

1. REQUESTED MOTION:

**ACTION REQUESTED:** Accept a Petition to Vacate an 8-foot wide strip of a Drainage and Public Utility Easement located at 5575 Sunrise Dr., Fort Myers, Florida 33919, off of McGregor Boulevard (State Road 867), and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of July, 2004. (Case No. VAC2004-00019)

**WHY ACTION IS NECESSARY:** To obtain permit to construct a pool and cage addition to an existing single-family residence. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

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

2. DEPARTMENTAL CATEGORY:  
COMMISSION DISTRICT #: 2

04

C4A

3. MEETING DATE:

06-22-2004

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] 6/10/04  
Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00019 was submitted by Eldin Hotic, as the agent on behalf of Meho and Bahra Hadzic, and Emina Hadzic.

**LOCATION:** The site is located at **5575 Sunrise Dr., Fort Myers, Florida 33919** and its strap number is 02-45-24-08-000K0.0120. Petition No. VAC2004-00019 proposes to vacate an 8-foot wide strip of a Drainage and Public Utility Easement being described as the west 8 feet of the east 15 feet of Lot 12, Unit K, McGregor Groves, a Subdivision in Section 2 and 3, Township 45 South, Range 24 East, according to the plat thereof as recorded in Plat Book 10, Pages 23 and 24 of the Public Records of Lee County, Florida.

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 County Manager				G County Manager
					OA	OM	Risk	GC	
<u>[Signature]</u>	N/A	N/A	N/A	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Date: 6/8/04  
Time: 5:10  
PM  
Forwarded To: CC Admin.

RECEIVED BY  
COUNTY ADMIN:  
6/10/04  
[Signature]  
COUNTY ADMIN  
FORWARDED TO: [Signature]  
6/10/04 5PM



**PETITION TO VACATE (AC 13-1)**

Case Number: VAC2004-00019

Petitioner(s), Meho and Bahra Hadzic, and Emina Hadzic  
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, 5575 Sunrise Drive, Fort Myers, FL 33919
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:

Meho Hadzic  
Petitioner Signature

Bahra Hadzic  
Petitioner Signature

Meho Hadzic  
Printed Name

Bahra Hadzic  
Printed Name

Emina Hadzic  
Petitioner Signature  
Emina Hadzic  
Printed Name

**RECEIVED**

APR 28 2004

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 5575 SUNRISE DRIVE, FORT MYERS, FL 33919 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 ELDIN HODIC 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.

Meho Hadzic  
Owner\*(signature)

Bahra Hadzic  
Owner\*(signature)

MEHO HADZIC  
Printed Name FL H 322-540-54-177-8  
exp. 5/17/07

BAHRA HADZIC  
Printed Name FL H 322-060-58-541-0  
exp. 2/1/05

EMINA HADZIC  
Owner\*(signature)

Owner\*(signature)

EMINA HADZIC  
Printed Name FL H 322-200-83-503-0  
exp. 1/3/07

Printed Name

Owner\*(signature)

Owner\*(signature)

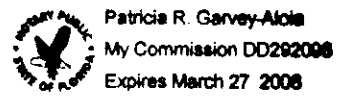
Printed Name

Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 28<sup>th</sup> day of April 2007 by Meho Hadzic, Bahra Hadzic and Emina Hadzic who is personally known to me or who has produced Florida license as identification and who did (did not) take an oath.

(SEAL)



Patricia R. Garvey-Alcia  
Notary Public  
Patricia R. Garvey-Alcia  
(Name typed, printed or stamped)

RECEIVED

APR 28 2004

COMMUNITY DEVELOPMENT

Exhibit "A"  
Petition to Vacate  
VAC2004-00019  
[Page One of One]

Legal Description of a  
Portion of a **Drainage Easement** and  
**Public Utility Easement** to be Vacated

That portion of the 15-foot wide Drainage Easement and Public Utility Easement described as being the west 8 feet of the east 45 feet of Lot 12, Block K, Unit No. 2, McGregor Groves, a Subdivision in Sections 2 and 3, Township 45 South, Range 24 East, according to the Plat thereof as recorded in Plat Book 10, Pages 23 and 24 of the Public Records of Lee County, Florida.

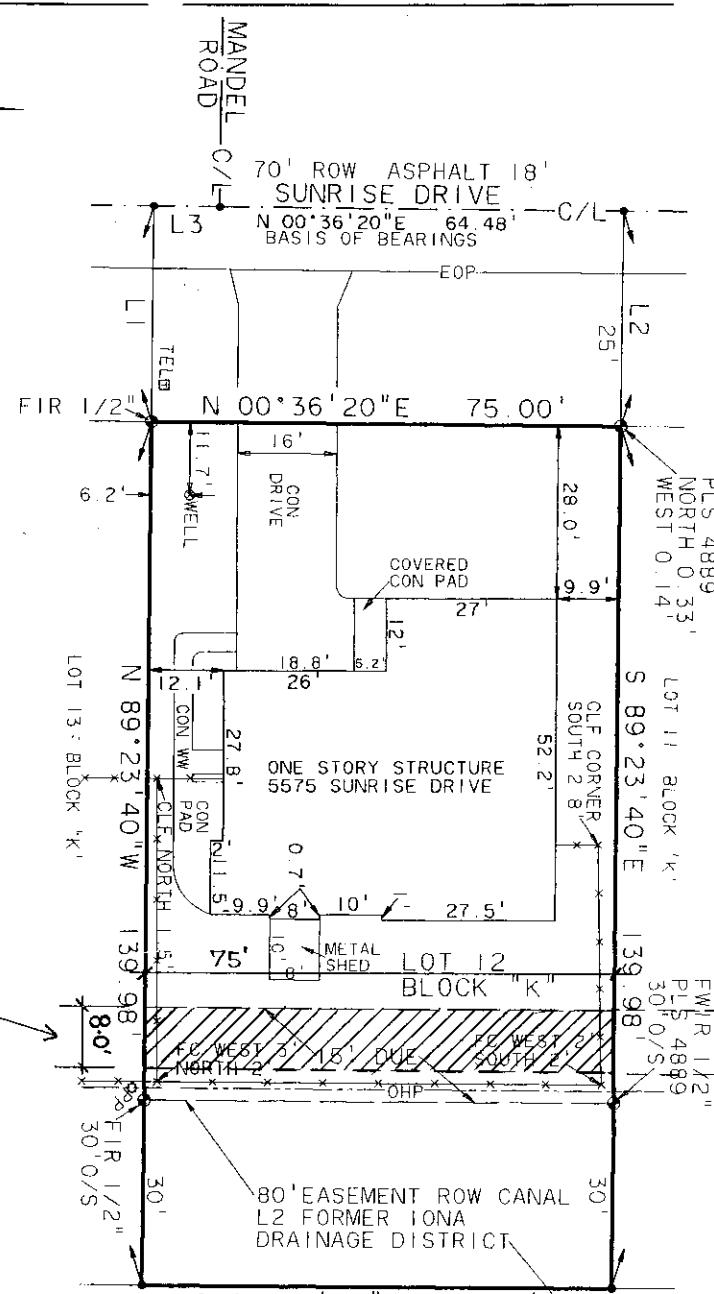
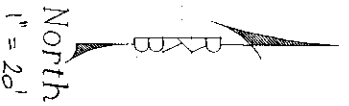


Exhibit "B"  
 Petition to Vacate  
 VAC2004-00019  
 [Page One of One]

LINE	BEARING	DISTANCE
L 1	N 89°23'40"W	35.00'
L 2	S 89°23'40"E	35.00'
L 3	N 00°36'20"E	10.52'

SYMBOL	EXISTING	ELEVATIONS
DL	OUTDOOR LIGHT	
075	OFFSET	
121	PLAT OF CURVE	
122	PERMANENT CONTROL POINT	
PCP	POWER POLE	
PP	PUBLIC UTILITY EASEMENT	
POE	RIGHT OF WAY	
RS	RIGHT OF WAY	
IS1	IRON ROD AND CAP	
IS2	IRON ROD AND CAP	
IS3	IRON ROD AND CAP	
SMK	SET MARK	
SMK1	SET MARK	
SMK2	SET MARK	
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NOTES:  
 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2) UNDERGROUND UTILITIES AND UNDERGROUND FOUNDATIONS WERE NOT FIELD LOCATED OR SHOWN.  
 3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.  
 4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.  
 5) PARCEL LIES IN FLOOD ZONE B (FIRM 125124 0325 C 11-04-92).  
 6) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.  
 7) REVISED CERTIFICATIONS: 03/15/02, M.H.B.

LEGAL DESCRIPTION:  
 LOT 12, BLOCK 'K', UNIT 2, McCREGOR GROVES SUBDIVISION, 10 PAGE 23, LEE COUNTY RECORDS, PLAT BOOK 10, PAGES 45 SOUTH, RANGE 24 EAST, SECTION 02, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

CERTIFIED TO:  
 1) NENO HADZIC, BARBARA HADZIC, & ERINA HADZIC  
 2) LOUIS F. SIMSON, III, P.A. INSURANCE COMPANY  
 3) FIRST AMERICAN TITLE INSURANCE COMPANY  
 4) IVANHOE FINANCIAL, INC., ITS SUCCESSORS AND/OR ASSIGNS

Note: THIS CERTIFICATION IS ONLY FOR THE LAND DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT, FREEDOM OF ENCUMBRANCE, OWNERSHIP OR RIGHTS-OF-WAY ADDITIONS OR DELETIONS TO THE SURVEY MAP BY OTHERS THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS CERTIFICATION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR & MAPPER.

ABSTRACT NOT REVIEWED

W0# 02-297

**R. K. BURNS SURVEYING, INC.**

11000-19 Metro Parkway  
 Fort Myers, Florida 33912  
 (941) 936-4550 Business  
 (941) 936-3267 Fax

Robert K. Burns, PLS&M Number "LS-00046033" or  
 Stacey A. Boshom, PLS&M Number "LS-0005893" or  
 John S. Burns, Sr., PLS&M Number "LS-0005583" or  
 R. K. Burns Surveying, Inc. Licensed Business  
 Number "LB-00061333"

**SURVEY MAP OF  
 Boundary Survey**

02/22/02

SHEET 1 OF 1

Exhibit "C"  
 Petition to Vacate  
 VAC2004-00019  
 [Page One of One]


View  
 Save as File  
 View file format.

**Search By:**

**Tax Year:**

**Account:**   Extensive Search

**Start Search**

 Search tips

 View Cart

 Checkout

 Help

Page 1 of 1  
6 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
02-45-24-08-000K0.0120	2003	HADZIC MEHO + BAHRA H/W + 5575 SUNRISE DR	PAID	<a href="#">Details</a>
02-45-24-08-000K0.0120	2002	HADZIC MEHO + BAHRA H/W + 5575 SUNRISE DR	PAID	<a href="#">Details</a>
02-45-24-08-000K0.0120	2001	HADZIC MEHO + BAHRA H/W + 5575 SUNRISE DR	PAID	<a href="#">Details</a>
02-45-24-08-000K0.0120	2000	DAVE MARGARET TR 5575 SUNRISE DR	PAID	<a href="#">Details</a>
02-45-24-08-000K0.0120	1999	DAVE MARGARET TR 5575 SUNRISE DR	PAID	<a href="#">Details</a>
02-45-24-08-000K0.0120	1998	DAVE MARGARET	PAID	<a href="#">Details</a>

Page 1 of 1  
6 matches

296979CC

This Instrument Prepared By/Return To:  
CORRINE COLLINS  
LOUIS F. SISSON, III, P.A.  
6315 Presidential Court  
Fort Myers, Florida 33919

INSTR # 5401486  
OR BK 03612 PG 2144  
RECORDED 03/30/2002 10:30:21 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 685.30  
DEPUTY CLERK C Keller

Recording: \$10.50  
Doc. Stamps: \$685.30

**WARRANTY DEED**

This Warranty Deed, made this 15 day of March, 2002, between

**MARGARET DAVE, a single person, Individually and, as Trustee of the Margaret Dave Trust Revocable Living Trust u/t/d January 5, 1999**

of the County of Pinal in the State of ARIZONA hereinafter called the Grantor, and

**MEHO HADZIC and BAHRA HADZIC, Husband and Wife, and EMINA HADZIC**  
as joint tenants with full rights of survivorship

whose mailing address is: **5575 SUNRISE DRIVE  
FORT MYERS, FLORIDA 33919**

hereinafter called the Grantee,

("Grantor" and "Grantee" are used herein for singular or plural, and any gender shall include all genders as context requires.)

**WITNESSETH**, That the said Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other valuable considerations to said Grantor in hand paid, the receipt whereof is hereby acknowledged, has agreed, has granted, bargained, and sold unto the said Grantee and Grantee's heirs, or successors, and assigns for ever, all that certain parcel of land in the County of LEE and State of Florida, to wit:

**Lot 12, Unit K, of that certain subdivision known as Unit No. 2, MCGREGOR GROVES, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 10, at Pages 23 and 24.**

**Property Tax I.D. No. 02-45-24-08-000K0.0120**

**SUBJECT** to easements, restrictions and reservations of record. And the said Grantor does hereby fully warrant the title to said land, and will defend that same against lawful claims of all persons whomsoever, except taxes for the year **2002** and subsequent.

Signed, Sealed and Delivered in Our Presence:

[Signature]

Witness 1

Oliver Dockery

(Print Name of Witness 1)

Joel M. Levano

Witness 2

Isela Levorio

(Print Name of Witness 2)

[Signature]

**MARGARET DAVE**

Individually and as Trustee of  
the Margaret Dave Trust  
Revocable Living Trust u/t/d  
January 5, 1999

(Two Separate Witnesses Required)

State of ARIZONA, County of Pinal

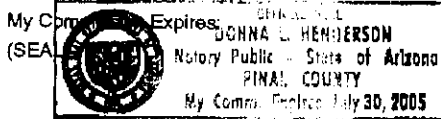
The foregoing instrument was acknowledged before me this 15 day of March 2002, by **MARGARET DAVE, a single person, individually and, as Trustee of the Margaret Dave Trust Revocable Living Trust u/t/d January 5, 1999**, who is/are personally known to me or who has/have produced Arizona State ID Card, as identification and who did  take an oath.

[Signature]

Notary Public

DONNA L. HENDERSON

(Print Name of Notary)



RECORDED IN THE PUBLIC RECORDS TO BE  
FILED AND QUARANTINED COPY OF THIS  
DOCUMENT FOR FILE IN THE OFFICE  
OF THE CLERK OF THE CIRCUIT COURT  
OF PINAL COUNTY, ARIZONA  
DATED: April 8, 2004  
[Signature]  
Clerk of the Court

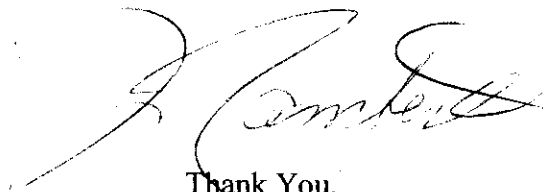


Lee County  
Southwest Florida  
Board of County Commissioners

April 24, 2004

To Whom It May Concern,

I have no objections to my neighbour Meho Hadzic in building a pool.



Thank You,

5579 Sunrise Drive  
Ft. Myers FL 33919

RECEIVED

APR 28 2004

COMMUNITY DEVELOPMENT

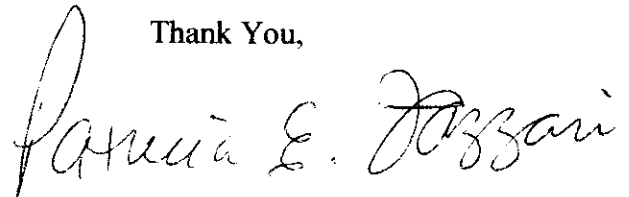
Lee County  
Southwest Florida  
Board of County Commissioners

April 24, 2004

To whom it may concern,

I have no objections for my neighbor Meho Hadzic in building a pool.

Thank You,

A handwritten signature in cursive script that reads "Patricia E. Fazzari". The signature is written in black ink and is positioned to the right of the typed name.

Patricia E. Fazzari  
5571 Sunrise Drive  
Ft. Myers FL 33919

RECEIVED

APR 28 2004

COMMUNITY DEVELOPMENT



**26880 Old U.S. 41  
Bonita Springs, FL 34135  
Phone: 239-732-3805  
FAX: 239-498-4483**

February 26, 2004

Eldin Hotic  
605 S.E. 20<sup>th</sup> Street  
Cape Coral, Florida 33990-2361

5575 Sunrise Drive Fort Myers Fl.  
Strap # 02-45-24-08-000K0-0120  
Lee County Florida

Dear Eldin Hotic

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 that reads "Mark Cook". The signature is written in a cursive, flowing style.

Mark Cook  
Design Coordinator



Florida Power & Light Company, 15834 Winkler Road, Ft. Myers, FL 33908  
Phone: (239) 415-1315 Fax: (239) 415-1315

March 4, 2004

Pool 4 U, Inc.  
Attn: Eldin Hotic  
605 S.E. 20<sup>th</sup> Street  
Cape Coral, Florida 33990

Re: Request for a proposed easement vacation at 5575 Sunrise Drive, Ft. Myers, Florida  
Lee County Strap No. 02-45-24-08-000K0.0120

Dear Mr. Hotic:

Florida Power & Light Company has an existing overhead power line located within the East five feet of the proposed easement vacation. We therefore object to the proposed easement vacation.

However, Florida Power & Light Company has no objection to vacating the West ten feet of this easement.

If you have any questions or concerns, please call me at (239) 415-1315.

Sincerely,

A handwritten signature in cursive script that reads 'Jeff Sanders'.

Jeff Sanders

# AmeriGas


*America's Propane Company*

April 14, 2004

TO WHOM IT MAY CONCERN:

This letter is to advise that Amerigas Propane does not have any propane lines at:

5575 Sunrise Drive  
Ft. Myers, FL



Brett Alonzo  
Sales/Service Manager  
Amerigas Propane Co.



P. O. Box 370  
Fort Myers, FL 33902-0370

March 1, 2004

Eldin Hotic  
605 SE 20<sup>th</sup> Street  
Cape Coral, Fl. 33990-2361

Re: Request for letter of review and recommendation.

Sprint Florida has no objection to the petition of vacation of easement requested in your petition and described in the attachments included with your letter dated February 24, 2004, same subject.

Yours Truly

A handwritten signature in cursive script, appearing to read "Richard Hayman".

Richard Hayman  
Sprint Florida LTD.

Cc: rt



BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

February 25, 2004

Eldin Hotic  
605 SE 20 St.  
Cape Coral, Fl. 33990-2361

**SUBJECT: PETITION TO VACATE PUBLIC A UTILITY EASEMENT  
5575 SUNRISE DRIVE  
STRAP # s 02-45-24-08-000K0.0120**

Dear Mr. Hotic:

Lee County Utilities has reviewed your request for vacation of the rear easement as you described in our phone conversation on February 24, 2003. Lee County Utilities has no facilities located within the rear of this property; therefore, there is no objection to the vacation of this property. However, you may want to contact the City of Fort Myers at 332-6820 regarding their facilities.

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  
Engineering Tech., Senior  
UTILITIES ENGINEERING

SAUTILS\Engr\MMMLETTERS\VACATION\GENERAL\5575 SUNRISE DRIVE-NO-OBJECTION.doc

Bob Janes  
*District One*

June 4, 2004

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*

**MEHO HADZIC  
C/O ELDIN HOTIC  
5575 SUNRISE DRIVE  
FORT MYERS, FL 33919**

**Re: VAC2004-00019 - Petition to Vacate a portion of Drainage and Public Utility Easements on Lot 12, Unit K, known as Unit No. 2, McGregor Groves, as recorded in Plat Book 10, Page 23 and 24, in the public records of Lee County, FL (5575 Sunrise Dr., Fort Myers)**

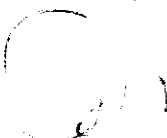
Dear Mr. Hotic:

You have indicated that in order to construct a pool and cage in accordance with your proposed site plan, your client, Mr. and Mrs. Hadzic desire to eliminate the west 8 feet of the 15-foot Drainage and Utility Easement located on the rear lot of 12. You have also indicated by the signed and sealed engineering documents that the reduction in the easement will not impact the effectiveness of the existing swale.

Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

  
Peter J. Eckenrode  
Director

PJE/RSK

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BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8124

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County Attorney

Diana M. Parker  
County Hearing  
Examiner

Wednesday, March 10, 2004

Mr. Eldin Hotic  
Pool 4 U, Inc.  
605 S.E. 20<sup>th</sup> Street  
Cape Coral, FL 33990-2361

Re: Petition to Vacate a <sup>fifteen</sup> ~~twelve~~ (15) foot wide public utility & drainage easements along the rear of Lot 12, Block K, Unit 2, McGregor Groves Subdivision, as recorded in Plat Book 10 Page 23, in the public records, Lee County, Florida.

Dear Mr. Hotic:

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 providing the following:

1. Approval from the local home owners association.
2. The area to be vacated shall be limited to the footprint of the structure.

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

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**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8580

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*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 30, 2004

Mr. Eldin Hotic  
Pool4U, Inc.  
605 SE 20<sup>th</sup> Street  
Cape Coral, FL 33990-2361

**RE: Petition to Vacate the 15' wide Easement for  
Drainage and Public Utilities at the rear of  
Lot 12, Block K, Unit No. 2, McGregor  
Groves Subdivision, Plat Book 10, page 24,  
Section 2, Township 45 S, Range 24 E**

Dear Mr. Hotic:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. DOT offers no objection to this petition to vacate as proposed with the understanding that no part of Iona Drainage District Canal L-2 is included within the petition. In addition, a permit to build a pool is not issued by DOT but comes only after approval by Development Services.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/JMK/mlb

cc: Ruth Keith, Development Services  
Allen Davies, Natural Resources  
Terry Kelley, Utilities

S:\DOCUMENT\Petition To Vacate\2004\Lot 12 Blk K McGregor Groves - Hotic.doc



## Florida Department of Transportation

**JEB BUSH**  
GOVERNOR

801 North Broadway Avenue  
Bartow, Florida 33830

**JOSE ABREU**  
SECRETARY

March 8, 2004

Eldin Hotic  
805 SE 20th Street  
Cape Coral, Florida 33990-2361

RE: Vacation of Perpetual Drainage Easement

Dear Mr. Hotic:

In response to your letter we received on February 25, 2004 our staff has conducted a review of your request to vacate the subject area as marked and generally described as: That portion of a Perpetual Easement, lying within Section 2, Township 45 South, Range 24 East, in McGregor Groves Subdivision, per Lot 12, Block K, Unit 2, per Plat Book 10, Page 23, Lee County, Florida.

Based on this review, we offer "No Objections" to this vacation request.

Sincerely,

Brian L. Toune,  
Property Management

cc: Scott Gilbertson, P.E. – Lee County  
Peter J. Eckenrode – Lee County  
Mike Rippe – FDOT  
Tom Garcia - FDOT

District One-Right of Way Department-Property Management  
801 North Broadway Avenue\*Post Office Box 1249\*Bartow, FL 33831-1249  
(863)519-2413 \*(863)534-7168 (Fax)\*MS 1-66  
[www.dot.state.fl.us](http://www.dot.state.fl.us)

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2004-00019

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. VAC2004-00019 is set for the  
\_\_\_\_\_ in the Lee County Commission Chambers.

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

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

ATTEST:  
CHARLIE GREEN, CLERK

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

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

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

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

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

APPROVED AS TO FORM

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

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

Exhibit "A"  
Petition to Vacate  
VAC2004-00019  
[Page One of One]

Legal Description of a  
Portion of a **Drainage Easement** and  
**Public Utility Easement** to be Vacated

That portion of the 15-foot wide Drainage Easement and Public Utility Easement described as being the west 8 feet of the east 45 feet of Lot 12, Block K, Unit No. 2, McGregor Groves, a Subdivision in Sections 2 and 3, Township 45 South, Range 24 East, according to the Plat thereof as recorded in Plat Book 10, Pages 23 and 24 of the Public Records of Lee County, Florida.

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00019

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 27th day of July, 2004 @ 5:00<sup>PM</sup> 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.

CHARLIE GREEN, CLERK

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

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

APPROVED AS TO FORM

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

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

Exhibit "A"  
Petition to Vacate  
VAC2004-00019

[Page One of One]

Legal Description of a  
Portion of a **Drainage Easement** and  
**Public Utility Easement** to be Vacated

That portion of the 15-foot wide Drainage Easement and Public Utility Easement described as being the west 8 feet of the east 45 feet of Lot 12, Block K, Unit No. 2, McGregor Groves, a Subdivision in Sections 2 and 3, Township 45 South, Range 24 East, according to the Plat thereof as recorded in Plat Book 10, Pages 23 and 24 of the Public Records of Lee County, Florida.





# UNIT No. 2 MCGREGOR GROVES

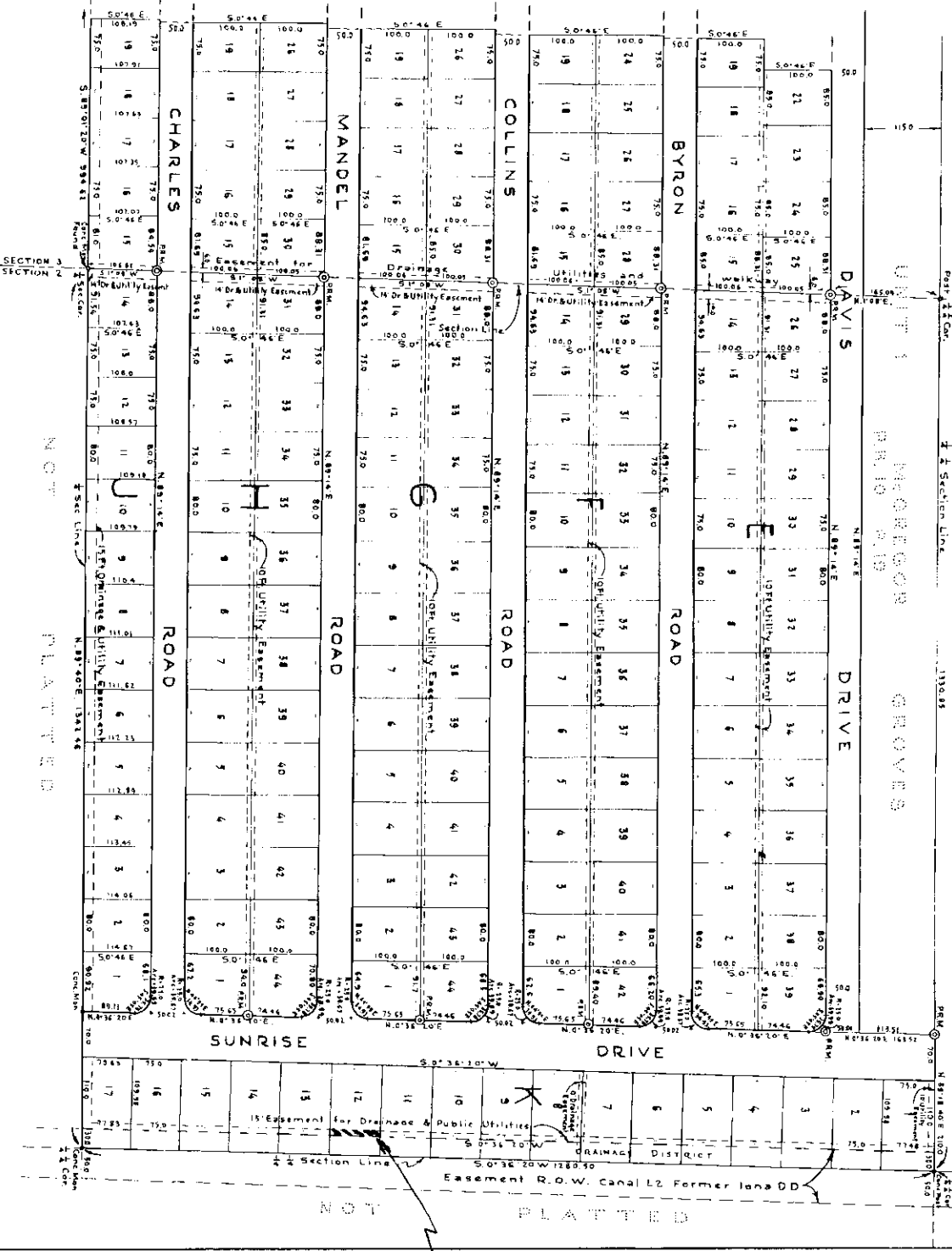
A SUBDIVISION IN  
SECTIONS 2 AND 3 T.45S, R.24E.  
LEE COUNTY, FLORIDA.

Scale: 1 inch = 100 ft. Sheet 2 of 2 Sheets

May 1956

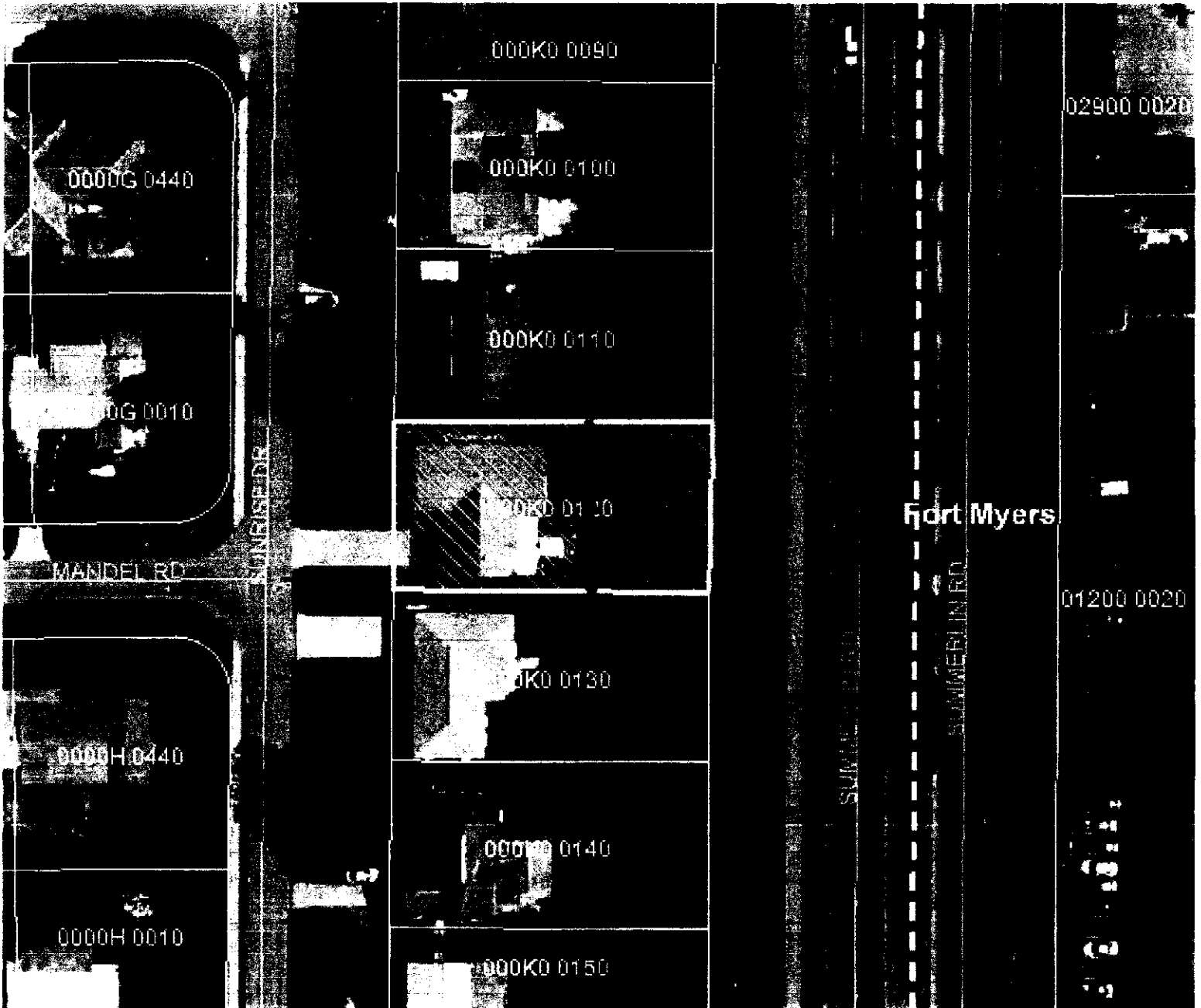
BLKOR 5

ALOR 10  
MCGREGOR GROVES



NOT PLATTED

Partion of Easement to be vacated



Area to be vacated

Eldin Hotic P.E.  
President

# AQUA-TERRA DYNAMICS

Aquatic Engineering & Design • Consultation • Project Administration

605 S.E. 20th Street  
Cape Coral, FL 33990-2361

Phone: 239 / 344-6542

Fax: 239 / 574-9675

E-mail: [ehotic@swfla.rr.com](mailto:ehotic@swfla.rr.com)



# POOL 4 U



ELDIN HOTIC  
President

New Construction\* Renovation\* Fountains\* Water Features  
State Certified Commercial Pool & Spa contractor

License # CPC1456563

605 S.E. 20th Street  
Cape Coral, FL 33990-2361



Phone: 239 / 458-1308

Fax: 239 / 574-9675

E-mail: [pool4u@swfla.rr.com](mailto:pool4u@swfla.rr.com)

# **POOL 4 U, INC.**

New Construction \* Renovation \* Fountains \* Water Features  
Insured and Certified Commercial Pool & Spa Contractor CPC 1456563

May 11, 2004

Mr. Don Blackburn  
Ms. Ruth Keith  
Department of Community Development  
Division of Development Services – Development Review  
1500 Monroe Street  
Fort Myers, Florida 33901

Re: Hadzic residence swimming pool – Easement vacation (VAC2004-000019)  
Strap # (s): 02-45-24-08-000K0.0120  
Petitioner Name: Meho, Bahra, & Emina Hadzic  
Petitioner Address: 5575 Sunrise Drive  
Fort Myers, FI 33919  
Daytime Phone: 239/344-6542 (cell)

Dear Mr. Blackburn,

Please take this letter as a written response to the discussion we had at the meeting held in your office, on Monday 03, 2004.

Concern was raised that the drainage through the swale along existing easement will be diminish by pool and cage construction. Since no data is available for inflow and out flow from the above mentioned property, land percolation nor what storm to be used for calculation, only simple estimation could be used to prove that the flow will be reduced, but not as much to create drainage problems.

At two sections, 1 and 2 (please see attachment #1), elevations were taken at west line, east line, and the lowest swale point of the 15' wide drainage and utility easement (DUE). The referenced elevation of the existing patio was set at elevation 10'.

The flow area and the runoff volume that could flow through one linear foot of swale was averaged (see attachment "2-B", section "A-A") to be compared with the runoff volume that will be available in the remaining DUE section after the pool and cage construction (please see attachment #2-A and #2-B, section "B-B").

A slight reduction of the flow area will cause the same amount of runoff to flow with slightly increased velocities. To prevent erosion, rip-rap will be installed along the swale section behind the pool deck retaining wall (please see attachment #2-A).

Per conversation with the owner and neighbors, there were no previous flooding problems in this area, even during the rainy season. A potential problem could be a dirt pile in the middle of the swale in the neighbor's backyard, located south of the referenced property (at address: 5579 Sunrise Drive).

Please, also find attached pictures showing the referenced property backyard. If required by your department, pictures showing the post development condition could be submitted upon the construction completion.

I hope the information provided is sufficient to approve 7.5' wide section (closer to the house) of 15' wide DUE to be vacated. Thank you in advance for your help.

If you have any additional questions or concerns do not hesitate to call.

MAY 11 2004  
By: Eldin Hotic

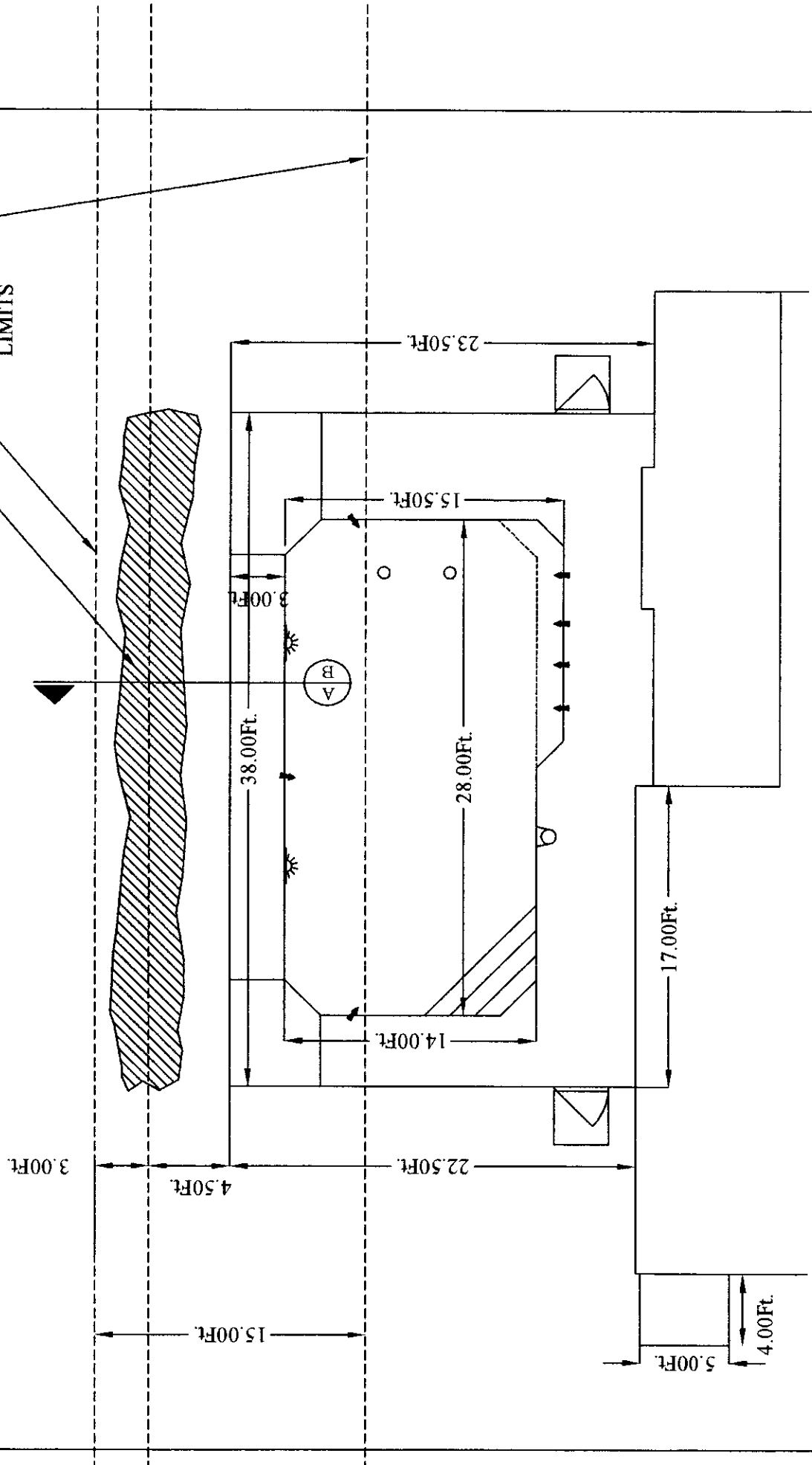
Eldin Hotic, P.E. #60118, CPC 1456563  
Pool 4 U, Inc. / Owner

ATTACHMENT "2-A"

POST-DEVELOPMENT CONDITION

RIP-RAP

15' WIDE DUE LIMITS



# ATTACHMENT "2-B"

15' WIDE DUE LIMITS

FLOW AREA=0.251 SQ.FT.

PRE-DEVELOPMENT CONDITION  
LOWEST SWALE POINT

## EXISTING SWALE, SECTION "A-A"

SCALE: 1/2" = 1'-0"

POOL ENCLOSURE (CAGE)

POOL DECK SAND  
TOP OF POOL BEAM

- 4" x 8" CONCRETE CAP
- (1) #5 REBAR CONTINUOUS
- #5 HOOK BAR 4' O.C.
- (3) 8" x 8" x 16" CMU BLOCK

COMPACTED FILL

(2) #5 REBAR CONTINUOUS

TOP OF FOOTER WALL

FLOW AREA=0.248 SQ.FT.

RIP-RAP

LOWEST SWALE POINT

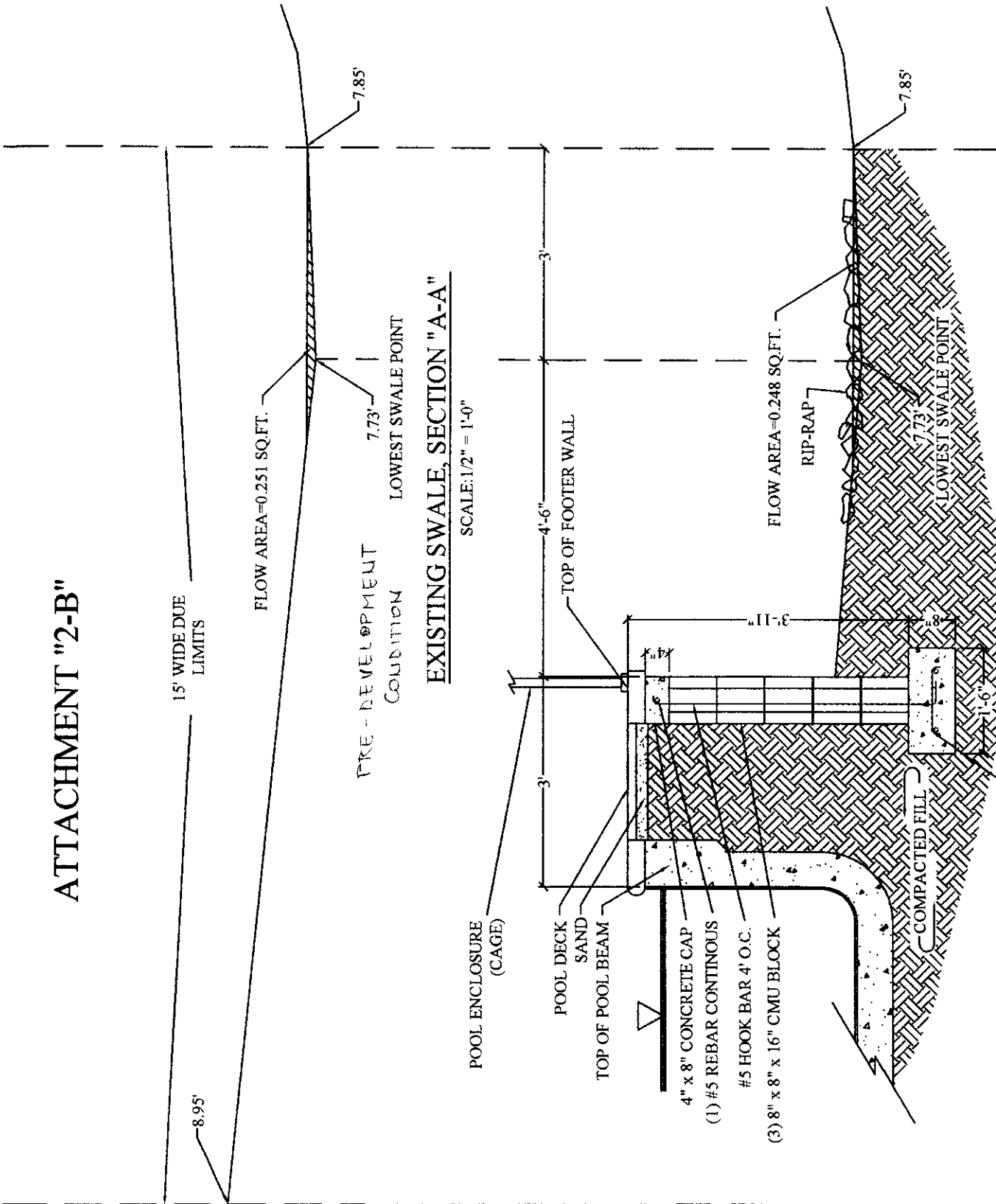
## RETAINING WALL DETAIL, SECTION "A-B"

SCALE: 1/2" = 1'-0"

POST-DEVELOPMENT CONDITION

15' WIDE DUE EASEMENT  
80' EASEMENT ROW CANAL

SEE SURVEY (ATTACHMENT #1)





✓ DIRT PILE - FLOW OBSTRUCTION  
NEIGHBOR'S BACKYARD  
(ADDRESS: 5579 SUNRISE DRIVE)



SOUTH TO NORTH VIEW



REFERENCED PROPERTY  
NORTH TO SOUTH VIEW