

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 400 and 402 Calvin Ave., Lehigh Acres, Florida 33936, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 14th day of September, 2004. (Case No. VAC2004-00031)

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

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4A

3. MEETING DATE:

08-10-2004

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]* 7/20/04
- Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00031 was submitted by Mr. Leonard Tullo, Permits Express as the agent for Raymond Schilke, Jr. and Lynda K. Schilke.

LOCATION: The site is located at **400 and 402 Calvin Ave., Lehigh Acres, Florida 33936** and its strap numbers are 28-44-27-01-00004.0150 and 28-44-27-01-00004.0160. Petition No. VAC2004-00031 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 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 7/28/04				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> Designer 7-27-04	RK/EE ID 7/27	<i>[Signature]</i> 7/28/04	<i>[Signature]</i> 7/28/04	<i>[Signature]</i> 7/27/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *7/22/04*
Time: *3:40 pm*
Forwarded To: *[Signature]*

RECEIVED BY
COUNTY ADMIN: *[Signature]*
Date: *7/27/04*
COUNTY ADMIN
FORWARDED TO: *[Signature]*

PETITION TO VACATE (AC 13-1)

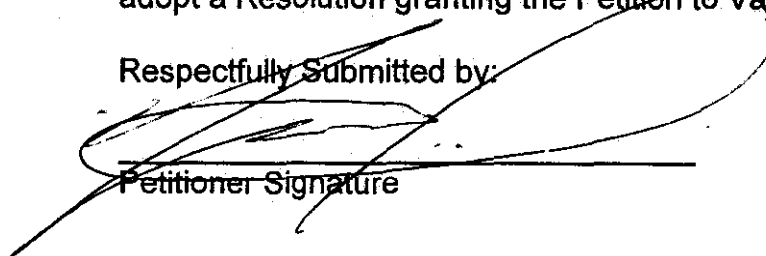
Case Number: VAC2004-00031

Petitioner(s), Raymond Schilke, Jr. and Lynda K. Schilke
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

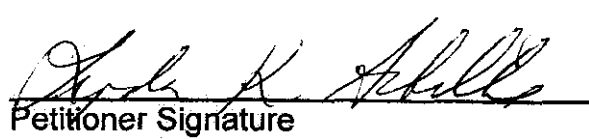
1. Petitioner(s) mailing address, 3 Compton Way, Boynton Beach, FL 33426
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached 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:



Petitioner Signature



Petitioner Signature

Raymond Schilke, Jr. a/k/a Raymond Schilke
Printed Name

Lynda K. Schilke
Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.

*Raymond & Lynda K. Schilke
Are personally known to me.
Sarah A. Byers
Notary Public*



LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as STRAP# 28-44-27-01-00004.0150 400 CALVIN AVE. 1.42 ACRES and legally described in exhibit A attached hereto. AND STRAP# 28-44-27-01-00004.0160 400 CALVIN AVE. 1.2 HIGH ACRES 33930

The property described herein is the subject of an application for zoning or development. We hereby designate MR. LEONARD TULLO OF FIRMS EXPRESS as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

[Signature]
Owner*(signature)

RAYMOND SCHILKE JR.
Printed Name AKA RAYMOND SCHILKE

[Signature]
Owner*(signature)

LYNDA K. SCHILKE
Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 7th day of July, 2004, by Raymond + Lynda Schilke, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

Notary Public Sarah A Byers My Commission DD063097 Expires December 20, 2005

[Signature]
Notary Public

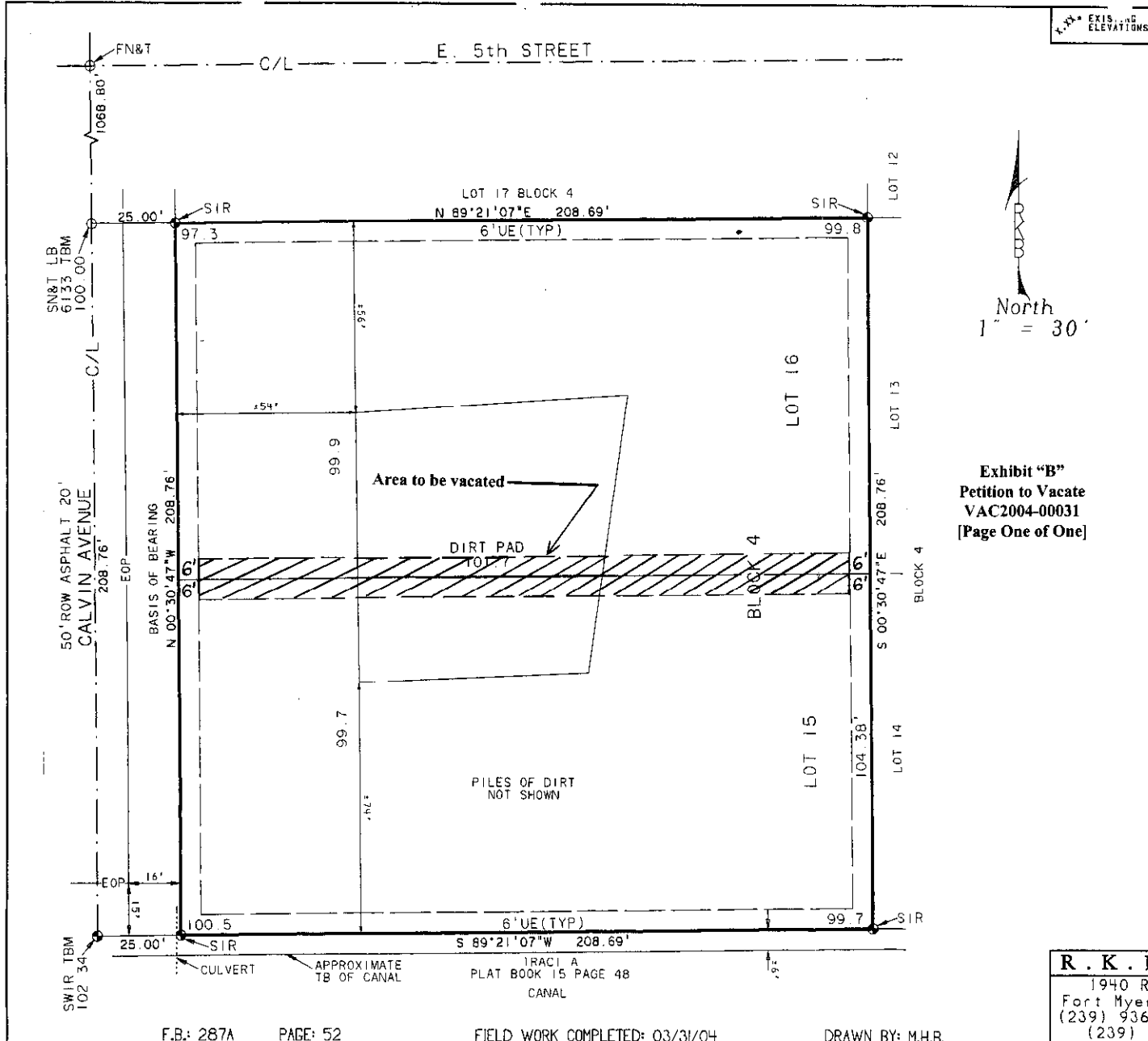
SARAH A. BYERS
(Name typed, printed or stamped)

EXHIBIT "A"
Petition to Vacate
VAC2004-00031

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida;

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



K.K. EXISTING ELEVATIONS

<p>LEGEND:</p> <ul style="list-style-type: none"> (NR) = NON-RADIAL (P) = PLAT (R) = RADIAL (S) = SURVEY C/L = CENTERLINE CATV = CABLE TV BOX CCED = CAPE CORAL ENGINEERING DEPARTMENT CCP = COVERED CONCRETE PAD CLF = CHAIN LINK FENCE CON = CONCRETE CP = CONCRETE PAD DE = DRAINAGE EASEMENT DUE = DRAINAGE & UTILITY EASEMENT EOP = EDGE OF PAVEMENT FC = FENCE CORNER FCM = FOUND CONCRETE MONUMENT FF = FINISHED FLOOR ELEVATION FIR = FOUND IRON ROD FN = FOUND NAIL FN&T = FOUND NAIL & TAB FWIR = FOUND WITNESS IRON ROD GF = GARAGE FLOOR ELEVATION GW = GUT WIRE HYD = FIRE HYDRANT MH = MANHOLE NEVD = NATIONAL GEODETIC VERTICAL DATUM 	<ul style="list-style-type: none"> J = OFFSET OHP = OVERHEAD POWER LINE OL = OUTDOOR LIGHT PC = POINT OF CURVE PCP = PERMANENT CONTROL POINT PP = POWERPOLE PUE = PUBLIC UTILITY EASEMENT ROW = RIGHT OF WAY SD = STORM DRAIN SEP = APPROXIMATE LOCATION OF SEPTIC TANK SIR = SET 5/8" IRON ROD AND CAP STAMPED "RKB LB 6133" SN&T = SET NAIL & TAB SP = SCREENED PORCH SW = SEAWALL SWIR = SET 5/8" WITNESS IRON ROD AND CAP STAMPED "RKB LB 6133 WITNESS" TB = TOP BANK TBN = TEMPORARY BENCHMARK TEL = TELEPHONE BOX UE = UTILITY EASEMENT USC&G = UNITED STATES COAST & GEODETIC SURVEY WE = WATER'S EDGE WN = WATER METER WV = WATER VALVE WW = WALKWAY
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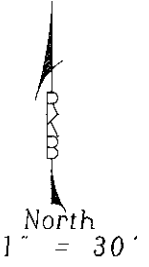


Exhibit "B"
Petition to Vacate
VAC2004-00031
[Page One of One]

- NOTES:
- 1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - 2) UNDERGROUND UTILITIES, FOUNDATIONS, AND STRUCTURES WERE NOT FIELD LOCATED OR SHOWN.
 - 3) ONLY INTERIOR IMPROVEMENTS SHOWN WERE LOCATED.
 - 4) PARCEL WAS SURVEYED FROM INFORMATION FURNISHED BY THE CLIENT.
 - 5) PARCEL LIES IN NO SPECIAL FLOOD HAZARD AREA (FIRM 125124 0375 B - PANEL NOT PRINTED).
 - 6) PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
 - 7) ELEVATIONS ARE ASSUMED.

LEGAL DESCRIPTION:
 LOTS 15 & 16, BLOCK 4, UNIT 1, LEHIGH ACRES SUBDIVISION
 PLAT BOOK 15 PAGE 42, PLAT DATED APRIL 1961
 LEE COUNTY RECORDS
 SECTION 28, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
 LEE COUNTY, FLORIDA

CERTIFIED TO:
 RAYMOND SCHILKE, JR. & LYNDA K. SCHILKE

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

ABSTRACT NOT REVIEWED

By: *John S. Burns*
 John S. Burns, Sr., P.S. & M. LB5583
 R.K. Burns Surveying, Inc. LB6133

WQ#: 04-0879 JOB NO.:

R. K. BURNS SURVEYING, INC.
 1940 Ricardo Avenue
 Fort Myers, Florida 33901
 (239) 936-4550 Business
 (239) 936-3267 Fax

SURVEY MAP OF
Boundary Survey
04/05/04 SHEET 1 OF 1

Exhibit "C"
Petition to Vacate
VAC2004-00031
[Page One of One]

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
28-44-27-01-00004.0150	2003	SCHILKE RAYMOND JR + LYNDA K 400 CALVIN AVE	PAID	Details
28-44-27-01-00004.0150	2002	BROWN STEVEN + DENISE 400 CALVIN AV	PAID	Details
28-44-27-01-00004.0150	2001	FALZONE S A + AUDREY J 400 CALVIN AV	PAID	Details
28-44-27-01-00004.0150	2000	FALZONE S A + AUDREY J 400 CALVIN AV	PAID	Details
28-44-27-01-00004.0150	1999	FALZONE S A + AUDREY J 400 CALVIN AV	PAID	Details
28-44-27-01-00004.0150	1998	FALZONE S A + AUDREY J	PAID	Details

Page 1 of 1
6 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
28-44-27-01-00004.0160	2003	SCHILKE RAYMOND + LYNDA 402 CALVIN AVE	PAID	Details
28-44-27-01-00004.0160	2002	ZUBER KENNETH + GEORGETTE 402 CALVIN AV	PAID	Details
28-44-27-01-00004.0160	2001	ZUBER KENNETH + GEORGETTE 402 CALVIN AV	PAID	Details
28-44-27-01-00004.0160	2000	ZUBER KENNETH + GEORGETTE 402 CALVIN AV	PAID	Details
28-44-27-01-00004.0160	1999	ZUBER KENNETH + GEORGETTE 402 CALVIN AV	PAID	Details
28-44-27-01-00004.0160	1998	ZUBER KENNETH + GEORGETTE	PAID	Details

Page 1 of 1
6 matches



Return to:
Name:
Address:

INSTR # 6151871
OR BK 04202 Pg 3192; (1pg)
RECORDED 02/18/2004 12:03:02 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DGC 43.40
DEPUTY CLERK G Sherwood

This Instrument Prepared:
Annette Deates
Executive Title Insurance Services, Inc.
1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
28-44-27-01-00004.015028-44-27-01-00004.0150

File No:7031808

WARRANTY DEED

This Warranty Deed Made the 21st day of January, 2004,
by
Steven Brown and Denise Brown, Husband and Wife,
hereinafter called the grantor, whose post office address is:
405 Richmond Ave. N, Lehigh Acres, FL. 33936

to
Raymond Schilke, Jr. and Lynda K. Schilke, Husband and Wife,
whose post office address is:
3 Compton Way, Boynton Beach, FL. 33426,
hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars 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 LeeLee County, Florida, viz:

Lot 15, Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, Lehigh Acres, Florida, according to the map
or plat thereof, as recorded in Plat Book 15, Page 42, Public Records, Lee County, Florida.

The property is **not** the homestead of the Grantor(s).
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 January 1, 2004, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

**SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE WITNESSES REQUIRED)**

1st Witness Signature: Annette M. Deates Steven Brown
Printed Name: **Annette M. Deates** **Steven Brown**
2nd Witness Signature: Brandi Johnson Denise Brown
Printed Name: **Brandi Johnson** **Denise Brown**

STATE OF Fl.
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 21st day of January, 2004, by Steven
Brown and Denise Brown, Husband and Wife, who is/are personally known to me or who has/have produced
driver license(s) as identification, and who did / did not take an oath.

My Commission Expires:

Annette M. Deates
Notary Signature
Print Name: **Annette M. Deates**
Serial Number

SEAL



INSTR # 6113846
OR BX 04174 Pg 45091 (1pg)
RECORDED 01/16/2004 12:55:45 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 53.90
DEPUTY CLERK D Keady

Return to: Annette Deates
Name: Executive Title Insurance Services, Inc.
Address: 1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

This Instrument Prepared:
Annette Deates
Executive Title Insurance Services, Inc.
1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
28-44-27-01-00004.0160

File No:7031647

WARRANTY DEED

This Warranty Deed Made the 6 day of Jan, 2004,
by Kenneth Zuber and Georgette Zuber, Husband and Wife,
hereinafter called the grantor, whose post office address is: 1-279 Sandstone Drive, Waterloo, ON
N2K2C1 *SANDSTONE B*

to Raymond Schilke and Lynda Schilke, Husband and Wife,
whose post office address is: 3 Compton Way, Boynton Beach, FL 33426, hereinafter called the
grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars 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 16, Block 4, Unit 1, Section 28, 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 42, of the Public
Records of Lee County, Florida.

The property is not the homestead of the Grantor(s).
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 January 1, 2003, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE WITNESSES REQUIRED)

1st Witness Signature: *Chun Ho Mark*
Printed Name: CHUN HO MARK
2nd Witness Signature: *Mingchow Mark*
Printed Name: MING CHOW MARK
Kenneth Zuber
Georgette Zuber

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 6th day of January, 2004 by
Kenneth Zuber and Georgette Zuber, Husband and Wife, who is/are personally known to me or who has/have
produced driver license(s) as identification, and who did/did not take an oath.
My Commission Expires: N/A

George C. Amos
Notary Signature
Print Name: GEORGE C. AMOS
Serial Number: AD110504
GEORGE C. AMOS
BARRISTER AND SOLICITOR
276 Frederick Street
Kitchener, Ontario N2H 2N6

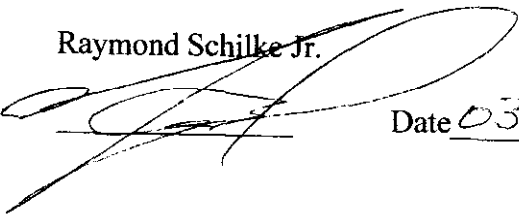
SEAL

Lee County Community Development Offices
Attn. Peter J. Eckenrode Director of Development Services

I Raymond Schilke Jr. and Lynda K. Schilke would like to combine two vacate lots to combine as one lot for future building site of a single family dwelling/residence. The two lots to be combined are strap numbers #28-44-27-01-00004.0160 and strap # 28-44-27-01-00004.0150

Respectfully,

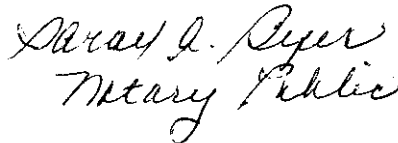
Raymond Schilke Jr.


Date 03/09/04

Lynda K. Schilke


Date 3/9/04

Raymond Schilke Jr. & Lynda K. Schilke are
personally known to me.


Notary Public



Sarah A Byers
My Commission DD063097
Expires December 20, 2005



Lee County Electric Cooperative, Inc.

Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.iline.com

April 15, 2004

Mr. Leonard Tullo
Permits Express
9351 Independence Way
Ft. Myers, FL 33913

Re: 400 and 402 Calvin Ave., Lehigh Acres

Dear Mr. Tullo:

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

Lot 15 and 16, Block 4, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 42, of the Public Records of Lee County, Florida, LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative



Customer Service Operation

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

April 14, 2004

Leonard Tullo
Permits Express
9351 Independence Way
Fort Myers, Florida 33913

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement
centered on the lot line common to lots 15 & 16,
Block 4, Unit 1, Section 28, Township 44S, Range 27E,
as recorded in Plat Book 15, Page 42 of the Official Records of Lee County, Florida

Dear : Mr. Tullo

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

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

Sincerely,

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

Sabrina Thompson
Engineer



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

April 13, 2004

Permits Express
C/O Leonard Tullo
9351 Independence Way
Ft Myers, Fl 33913

Re: 400 & 402 Calvin Av Lehigh Acres Fl
Vacate easement

Dear Leonard Tullo:

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook
Design Coordinator



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

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

May 24, 2004

Leonard Tullo
9351 Independence Way
Ft. Myers, FL 33913
(239) 849-5450

RE: Vacation of Easement for 400 & 402 Calvin Ave, Lehigh Acres

Dear Mr. Tullo:

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

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the North side of Lot 15 and South side of Lot 16 (excluding the Easterly and Westerly 6 feet) of Block 4, in Lehigh Acres, as recorded in Plat Book 15, Page 42 of the Public Records of Lee County, Florida.

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

Sincerely,

Florida Governmental Utility Authority

A handwritten signature in black ink, appearing to read "Charles Sweat", is written over the typed name and title.

Charles Sweat
Director of Operations

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

July 20, 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

RAYMOND SCHILKE JR. & LYNDA K. SCHILKE
3 COMPTON WAY,
BOYNTON BEACH, FL 33426

RE: VAC2004-00031 - Petition to Vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement

Dear Mr. & Mrs. Schilke:

You have indicated that in order to build a single-family residence on the combined lots, you desire to eliminate the Public Utility Easement located between your lots at 400 and 402 Calvin Ave., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

PJE/RSK

U:\200407\20040602.113\8367180\DCDLETTER.DOC

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00031

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. VAC2004-00031 is set for the
14th day of September, 2004 @5:00 PM 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
SOUTHWEST FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00031

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 15 and 16; all in Block 4, Unit 1, Section 28, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 42 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: VAC2004-00031

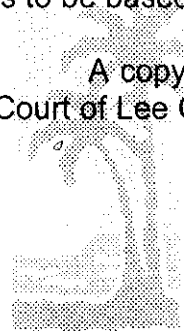
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of September 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

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

CLAYTON

1	2	3	4	5	6	7	8
15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38
39	40	41	42	43	44	45	46
47	48	49	50	51	52	53	54
55	56	57	58	59	60	61	62
63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86
87	88	89	90	91	92	93	94
95	96	97	98	99	100	101	102

103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118
119	120	121	122	123	124	125	126
127	128	129	130	131	132	133	134
135	136	137	138	139	140	141	142
143	144	145	146	147	148	149	150
151	152	153	154	155	156	157	158
159	160	161	162	163	164	165	166
167	168	169	170	171	172	173	174
175	176	177	178	179	180	181	182
183	184	185	186	187	188	189	190
191	192	193	194	195	196	197	198
199	200	201	202	203	204	205	206

CALVIN

1	2	3	4	5	6	7	8
15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38
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47	48	49	50	51	52	53	54
55	56	57	58	59	60	61	62
63	64	65	66	67	68	69	70
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79	80	81	82	83	84	85	86
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95	96	97	98	99	100	101	102

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135	136	137	138	139	140	141	142
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151	152	153	154	155	156	157	158
159	160	161	162	163	164	165	166
167	168	169	170	171	172	173	174
175	176	177	178	179	180	181	182
183	184	185	186	187	188	189	190
191	192	193	194	195	196	197	198
199	200	201	202	203	204	205	206

RICHMOND

1	2	3	4	5	6	7	8
15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30
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191	192	193	194	195	196	197	198
199	200	201	202	203	204	205	206

ALBERT

1	2	3	4	5	6	7	8
15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30
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183	184	185	186	187	188	189	190
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199	200	201	202	203	204	205	206

PLAT OF SECTION 28
TWP. 41 S. R. 27 E.

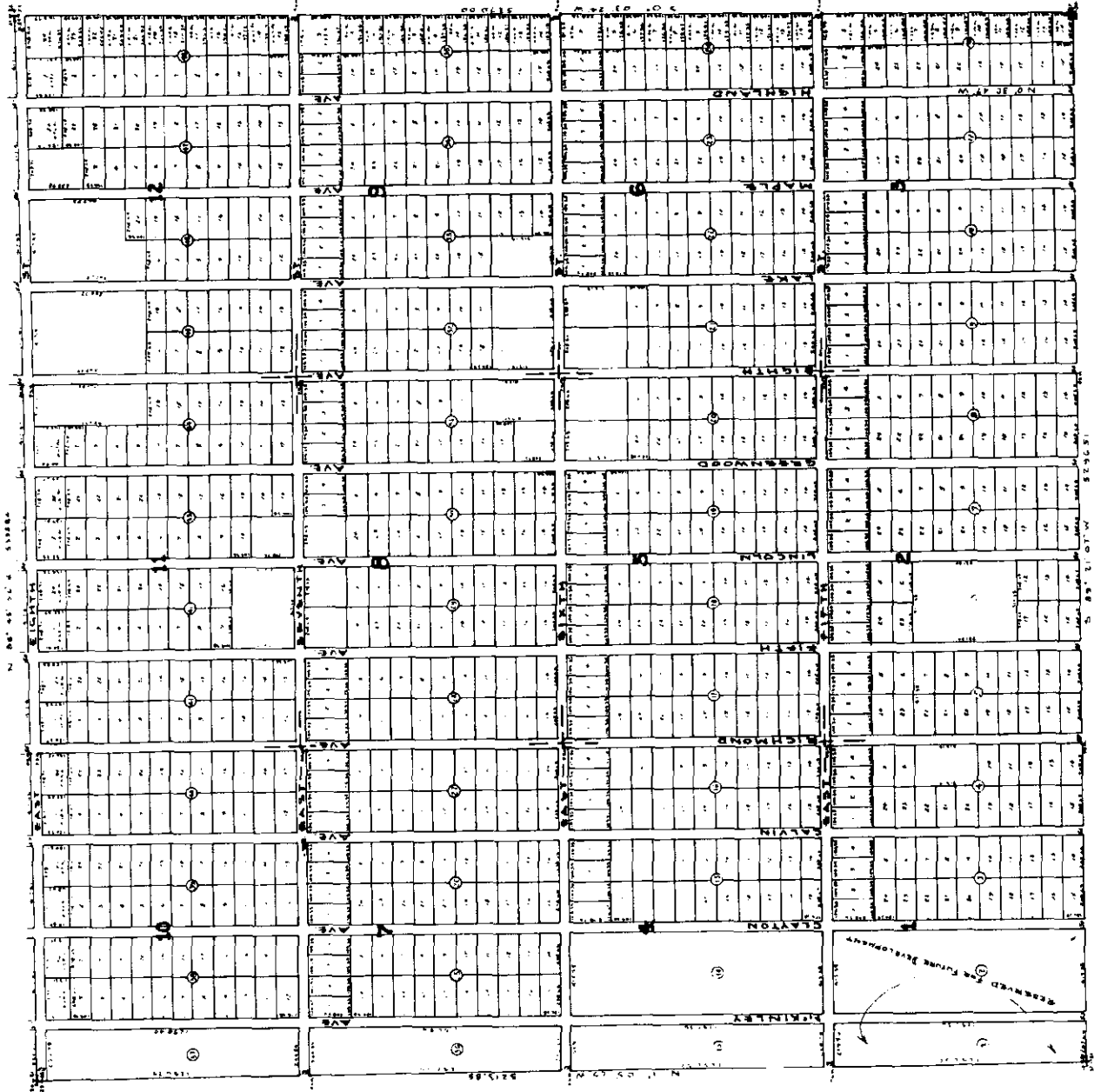
'LEHIGH ACRES'

A SUBDIVISION OF
SIX COUNTY, PA.
SEE GRANT, LAND TITLE COMPANIES
JAN. 31, 1906

CERTIFICATE OF MARY
THE UNDERSIGNED HEREBY CERTIFY THAT THE
PLAT HEREON IS A CORRECT REPRESENTATION OF
THE LAND AS OWNED BY THE GRANTOR AND THAT THE
SAME IS SUBJECT TO THE MORTGAGE AGREEMENT
MENTIONED IN THE FOREGOING.

NOTARY PUBLIC FOR THE COUNTY OF
SIX COUNTY, PA.
My Commission Expires _____
I have taken the Oath of Office
and have filed the same in the
Office of the County Clerk
at Harrisburg, Pa. this _____ day of _____ 1906.

NOTE:
Dimensions, Bearings, Lot and Area Lines are
Checked of Latest Date Survey Station.



NOTE:

ALL LOTS SUBJECT TO A GOVERNMENT EASEMENT ON ALL SIDES OF LOT. INTERIOR PIRMS ARE 4 INCHES CONCRETE.

SECTION CMA PIRMS ARE 5 INCH CONCRETE.

ALL LOTS EQUAL 1/2 ACRE EACH MORE OR LESS.

NOTE:

DIMENSIONS, BEARINGS, LOT ARE DRAWING OF LATEST DATE IN

0004000	0004000	0004000
0004000	0004000	0004000
0004000	0004000 LEHIGH ACRES	0004000
0004000	0004000	0004000
0004000	0004000	0004000

Area to be vacated