

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 3303 and 3305 5th St. SW, Lehigh Acres, Florida 33971, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 12th day of October, 2004. (Case No. VAC2004-00044)

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:

09-14-2004

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] 8/20/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00044 was submitted by Sergio G. and Kathleen L. Matamala.

LOCATION: The site is located at **3303 and 3305 5th St. SW, Lehigh Acres, Florida 33971** and its strap numbers are 35-44-26-06-00053.0090 and 44-26-06-00053.0080. Petition No. VAC2004-00044 proposes to vacate a twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services Risk			G County Manager
<u>[Signature]</u>	N/A	N/A	N/A	<u>[Signature]</u> 8/30/04	OA <u>[Signature]</u> 8/30/04	OM <u>[Signature]</u> 9/1/04	Risk <u>[Signature]</u> 8/30/04	GC <u>[Signature]</u> 8/30/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: 9/23/04

Time: 1:00

Forwarded To:

[Signature]
8/30/04

RECEIVED BY COUNTY ADMIN: <u>[Signature]</u>
<u>8/30/04</u>
<u>[Signature]</u>
COUNTY ADMIN: FORWARDED TO: <u>[Signature]</u>
<u>9-08-04</u>
<u>4:15 pm</u>

BK



PETITION TO VACATE (AC 13-1)

Case Number: VAC 2004-00044

Petitioner(s), Sergio G. and Kathleen L. Matamala
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, 10708 Figtree Ct., Lehigh Acres, FL 33936.
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

Sergio G. Matamala
Printed Name

Kathleen L. Matamala
Printed Name

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

EXHIBIT "A"
Petition to Vacate
VAC2004-00044

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 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

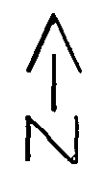
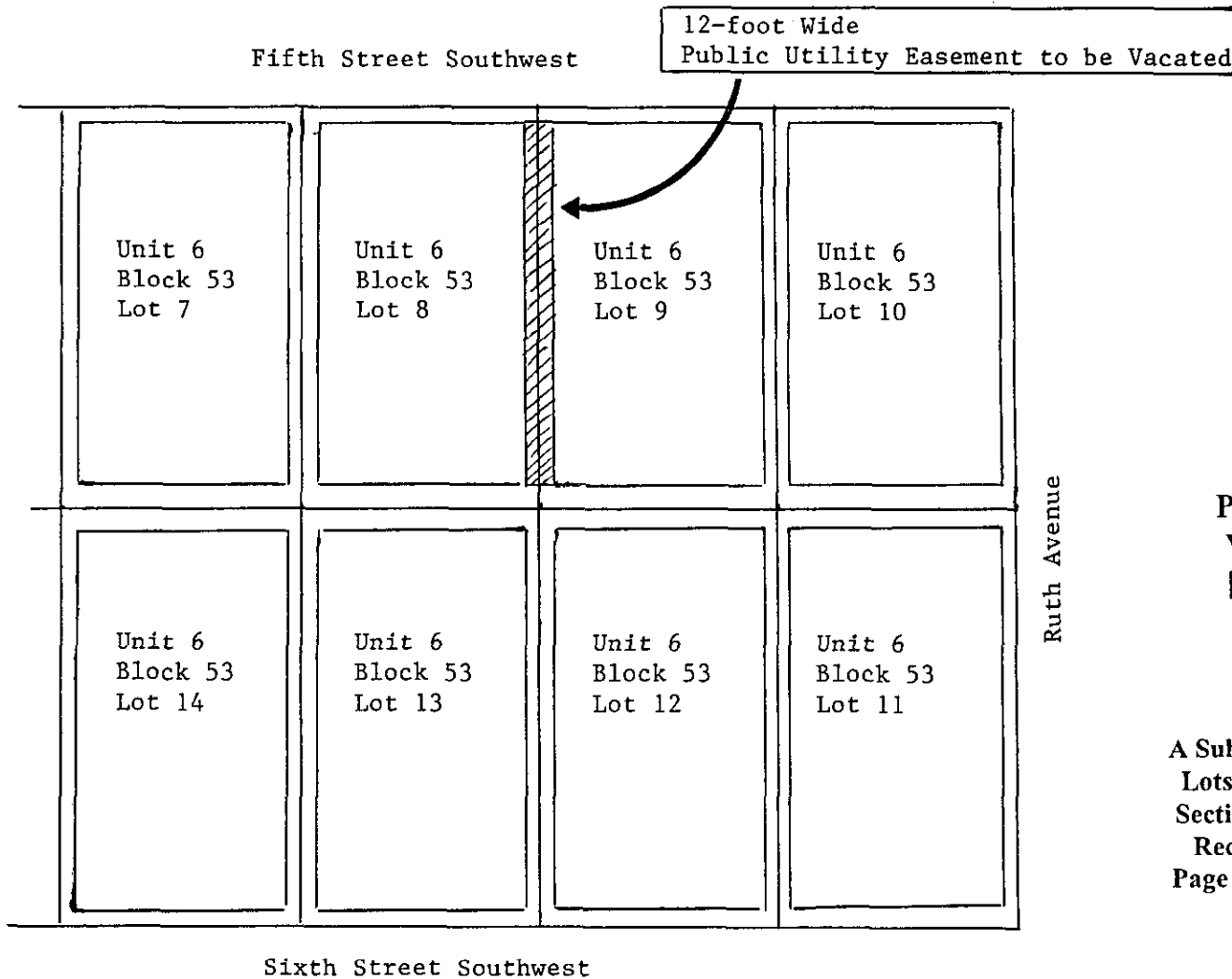


Exhibit "B"
Petition to Vacate
VAC2004-00044
 [Page One of One]

A Subdivision of Lehigh Acres,
 Lots 8 & 9, Block 53, Unit 6,
 Section 35, Twp 44S, Rge 26E
 Recorded in Plat Book 15,
 Page 91 of the Public Records,
 Lee County, Florida

Scale: One Inch = 60 Feet

Exhibit "C"
Petition to Vacate
VAC2004-00044
 [Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
35-44-26-06-00053.0080	2003	PAID
Original Account	Book/Page	
35-44-26-06-00053.0080	4157 /300	
Physical Address	Mailing Address	
MATAMALA SERGIO + KATHLEEN 3305 5TH ST SW LEHIGH ACRES FL 33971	MATAMALA SERGIO + KATHLEEN 10708 FIGTREE CT LEHIGH ACRES FL 33936 USA	
Legal Description		
LEHIGH ACRES UNIT 6 BLK.53 PB 15 PG 91 LOT 8		
Outstanding Balance as of 8/9/2004		\$0.00



Real Property Information

Account	Tax Year	Status
35-44-26-06-00053.0090	2003	PAID
Original Account	Book/Page	
35-44-26-06-00053.0090	2758/2768	
Physical Address	Mailing Address	
MATAMALA SERGIO G + KATHLEEN L 3303 5TH ST SW LEHIGH ACRES FL 33971	MATAMALA SERGIO G + KATHLEEN L 10 CRESTWOOD CIR S LEHIGH ACRES FL 33936 USA	
Legal Description		
LEHIGH ACRES UNIT 6 BLK.53 PB 15 PG 91 LOT 9		
Outstanding Balance as of 8/9/2004		\$0.00



INSTR # 6091252
 DR BK 84157 Pgs 0300 - 301; (2pgs)
 RECORDED 12/24/2003 01:12:15 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 RECORDING FEE 18.50
 DEED DOC 21.00
 DEPUTY CLERK V Fuller

LF298-04
 R298-04

QUITCLAIM DEED

8

THIS QUITCLAIM DEED, executed this 19th day of December, 2003,
 by first party, Grantor, Luis E + LINDA F. MATAMALA
 whose post office address is 2211 E. 5th St #625 Lehigh Acres, FL, 33972
 to second party, Grantee, SERGIO + KATHLEEN MATAMALA
 whose post office address is 10708 Figtree Ct. Lehigh Acres FL, 33936

WITNESSETH, That the said first party, for good consideration and for the sum of
 THREE THOUSAND + 00/100 _____ Dollars (\$ 3000.00)
 paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release
 and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first
 party has in and to the following described parcel of land, and improvements and appurtenances thereto in
 the County of LEE, State of FLORIDA to wit:

Lot 8, Block 53, Unit 6, SECTION 35, TOWNSHIP 44 South
 RANGE 26 EAST, Lehigh Acres, According to the map or
 PLAT thereof on file in the office of the Clerk of Circuit
 Court, Recorded in Plat Book 15, page 91, Public
 Records of LEE County, FLORIDA

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Eric Bastin
Signature of Witness

Eric Bastin
Print name of Witness

Chris Bastin
Signature of Witness

Chris Bastin
Print name of Witness

Luis Matamala
Signature of First Party

LUIS MATAMALA
Print name of First Party

Linda Matamala
Signature of First Party

LINDA MATAMALA
Print name of First Party

State of Florida }
County of Lee }

On December 19, 2003 before me, Luis Matamala & Linda Matamala, appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Signature of Notary



Jon Bradshaw
Commission #DD220686
Expires: Jun 08, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

Affiant Known Produced ID
Type of ID Florida Drivers License
M354-526-56-7440 (Seal)
M354-525-54-163-0

State of Florida }
County of Lee }

On _____ before me, appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID
Type of ID _____
(Seal)

Linda Matamala
Signature of Preparer

LINDA MATAMALA
Print Name of Preparer

2211 E. 5th St #B25
Address of Preparer
LEHIGH ACRES FL. 33972

FOR OFFICIAL USE ONLY:
PARCEL # 35-44-26-06-00053.0090

4055579

REC \$ 10.50
RPTT \$ 9.10
TOTAL \$ 19.60

PAGE 1 OF 2

THIS WARRANTY DEED

FTC-33760-PR

Made the 29TH day of OCTOBER, A.D. 1996
by EUGENE T. EDWARDS AND HELEN P. EDWARDS, HUSBAND AND WIFE
1511 MARTINEZ DRIVE, LADY LAKE, FL 32159
acquiring title through instrument as recorded in O. R. Book 224,
Page 268 in the public records of LEE County, Florida.
hereinafter called the grantor,
to SERGIO G. MATAMALA AND KATHLEEN L. MATAMALA, HUSBAND AND WIFE
whose post office address is:
612 MCKINLEY AVENUE
LEHIGH ACRES, FL 33936
herein 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)

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

LOT 9, BLOCK 53, UNIT 6, SECTION 35, TOWNSHIP 44 SOUTH, RANGE
26 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 91, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA.

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

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

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

RECORD VERIFIED - CHARLES GREEN, CLERK
By J. INMAN, S.C.

Documentary Tax \$ 9.10
1 - BEAMIE GREEN, CLERK, LEE COUNTY
19 - J. Inman
Deputy Clerk

DR2758 PG2768

DR2758 PG2769

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, 1995. Subject to easements, restrictions, reservations, conditions and limitations of record in the public records of LEE County, Florida.

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

Signed, sealed and delivered in our presence:

Verna M. Druff
WITNESS

Eugene T. Edwards LS
EUGENE T. EDWARDS

Verna M. Druff
PRINTED NAME OF WITNESS

Helen P. Edwards LS
HELEN P. EDWARDS

Mary K Downey
WITNESS (TWO SEPARATE WITNESSES
REQUIRED)

1511 MARTINEZ DRIVE
LADY LAKE, FL 32159

Mary K Downey
PRINTED NAME OF WITNESS

96 OCT 30 PM 4:20

CHARLIE GREEN LEE CIV FL

STATE OF FLORIDA

COUNTY OF Lake

The foregoing instrument was acknowledged before me this 11 day of Sept, 1996 by EUGENE T. EDWARDS AND HELEN P. EDWARDS, who is/are personally known to me and did produce acceptable identification being in the form of SSNs and Fla. Id. and who did understand the body of this instrument and did sign this instrument of their own free act and deed.

Cynthia Sue McKee-Wilson
Notary Public
My Commission Expires: 1-29-2000

(Notary Seal)

CYNTHIA SUE MCKEE-WILSON
PRINTED NAME OF NOTARY PUBLIC



Cynthia Sue McKee-Wilson
MY COMMISSION # DC828577 EXPIRES
January 29, 2000
BONDED THRU FIDELITY FARM INSURANCE, INC.

This Instrument prepared by: PATRICIA A. REGAS
FLEETWOOD TITLE CORPORATION
904 LEE BLVD., SUITE 106,
LEHIGH ACRES, FL 33936



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.lline.com

May 28, 2004

Sergio and Kathlee Matamala
10708 Figtree Ct.
Lehigh Acres, FL 33936

Re: Strap No. 35-44-26-06-00053.0080 and Strap No. 35-44-26-06-00053.0090

Dear Mr. and Mrs. Matamala:

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

A 12-foot-wide utility and/or drainage easement centered on the line between Lots 8 and 9, Block 53, Unit 6, a subdivision of Lehigh Acres, Section 35, Township 44 South, Range 26 East, as recorded in Plat Book 15, page 91, of the Public Records of Lee County, Florida; **LESS** and **EXCEPT** the north 6 feet and the south 6 feet thereof.

Please call me at (239) 656-2422 if you have any questions.

Sincerely,

Karen Hardin
Real Property Representative



May 12,2004

Mr. and Mrs. Matamala
10708 Figtree Court
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 8 & 9, Block 53, Section 35, Township 44S, Range 26E. As recorded in Plat Book 15, Page 91 of the Lee County Public Records. Strap No.:35-44-26-06-00053.0090

Dear Mr. and Mrs. Matamala:

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

Wayneth Jackson
Engineer



**26790 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

May 5, 2004

Sergio & Kathlee Matamala
10708 Figtree Ct
Lehigh Acres, FL 33936

Re: Vacate Easement located @ 3303 & 3305 SW 5th St

Dear Sergio & Kathlee Matamala,

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

June 21, 2004

Sergio and Kathlee Matamala
10708 Figtree Ct
Lehigh Acres, FL. 33936

RE: Vacation of Easement for Lots 8 and 9 of Block 32 of Plat Book 15,
Page 75

Dear Mr. and Mrs. Matamala

The FGUA Board met June 18, 2004 and determined that they do not presently hold any property rights over the address identified above other than the plat reservation. They also determined that the FGUA has no current utilities in the utility easement nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the Board approved the request for vacation of easement on June 18, 2004.

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the east side of Lot 8 and west side of Lot 9 (excluding the northerly and southerly 6 feet) of Block 53, Unit 6, Section 35 in Lehigh Acres, as recorded in Plat Book 15, Page 41 of the Public Records of Lee County, Florida. The request is made for the purpose of combining lots for new home construction. All lots in this subdivision have 6-foot utility easements around all sides.

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

Sincerely,

Florida Governmental Utility Authority

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

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

May 17, 2004

Douglas R. St. Cerny
District Two

Sergio and Kathlee Matamala
10708 Figtree Ct.
Lehigh Acres, FL 33936

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #s: 35-44-26-06-00053.0080 & .0090
LOTS 8 & 9, BLOCK 53 - LEHIGH ACRES, UNIT 6
3303-05 5TH STREET SW

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. & Mrs. Matamala:

Lee County Utilities has no objection to the proposed vacation of the existing platted easements as described in your recent letter and associated attachment. 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 parcel 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

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

August 9, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Sergio G. & Kathleen L. Matamala,
10708 Figtree Ct.,
Lehigh Acres, FL 33936

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

Re: VAC2004-00044 - Petition to Vacate a 12-foot Public Utility Easement located centered on the common lot line between Lots 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet of each easement.

Dear Mr. & Mrs. Matamala:

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 two (2) lots. The site is located at 3303 and 3305 5th St. SW., 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\20040716.113\3325930\DCDLETTER.DOC



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Thursday, May 13, 2004

Sergio & Kathleen Matamala
10708 Figtree Court
Lehigh Acres, FL 33936

Re: Petition to Vacate a twelve (12) foot wide public utility & drainage easements common to Lots 8 & 9, Block 53, Unit 6, Lehigh Acres Subdivision, as recorded in Plat Book 51 Page 91, in the public records, Lee County, Florida.

Dear Mr. & Mrs. Matamala:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility and drainage easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac430.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 5, 2004

Sergio and Kathlee Matamala
10708 Figtree Court
Lehigh Acres, FL 33936

**RE: Petition to Vacate the 12' wide utility easement
On the lot line common to Lots 8 and 9, Block 53,
Unit 6, Section 35, Township 44 South, Range 26 East,
Lehigh Acres, Plat Book 15, page 91**

Dear Mr. And Mrs. Matamala:

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

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/JMK/mlb

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



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

May 26, 2004

Sergio and Kathlee Matamala
10708 Figtree Court
LeHigh Acres, Florida 33936

Re: Vacation of a Public Utility Easement

Dear Mr. and Mrs. Matamala:

In response to your letter we received on May 4, 2004, our staff has reviewed your request to vacate the subject area marked and described as: Those portions of a 6' wide public utility easement lying within lots 8 and 9 block 53, unit 6, Section 35, Township 44 South, Range 26 East, Lehigh Acres, Lee County, Florida per Plat Book 15, Page 91 on the enclosed sheet.

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

Sincerely,

Ruthie M. Chunn
Right of Way Agent
Property Management

RMC/jps

Encl.: Copy of Petition, w/attmts.

cc: Scott Gilbertson, P.E. – Lee County w/attmts.
Peter J. Eckenrode – Lee County w/ attmts.
Mike Rippe – FDOT, w/attmts.
Tom Garcia – FDOT, w/attmts.
File, Daily

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00044**

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. VAC2004-00044 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

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
VAC2004-00044

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 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00044

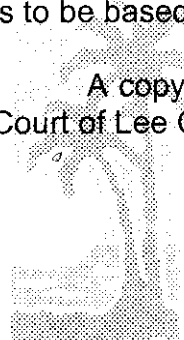
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 12th day of October, 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
VAC2004-00044

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 8 and 9; both in Block 53, Unit 6, Section 35, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 91 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northerly six feet and southerly six feet of each easement.

Dear Lee county board

I would like to have the easement between my lots removed because I wish to build my home in the middle of the two lots. The two lots that I am speaking of is

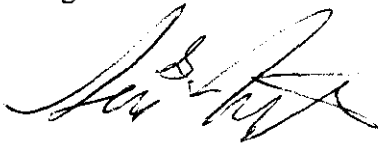
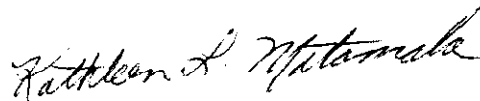
Lehigh acres unit 6 blk.53 pb 15 pg 91 lot 9 book 2758 page 2768

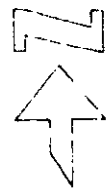
And

Lehigh acres unit 6 blk 53 pb 15 pg 91 lot 8 book 4157 page 300

Thank you

Sergio & Kathleen Matamala

A handwritten signature in black ink, appearing to read 'Sergio Matamala', written in a cursive style.A handwritten signature in black ink, appearing to read 'Kathleen A. Matamala', written in a cursive style.



PLAT OF
SECTION 35
TOWNSHIP 44 SOUTH RANGE 26 EAST

A SUBDIVISION OF
'LEHIGH ACRES'

LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO. - DEVELOPERS

DATE ~~1956~~ JANUARY 26, 1958

UNIT BOUNDARY

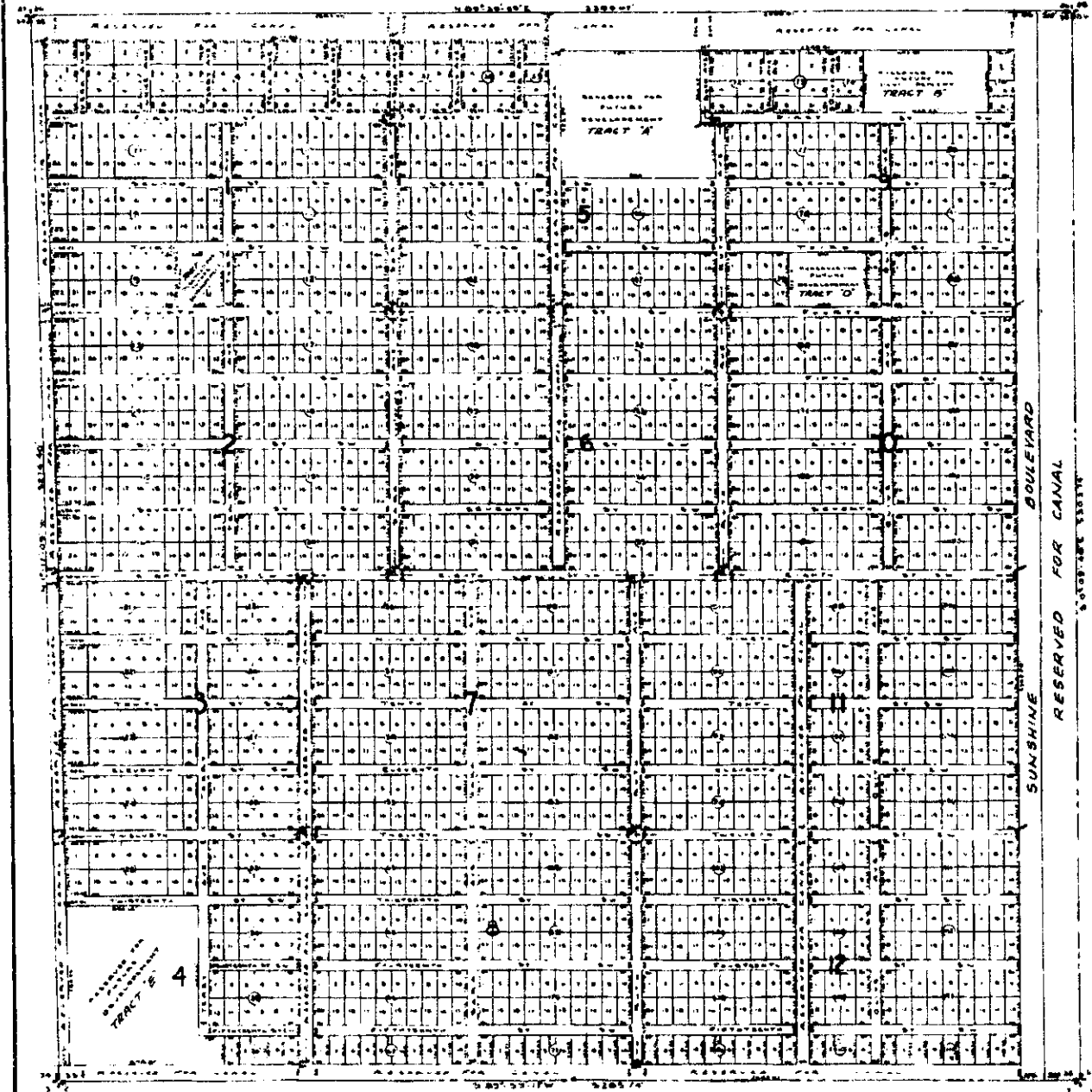
SURVEYOR'S CERTIFICATE:

I the undersigned hereby certify that this plat is correct in accordance with the data supplied and that all provisions of the laws of Florida relating to the same have been complied with.

[Signature]
Professional Surveyor No. 1185

NOTE: All lots subject to easements, covenants, conditions and restrictions as shown on plat and recorded in Public Records, Lee County, Florida.

NOTE: Dotted lines, bearings, lot and land lines on drawings of latest date shall govern.



SUBVEYORS CERTIFICATE

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

[Handwritten Signature]

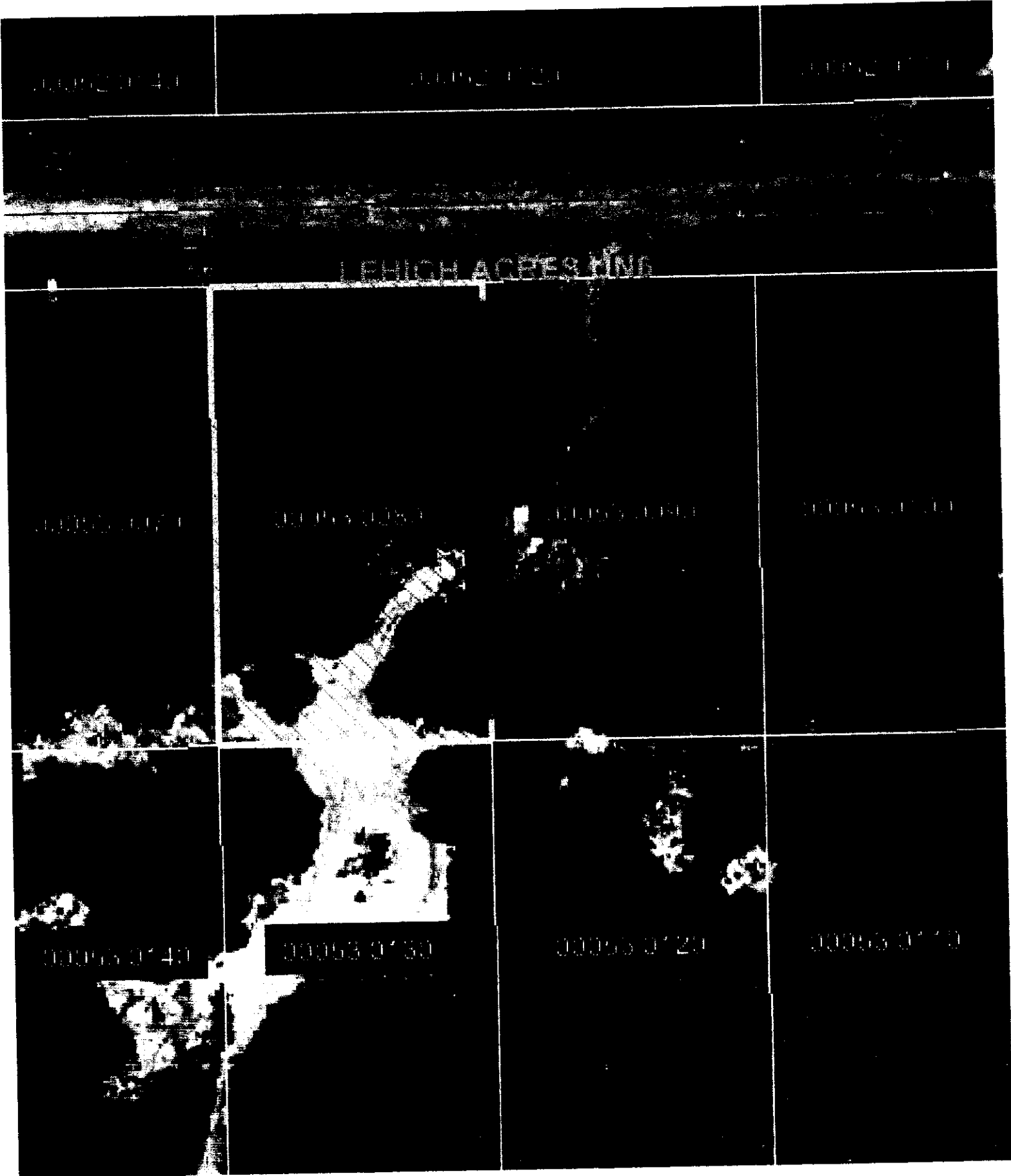
Florida Registered Land Surveyor No. 1150

NOTE

All lots subject to a utility easement, both sides, front and back.
Interior P.M.'s are 4" x 4" concrete.
Section corner P.M.'s are 6" x 6" concrete.

NOTE:

DIMENSIONS, BEARINGS, LOT AND LANE LINES ON
DRAWING OF LATEST DATE SHALL GOVERN.



Area to be vacated