

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 20-foot wide Lake Maintenance Easement located off of McGregor Boulevard, north of Summerlin Road at 16111 Bentwood Palms Drive, Fort Myers, Florida 33908, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 27th day of July, 2004. (Case No. VAC2003-00050)

**WHY ACTION IS NECESSARY:** Vacate the easement to allow issuance of an after-the-fact permit for the existing deck structure. **The vacation of this easement will not adversely impact the ability of the maintenance entity to provide proper lake maintenance.**

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

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 3

04

*C4B*

**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]* 5/17/04

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2003-00050 was submitted by Charles I. and Georgia J. Todd.

**LOCATION:** Petition No. VAC2003-00050 proposes to vacate a 20-foot wide Lake Maintenance Easement situated on the rear of lot 69, Coconut Creek Subdivision, Phase I, as recorded in Plat Book 48, Page 35 to 38, Section 1, Township 46 South, Range 23 East, of the Public Records of Lee County, Florida. The site is located at 16111 Bentwood Palms Drive, Fort Myers, Florida 33908, and its strap number is 01-46-23-27-00000.0690

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

The South Florida Water Management District could not recommend approval of the request. However, it deferred a decision on the appropriateness of the placement of the structure to the Coconut Creek Homeowners Association, the entity responsible for maintenance of the facility. After careful consideration, the HOA does not object to the placement of the structure, which is existing and further stated that its maintenance responsibility will not be impacted.

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 <i>6/10/04</i>				G County Manager
	N/A	N/A	N/A	<i>John J. [Signature] 6/10/04</i>	OA <i>[Signature] 6/10/04</i>	OM <i>[Signature] 6/10</i>	Risk <i>[Signature] 6/10/04</i>	GC <i>[Signature] 6/10/04</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *5/21/04*  
Time: *3:30 PM*  
Forwarded To: *Co. Man.*  
*6/10/04 9AM*

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
*6/10/04*  
*11:00 a.m.*  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
*6-10-04 5PM*

PETITION TO VACATE

VAC 2003-00050

Case Number: \_\_\_\_\_

Petitioner(s), Charles Todd & Georgia Todd  
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, 16111 Bentwood Palms Drive Ft Myers FL 33908
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted,

By: *Charles Todd*  
Petitioner Signature

Charles Todd  
Printed Name

By: *Georgia Todd*  
Petitioner Signature

Georgia Todd  
Printed Name

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2003-00050**

**Legal Description of portion of Lake Maintenance Easement to be Vacated**

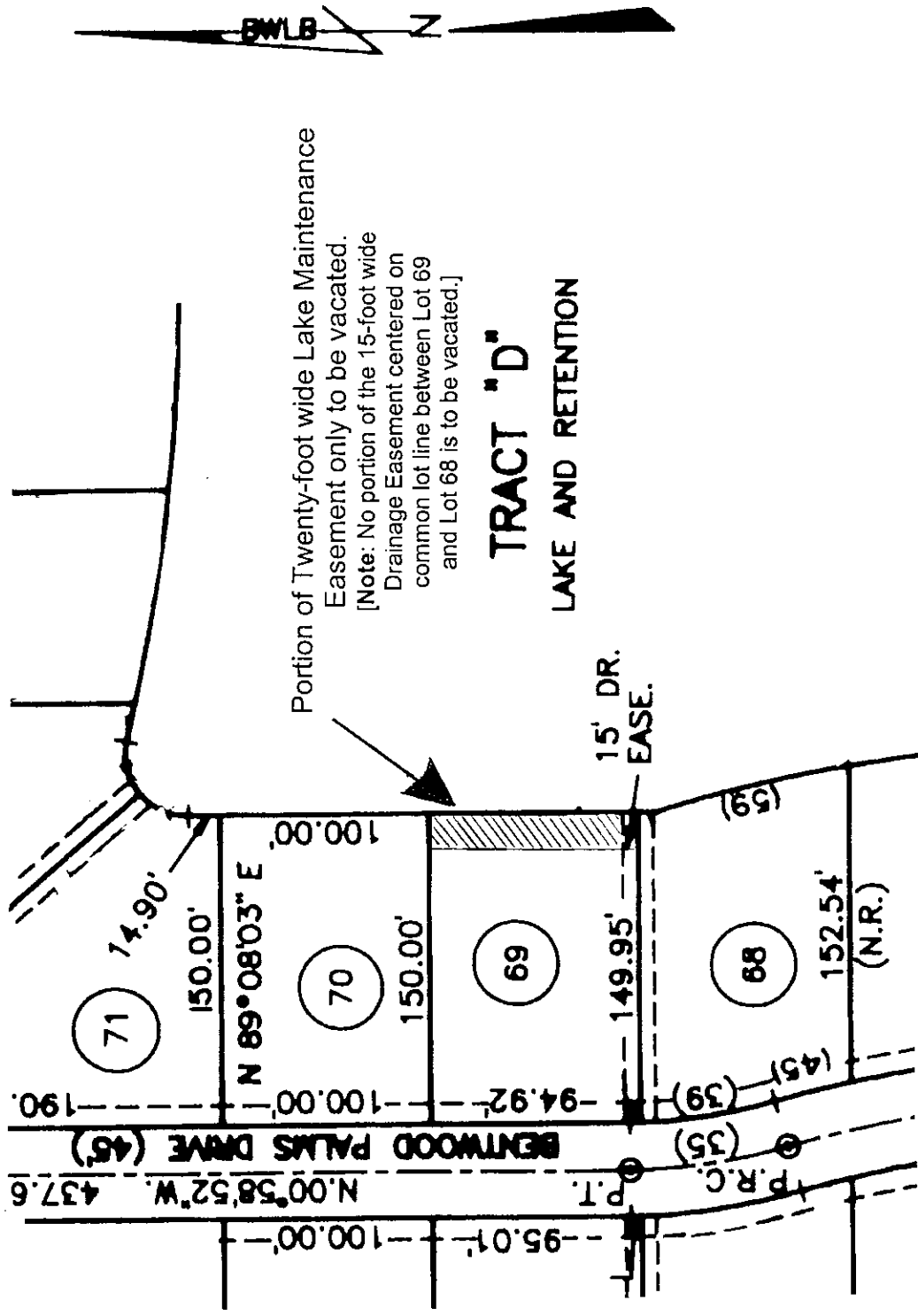
The twenty-foot wide Lake Maintenance Easement situated on the easterly twenty feet of Lot 69 of the Plat of Coconut Creek - Phase I, a subdivision lying in Section 1, Township 48 South, Range 23 East, as recorded in Plat Book 48, Pages 35 through 38 of the Public Records of Lee County, Florida; BUT NOT VACATING OR RELEASING any portion of the Seven and One-half foot wide drainage easement lying along the southerly lot line of the subject property to the extent this easement may lie within the portion of the above-described Lake Maintenance Easement to be vacated.

Exhibit "B"

Petition to Vacate  
Case No. VAC2003-00050  
[Page One of One]

# COCONUT CREEK -- PHASE I

SECTION 1, TOWNSHIP 48 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA.



Portion of Twenty-foot wide Lake Maintenance  
Easement only to be vacated.  
[Note: No portion of the 15-foot wide  
Drainage Easement centered on  
common lot line between Lot 69  
and Lot 68 is to be vacated.]

**TRACT "D"**  
**LAKE AND RETENTION**

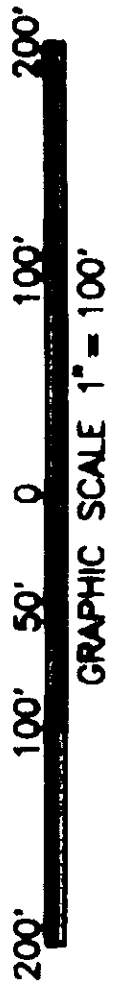



Exhibit "C"  
 Petition to Vacate  
 VAC2003-00050  
 [Page One of One]

View  
 Save as File  
 View file format.

Search By:

Tax Year:

Account:   Extensive Search



 View Cart

 Checkout

 Help

Page 1 of 1  
6 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
01-46-23-27-00000.0690	2003	TODD CHARLES I + GEORGIA J 16111 BENTWOOD PALMS DR	PAID	<input type="button" value="Details"/>
01-46-23-27-00000.0690	2002	TODD CHARLES I + GEORGIA J 16111 BENTWOOD PALMS DR	PAID	<input type="button" value="Details"/>
01-46-23-27-00000.0690	2001	TODD CHARLES I + GEORGIA J 16111 BENTWOOD PALMS DR	PAID	<input type="button" value="Details"/>
01-46-23-27-00000.0690	2000	TODD CHARLES I + GEORGIA J 16111 BENTWOOD PALMS DR	PAID	<input type="button" value="Details"/>
01-46-23-27-00000.0690	1999	TODD CHARLES I + GEORGIA J 16111 BENTWOOD PALMS DR	PAID	<input type="button" value="Details"/>
01-46-23-27-00000.0690	1998	TODD CHARLES I + GEORGIA J	PAID	<input type="button" value="Details"/>

Page 1 of 1  
6 matches

**CORPORATE WARRANT** **EED**

This instrument prepared by:

L.G. CHIARAMONTE  
EXECUTIVE TITLE INSURANCE SERVICES, INC.  
12800 UNIVERSITY DRIVE, SUITE 300  
FORT MYERS, FL 33907

CHARLIE GREEN LEE C

92 JUN 10 AM 10: 25

3215965

1500K  
55200

STRAP #01 46 23 00 00003 0000

GRANTEE'S SS# 315 64 6415/074 66 3305

Documentary Tax Pd. \$

597.00

Intangible Tax Pd.

CHARLIE GREEN LEE, CLERK, LEE COUNTY  
Deputy Clerk

DR2305 PG2780

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: MARY JO BISHOP, D.C.

This Indenture, Made this 5th day of June, A.D. 1992 BETWEEN

CENTENNIAL DEVELOPMENT OF LEE COUNTY, INC.  
P.O. BOX 08370 FORT MYERS, FL 33908  
a Corporation organized and existing under the laws of the State of FLORIDA  
Grantor, and CHARLES I. TODD AND GEORGIA J. TODD, Husband and Wife  
644 ASTARIAS CIRCLE, FORT MYERS, FL 33919

, Grantee,

Witnesseth: That the said Grantor, for and in consideration of the sum of ten and 00/100 and other valuable consideration, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, their heirs and assigns forever, the following described land, situate, lying and being in the County of Lee State of Florida, to wit:

Lot 69, COCONUT CREEK SUBDIVISION, Phase I, according to the plat thereof as recorded in Plat Book 48, Pages 35 to 38, inclusive, in the Public Records of Lee County, Florida.

Subject to covenants, restrictions and easements of record. Subject also for taxes for 1992 and subsequent years.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in the presence of:

CENTENNIAL DEVELOPMENT OF LEE COUNTY, INC.

Doug Stevens Jr DOUG STEVENS, JR.  
WITNESS MUST SIGN & PRINT NAME  
Tracy Townsend TRACY TOWNSEND  
WITNESS MUST SIGN & PRINT NAME

BY: Daniel W. Dorrill  
DANIEL W. DORRILL, PRESIDENT  
CORPORATE SEAL

STATE OF FLORIDA, County of Lee

The foregoing instrument was acknowledged before me this day 5th of May 1992, by DANIEL W. DORRILL, PRESIDENT

of CENTENNIAL DEVELOPMENT OF LEE COUNTY, INC.

a FLORIDA Corporation, on behalf of the Corporation, AND HE IS PERSONALLY KNOWN BY ME AND HE DID NOT TAKE AN OATH.

My Commission Expires:

My Commission Expires July 12, 1992

# AA584335

Douglas C Stevens Jr  
Notary Public (SEAL)  
Douglas C Stevens, Jr.  
PUBLIC

5



Box 370  
Fort Myers, Florida 33902-0370

May 22, 2003

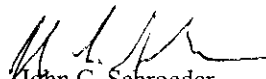
Mr. Charles I. Todd & Georgia Todd  
16111 Brentwood Palms Drive  
Fort Myers, FL 33908-3057

RE: Proposed Vacation of Right-of-Way or Road Way Easement at 16111 Brentwood Palms Drive, Lot 69  
Coconut Creek Sub-division Phase 1 Recorded in Plat Book 48 Pages 35-38, Strap #01-46-23-27-  
00000.0690

Dear Mr. Todd

Sprint Florida Inc. has no objection to the vacation of the referenced and attached right-of-way/easement.  
If further information is required, please call me at (941) 336-2012.

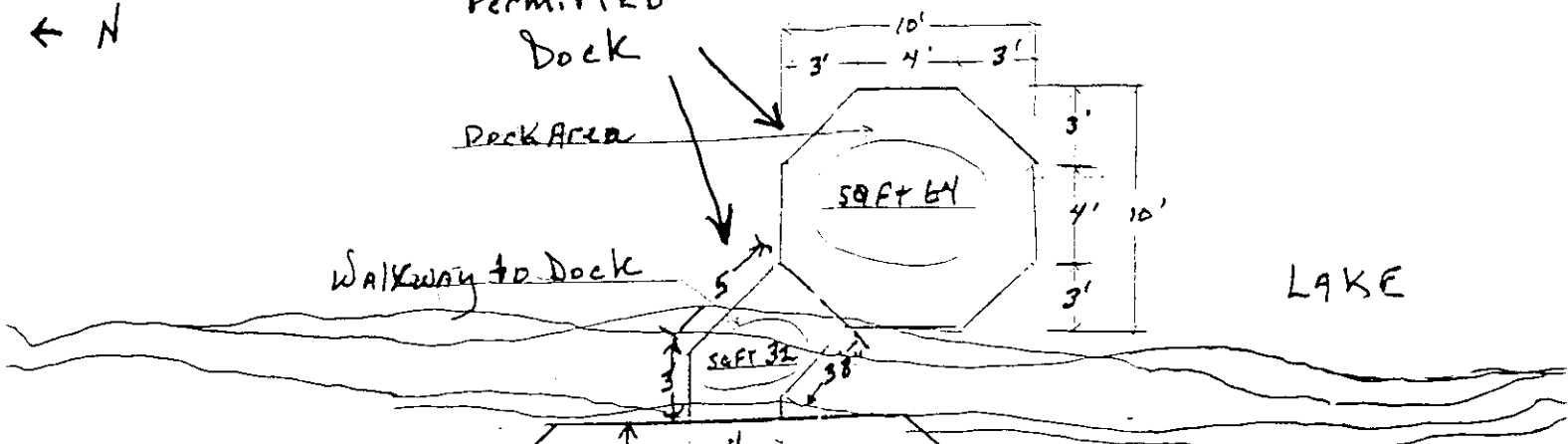
Sincerely,

  
John C. Schroeder  
Engineer 1 CSO

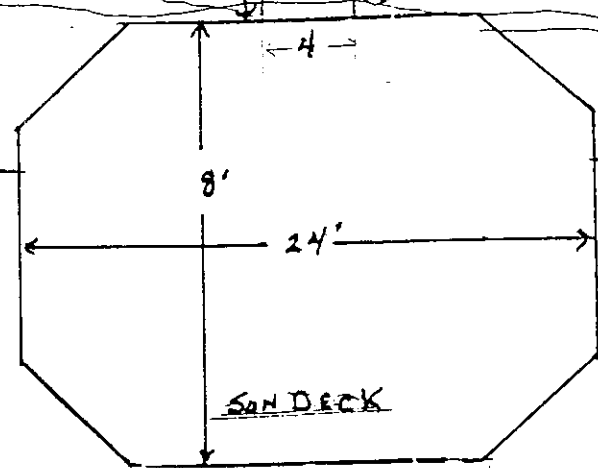
CC: File

Existing Permitted Dock

← N



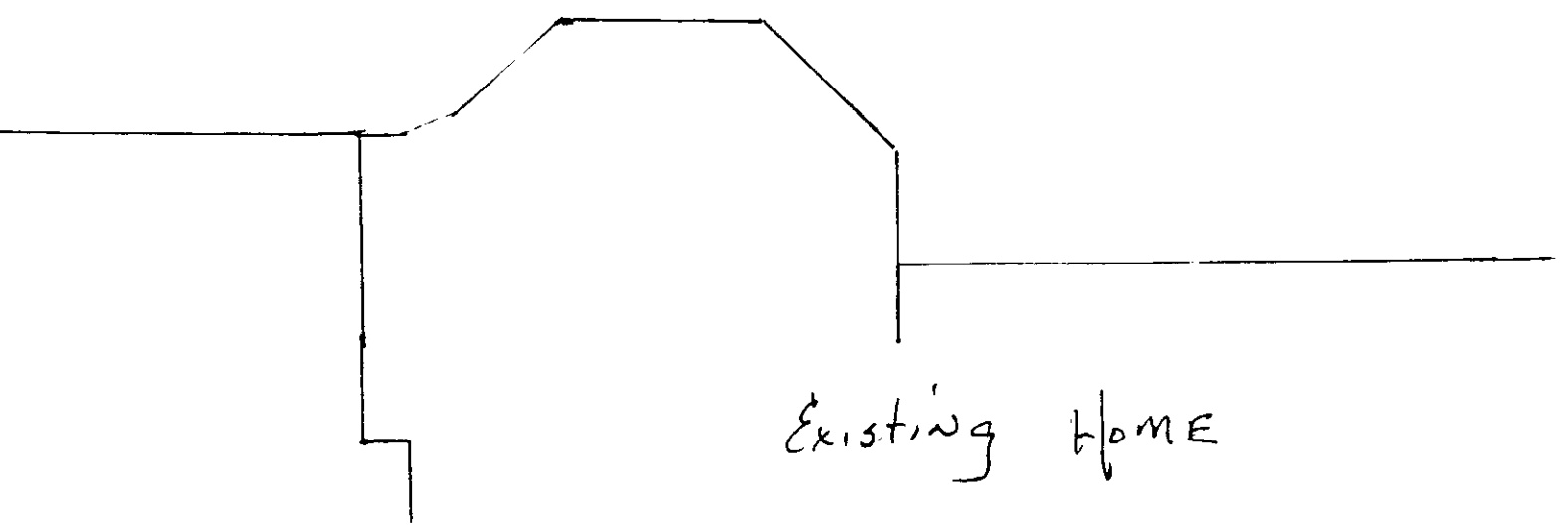
↑ Property Line



Proposed Sun Deck

Existing Brick Deck

Pool Area



Existing Home





Florida Power & Light Company

May 27, 2003

Charles & Georgia Todd  
16111 Brentwood Palms Drive  
Fort Myers, FL 33908-3057

Re: Proposed Vacation of 20ft Lake Maintenance Easement

FPL would have no objection to vacating 20 feet of Lake Maintenance Easement, along the West Side of 16111 Brentwood Palms Drive.

If you have any question, please call me at (941) 415-1329.

Sincerely,

A handwritten signature in cursive script that reads "Jane Gunter".

Jane Gunter  
Customer Project Manager

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



4

June 10, 2003

Charlie Todd  
16111 Bentwood Palms Dr  
Fort Myers, Florida 33908

Re: Vacation of Easement- 16111 Bentwood Palms Dr, Lot 69 Coconut  
Creek Sub-division phase 1

Dear Mr. Charlie Todd:

This letter will serve to inform you that Comcast has No Conflict with this petition . All underground facilities are located in the front.

If you should have any further questions or concerns, please feel free to contact me here at (239) 432-1865.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucia Vera".

Lucia Vera  
Project Coordinator

# AmeriGas

America's Propane Company

May 27, 2003

Charles I. Todd  
Georgia Todd  
16111 Bentwood Palms Drive  
Fort Myers, Florida 33908

RE: VACATE OF EASEMENT

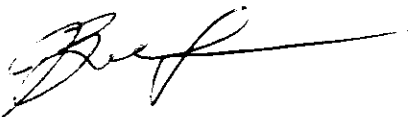
Dear Mr. Todd

In reference to your letter dated May 19, 2003, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 01-46-23-27-00000.0690

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

Sincerely,



Jim Riefstahl  
Service Manager

**Coconut Creek Architectural Review Board, P.O. Box 08370, Ft. Myers, FL 33908**

**Letter of Approval  
Coconut Creek Homeowners Association  
Architectural Review Board (A.R.B.)  
January 31, 2002**

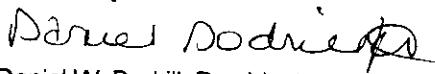
Charlie Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908

Re: Dock Application

Charlie,

The Coconut Creek A.R.B. has met and reviewed your application regarding the dock, deck and gazebo. After reviewing the application, the A.R.B. has approved all with the exception of the deck that may conflict with the 20' lake maintenance easements. This entire project is attractive and an enhancement to Coconut Creek. Good Luck!

Sincerely,



Daniel W. Dodrill, President  
Coconut Creek, A.R.B.

DWD/cs

2  
Daniel W. Dodrill  
12860 Banyan Creek Drive  
Fort Myers, FL 33908

November 10, 2003


Charlie Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908

RE: Letter of Explanation

Charlie,

Let this letter serve as an explanation of the intent of the Letter of Approval from the Coconut Creek Homeowners Association, Architectural Review Board dated 01/31/02. It was the board's intent and desire to approve the entire dock, deck, and gazebo in our letter dated 01/31/02. The exception was only to point out that we were not granting a vacation of the 20' easement and that only Lee County could grant that vacation. The A.R.B. was approving the design and placement of those features in the easement, and had no problem with you pursuing the vacation of the easement. If you need any additional information or documentation, please do not hesitate to call me.

Sincerely,



Daniel W. Dodrill  
Developer & President of the  
Coconut Creek Homeowner's Association  
& A.R.B. from 1991 thru February 2002



7

**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

May 23, 2003

Charles I. Todd & Georgia Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908-3057

**SUBJECT: PETITION TO VACATE AN EASEMENT ACROSS THE REAR OF  
16111 BENTWOOD PALMS DRIVE, COCONUT CREEK SUBDIVISION  
01-46-23-27-00000.0690**

Dear Mr. & Mrs. Todd:

Lee County Utilities has reviewed the easement described in your letter of May 19, 2003. Lee County Utilities has no facilities located within the easement; therefore, there is no objection to the vacation of this easement.

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Senior Engineering Tech.  
UTILITIES ENGINEERING

*[Handwritten initials]*

3

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8133

Bob Janes  
*District One*

Douglas R. St. Gerny  
*District Two*

Ray Judah  
*District Three*

June 27, 2003

Andrew W. Coy  
*District Four*

Mr. Charles Todd  
4037 Del Prado Blvd. South  
Cape Coral, Fl. 33904-7162

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

RE: Easement Vacation – STRAP# 01-46-23-27-00000.0690

James G. Yaeger  
*County Attorney*

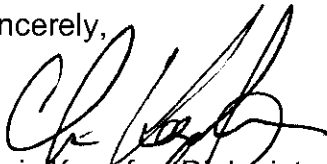
Dear Mr. Todd:

Diana M. Parker  
*County Hearing Examiner*

This letter is in reference to your Fax and our phone call on June 22, 2003 regarding your property at the above referenced Strap number in Coconut Creek community and a request to vacate a portion of a ROW easement. The Waterways Advisory Committee (WAC) is required to review vacation requests when the property in question abuts County navigable waterways. This is clearly not the case for your property. Therefore, review by the WAC is not required.

If there are any questions from the reviewing agencies, please have them contact me at the number listed above.

Sincerely,



Chris Koepfer, Biologist  
Natural Resource Division

xc: Steve Boutelle, DNRM

**RECEIVED**  
JUN 29 2003

**PERMIT COURTESY**

*LAC*

**2003-00050**



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

May 10, 2004

Writer's Direct Dial Number: 479-8348

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*

Mr. Charles Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908

Re: Case #VAC2003-00050 - Request to vacate a twenty-foot wide lake maintenance easement at the rear of Lot 69, Coconut Creek Subdivision, Phase I, Section 1, Township 46 South, Range 23 East, as recorded in Plat Book 48, Pages 35 to 38 of the Public Records of Lee County, Florida.

Dear Mr. Todd:

You have requested approval of the above noted vacation to provide for the issuance of an after-the-fact building permit for an existing dock structure constructed over and across the platted lake maintenance easement.

On January 27, 2004 I sent a letter to you requesting additional clarification from the entity entrusted with the responsibility for maintenance of the lake that the proposed vacation would not compromise the entity's ability to fulfill the maintenance responsibility as delegated to it by the South Florida Water Management District Operation Permit.

You subsequently provided a letter to me from the Coconut Creek Homeowners' Association (HOA) dated March 4, 2004 in which the HOA provided details of an adopted plan which provides for proper maintenance and further affirms that the proposed easement vacation will not impede or obstruct its ability to perform its maintenance obligation. On the basis of this documentation, we offer no objection to the proposed easement vacation.

Please be advised however that the vacation, if approved by the Board of Commissioners, will only extinguish the public rights to the easement such as they may exist. Prior to issuance of the building permit, a formal release of easement must be obtained from the entity or entities holding easement rights either by virtue of the recorded subdivision plat or by other documents recorded in the public records.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

PJE/pkh  
U:\200405\VAC20030.005\NO OBJECTION.WPD





**LEE COUNTY**  
SOUTHWEST FLORIDA

479-8348

**BOARD OF COUNTY COMMISSIONERS**  
January 27, 2004

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

Bob Janes  
District One

Mr. Charles I. and Georgia Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Re: VAC2003-00050 - Request to vacate a twenty-foot wide lake maintenance easement at the rear of Lot 69, Coconut Creek Subdivision, Phase I, Section 1, Township 46 South, Range 23 East, as recorded in Plat Book 48, Pages 35 to 38 of the Public Records of Lee County, Florida.

Andrew W. Coy  
District Four

John E. Albion  
District Five

Dear Mr. & Ms. Todd:

Donald D. Stilwell  
County Manager

Based upon the information provided, the Lee County Division of Development Services has concerns regarding the vacation of this easement.

James G. Yaeger  
County Attorney

The South Florida Water Management District (SFWMD) requires the perpetual maintenance of the surface water management system as a condition of its permit. In order to fulfill this requirement, easements for maintenance access are provided and a Homeowners' or Property Owners' Association becomes legally responsible for ensuring proper maintenance of the system.

Diana M. Parker  
County Hearing Examiner

In this case, the SFWMD has expressed concern that the deck, as constructed, obstructs the lake maintenance easement such that the ability of the Homeowners' Association to properly fulfill its responsibility will be compromised. We share this concern.

The Homeowners' Association has provided a letter stating that they have no objection to the approval of the request. However, no documentation has been provided as to how it will be able to fulfill its maintenance responsibility if access to a facility it is required to maintain is obstructed. This issue needs to be addressed before we could consider moving this item forward for Board consideration with a recommendation for approval.

What we will require is additional written clarification from the Homeowners' Association that a maintenance plan is in place to properly maintain the surface water management system. Please provide details of that plan and an affirmation from the Homeowners' Association that the reservation of the 20' lake maintenance easement on this or other lots fronting lakes within this development are not necessary to implement the plan. Absent this additional documentation we cannot consider issuing a recommendation for approval.

If you have any questions, please give Sal Elrubaie a call at 479-8374.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

PJE/pkh

cc: Project File  
Sal Elrubaie, Reviewer



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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*

LEE COUNTY  
RECEIVED

03 JUL -9 AM 11:30

PLANNING & DEV  
PUB. WORKS CNTR.

July 8, 2003

Writer Direct Dial Number: 479-8580

Charles I. And Georgia Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908

**RE: Petition to Vacate Drainage and Utility Easement  
Lot 69, Coconut Creek Subdivision Phase 1  
Plat Book 48, pages 35-38**

Dear Mr. And Mrs. Todd:

Lee County Department of Transportation has reviewed the request to vacate public utility and drainage easements located on Lot 69. The dedication on the plat states all drainage easements are dedicated to the lot owners' association. Lee County Department of Transportation does not maintain the roads or appurtenant drainage located in Coconut Creek Phase 1.

Lee County DOT offers no objection to the vacation of the public utility and drainage easements.

Yours very truly,

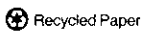
DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

Cc: Don Blackburn, Development Services  
Allen Davies, Natural Resources  
Terry Kelly, Utilities  
DOT PTV File Coconut Creek Bentwood Palms Drive (Todd)

S:\DOCUMENT\Petition To Vacate\2003\Coconut Creek Subdivision - Todd.doc



10



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Monday, July 14, 2003

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

Bob Janes  
*District One*

Douglas R. St. Cery  
*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*

Mr. & Mrs. Charles Todd  
16111 Brentwood Palms Drive  
Fort Myers, FL 33908-3057

Re: Petition to Vacate a portion of a twenty (20') foot wide lake maintenance easement adjacent to Lot 69, Phase I, Coconut Creek Subdivision, as recorded in Plat Book 48 Page 35, in Lee County, Florida.

Dear Mr. & Mrs. Todd:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a portion of the subject lake maintenance easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.  
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac354.doc



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

**LOWER WEST COAST REGIONAL SERVICE CENTER** 2301 McGregor Boulevard, Fort Myers, Florida 33901  
 (239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • [www.sfwmd.gov/org/exo/ftmyers/](http://www.sfwmd.gov/org/exo/ftmyers/)

December 2, 2003

Charles I. Todd and Georgia Todd  
 16111 Bentwood Palms Dr.  
 Ft. Myers, Fl. 33908-3057

**Subject:** Occupation of Maintenance Easement  
 Lot 69, Coconut Creek Subdivision, Phase I  
 Section 1, Township 46 South, Range 23 East, Lee County

Dear Mr. and Mrs. Todd:

This letter is in response to your request for District approval of an occupation of the 20 ft. maintenance easement associated with the surface water management system serving your development. The plans submitted with the request show a 8'x 24' sundeck and a 8'x 4' walkway between the sundeck and a dock. Based on a phone conversation, all of the improvements are existing.

Section 7.5 of the SFWMD Basis of Review requires that a minimum twenty foot maintenance easement be legally reserved to the homeowners association to allow for the proper operation and maintenance of the system. The District has no objection to the 8'x 4' walkway crossing the easement. However, the 8'x 24' sundeck can restrict the maintenance access to the surface water management system and therefore, the District cannot recommend nor approve the occupation of the easement with the sundeck.

Maintenance easements are typically granted to the property owners association or sometimes the local government, not to the District. The final decision to grant a occupation of the easement rests with the local government. However, the property owners association will still be responsible for the operation and maintenance of the entire surface water management system.

Please call me at (239) 338-2929 if you have any questions.

Sincerely,

*Jeanette A. Dandenault*

Jeanette A. Dandenault, P.E.  
 Senior Engineer  
 Lower West Coast Service Center

C: Don Blackburn, Lee County Development Services

### GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*  
 Pamela Brooks-Thomas, *Vice-Chair*  
 Irela M. Bagué

Michael Collins  
 Hugh M. English  
 Lennart E. Lindahl, P.E.

Kevin McCarty  
 Harkley R. Thornton  
 Trudi K. Williams, P.E.

### EXECUTIVE OFFICE

Henry Dean, *Executive Director*

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00050**

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. VAC2003-00050 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**  
**VAC2003-00050**

**Legal Description of portion of Lake Maintenance Easement to be Vacated**

The twenty-foot wide Lake Maintenance Easement situated on the easterly twenty feet of Lot 69 of the Plat of Coconut Creek - Phase I, a subdivision lying in Section 1, Township 48 South, Range 23 East, as recorded in Plat Book 48, Pages 35 through 38 of the Public Records of Lee County, Florida; BUT NOT VACATING OR RELEASING any portion of the Seven and One-half foot wide drainage easement lying along the southerly lot line of the subject property to the extent this easement may lie within the portion of the above-described Lake Maintenance Easement to be vacated.

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00050

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 27th day of July, 2004 @ 5:00pm 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  
VAC2003-00050

**Legal Description of portion of Lake Maintenance Easement to be Vacated**

The twenty-foot wide Lake Maintenance Easement situated on the easterly twenty feet of Lot 69 of the Plat of Coconut Creek - Phase I, a subdivision lying in Section 1, Township 48 South, Range 23 East, as recorded in Plat Book 48, Pages 35 through 38 of the Public Records of Lee County, Florida; BUT NOT VACATING OR RELEASING any portion of the Seven and One-half foot wide drainage easement lying along the southerly lot line of the subject property to the extent this easement may lie within the portion of the above-described Lake Maintenance Easement to be vacated.



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COCONUT CREEK PH-I

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00000 0650

00000 0670

00000 0680

# COCONUT CREEK - PHASE I

A SUBDIVISION LYING IN SECTION 1, TOWNSHIP 48 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA.

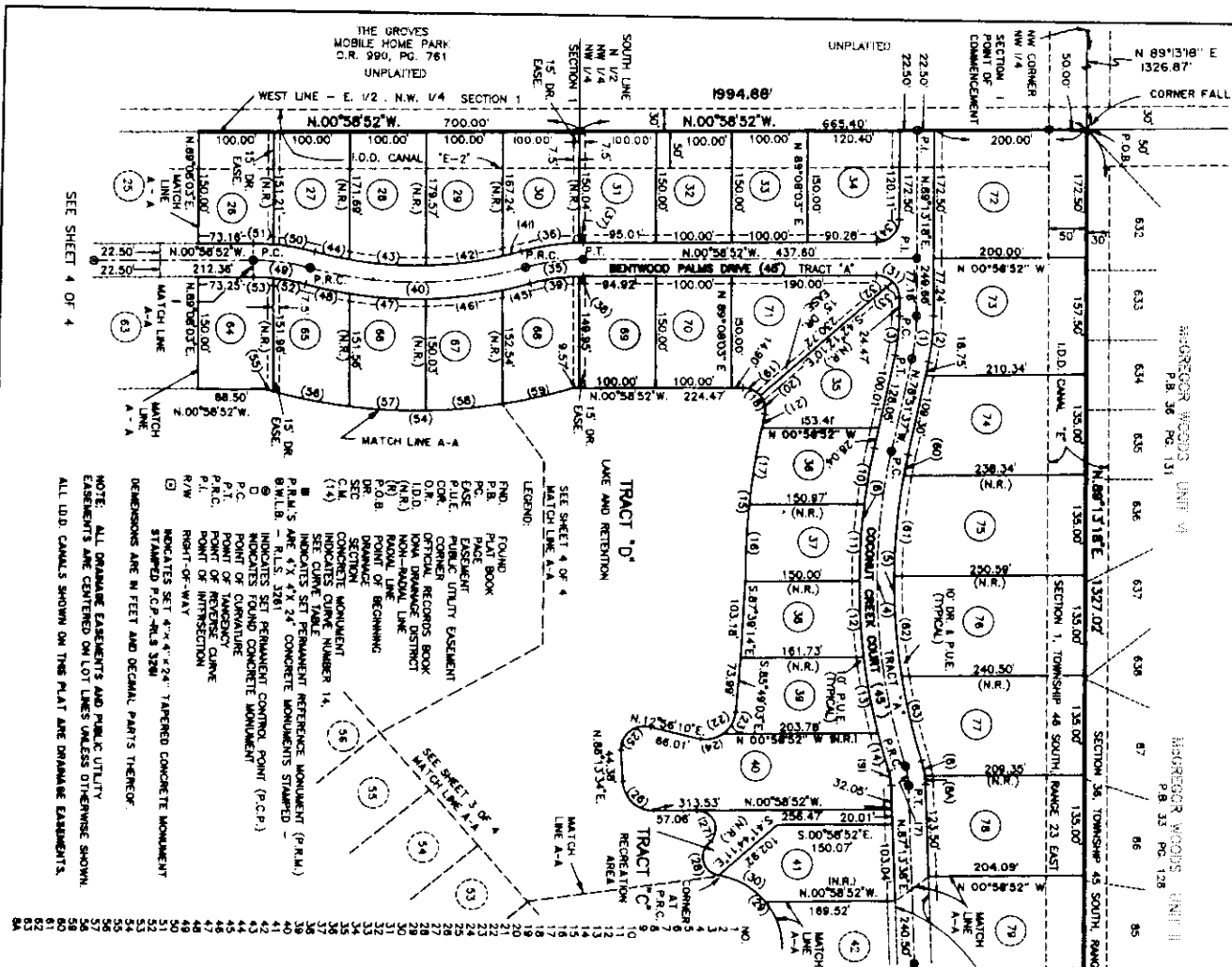
REGULATOR WOODS UNIT #1  
P.B. 36 PG. 131

REGULATOR WOODS UNIT #2  
P.B. 33 PG. 128

FOR LEE COUNTY ZONING REGULATORY BOARD: NO CHANGE SHALL BE CONSIDERED BY ANY OF THE LOTS WHICH ADJUT THE NORTHERN BOUNDARY OF THE SUBDIVISION EITHER:  
A. FROM JAN 20, 1997 TO 1998 YEARS  
B. WITHIN EACH LOT AS THE SOUND OF COUNTY COMMISSIONERS DECIDES THAT THE PROPOSED TO BE ALIGNED WITH THE EXISTING ROADWAY BOUNDARY SHALL OCCUR FIRST.

SHEET 2 OF 4  
G.M. BRIDGES, LUTZ & SMITH, INC.  
CONSULTING ENGINEERS AND SURVEYORS  
13141-B LEWISBORO BLVD. (S13) 401-1331  
FORT WORTH, FLORIDA 33619

PLAT BOOK PAGE 36



TRACT 'C' - ROADWAY, DRAINAGE & PUE  
SEE SHEET 3 OF 4

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	277.50	11.5905	62.40	28.97	57.62	N 64°48'00" W
2	300.00	11.5905	62.40	31.31	57.62	N 64°48'00" W
3	322.50	11.5905	62.40	33.62	57.62	N 64°48'00" W
4	345.00	11.5905	62.40	35.89	57.62	N 64°48'00" W
5	367.50	11.5905	62.40	38.13	57.62	N 64°48'00" W
6	390.00	11.5905	62.40	40.34	57.62	N 64°48'00" W
7	412.50	11.5905	62.40	42.52	57.62	N 64°48'00" W
8	435.00	11.5905	62.40	44.67	57.62	N 64°48'00" W
9	457.50	11.5905	62.40	46.79	57.62	N 64°48'00" W
10	480.00	11.5905	62.40	48.88	57.62	N 64°48'00" W
11	502.50	11.5905	62.40	50.94	57.62	N 64°48'00" W
12	525.00	11.5905	62.40	52.97	57.62	N 64°48'00" W
13	547.50	11.5905	62.40	54.97	57.62	N 64°48'00" W
14	570.00	11.5905	62.40	56.94	57.62	N 64°48'00" W
15	592.50	11.5905	62.40	58.88	57.62	N 64°48'00" W
16	615.00	11.5905	62.40	60.79	57.62	N 64°48'00" W
17	637.50	11.5905	62.40	62.67	57.62	N 64°48'00" W
18	660.00	11.5905	62.40	64.52	57.62	N 64°48'00" W
19	682.50	11.5905	62.40	66.34	57.62	N 64°48'00" W
20	705.00	11.5905	62.40	68.13	57.62	N 64°48'00" W
21	727.50	11.5905	62.40	69.89	57.62	N 64°48'00" W
22	750.00	11.5905	62.40	71.62	57.62	N 64°48'00" W
23	772.50	11.5905	62.40	73.32	57.62	N 64°48'00" W
24	795.00	11.5905	62.40	75.00	57.62	N 64°48'00" W
25	817.50	11.5905	62.40	76.65	57.62	N 64°48'00" W
26	840.00	11.5905	62.40	78.28	57.62	N 64°48'00" W
27	862.50	11.5905	62.40	79.88	57.62	N 64°48'00" W
28	885.00	11.5905	62.40	81.46	57.62	N 64°48'00" W
29	907.50	11.5905	62.40	83.01	57.62	N 64°48'00" W
30	930.00	11.5905	62.40	84.54	57.62	N 64°48'00" W
31	952.50	11.5905	62.40	86.04	57.62	N 64°48'00" W
32	975.00	11.5905	62.40	87.52	57.62	N 64°48'00" W
33	997.50	11.5905	62.40	88.97	57.62	N 64°48'00" W
34	1020.00	11.5905	62.40	90.40	57.62	N 64°48'00" W
35	1042.50	11.5905	62.40	91.81	57.62	N 64°48'00" W
36	1065.00	11.5905	62.40	93.20	57.62	N 64°48'00" W
37	1087.50	11.5905	62.40	94.57	57.62	N 64°48'00" W
38	1110.00	11.5905	62.40	95.92	57.62	N 64°48'00" W
39	1132.50	11.5905	62.40	97.25	57.62	N 64°48'00" W
40	1155.00	11.5905	62.40	98.56	57.62	N 64°48'00" W
41	1177.50	11.5905	62.40	99.85	57.62	N 64°48'00" W
42	1200.00	11.5905	62.40	101.12	57.62	N 64°48'00" W
43	1222.50	11.5905	62.40	102.37	57.62	N 64°48'00" W
44	1245.00	11.5905	62.40	103.60	57.62	N 64°48'00" W
45	1267.50	11.5905	62.40	104.81	57.62	N 64°48'00" W
46	1290.00	11.5905	62.40	106.00	57.62	N 64°48'00" W
47	1312.50	11.5905	62.40	107.17	57.62	N 64°48'00" W
48	1335.00	11.5905	62.40	108.32	57.62	N 64°48'00" W
49	1357.50	11.5905	62.40	109.45	57.62	N 64°48'00" W
50	1380.00	11.5905	62.40	110.56	57.62	N 64°48'00" W
51	1402.50	11.5905	62.40	111.65	57.62	N 64°48'00" W
52	1425.00	11.5905	62.40	112.72	57.62	N 64°48'00" W
53	1447.50	11.5905	62.40	113.77	57.62	N 64°48'00" W
54	1470.00	11.5905	62.40	114.80	57.62	N 64°48'00" W
55	1492.50	11.5905	62.40	115.81	57.62	N 64°48'00" W
56	1515.00	11.5905	62.40	116.80	57.62	N 64°48'00" W
57	1537.50	11.5905	62.40	117.77	57.62	N 64°48'00" W
58	1560.00	11.5905	62.40	118.72	57.62	N 64°48'00" W
59	1582.50	11.5905	62.40	119.65	57.62	N 64°48'00" W
60	1605.00	11.5905	62.40	120.56	57.62	N 64°48'00" W
61	1627.50	11.5905	62.40	121.45	57.62	N 64°48'00" W
62	1650.00	11.5905	62.40	122.32	57.62	N 64°48'00" W
63	1672.50	11.5905	62.40	123.17	57.62	N 64°48'00" W
64	1695.00	11.5905	62.40	124.00	57.62	N 64°48'00" W

# COCONUT CREEK - PHASE I

A SUBDIVISION LYING IN  
SECTION 1, TOWNSHIP 46 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA.

PLAT BOOK #4 PAGE 35

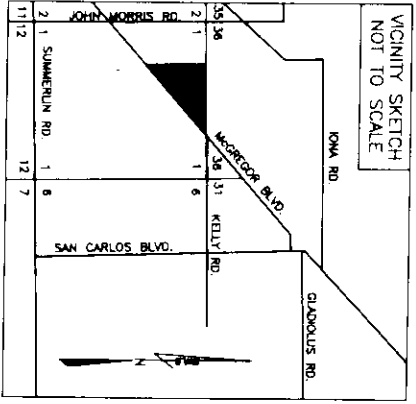
SHEET 1 OF 4

BOB WATKIN, LUTZ & BARNES, INC.  
COUNTY AND STATE SURVEYORS  
13141-B WAGNER ROAD, SUITE 113  
FORT WATERS, FLORIDA 32619

\*NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED IN THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**DESCRIPTION:**  
A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING PLAT SECTION 1, TOWNSHIP 46 SOUTH, RANGE 23 EAST, AND FURTHER BOUND AND DESCRIBED AS FOLLOWS:  
STARTING AT THE NORTHWEST CORNER OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 1; THENCE N87°31'06" E ALONG THE NORTH LINE OF SAID SECTION 1 FOR 1328.87 FEET TO THE WEST LINE OF THE SAID SECTION; AND TO THE NORTHWEST CORNER OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHWEST CORNER OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION FOR 1327.02 FEET TO THE NORTHEAST CORNER OF SAID FRACTION FOR 1227.02 FEET TO THE NORTHEAST CORNER OF SAID FRACTION AND TO THE NORTHWEST CORNER OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 1; THENCE N87°31'06" E ALONG THE NORTH LINE OF SAID SECTION 1 FOR 1328.87 FEET TO THE WEST LINE OF SAID SECTION 1; THENCE S47°28'07" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF WAGNER BOULEVARD FOR 5492.717' W. ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 2278.24 FEET; THENCE S47°28'07" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR 852.97 FEET; THENCE S80°37'37" W FOR 31.88 FEET TO THE WEST LINE OF SAID SECTION 1; THENCE (E 1/2) OF SAID SECTION 1 WEST LINE OF SAID FRACTION FOR 1984.88 FEET TO THE POINT OF BEGINNING.  
BEARINGS ARE BASED ON THE STATE ROAD DEPARTMENT MAPS OF WAGNER BOULEVARD.

8043022



**APPROVAL:**  
I HEREBY CERTIFY THAT THE ATTACHED PLAT OF COCONUT CREEK - PHASE I HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLETES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, LAWS OF FLORIDA, AS AMENDED, AND THAT THE SAID PLAT WAS FILED FOR RECORD AT 10:15 A.M. ON THE 22ND DAY OF AUGUST, 1991 A.D., AND IS FULLY RECORDED IN PLAT BOOK #4, AT PAGES 35 AND 36 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

*[Signature]*  
CLERK OF THE COUNTY IN AND FOR LEE COUNTY, FLORIDA

**NOTICE:**

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWAGE FACILITIES BEING SPECIFICALLY APPROVED OR ACCEPTED BY LEE COUNTY, ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OF OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, AND SEWAGE FACILITIES WITHIN THIS SUBDIVISION.

**EASEMENT DEDICATION:**

A 6 FOOT EASEMENT FOR PUBLIC UTILITIES IS RESERVED ALONG THE SIDE LINES OF ALL LOTS AND SUBJECT TO THE CONDITIONS OF CHAPTER 177(09) (29) FLORIDA STATUTES.  
A 20 FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES IS RESERVED ALONG THE REAR OF ALL LOTS ADJOINING TRACT "D".  
ADDITIONAL EASEMENTS ARE SHOWN SHEETS 2, 3, AND 4.

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF COCONUT CREEK - PHASE I IS A TRUE AND ACCURATE REPRESENTATION OF THE HEREIN DESCRIBED LANDS AND THAT THE SURVEY DATA COMPLETES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES AND THAT THE PERMANENT REFERENCE POINTS OF SAID SURVEY ARE LOCATED AT THE LOCATIONS SHOWN ON THIS PLAT.

*[Signature]*  
WILLIAM E. BEAN, S.T., D.L. CERTIFICATE NO. 1261

**DEDICATION:**

KNOW ALL MEN BY THESE PRESENTS THAT CERTAIN DEVELOPMENT OF LOTS IN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, HAS BEEN DEDICATED TO THE PUBLIC. THE DEDICATED AREAS ARE DESCRIBED AS FOLLOWS: PHASE I TO BE LOTS AND DOUBT HEREBY DEDICATE ALL PUBLIC UTILITY TRACTS TO THE PERPETUAL USE OF THE PUBLIC. TRACTS A AND B ARE DEDICATED TO THE LOT OWNERS ASSOCIATION WITH A NON-EXCLUSIVE EASEMENT TO THE IOWA DRAINAGE DISTRICT CANALS TO THE SOUTH. THE DEDICATED AREAS ARE SHOWN ON SHEETS 2, 3, AND 4 OF THIS PLAT.

*[Signature]* PRESIDENT, DEVELOPMENT OF LEE COUNTY, INC.  
DANIEL W. DOONILL, PRESIDENT

*[Signature]*  
WITNESS

COMP SEAL

**ACKNOWLEDGMENT FOR DEDICATION:**

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED DANIEL W. DOONILL TO ME AS THE PERSON WHO SIGNED THE FOREGOING DEDICATION AND HE HAS ACKNOWLEDGED THE DEDICATION THEREOF TO BE HIS OWN FREE AND VOLUNTARY ACT AND PURPOSE. HE THEN MENTIONED WITNESS MY HAND AND OFFICIAL SEAL THIS 22ND DAY OF AUGUST, 1991 A.D.

*[Signature]*  
NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA AT LANCE

COMP SEAL

**MORTGAGEE'S CONSENT TO DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT BARNETT BANK OF LEE COUNTY, N.A., HOLDER OF CERTAIN MORTGAGES RECORDED IN O.R. BOOK 2184 AT PAGE 1932, O.R. BOOK 2181, PAGE 4442, AND O.R. BOOK 2185, PAGE 4442, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ON THE HEREIN DESCRIBED LANDS, HAS CONSENTED TO THE DEDICATION HEREIN MENTIONED THIS 22ND DAY OF AUGUST, 1991 A.D.

*[Signature]*  
BARNETT BANK OF LEE COUNTY, N.A.

*[Signature]*  
WITNESS

COMP SEAL

**ACKNOWLEDGMENT FOR MORTGAGEE'S CONSENT**

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED DANIEL W. DOONILL TO ME AS THE PERSON WHO SIGNED THE FOREGOING DEDICATION AND HE HAS ACKNOWLEDGED THE DEDICATION THEREOF TO BE HIS OWN FREE AND VOLUNTARY ACT AND PURPOSE. HE THEN MENTIONED WITNESS MY HAND AND OFFICIAL SEAL THIS 22ND DAY OF AUGUST, 1991 A.D.

*[Signature]*  
NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA AT LANCE

COMP SEAL

**APPROVALS:**  
THIS PLAT ACCEPTED THIS 17TH DAY OF JULY 1991 A.D. IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.  
*[Signature]*  
APPROVED: CHAIRMAN OF THE BOARD  
*[Signature]*  
ATTEST: CLERK OF COUNTY  
*[Signature]*  
APPROVED: DIRECTOR OF DEPARTMENT OF DEVELOPMENT REVIEW  
*[Signature]*  
APPROVED: COUNTY ATTORNEY



104-10000  
1000-00000  
1000-00000

March 1, 2004

Mr. Peter J. Eckenrode, Director  
Lee County Government  
Dept. of Community Development  
Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

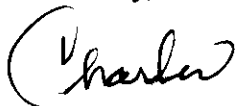
RE: VAC2003-00050 – Request to vacate a twenty-foot wide lake maintenance easement at the rear of Lot 69, Coconut Creek Subdivision, Phase 1, Section 1, Township 46 South, Range 23 East, as recorded in Plat Book 48, Pages 35 to 38 of the Public Records of Lee County, Florida.

Dear Mr. Eckenrode:

In response to your letter dated January 27, 2004 I have attached a letter from the Coconut Creek Homeowners Association. As requested, this letter addresses how the association will fulfill its maintenance responsibility if access to a facility it is required to maintain is obstructed.

After reviewing this letter please acknowledge your approval in writing so I can close my file. If you have any further questions or concerns please feel free to give me a call at 945-9321. *Fx: 945-9385*

Sincerely,



Charles I. Todd



LEE COUNTY  
SOUTHWEST FLORIDA

479-8348

BOARD OF COUNTY COMMISSIONERS

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

January 27, 2004

Bob Janes  
District One

Mr. Charles I. and Georgia Todd  
16111 Bentwood Palms Drive  
Fort Myers, FL 33908

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Re: VAC2003-00050 - Request to vacate a twenty-foot wide lake maintenance easement at the rear of Lot 69, Coconut Creek Subdivision, Phase I, Section 1, Township 46 South, Range 23 East, as recorded in Plat Book 48, Pages 35 to 38 of the Public Records of Lee County, Florida.

Andrew W. Coy  
District Four

John E. Albion  
District Five

Dear Mr. & Ms. Todd:

Donald D. Stiweil  
County Manager

Based upon the information provided, the Lee County Division of Development Services has concerns regarding the vacation of this easement.

James G. Yaeger  
County Attorney

The South Florida Water Management District (SFWMD) requires the perpetual maintenance of the surface water management system as a condition of its permit. In order to fulfill this requirement, easements for maintenance access are provided and a Homeowners' or Property Owners' Association becomes legally responsible for ensuring proper maintenance of the system.

Diana M. Parker  
County Hearing Examiner

In this case, the SFWMD has expressed concern that the deck, as constructed, obstructs the lake maintenance easement such that the ability of the Homeowners' Association to properly fulfill its responsibility will be compromised. We share this concern.

The Homeowners' Association has provided a letter stating that they have no objection to the approval of the request. However, no documentation has been provided as to how it will be able to fulfill its maintenance responsibility if access to a facility it is required to maintain is obstructed. This issue needs to be addressed before we could consider moving this item forward for Board consideration with a recommendation for approval.

What we will require is additional written clarification from the Homeowners' Association that a maintenance plan is in place to properly maintain the surface water management system. Please provide details of that plan and an affirmation from the Homeowners' Association that the reservation of the 20' lake maintenance easement on this or other lots fronting lakes within this development are not necessary to implement the plan. Absent this additional documentation we cannot consider issuing a recommendation for approval.

If you have any questions, please give Sal Elrubaie a call at 479-8374.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

PJE/pkh

cc: Project File  
Sal Elrubaie, Reviewer

1/29/04

talked to Sal  
said not getting Chyd  
need to get letter from  
Homeowners - 7 people  
in violation

## COCONUT CREEK HOMEOWNER'S ASSOCIATION

Board of Directors:  
Fred Trebatoski, President  
George Burck, Vice President  
Kathleen Sager, Secretary  
Ron Garrett, Treasurer  
Ray Judah, Director

Mr. Peter J. Eckenrode, Director  
Lee County Government  
Dept. of Community Development  
Development Services Division  
PO Box 398  
Ft. Myers, Fl 33902-0398

Dear Mr. Eckenrode;

In a letter dated January 27, 2004, addressed to Charles and Georgia Todd you requested "additional written clarification from the Homeowners' Association that a maintenance plan is in place to properly maintain the surface water management system." And to "Please provide details of that plan and an affirmation from the homeowners' Association that the reservation of the 20' lake maintenance easement on this or other lots..within this development are not necessary to implement the plan."

The maintenance plan for the lake is as follows:

- Aquatic Systems, our lake maintenance contractor, schedules two visits a month from May through October and one visit from November through April.
- Additional visits can be scheduled by the Lake Committee if necessary.
- When needed the lake is treated by spraying from a boat. It is sprayed for algae blooms and for blooms of surface vegetation such as duck weed.
- The shoreline (littoral zone) is also treated for exotic grasses, weeds and brush by a technician carrying a back pack with the proper herbicide to eliminate these plants.
- The submerged vegetation is controlled by grass carp.
- Two aerators have been put into the lake to keep its oxygen content appropriate to support life.
- Lake property owners are encouraged to not fertilize their lawns within 20 feet of the shoreline.
- Lake property owners have also been encouraged to install native, littoral plants along the shoreline to help keep the fertilizers and pesticides from polluting the lake.

The Homeowner's Association affirms that the lake maintenance can be done without the 20 foot lake maintenance easement on the Todd's property or any other property on the lake. There is a common area easement off of Coconut Creek Court which is 20 feet wide at the road. It is pie shaped, making the easement strip wider at the lake's edge. This easement ensures that a pick up truck pulling a trailered boat can access the lake for maintenance purposes. In fact this has already been done many times.

The lake is very healthy. It contains large mouth bass to 10 pounds, catfish to 15 pound and blue gills up to 12 inches in length. Many shorebirds visit the lake as well as several species of ducks, common moorhens, and coots.

Let it be known that the Coconut Creek Homeowner's Association recommends that it is not necessary for the property owners on the lake with decks and other structures in the 20 foot easement around the lake to vacate the easement.

Sincerely,

*Fred Trebatoski 2/27/04*

Fred Trebatoski  
President, Coconut Creek Homeowner's Assoc.  
Phone: 239-466-6711

## COCONUT CREEK HOMEOWNER'S ASSOCIATION

Board of Directors:  
Fred Trebatoski, President  
George Burck, Vice President  
Kathleen Sager, Secretary  
Ron Garrett, Treasurer  
Ray Judah, Director

Mr. Peter J. Eckenrode, Director  
Lee County Government  
Dept. of Community Development  
Development Services Division  
PO Box 398  
Ft. Myers, Fl 33902-0398

Dear Mr. Eckenrode;

In a letter dated January 27, 2004, addressed to Charles and Georgia Todd you requested "additional written clarification from the Homeowners' Association that a maintenance plan is in place to properly maintain the surface water management system." And to "Please provide details of that plan and an affirmation from the homeowners' Association that the reservation of the 20' lake maintenance easement on this or other lots..within this development are not necessary to implement the plan."

The maintenance plan for the lake is as follows:

- Aquatic Systems, our lake maintenance contractor, schedules two visits a month from May through October and one visit from November through April.
- Additional visits can be scheduled by the Lake Committee if necessary.
- When needed the lake is treated by spraying from a boat. It is sprayed for algae blooms and for blooms of surface vegetation such as duck weed.
- The shoreline (littoral zone) is also treated for exotic grasses, weeds and brush by a technician carrying a back pack with the proper herbicide to eliminate these plants.
- The submerged vegetation is controlled by grass carp.
- Two aerators have been put into the lake to keep its oxygen content appropriate to support life.
- Lake property owners are encouraged to not fertilize their lawns within 20 feet of the shoreline.
- Lake property owners have also been encouraged to install native, littoral plants along the shoreline to help keep the fertilizers and pesticides from polluting the lake.



The Homeowner's Association affirms that the lake maintenance can be done without the 20 foot lake maintenance easement on the Todd's property or any other property on the lake. There is a common area easement off of Coconut Creek Court which is 20 feet wide at the road. It is pie shaped, making the easement strip wider at the lake's edge. This easement ensures that a pick up truck pulling a trailered boat can access the lake for maintenance purposes. In fact this has already been done many times.

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Sincerely,

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Fred Trebatoski  
President, Coconut Creek Homeowner's Assoc.  
Phone: 239-466-6711



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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. Silfwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Writer's Direct Dial Number: (239) 335-2236

Facsimile (239) 335-2606

December 2, 2003

Charles I. & Georgia J. Todd  
16111 Bentwood Palms drive  
Fort Myers, FL 33909

Re: Code Enforcement Order  
Case No. 2003-411

Dear Property Owner:

Please be advised that failure to remedy the violation cited in the Lee County Hearing Examiner's Order of June 16, 2003, has resulted in Lee County filing a copy of the Hearing Examiner's Code Enforcement Order in the public record. A copy of the Order is enclosed.

As a result of recording the Order, a lien has been created against all real and personal property that you own. In addition, a fine of \$150.00 per day, beginning on October 22, 2003, is accruing and will continue for each subsequent day the violation continues to exist. The unpaid costs of prosecution are included as part of the lien. Also, be further advised that your continued noncompliance with the Hearing Examiner's Order to remedy the violation can result in a lien foreclosure action.

If you comply with the Hearing Examiner's Order and abate the code violation, please immediately contact the Lee County Development Services Division (Code Enforcement). At that time, the County will reinspect your property to confirm abatement. Upon confirmation of compliance, the fine will cease to accrue and you may request a mitigation hearing before the Hearing Examiner to demonstrate why the existing fine should be reduced, or the lien released against your property. **Please direct all questions to the Code Enforcement Office at 239/334-5895.**

Very truly yours,

*Dawn E. Perry-Lehnert*  
Dawn E. Perry-Lehnert  
Assistant County Attorney

DPL/pr  
Enclosure

cc: (w/enclosure)  
Fred Roenigk, Code Enforcement w/original  
Hearing Examiner



INSTR # 6051291  
OR BK 04125 Pgs 3542 - 3545; (4pgs)  
RECORDED 11/19/2003 03:36:06 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 19.50  
DEPUTY CLERK L Parent

PARCEL #: 01-46-23-27-00000.0690

THIS SPACE FOR RECORDING

BEFORE THE HEARING EXAMINER OF  
LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA

Petitioner,

vs.

CHARLES I. & GEORGIA J. TODD

Respondents

CASE NO.: 2003-411

CODE ENFORCEMENT ORDER

THIS CASE was first heard by the undersigned Lee County Hearing Examiner at a public hearing on June 16, 2003, after which an Order was entered which found that a violation existed on the subject property and required the Respondents, CHARLES I. & GEORGIA J. TODD, as the responsible persons or entity, to complete certain actions that would abate the violation by a date certain or face the imposition of a specified fine.

On, October 23, 2003, the Hearing Examiner received competent evidence that the violation had not been abated in accord with the above Order, and therefore finds and decides:

1. That the above-noted Order has not been complied with; and
2. That the violation of construction of a gazebo and wooden deck without a permit still exists on the subject property; and
3. That the Respondents have not paid the prosecution costs in the amount of \$100.00 which are due and owing to the Petitioner per Chapter 162, Florida Statutes.

It is ORDERED that Respondents pay to Lee County, Florida, a fine of **\$150.00 per day**, beginning on **October 22, 2003**, and continuing for each and every day that the aforesaid violation exists and continues on the property located, as reported by the Petitioner, at 16111 Bentwood Palms Drive.

Upon recording in the public records, this Order shall constitute a lien for the fine amount against all real and personal property of Respondents, including but not limited to the property described on the attached exhibit, and subsequent foreclosure of such lien may result in the loss of such property. The prosecution costs awarded herein may also become a lien against Respondent, upon recording, pursuant to Chapter 162, Florida Statutes.

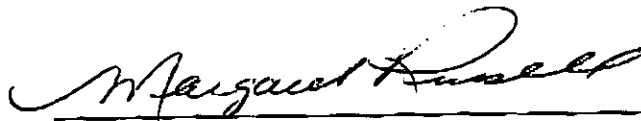
DONE AND ORDERED at 1500 Monroe Street, Second Floor, Fort Myers, Lee County, Florida on **October 23, 2003**.

  
SALVATORE TERRITO  
Lee County Hearing Examiner

APPEAL: An aggrieved party may appeal an Order of the Hearing Examiner of Lee County to the Circuit Court. The appeal shall be limited to appellate review of the record created before the Hearing Examiner. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

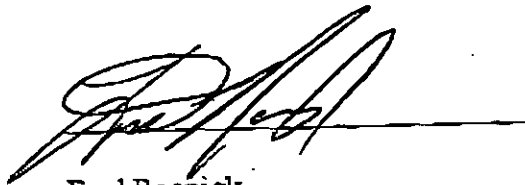
#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent by U.S. Mail to Charles I & Georgia J. Todd, 16111 Bentwood Palms Drive, Ft. Myers, FL 33909; and by interoffice mail or hand delivery to Lee County Development Services Division (Code Enforcement) and the Lee County Attorney's Office, on October 23, 2003.

  
SECRETARY  
LEE COUNTY HEARING EXAMINER'S OFFICE  
P.O. BOX 398  
FT. MYERS, FL 33902-0398

FOR RECORDING ONLY

I hereby certify that as an agent of the Lee County Development Services Division, the Office to whose custody the original is entrusted, this is a true and correct copy of the document maintained on file in the Code Enforcement records of Lee County, Florida.



Fred Roenigk  
Senior Code Enforcement Officer  
Development Services Division

Please return to:

LEE COUNTY ATTORNEY'S OFFICE  
P.O. Box 398  
Fort Myers, Fl. 33902-0398

2003-411

**Legal Description**

**Name: Lee County v. Charles I. & Georgia J. Todd**  
**Case No. 2003-411**

**LEGAL DESCRIPTION**

**"EXHIBIT A"**

Property located in Lee County, Florida

Lot 69, COCONUT CREEK SUBDIVISION, Phase I, according to the plat thereof as recorded in Plat Book 48, Pages 35 to 38, inclusive, in the Public Records of Lee County, Florida.