Foote:

Please be advised that Florida Water Services Corporation has reviewed the above-referenced request for a vacation of easement. We have no objection to the vacation of easement as described above.

Please call me at (407) 598-4187, if you need any additional information or other assistance.

Sincerely,

  
Rachel L. Cowing  
Legal Assistant

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



October 7, 2003

Dawne Foote  
6091 Greenbriar Farms Road  
Fort Myers, Florida 33905

Re: 5594 6<sup>th</sup> Street West, Lehigh Acres, Florida 33971  
Strap#30-4426-01-00003.0040.  
Strap#30-44-26-01-00009.0050  
Strap#30-44-26-01-00009.0060.

Dear Ms. Foote:

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

Should you require additional information or assistance, please feel free to contact me here.

Cordially,

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

Lucia Vera  
Project Coordinator



Florida Power & Light Company

October 20, 2003

Foote  
6091 Greenbriar Farms Rd  
Fort Myers, FL 33905

Re: Request for Letter of Review and Recommendation for proposed vacation of PUE between Strap numbers: 30-44-26-01-00009.0040, 30-44-26-01-00009.0050, 30-44-26-01-00009.00060.

Dear Sir and Madam:

Florida Power and Light Company has facilities within the PUE to be vacated between lots 5 and 6. However FPL has no objection to this proposed vacation provided an easement for the facilities is simultaneously granted to FPL, or the total cost to relocate the facilities is paid to FPL prior to the vacation.

If you have any questions or concerns, please call me at (239) 415-1316.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mark Hoogwerf'.

Mark Hoogwerf  
FPL Customer Project Manager

VAC 2004-00020  
RECEIVED  
vve  
APR 14 2003  
6-17-04  
COMMUNITY DEVELOPMENT

Work Request No. N/A

Sec. 30, Twp 44 S, Rge 26 E

Parcel I.D. \_\_\_\_\_  
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 7/94

### EASEMENT

This Instrument Prepared By

Name: MARK HOOGWERE  
Co. Name: Florida Power & Light Company  
Address: 15834 WINKLER RD  
FORT MYERS, FL

pg 1 of \_\_\_\_\_

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement \_\_\_\_\_ feet in width described as follows:

Reserved for Circuit Court

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
(Witness' Signature)  
Print Name: \_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Witness' Signature)  
Print Name: \_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Corporate's name)  
By: \_\_\_\_\_  
(President's signature)

Print Name: \_\_\_\_\_  
Print Address: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Secretary's signature)

Print Name: \_\_\_\_\_  
Print Address: \_\_\_\_\_

(Corporate Seal)

STATE OF \_\_\_\_\_ AND COUNTY OF \_\_\_\_\_. The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, and \_\_\_\_\_ respectively the \_\_\_\_\_ President and \_\_\_\_\_ Secretary of \_\_\_\_\_, a \_\_\_\_\_ corporation, on behalf of said corporation, who are personally known to me or have produced \_\_\_\_\_ as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires:

\_\_\_\_\_  
Notary Public, Signature

Print Name \_\_\_\_\_



Florida Power &amp; Light Company

October 22, 2003

FOOTE  
ATTN: JANET

RE: 6<sup>TH</sup> ST EASEMENT

Dear: MADAM

Enclosed is the easement form required by FPL to provide electric service to the above referenced facility. Please complete the instrument according to the following instructions. DESCRIBE, EXECUTE and RECORD the easement and return a recorded copy to me. This easement needs to be returned to FPL prior to energizing your proposed facility. Failure to do so could delay the timely installation of your electric facilities.

**Parcel I. D. #:** Enter Parcel I. D. # in the upper left portion of the easement form.

**Describe Easement:**

Use the blank area in the middle of the form to describe the easement. If additional space is required, an Exhibit "A" attached as a 2<sup>nd</sup> sheet to the instrument may be used. Metes & bounds may be used but a center line description is most common. A pictorial view of the easement may also be attached as an Exhibit "A". Easements are usually 10ft in width, 5ft on either side of FPL facilities to be installed.

**Signing and Witnessing:**

- A. **For Individuals:** All persons shown on the deed must sign the easement. Enter date in space provided. Sign on the indicated lines on the right side in the presence of two (2) separate witnesses, who sign on the lines to the left, and a notary public who completes the acknowledgement forms as described below. The notary public may be one of the witnesses and if so must sign at the left in the space provided.
- B. **For Corporations:** Enter date in space provided. The President, or Vice-President and the Secretary or an Assistant Secretary sign on lines indicated on the right, filling in their title below, in the presence of two (2) separate witnesses, who sign on the lines to the left, and a notary public who completes the acknowledgement forms as described below. The corporate seal must be affixed adjacent to the officer's signatures.

**Acknowledgements:**

The notary public should legibly fill in all blanks, including state and county of execution, names of individuals or officers signing and their titles, state or county where empowered to act, expiration date of commission, fill in date, sign on line provided and affix seal adjacent to the signature of the notary public.

**Record the Easement:**

If there are any questions with regards to the easement, please call me prior to recording the easement. Have the easement Recorded at the LEE COUNTY CLERK OF COURTS, only the unaltered FPL standard easement form (form 3722) will be accepted by FPL.

If you have any questions, please call me at (239) 415-1316.

Sincerely,

Mark Hoogwerf  
Construction Services




Work Request No. N/A  
Sec. 30, Twp 44 S, Rge 26 E  
Parcel I.D. 304426 01 00009, anyco.  
(Maintained by County Appraiser)  
Form 3722-A (Stocked) Rev. 7/94

**EASEMENT**

This Instrument Prepared By

Name: MARK HOOGWERE  
Company Name: Florida Power & Light Company  
Address: 15834 WINKLER RD  
FORT MYERS, FL 33908  
pg 1 of    

  
INSTR # 6175464  
OR BK 04220 Pgs 3061 - 3064; (4pgs)  
RECORDED 03/09/2004 12:37:45 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 19.50  
DEED DOC 0.70  
DEPUTY CLERK J Miller  
Reserved for Circuit Court

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

SEE ATTACHED EXHIBIT "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on March 3, 2004

Signed, sealed and delivered in the presence of:

Mary E Christman  
(Witness' Signature)  
Print Name: Mary E Christman  
(Witness)  
Sylvia Vater  
(Witness' Signature)  
Print Name: SYLVIA VATER  
(Witness)

By: [Signature]  
(Grantor's signature)  
Print Name: David G. Foote  
Print Address: 6091 Greenbriar Farms Road  
Fort Myers, FL 33905  
By: [Signature]  
(Grantor's signature)  
Print Name: Dawn L. Foote  
Print Address: 6091 Greenbriar Farms Road  
Fort Myers, FL 33905

STATE OF Florida AND COUNTY OF Lee. The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of February, 2004, by David G. Foote and Dawn L. Foote, who is (are) personally known to me or has (have) produced N/A as identification, and who did did not take an oath.  
(Type of Identification)

My Commission Expires:

[Signature]  
Notary Public, Signature  
Print Name: Rodger M. Schrecengost



Book4220/Page3061

Page 1 of 4  
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: Sharon Walanski  
BY: [Signature]  
Deputy Clerk

Or  
Gave Original Book  
To Applicant  
Jill  
4-14-04



America's Propane Company

September 29, 2003

Dave Foote  
6091 Greenbriar Farms Road  
Fort Myers, Florida 33905

Dear Mr. Foote:

In reference to your letter dated September 24, 2003 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 30-44-26-01-00009.0040

STRAP NO.: 30-44-26-01-00009.0050

STRAP NO.: 30-44-26-01-00009.0060

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

Sincerely,

A handwritten signature in black ink that reads "Mike Yonker". The signature is written in a cursive, flowing style.

Mike Yonker  
Sales & Service Manager

BOARD OF COUNTY COMMISSIONERS

479-8440

Writer's Direct Dial Number: \_\_\_\_\_

April 28, 2004

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

DAVID G. & DAWN L. FOOTE  
6091 GREENBRIAR FARMS RD.,  
FORT MYERS, FL 33905

RE: **VAC2004-00020 - Petition to Vacate** a 12-foot wide Public Utility centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida; LESS and EXCEPT the northerly six feet and southerly six feet of each easement

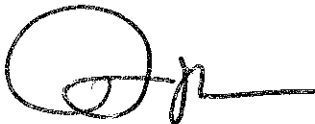
Dear Mr. & Mrs. Foote:

You have indicated that in order to build a commercial building on the combined lots, you desire to eliminate the Public Utility Easement located between your lots at 5600, 5594 and 5584 6<sup>th</sup> Street West, Lehigh Acres, Florida. 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:\200404\20040414.152\5505130\DCDLETTER.DOC



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Thursday, October 09, 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. Stillwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Ms. Dawn Foote**  
6091 Greenbriar Farms Road  
Fort Myers, FL 33905

**Re: Petition to Vacate two twelve (12) foot wide public utility easements common to Lots 4 & 5 and 5 & 6, Block 9, Unit 1, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 81, in the public records, Lee County, Florida.**

Dear Ms. Foote:

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

S:\NATRES\SURFACE\DOCUMENT\vac392.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*

October 3, 2003

Mr. And Mrs. Dave Foote  
6091 Greenbriar Farms Road  
Fort Myers, FL 33905

**RE: Petition to vacate the 12 foot wide Public Utility Easement  
On the lot lines common to Lots 4 and 5 and Lots 5 and 6,  
Block 9, Unit 1, Lehigh Acres**

Dear Mr. And Mrs. Foote:

Lee County Department of Transportation has reviewed your request to vacate the above described easements recorded in Plat Book 15, page 81. DOT has no facilities within the easements and does not maintain them.

Therefore, DOT offers no objection to this petition to vacate as proposed.

Yours very truly,

DEPARTMENT OF TRANSPORTATION



David M. Loveland  
Manager, Transportation Planning

DML/JMK/mlb

cc: Margaret Lawson, Right-of-way Supervisor  
Don Blackburn, Development Services  
Terry Kelley, Utilities  
Allen Davies, Natural Resources  
DOT PTV File



**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

Dave and Dawn Foote  
6091 Greenbriar Farms Rd.  
Fort Myers, FL 33905

**SUBJECT: VACATION OF PLATTED EASEMENT(S)**  
**STRAP #S: 30-44-26-01-00009.0040, .0050 & .0060**  
**LOTS 4, 5 & 6, BLOCK 9 - LEHIGH ESTATES, UNIT 1**  
**5584 - 5600 6<sup>TH</sup> STREET WEST**

Dear Mr. & Mrs. Foote:

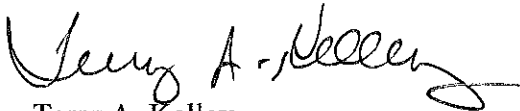
Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated attachment. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines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

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2004-00020

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. VAC2004-00020 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

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00020**

**Legal Description of the Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.



# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00020

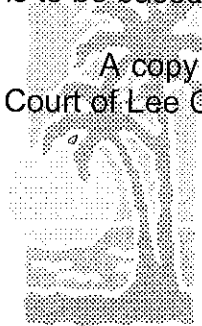
## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 8th day of June, 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

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

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00020**

**Legal Description of the Public Utility Easements to be Vacated**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 4 and 5, and 5 and 6; all in Block 9, Unit 1, Section 30, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 81 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.



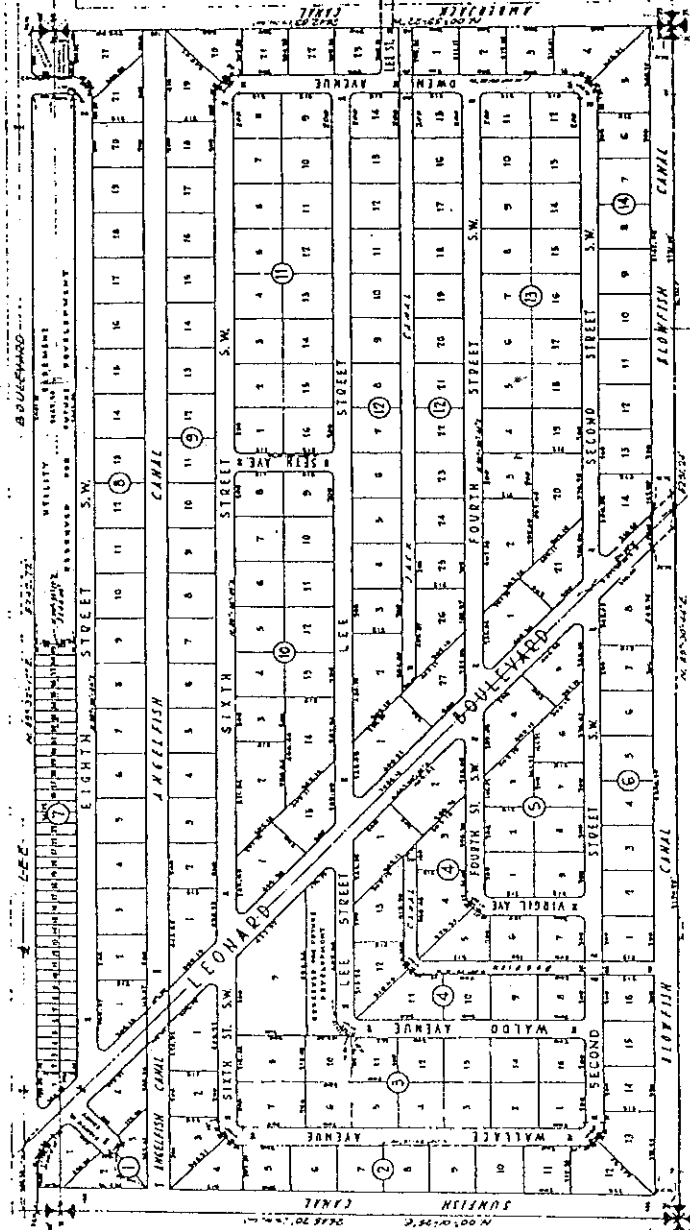
PLAT OF  
UNIT 1  
LEHIGH ESTATES  
A SUBDIVISION OF  
**LEHIGH ACRES**  
LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO., DEVELOPERS

Scale: 1" = 200' 000 000 000  
October 1959

DESCRIPTION

The South 1/2 and the South 100 feet of the North 1/2 of Section 30,  
Township 44 South, Range 28 East, Except the South 3.58 feet of  
the South 1/2 of Section 30.



UNIT 2

SURVEYORS CERTIFICATE

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

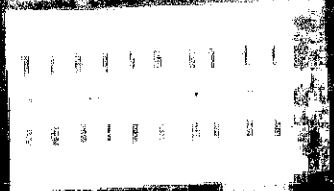


Florida Registered Land Surveyor, No. 1198

NOTE:  
All lots subject to a 5' utility easement, both sides front and back.  
Interior P.A.M.'s are 4" x 1/2" concrete.  
Section corner P.A.M.'s are 6" x 6" x 30" concrete.  
All corner lot lines are 25 feet, except as shown and the lot distances are  
to the straight line intersection, except where arc distances are shown.

Lee County, Florida  
Division of Surveying

Lots 4.5 & 6 Blk 9, Plat of Unit 1,  
Lehigh Estates, Sec 30, Twn 44, S.  
Rng 26 E., Lee County FL  
Strap# 30-44-26-01.00009.0040.0050.0060  
5594 6th St. W. Lehigh Acres, FL 33971



00001 0190

00009 0040

00009 0050

00009 0080

LEHIGH ACRES

00010 0020

00010 0030

00010 0040

April 26, 2004

Department of Community Development  
Development Services Division  
To: Ruth Keith

As acting agent for the property owners (Dawn L. Foote and David G. Foot) Janet Tripp

1: Request for the vacation of the public interest in the public utility easement between lots 4 and 5 and between lots 5 and 6 block 9, Lehigh Estates Unit 1 as recorded in plat book 15, page 81 of the public records of Lee County Florida lying in Section 30, Township 44 South, Range 26 East.

There is a recently constructed commercial building (Phase 1) located on lot 6. The development order includes the future construction of another commercial building to be located on lot 4 (Phase 2). Lot 5 is being utilized for parking. We will be fully utilizing all three lots.

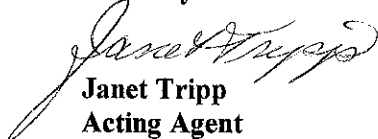
Strap #30-44-26-01.000009.0040,0050,0060

Located at 5594 6<sup>th</sup> Street West, Lehigh Acres, Florida 33971

2: Yes, I agree to the attached Legal Description of the Public Utility Easements stating the portion to be vacated.

3) Enclosed find the Letter of Authorization attached and signed by the above owners and notarized giving proper authority to handle this Petition to Vacate.

Sincerely



Janet Tripp  
Acting Agent

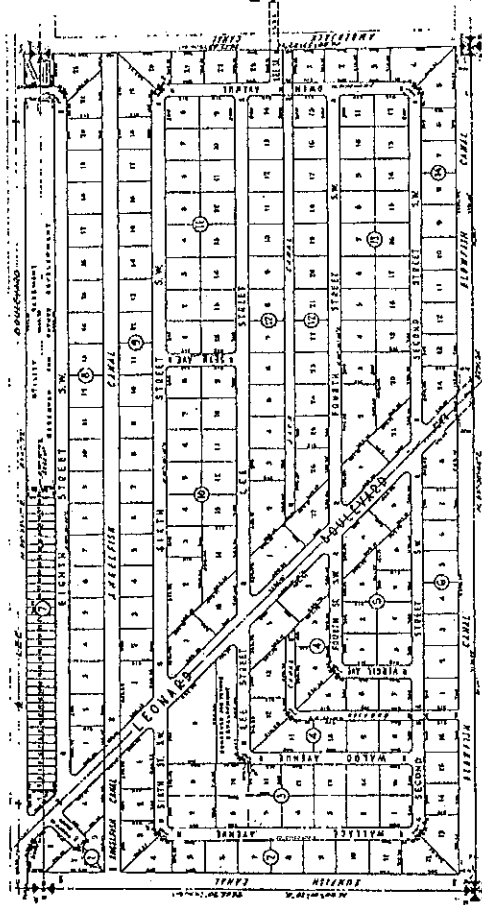
Lots 4,5,& 6 Blk 9, Plat of Unit 1,  
Lehigh Estates, Sec 30, Twn 44, S.  
Rng 26 E., Lee County FL  
Strap# 30-44-26-01.000009.0040,0050,0060  
5594 6th St. W. Lehigh Acres, FL 33971



# PLAT OF UNIT I LEHIGH ESTATES A SUBDIVISION OF LEHIGH ACRES LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO. DEVELOPERS  
DATE: October 1959

DESCRIPTION  
The South 1/2 and the South 1/4 of the North 1/2 of Section 30, Township 4 North, Range 23 East, Line 16 South, 30th Principal Meridian, 1st P.M. of the 1st Range of the 1st District, 1st P.M., Lee County, Florida.



UNIT 2

## SURVEYORS CERTIFICATE

This subdivision has been surveyed and shown to conform to the description of the land and shown to be a correct and accurate representation of the land as described in the plat.

Surveyors: Paul H. ...  
...

Lots 4, 5, & 6 Blk 9, Plat of Unit 1,  
Lehigh Estates, Sec 30, Twn 44, S.  
Rng 28 E., Lee County FL  
Strip# 30-44-26-31, 30069.0040, 0650, 0060  
5594 6th St. W. Lehigh Acres, FL 33971

NOTE:  
The plat is subject to the provisions of the Florida Statutes, Chapter 218, F.S., which provide for the recording of the plat in the public records of the county in which the land is situated. The plat is subject to the provisions of the Florida Statutes, Chapter 218, F.S., which provide for the recording of the plat in the public records of the county in which the land is situated.

PLAT BOOK 15, PAGE 61  
SHEET 81 OF 101

**SKETCH TO ACCOMPANY DESCRIPTION**



**LEGEND:**

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- C.M. = CURB MARK
- C.R. = CURB RECORD BOOK
- P.C. = PACE
- P.B. = PLAT BOOK
- P.U.E. = PUBLIC UTILITY EASEMENT
- F.P.L. = FLORIDA POWER & LIGHT COMPANY
- U.E. = UTILITY EASEMENT

LOT 6  
BLOCK 9

EXISTING  
STRUCTURE

LOT 5  
BLOCK 9

P.O.C.  
SOUTHWEST CORNER  
LOT 5, BLOCK 9

N 81°08'40"E  
10.00'

S 08°51'20"W  
25.85'

28.30'

10.11'

S 89°30'44"W  
10.11'

P.O.B.  
F.P.L. EASEMENT

N 87°30'44"E  
193.71'

SOUTH LINE LOT 5, BLOCK 9

SIXTH STREET S.W. (80')

FOR THE EXCLUSIVE USE OF:  
- DAVID G. & DAWN L. FOOTE

\* THIS IS NOT A SURVEY \*

BY: *Scott M. Shore*

SCOTT M. SHORE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. LS# 3743

DATE SIGNED: 2-17-2004

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER.

**SKETCH OF DESCRIPTION**



**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS/PLANNERS  
LBA# 7071

5245 RAINEY WAY, SUITE #2  
FORT LAUDERDALE, FLORIDA 33307  
PHONE: (954) 275-8423  
FAX: (954) 275-8423  
www.metrointl.com

FILE NAME	2898P41.DWG	PLOT NUMBER	2899	SHEET	2 OF 2
DATE	2-17-2004	SCALE	1" = 40'	DATE	30-11-25
		DATE			

\* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION \*

**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION  
OF AN EASEMENT LYING IN  
SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST,  
LEE COUNTY, FLORIDA

(FLORIDA POWER & LIGHT UTILITIES EASEMENT)

A 10 FOOT WIDE FLORIDA POWER & LIGHT UTILITIES EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING OVER, ACROSS AND THROUGH A PART OF LOTS 5 & 6, BLOCK 9, LEHIGH ESTATES AS RECORDED IN PLAT BOOK 15, PAGE 81 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

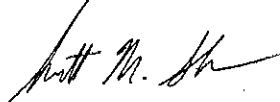
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, THENCE N.89°30'44"E, ALONG THE SOUTH LINE OF SAID LOT 5 FOR 193.71 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE LEAVING SAID SOUTH LINE N.08°51'20"W, FOR 28.83 FEET; THENCE N.81°08'40"E, FOR 10.00 FEET; THENCE S.08°51'20"E, FOR 28.30 FEET TO AN INTERSECTION WITH SAID SOUTH LINE; THENCE S.89°30'44"W, FOR 10.11 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 276 SQUARE FEET, MORE OR LESS.

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

BEARINGS ARE BASED ON THE SOUTH LINE OF SAID LOT 5 BEING N.89°30'44"E.

METRON SURVEYING & MAPPING, LLC  
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

 2-17-2004

SCOTT M. SHORE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5743

SHEET 1 OF 2

2959SK1.doc

5245 RAMSEY WAY, SUITE #2 • FORT MYERS, FLORIDA 33907 • PHONE (239) 275-8575 • FAX (239) 275-8457  
www.metronfl.com