

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 1201 Glenn 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. VAC2004-00012)

WHY ACTION IS NECESSARY: To build a single-family residence on the combined lots. 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 #: 5

04

C4A

3. MEETING DATE:

08-03-2004

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
- BV: *[Signature]* 7/5/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00012 was submitted by Freddie Ervin, and Katherine R. Fludd a/k/a Katherine M. Fludd.

LOCATION: The site is located at 1201 Glenn Ave., Lehigh Acres, Florida 33972 and its strap number is 15-44-27-20-0000A.5010. Petition No. VAC2004-00012 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block A5, Section 15, Township 44 South, Range 27 East, Twelve Street Park, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 24 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 Risk	G County Manager
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>John...</i>	<i>OM 7/21/04</i>	<i>GC 7/21/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/6/04
Time: 2:27 PM
Forwarded to: *[Signature]*

RECEIVED BY
COUNTY ADMIN
7/20/04
10:40 am SGT
COUNTY ADMIN
FORWARDED TO: PR
7-22-04
11 AM

154 2720000A 5010

RECEIVED
FEB 23 2004
AM KLU
PERMIT COUNTER

PETITION TO VACATE

Case Number: VAC 2004-00012

Petitioner(s), Freddie Ervin & Katherine Fludd
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, 2254 10th Place Lehigh Acres, FL 33972
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted,

By: Freddie Ervin
Petitioner Signature

Freddie Ervin
Printed Name

By: Katherine Fludd
Petitioner Signature

Katherine Fludd
Printed Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00012

Legal Description of the Drainage and Public Utility Easements to be Vacated

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block A5, Section 15, Township 44 South, Range 27 East, Twelve Street Park, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 24 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
VAC2004-00012
[Page One of One]

Your search for 15442720000A5010 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
15-44-27-20-0000A.5010	2003	ERVIN FREDDIE + 1201 GLENN AVE	PAID	Details
15-44-27-20-0000A.5010	2002	ERVIN FREDDIE + 1201 GLENN AV	PAID	Details
15-44-27-20-0000A.5010	2001	ERVIN FREDDIE + 1201 GLENN AV	PAID	Details
15-44-27-20-0000A.5010	2000	ERVIN FREDDIE + 1201 GLENN AV	PAID	Details
15-44-27-20-0000A.5010	1999	ERVIN FREDDIE + 1201 GLENN AV	PAID	Details
15-44-27-20-0000A.5010	1998	ERVIN FREDDIE +	REDEEM	Details
(Click on the account number for more information and/or online payment.)				
6 match(es)		Page 1 of 1		

FOR OFFICIAL USE ONLY:
PARCEL # 15-44-27-20-0000A.5010

3754835

REC \$ 10.50
RPTT \$ 24.50
TOTAL \$ 35.00

PAGE 1 OF 2

THIS WARRANTY DEED

FTC-29671-MAM

Documentary Tax Pd. \$ 24.50
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By D. Underwood Deputy Clerk

Made the 28th day of MARCH, A.D. 1995
by

JACK K. THOMAS A/K/A JACK K. THOMAS, JR., INDIVIDUALLY AND AS TRUSTEE
1950 WOODRING ROAD, SANIBEL, FL 33957
acquiring title through instrument as recorded in O. R. Book 2149, Page
1547, and Book 2292, Page 2595 in the public records of LEE County, Florida.
hereinafter called the grantor,
to

FREDDIE ERVIN,
KATHERINE M. FLUDD,
whose post office address is:
23100 AVE. A
ALVA, FL 33920

herein called the grantees;
(wherever used herein the terms "grantor" and "grantee" include all the
parties to this instrument and the heirs, legal representatives and assigns
of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of
\$10.00 and other valuable consideration, receipt whereof is hereby
acknowledged, conveys and confirms unto the grantee, all that certain land
situate in LEE County, Florida, viz:

LOT 1, BLOCK A5, TWELFTH STREET PARK, SECTION 15, 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 24, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT property is vacant land and is not now, nor has it ever been the
homestead property of the grantor. It also is not contiguous to the present
homestead of the grantor.

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.

DR2589 PG2340

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: D. UNDERWOOD, D.C.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1994. Subject to easements, restrictions, reservations, conditions and limitations of record in the public records of LEE County, Florida.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence;

Jouen M. Charnock
WITNESS

Jack K. Thomas, Jr. LS
JACK K. THOMAS, JR., INDIVIDUALLY
AND AS TRUSTEE

Darren M. Charnock
PRINTED NAME OF WITNESS

Richard W. Workman
WITNESS

1950 WOODRING ROAD
SANIBEL, FL 33957

RICHARD W. WORKMAN
PRINTED NAME OF WITNESS

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28TH day of MARCH, 1995 by JACK K. THOMAS, JR., who is personally known to me and did produce acceptable identification being in the form of FLA. DRIVER LICENSE and who did take an oath that they did understand the body of this instrument and that they did sign this instrument of their own free act and deed.

WITNESS my hand and official seal in the County and State last aforesaid this 28TH day of MARCH, A.D. 1995.

Notary Seal
Notary Public
My Commission Expires:

(Notary Seal)

NAIR ARZY
PRINTED NAME OF NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: April 27, 1995.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

This Instrument prepared by: M.A. MINARD
FLEETWOOD TITLE CORPORATION
P.O. Box 1105, Lehigh Acres, FL 33970-1105

DR2589 PG23411

FOR OFFICIAL USE ONLY:
PARCEL # 15-44-27-20-0000A.5020

3813894

REC \$ 10.50
RPTT \$ 24.50
TOTAL \$ 35.00

PAGE 1 OF 2

Documentary Tax Pd. \$ 24.50
Intangible Tax Pd. \$ 0
CHARLIE GREEN, CLERK, LEE COUNTY
By C. Keller Deputy Clerk

OR2622 PG0232

THIS WARRANTY DEED

FTC-30121-LAK

Made the 25TH day of MAY, A.D. 1995
by

JACK K. THOMAS, JR., INDIVIDUALLY AND AS TRUSTEE,
ALSO KNOWN AS JACK K. THOMAS
1950 WOODRING ROAD, SANIBEL, FL 33957

acquiring title through instrument as recorded in O. R. Book 2149, Page 1549 and Book 2292, Page 2595, in the public records of LEE County, Florida. hereinafter called the grantor,

to
FREDDIE ERVIN AND KATHERINE R. FLUDD, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP

whose post office address is:
23100 AVENUE A.
ALVA, FL 33920

herein called the grantees:
(wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, conveys and confirms unto the grantee, all that certain land situate in LEE County, Florida, viz:

LOT 2, BLOCK A5, TWELFTH STREET PARK, 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 24, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SUBJECT property is vacant land and is not now, nor has it ever been the homestead property of the grantor. It also is not contiguous to the present homestead of the grantor.

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.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: C. KELLER, D.C.

95 AUG -1 AM 9:58

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1994. Subject to easements, restrictions, reservations, conditions and limitations of record in the public records of LEE County, Florida.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
WITNESS

Jennifer S Workman
PRINTED NAME OF WITNESS

[Signature] LS
JACK K. THOMAS, JR., INDIVIDUALLY
AND AS TRUSTEE

1950 WOODRING ROAD
SANIBEL, FL 33957

[Signature]
WITNESS

RICHARD W. WORKMAN
PRINTED NAME OF WITNESS

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25TH day of MAY, 1995 by JACK K. THOMAS, JR., who is personally known to me and did produce acceptable identification being in the form of FLA. DRIVER LICENSE and who did take an oath that they did understand the body of this instrument and that they did sign this instrument of their own free act and deed.

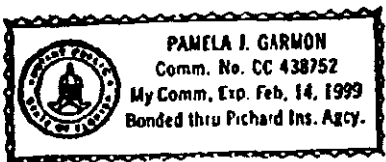
WITNESS my hand and official seal in the County and State last aforesaid this 25TH day of MAY, A.D. 1995.

[Signature]
Notary Public

(Notary Seal)

My Commission Expires:

PAMELA J. GARMON
PRINTED NAME OF NOTARY PUBLIC



OR2622 P60233

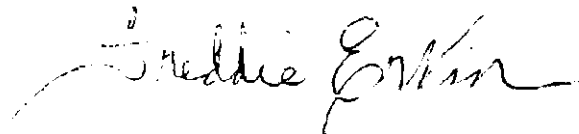
This Instrument prepared by: LISA A. KING
FLEETWOOD TITLE CORPORATION
P.O. Box 1105, Lehigh Acres, FL 33970-1105

7/1/04

Attn: Ruth Keith

Dept. of Community Development
we will be building a single
family home between lots 1 and 2
A-5, plat book 15, pg. 24 at 1201 -
Glenn Ave., Lehigh Acres, FL. 33972

Sincerely,
Katherine R. Erwin



MR. & MRS. Freddie Erwin
2254-10th. place
Lehigh Acres, FL. 33972

ph: #

239-369-9198



January 23, 2004

Mr. & Mrs. Freddie Ervin
2254 – 10th Place
Lehigh Acres, Florida 33972

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 1 & 2, Block A5 of Section 15, Township 44S, Range 27E.
Address: 1201 Glenn Ave., Lehigh Acres, Florida

Dear Mr. and Mrs. Ervin :

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

If you should require additional information, please contact me at 863-452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson
Engineer

301 Tower Road
Naples, FL 34113
Collier: (239)-732-3861
Lee: (239)-432-1861
FAX: 239-334-8575



January 13, 2004

Katherine Fludd & Freddie Ervin
2254 10th Place
Lehigh Acres, Fl. 33972

Re: Vacation of Utilities Easement bisecting lot at 1201 Glenn Avenue, Lehigh Acres,
Florida. 33972
Strap # 15-44-27-20-0000A.5010

Dear Ms Fludd and Mr. Ervin:

Comcast Communications has reviewed the plans of the above referenced properties. Comcast has no objection to the vacation of the easement as indicated on the attached sketch.

If I can be of any additional information regarding this project, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stanton". The signature is written in a cursive, slightly slanted style.

William Stanton
Design Department



Florida Power & Light Company

February 3, 2004

Mr. Freddie Ervin / Ms Katherine Fludd
2254- 10th Place
Lehigh Acres , Fl 33972

Re: Proposed Vacation of Easement for Twelfth Street Park
BLK A5 PB15 PG 24 LOTS 1+2

Dear Mr Ervin / Ms Fludd,

FPL would have no objection to vacating a 12-foot wide Public Utility Easement centered on the lot line common to Lots 1 & 2, Twelfth Street Park of Lehigh Acres recorded in Plat Book 15 Page 24

If you have any question, please call me at (941) 332-9168.

Sincerely,

A handwritten signature in cursive script that reads "Billy Midgett".

Billy Midgett
Customer Project Manager



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

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

June 21, 2004

Mr. & Mrs. Freddie Ervin
2254 10th Place
Lehigh Acres, FL. 33972

RE: Vacation of Easement for Block A-5, Lots 1 and 2 of Plat Book 15,
Page 24

Dear Mr. and Mrs. Ervin:

The FGUA Board met June 18, 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 on June 18, 2004.

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the east side of Lot 2 and west side of Lot 1 (excluding the northerly and southerly 6 feet) of Block A5 in Lehigh Acres, as recorded in Plat Book 15, Page 24 of the Public Records of Lee County, Florida. The request is made for the purpose of combining lots for new home construction. All lots in this subdivision have 6-foot utility easements around all sides.

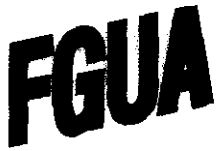
Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

A handwritten signature in black ink, appearing to read "Charles Sweat", is written over a horizontal line.

Charles Sweat
Director of Operations



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

614 N. Wymore Road, Winter Park, Florida 32789, Ph: (407) 629-6900, Fax: (407) 629-6963, E-mail: FGUA@FGUA.com

January 20, 2004

Katherine Fludd & Freddie Erwin
2254 10th Place
Lehigh Acres, FL 33972

Re: Request for Vacation of Easement

Dear Ms. Fludd & Mr. Erwin:

I am in receipt of your letter dated January 7, 2004, requesting a utility easement vacation at 1200 Glenn Ave, Lehigh Acres, Florida. Florida Governmental Utility Authority took over your service area from Florida Water Services Corporation on December 5, 2003, so we will be handling your request and servicing any future needs. In order to process your request, we need the following additional information:

- Explanation of the purpose of request.
- Site plan/legal description. Must show precise area to be vacated.
- Phone number where you can be reached.

Should you have any questions in this matter, please feel free to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

A handwritten signature in black ink, appearing to read "Charles L. Sweat", is written in a cursive style.

Charles L. Sweat
Director of Operations

AmeriGas

America's Propane Company

January 6, 2004

Katherine Fludd
Freddie Ervin
2254 10th Place
Lehigh Acres, Florida 33972

Dear Ms. Fludd/Mr. Ervin:

In reference to your letter dated January 7, 2004 AmeriGas has ~~no interest~~ on right of way on the following parcel(s):

STRAP NO.: 15-44-27-20-0000A.5010

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Mike Yonker
Sales & Service Manager



LEE COUNTY
SOUTHWEST FLORIDA

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

January 15, 2004

Katerine Fludd and Freddie Erwin
2254 10th Place
Lehigh Acres, Fl. 33972

**SUBJECT: PETITION TO VACATE A UTILITY EASEMENT
1200 GLENN AVE, LEHIGH ACRES.**

Dear Sir or Madam:

Lee County Utilities has reviewed the Public utility easement, Right-of-Way or Roadway easement described in your letter of January 7th 2004. Lee County Utilities has no facilities located within the easement; therefore, there is **no** objection to the vacation of this easement. However, you may also want to contact the Governmental Utility Authority, as your property is located within their Utility service area. Their phone number is (239) 368-1615 ext. 10.

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 II
UTILITIES ENGINEERING

S:\UTILS\Engr\MMML\LETTERS\VACATION\NOT WITHIN LCU SERVICE AREA\1200 Glenn Ave - Lehigh Acres - NO-OBJECTION.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

July 1, 2004

Douglas H. St. Cerny
District Two

Ray Judah
District Three

Freddie Ervin and Katherine R. Fludd
2254 10th Place,
Lehigh Acres, FL 33972

Andrew W. Croy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Re: **VAC2004-00012 - Petition to Vacate** a 12-foot Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block A5, Section 15, Township 44 South, Range 27 East, Twelve Street Park, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 24 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Ervin and Ms. Fludd:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Drainage and Public Utility Easement located between your two (2) lots. 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\20040223 123\1027500\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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

Wednesday, April 28, 2004

Freddie Ervin
2254 10th Place
Lehigh Acres, FL 33972

Re: Petition to Vacate a twelve (12) foot wide public utility & drainage easements common to Lots 1 & 2, Block A-5, Lehigh Acres Subdivision, as recorded in Plat Book 15 Page 24, in the public records, Lee County, Florida.

Dear Mr. Ervin:

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.

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: John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Ruth Keith, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac426.doc

VAC 2004-00012
RECEIVED
VDE
MAY 11 2004
DUE 05-07-15-04
COMMUNITY DEVELOPMENT

VAC
2004-00012
RECEIVED
MAY 11 2004

ACCORDING TO THE FILE



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cemy
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 17, 2004

Mr. And Mrs. Freddie Ervin
2254 10th Place
Lehigh Acres, FL 33972

**RE: Petition to Vacate the 12 foot wide
Drainage and Utility Easement centered
On the lot line between Lots 1 and 2,
Block A5, recorded in Plat Book 15, page 24,
Lehigh Acres, Section 15, Township 44 South,
Range 27 East**

RECEIVED
MAY 19 2004 4:45
LEE COUNTY

Dear Mr. And Mrs. Ervin:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. DOT has no facilities within the easement and does not maintain it.

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

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources
DOT PTV File



Florida Department of Transportation

JEB BUSH
GOVERNOR

801 North Broadway Avenue
Bartow, Florida 33830

JOSE ABREU
SECRETARY

May 6, 2004

Mr. and Mrs. Freddie Ervin
2254 10th Place
Lehigh Acres, Florida 33972

RE: Vacation of a Drainage and Utility Easement

Dear Mr. and Mrs. Ervin:

In response to your letter we received on May 5, 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 12' wide X 104'+/- long Utility & Drainage Easement between Lots 1 & 2, Block A-5, Unit 20 in Section 15, Township 44 South, Range 27 East, Lee County, Florida per Plat Book 15, Page 24.

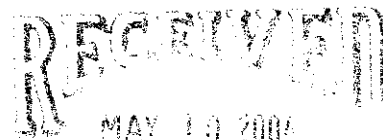
Based on this review, we offer "No Objections" to this vacation request.

Sincerely,

Brian L. Toune,
Property Management Agent

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

2004-00012



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

RECEIVED
MAY 13 2004
VACATION EASEMENT
2004-00012

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00012

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. VAC2004-00012 is set for the
_____ in the Lee County Commission Chambers.

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

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

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00012

Legal Description of the Drainage and Public Utility Easements to be Vacated

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common lot line between Lots 1 and 2; all in Block A5, Section 15, Township 44 South, Range 27 East, Twelve Street Park, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 24 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: VAC2004-00012

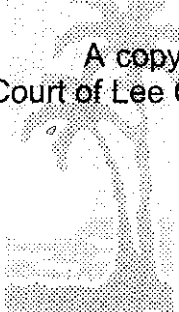
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 24th day of August, 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.



LEE COUNTY

SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

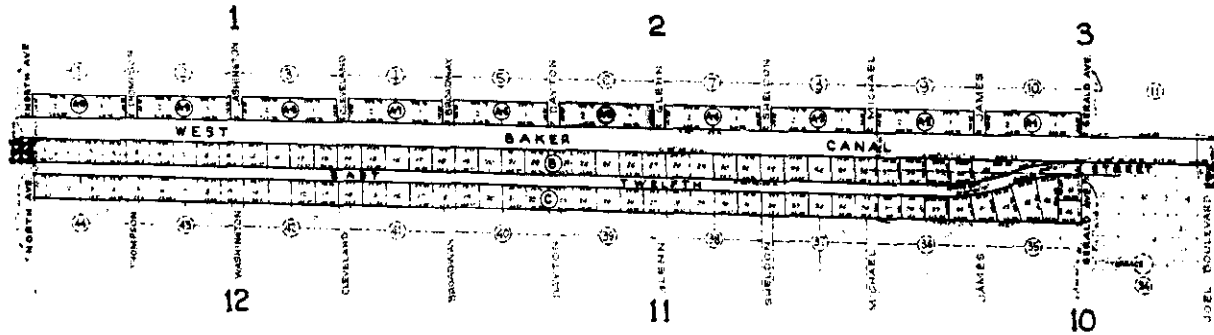
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LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

1 Subject to curve of intersection of Twelfth Street and
 Baker Avenue and center of 5 1/2" x 10" W.
 2 Bounded on the West by Section 18 and on the South by
 Section 19 of Section 16, Twp. 44 S., Rge. 27 E.



TWELFTH STREET PARK
BLOCKS A-1 A-2 A-3 A-4 A-5 A-6 A-7 A-8 A-9 A-10 B-8 C

DESCRIPTION OF BLOCKS A-1 THROUGH A-10 B-8 C

Plot of the South 260 feet of Section 15, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 254, Page 78 and Lots 1 and 24 in Blocks 35, 36, 37, 40, 41, 42, 43 and 44 and Lot 24 in Block 38 and that part of the N. 1/2 of Block 38 and of Block 39 and of Glenn Ave. lying North of a line drawn parallel with and 1148.07 feet North of the North line of Eleventh Street, Section 22, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 254 Page 80.

DESCRIPTION OF BLOCKS D-E-F-G-H-I-J-K-L

Plot of the South 260 feet of Section 16, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 254, Page 70 and Lots 1 and 24 of Blocks 37, 38, 39 and 40 and Lots 1 and 25 of Block 41, and Lots 1 and 26 of Block 42, 43, 44, 45, 46 and 47 and that part of Block 48 lying North of a line drawn parallel with and 1252.44 feet North of the South line of said Block 13, Section 21, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 254 Page 65.

DESCRIPTION OF BLOCKS M-N

Plot of the South 260 feet of Section 17, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 252 Page 491 and Lots 1 and 28 of Blocks 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47 Section 20, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 252 Page 491 and Lot 1, Block 46, Section 20, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 253 Page 358.

DESCRIPTION OF BLOCKS O-P-Q-R-S-T-U-V-W-X-Y

Plot of the South 260 feet of Section 18, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 252 Page 495, and Lots 1 and 2, Block 37, Lots 4, 23 and 24 and that part lying North of said Lots in Block 36, Lots 3, 24 and 25 and that part lying North of said Lots in Block 38, Lots 2, 25 and 26 and that part lying North of said Lots in Block 40, Lots 1 and 26 in Blocks 41, 42 and 43, Section 19, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 252, Page 234 and Lots 1 and 25 in Blocks 44, 45, 46, 47 and 48, Section 19, Twp. 44 S., Rge. 27 E. as recorded in Deed Book 253, Page 360.

TWELFTH STREET PARK

A SUBDIVISION OF

LEHIGH ACRES

LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO. DEVELOPERS

Scale: 1" = 20.00 FEET

JANUARY 1961

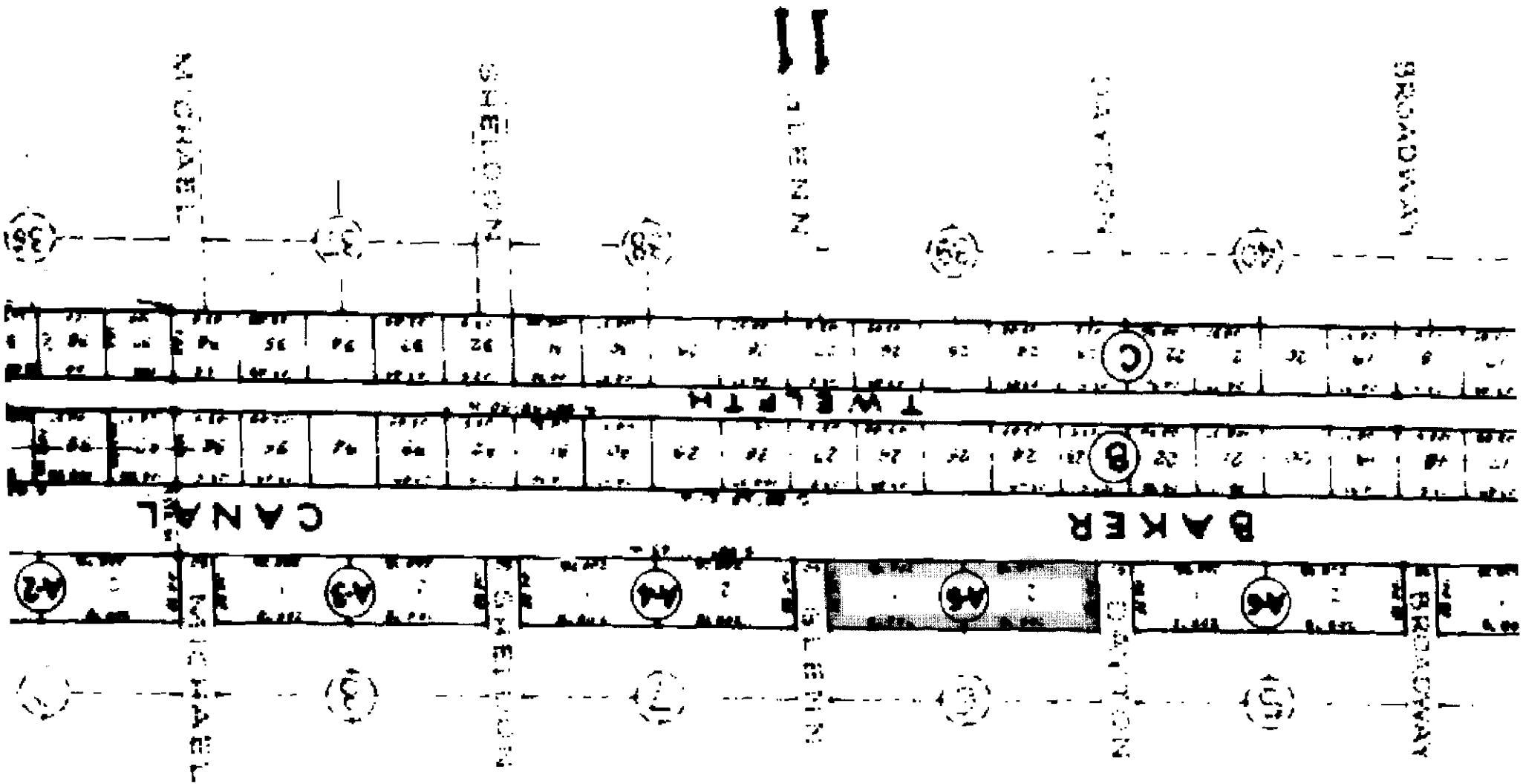
SURVEYORS CERTIFICATE

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

R. V. ...
 Florida Registered Land Surveyor No. 1198

NOTE:
 All lots subject to a Utility & Drainage Easement, both sides front and back.
 Interior P.R.M.'s are 4' x 4' 2 1/2" corners.
 Section corner P.R.M.'s are 4' x 4' 1/2" corners.
 - Interior P.R.M.'s

NOTE:
 DIMENSIONS, SHADINGS, LOT AND LAND LINES ON DRAWING OF LATELY DATE SHALL GOVERN.



2

SURVEYORS CERTIFICATE

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

R. V. Yarnall

Florida Registered Land Surveyor No. 1198

NOTE:

All lots subject to a Utility & Drainage Easement, both sides front and back

Interior P.R.M's are 4" x 4" x 24" concrete

Section corner P.R.M's are 6" x 6" x 36" concrete.

- Denotes P.R.M.'s

