

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate an easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities at 6881 Martin's Way and 6887 Highland Park Circle, Fort Myers, Florida 33912, located off of Plantation Road, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 24th day of August, 2004. (Case No. VAC2004-00017)

WHY ACTION IS NECESSARY: To construct additions to each of the two existing homes. **The vacation of this easement will not alter existing sidewalks, drainage and utility conditions and the easement is not necessary to accommodate any future sidewalks, drainage and utility requirements.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 2

04

C4B

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
- BY: *[Signature]* 7/9/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00017 was submitted by Madden Bone Law Firm, P.A. as the agent on behalf of Antonio R. & Nina Paz G. Pizarro, and Jean W. LaRosa, as Trustee of the Jean W. LaRosa Revocable Trust.

LOCATION: The site is located at **6881 Martin's Way and 6887 Highland Park Circle, Fort Myers, Florida 33912** and its strap numbers are 18-45-25-08-00000.0830 and 18-45-25-08-00000.0840. Petition No. VAC2004-00017 proposes to vacate an easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities over and across the westerly 35' of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40 at Page 69 of the Public Records of Lee County, Florida; **BUT NOT VACATING OR RELEASING** any portion of the Six-foot (6') wide utility easement lying along the side lot lines of the subject properties to the extent this easement may lie within the portion of the above-described easements to be vacated.

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
					OM	Risk	GC	
<i>Nam Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i> 7/19/04	<i>[Signature]</i> 7/21/04	<i>[Signature]</i> 7/21/04	<i>[Signature]</i> 7/21/04	<i>[Signature]</i> 7/22/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by *[Signature]*
Date: *7/19/04*
Time: *1:00 PM*
Forwarded to: *CO. Admin.*

RECEIVED BY
COUNTY ADMIN: *[Signature]*
07/20/04
3:45 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
7-22-04/lan

7/20/04 3pm

PETITION TO VACATE

Case Number: VAC2004-00017

Petitioner(s), Antonio R. & Nina Paz G. Pizarro
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, 6881 Martin's Way, Fort Myers, FL 33912.
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: Antonio R. Pizarro
Petitioner Signature

Antonio R. Pizarro
Printed Name

By: Nina Paz G. Pizarro
Petitioner Signature

Nina Paz G. Pizarro
Printed Name

PETITION TO VACATE

Case Number: VAC2004-00017

Petitioner(s), Jean W. LaRosa, as Trustee of the Jean W. LaRosa Revocable Trust 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, 6887 Highland Park Circle, Fort Myers, FL 33912 .
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: Jean W. LaRosa
Petitioner Signature

Jean W. LaRosa
Printed Name

By: _____
Petitioner Signature

Printed Name

PART V AFFIDAVIT A1

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Antonio R. Pizarro and Nina Paz G. Pizarro, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

- 1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Antonio R. Pizarro
Nina Paz G. Pizarro
Signature

ANTONIO R. PIZARRO
NINA PAZ G. PIZARRO
(Type or printed name)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 6/23/04 (date) by Antonio R. & Nina Paz G. Pizarro (name of person providing oath or affirmation), who is personally known to me or who has produced Florida driver's license (type of identification) as identification.

Sandra P. Meador
Signature of person taking oath or affirmation



Sandra P. Meador
MY COMMISSION # DD084697 EXPIRES
March 7, 2006
BONDED THRU TROY FAIR INSURANCE, INC.

Name typed, printed or stamped

Title or rank

Serial number, if any

PART V AFFIDAVIT A1

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Jean W. LaRosa, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.


Jean W. LaRosa
Signature

Jean W. LaRosa
(Type or printed name)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 6/23/04 (date) by Jean W. LaRosa (name of person providing oath or affirmation), who is personally known to me or who has produced Florida (type of identification) as identification.

S. Meador
Signature of person taking oath or affirmation

 Sandra P. Meador
MY COMMISSION # DD084697 EXPIRES
March 7, 2006
BONDED THROUGH TROY FAIR INSURANCE, INC.
Name typed, printed or stamped

Title or rank

Serial number, if any

EXHIBIT "A"

Petition to Vacate

VAC2004-00017

[Page One of One]

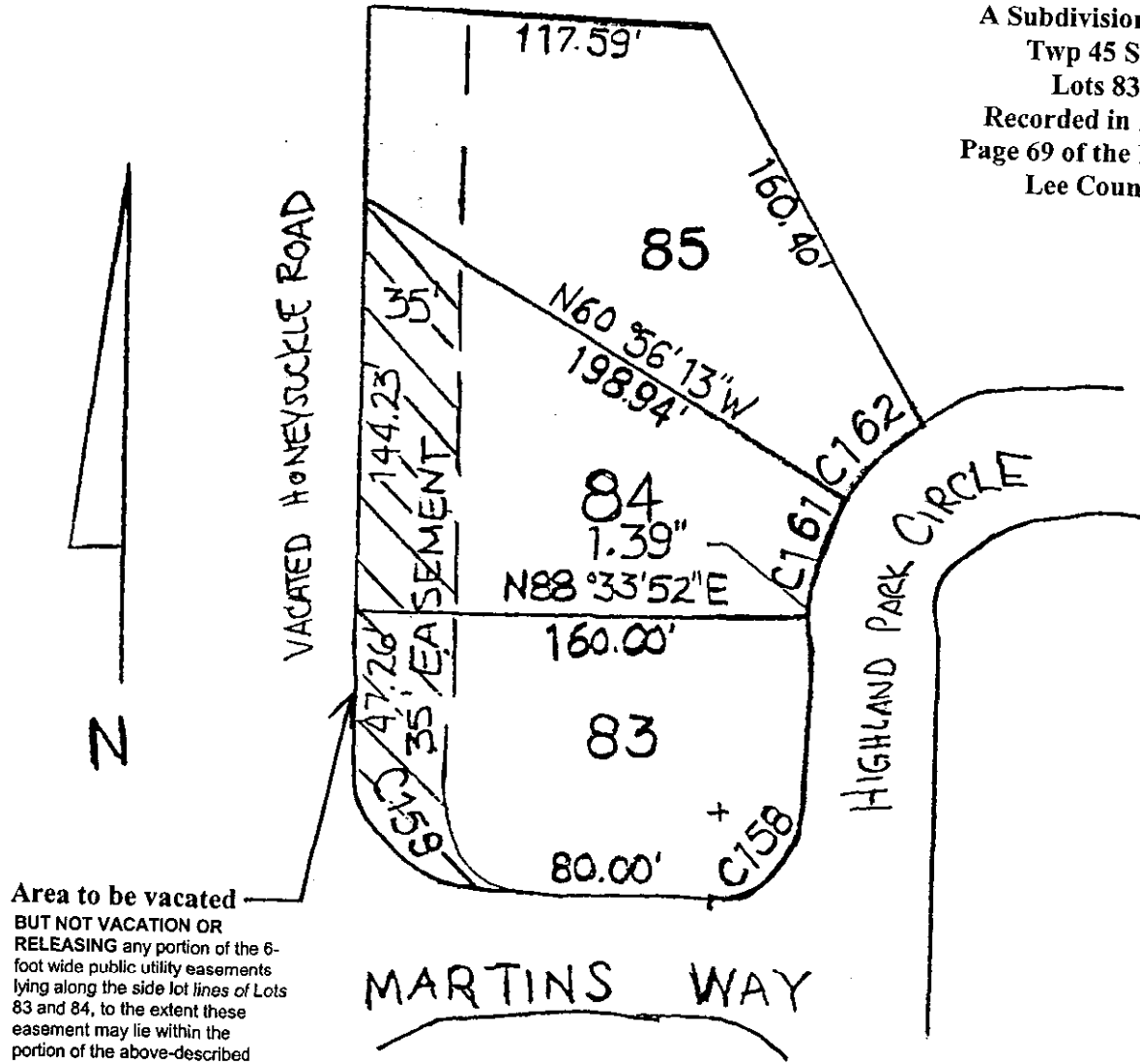
Legal Description of the Easement to be Vacated:

Vacating that portion of a 35-foot wide platted easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities over and across the westerly 35 feet of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40, at Page 69 of the Public Records of Lee County, Florida;

BUT NOT VACATION OR RELEASING any portion of the 6-foot wide public utility easements lying along the side lot lines of Lots 83 and 84, to the extent these easements may lie within the portion of the above-described easement to be vacated.

Exhibit "B"
 Petition to Vacate
 VAC2004-00017
 [Page One of One]

Highland Pines Estates,
 A Subdivision in Section 18,
 Twp 45 S, Rge 25 E,
 Lots 83 and 84,
 Recorded in Plat Book 40,
 Page 69 of the Public Records,
 Lee County Florida



Area to be vacated
 BUT NOT VACATION OR
 RELEASING any portion of the 6-
 foot wide public utility easements
 lying along the side lot lines of Lots
 83 and 84, to the extent these
 easement may lie within the
 portion of the above-described
 easement to be vacated.

100'
 scale 1 1/2" = 100'

35' Foot easement over the
 westerly side of lots 83 and 84

Exhibit "C"
Petition to Vacate
VAC2004-00017
[Page One of One]

Your search for 1845250800000830 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
18-45-25-08-00000.0830	2003	PIZARRO ANTONIO R + NINA PAZ G 6881 MARTIN'S WY	PAID	Details
18-45-25-08-00000.0830	2002	PIZARRO ANTONIO R + NINA PAZ G 6881 MARTIN'S WY	PAID	Details
18-45-25-08-00000.0830	2001	DELACRUZ JOSE R + MARIA R 6881 MARTIN'S WY	PAID	Details
18-45-25-08-00000.0830	2000	DELACRUZ JOSE R + MARIA R 6881 MARTIN'S WY	PAID	Details
18-45-25-08-00000.0830	1999	KNIZNER DAVID P + JUDY A 6881 MARTIN'S WY	PAID	Details
18-45-25-08-00000.0830	1998	KNIZNER DAVID P + JUDY A	PAID	Details
(Click on the account number for more information and/or online payment.)				
6 match(es)		Page 1 of 1		

Your search for 1845250800000840 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
18-45-25-08-00000.0840	2003	LAROSA JEAN W TR 6887 HIGHLAND PARK CIR	PAID	Details
18-45-25-08-00000.0840	2002	LAROSA JEAN W TR 6887 HIGHLAND PARK CIR	PAID	Details
18-45-25-08-00000.0840	2001	LAROSA JEAN W TR 6887 HIGHLAND PARK CIR	PAID	Details
18-45-25-08-00000.0840	2000	LAROSA JEAN W TR 6887 HIGHLAND PARK CIR	PAID	Details
18-45-25-08-00000.0840	1999	LAROSA JEAN W TR 6887 HIGHLAND PARK CIR	PAID	Details
18-45-25-08-00000.0840	1998	SULLIVAN MICHAEL P + BARBARA J	PAID	Details
(Click on the account number for more information and/or online payment.)				
6 match(es)		Page 1 of 1		

10.30
1925.00
1935.50

Prepared by & Return to:
Title Professionals of Florida
13241 University Drive # 103
Ft. Myers, FL 33907
incidental to the issuance of a title insurance policy.
File Number: paf-2465-03
Parcel ID #: 18-45-25-08-00000.0830



INSTR # 5831117
Official Records BK 03940 PG 3844
RECORDED 05/21/2003 04:12:42 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 1,925.00
DEPUTY CLERK G Sherwood

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 05/16/03 by

Jose R. De La Cruz and Maria R. De La Cruz, husband and wife

hereinafter called the GRANTOR, to

Antonio R. Pizarro and Nina Paz G. Pizarro, husband and wife

whose post office address is:

6881 Martin's Way, Fort Myers, FL 33912

hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

Lot 83, HIGHLAND PINES ESTATES, according to the map or plat thereof recorded in Plat Book 40 pages 67 through 70, inclusive, public records of Lee County Florida, together with a portion of the vacated 80 X 661.77 foot right-of-way which was known prior as "Honeysuckle Road", as vacated in Official Records Book 2620 page 3923 and further described as follows: From the Northwest corner of said lot 83 (this also being the point of beginning) proceed S01 degrees 26' 08" E for a distance of 47.26 feet; thence run S 88 degrees 33' 52" W for a distance of 40.00 feet to the center line of vacated road; thence run N01 degrees 26' 08" W along said center line of vacated road for a distance of 47.26 feet; thence run N88 degrees 33' 52" E for a distance of 40.00 feet to the point of beginning.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2003 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness 1 Signature: Laura K. Faherty
Print Name: Laura K. Faherty

Witness 2 Signature: Laura Coleman
Print Name: Laura Coleman

Witness 1 Signature: _____
Print Name: _____

Witness 2 Signature: _____
Print Name: _____

Jose R. De La Cruz
Jose R. De La Cruz

Maria R. De La Cruz
Maria R. De La Cruz

State of Texas
County of TARRANT

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **Jose R. De La Cruz and Maria R. De La Cruz, husband and wife**, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that; he, she and/or they, executed the same, and an oath was not taken. (Check one:) Said person(s) is/are personally known to me. Said person(s) provided the following type of identification: DRIVERS LICENSE

WITNESS my hand and official seal in the County and State last aforesaid this MAY 15 2003

(SEAL)

Debra J. Osman
Notary Signature
DEBRA J. OSMAN
Notary Public
STATE OF TEXAS
My Comm. Exp. 03/28/2006

My Commission Expires:

[Faint, illegible text]

10.50
245.00

4609092

THIS INSTRUMENT PREPARED BY:
GUARDIAN TITLE SERVICES CORP.
PAT HICKIN
9311-2 COLLEGE PARKWAY
FORT MYERS, FL 33919

Documentary Tax Pd. \$ 245.00
\$ _____ Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Betty Cruz Deputy Clerk

STRAP NO: 18-45-25-08-00000 0840
GRANTEE'S SOCIAL SECURITY NO:

DR3102 P61317

THIS WARRANTY DEED Made this 6th day of April, 1999

by Michael P. Sullivan and Barbara J. Sullivan, husband and wife

whose post office address is: 17425 MASCOT LN 33955
PLANT COTTON, FL
herein after called the grantors, to

Jean W. LaRosa, as Trustee of the Jean W. LaRosa Revocable Trust created under agreement dated September 11, 1997

whose post office address is: 14761 ROYAL OAK COURT
FORT MYERS, FL 33919
hereinafter called the grantee:

(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)

RECORDED BY
BETTY CRUZ, D.C.

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida:

Lot 84, Highland Pines Estates, according to the plat thereof, as recorded in Plat Book 40, Pages 67 through 70 inclusive, in the Public Records of Lee County, Florida.

THIS DEED CONFERS UNTO GRANTEE, AND THE GRANTEE AND HER SUCCESSORS AS TRUSTEE ARE HEREBY VESTED, PURSUANT TO SECTION 689.071, FLORIDA STATUTES, WITH FULL POWER AND * TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that 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, 1998, restrictions, reservations and easements of record, if any.

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

Signed, sealed and delivered in our presence:

Donna M. Wieland
Witness #1
Also Print: DONNA M. WIELAND

Michael P. Sullivan
Michael P. Sullivan

Cornelia H. Wunderlich
Witness #2
Also Print: CORNELIA H. WUNDERLICH

Barbara J. Sullivan
Barbara J. Sullivan

*AUTHORITY TO PROTECT, CONSERVE, SELL, LEASE, CONVEY, ENCUMBER OR OTHERWISE TO MANAGE AND DISPOSE OF THE PROPERTY OR ANY PART OF IT.

DONNA M. WIELAND
BY COMMISSION # DC 65401
EXPIRES May 11, 1999
Buyer Beware! Buyer Beware!

STATE OF Florida

COUNTY OF Lee

EXECUTION OF the foregoing instrument was acknowledged before me this 6 day of April, 1999 by Michael P. Sullivan and Barbara J. Sullivan, husband and wife, who is/are personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: Driver's License

Donna M. Wilson
NOTARY PUBLIC - SIGNATURE ABOVE

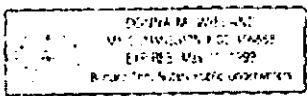
NOTARY NAME - DONNA M. WILSON

(Affix Notary Seal)

COMMISSION NO. - _____

COMMISSION EXP. DATE - _____

Notary Name/Commission No./Exp. Date - typed or printed
FILE NO: F83192R
BATCH.DOC



OR3102 P61318

99 APR 12 AM 9:10
CHARLIE GREEN, CLERK
LEE COUNTY, FL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANTHONY NAVY
6843 HIGHLAND PARK CL.
FT. MYERS, FL 33912

2. Article Number

(Transfer from service label)

7002 1000 0005 6092 0316

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7002 1000 0005 6092 0316

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here
8/29/03

Sent To

NAVY

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, April 2002

See Reverse for Instructions

LAROSA

October 14, 2003

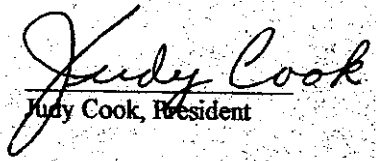
Mr. Joseph M. Madden, Jr.
Madden Bone Law Firm P.A.
2222 Second Street., Suite F
Fort Myers, Florida 33901

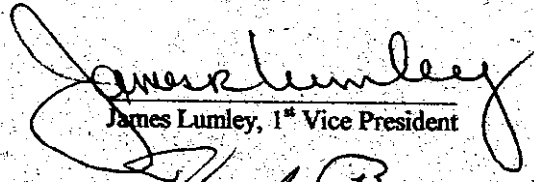
Dear Mr. Madden:

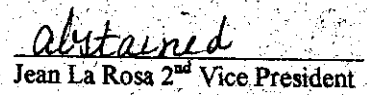
This is to advise you that the Highland Pines Estates Association Board of Directors has no interest in pursuing the easement for public access and construction, etc. at 6887 Highland Park Circle, Fort Myers, Florida 33912.

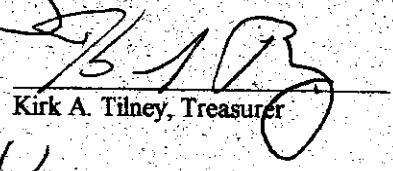
We thank you for your consideration in this matter.

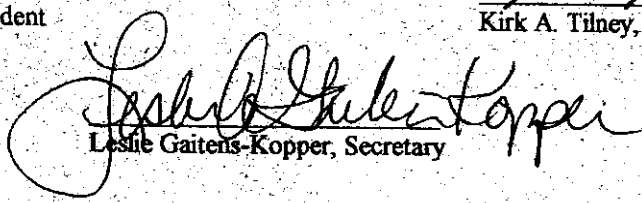
Sincerely,


Judy Cook, President


James Lumley, 1st Vice President


Jean La Rosa 2nd Vice President


Kirk A. Tilney, Treasurer


Leslie Gaitens-Kopper, Secretary

Highland Pines Estates Property Owners' Association, Inc.

P.O. Box 7574, Fort Myers, Florida 33911-7574 (941) 330-0180



MB
MADDEN | BONE
LAW FIRM, P.A.

Reply to Ft. Myers

August 29, 2003

Anthony C. Navy
June Marie Navy
6893 Highland Park Circle
Fort Myers, Florida 33912

j.madden@myfloridaattorney.com

Re: Request for letter of Review and Recommendation on a proposed
easement vacation at the following location:
Property Address: 6887 Highland Park Cir., Ft. Myers, Florida 33912
Plat of Highland Pines Estates

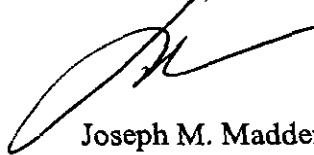
Dear Mr. and Mrs. Navy:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the easement for public access and construction, operation and maintenance of sidewalks, drainage and public utilities at the location identified above in order to construct an addition to the home. The subject easement was platted adjacent to Honeysuckle Road. Honeysuckle Road, in this location, was vacated February 5, 1992, as recorded in OR Book 2277, Page 4306, Public Records of Lee County, Florida. Therefore, the subject easement serves no public purpose.

We have included a copy of the pertinent area of the Plat for the Highland Pines Estates showing the easement for public access and construction, operation and maintenance of sidewalks, drainage and public utilities that we desire to vacate. Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal.

Upon your receipt, should you have any questions or comments, please do not hesitate to contact me immediately.

Sincerely,



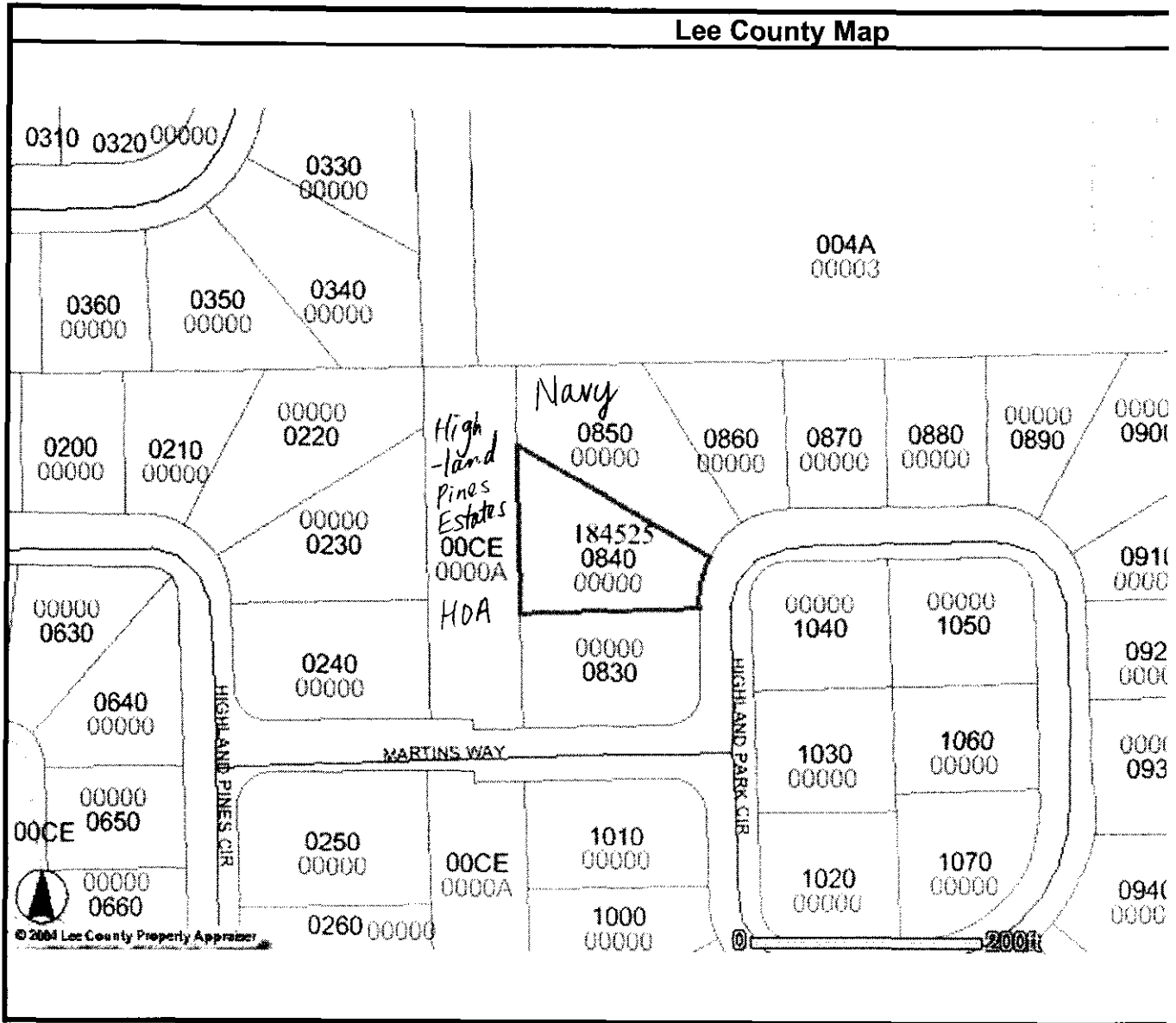
Joseph M. Madden, Jr.

**Signed in Absence
to Prevent Delay**

RECEIVED

MAR 10 2004

JM/am
Enclosure



Affected Property Owner

RECEIVED

MAR 10 2004

LEE COUNTY PROPERTY APPRAISER

**PROPERTY DATA FOR PARCEL 18-45-25-08-00000.0850
TAX YEAR 2003**

Parcel data is available for the following tax years:
[[2001](#) | [2002](#) | [2003](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
| [Display Tax Bills on this Parcel](#)]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 ROLL.

*Affected
Property Owners*

PROPERTY DETAILS

OWNER OF RECORD

NAVY C ANTHONY +
JUNEMARIE M
6893 HIGHLAND
PARK CIR
FT MYERS FL 33912

SITE ADDRESS

6893 HIGHLAND
PARK CIR
FORT
MYERS FL 33912

LEGAL DESCRIPTION

HIGHLAND PINES
ESTATES S/D
PB 40 PG 69
LT 85 + VAC R/W

[[VIEWER](#)] TAX MAP [[PRINT](#)]

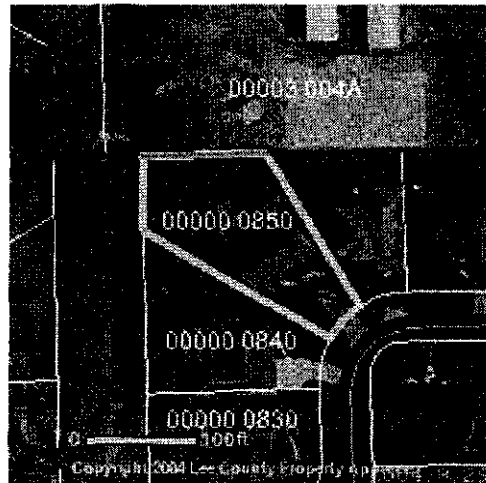


IMAGE OF STRUCTURE

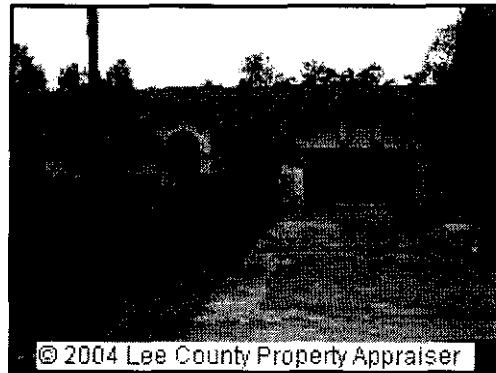


Photo Date: September of 2002

[[PICTOMETRY ONLINE](#)]

TAXING DISTRICT

012 - SOUTH TRAIL FIRE DISTRICT/SOUTH
COUNTY

DOR CODE

01 - SINGLE FAMILY RESIDENTIAL

PROPERTY VALUES

EXEMPTIONS

ATTRIBUTES

JUST	215,720	HOMESTEAD	25,000	UNITS OF MEASURE	LT
ASSESSED	215,720	AGRICULTURAL		NUMBER OF UNITS	1.00
ASSESSED SOH	177,240	WIDOW		FRONTAGE	0
TAXABLE	152,240	WIDOWER		DEPTH	0
BUILDING	173,720	DISABILITY		BEDROOMS	3

LAND	42,000 WHOLLY	0 BATHROOMS	2
BUILDING FEATURES	13,440 SOH DIFFERENCE	38,480 TOTAL BUILDING SQFT	4,140
LAND FEATURES	0	YEAR IMPROVED	1993

SALES/TRANSACTIONS

SALE PRICE	DATE	OR BOOK / PAGE	TYPE	TRANSACTION DETAILS DESCRIPTION	VACANT / IMPROVED
175,000	10/1/1993	<u>2434/3251</u>	06	Qualified (Fair Market Value / Arms Length / One STRAP #)	I
32,000	11/1/1991	<u>2259/1403</u>	01	Disqualified (Doc Stamp .70 / SP less th \$100 / Other DisQ)	V

PARCEL RENUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
18-45-25-00-00003.0010	Combined (With another parcel-Delete Occurs)	Unspecified

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY UNIT/AREA	TAX AMOUNT
002 - Service Area 2 - South Fort Myers Area	R - Residential Category	1	207.41

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (<u>FIRM FAQ</u>)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
Category 3	B	125124	0350	B	091984

[[Show](#)]

APPRAISAL DETAILS

TRIM (*proposed tax*) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

**PROPERTY DATA FOR PARCEL 18-45-25-08-0000A.00CE
TAX YEAR 2003**

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Tax Bills on this Parcel](#)]

*Affiliated
Property Owners*

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2003 ROLL.

PROPERTY DETAILS

OWNER OF RECORD

HIGHLAND PINES ESTATES
HOMEOWNERS ASSOCIATION INC
6870 HIGHLAND PINES CIR
FT MYERS FL 33912

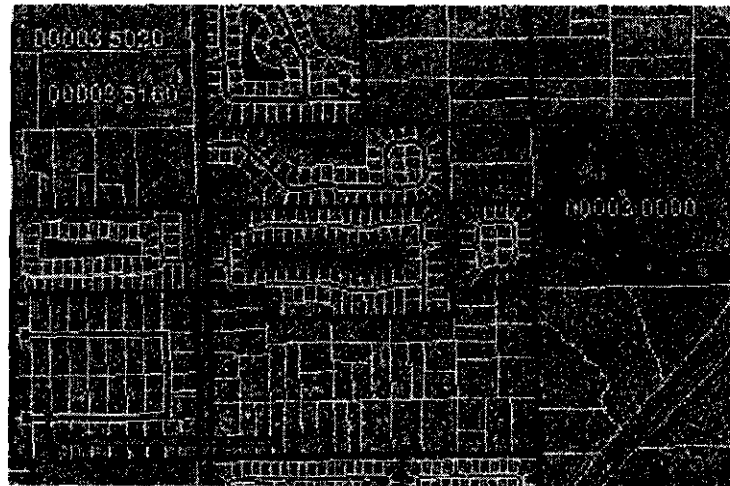
SITE ADDRESS

0 COMMON ELEMENTS
FORT MYERS FL 33912

LEGAL DESCRIPTION

HIGHLAND PINES EST PB 40
PG 69 TRCTS B D E + F + VAC
HONEYSUCKLE RD OR 2620/3922
COMMON ELEMENT

[[VIEWER](#)] TAX MAP [[PRINT](#)]



[[PICTOMETRY ONLINE](#)]

TAXING DISTRICT

012 - SOUTH TRAIL FIRE DISTRICT/SOUTH N. - COMMON ELEMENT / NOTES
COUNTY PARCELS

DOR CODE

PROPERTY VALUES

EXEMPTIONS

ATTRIBUTES

JUST	0 HOMESTEAD	0 UNITS OF MEASURE	
ASSESSED	0 AGRICULTURAL	0 NUMBER OF UNITS	
ASSESSED SOH	0 WIDOW	0 FRONTAGE	0
TAXABLE	0 WIDOWER	0 DEPTH	0
BUILDING	0 DISABILITY	0 BEDROOMS	
LAND	0 WHOLLY	0 BATHROOMS	
BUILDING FEATURES	0 SOH DIFFERENCE	0 TOTAL BUILDING SQFT	

LAND FEATURES 0 YEAR IMPROVED 0

PARCEL RENUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
18-45-25-08-0000A.0000	Split (From another Parcel)	Unspecified

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE CATEGORY	UNIT/AREA	TAX AMOUNT
002 - Service Area 2 - South Fort Myers Area -		0	0.00

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
Category 3	B	125124	0350	B	091984

[[Show](#)]

APPRAISAL DETAILS

TRIM (*proposed* tax) Notices are available for the following tax years:
 [[2000](#) | [2001](#) | [2002](#) | [2003](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [New Browse](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).
 Page was last modified on Friday, February 27, 2004 3:02:56 PM.

Law Office of
Joseph M. Madden Jr.
LLC

July 6, 2004

Division of Community Development
P.O. Box 398
Fort Myers, FL 33902

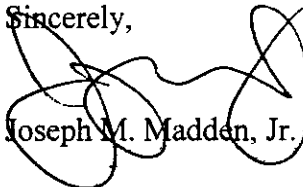
Re: Larosa Vacation

Dear Division of Community Development:

This letter will acknowledge on behalf of the applicants in the above referenced vacation request that it may be necessary, in the future, to seek and obtain a release or quit claim deed from the Highland Pines Property Owner's Association to clear the title to the easement being vacated by Lee County.

Thank you for your attention in this matter.

Sincerely,



Joseph M. Madden, Jr.

JM/lb

Law Office of
Joseph M. Madden Jr.
LLC

March 10, 2004

Lee County Board of Commissioners
P.O. Box 398
Fort Myers, FL 33902

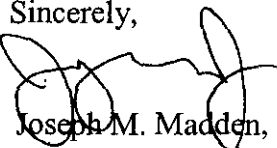
Re: Petition to Vacate Jean Larosa and Antonio Pizarro

Dear Board of County Commissioners:

Our firm represents Jean Larosa and Antonio Pizarro in the preparation and submittal for a petition to vacate the easement adjacent to Lots 83 and 84 in the Highland Pines Estates Subdivision. Each of the applicant's Lots is immediately contiguous to the vacated Honeysuckle Road right-of-way located in the Subdivision. When the plat was created, there was also created an access way drainage and utility easement adjacent to the Honeysuckle Road right-of-way. Since the vacation of that road right-of-way, the easement described above is no longer necessary for any purpose. The easement also creates an additional hardship in being able to add on to the applicants' homes, given the additional set back requirements.

At this time, we respectfully request that the Board of County Commissioners acknowledge that there is no public purpose served by the existing easement and agree to vacate same. Such vacation will have a public purpose in allowing the applicants to have additional lot area in which to construct improvements which will thereby result in additional tax revenue through ad valorem tax basis in the future.

Upon receipt of this letter, should you have questions or comments regarding the requested, please do not hesitate to contact me immediately.

Sincerely,

Joseph M. Madden, Jr.

JMM/sm

Vac 2004-00017
RECEIVED

6881 Martin's Way
Fort Myers, FL 33912
September 24, 2003


Joseph M. Madden, Jr.
2222 Second Street Suite F
Fort Myers, Florida 33901

Dear Mr. Madden:

This is in reference to your letter September 22, 2003 regarding request for letter of Review and Recommendation on a proposed easement vacation property located at 6887 Highland Park Circle Fort Myers, Florida 33912, the property being next to ours.

Please include us as co-applicants in the application for easement vacation on the side our property located at 6881 Martin's Way Fort Myers, Florida 33912.

Sincerely,


Antonio R. Pizarro
Nina Paz G. Pizarro

RECEIVED

MAR 10 2004

COMMUNITY DEVELOPMENT



Florida Power & Light Company, 1585 Winkler Rd, Ft. Myers, FL 33908
Phone: (239) 415-1315 Fax: (239) 415-1350

April 28, 2004

Madden Bone Law Firm P.A.
Attn: Joseph M. Madden, Jr.
2222 Second Street Suite F
Fort Myers, Florida 33901

Re: Request for a proposed Drainage and Public Utility Easement vacation adjacent to the Westerly lot lines of Lots 83 & 84, Highland Pines Estates, Plat Book 40, Page 69.

Dear Mr. Madden:

Florida Power & Light Company has no objection to the proposed easement vacation referenced above. We do have an underground primary line running through this easement between Lots 83 & 84. There is an existing 12 foot Public Utility Easement between Lots 83 & 84 that must remain.

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

Sincerely,

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

Jeff Sanders



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.iline.com

September 2, 2003

Mr. Joseph M. Madden, Jr.
Madden Bone Law Firm, P.A.
2222 Second St., Suite F
Ft. Myers, FL 33901

Re: 6887 Highland Park Cir., Ft. Myers
Plat of Highland Pines Estates

Dear Mr. Madden:

LCEC does not object to vacation of the 35-foot-wide easement lying adjacent to previously vacated Honeysuckle Road and further identified on the attached copy of Plat book 40, page 69, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, Lee County, Florida.

Please be advised; however, that you must contact FPL as this is in their service area.

Sincerely,

Karen Hardin
Real Property Representative

Attachment

RECEIVED

MAR 10 2004

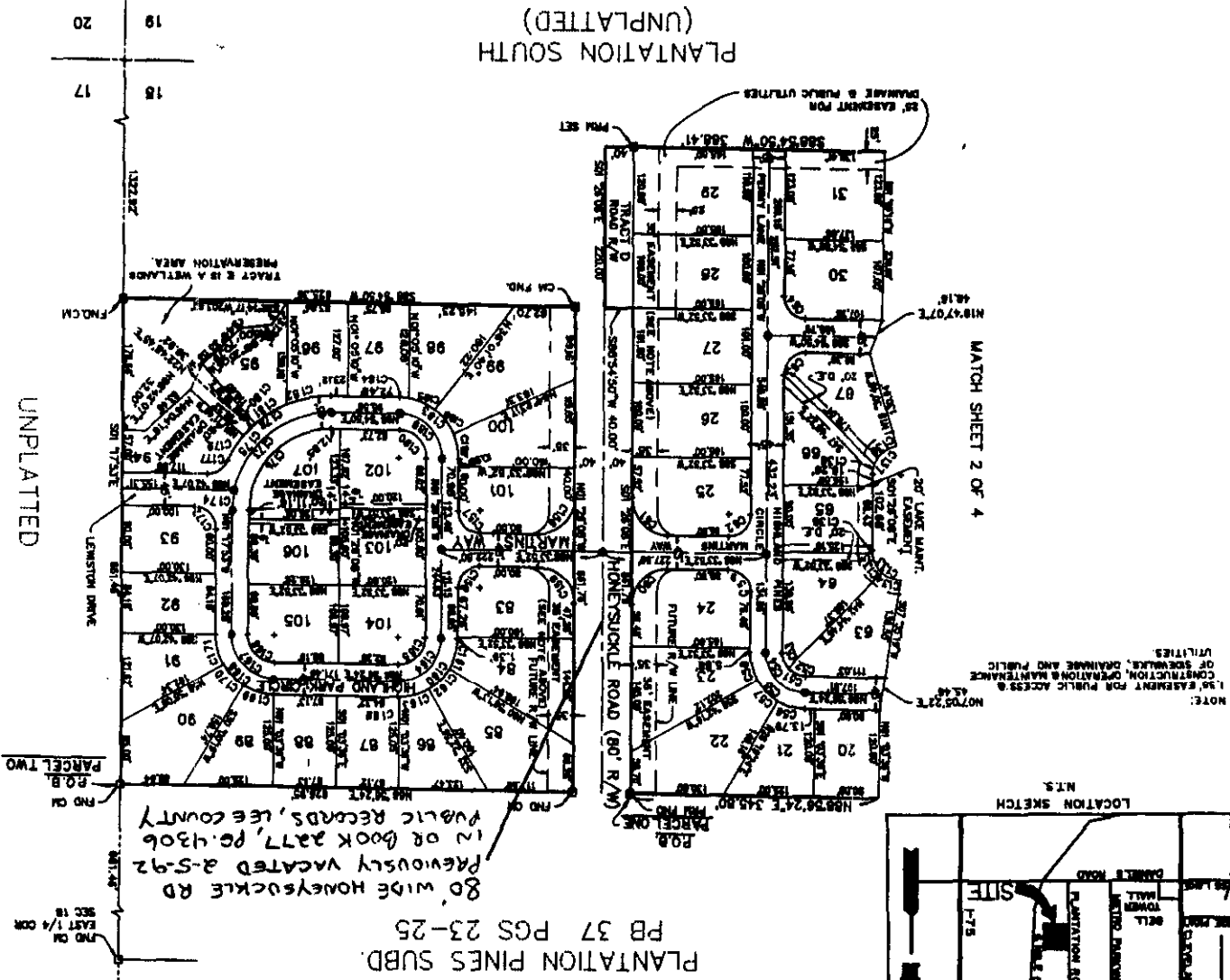
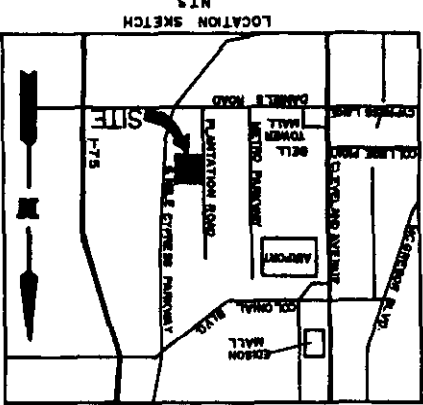
COMMUNITY DEVELOPMENT

LEE COUNTY ENGINEERING, INC.
 12691 METRO PARKWAY
 FORT MYERS, FLORIDA 39912
 PHONE (813) 766-0077

HIGHLAND PINES ESTATES

A SUBDIVISION IN
 SECTION 18, TWP 45 S, RGE 25 E.
 LEE COUNTY, FLORIDA

PLAT BOOK #0 PAGE 69
 SHEET 3 OF 4
 SCALE: 1" = 100'



PROPOSED

MAR 10 2004

COMMUNITY DEVELOPMENT



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

September 5, 2003

Mr. Joseph M. Madden, Jr.
Madden/Bone Law Firm, P.A
2804 Del Prado Blvd. – Suite 209
Cape Coral, Fl. 33904.

Re: Petition to Vacate 35' Easement adjacent to 80' r/w Honeysuckle Road -
6887 Highland Park Circle.

Dear Mr. Madden:

This is in response to your letter of August 28th., advising of your intention to submit a Petition seeking to vacate the 35' easement situated at the rear of 6887 Highland Park Circle.

Please be advised that Sprint has no objection to your proposal as described in your letter and Plat Book drawing.

If I can be of further assistance, please do not hesitate to contact me at 336-2014.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise Grabowski".

Denise Grabowski
Engineer I – CSO Network

RECEIVED

MAR 10 2004

COMMUNITY DEVELOPMENT

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



September 09, 2003

Joseph M. Madden, Jr.
Madden Bone Law Firm P.A.
2222 Second Street Suite F
Fort Myers, Florida 33901

Re: Vacation of Easement @ 6887 Highland Park Cir. Fort Myers Florida 33912

Dear Mr. Madden:

This letter will serve to inform you of our facilities at the above referenced location. Currently we have aerial lines running down the utility easement on Florida Power and Light's poles. We have no conflict with your vacation of easement, however should we be required to relocate our lines, there will be relocation fees involved, before any construction can commence.

Should you require additional information or assistance, please feel free to contact me here at (239) 432-1865.

Cordially,

A handwritten signature in cursive script that reads "Lucia Vera".

Lucia Vera
Project Coordinator

RECEIVED

MAR 10 2004

COMMUNITY DEVELOPMENT

AmeriGas

America's Propane Company

September 29, 2003

Joseph M. Madden, Jr.
Madden-Bone
2222 Second Street, Suite F
Fort Myers, Florida 33901

Dear Mr. Madden, Jr.:

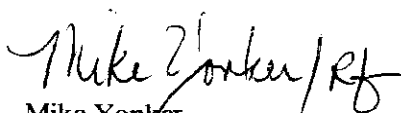
In reference to your letter dated August 28, 2003 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 18-45-25-08-00000.0840

STRAP NO.: 18-45-25-08-00000.0830

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

Sincerely,



Mike Yonker
Sales & Service Manager

RECEIVED

MAR 10 2004

LAROSA

October 14, 2003

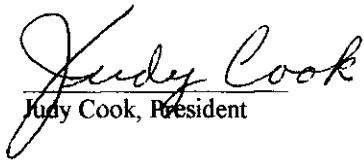
Mr. Joseph M. Madden, Jr.
Madden Bone Law Firm P.A.
2222 Second Street., Suite F
Fort Myers, Florida 33901

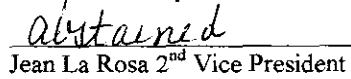
Dear Mr. Madden:

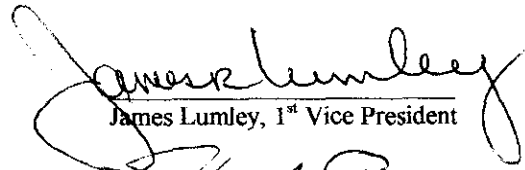
This is to advise you that the Highland Pines Estates Association Board of Directors has no interest in pursuing the easement for public access and construction, etc. at 6887 Highland Park Circle, Fort Myers, Florida 33912.

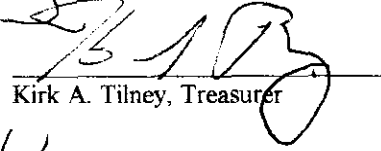
We thank you for your consideration in this matter.

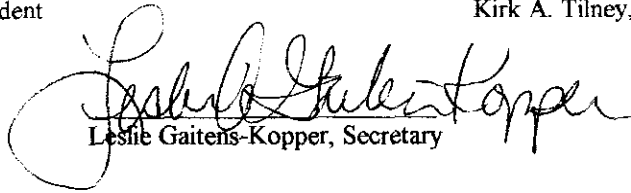
Sincerely,


Judy Cook, President


Jean La Rosa 2nd Vice President


James Lumley, 1st Vice President


Kirk A. Tilney, Treasurer


Leslie Gaitens-Kopper, Secretary

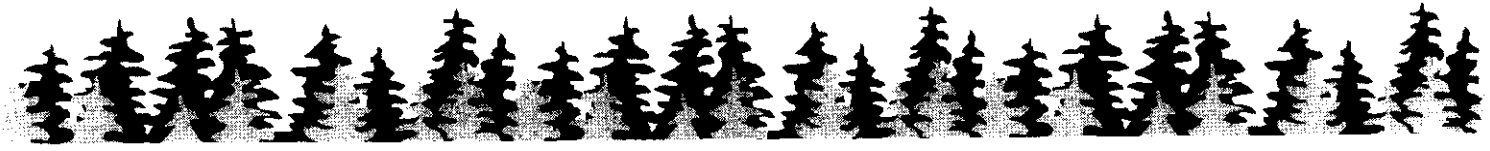
RECEIVED

MAR 10 2004

COMMUNITY DEVELOPMENT

Highland Pines Estates Property Owners' Association, Inc.

P.O. Box 7574, Fort Myers, Florida 33911-7574 ~~(941) 330-0180~~





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

September 2, 2003

Joseph M.. Madden
Madden Bone
2804 Del Prado Blvd., Suite 209
Cape Coral, Fl. 33904

**SUBJECT: PETITION TO VACATE A 35' EASEMENT IN THE BACK OF
6887 HIGHLAND PINES CIRCLE.**

Dear Mr. Madden:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate an existing 'Public utility' as described in your letter of August 28, 2003. Lee County Utilities has reviewed your request and currently has ***NO OBJECTION*** to the proposed vacation.

Please be advised that record drawings indicate Lee County Utilities owns and maintains potable water and gravity collection facilities near the area to be vacated. (Please see attached drawing.) Lee County Utilities' position of 'No Objection' is based on the 35' rear easement only of the property. All other easement shall remain intact.

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

S:\UTILS\Eng\MMML\LETTERS\VACATION\GENERAL\6887 HIGHLAND PINES CIR-NO-OBJECTION.doc

 **LEE COUNTY**
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

July 7, 2004

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

Joseph M. Madden, Jr. Esq
Madden Bone Law Firm, P.A.
2222 Second St., Suite F,
Ft Myers, FL 33901

Re: **VAC2004-00017 - Petition to Vacate** an easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities at 6881 Martin's Way and 6887 Highland Park Circle, Fort Myers, Florida (Pizarro and LaRosa)

Dear Mr. Madden:

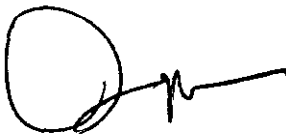
You have indicated that in order to build an addition to the existing homes, your clients desire to eliminate the westerly 35' of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40 at Page 69 of the Public Records of Lee County, Florida; **BUT NOT VACATING OR RELEASING** any portion of the Six-foot (6') wide utility easement lying along the side lot lines of the subject properties to the extent this easement may lie within the portion of the above-described easements to be vacated.

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:\200407\20040310.125\1197090\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS
Wednesday, May 28, 2003

Writer's Direct Dial Number: _____

Bob Janes
District One

Mr. Joseph M. Madden, Jr.
Madden Bone Law Firm
2222 Second Street Suite F
Fort Myers, FL 33901

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

Re: Petition to Vacate a thirty five (35) foot wide public utility and drainage easement along the rear of Lots 83, 84 & 85, Highland Pines Estates Subdivision, as recorded in Plat Book 40 Page 69, in the public records, Lee County, Florida

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Dear Mr. Madden:

Diana M. Parker
County Hearing Examiner

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

S:\NATRES\SURFACE\DOCUMENT\vac379.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

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 4, 2004

Mr. Joseph M. Madden, Jr.
Madden / Bone
2804 Del Prado Boulevard, Suite 209
Cape Coral, FL 33904

**RE: Petition to Vacate the 35' easement for public access,
Construction, operation and maintenance of sidewalks,
Drainage and public utilities at the rear of Lot 84,
Highland Pines Estates, Plat Book 40, page 69,
Section 18, Township 45 South, Range 25 East**

Dear Mr. Madden:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. The roads and drainage are dedicated to the Highland Pines Estates Homeowners Association and are not maintained by Lee County.

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

Very truly yours,

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

September 19, 2003

Madden / Bone Law Firm, P.A.
Attn: Joseph M. Madden, Jr.
2222 Second Street, Suite F
Fort Myers, Florida 33901

RE: Vacation of a Utility Easement

Dear Mr. Madden:

In response to your letter we received on September 15, 2003 our staff has conducted a review of your request to vacate the subject area as marked and generally described as: That portion of an 35' wide Utility Easement in Lots 83, 84 & 85 adjacent to Honeysuckle Road lying within Highland Pines Estates, a Subdivision in Section 18, Township 45 South, Range 25 East, Lee County, Florida per Plat Book 40, Page 69.

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

Sincerely,

Gerald W. Strouse,
Property Management Administrator

GWS/blt

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

RECEIVED

MAR 10 2004

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

COMMUNITY DEVELOPMENT

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00017**

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. VAC2004-00017 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

VAC2004-00017

[Page One of One]

Legal Description of the Easement to be Vacated:

Vacating that portion of a 35-foot wide platted easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities over and across the westerly 35 feet of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40, at Page 69 of the Public Records of Lee County, Florida;

BUT NOT VACATION OR RELEASING any portion of the 6-foot wide public utility easements lying along the side lot lines of Lots 83 and 84, to the extent these easements may lie within the portion of the above-described easement to be vacated.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00017

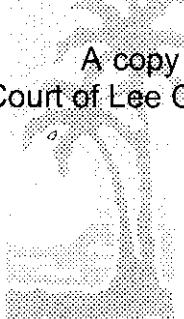
TO WHOM IT MAY CONCERN:

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
SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"

Petition to Vacate

VAC2004-00017

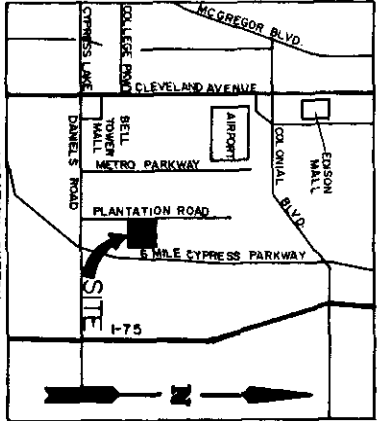
[Page One of One]

Legal Description of the Easement to be Vacated:

Vacating that portion of a 35-foot wide platted easement for public access, construction, operation and maintenance of sidewalks, drainage and public utilities over and across the westerly 35 feet of Lots 83 and 84, Highland Pines Estates, a subdivision in Section 18, Township 45 South, Range 25 East, according to the plat thereof, as recorded in Plat Book 40, at Page 69 of the Public Records of Lee County, Florida;

BUT NOT VACATION OR RELEASING any portion of the 6-foot wide public utility easements lying along the side lot lines of Lots 83 and 84, to the extent these easements may lie within the portion of the above-described easement to be vacated.

LEE COUNTY ENGINEERING, INC.
 12081 ASTOR PARKWAY
 FORT MEADE, FLORIDA 33912
 PHONE (813) 788-0077

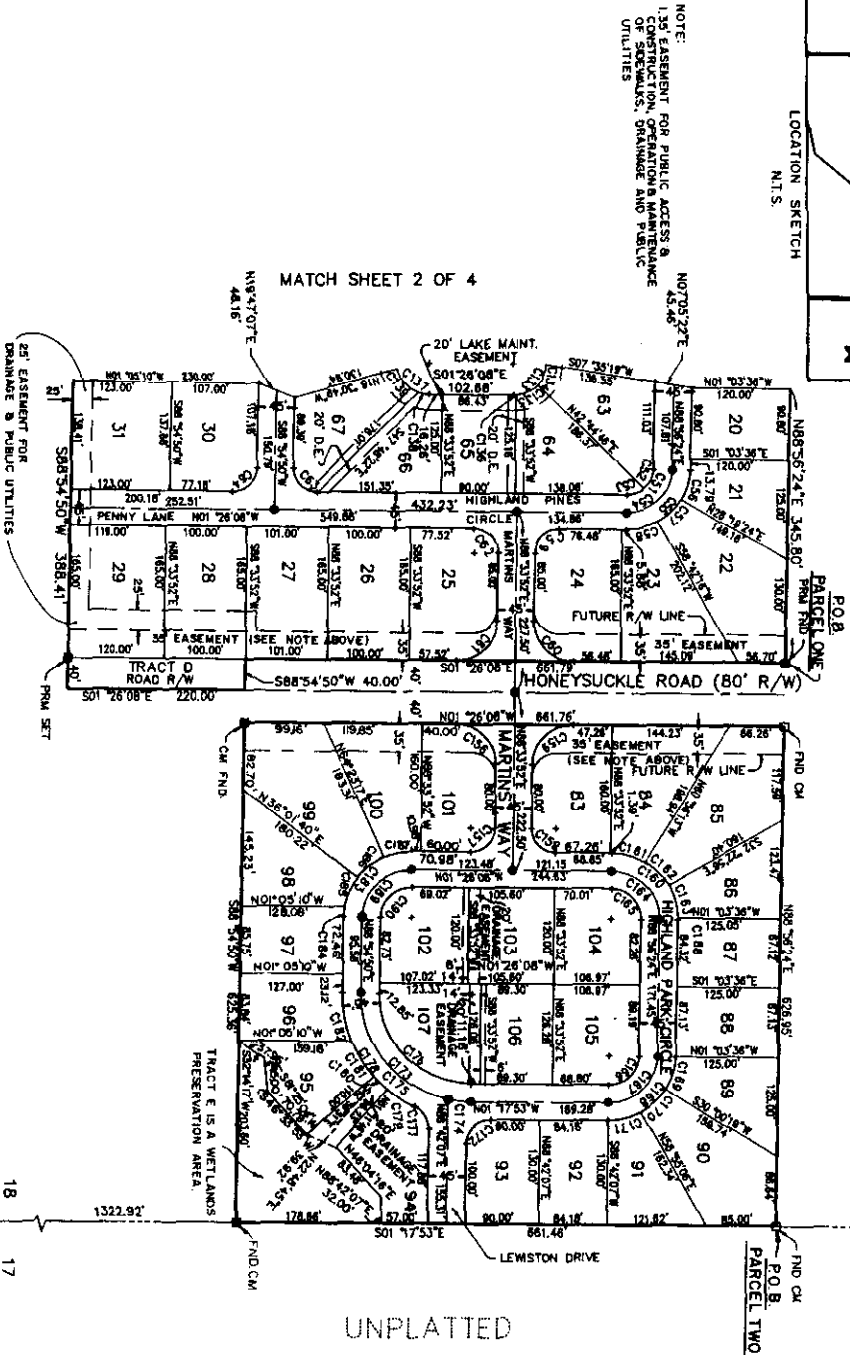


HIGHLAND PINES ESTATES

A SUBDIVISION IN
 SECTION 18, TWP 45 S, RGE 25 E.
 LEE COUNTY, FLORIDA

PLANTATION PINES SUBD
 PB 37 PGS 23-25

PLAT BOOK 40 PAGE 69
 SHEET 3 OF 4
 SCALE: 1" = 100'



PLANTATION SOUTH
 (UNPLATTED)

17
 18
 19
 20

LEE COUNTY ENGINEERING, INC.
12661 METRO PARKWAY
FORT MYERS, FLORIDA 33912
PHONE (813) 768-0077

HIGHLAND PINES ESTATES

PLAT BOOK 40 PAGE 67

SHEET 1 OF 4

DESCRIPTION

A parcel of land in Section 18, Township 45 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

PARCEL ONE:

COMMENCING at a concrete monument found marking the northeast corner of the Southeast Quarter (SE 1/4) of Section 18, thence:

1. South 01°17'53" East, 661.46 feet, along the east line of Section 18, to the north line of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 18, thence;
2. South 88°56'24" West, 706.95 feet, along the north line of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 18 to the TRUE POINT OF BEGINNING, thence;
3. South 01°26'08" East, 661.79 feet, along a line 40 feet west of and parallel with the east line of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 18, thence;
4. North 88°54'50" East, 40.00 feet, thence;
5. South 01°26'08" East, 220.00 feet, along the east line of the West Three-Quarters (W 3/4) of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section 18, thence;
6. South 88°54'50" West, 1499.46 feet, along the south line of the north 220 feet of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section 18, thence;
7. North 01°50'50" West, 220.02 feet, along the west line of the north 220 feet of the east 495 feet of the west 990 feet of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section 18, thence;
8. South 88°54'50" West, 465.04 feet, along the south line of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 18, thence;
9. North 01°50'50" West, 662.72 feet, along a line parallel with and 30 feet east of the west line of the Southeast Quarter (SE 1/4) of Section 18, thence;
10. North 88°56'24" East, 1930.85 feet, along the north line of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 18, to the TRUE POINT OF BEGINNING, containing a computed area of 38.895 acres of land.

PARCEL TWO:

COMMENCING at a concrete monument found marking the northeast corner of the Southeast Quarter (SE 1/4), thence:

1. South 01°17'53" East, 661.46 feet, along the east line of Section 18 to the north line of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 18 and the TRUE POINT OF BEGINNING, thence;
2. South 01°17'53" East, 661.46 feet, along the east line of Section 18 to the south line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 18, thence;
3. South 88°54'50" West, 625.36 feet, along the south line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 18, thence;
4. North 01°26'08" West, 661.76 feet, along a line 40 feet east of and parallel with the west line of the Southwest Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 18, thence;
5. North 88°56'24" East, 626.95 feet, along the north line of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 18, to the TRUE POINT OF BEGINNING, containing a computed area of 9.510 acres of land.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF HIGHLAND PINES ESTATES IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS ACCORDING TO A RECENT SURVEY MADE & PLATTED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA COMPLIES WITH ALL REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES AND THAT THE PERMANENT REFERENCE MONUMENTS HAVE BEEN SET.

Wayne C. Greathouse
WAYNE C. GREATHOUSE
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3877
DATE 1/29/88 A.D. 1988

A SUBDIVISION IN SECTION 18, TWP 45 S, RGE 25 E. 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 THE SUBDIVISION.

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

LEGEND

- -PRM - PERMANENT REFERENCE MONUMENT
- -PCP - PERMANENT CONTROL POINT

NOTES

1. A 75 FOOT BUILDING SETBACK ALONG SECTION LINES, AND A 60 FOOT BUILDING SETBACK ALONG QUARTER SECTION LINES, HAS BEEN WAIVED BY RESOLUTION #2-86-190.
2. BEARINGS ARE BASED ON AN ASSUMED BEARING OF N01°50'50"W ON THE NORTH-SOUTH QUARTER SECTION LINE OF SECTION 18.

EASEMENT DEDICATION

1. A 6 FOOT EASEMENT IS RESERVED ALONG THE SIDE AND REAR LINES OF EACH LOT FOR DRAINAGE AND PUBLIC UTILITIES, EXCEPT AS SHOWN OTHERWISE
2. A 10 FOOT EASEMENT IS RESERVED ALONG THE FRONT LINE OF EACH LOT FOR DRAINAGE AND PUBLIC UTILITIES, EXCEPT AS SHOWN OTHERWISE.
3. ALL OTHER EASEMENTS ARE RESERVED AS SHOWN AND DESIGNATED HEREON.

APPROVALS

THIS PLAT ACCEPTED THIS 14th DAY OF May 1988 A.D. IN OPEN MEETING OF THE BOARD OF COMMISSIONERS OF LEE COUNTY, FLORIDA.

Bill James CHAIRMAN
Charlie Green CLERK
Shigeo Akagi COUNTY ENGINEER
Michael Morris DIRECTOR, DIVISION OF COMMUNITY DEVELOPMENT
William COUNTY ENGINEER
2455688

I HEREBY CERTIFY THAT THIS PLAT OF HIGHLAND PINES ESTATES HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177 OF THE FLORIDA STATUTES.

I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 2:25 P.M. THIS 14th DAY OF May 1988 A.D. AND WAS DULY RECORDED IN PLAT BOOK 40 AT PAGES 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Charlie Green
CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT HIGHLAND PARK ESTATES INVESTMENTS, INC., A CORPORATION UNDER THE LAWS OF THE STATE OF FLORIDA, OWNER OF THE LANDS DESCRIBED HEREON HAS CAUSED THIS PLAT OF HIGHLAND PINES ESTATES TO BE MADE AND DO HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC, TRACTS C AND D, AND ALL PUBLIC UTILITY EASEMENTS, ALL ROADS SHOWN HEREON & TRACTS A, B, E, F, AND ALL DRAINAGE EASEMENTS, ARE DEDICATED TO THE HIGHLAND PINES ESTATES HOMEOWNERS ASSOCIATION.
IN WITNESS WHEREOF HIGHLAND PARK ESTATES INVESTMENTS, INC. HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED IN ITS NAME BY ITS VICE PRESIDENT AND ITS CORPORATE SEAL AFFIXED THIS 29 DAY OF January A.D. 1988.

HIGHLAND PARK INVESTMENTS, INC.

Allan M. Smith
ALLAN M. SMITH
VICE-PRESIDENT

WITNESS Thoy Justice
WITNESS Gudie C. DeRos

SEAL

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF LEE. I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, ALLAN M. SMITH, VICE-PRESIDENT OF HIGHLAND PARK ESTATES INVESTMENTS, INC., A CORPORATION UNDER THE LAWS OF THE STATE OF FLORIDA, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND HE ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED AS SUCH OFFICER FOR THE USES AND PURPOSES THEREIN MENTIONED AND THAT HE AFFIXED THERETO THE OFFICIAL SEAL OF SAID CORPORATION AND THAT SAID DEDICATION IS THE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL AT SAID COUNTY AND STATE THIS 29 DAY OF January A.D. 1988.

Barbara L. Baumgartner
NOTARY PUBLIC, STATE OF FLA. AT LARGE
MY COMMISSION EXPIRES 12-24-91

SEAL

CONSENT TO DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CHASE BANK OF FLORIDA, N.A., A NATIONAL BANKING ASSOCIATION, THE HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORD BOOK 1905 AT PAGE 4457 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DOES HEREBY CONSENT TO THE MAKING OF THIS PLAT AND JOINS IN THE DEDICATION OF HIGHLAND PINES ESTATES.

IN WITNESS WHEREOF CHASE BANK OF FLORIDA, N.A., HAS CAUSED THIS CONSENT TO DEDICATION TO BE MADE AND SIGNED IN ITS NAME BY ITS SENIOR VICE PRESIDENT AND ITS CORPORATE SEAL AFFIXED THIS 1st DAY OF February A.D. 1988.

CHASE BANK OF FLORIDA, N.A.

Edward J. Sigler
EDWARD J. SIGLER
SR. VICE PRESIDENT

SEAL

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF LEE. I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, EDWARD J. SIGLER, SENIOR VICE-PRESIDENT OF CHASE BANK OF FLORIDA, N.A., A NATIONAL BANKING ASSOCIATION, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CONSENT TO DEDICATION AND HE ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED AS SUCH OFFICER FOR THE USES AND PURPOSES THEREIN MENTIONED AND THAT HE AFFIXED THERETO THE OFFICIAL SEAL OF SAID CORPORATION AND THAT SAID CONSENT TO DEDICATION IS THE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL AT SAID COUNTY AND STATE THIS 1st DAY OF Feb A.D. 1988.

Edward J. Sigler
NOTARY PUBLIC, STATE OF FLA. AT LARGE
MY COMMISSION EXPIRES 12/1/91

SEAL

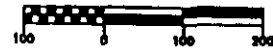
LEE COUNTY ENGINEERING, INC.
 12801 METRO PARKWAY
 FORT MYERS, FLORIDA 33912
 PHONE (813) 766-0077

HIGHLAND PINES ESTATES

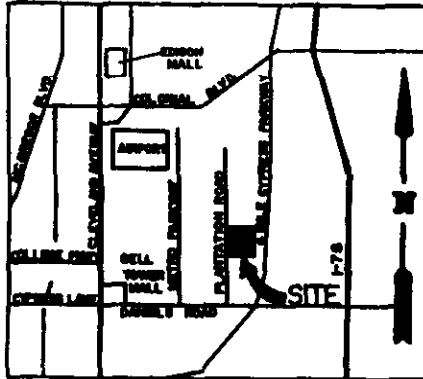
PLAT BOOK 40 PAGE 69

SHEET 3 OF 4

SCALE: 1" = 100'



A SUBDIVISION IN
 SECTION 18, TWP 45 S, RGE 25 E.
 LEE COUNTY, FLORIDA

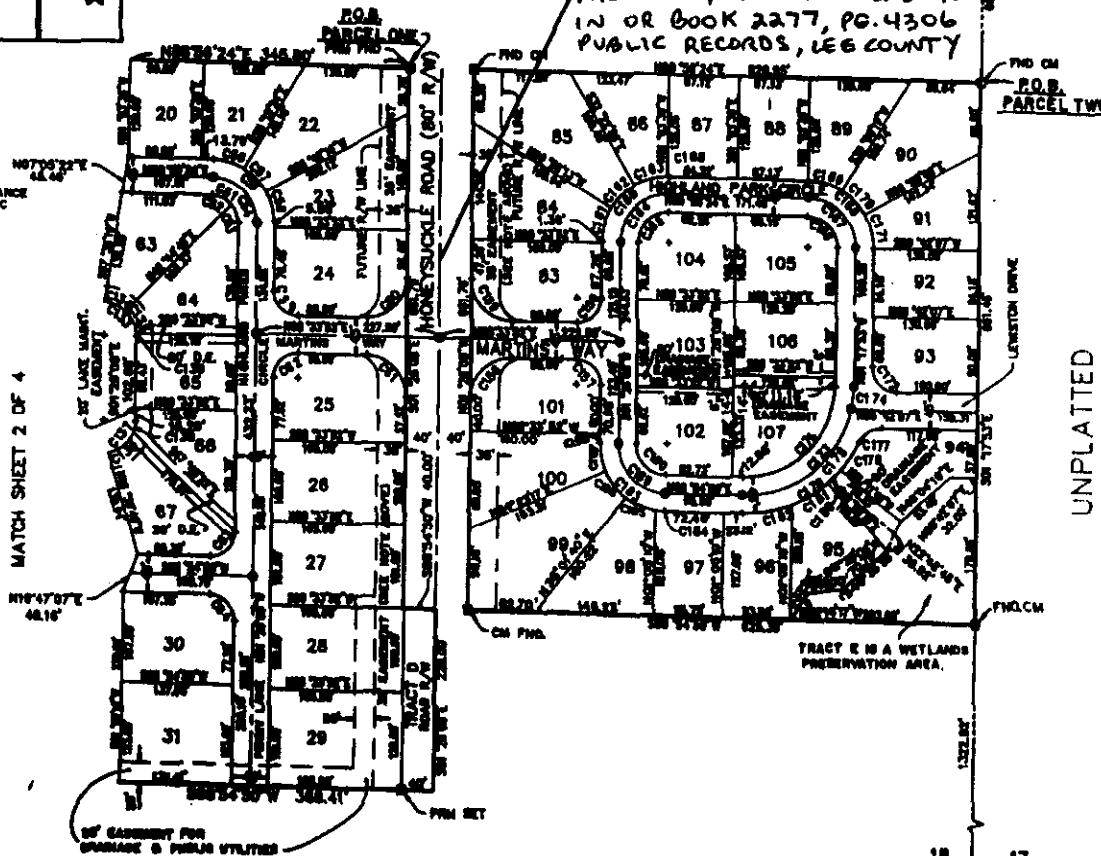


LOCATION SKETCH
 N.T.S.

PLANTATION PINES SUBD.
 PB 37 PGS 23-25

80' WIDE HONEYSUCKLE RD
 PREVIOUSLY VACATED 2-5-92
 IN OR BOOK 2277, PG. 4306
 PUBLIC RECORDS, LEE COUNTY

NOTE:
 1.5% EASEMENT FOR PUBLIC ACCESS &
 CONSTRUCTION, OPERATOR'S MAINTENANCE
 OF SIDEWALKS, DRAINAGE AND PUBLIC
 UTILITIES.



MATCH SHEET 2 OF 4

UNPLATTED

PLANTATION SOUTH
 (UNPLATTED)

18	17
19	20

