

**County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20041184

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 10-foot wide Public Utility Easement at 3331 Martina Court, North Fort Myers, Florida 33917, located off of Carefree Boulevard, and North Tamiami Trail, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 26th day of October, 2004. (Case No. VAC2004-00047)

**WHY ACTION IS NECESSARY:** To build a manufactured home 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

**3. MEETING DATE:**

*C4A*  
**09-28-2004**

**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]* 9/16/04  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2004-00047 was submitted by Barbara K. Rapp and Linda W. Gragg.

**LOCATION:** The site is located at **3331 Martina Court, North Fort Myers, Florida 33917**. Petition No. VAC2004-00047 proposes to vacate a 10-foot wide Public Utility Easement centered on the common lot line between Lots M30 and M31, The Resort on Carefree Boulevard, as recorded in Plat Book 59 at Pages 39 through 45, Section 15, Township 43 South, Range 24 East, of the Public Records of Lee County, Florida; **LESS and EXCEPT** the westerly 7.5 feet thereof.

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	
<i>Mary Gibbs</i>	N/A	N/A	N/A	<i>John J. Rapp</i> 9-15-04	<i>OM</i> 9/15/04	<i>OM</i> 9/16	<i>Risk</i> 9/15/04	<i>GC</i> 9/15/04	<i>[Signature]</i> 9/16/04

**10. COMMISSION ACTION:**

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

**Rec. by CoAtty**  
Date: 9/13/04  
Time: 2:10  
**Forwarded To:**  
CC: [Signature]  
9/15/04

**RECEIVED BY**  
**COUNTY ADMIN:** *[Signature]*  
9/15/04  
11:00 AM SGT  
**COUNTY ADMIN**  
**FORWARDED TO:**  
9/16/04  
430

*PW*



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00047

Petitioner(s), Linda Gragg & Barbara Rapp  
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, 3000 Cantina Blvd 11-30 Ft. Myers, FL 33917
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:

Linda Gragg  
Petitioner Signature

Barbara K. Rapp  
Petitioner Signature

Linda Gragg  
Printed Name

BARBARA K. RAPP  
Printed Name



August 30, 2004

**REVISED DESCRIPTION**

**EASEMENT VACATION  
BETWEEN LOTS M30 & M31, THE RESORT ON CAREFREE BLVD.  
(PLAT BOOK 59, PAGES 39-45)  
SECTION 15, T. 43 S., R. 24 E.  
LEE COUNTY, FLORIDA**

A strip of land 10 feet wide between Lots M30 and M31, The Resort on Carefree Boulevard, as shown on plat recorded in Plat Book 59, at Pages 39 through 45 of the Public Records of Lee County, Florida, lying in Section 15, Township 43 South, Range 24 East, Lee County, Florida, which strip of land is described as follows:

From the northwest corner of said Lot M30 run N 00° 57' 02" E along east line of Martina Court, as shown on said plat, for 5.00 feet; thence run S 89° 02' 58" E for 70.00 feet to an intersection with the west line of Tract "D", as shown on said plat; thence run S 00° 57' 02" W along said west line for 10.00 feet; thence run N 89° 02' 58" W for 70.00 feet to the intersection with said east line of Martina Court; thence run N 00° 57' 02" E along said east line for 5.00 feet to the Point of Beginning.

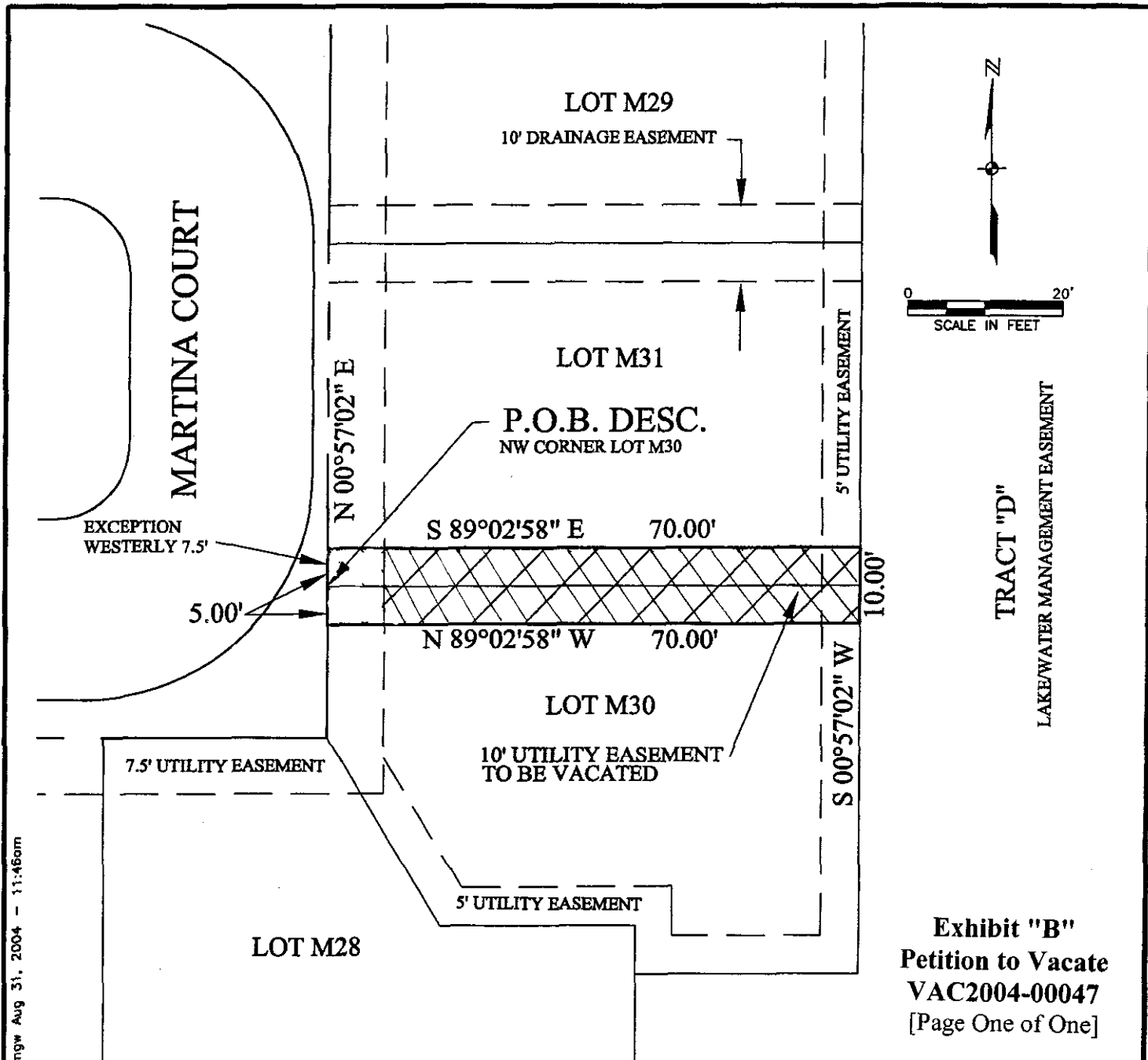
LESS AND EXCEPT the westerly 7.5 feet thereof.

Containing 625 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of said Lot M30 to bear S 89° 02' 58" E.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2004-000047**  
[Page One of One]

20044802 Easement Vacation CGR M30 Revised 083004



E:\203334\esmt vac M30 and M31A.dwg (Sheet1) mgw Aug 31, 2004 - 11:46am

REVISED 8/30/04 EXCEPTION ADDED

**NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LOT M30, AS SHOWN ON THE PLAT OF THE RESORT ON CAREFREE BLVD., TO BEAR S 89° 02' 58" E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT
4. POB = POINT OF BEGINNING
5. DESC. = DESCRIPTION
6. DESCRIPTION ATTACHED.
7. PARCEL CONTAINS 625 SQ. FT., MORE OR LESS.

**LOTS M30 AND M31  
THE RESORT ON CAREFREE BLVD.  
(PLAT BOOK 59, PAGES 39-45)  
SEC. 15, TWP. 43 S., RGE. 24 E  
LEE COUNTY, FLORIDA**

**THIS IS A NONA SURVEY**  
*Mark G. Wentzel*  
MARK G. WENTZEL (FOR THE FIRM LB-642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 527  
DATE SIGNED: 8/31/04  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**Exhibit "B"  
Petition to Vacate  
VAC2004-00047  
[Page One of One]**



2158 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #642 & L.B. #642

**SKETCH TO ACCOMPANY DESCRIPTION  
UTILITY EASEMENT VACATION**

DATE 7/30/04	PROJECT NO. 20044802	FILE NO. 15-43-24	SCALE 1" = 20'	SHEET 2 OF 2
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**Exhibit "C"**  
**Petition to Vacate**  
**VAC2004-00047**  
[Page One of One]

Real Property Information

Account	Tax Year	Status
15-43-24-02-00000.M300	2003	PAID
Original Account	Book/Page	
15-43-24-02-00000.M300	3927 /2207	
Physical Address	Mailing Address	
RAPP BARBARA K + GRAGG LINDA W J/T 3331 MARTINA CT NORTH FORT MYERS FL 33917	RAPP BARBARA K + GRAGG LINDA W J/T 2602 HUNTINGTON CIR FARIBAULT MN 55021 USA	
Legal Description		
RESORT ON CAREFREE BOULEVARD LOT M30 PB 59 PG 39		
<b>Outstanding Balance as of 8/23/2004</b>		<b>\$0.00</b>

Real Property Information

Account	Tax Year	Status
15-43-24-02-00000.M310	2003	PAID
Original Account	Book/Page	
15-43-24-02-00000.M310	3901/555	
Physical Address	Mailing Address	
GRAGG LINDA W + RAPP BARBARA K J/T 3321 MARTINA CT NORTH FORT MYERS FL 33917	GRAGG LINDA W + RAPP BARBARA K J/T 2602 HUNTINGTON CIR FAIRBAULT MN 55021 USA	
Legal Description		
RESORT ON CAREFREE BOULEVARD LOT M31 PB 59 PG 39		
<b>Outstanding Balance as of 8/23/2004</b>		<b>\$0.00</b>

Jayma C. Farr  
Tri-County Title Insurance Agency, Inc.  
8660 College Pkwy., Suite 200, Fort Myers, Florida 33919  
Parcel ID No: 15-43-24-02-00000.M300



INSTR # 5813742  
Official Records BK 03927 PG 2007  
RECORDED 05/09/2003 11:39:04 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 6.00  
DEED DOC 0.70  
DEPUTY CLERK B Sherwood  
F12659

### Quit Claim Deed

Made this March 31, 2003 A.D. by BARBARA K. RAPP, INDIVIDUALLY AND AS TRUSTOR AND/OR TRUSTEE OF THE RAPP TRUST DATED OCTOBER 2, 2000, hereinafter called the grantor, to BARBARA K. RAPP, A SINGLE WOMAN AND LINDA W. GRAGG, A SINGLE WOMAN, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, whose post office address is: 200 Huntington Circle Fairbault, MN 55021 hereinafter called the grantees.

(Whenever used herein the term "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 \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantees forever, all the right, title, interest, claims and demands which the said grantor has in and to, all that certain land situate in Lee County, Florida, viz:

Lot M10, of THE RESORT ON CAREFREE BOULEVARD, as recorded in Plat Book 59, Pages 39 through 45, of the Public Records of Lee County, Florida.

Together with all the covenants, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantees forever.

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:

[Signature]  
Witness  
Printed Name **BRADLEY CARPENTER**

[Signature] (Seal)  
**BARBARA K. RAPP, INDIVIDUALLY AND AS TRUSTOR and/or TRUSTEE**  
Address:

[Signature]  
Witness  
Printed Name **Pamela Hogan**

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 31st day, of March, 2003, by BARBARA K. RAPP, INDIVIDUALLY AND AS TRUSTOR and/or TRUSTEE OF THE RAPP TRUST DATED OCTOBER 2, 2000, who is personally known to me or who has produced Drivers License as identification.

[Signature]  
Notary Public  
Print Name: **Pamela Hogan**  
My Commission Expires:  
(Seal)



Prepared by  
Marcey A. Minard  
Tri-County Title Insurance Agency, Inc.  
8660 College Pkwy., Suite 200  
Fort Myers, Florida 33919

File Number: F12638

INSTR # 0763165  
Official Records BK 03901 PG 0033  
RECORDED 04/14/2003 02:48:09 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 6.00  
DEED DOC 504.00  
DEPUTY CLERK D Sherwood

General Warranty Deed

Made this March 31, 2003 A.D. By R. WILDA ROUTHIER, A SINGLE WOMAN, and BONNIE L. RIVERS, A SINGLE WOMAN, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, whose address is:

hereinafter called the grantor, to LINDA W. GRAGG, A SINGLE PERSON AND BARBARA M. RAFF, A SINGLE PERSON, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, whose post office address is 3602 Heating Ave (Older Fachault, Md) 5502, hereinafter called the grantee:

(Whoever uses herein the term "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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliena, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot M31, of THE RESORT ON CARLEFREE BOULEVARD, as recorded in Plat Book 52, Pages 39 through 45, of the Public Records of Lee County, Florida

Parcel ID Number: 15-43-24-02-0000.M310

Together with all the tenements, hereditaments and appurtenances thereto belonging of 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 whatsoever, and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2002.

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:

Bradley Carpenter  
Witness Printed Name: BRADLEY CARPENTER

Pamela Hogan  
Witness Printed Name: Pamela Hogan

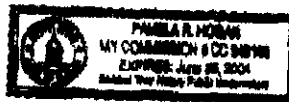
R. Wilda Routhier (Seal)  
R WILDA ROUTHIER  
Address:

Bonnie L. Rivers (Seal)  
BONNIE L. RIVERS  
Address:

State of FLORIDA  
County of LEE

The foregoing instrument was acknowledged before me this 31st day of March, 2003, by R. WILDA ROUTHIER, A SINGLE WOMAN, and BONNIE L. RIVERS, A SINGLE WOMAN, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, who is/are personally known to me or who has produced Drivers License as identification.

Pamela Hogan  
Notary Public  
Print Name: Pamela Hogan  
My Commission Expires:  
(Seal)





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

479-8585

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
*District One*

September 8, 2004

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Linda Gragg &/or Barbara Rapp  
3000 Carefree Blvd., Lot M-30,  
North Fort Myers, FL 33917

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Re: **VAC2004-00047 - Petition to Vacate** a 10-foot wide platted Public Utility Easement on the combined lots of M-30 & M-31, The Resort on Carefree Boulevard, a subdivision in the south ½ of S 15, T 43S, R 24E, **Less & Except the Westerly 7.5' thereof**, as recorded in Plat Book 59, Pages 39 – 45, in the public records of Lee County, FL

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Dear Ms. Gragg and Ms. Rapp:

You have indicated that in order to build a manufactured home on the combined lots, you desire to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 3331 Martina Court, North Fort Myers, Florida 33917, located off of Carefree Boulevard, and North Tamiami Trail. 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:\200409\20040803.161\7211710\DCDLETTER.DOC



February 20, 2004

Department of Community Development  
Attn: Peter J. Eckenrode  
Director Development Services

Dear Sir:


We are requesting that a utility easement on our property be vacated. We plan to build a home on two lots.  
The strap number of these lots is #15-43-24-02-00000.M300. This will be a single family home.

Thank you very much.

Yours truly,



Linda Gragg  
3000 Carefree Blvd. M-30  
Ft. Myers, FL 33917



Barbara Rapp  
3000 Carefree Blvd. M-30  
Ft. Myers, FL 33917

August 31, 2004

Sprint  
Ft. Myers, FL 33917

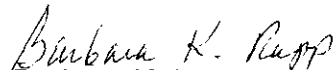
Dear Sir/Madam:

We are the owners of lots M-30 and M-31 at The Resort on Carefree Boulevard, 3000 Carefree Blvd., Ft. Myers, FL 33917. We have applied to have an easement vacated – VAC2004-00047. We agree to accept any and all costs involved should there be any relocation of telephone facilities affected by this vacation. Thank you very much.

Yours truly,

A handwritten signature in cursive script, appearing to read "Linda Gragg".

Linda Gragg

A handwritten signature in cursive script, appearing to read "Barbara K. Rapp".  
Barbara K. Rapp



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: \_\_\_\_\_(941)479-8531\_\_\_\_\_

Bob Janes  
District One

March 4, 2004

Douglas R. St. Cerny  
District Two

Linda Gragg &/or Barbara Rapp

Ray Judah  
District Three

3000 Carefree Blvd., Lot M-30  
North Fort Myers, FL 33917

Andrew W. Coy  
District Four

**SUBJECT: PETITION TO VACATE PLATTED PUBLIC UTILITY EASEMENTS**  
**STRAP #S: 15-43-24-02-00000.M300**  
**CAREFREE RESORT, LOTS M30 & M31**

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

Dear Mss. Gragg and Rapp:

James G. Yaeger  
County Attorney

Lee County Utilities is in receipt of your letter and associated attachment concerning a proposed Petition to Vacate an existing 10-foot wide public utility easement centered on the common lot line of Lots M30 and M31, in the Resort on Carefree Boulevard as recorded in Plat Book 59, Page 39 of Lee County Public Records.

Diana M. Parker  
County Hearing Examiner

Lee County Utilities has reviewed your request and has **NO OBJECTION** to the proposed vacation. However, please be advised that record drawings indicate that Lee County Utilities owns and maintains potable water services for the above-mentioned parcels near the easement to be vacated. Lee County Utilities' position of '**NO OBJECTION**' is based in part, on the belief that these potable water services are located within a 7.5-foot wide platted utility easement along the front property lines of the subject parcels and will not be affected by the proposed vacation.

If it is later determined that these potable water services extend into the easement to be vacated, they will need to be relocated to the above mentioned 7.5-foot wide platted utility easement at the petitioner's expense for access and maintenance purposes.

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

Sincerely,

**LEE COUNTY UTILITIES**

Terry A. Kelley  
Senior Engineering Technician  
Utilities Engineering Division

cc: Correspondence File



5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

February 23, 2004

Linda Gragg  
Barbara Rapp  
3000 Carefree Blvd. Lot M-30  
Fort Myers, Fl. 33917

Re: Request for a letter of Review and Recommendation on a utility easement  
at the following location:

Resort on Carefree Boulevard Lot M-30 PB 59 PG 39  
Resort on Carefree Boulevard Lot M-31 PB 58 PG 39  
Strap # 15-43-24-02-0000.M300

To Whom It May Concern:

In answer to your petition to vacate a Public Utility Easement located between the above referenced lots, North Fort Myers Utility does not object to the vacation of this easement.

Should you have a question or need additional information, please contact me at (239) 543-1005.

Sincerely,

A.A. Reeves  
Utility Director

cc: Kyle James



**301 Tower Rd.  
Naples, FL 34135  
Phone: 239-732-3805  
FAX: 239-498-4483**

March, 1 2004

Linda Gragg  
3000 Carefree Blvd. Lot M-30  
Cape Coral, Florida 33917

Carefree Boulevard Lot M-30 & M-31.  
Strap # 15-43-24-02-000.M300  
Lee County Florida

Dear Linda Gragg

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**



8441 Littleton Road  
North Fort Myers, FL 33903

March 1, 2004

Ms. Linda Gragg  
Ms. Barbara Rapp  
3000 Carefree Blvd. Lot M-30  
North Fort Myers, Florida 33917

Dear Ms. Gragg and Ms. Rapp:

With reference to your letter of February 20, 2004 requesting Sprint Telephone of Florida's concurrence with the vacation of a Public Utility Easement, between Resort on Carefree Boulevard Lot M30 PB 59 Pg 39 and Resort on Carefree Boulevard Lot M31 PB 59 PG 39 Strap# 15-43-24-02-0000.M300 Sprint Telephone of Florida agrees to the vacation with the following stipulation:

1. Should there be any relocation of telephone facilities all cost will be born by the home owner.

Should you have any questions about this matter please call me at 239-336-2117.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Dever", written over a horizontal line.

Hal Dever  
Engineer



841 Littleton Road  
North Fort Myers, FL 33903

September 7, 2004

Ms. Linda Gragg  
Ms. Barbara Rapp  
3000 Carefree Blvd. Lot M-30  
Dear Ms. Gragg and Ms. Rapp:

This is a receipt for your letter dated August 31, 2004. Accepting any and all costs involved should there be any relocation of telephone facilities affected by this vacation.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Dever".

Hal Dever  
Engineer



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.ilinc.com

February 24, 2004

Ms. Linda Gragg and  
Ms. Barbara Rapp  
3000 Carefree Blvd. Lot M-30  
Ft. Myers, FL 33917

Re: Strap No. 15-43-24-02-00000.M300

Dear Ms. Gragg and Ms. Rapp:

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

A 10-foot-wide utility and/or drainage easement centered on the line between lots M30 and M31, The Resort on Carefree Boulevard, as recorded in Plat Book 59, page 39, of the Public Records of Lee County, Florida; **LESS** and **EXCEPT** the Westerly 7.5 feet thereof.

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

Sincerely,

A handwritten signature in black ink that reads 'Karen Hardin'. The signature is written in a cursive, flowing style.

Karen Hardin  
Real Property Representative



**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2004-00047**

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. VAC2004-00047 is set for the  
26th day of October, 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

\_\_\_\_\_  
Chairman Signature

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

APPROVED AS TO FORM

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

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



August 30, 2004

**REVISED DESCRIPTION**

**EASEMENT VACATION  
BETWEEN LOTS M30 & M31, THE RESORT ON CAREFREE BLVD.  
(PLAT BOOK 59, PAGES 39-45)  
SECTION 15, T. 43 S., R. 24 E.  
LEE COUNTY, FLORIDA**

A strip of land 10 feet wide between Lots M30 and M31, The Resort on Carefree Boulevard, as shown on plat recorded in Plat Book 59, at Pages 39 through 45 of the Public Records of Lee County, Florida, lying in Section 15, Township 43 South, Range 24 East, Lee County, Florida, which strip of land is described as follows:

From the northwest corner of said Lot M30 run N 00° 57' 02" E along east line of Martina Court, as shown on said plat, for 5.00 feet; thence run S 89° 02' 58" E for 70.00 feet to an intersection with the west line of Tract "D", as shown on said plat; thence run S 00° 57' 02" W along said west line for 10.00 feet; thence run N 89° 02' 58" W for 70.00 feet to the intersection with said east line of Martina Court; thence run N 00° 57' 02" E along said east line for 5.00 feet to the Point of Beginning.

LESS AND EXCEPT the westerly 7.5 feet thereof.

Containing 625 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of said Lot M30 to bear S 89° 02' 58" E.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2004-000047**  
[Page One of One]

20044802 Easement Vacation CGR M30 Revised 083004

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00047

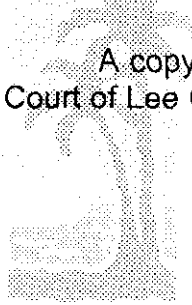
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 26th 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

CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

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

APPROVED AS TO FORM

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

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



August 30, 2004

**REVISED DESCRIPTION**

**EASEMENT VACATION  
BETWEEN LOTS M30 & M31, THE RESORT ON CAREFREE BLVD.  
(PLAT BOOK 59, PAGES 39-45)  
SECTION 15, T. 43 S., R. 24 E.  
LEE COUNTY, FLORIDA**

A strip of land 10 feet wide between Lots M30 and M31, The Resort on Carefree Boulevard, as shown on plat recorded in Plat Book 59, at Pages 39 through 45 of the Public Records of Lee County, Florida, lying in Section 15, Township 43 South, Range 24 East, Lee County, Florida, which strip of land is described as follows:

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LESS AND EXCEPT the westerly 7.5 feet thereof.

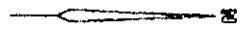
Containing 625 square feet, more or less.

Bearings hereinabove mentioned are based on the north line of said Lot M30 to bear S 89° 02' 58" E.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2004-000047**  
[Page One of One]

20044802 Easement Vacation CGR M30 Revised 083004

REGISTERED PROFESSIONAL ENGINEER  
15150 W. BAYVIEW STREET  
TAMPA, FLORIDA 33613

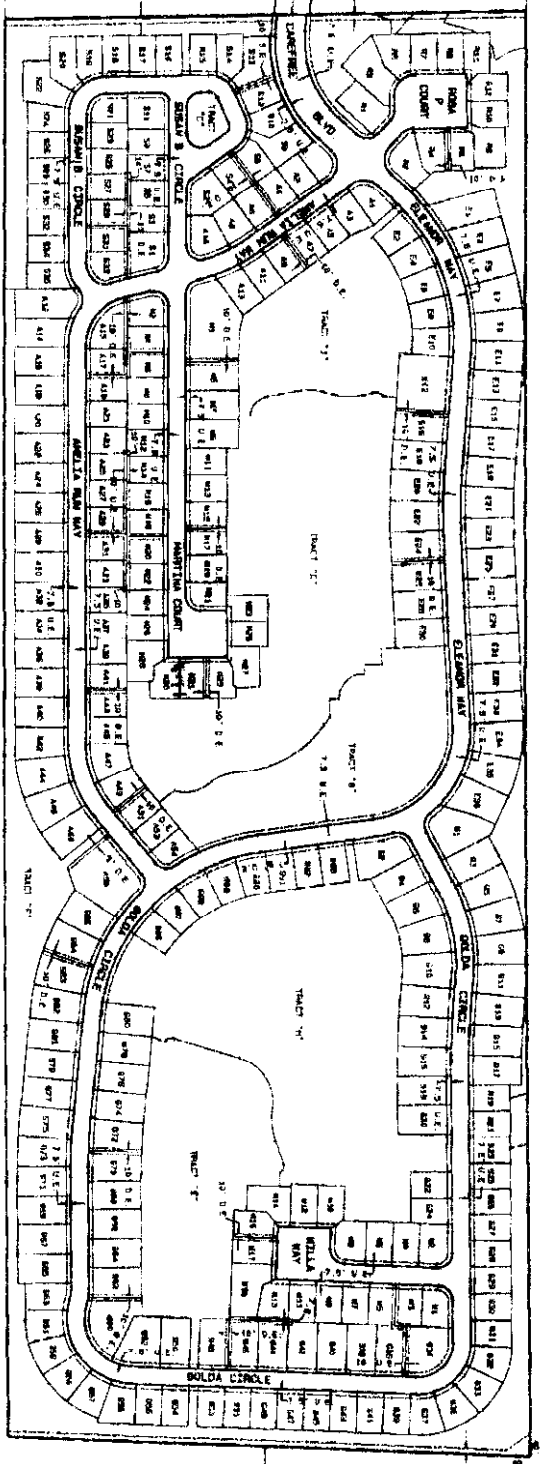


# THE RESORT ON CAREFREE BOULEVARD

A SUBDIVISION IN THE SOUTH 1/2 OF  
SECTION 15, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

SCALE: 1" = 100'

## EASEMENT SHEET



LEGEND  
S.S. = SURFACE EASEMENT  
V.E. = VERTICAL EASEMENT

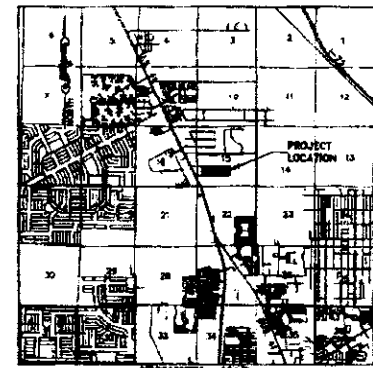
DATE: 12-15-1988

PREPARED BY:  
JOHNSON ENGINEERING, INC.  
2150 JOHNSON STREET  
FORT MYERS, FLORIDA 33901

# THE RESORT ON CAREFREE BOULEVARD

A SUBDIVISION IN THE SOUTH 1/2 OF  
SECTION 15, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

JANUARY 1987  
JOHNSON ENGINEERING, INC.  
ENGINEERS, SURVEYORS AND ECOLOGISTS  
FORT MYERS, FLORIDA



VICINITY MAP  
SCALE: 1" = 1 MILE

### DESCRIPTION

A TRACT OR PARCEL OF LAND LING IN THE SOUTH HALF (S-1/2) OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:  
FROM THE SOUTHWEST CORNER OF SAID SECTION 15 RUN N 89° 00' 00" W FOR 500.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2228 BEGINNING AT PAGE 409 OF THE LEE COUNTY PUBLIC RECORDS, THENCE RUN S 89° 00' 00" W ALONG THE NORTH LINE OF SAID LANDS FOR 400.00 FEET TO THE POINT OF BEGINNING;  
FROM SAID POINT OF BEGINNING RUN N 89° 00' 00" W FOR 500.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2228 BEGINNING AT PAGE 409 OF THE LEE COUNTY PUBLIC RECORDS, THENCE RUN S 89° 00' 00" W ALONG SAID SOUTH LINE FOR 500.00 FEET TO A CONCRETE MONUMENT, THENCE RUN S 89° 00' 00" W FOR 500.00 FEET TO A CONCRETE MONUMENT AND AN INTERSECTION WITH THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2228 BEGINNING AT PAGE 409 OF THE LEE COUNTY PUBLIC RECORDS, THENCE RUN N 89° 00' 00" W ALONG SAID NORTH LINE FOR 500.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 20.00 ACRES, MORE OR LESS.  
MEASUREMENTS MENTIONED ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 15 TO BEAR S 89° 00' 00" W.

### APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, THIS DAY OF January, 1987.

*[Signatures]*  
COMMISSIONER OF THE BOARD OF COUNTY COMMISSIONERS  
COUNTY ATTORNEY  
DIRECTOR OF COUNTY DEVELOPMENT

4105108

**NOTICE:**  
LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.

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

### CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF THE RESORT ON CAREFREE BOULEVARD IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED AND SUBDIVISION AND THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.  
I FURTHER CERTIFY THAT THE NEAREST INTERESTED PARTIES HAVE BEEN PLACED AT THE LOCATION SHOWN ON THIS PLAT.  
DONE THIS 15th DAY OF JANUARY, 1987.

*[Signatures]*  
COUNTY COMMISSIONER  
COUNTY ATTORNEY  
DIRECTOR OF COUNTY DEVELOPMENT

### NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. UNDEVELOPED INTERIOR BOUNDARIES (S.B.M.) ARE TYPED CONCRETE MONUMENTS WITH METAL CORNERS SET IN THE TOP REARER THE SURVEYOR'S CERTIFICATE NUMBER, UNLESS OTHERWISE NOTED.
- 3. PERMANENT CONTROL POINTS (P.C.P.'S) ARE METAL MARKERS BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
- 4. ALL CURVES INDICATED ARE CIRCULAR.
- 5. 7.5 FOOT UTILITY EASEMENT IS SHOWN ALONG THE FRONT LINE OF EACH LOT AND TRAIL PROVIDING A MINIMUM 5.0 FOOT UTILITY EASEMENT TO BE MAINTAINED ALONG THE SET-BACK AND REAR LOT LINES OF EACH LOT. SEE SHEET 7 FOR ADDITIONAL EASEMENTS.
- 6. CD = CURVE NUMBER IN CURVE TABLE.
- 7. E = LINE LETTER IN CURVE TABLE.
- 8. TRACT LEGALS:  
TRACT 1 - PRIVATE ROAD RIGHT OF WAY & PUBLIC UTILITY EASEMENT TRACT 2 - PRIVATE COUNTRY (PRIVATE CLUB) TRACT 3 - "A" & "B" - GENERAL COMMON AREA TRACT 4 - "A" & "B" - LINE/WATER MANAGEMENT EASEMENT TRACT 5 - "A" & "B" - CONSERVATION AREA

### DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT OUR DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, THE OWNERS OF THE HEREIN DESCRIBED LANDS, HAS CALLED THIS PLAT OF THE RESORT ON CAREFREE BOULEVARD TO BE MADE AND HEREBY DEDICATES THE FOLLOWING:  
1. TO THE RESORT ON CAREFREE BOULEVARD COMMUNITY ASSOCIATION, INC. TRACTS "A" & "B".  
2. TO ALL LEGISLATIVE PUBLIC AND PRIVATE UTILITY COMPANIES FOR USE IN PERFORMANCE AND DISCHARGE OF THEIR RESPECTIVE OFFICIAL DUTIES AND OBLIGATIONS TO PROVIDE UTILITY SERVICES. A UTILITY EASEMENT OVER ACROSS AND UNDER TRACT "A".  
3. TO ANY AUTHORIZED COUNTY FRANCHISED CABLE TELEVISION, ELECTRIC AND TELEPHONE PROVIDER, ITS SUCCESSORS, AGENTS AND ASSIGNEES, FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION, ELECTRIC AND TELEPHONE SERVICES, PROVIDED NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION, ELECTRIC AND TELEPHONE SERVICE SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF ANY LEGISLATIVE PUBLIC AND PRIVATE UTILITY COMPANIES. IN THE EVENT A CABLE TELEVISION, ELECTRIC AND TELEPHONE PROVIDER, ITS SUCCESSORS, AGENTS OR ASSIGNEES, CHANGE THE SUBDIVISION'S TRACT "A" OR THE FACILITIES OF ANOTHER PUBLIC UTILITY, CABLE TELEVISION, ELECTRIC AND TELEPHONE PROVIDER, ITS SUCCESSORS AND ASSIGNEES SHALL BE SOLELY RESPONSIBLE FOR SAID CHANGES.  
4. TO LEE COUNTY AND ITS FRANCHISED AN INTERESTED OWNER AND AGENT TRACT "A" FOR THE SOLE PURPOSE OF PERMITTING EMERGENCY AND OTHER SERVICE VEHICLES TO OBTAIN ACCESS TO ALL EXISTING AND FUTURE TRACTS AND LOTS WITHIN THE RESORT ON CAREFREE BOULEVARD SUBDIVISION.  
5. TO THE RESORT ON CAREFREE BOULEVARD COMMUNITY ASSOCIATION, INC. ITS SUCCESSORS AND AGENTS, AND TO THE RESPECTIVE GOVERNMENTAL AGENCIES AND PUBLIC UTILITY COMPANIES HAVING THE AUTHORITY TO PROVIDE FOR SUCH SERVICES, ALL EASEMENTS HEREIN LABELED "UTILITY EASEMENT" AS SHOWN ON THIS PLAT AS A UTILITY EASEMENT FOR PURPOSES OF INSTALLATION, REPAIR AND MAINTENANCE OF SAID FACILITIES, INCLUDING BUT NOT LIMITED TO, STREET, IRRIGATION, STREET LIGHTING, ELECTRIC, CABLE TELEVISION, AND TELEPHONE.  
6. TO THE RESORT ON CAREFREE BOULEVARD COMMUNITY ASSOCIATION, INC. ITS SUCCESSORS AND AGENTS, AND TO THE RESPECTIVE GOVERNMENTAL AGENCIES AND PUBLIC UTILITY COMPANIES HAVING THE AUTHORITY TO PROVIDE FOR SUCH SERVICES, ALL EASEMENTS HEREIN LABELED "UTILITY EASEMENT" AS SHOWN ON THIS PLAT AS A UTILITY EASEMENT FOR PURPOSES OF INSTALLATION, REPAIR AND MAINTENANCE OF SAID FACILITIES, INCLUDING BUT NOT LIMITED TO, STREET, IRRIGATION, STREET LIGHTING, ELECTRIC, CABLE TELEVISION, AND TELEPHONE.

WITNESSES  
*[Signatures]*  
OUR DEVELOPMENT CORPORATION  
*[Signature]*  
BY A RAISE PRESIDENT

### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF LEE  
I, THE COUNTY COMMISSIONER, DO HEREBY ACKNOWLEDGE THAT THE DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, HAS CALLED THIS PLAT OF THE RESORT ON CAREFREE BOULEVARD TO BE MADE AND HEREBY DEDICATES THE FOLLOWING:  
*[Signatures]*  
COUNTY COMMISSIONER  
COUNTY ATTORNEY  
DIRECTOR OF COUNTY DEVELOPMENT

THE RESORT ON CAREFREE BOULEVARD  
COUNTY OF LEE COUNTY, FLORIDA  
PLAT NO. 57-39

## DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT CGR DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, THE OWNERS OF THE HEREIN DESCRIBED LANDS, HAS CAUSED THIS PLAT OF THE RESORT ON CAREFREE BOULEVARD TO BE MADE AND HEREBY DEDICATES THE FOLLOWING:

1. TO THE RESORT ON CAREFREE BOULEVARD COMMUNITY ASSOCIATION, INC., TRACTS "A", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P" AND "Q".
2. TO DULY LICENSED PUBLIC AND PRIVATE UTILITY COMPANIES FOR USE IN PERFORMING AND DISCHARGING THEIR RESPECTIVE OFFICIAL DUTIES AND OBLIGATIONS TO PROVIDE UTILITY SERVICES, A UTILITY EASEMENT OVER, ACROSS AND UNDER TRACT "A".
3. TO ANY AUTHORIZED COUNTY FRANCHISED CABLE TELEVISION, ELECTRIC AND TELEPHONE PROVIDER, ITS SUCCESSORS, ASSIGNS AND SUBSIDIARIES, A NON-EXCLUSIVE UTILITY EASEMENT OVER, ACROSS AND UNDER TRACT "A" FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION, ELECTRIC AND TELEPHONE SERVICES, PROVIDED NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION, ELECTRIC AND TELEPHONE SERVICE SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF DULY LICENSED PUBLIC AND PRIVATE UTILITY COMPANIES. IN THE EVENT A CABLE TELEVISION, ELECTRIC AND TELEPHONE PROVIDER, ITS SUCCESSORS, ASSIGNS OR SUBSIDIARIES, DAMAGE THE IMPROVEMENTS WITHIN TRACT "A" OR THE FACILITIES OF ANOTHER PUBLIC UTILITY, SAID CABLE TELEVISION, ELECTRIC AND TELEPHONE PROVIDER, ITS SUCCESSORS AND ASSIGNS SHALL BE SOLELY RESPONSIBLE FOR SAID DAMAGES.
4. TO LEE COUNTY AND ITS FRANCHISEES AN ACCESS EASEMENT OVER AND ACROSS TRACT "A" FOR THE SOLE PURPOSE OF PERMITTING EMERGENCY AND OTHER SERVICE VEHICLES TO GAIN ACCESS TO ALL EXISTING AND FUTURE TRACTS AND LOTS WITHIN THE RESORT ON CAREFREE BOULEVARD SUBDIVISION.
5. TO THE RESORT ON CAREFREE BOULEVARD COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, ALL EASEMENTS HEREIN LABELED "DRAINAGE EASEMENT" AS SHOWN ON THIS PLAT, AS A DRAINAGE EASEMENT, FOR PURPOSES OF INSTALLATION, REPAIR AND MAINTENANCE OF ITS DRAINAGE FACILITIES WITHIN SAID DRAINAGE EASEMENTS.
6. TO THE RESORT ON CAREFREE BOULEVARD COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, AND TO THE RESPECTIVE GOVERNMENTAL AGENCIES AND PUBLIC UTILITIES HAVING THE AUTHORITY TO PROVIDE FOR SUCH SERVICES, ALL EASEMENTS HEREIN LABELED "UTILITY EASEMENT" AS SHOWN ON THIS PLAT AS A UTILITY EASEMENT, FOR PURPOSES OF INSTALLATION, REPAIR AND MAINTENANCE OF THEIR RESPECTIVE FACILITIES, INCLUDING WATER, SEWER, IRRIGATION, STREET LIGHTING, ELECTRIC, CABLE TELEVISION AND TELEPHONE.

WITNESSES

CGR DEVELOPMENT CORPORATION

*[Handwritten signature]*

UNDIVIDED  
S, DRAINAGE  
FOR  
PURCHASER OF  
THAT HE  
CALLED UPON

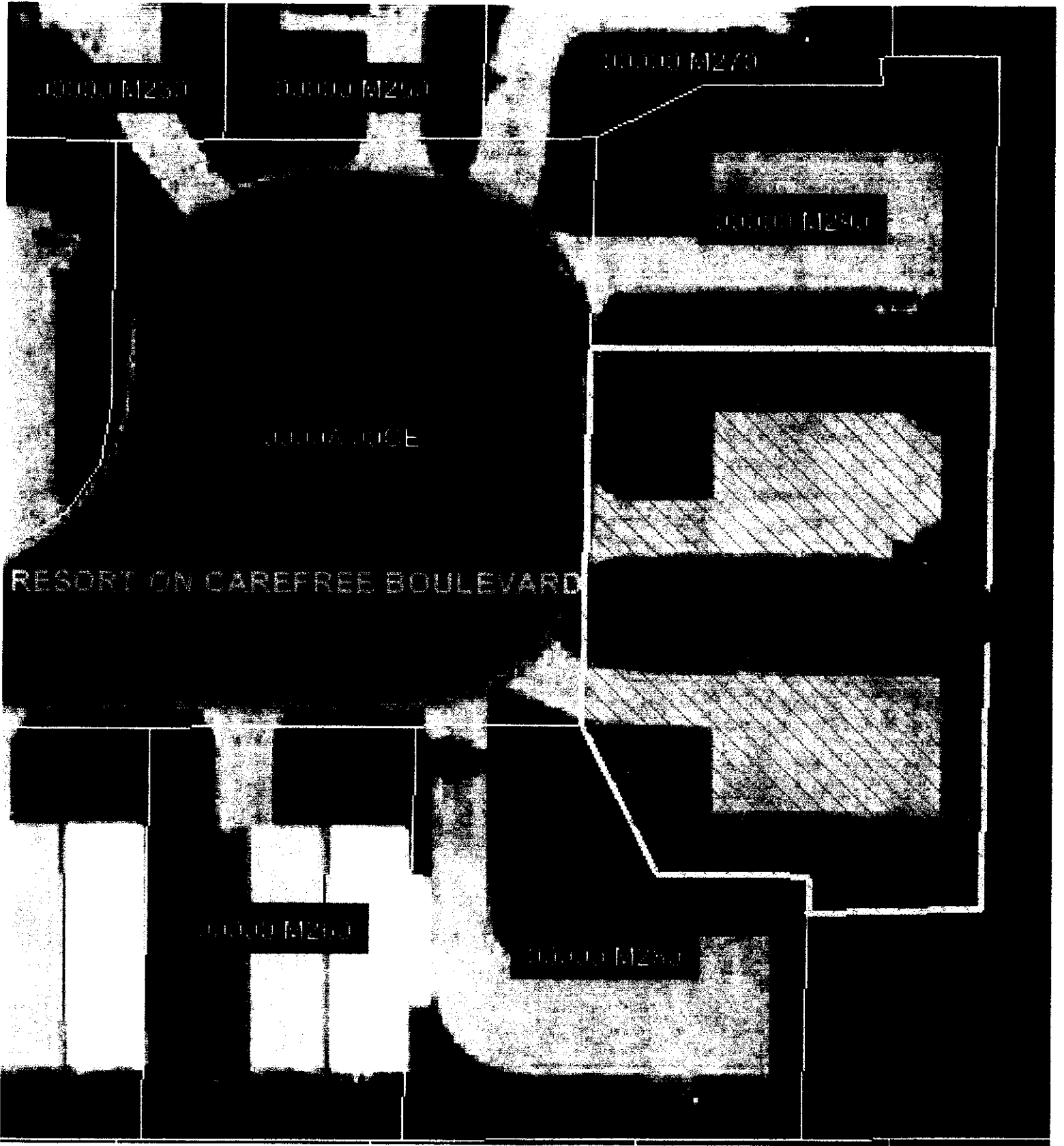
MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.

THAT ARE NOT  
FOUND IN THE

#### NOTES

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
2. ● = PERMANENT REFERENCE MONUMENTS (P.R.M.'S) ARE TAPERED CONCRETE MONUMENTS WITH METAL DISKS SET IN THE TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER, UNLESS OTHERWISE NOTED.
3. • = PERMANENT CONTROL POINTS (P.C.P.'S) ARE METAL MARKERS BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
4. ALL CURVES INDICATED ARE CIRCULAR.
5. A 7.5 FOOT UTILITY EASEMENT IS RESERVED ALONG THE FRONT LINE OF EACH LOT AND TRACT FRONTING A ROADWAY.  
A 5.0 FOOT UTILITY EASEMENT IS RESERVED ALONG THE SIDE AND REAR LOT LINES OF EACH LOT. SEE SHEET 7 FOR ADDITIONAL EASEMENTS.
6. ② = CURVE NUMBER IN CURVE TABLE
7. ⓐ = LINE LETTER IN LINE TABLE
8. TRACT USAGES:  
TRACT "A" - PRIVATE ROAD RIGHT OF WAY & PUBLIC UTILITY EASEMENT  
TRACT "B" - AMENITY CENTER (PRIVATE CLUB)  
TRACTS "C", "F", "G", "K", "N", "O" AND "Q" - GENERAL COMMON AREA  
TRACTS "D" & "E" - LAKE/WATER MANAGEMENT EASEMENT  
TRACTS "H", "I", "J", "L", "M" & "P" - CONSERVATION AREA





Area to be vacated