

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 211 and 209 Eighth Ave., Lehigh Acres, Florida 33972, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 24th day of August, 2004. (Case No. VAC2004-00030)

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

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4D

3. MEETING DATE:

07-27-2004

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] 7/02/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00030 was submitted by William M. and Linda M. Burns.

LOCATION: The site is located at **211 and 209 Eighth Ave., Lehigh Acres, Florida 33972**, and its strap numbers are 33-44-27-06-00025.0170 and 33-44-27-06-00025.0180. Petition No. VAC2004-00030 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 17 and 18; all in Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 48 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of each easement.

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

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

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<u>[Signature]</u>	N/A	N/A	N/A	<u>[Signature]</u> 7-14-04	<u>[Signature]</u> 7/14/04	<u>[Signature]</u> 7/15/04	<u>[Signature]</u> 7/15/04	<u>[Signature]</u> 7/15/04	<u>[Signature]</u> 7/15/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/14/04
Forwarded To: [Signature]
7/14/04 3pm

RECEIVED BY
COUNTY ADMIN [Signature]
7/15/04
3:15 pm SLT
COUNTY ADMIN
FORWARDED TO: [Signature]
7/15/04 3:30pm



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2004-00030

Petitioner(s), William M. and Linda M. Burns
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, 11035 Iron Horse Way Ft Myers, FL 33913
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:

William M Burns
Petitioner Signature

Linda M Burns
Petitioner Signature

William M. Burns
Printed Name

Linda M. Burns
Printed Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00030

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 17 and 18; all in Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 48 of the Public Records of Lee County, Florida;

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

Exhibit "C"

Petition to Vacate

VAC2004-00030

[Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
33-44-27-06-00025.0170	2003	PAID
Original Account	Book/Page	
33-44-27-06-00025.0170	4158 /3805	
Physical Address	Mailing Address	
BURNS WILLIAM M + LINDA 211 EIGHTH AVE LEHIGH ACRES FL 33972	BURNS WILLIAM M + LINDA 11035 IRONHORSE WAY FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 6 BLK 25 PB 15 PG 48 LOT 17		
Outstanding Balance as of 7/14/2004		\$0.00

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
33-44-27-06-00025.0180	2003	PAID
Original Account	Book/Page	
33-44-27-06-00025.0180	4158 /3805	
Physical Address	Mailing Address	
BURNS WILLIAM M + LINDA 209 EIGHTH AVE LEHIGH ACRES FL 33972	BURNS WILLIAM M + LINDA 11035 IRONHORSE WAY FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 6 BLK 25 PB 15 PG 48 LOT 18		
Outstanding Balance as of 7/14/2004		\$0.00



This Instrument Prepared by and return to:

Name: Patricia Regas
Tradewinds Title, Inc.
Address: 904 Lee Blvd., Suite 106
Lehigh Acres, FL 33936
60553
Parcel I.D. #: 33-44-27-06-00025.0180/0170
Recording Fee \$10.50 Doc Stamps \$133.00



INSTR # 6093571
DR BK 04158 Pgs 3805 - 3807; (3pgs)
RECORDED 12/29/2003 03:36:35 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEED DOC 133.00
DEPUTY CLERK G Sherwood

SPACE ABOVE THIS LINE FOR PROCESSING DATA

3

THIS WARRANTY DEED Made the 16th day of December, A.D. 2003, by **GEORG GOESSL** and **MARIA GOESSL**, hereinafter called the grantors, to **WILLIAM M. BURNS** and **LINDA BURNS**, husband and wife, whose post office address is **11035 Ironhorse Way, Fort Myers, FL 33913**, hereinafter called the grantees:

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

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

Lot 17, Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 48, Public Records of Lee County, Florida.

Lot 18, Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 48, Public Records of Lee County, Florida.

SUBJECT TO TAXES FOR THE YEAR 2003 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Subject Property is not now nor has it ever been the homestead property of the grantor. Subject property is vacant land.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold the same in fee simple forever.

And the grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003.

March 29, 2004

**Attn: Peter J. Eckenrode, Director Development Services
Lee County Community Development
P.O. Box 398
Fort Myers, FL 33902**

RE: VACATION OF EASEMENT

We are writing to you to request a vacation of easement for the purpose of combining two (2) lots into one for future building site of a single-family residence.

**The strap number(s) are: 33-44-27-06-00025.0170
 33-44-27-06-00025.0180**

and is located at 209 and 211 Eighth Ave, Lehigh Acres, FL 33972.

Thank you for your time and assistance in this matter.

Sincerely,



**William M. Burns
11035 Iron Horse Way
Fort Myers, FL 33913
(239) 693-8605**



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

April 2, 2004

William Burns
11035 Iron Horse Wy
Ft Myers, FL 33913

Re: Vacation of Right-of-Way
Strap # 33-44-27-06-00025.0170 Between #33-44-27-06-00025.0180.

Dear William Burns:

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 cursive script that reads "Mark Cook".

Mark Cook
Design Coordinator



Customer Service Operation

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

March 31, 2004

William M. Burns.
11035 Iron Horse Way
Fort Myers, Florida 33913

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 17 & 18,
Block 25, Unit 6, Section 33, Township 44S, Range 27E,
as recorded in Plat Book 15, Page 48 of the Official Records of Lee County, Florida

Dear : Mr. Burns,

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

If you should require additional information, please contact me at 239-336-2162.

Sincerely,

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

Sabrina Thompson
Engineer



Lee County Electric Cooperative, Inc.

Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.iline.com

April 13, 2004

Mr. William M. Burns
11035 Iron Horse Way
Ft. Myers, FL 33913

Re: Strap No. 33-44-27-06-00025.0170 and
Strap No. 33-44-27-06-00025.0180

Dear Mr. Burns:

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

A 12-foot-wide utility and/or drainage easement centered on the line common to Lots 17 and 18, Block 25, Unit 6, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 48, of the Public Records of Lee County, Florida, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

Please call me at 656-2422 if you have any questions.

Sincerely,

Karen Hardin
Real Property Representative



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

280 Wekiva Springs Road, Suite 203, Longwood, Florida 32779, Ph: (407) 629-6900, Fax: (407) 629-6963

May 24, 2004

William M. Burns
11035 Iron Horse Way
Ft. Myers, FL. 33913
(239) 693-8605

RE: Vacation of Easement for South Side of Lot 17 and North Side of Lot
18 of Block 25, Unit 5 in Lehigh Acres

Dear Mr. Burns:

The FGUA Board met May 21, 2004 and determined that they do not presently hold any property rights over the address identified above other than the plat reservation. They also determined that the FGUA has no current utilities in the utility easement nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the Board approved the request for vacation of easement May 21, 2004.

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the South side of Lot 17 and North side of Lot 18 (excluding the Easterly and Westerly 6 feet) of Block 25, Unit 5 in Lehigh Acres, as recorded in Plat Book 15, Page 48, of the Public Records of Lee County, Florida.

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

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

Charles Sweat
Director of Operations



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

June 29, 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

William M. & Linda M. Burns
11035 Iron Horse Way,
Ft Myers, FL 33913

Re: VAC2004-00030 - Petition to Vacate a 12-foot Public Utility Easement located centered on the common lot line between Lots 17 and 18; all in Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 48 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

Dear Mr. & Mrs. Burns:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 211 and 209 Eighth Ave., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200406\20040528.100\0496710\DCDLETTER.DOC

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00030**

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. VAC2004-00030 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00030

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 17 and 18; all in Block 25, Unit 6, Section 33, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 48 of the Public Records of Lee County, Florida;

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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00030

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 24th day of August 2004 @ 5:00^{pm} in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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

LEE COUNTY
S O U T H W E S T F L O R I D A
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00030

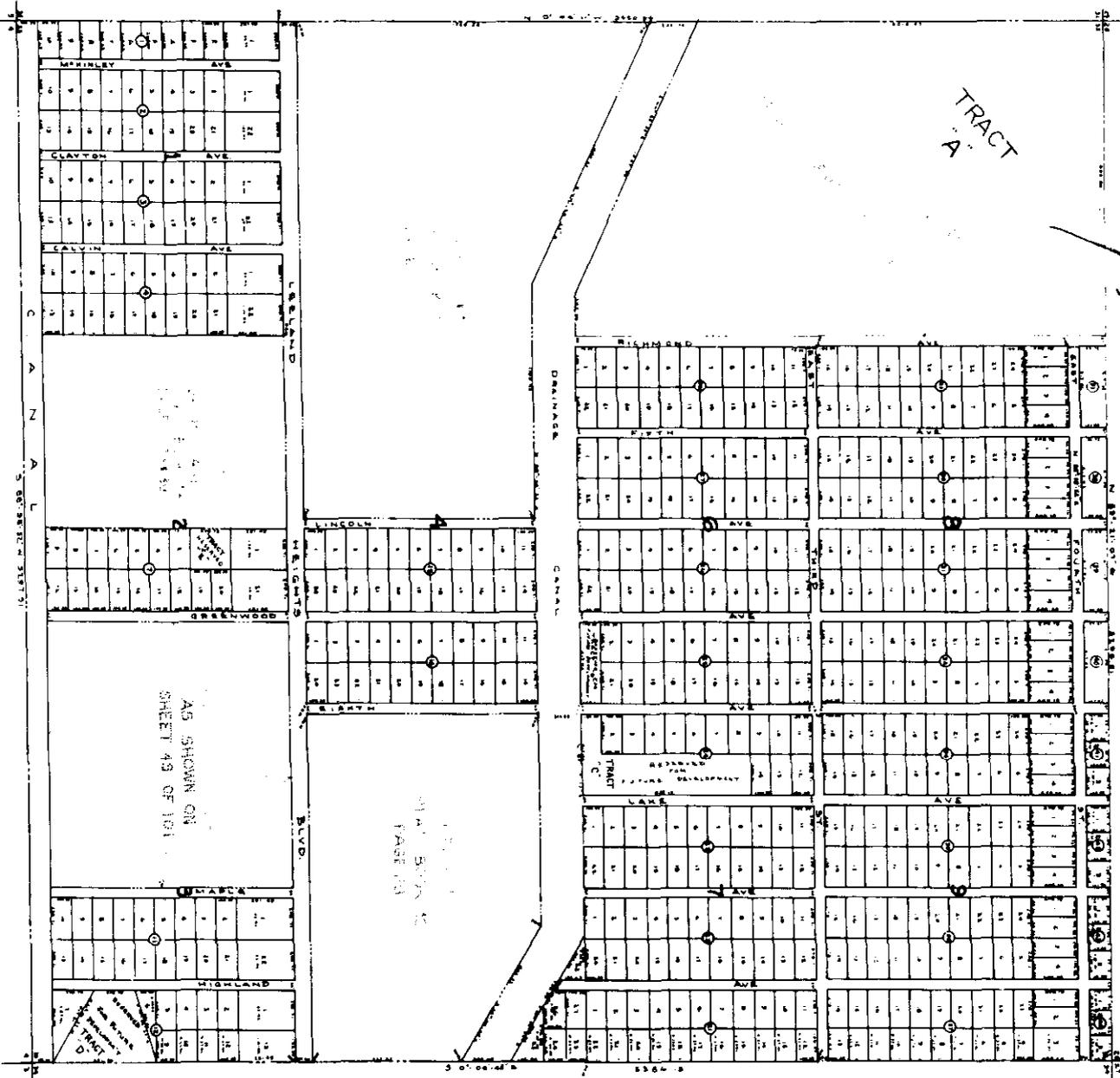
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LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

TRACT
"A"

*See Plat Book
B Sub A 1-1-1961
C.C.M.B. 2-5-1961
1961 74-1714-8
Subdivision*



A SUBDIVISION OF
LEHIGH ACRES

PLAT
OF
SECTION 33
TWP. 44 S. R2E. 27E

LEHIGH COUNTY, PA.
LEHIGH COUNTY LAND SYSTEM CO.
DIVISION OF
MARCH 10, 1961

*NOT TO SCALE
THIS PLAT IS A REPRODUCTION OF THE ORIGINAL PLAT
ON FILE IN THE OFFICE OF THE COUNTY ENGINEER
AT LEHIGH COUNTY, PA.*

*NOT TO SCALE
DRAWING OF LEHIGH COUNTY LAND SYSTEM CO.
DIVISION OF*

*See Plat Book
B Sub A 1-1-1961
C.C.M.B. 2-5-1961
1961 74-1714-8
Subdivision*

NOTE:

ALL LOTS SUBJECT TO A 6.0' UTILITY

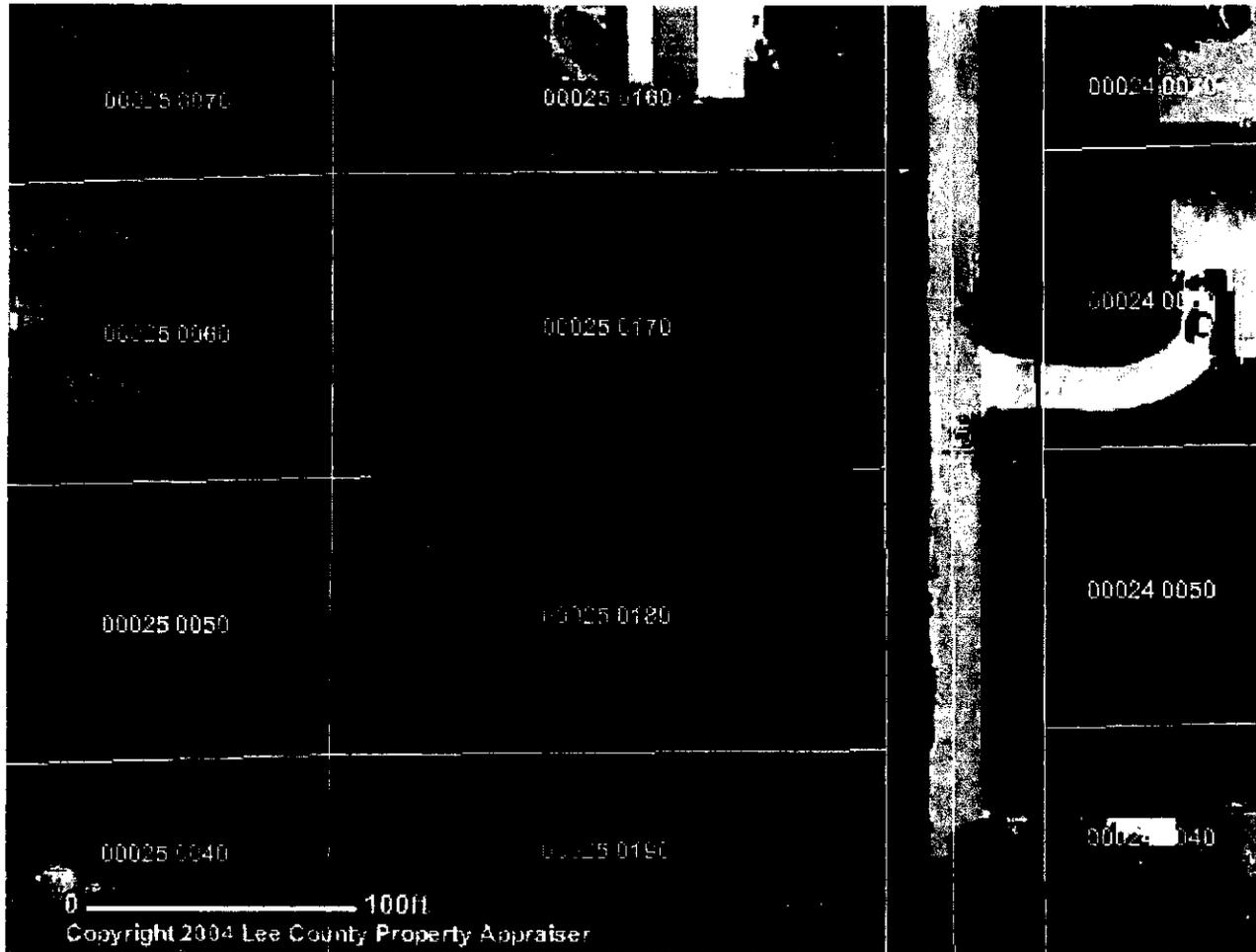
BASEMENT ON ALL SIDES OF LOT.

INTERIOR PERMITS : 4" x 6" x 24" CONCRETE

SEC CON PERMITS : 6" x 6" x 24" CONCRETE

ALL LOTS - QUAL 1/2 ACRES, EXCEPT WHERE NOTED

Lee Property Appraiser Web Tax Map



Tax Map Legend

- Parcels
- Road Centerlines
- Subdivisions
- City Limits
- City of Bonita Springs
- City of Cape Coral
- City of Fort Myers (cont)
- City of Sanibel
- Town of Fort Myers Beach

Aerial Image Set	2002 (Color)	Map Currency Date	3/26/2004 6:22:17 PM
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Area to be vacated