

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 409 Truman 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. VAC2004-00043)

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

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

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 5

04

*C4D*

**3. MEETING DATE:**

*08-17-2004*

**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]* 8/03/04

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2004-00043 was submitted by I & E Homes, Inc.

**LOCATION:** The site is located at **409 Truman Ave., Lehigh Acres, Florida 33972**. Petition No. VAC2004-00043 proposes to vacate a 12-foot wide Public Utility Easement centered on the common lot line between Lots 17 and 18; both in Block 10, Unit 3, Section 26, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 38 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, OM, Risk			G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 8-4-04	<i>[Signature]</i> 8/4/04	<i>[Signature]</i> 8/4/04	<i>[Signature]</i> 8/4/04	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

**Rec. by CoAtty**  
Date: *8/4/04*  
Time: *10 AM*  
Forwarded To:  
*[Signature]*  
*8/4/04 10 AM*

**RECEIVED BY COUNTY ADMIN**  
*8/4/04*  
*10:10 AM SLT*  
COUNTY ADMIN  
*[Signature]*  
*8-15-04*  
*9:15 AM*

*315*



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2004-00043

Petitioner(s), I & E Homes Inc.

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, P.O. Box 1361 Lehigh Acres FL 33970
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:

[Handwritten signature]
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

Schann Finer
Printed Name

\_\_\_\_\_  
Printed Name

President of I & E Homes, Inc.

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 409 Truman Ave. Lehigh Acres and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate LEE Homes, Inc. 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)

Johann Pfuner  
Printed Name

Owner\*(signature)

Printed Name

Owner\*(signature)

Printed Name

Owner\*(signature)

Printed Name

Owner\*(signature)


Printed Name  
STATE OF FLORIDA  
COUNTY OF LEE

Owner\*(signature)

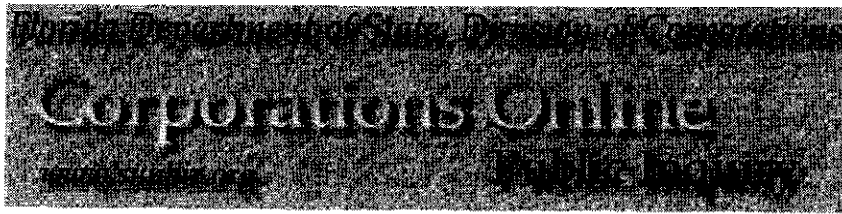
Printed Name

Sworn to (or affirmed) and subscribed before me this 12<sup>th</sup> day of July, 2008, by Johann Pfuner, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

 **Rena Kirkpatrick**  
My Commission DD280722  
Expires January 12, 2008

[Signature]  
Notary Public  
Rena Kirkpatrick  
(Name typed, printed or stamped)



**Florida Profit**

**I&E HOMES, INC.**

**PRINCIPAL ADDRESS**

1140 LEE BLVD.  
 STE 101-103  
 LEHIGH ACRES FL 33936  
 Changed 04/27/1999

**MAILING ADDRESS**

PO BOX 1361  
 LEHIGH ACRES FL 33970  
 Changed 03/07/2000

<b>Document Number</b> P97000099377	<b>FEI Number</b> 650795433	<b>Date Filed</b> 11/21/1997
<b>State</b> FL	<b>Status</b> ACTIVE	<b>Effective Date</b> NONE
<b>Last Event</b> NAME CHANGE AMENDMENT	<b>Event Date Filed</b> 05/06/2002	<b>Event Effective Date</b> NONE

**Registered Agent**

<b>Name &amp; Address</b>
PFUNER, HEINZ S 1140 LEE BLVD STE 101-103 LEHIGH ACRES FL 33936
Address Changed: 03/07/2000

**Officer/Director Detail**

<b>Name &amp; Address</b>	<b>Title</b>
PFUNER, JOHANN 1458 SCENIC ST LEHIGH ACRES FL 33936	PD
PFUNER, THOMAS W	

*(President)*

1452 SCENIC ST LEHIGH ACERS FL 33936	V
PFUNER, HEINZ S 752 MIRROR LAKE DR. LEHIGH ACRES FL 33936	V
PFUNER, CHRISTA 1458 SCENIC ST. LEHIGH-ACRES FL 33936	VP

### Annual Reports

Report Year	Filed Date
2002	05/09/2002
2003	04/25/2003
2004	03/25/2004

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)  
[View Name History](#)

### Document Images

Listed below are the images available for this filing.

<a href="#">03/25/2004 -- ANNUAL REPORT</a>
<a href="#">04/25/2003 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">05/09/2002 -- COR - ANN REP/UNIFORM BUS REP</a>
<a href="#">05/06/2002 -- Name Change</a>
<a href="#">02/27/2001 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">03/07/2000 -- ANN REP/UNIFORM BUS REP</a>
<a href="#">04/27/1999 -- ANNUAL REPORT</a>
<a href="#">05/18/1998 -- ANNUAL REPORT</a>
<a href="#">11/21/1997 -- Domestic Profit</a>

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

[Corporations Inquiry](#)

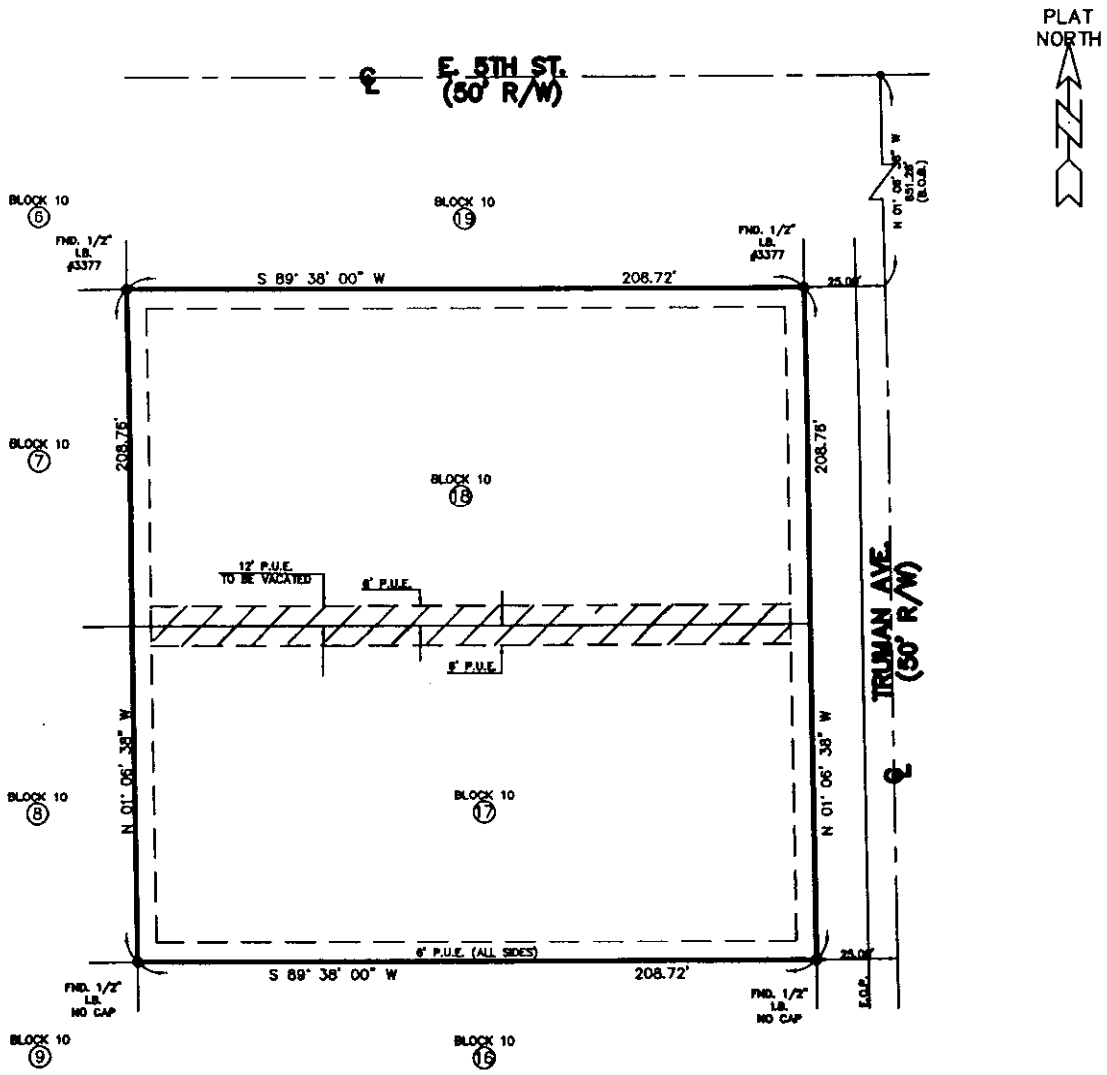
[Corporations Help](#)

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00043**

**Legal Description of the Public Utility Easement to be Vacated:**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 17 and 18; both in Block 10, Unit 3, Section 26, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 38 of the Public Records of Lee County, Florida;

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



**NOT A SURVEY— SKETCH ONLY**

BOUDARY SURVEY  
 409 TRUMAN AVENUE  
 LOTS 17 & 18, BLOCK 10, UNIT 3  
 SECTION 26, TOWNSHIP 44 SOUTH, RANGE 27 EAST  
 LEHIGH ACRES, LEE COUNTY, FLORIDA  
 RECORDED IN PLAT BOOK 15, PAGE 38, OF THE  
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

**Exhibit "B"**  
 Petition to Vacate  
 VAC2004-00043  
 [Page One of One]

*Tombs SA*  
 PSM 5941  
 6-24-04

**S.T.A.R. Surveying, Inc.** (LB5449)  
 Professional Surveyors and Mappers  
 1130-E Lee Boulevard, Lehigh Acres, Florida 33936  
 (239) 368-7400 (239) 368-7685 (Fax)

DATE:	6-24-04
JOB NUMBER:	0462-33
DRAWN BY:	T.J.K.
SCALE:	1" = 40'
SHEET:	1 of 1

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2004-00043**  
**[Page One of One]**

- View
- Save as File  
View file format.

Search By:

Tax Year:

Account:   Extensive Search



**Start Search**



Page 1 of 1  
6 matches

Account	Tax Year	Name/ Address	Status/ Outstanding Balance	
26-44-27-03-00010.0170	2003	I+E HOMES INC 409 TRUMAN AVE	PAID	<a href="#">Details</a>
26-44-27-03-00010.0170	2002	I + E GROUP INC 409 TRUMAN AV	PAID	<a href="#">Details</a>
26-44-27-03-00010.0170	2001	GESSWEIN REINHOLD + HILDEGARD 409 TRUMAN AV	PAID	<a href="#">Details</a>
26-44-27-03-00010.0170	2000	GESSWEIN REINHOLD + HILDEGARD 409 TRUMAN AV	PAID	<a href="#">Details</a>
26-44-27-03-00010.0170	1999	GESSWEIN REINHOLD + HILDEGARD 409 TRUMAN AV	PAID	<a href="#">Details</a>
26-44-27-03-00010.0170	1998	GESSWEIN REINHOLD + HILDEGARD	PAID	<a href="#">Details</a>

Page 1 of 1  
6 matches



Return to: Sandra L. Jones  
Name: Executive Title  
Address: 1140 Lee Blvd  
Lehigh Acres, FL 33936



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

INSTR # 6089296  
DR BK 04155 Pg 2586; (1pg)  
RECORDED 12/23/2003 11:42:16 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 6.00  
DEED DOC 105.00  
DEPUTY CLERK G Sherwood

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):  
26-44-27-03-00010.0170

File No:7031649

**WARRANTY DEED**  
(CORPORATION)

This Warranty Deed Made the 8th day of December, 2003,  
by I & E Group, Inc., A Florida Corporation, a corporation existing under the laws of Florida,  
and having its place of business at 1571 Hayley Ln. Ste. 203, Ft. Myers, FL, 33907  
hereinafter called the grantor,

to I & E Homes, Inc., A Florida Corporation, whose post office address is: 1140 Lee Blvd, Lehigh Acres, FL 33936, 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, by these presents grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lots 17 and 18, Block 10, Unit 3, Section 26, 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 Deed Book 254, Page 40, in the Public Records of Lee County, Florida.

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.  
*(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)*

In Witness Whereof, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

ATTEST: [Signature]  
Secretary

I & E Group, Inc.

1<sup>st</sup> Witness Signature: [Signature]  
Printed Name: ANDREA L. ERICCO

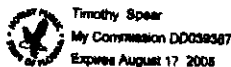
BY: [Signature]

2<sup>nd</sup> Witness Signature: [Signature]  
Printed Name: PATRICIA I. RICE

STATE OF FLORIDA  
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December 2003, by David Deatscreek as Vice-President of I & E Group, Inc., A Florida Corporation, on behalf of the corporation. He/she is personally known to me or who has produced driver license(s) as identification.

My Commission Expires:



[Signature]  
Printed Name: Timothy Spear  
Notary Public  
Serial Number



www.IE-Florida.com

June 14, 2004

Department of Community Development  
Attn: Peter J. Eckenrode  
Director Development Services  
1500 Monroe St.  
Ft. Myers, Fl. 33905

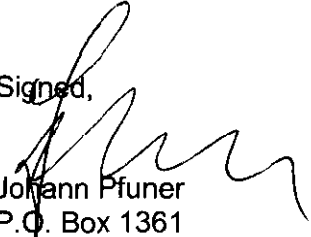
Re: A request for vacation of easement

To Whom It May Concern:

Purpose is to combine two (2) lots into one future building site of a Single Family Home.  
Strap #: 26-44-27-03-00010.0170  
Lots: 17 & 18 Block 10  
Street address: 409 Truman Ave., Lehigh Acres, FL. 33972

Contact person regarding this letter is Julie D. Kirchmeyer.  
Please contact her at the number listed below if you have any questions or concerns.

Signed,



Johann Pfuner  
P.O. Box 1361  
Lehigh Acres, Fl. 33970  
(239)369-8389 office  
(239)369-6282 Fax

Corporate Office:  
1140 Lee Boulevard  
Suite 101-102  
Lehigh Acres, FL 33936

Mailing Address:  
Post Office Box 1361  
Lehigh Acres, FL 33970

Phone: (239) 369-8389  
Toll-Free US and Canada:  
1-888-668-2722  
Fax: (239) 369-6282

I&E Homes, Inc. CGC 059631  
I&E Realty, Inc.  
Incoming & Entertainment, Inc.



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

June 10, 2004

I&E Homes, Inc.  
Attn: Ms. Julie D. Kirchmeyer  
P. O. Box 1361  
Lehigh Acres, FL 33936

Re: 409 Truman Ave., Lehigh Acres, Strap No. 26-44-27-03-00010.0170

Dear Ms. Kirchmeyer:

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

A 12-foot-wide utility and/or drainage easement centered on the line between Lots 17 and 18, Block 10, Unit 3, a subdivision of Lehigh Acres, Section 26, Township 44 South, Range 27 East, as recorded in DB 254, page 40, 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 (239) 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin  
Real Property Representative



June 8, 2004

Ms. Julie D. Kirchmeyer  
I & E Homes, Inc.  
P.O. Box 1361  
Lehigh Acres, Florida 33936

Re: Vacation of Public Utility Easement:  
A 12 foot wide public utility and drainage easement centered on the lot line  
common to lots 17 & 18, Block 10, Section 26, Township 44S, Range 27E.  
Strap No. – 66-44-27-03-00010.0170  
409 Truman Avenue, Lehigh Acres, Florida

Dear Ms. Kirchmeyer:

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,

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

Wayneth Jackson  
Engineer



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

June 8, 2004

I & E Homes  
C/O Julie Kirchmeyer  
PO BOX 1361  
Lehigh Acres, FL 33970

Re: 409 Truman Av, Lehigh Acres, Fl 33972  
Lots 17 & 18 Blk 10  
Vacate easement

Dear Julie Kirchmeyer,

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 that reads "Mark Cook". The signature is written in a cursive, flowing style.

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

July 19, 2004

Julie D. Kirchmeyer  
I&E Homes, Inc.  
P.O. Box 1361  
Lehigh Acres, FL. 33936

RE: Vacation of Easement for Lots 17 and 18, Block 10, Truman Road,  
Lehigh Acres

Dear Ms. Kirchmeyer:

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 6-foot wide utility and drainage easement lying on the south side of Lot 18 and north side of Lot 17 (excluding the easterly and westerly 6 feet) of Block 10 in Lehigh Acres. 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 that reads "Charles Sweat". The signature is written in a cursive, flowing style.

Charles Sweat  
Director of Operations

# AmeriGas

*America's Propane Company*

June 16, 2004

Ms. Julie D. Kirchmeyer:  
I & E Homes Inc.  
1140 Lee Blvd.  
Suite 101-102  
Lehigh Acres, Florida 33936

Dear Ms. Kirchmeyer:

In reference to you fax dated June 3, 2004 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 26-44-27-03-00010.0170

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

Sincerely,

  
Jim Riefstahl  
Sales & Service Manager



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8181

Bob Janes  
District One

June 7, 2004

Douglas R. St. Cerny  
District Two

Julie Kirchmeyer  
I & E Homes, Inc.

Ray Judah  
District Three

P. O. Box 1361  
Lehigh Acres, FL 33970

Andrew W. Coy  
District Four

John E. Albion  
District Five

**SUBJECT: VACATION OF PLATTED EASEMENT(S)**  
**STRAP #: 26-44-27-03-00010.0170**  
**LOTS 17 & 18, BLOCK 10 – LEHIGH ACRES, UNIT 3**  
**409 TRUMAN AVENUE**

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Dear Ms. Kirchmeyer:

Diana M. Parker  
County Hearing  
Examiner

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

Original Mailed 06/07/04  
Copied Via Facsimile #(239)369-6282

S:\UTILS\Engr\TAK\LETTERS\VAC\FY 2004\I & E Homes - Truman Av - Lehigh.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER





BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes  
District One

August 3, 2004

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Johann Pfuner  
I & E HOMES, INC.  
P.O. BOX 1361,  
LEHIGH ACRES, FL 33936

RE: **VAC2004-00043 - Petition to Vacate** a 12-foot wide Public Utility Easement centered on the common lot line between Lots 17 and 18; both in Block 10, Unit 3, Section 26, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 38 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet of each easement.

Dear Mr. Pfuner:

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 409 Truman 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:\200408\20040715.133\4469210\DCDLETTER.DOC



**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
*District One*

Wednesday, June 23, 2004

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Ms. Julie D. Kirchmeyer  
I&E Homes, Inc.  
P.O. Box 1361  
Lehigh Acres, FL 33936

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Re: Petition to Vacate a twelve (12) foot wide public utility easement common to Lots 17 & 18, Unit 3, Block 10, Lehigh Acres Subdivision, as recorded in Deed Book 254 Page 40, in the public records, Lee County, Florida.

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Dear Ms. Kirchmeyer:

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 a portion of the subject public utility and drainage easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.  
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac433.doc

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2004-00043

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. VAC2004-00043 is set for the  
14th day of September, 2004 @ 5:00PM 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

BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA  
\_\_\_\_\_  
Chairman Signature

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00043**

**Legal Description of the Public Utility Easement to be Vacated:**

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 17 and 18; both in Block 10, Unit 3, Section 26, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 38 of the Public Records of Lee County, Florida;

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

	15	12	13	12	13	12	13	12	13
24	1	24	1	24	1	24	1	24	
23	2	23	2	23	2	23	2	23	
22	3	22	3	22	3	22	3	22	
21	4	21	4	21	4	21	4	21	
20	5	20	5	20	5	20	5	20	
19	6	19	6	19	6	19	6	19	
18	7	18	7	18	7	18	7	18	
17	8	17	8	17	8	17	8	17	
16	9	16	9	16	9	16	9	16	
15	10	15	10	15	10	15	10	15	
14	11	14	11	14	11	14	11	14	
13	12	13	12	13	12	13	12	13	

NY

COLUMBUS

CANTON

TRUMAN

GRAZI

WELLINGTON

9

9

10

11

12

MONUMENTS HAVE BEEN PLACED AS SHOWN

Earl S. Boyer  
FLORIDA REGISTERED LAND SURVEYOR

NOTE:

ALL LOTS SUBJECT TO A UTILITY EASEMENT  
ON ALL SIDES OF LOT.  
INTERIOR WALLS ARE 4" x 4" CONCRETE.

SECTION COR. P.R.M.'S ARE 6" x 6" CONCRETE.

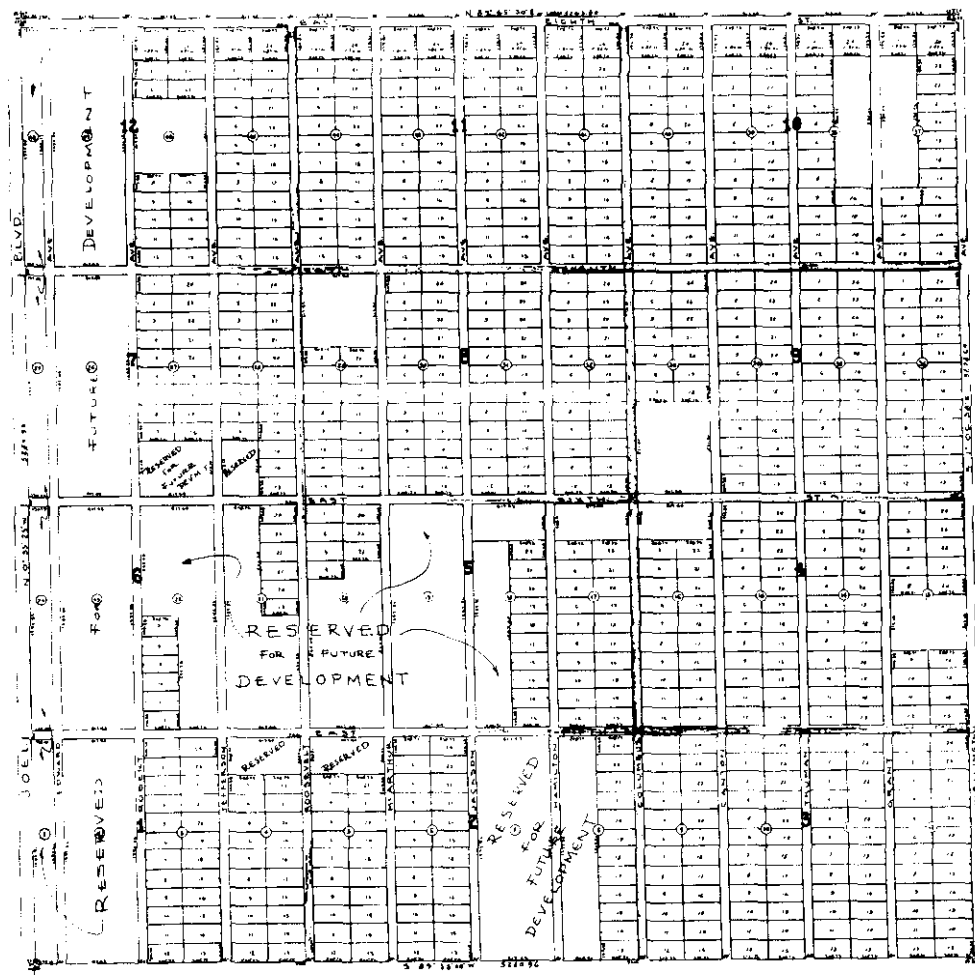
ALL LOTS EQUAL 1/2 ACRE, EXCEPT WHERE NOTED.

NOTE:

DIMENSIONS, BEARINGS, LOT AND L<sup>2</sup>  
DRAWING OF LATEST DATE SHALL G

	16	10500
	15	10500
	14	10500
	13	10500
	24	10500
	23	10500
	22	10500

ELLINGTO



For Vacation of Park  
 Street Edward, E 1/4  
 9th, Robert Johnson  
 Roosevelt M. Walker  
 Jackson  
 Sec. 26 M.B. 21st 11, 12, 16  
 12 m. Indiana

PLAT  
 OF  
 SECTION 26  
 Twp. 44S - RGE 27E

A SUBDIVISION OF  
**'LEHIGH ACRES'**

LEHIGH COUNTY, PA.  
 LEHIGH COUNTY LAND & TITLE CO. DEVELOPER  
 STATE OF PA. FEB. 1, 1926

CERTIFICATE OF SURVEY  
 I, THE UNDERSIGNED, COUNTY SURVEYOR FOR THE  
 COUNTY OF LEHIGH, PA., DO HEREBY CERTIFY THAT  
 THE ABOVE SURVEY AND THE PROCEEDINGS THEREON  
 ACCORDING TO THE STATUTES IN THIS STATE

*And I Sign Cert.*

NOTARY PUBLIC FOR LEHIGH COUNTY  
 STATE OF PA. FEB. 1, 1926

NOTE:  
 DISTRICTS, BOOKS AND LOT AND AREA ARE  
 SUBJECT TO CORRECT DATA FOR 1926

000700050	000700060	000700070
000700060	000700070	000700080
000700070	LEHIGH ACRES	000700090
000700080	000700090	000700100
000700090	000700100	000700110
000700100	000700110	000700120

 Area to be vacated