

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 1701 North Ave., Lehigh Acres, Florida 33972, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 14th day of September, 2004. (Case No. VAC2004-00024)

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

C4B

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] 7/26/04
- Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00024 was submitted by Herman and Evelyn Sizemore.

LOCATION: The site is located at **1701 North Ave., Lehigh Acres, Florida 33972**. Petition No. VAC2004-00024 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot lines between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 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 <i>Admin 7/29/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 7-29-04	<i>[Signature]</i> 7/29/04	<i>[Signature]</i> 7/29/04	<i>[Signature]</i> 7/29/04	<i>[Signature]</i> 7/29/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 7/28/04
Time: 11:15 PM
Forwarded To:
C. Admin.
7/29/04 11AM

RECEIVED BY
COUNTY ADMIN:
7/29/04
1:25 pm 327
COUNTY ADMIN
FORWARDED TO:
7/29/04 4:12 PM



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2004-00024

Petitioner(s), HERMAN & EVELYN SIZEMORE
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, 190 LIMETREE PARK DR. BOVITA SPGS. FL 34135
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:

Herman Sizemore
Petitioner Signature

Evelyn Sizemore
Petitioner Signature

HERMAN SIZEMORE
Printed Name

EVELYN SIZEMORE
Printed Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00024

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 of the Public Records of Lee County, Florida;

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

SKETCH

OF
 LOTS 11 & 12, BLOCK 13, LEHIGH ACRES UNIT 4
 AS RECORDED IN PLAT BOOK 15, PAGE 11
 LYING IN
 SECTION 9, TOWNSHIP 44 SOUTH, RANGE 27 EAST,
 LEE COUNTY, FLORIDA

Exhibit "B"
 Petition to Vacate
 VAC2004-00024
 [Page One of One]

THIS IS NOT A SURVEY ***

4/20/04

BY: DENIS J. O'CONNELL, P.E., PROFESSIONAL SURVEYOR AND MAPPER LSF 5430 DATE SIGNED

LOTS 11 & 12, BLOCK 13, LEHIGH ACRES UNIT 4

SKETCH OF DESCRIPTION

METRON
 SURVEYING & MAPPING, LLC
 LAND SURVEYORS-PLANNERS
 LB #7071
 www.metronfl.com

5245 RAMSEY HWY., SUITE 102
 FORT MYERS, FLORIDA 33905
 PHONE: (239) 275-8070
 FAX: (239) 275-8457

FILE NAME	5995SK.DWG	FILED BOOK/PAGE	126/25	PROJECT NO.	5995	SHEET	1 OF 1
SURVEY DATE	04-20-2004	DRAWN BY	RAW/DJO	SCALE	1" = 40'	CHECKED BY	DJO
						FILE NO. (S-1-4)	09-44-27

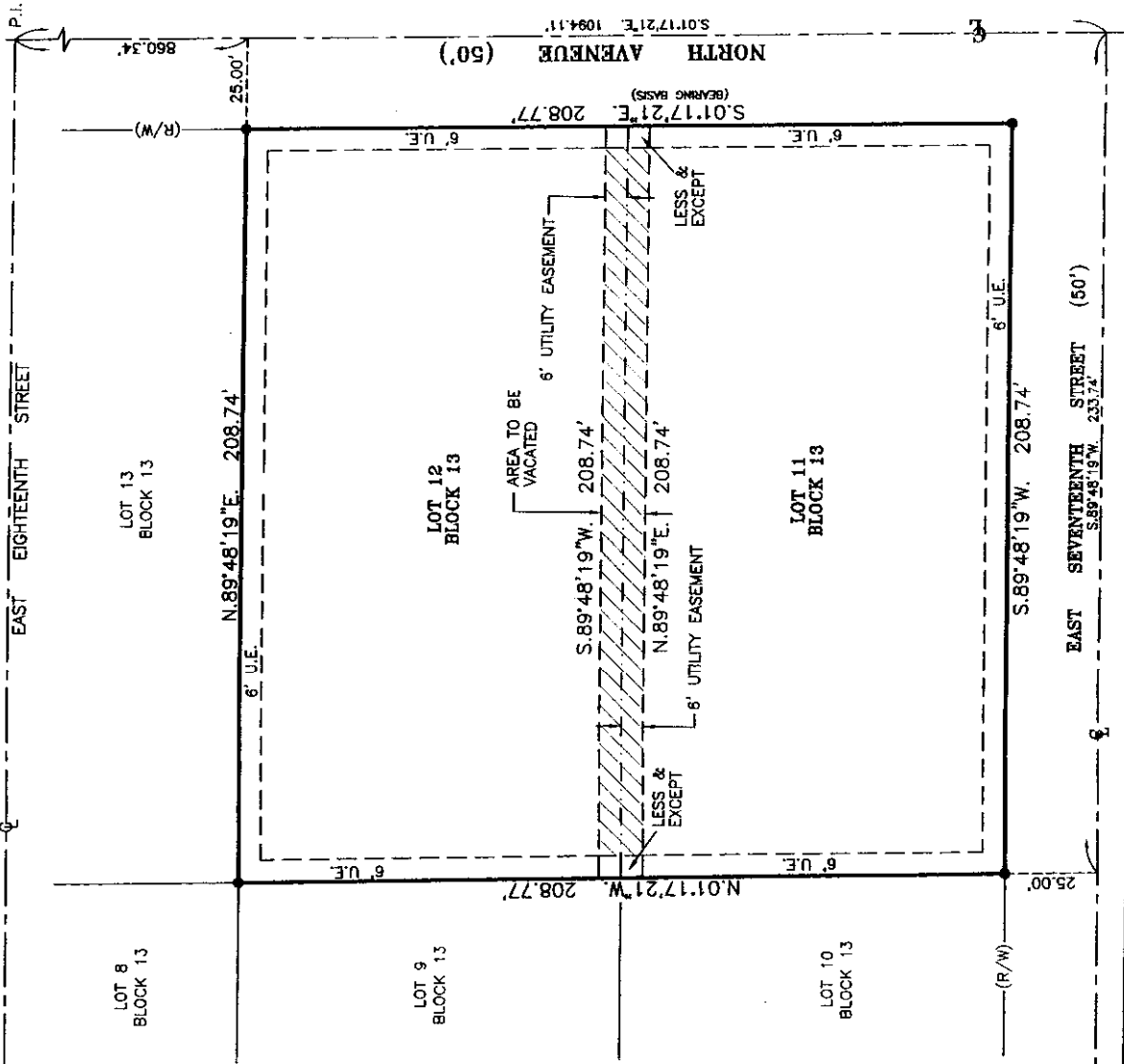


Exhibit "C"
Petition to Vacate
VAC2004-00024
[Page One of One]

Page 1 of 1 6 matches				
Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
09-44-27-04-00013.0110	2003	SIZEMORE HERMAN + EVELYN 1701 NORTH AVE	PAID	Details
09-44-27-04-00013.0110	2002	VINCENT JAMES A + 1701 NORTH AV	PAID	Details
09-44-27-04-00013.0110	2001	VINCENT JAMES A + 1701 NORTH AV	PAID	Details
09-44-27-04-00013.0110	2000	VINCENT JAMES A + 1701 NORTH AV	PAID	Details
09-44-27-04-00013.0110	1999	VINCENT JAMES A + 1701 NORTH AV	PAID	Details
09-44-27-04-00013.0110	1998	VINCENT JAMES A +	PAID	Details
Page 1 of 1 6 matches				

①

Peninsula Title Services, LLC
4888 Babcock Street NE
Palm Bay, FL 32906

04-11859

C. GUY BATSEL, ESQUIRE
PENINSULA TITLE SERVICES, LLC
1400 Palm Bay Road, Suite 8
Palm Bay, Florida 32909

INSTR # 6210486
OR BK 04247 Pg 2743; (1pg)
RECORDED 04/05/2004 04:04:53 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 196.00
DEPUTY CLERK A Janke

Parcel ID Number:
Grantee #1 TIN:
Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 27th day of March, 2004 A.D. Between HALL ENTERPRISES, LLC, a corporation existing under the laws of the State of Florida of the County of BREVARD, State of Florida, grantor, and HERMAN SIZEMORE and EVELYN SIZEMORE, husband and wife

whose address is: 190 LIME TREE PARK DRIVE, BONITA SPRINGS, FL 34135

of the County of LEE, State of Florida, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of -----TEN DOLLARS (\$10)----- DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of LEE, State of Florida to wit: LOTS 11 AND 12, BLOCK 13, UNIT 4, SOUTH HALF OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGE 11, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Subject to restrictions, reservations and easements of record, governmental authority, if any and taxes for the year 2004 and subsequent years.

GRANTOR covenants that the above-described property is not the residence of Grantor, nor adjacent to the homestead of residence of Grantor

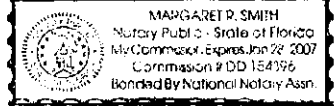
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.
Signed, sealed and delivered in our presence: HALL ENTERPRISES, LLC

By: [Signature] (Seal)
Printed Name: Blair A. Toman
Witness: [Signature]
By: [Signature] (Seal)
Printed Name: Carl Hall
Witness: [Signature]
P.O. Address: 328 HURST ROAD NE, PALM BAY, FL 32907

By: [Signature] (Seal)
Printed Name: DeLores Hall
Witness: [Signature]
P.O. Address: 328 HURST ROAD NE, PALM BAY, FL 32907
(Corporate Seal)

STATE OF Florida
COUNTY OF BREVARD
The foregoing instrument was acknowledged before me this 27th day of March, 2004 by CARL HALL, PRESIDENT and DELORES HALL, VICE PRESIDENT of HALL ENTERPRISES, LLC, a Florida Corporation, on behalf of the corporation who are personally known to me or who have produced their Florida driver's license or identification.



[Signature]
Printed Name: Margaret R. Smith
Notary Public
My Commission Expires:

Attn: Peter J. Schmoede

Reason why I am combing these
lots is to construct a single family
home in the middle.

Thomas E. Seymour
196 LIMETREE PARK DR.
BENITA SPRINGS, FL 34135

239-947-3071

09-44-27-04-00013 0120, 0110.



Florida Power & Light Company

May 5, 2004

Herman and Evelyn Sizemore
1920 Limetree Park Dr
Bonita Springs Fl 34135

Re: Proposed Vacation of Easement for 1701 and 1703 North Ave

Dear M/M Sizemore,

FPL would have no objection to vacating the two public utility easements of 6ft each along the lot line between 1701 and 1703 North Ave Lehigh Acres FL , lots 11 & 12 block 13 as recorded in Plat Book 15, Page 11 of Lee County Public Records.

If you have any question, please call me at (239) 332-9168.

Sincerely,

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

Billy Midgett
Customer Project Manager



April 30, 2004

Mr. and Mrs. Herman Sizemore
190 Limetree Park Drive
Bonita Springs, Florida 34135

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 11 & 12, Block 13, Section 9, Township 44S, Range 27E.
As recorded in Plat Book 15, Page 11 of the Lee County Public Records.

Dear Mr. and Mrs. Herman Sizemore:

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/drainage easement at the Lehigh Acres location.

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

Sincerely,


Wayneth Jackson
Engineer



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

April 28, 2004

Herman Sizemore
190 Limetree Park Dr
Bonita Springs, Fl 34135

Re: Dividing lots 11 and 12, block 13 of said Lehigh Acres unit 4.
Vacate Utility easement

Dear Herman Sizemore:

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,

Mark Cook
Mark Cook
Design Coordinator



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

280 Wekiva Springs Road, Suite 203, Longwood, Florida 32179, Ph: (407) 629-6900, Fax: (407) 629-6963

July 19, 2004

Herman Sizemore
190 Limetree Park Drive
Bonita Springs, FL 34135

RE: Vacation of Easement for Lots 11 and 12, Block 13, Unit 4 in Lehigh Acres

Dear Mr. Sizemore:

The FGUA Board met July 16, 2004 and determined that they do not presently hold any property rights over the address identified above other than the plat reservation. They also determined that the FGUA has no current utilities in the utility easement nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the Board approved the request for vacation of easement on July 16, 2004.

The vacation of easement was requested for the 12-foot wide (6-feet on each side) utility and drainage easement on the common line of Lot 11 and 12 of Block 13, Unit 4, Plat Book 15, Page 11 (excluding the easterly and westerly 6 feet). The request is made for the purpose of combining lots for new home construction. All lots in this subdivision have 6-foot utility easements around all sides.

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

Sincerely,

Florida Governmental Utility Authority

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

Charles Sweat
Director of Operations



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239)479-8531

Bob Janes
District One

July 22, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Herman Sizemore
190 Limetree Park Drive
Bonita Springs, FL 34135

Andrew W. Coy
District Four

John E. Albion
District Five

SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #S: 09-44-27-04-00013.0110 & 0120
LOTS 11 & 12, BLOCK 13 – LEHIGH ACRES, UNIT 4
1701 NORTH AVENUE

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Sizemore:

Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated attachments. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Mike Currier with the Florida Governmental Utility Authority at 368-1615, extension 14 concerning your request, as the subject parcels appear to be located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239)479-8531.

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

CC: Correspondence File





LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

July 26, 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

HERMAN & EVELYN SIZEMORE
190 LIMETREE PARK DR.,
FORT MYERS, FL 34135

RE: VAC2004-00024 - Petition to Vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 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. Sizemore:

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 1701 North 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\20040506.142\6500780\DCDLETTER.DOC

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00024**

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. VAC2004-00024 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00024

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 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: VAC2004-00024

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.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00024

Legal Description of the Public Utility Easements to be Vacated

The twelve-foot (12') wide Public Utility Easement centered on the common lot lines between Lots 11 and 12, all in Block 13, Unit 4, South Half of Section 9, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 11 of the Public Records of Lee County, Florida;

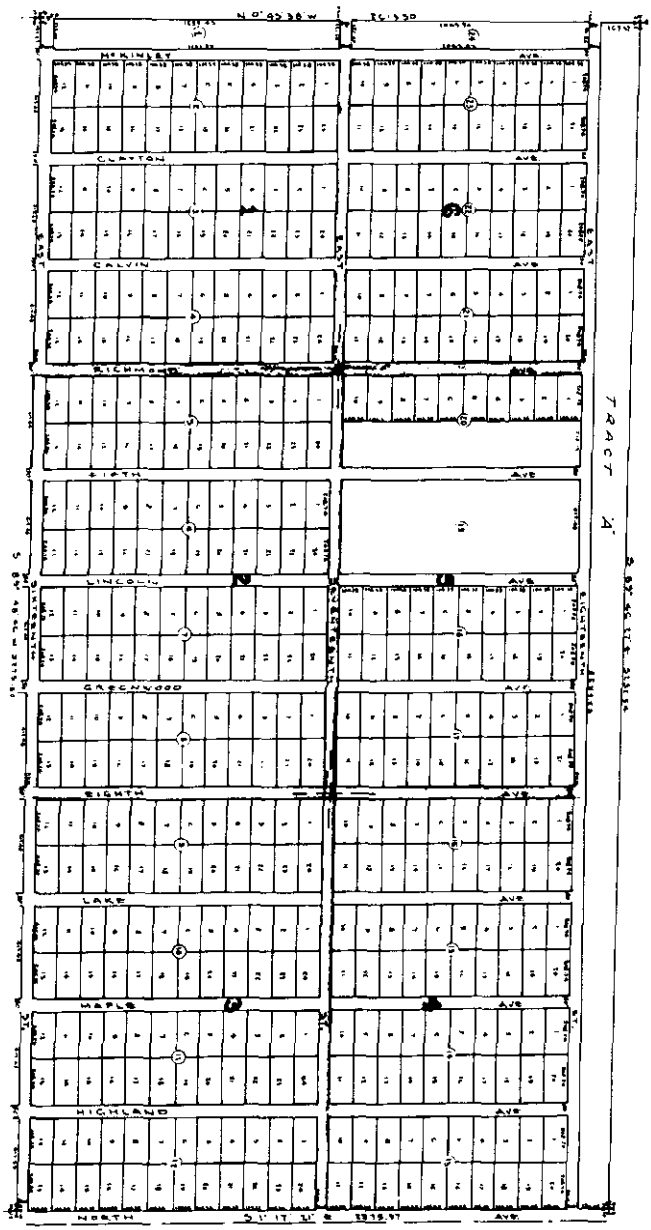
LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

PLAT OF SOUTH 1/2 SEC 9

TWP. 44S. RGE. 27E
 LEE COUNTY, IOWA.

A SUBDIVISION OF
 "LEHIGH ACRES"

LEE COUNTY LAND & TITLES CO.
 DEVELOPERS



CERTIFICATE OF SURVEY

I THE UNDERSIGNED BEING CAREFULLY EXAMINED THE PLAT HEREON AND BEING CONVINCED THAT THE SAME IS CORRECTLY AND ACCURATELY REPRESENTATIVE OF THE LAND AS PLATTED AND THAT THE DIMENSIONS AND BEARINGS THEREON ARE TRUE AND CORRECT AS SHOWN.

Given at _____, Iowa, this _____ day of _____, 19__.

NOTICE: THE STATE OF IOWA HAS A STATUTE WHICH PROVIDES THAT ANY PERSON WHO SHALL TAKE ANY INTEREST IN ANY LAND HEREIN DESCRIBED SHALL BE DEEMED TO TAKE THE SAME SUBJECT TO THE TERMS AND CONDITIONS HEREON SET FORTH.

NOTE: DEVELOPER'S DRAWING OF THIS TRACT UNDER THE ACT OF MARCH 10, 1892, CHAP. 100, IOWA CODE, IS HEREBY APPROVED.



Area to be vacated