

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 732 Delridge Ave S., Lehigh Acres, FL 33936, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 22nd day of June, 2004. (Case No. VAC2004-00022)

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:
COMMISSION DISTRICT #: 5

04

C4A

3. MEETING DATE:

06-01-2004

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]* 5/10/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00022 was submitted by Raymond V. and Patricia A. Clemons.

LOCATION: Petition No. VAC2004-00022 proposes to vacate a 12-foot wide Public Utility Easement centered on the Lots 6 and 7; Block 9, of the Plat of Unit 2, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 72 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six-foot (6') and southerly six-foot (6') of each easement. The site is located at 732 Delridge Ave S., Lehigh Acres, FL 33936, and its strap number is 22-45-27-02-00009.0060

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
					OA	OM	Risk	GC
<i>Mam G765</i>	N/A	N/A	N/A	<i>John J. Redguz 5-14-04</i>	<i>[Signature]</i> 5/14/04	<i>[Signature]</i> 5/14/04	<i>[Signature]</i> 5/14/04	<i>[Signature]</i> 5/14/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *5/10/04*
Time: *A:30 PM*
Forwarded To: *Co. Admin.*
5/14/04 9 AM

RECEIVED BY
COUNTY ADMIN: *TD*
5/14/04
9:35 am SLT
COUNTY ADMIN
FORWARDED TO: *[Signature]*
5/18/04 11:11 am

BA



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00022

Petitioner(s), Raymond V. and Patricia A. Clemons 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, 703 E. 3rd St. Lehigh Acres, FL 33972
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:

Raymond V. Clemons
Petitioner Signature

Patricia A. Clemons
Petitioner Signature

Raymond V. Clemons
Printed Name

Patricia A. Clemons
Printed Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00022

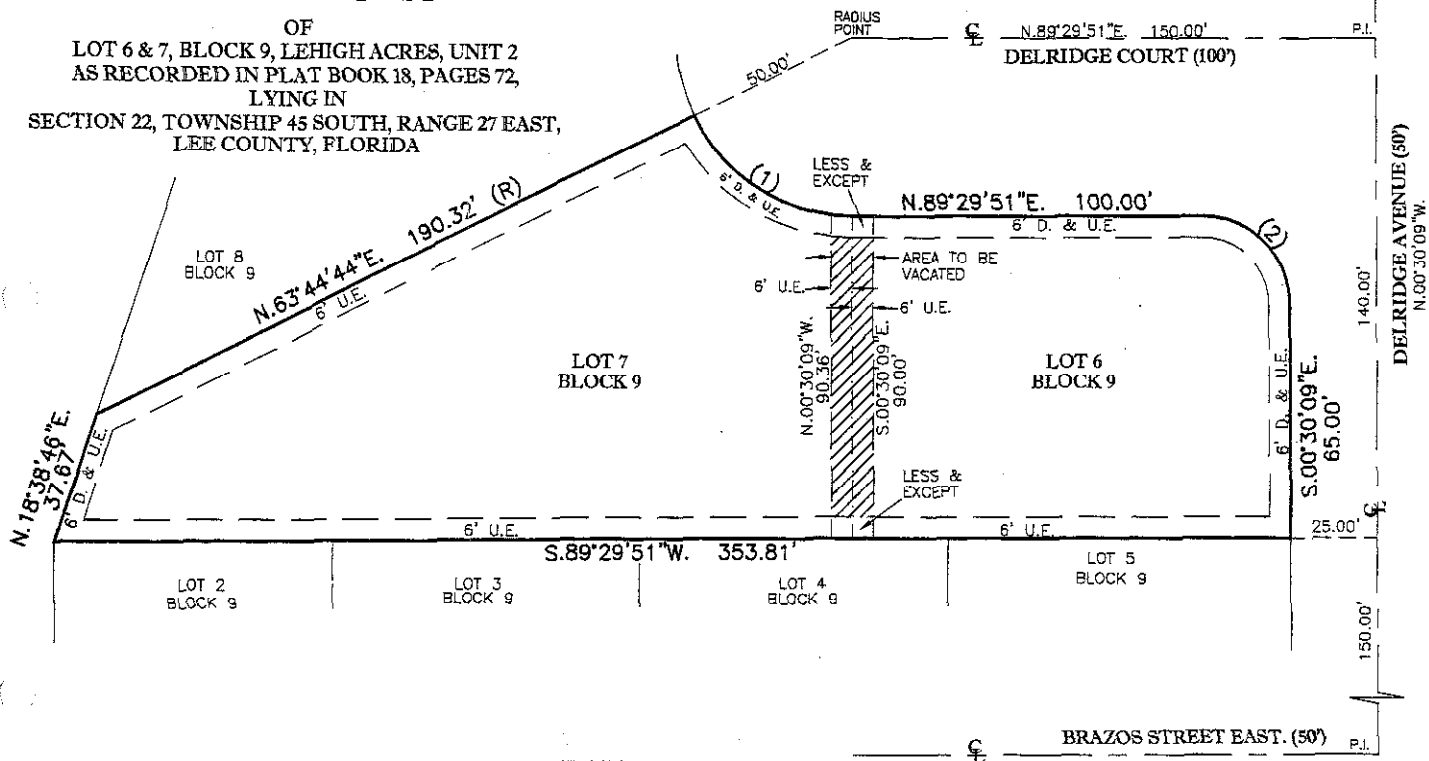
Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 6 and 7; Block 9, of the Plat of Unit 2, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 72 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six-feet (6') and southerly six-feet (6') of each easement.

SKETCH

OF
 LOT 6 & 7, BLOCK 9, LEHIGH ACRES, UNIT 2
 AS RECORDED IN PLAT BOOK 18, PAGES 72,
 LYING IN
 SECTION 22, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
 LEE COUNTY, FLORIDA



Curve number 1
 Radius= 50.00'
 Delta= 64°14'55"
 Arc= 56.07'
 Tangent= 31.39'
 Chord= 53.18'
 Chord Brg.= S.58°22'43"E.

Curve number 2
 Radius= 25.00'
 Delta= 90°00'00"
 Arc= 39.27'
 Tangent= 25.00'
 Chord= 35.36'
 Chord Brg.= S.45°30'09"E.

LEGEND:
 (R) = RADIAL
 P.C. = POINT OF CURVE
 P.I. = POINT OF INTERSECTION
 U.E. = UTILITY EASEMENT
 D. & U.E. = DRAINAGE & UTILITY EASEMENT

Exhibit "B"
 Petition to Vacate
 VAC2004-00022
 [Page One of One]

FOR THE EXCLUSIVE USE OF:
 - WE BUILDERS

*** THIS IS NOT A SURVEY ***

Scott M. Shore

BY: SCOTT M. SHORE, PROFESSIONAL SURVEYOR AND MAPPER L&P 5743 DATE SIGNED

LOT 6 & 7, BLOCK 9, LEHIGH ACRES, UNIT 2			
TITLE: SKETCH OF DESCRIPTION			
		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8576 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME	FIELD BOOK/PAGE	PROJECT NO.	SHEET
5901SK.dwg	N/A	5901	1 OF 1
SURVEY DATE	DRAWN BY	SCALE	CHECKED BY
4-25-04	MAC	1" = 40'	SMS
		FILE NO. (S-T-3)	
		22-45-27	

Exhibit "C"
 Petition to Vacate
 VAC2004-00022
 [Page One of One]


View
 Save as File
 View file format.

Search By:

Tax Year:

Account: Extensive Search

Start Search

 Search tips



Page 1 of 1
6 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
22-45-27-02-00009.0060	2003	CLEMONS RAYMOND + PATRICIA 732 DELRIDGE AVE S	PAID	Details
22-45-27-02-00009.0060	2002	CLEMONS RAYMOND + PATRICIA 732 DELRIDGE AV S	PAID	Details
22-45-27-02-00009.0060	2001	MENTEER P M + CHRISTIANE TR 732 DELRIDGE AV S	PAID	Details
22-45-27-02-00009.0060	2000	MENTEER P M + CHRISTIANE TR 732 DELRIDGE AV S	PAID	Details
22-45-27-02-00009.0060	1999	MENTEER P M + CHRISTIANE H 732 DELRIDGE AV S	PAID	Details
22-45-27-02-00009.0060	1998	MENTEER P M + CHRISTIANE H	PAID	Details

Page 1 of 1
6 matches

Prepared By: Seth Dearing
Morgan And Associates Title Company
55 Homestead Road North
Lehigh Acres, FL
incidental to the issuance of a title insurance policy.
File Number: 03-00895
Parcel ID #: 22-45-27-02-00009,0060
Grantec(s) SS #:



INSTR # 5856764
Official Records BK 03961 PG 4758
RECORDED 06/17/2003 09:53:32 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 59.50
DEPUTY CLERK J Miller

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 05-31-03 by

Phillip M. Mentee and Christiane H. Mentee, as Trustees of the Mentee Family Trust,
hereinafter called the GRANTOR,

to

Raymond Clemons and Patricia Clemons, husband and wife
whose post office address is 703 E. 3rd St., Lehigh Acres, FL 33972,
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(s) 6 and 7, Block 9, Unit 2, Section 22, Township 45 South, Range 27 East, LEHIGH ACRES, according to the plat thereof, recorded in Plat Book 18, Page(s) 72 of the Public Records of Lee County, Florida.

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 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:

Witness Signature: Eddie Joe Power
Print Name: EDDIE JOE POWER

Phillip M. Menteer ✓
Phillip M. Menteer

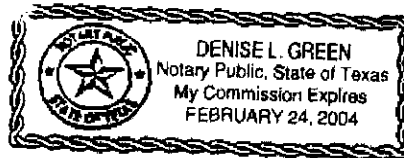
Witness Signature: Latrelle Power
Print Name: LATRELLE POWER

Christiane H. Menteer
Christiane H. Menteer

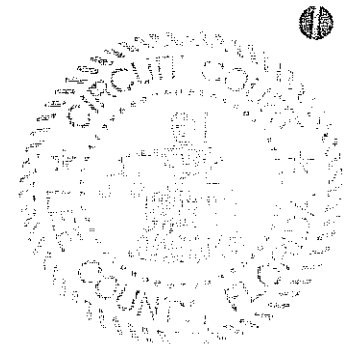
State of Texas
County of Tarrant

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 05-31-03 by: **Phillip M. Menteer and Christiane H. Menteer, as Trustees of the Menteer Family Trust** who is personally known to me or who has produced TXN 02701635 as identification.

Signature: Denise L Green
Print Name: Denise L Green



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: Sept 22, 2004
BY: Charlie Green
Deputy Clerk





**26930 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

April 19, 2004

Raymond & Patricia Clemons
703 East 3rd St
Lehigh Acres, Fl 33972

Re: 732 Delridge Av S, Lehigh Acres, FL
Vacate easement

Dear Raymond & Patricia Clemons:

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 at 732-3805.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook". The signature is written in a cursive, flowing style.

Mark Cook
Design Coordinator



Customer Service Operation

P. O. Box 1530
Labelle, Florida 33975-4613

April 16, 2004

Raymond and Patricia Clemons
703 East 3rd Street
Lehigh Acres, Florida 33972

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 6 & 7,
Block 9, Unit 2, Section 22, Township 45S, Range 27E,
as recorded in Plat Book 18, Page 72 of the Official Records of Lee County, Florida

Dear : Mr. and Mrs. Clemons

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 239-336-2162.

Sincerely,

A handwritten signature in cursive script that reads "Sabrina Thompson".

Sabrina Thompson
Engineer



Lee County Electric Cooperative, Inc.

Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.lline.com

April 19, 2004

Mr. and Mrs. Raymond Clemons
703 East 3rd St.
Lehigh Acres, FL 33972

Re: 732 Delridge Ave. S., Strap No. 22-45-27-02-00009.0060

Dear Mr. and Mrs. Clemons:

LCEC has no objection to vacation of the easements described as follows:

A 12-foot-wide utility and/or drainage easement centered on the line between Lots 6 and 7, Block 9, Unit 2, a subdivision of Lehigh Acres, as recorded in Plat Book 18, page 72, Section 22, Township 45 South, Range 27 East, of the Public Records of Lee County, Florida.

Please call me at (239) 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin
Real Property Representative

Lehigh Acres
1320 Homestead road

Date: April 20, 2004

To: EMMETT WAINWRIGHT

From: MICHAEL CURRIER

VACATION OF EASEMENT REQUEST(S)

1. Lot 15 – block 4, 211 Calvin Ave
Lot 16 – block 4, 208 Calvin Ave
Easement between lot 15 and 16
Petitioner – Leonard Tullo, of Permits Express
2. Lot 6 – block 9, 732 Delridge Ave S.
Lot 7 – block 9, 732 Delridge Ave S.
Easement between lot 6 and 7
Petitioner – Raymond and Patricia Clemons

Recommendation:

Emmett, at this time we do not have water or sewer service to the above listed properties. We do not now have lines within the easements petitioned for vacation and we do not expect the FGUA to have need of these easements in the future.



LEE COUNTY
SOUTHWEST FLORIDA

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

April 16, 2004

Raymond & Patricia Clemons
703 East 3rd Street
Lehigh Acres, Fl. 33972

SUBJECT: VACATION OF A UTILITY EASEMENT
STRAP #: 22-45-27-02-00009.0060
LOTS 6 & 7, BLOCK 9 - LEHIGH ESTATES, UNIT 2
732 DELRIDGE AVENUE

Dear Sir or Madam:

Lee County Utilities has reviewed the Public utility easement, described in your letter of April 16, 2004. 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 the Florida Governmental Utility Authority, as your property is located within their Utility service area. Their phone number is (239) 278-5050.

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

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

732 DELRIDGE AVE.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8440

Writer's Direct Dial Number: _____

Bob Janes
District One

May 5, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

RAYMOND & PATRICIA CLEMONS
703 E. 3RD ST.
LEHIGH ACRES, FL 33972

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

RE: VAC2004-00022 - Petition to vacate a 12-foot Public Utility Easement centered on the Lots 6 and 7; Block 9, of the Plat of Unit 2, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 72 of the Public Records of Lee County, Florida; LESS and EXCEPT the northerly six-feet (6') and southerly six-feet (6') of each easement.

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. & Mrs. Clemons:

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 these lots. The site is located at 732 Delridge Ave S., Lehigh Acres, FL. 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:\200405\20040427.124\7392850\DCDLETTER.DOC

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00022**

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. VAC2004-00022 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
VAC2004-00022

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 6 and 7; Block 9, of the Plat of Unit 2, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 72 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six-feet (6') and southerly six-feet (6') of each easement.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00022

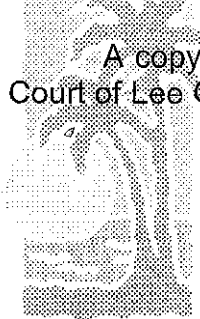
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 22nd 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

SOUTHWEST FLORIDA

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

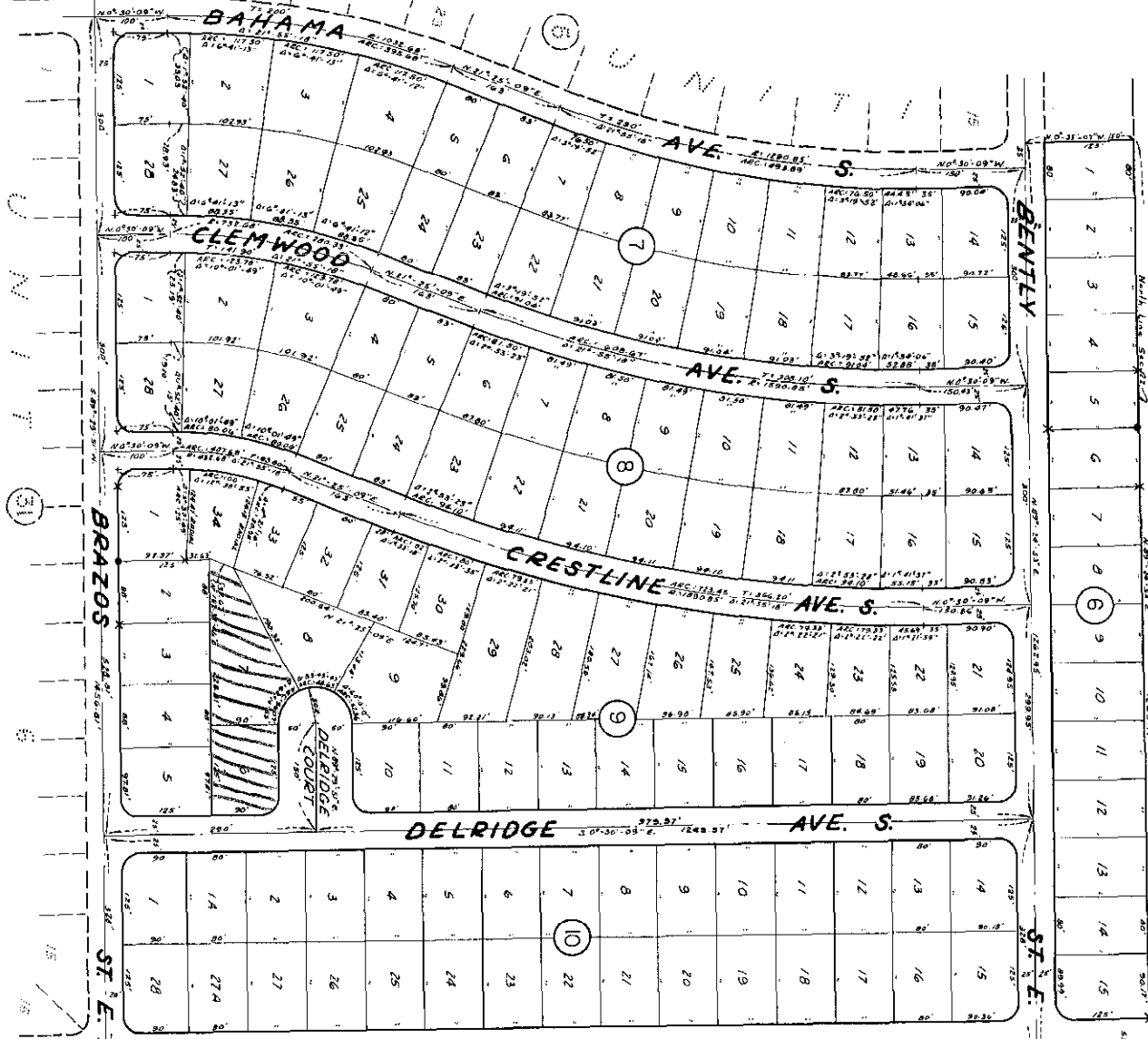
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00022

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 6 and 7; Block 9, of the Plat of Unit 2, Section 22, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 18 at Page 72 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six-feet (6') and southerly six-feet (6') of each easement.



PLAT OF UNIT 2
SECTION 22, TWP. 45S., RGE. 27E.
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA



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 radii are 25 feet except as shown and the lot dimensions are to the straight line intersections, except where circ distances are shown.
All Cords are hereby dedicated to each County Water Control District.
x Witness Monument.



00008 0250

00009 0110

00010 0050

00008 0300

00008 0100

00008 0240

00009 0090

00008 0100

00009 0300

00010 0030

00009 0150

00009 0120

LEHIGH LAKES

00009 0180

00009 0340

00010 0020

00010 0010

00009 0010

00009 0030 00009 0040 00009 0050

00010 0040

00031 0110

00031 0140


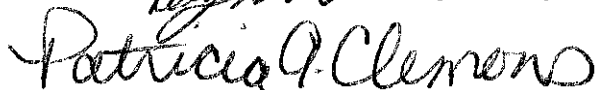
Department of Community Development
PO Box 398
Fort Myers, FL 33902-0398
Attn: Peter J. Eckenrode, Director Development Services

Re: Request for easement vacation, utility or drainage easement, at the following location:

732 Delridge Ave. S
Lehigh Acres, FL 33936
Strap number: 22-45-27-02-00009.0060

Dear Mr. Eckenrode,

We request the easement vacated between lots 6 and 7 to combine the two (2) lots into one for future building site of single-family residence. We thank you in advance for your permission and prompt attention in this matter.

Sincerely, 


Raymond V and Patricia A Clemons
703 East 3rd Street
Lehigh Acres, FL 33972
239-340-9332