

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate the southern 190 feet of a 40-foot wide Frontage Road Right-of-Way (Ingress/Egress Easement) at 14181 S. Tamiami Trail, Fort Myers, Florida 33912, located south of Daniels Parkway, and adopt a resolution setting a Public Hearing for 5:00 PM on the 26th day of October, 2004.
(Case No. VAC2004-00007)

WHY ACTION IS NECESSARY: To provide for the relocation of an on-site project identification sign. The existing frontage road on the north 160 feet of the parcel, which provides access to the adjacent tract will remain in place. **The vacation of the right-of-way will not alter traffic conditions and the right-of-way is not necessary to accommodate any future traffic requirement.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

C4A

3. MEETING DATE:

10-05-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 336
- ORDINANCE
- ADMIN. CODE 13-8
- 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, VAC2004-00007 was submitted by Anchor Engineering Consultants, Inc. as the agent on behalf of Larry G. Hendricks of Norris Furniture, Inc.

LOCATION: The site is located at **14181 S. Tamiami Trail, Fort Myers, Florida 33912**. The southern 190 feet of a 40-foot wide Frontage Road Right-of-Way (Ingress/Egress Easement) is lying in the Northwest Quarter of Section 25, Township 45 South, Range 24 East, Lee County, Florida, as recorded in the Official Records Book 2193, Page 3108, in the Public Records of Lee County, Florida.

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 GC	G County Manager
<i>Nancy Cibbs</i>	N/A	N/A	N/A	<i>[Signature]</i> 9-21-04	<i>[Signature]</i> 9/23/04	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by *[Signature]*
Date: 9/17/04
Time: 1:50
Forwarded To: GC
9/20/04 - Spj

RECEIVED BY
COUNTY ADMIN: *[Signature]*
9-20-04
2:45
COUNTY ADMIN
FORWARDED TO: *[Signature]*
9/23/04
4:20



PETITION TO VACATE (AC 13-8)

Case Number: VAC2004-00007

Petitioner(s), Norris Furniture, 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, 14181 Tamiami Trail, Fort Myers, FL 33919.
2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

Larry G. Hendricks
Petitioner Signature

Petitioner Signature

Larry G. Hendricks, President
Printed Name

Printed Name

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 1421 S. Tamiami Trk, F.M. 33912 and legally described in exhibit A attached herelo.

The property described herein is the subject of an application for zoning or development. We hereby designate Richard G. Lewis, PE 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 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.

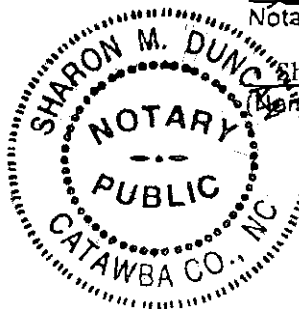
Larry G. Hendricks
Owner

Larry G. Hendricks
Printed Name

STATE OF ~~FLORIDA~~ NORTH CAROLINA
COUNTY OF ~~LEE~~ CATAWBA

Sworn to (or affirmed) and subscribed before me this 27th day of July, 2004, by Larry G. Hendricks who is personally known to me or who has produced _____ as identification.

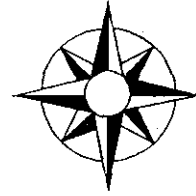
Sharon M. Duncan
Notary Public



Sharon M. Duncan
(Name typed, printed or stamped)

My Commission Expires October 10, 2004

E.F. Gaines Surveying Services, Inc.



Legal Description
For the Vacation of part of the Ingress-Egress Easement
Recorded in Official Record Book 2193, Page 3108,
Located in Section 25, Township 45 South, Range 24 East
Lee County, Florida

A parcel of land lying in the Northwest Quarter of Section 25, Township 45 South, Range 24 East, Lee County, Florida being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 45 South, Range 24 East, Lee County, Florida,

Thence, N 89°-09'-50" E, 83.56 feet along the north line of the Northwest Quarter of said Section 25, to the easterly right of way of Tamiami Trail (State Road No. 45)

Thence, S 00°-30'-00" E, 940.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45) to the **Point of Beginning**;

Thence, continue S 00°-30'-00" E, 190.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45);

Thence, leaving said easterly right of way, N 89°-09'-50" E, 40.00 feet, parallel with the north line of said Section 25;

Thence, N 00°-30'-00" W, 190.00 feet, parallel with said easterly right of way;

Thence, S 89°-09'-50" W, 40.00 feet, parallel with the north line of said Section 25, to the **Point of Beginning**.

Containing 7600 square feet, more or less.

~~Subject to easements and restrictions of record.~~

Bearings are based on the easterly right of way line of Tamiami Trail (State Road No. 45), being S 00°-30'-00" E, per the legal description found in Official Records Book 2193, page 3108, Lee County, Florida.

Exhibit "A"
Petition to Vacate
VAC2004-00007
[Page One of One]

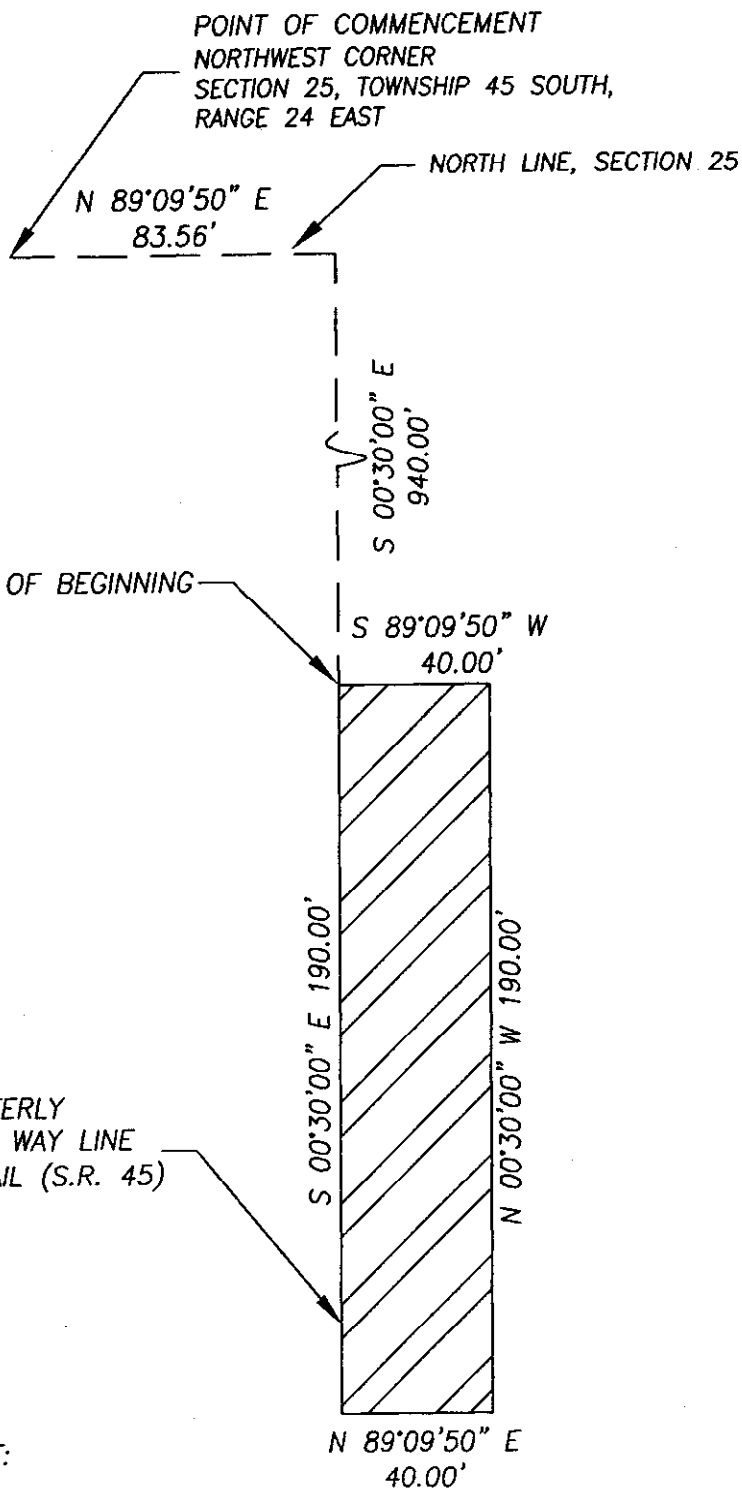
E.F. Gaines Surveying Services, Inc.
8481 Yorkshire Lane
Ft Myers, Florida 33919

By: Andrew D. Johnson Date: 4-28-2004
Andrew D. Johnson, Professional Surveyor and Mapper LS#6256

Not valid without the signature and original raised seal of a Florida Licensed Professional Surveyor and Mapper.



SCALE: 1"=50'



NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP, RESTRICTIONS OR SETBACKS.

2. THIS SKETCH AND THE ACCOMPANYING DESCRIPTION ARE BASED ON THE ORIGINAL SKETCH AND DESCRIPTION FOR THE 40 FOOT WIDE FRONTAGE ROAD EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 2193, PAGE 3108, LEE COUNTY, FLORIDA.

3. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

4. SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

Exhibit "B"
Petition to Vacate
VAC2004-00007
[Page One of One]

THIS SKETCH TO ACCOMPANY THE DESCRIPTION OF:
THE PORTION OF A 40' INGRESS EGRESS EASEMENT TO BE VACATED

THIS IS NOT A SURVEY

E.F. Gaines Surveying Services, Inc.

8481 Yorkshire Lane
Fort Myers, Florida 33919
Phone: 239-418-0126 Fax: 239-418-0127

CLIENT: ANCHOR ENGINEERING CONSULTANTS, INC.	REVISIONS/DATE:
SCALE: 1"= 50'	
PROJECT NUMBER: 10330141	
DRAWING FILE: 0141-002	SHEET 2 OF 2

Proof of Notification of Affected Property Owners

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>X Mallory Goff</i></p>	
<p>1. Article Addressed to:</p> <p>Lexington Furniture 14125 South Tamiami Trail Fort Myers, FL 33912</p>	<p>B. Received by (Printed Name) <i>Mallory Goff</i></p>	<p>C. Date of Delivery <i>10-4-03</i></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7003 1680 0000 0204 0045</p>		

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540



July 28, 2004

Department of Community Development
Development Services Division, 2nd Floor
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Ruth Keith

RE: **Norris Furniture - Vacate Easement**
Fort Myers, Florida
Letter of Intent and Authorization Letter
AECI Project 4872-01-00

RECEIVED
DEPARTMENT OF COMMUNITY DEVELOPMENT
JUL 29 2004
1500 MONROE STREET
FORT MYERS, FL 33901

The owner of Norris Furniture intends to move the sign as near to US-41 as regulations allow once the easement is vacated.

The strap number for this subject parcel is: 25-45-24-00-00001.1000 and the site address is: 14151/181 S. Tamiami Trail, Fort Myers, FL 33912.

Attached you will find a copy of the Letter of Authorization signed and notarized by the owner, Larry G. Hendricks. The original is being mailed to our office. We will forward it to you when it arrives.

Should you have questions or require additional information, please contact this office.

ANCHOR ENGINEERING CONSULTANTS, INC.

Richard G. Lewis
Principal Engineer

C: Larry Cook

P:\4872\01-00\Project Information\General Corres\Letter 04-07-28 MAP(1).doc



May 13, 2004

Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Don Blackburn

RE: Norris Furniture - Vacate Easement
Fort Myers, Florida
Request for Easement Vacation (Revision)
AECI Project 4872-01-00

As discussed during our February 11th meeting, we have revised the attached Legal Description and Easement Vacation Site Plan to accommodate the concerns expressed by Lee County Development Services and the Lee County Department of Transportation (LCDOT). Both departments were concerned that vacating the entire portion of the easement (shown on the Easement Vacation Site Plan) would limit access to the Lexington Furniture property. It was agreed however that vacating the portion of the easement that lies south of driveway, would not limit access to any neighboring property. This is because, vehicles would still be able to use the driveway and the frontage road to access the Lexington Brands property, and because access to properties to south (via the frontage road) has been cut off by others, without county approval.

Attached you will find copies of the Legal Description and Easement Vacation Site Plan which have been revised as discussed.

Should you have questions or require additional information, please contact this office.

ANCHOR ENGINEERING CONSULTANTS, INC.

Richard G. Lewis, P.E.
Principal Engineer

c: Larry Cook , Ruth Keith, Margaret Lawson

Enclosure

P:\4872\01-00\Project Information\General Corres\Letter 04-05-03 MDS (1).doc

January 21, 2004

Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Peter J. Eckenrode

RE: **Norris Furniture - Vacate Easement**
Fort Myers, Florida
Request for Vacation of Public Interest from an Ingress/Egress Easement
AECI Project 4872-01-00

Anchor Engineering Consultants Inc, on behalf on Norris Furniture, Inc wishes to submit the attached petition. This petition is being submitted to vacate the public interest in the 40' ingress/egress easement at the location shown below (location of easement shown on Exhibit B). Norris Furniture, Inc. wishes to vacate this ingress/egress easement in order to fully utilize the property. Please refer to the attached documents for additional information. Property and petitioner contact information shown below:

Site address: 14181 S. Tamiami Trail, For Myers, FL. 33912
STRAP #25-45-24-00-00001.1000
Petitioner Address: Same as above
Petitioner Telephone Number: (239) 433-3633
Contact for Petitioner: Larry Cook

Note: All correspondence should be forwarded to Anchor Engineering Consultants, Inc.

Should you have questions or require additional information, please contact this office.

ANCHOR ENGINEERING CONSULTANTS, INC.



Richard G. Lewis, P.E.
Principal Engineer

c: Larry Cook

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October 1, 2003

Anchor Engineering Consultants, Inc.
Attn: Michael D. Sandler, E.I.
1520 Royal Palm Square Blvd. Ste. 260
Ft. Myers, Fl. 33919

RE: The proposed Right-of-Way Easement Vacation for Norris Furniture located at 14181 S. Tamiami Trail
STRAP NO. 25-45-24-00-00001.1000

Dear Mr. Sandler:

Florida Power & Light Company has no facilities located within the proposed right-of-way easement to be vacated. Therefore, we have no objection to this proposed vacation.

If you have any questions or concerns please call me at (239) 415-1315.

Sincerely,

Jeff Sanders
Jeff Sanders
Customer Project Manager

PRJ#: 1572-0100
READING FILE
cc: RGL _____
JRH _____
MS _____
LMW _____
PMK _____
SRC _____
JMB _____
LTE _____
MEL _____
JJC _____
DGF _____
WLN _____
DH _____
RMR _____
VLL _____
KBL _____
MAS _____
JSC _____
JLK _____
RICH _____

RECEIVED
OCT 02 2003



P. O. Box 370
Fort Myers, FL 33902-0370

October 3, 2003

Michael D. Sandler
Anchor Engineering Consultants, Inc.
1520 Royal Palm Square Blvd. Suite 260
Fort Myers, Florida 33919

RE: Request to Vacate Proposed Ingress/Egress easement (14181 S. Tamiami Trail – Strap #25-45-24-00-00001.1000). AECI Project 4872-01-00

Dear Michael:

Sprint-Florida Incorporated has reviewed the documents for the above referenced information. Based on the review of the plans, we do not have any objections to vacating the Proposed Ingress/Egress easement (14181 S. Tamiami Trail – Strap #25-45-24-00-00001.1000).

If you should have any questions or require additional information, please give me a call at (941) 336-2131.

Sincerely,
Sprint-Florida Incorporated

Leon Bryant
Leon Bryant
Network Engineer II

cc: File

PR # 4872-01-00
 READIN: _____
 CC: ECI _____
JRH _____
MS _____
 LMW _____
 PMK _____
 SPC _____
 JMB _____
 LTE _____
 MEL _____
 JJC _____
 DGF _____
 WLN _____
 DH _____
 RMR _____
 VLL _____
 KEL _____
 MAS _____
 JSC _____
 JLK _____
 RICH _____

RECEIVED

OCT 07 2003

ANCHOR ENGINEERING
CONSULTANTS, INC

2931 Michigan Avenue
 Fort Myers, Florida 33916
 Phone 941-334-8828
 Fax 941-334-8575



RECEIVED
 OCT 09 2003
 ANCHOR ENGINEERING
 CONSULTANTS, INC.

October 7, 2003

Michael D. Sandler

Anchor Engineering Consultants, Inc.

1520 Royal Palm Square Boulevard, Suite 260

Fort Myers, Florida 33919

Re: Proposed Ingress/Egress Easement Vacation (14181 S. Tamiami Trail- Strap# 25-45-24-00-00001.1000). Norris Furniture

Dear Mr. Sandler:

This letter will serve to inform you of our facilities within the area referenced above. Currently, Comcast has no facilities within the forty-foot Ingress /Egress easement and has no objection to your proposed vacation.

If you should require additional information or assistance, please feel free to contact me here.

Cordially,

Lucia Vera

Project Coordinator

4872
 PRJ# 1325-0100
 READING FILE
 cc: RGT
 JBT
 AMS
 LMW
 PMK
 SRC
 JMB
 LTE
 MEL
 JJC
 DGF
 WLN
 DH
 RMR
 VLL
 KBL
 MAS
 JSC
 JLK
 RICH



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941)479-8531

Writer's Direct Dial Number: _____

Bob Janes
District One

October 8, 2003

Douglas R. St. Cerny
District Two

Michael D. Sandler
Anchor Engineering Consultants, Inc.
1520 Royal Palm Square Blvd., Suite 260
Fort Myers, FL 33919

Ray Judah
District Three

Andrew W. Coy
District Four

SUBJECT: PETITION TO VACATE ACCESS ROAD EASEMENT
STRAP #S: 25-45-24-00-00001.1000 & 1030
NORRIS FURNITURE

John E. Albion
District Five

Donald D. Stilwell
County Manager

Dear Mr. Sandler:

James G. Yaeger
County Attorney

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate an existing access road easement located within the above-mentioned parcels as recorded in Official Record Book 2193, Pages 3108-10 of Lee County Public Records. Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation.

Diana M. Parker
County Hearing Examiner

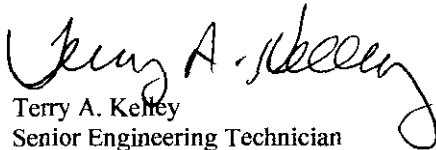
However, please be advised that record drawings indicate that Lee County Utilities owns and maintains potable water and sanitary sewer facilities within or near the easement to be vacated. Lee County Utilities' position of '**NO OBJECTION**' is based in part, on the belief that those facilities are located within separate, existing recorded Lee County Utilities' easements.

These existing recorded easements are to remain intact including but not limited to the following: Perpetual Utility Easement Grant and Indemnity Agreement as recorded in O.R. Book 2050, Pages 464-66 of Lee County Public Records, Perpetual Utility Easement Grant and Indemnity Agreement as recorded in O.R. Book 3258, Pages 1062-65 of Lee County Public Records and Perpetual Utility Easement Grant and Indemnity Agreement as recorded in O.R. Book 3258, Pages 1066-70 of Lee County Public Records.

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

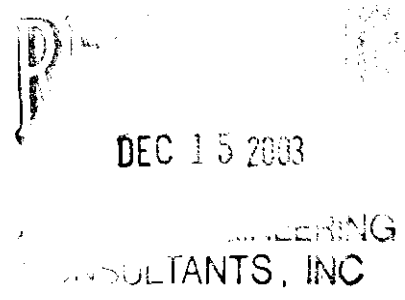
Sincerely,

LEE COUNTY UTILITIES


Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

VIA FACSIMILE #(239)936-0819
ORIGINAL MAILED 10/08/03

cc: Correspondence File
Margaret Lawson, Lee County DOT





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

August 9, 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

Richard G. Lewis
Anchor Engineering Consultants, Inc.
1520 Royal Palm Square Blvd., Suite 260,
Fort Myers, FL 33919

Re: **VAC2004-00007 - Petition to Vacate** the southern 190 feet of a 40-foot wide Frontage Road (Ingress/Egress Easement) - Norris Furniture 14181 S. Tamiami Trail, Fort Myers, FL 33912, Strap No. 25-45-24-00-00001.1000

Dear Mr. Lewis:

You have indicated that in order to provide for the relocation of an on-site project identification sign, your client has proposed to vacate the southern 190 feet of a 40-foot wide frontage road (ingress/egress easement) at the above referenced location. Lee County DOT offers no objection to this vacation. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

You and your clients should be aware, however that the Board of County Commissioner's approval of this petition will only extinguish the rights of the public to use the right-of-way. Private rights of use may still remain. This means that certification of fee ownership in the area being vacated will be required prior to issuance of any building permit(s) within that area of the easement as it presently exists, occupied or otherwise.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200407\20040122.094\7598950\DCDLETTER.DOC



BOARD OF COUNTY COMMISSIONERS

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

RECEIVED
JUL 2 11 53 AM '04
CLERK

Writer's Direct Dial Number: 479-8580

July 2, 2004

Mr. Richard G. Lewis
Anchor Engineering Consultants, Inc.
1520 Royal Palm Square Blvd., Suite 260
Fort Myers, FL 33919

**RE: Norris Furniture – Petition to Vacate
A Portion of US 41 Frontage Road
14181 Tamiami Trail, Fort Myers
Strap Number 25 45 24 00 00001 1030**

Dear Mr. Lewis:

Lee County Department of Transportation has reviewed the revised legal description and sketch for the requested vacation. The revised request to vacate is for the southern portion of the frontage road in front of the property, and the median opening at US 41 will not be impacted by this vacation. Based upon the review of the revised legal description and sketch, DOT offers no objection to the vacation.

I trust this responds to the request for review, and should you have any additional questions please do not hesitate to contact me.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mob

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources
Terry Kelley, Utilities
Clay Simmons, DOT Operations
TV File (Norris Furniture Frontage Road)

S:\DOCUMENT\Petition To Vacate\2004\Norris Furniture frontage Road.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. Aldion
District Five

Donald D. Sitkoff
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

January 6, 2004

REC'D

JAN 06 2004

ANCHOR ENGINEERING
CONSULTANTS, INC

Mr. Michael D. Sandler
Anchor Engineering Consultants, Inc.
1520 Royal Palm Square Blvd., Suite 260
Fort Myers, FL 33919

**RE: Petition to Vacate: Request for Review and Recommendation
To Vacate a 40 foot wide Frontage Road – Access Road US 41,
Norris Furniture, Standards Brands Plaza II, Norris Furniture,
14181 Tamiami Trail, DSO No. 7-4-89, STRAP Number
25-45-24-00-00001.1000**

Dear Mr. Sandler:

Lee County Department of Transportation has reviewed the request to vacate the above referenced frontage/access road. DOT objects to the vacating of the constructed frontage/access road.

Based upon DOT research, it has been determined that the access road is constructed and has functioned as an access/frontage road for more than ten years. The access/frontage road was constructed and granted to Lee County as a requirement of a Development Order No. 7-4-89. The Access Road Easement is granted to Lee County and is recorded in OR Book 2193, page 3108. DOT determined that the property at the northern end of the frontage road is a car lot with the potential of redevelopment to a more intensive use. It appears that with this existing frontage road, access to all three properties can be accomplished at the directional median opening, therefore reducing acceleration/deceleration conflicts and weaving on US 41. It is DOT's determination that this frontage road provides a valuable function and should be retained.

Please feel free to contact me to discuss DOT's review and recommendation.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

PRJ#: 4872-02-00

READING FILE

cc:

RGI

JRH

MS

LMW

PMK

SRC

JMB

LTE

MEL

JJC

DGF

WLN

DH

RMR

VLL

KBL

MAS

MAL/mlb

cc: Ruth Keith, Development Review Services
Allen Davies, Natural Resources
FDOT (Bartow)
DOT 2004 PTV File (Norris Furniture))

S:\DOCUMENT\Petition To Vacate\2004\Frontage Road Access road Norris Furniture.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



Florida Department of Transportation

**JEB BUSH
GOVERNOR**

801 North Broadway Avenue
Bartow, Florida 33830

**JOSE ABREU
SECRETARY**

November 26, 2003

Anchor Engineering Consultants, Inc.
Attn: Michael D. Sandler, E.I.
1520 Royal Palm Square Blvd.
Fort Myers, Florida 33919

RE: Vacation of a Access Road Easement

Dear Mr. Sandler:

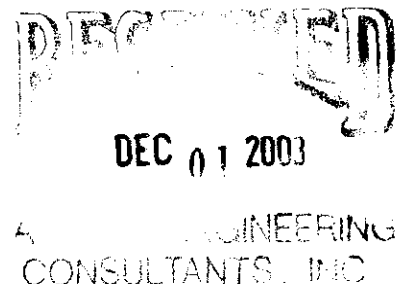
In response to your letter we received on October 20, 2003, our staff has conducted a review of your request to vacate the subject area as marked and generally described as: Those portions of a 40' wide Access Road Easement lying within the North half of Section 25, Township 45 south, Range 24 East, Lee County, Florida per OR Book 2193, Page 108 as described in the legal descriptions on the attached "Exhibit A".

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

Sincerely,

Brian L. Toune
Property Management

cc: Scott Gilbertson, P.E. - Lee County
Peter J. Eckenrode - Lee County
Mike Rippe - FDOT
Tom Garcia - FDOT



District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413 *(863)534-7168 (Fax)*MS 1-66
www.dot.state.fl.us

DR2193 PG3109

that they are free and clear of all mortgages, liens, easements and encumbrances except those of record; and GRANTORS will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

4. The easement, rights, and privileges granted herein are nonexclusive, and GRANTOR reserves and retains the right to convey similar rights and easements to such other persons as GRANTOR may deem proper. GRANTOR also retains, reserves, and shall continue to enjoy use of the surface of such property for any and all purposes which do not interfere with and prevent the use by GRANTEE of the within easement, including the right to build and use the surface of the herein granted easement for drainage ditches and streets, roads, driveways, alleys, walks, gardens, lawns, planting or parking areas, and other like uses.

5. This instrument shall be binding on, and shall inure to the benefit of, the heirs, executors, administrators, successors, and assigns of the parties hereto.

The easement herein granted shall be perpetual.

IN WITNESS WHEREOF, this instrument is executed this 11th day of November, 1990.

Signed, Sealed and Delivered
In the Presence of:

Edith Ann Bryant _____
Witness Grantor
[Signature] _____
Witness Grantor

STATE OF Ohio
COUNTY OF Clerk

Before me personally appeared John T. Conroy, Jr. Taxice known to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged to and before me that he/she/they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 11th day of November, 1990.

[Signature]
Notary

My Commission Expires: _____
Date of Period of Term
My Commission Expires April 15, 1991

(55881)

Approved As
To term,
By [Signature]
County Attorney



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

DISCREET
OCT 10 2003

Anchor Engineering Consultants, Inc.
Writer's Direct Dial Number: (941) 479-8124

Bob Janes
District One Tuesday, October 07, 2003

Douglas R. St. Cerny
District Two Mr. Micheal D. Sandler, E.I.
Anchor Engineering Consultants, Inc.
Ray Judah
District Three 1520 Royal Palm Square Boulevard
Suite 260
Andrew W. Coy
District Four Fort Myers, FL 33919

John E. Albion
District Five Re: Petition to Vacate a portion of a forty (40) foot wide ingress/egress
easement as recorded in OR Book 2193 Page 108, in the public
Donald D. Stilwell
County Manager records, Lee County, Florida. 3

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Sandler:

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 ingress egress 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: Don Blackburn, Development Services
Joan Henry, County Attorney's Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., NRD

S:\NATRES\SURFACE\DOCUMENT\vac390.doc

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00007

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, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, 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 Department, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

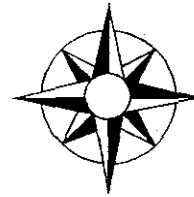
Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

E.F. Gaines Surveying Services, Inc.



Legal Description
For the Vacation of part of the Ingress-Egress Easement
Recorded in Official Record Book 2193, Page 3108,
Located in Section 25, Township 45 South, Range 24 East
Lee County, Florida

A parcel of land lying in the Northwest Quarter of Section 25, Township 45 South, Range 24 East, Lee County, Florida being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 45 South, Range 24 East, Lee County, Florida,
Thence, N 89°-09'-50" E, 83.56 feet along the north line of the Northwest Quarter of said Section 25, to the easterly right of way of Tamiami Trail (State Road No. 45)
Thence, S 00°-30'-00" E, 940.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45) to the **Point of Beginning**;
Thence, continue S 00°-30'-00" E, 190.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45);
Thence, leaving said easterly right of way, N 89°-09'-50" E, 40.00 feet, parallel with the north line of said Section 25;
Thence, N 00°-30'-00" W, 190.00 feet, parallel with said easterly right of way;
Thence, S 89°-09'-50" W, 40.00 feet, parallel with the north line of said Section 25, to the **Point of Beginning**.

Containing 7600 square feet, more or less.

~~Subject to easements and restrictions of record.~~

Bearings are based on the easterly right of way line of Tamiami Trail (State Road No. 45), being S 00°-30'-00" E, per the legal description found in Official Records Book 2193, page 3108, Lee County, Florida.

Exhibit "A"
Petition to Vacate
VAC2004-00007
[Page One of One]

E.F. Gaines Surveying Services, Inc.
8481 Yorkshire Lane
Ft Myers, Florida 33919

By: Andrew D. Johnson Date: 4-28-2004
Andrew D. Johnson, Professional Surveyor and Mapper LS#6256

Not valid without the signature and original raised seal of a Florida Licensed Professional Surveyor and Mapper.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00007**

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. VAC2004-00007 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

Please Print Name

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

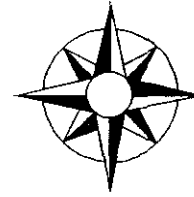
Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

E.F. Gaines Surveying Services, Inc.



Legal Description
For the Vacation of part of the Ingress-Egress Easement
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Commencing at the Northwest corner of Section 25, Township 45 South, Range 24 East, Lee County, Florida,
Thence, N 89°-09'-50" E, 83.56 feet along the north line of the Northwest Quarter of said Section 25, to the easterly right of way of Tamiami Trail (State Road No. 45)
Thence, S 00°-30'-00" E, 940.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45) to the **Point of Beginning**;
Thence, continue S 00°-30'-00" E, 190.00 feet along the easterly right of way of Tamiami Trail (State Road No. 45);
Thence, leaving said easterly right of way, N 89°-09'-50" E, 40.00 feet, parallel with the north line of said Section 25;
Thence, N 00°-30'-00" W, 190.00 feet, parallel with said easterly right of way;
Thence, S 89°-09'-50" W, 40.00 feet, parallel with the north line of said Section 25, to the **Point of Beginning**.

Containing 7600 square feet, more or less.

~~Subject to easements and restrictions of record.~~

Bearings are based on the easterly right of way line of Tamiami Trail (State Road No. 45), being S 00°-30'-00" E, per the legal description found in Official Records Book 2193, page 3108, Lee County, Florida.

Exhibit "A"
Petition to Vacate
VAC2004-00007
[Page One of One]

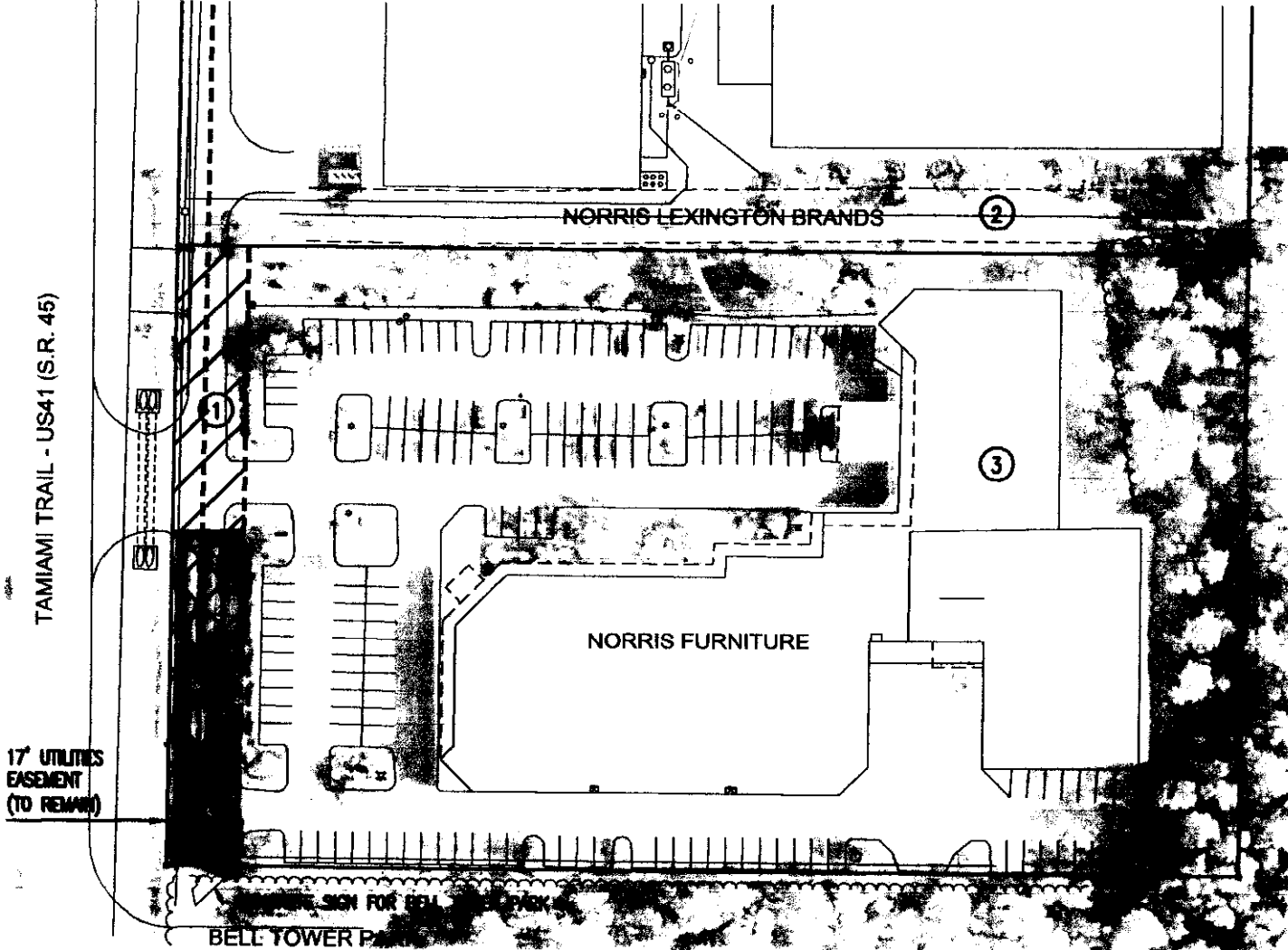
E.F. Gaines Surveying Services, Inc.
8481 Yorkshire Lane
Ft Myers, Florida 33919

By: Andrew D. Johnson Date: 4-28-2004
Andrew D. Johnson, Professional Surveyor and Mapper LS#6256

Not valid without the signature and original raised seal of a Florida Licensed Professional Surveyor and Mapper.



Area to be vacated



PLAN NOTES

- ① 40' INGRESS/EGRESS EASEMENT O.R. BOOK 2193, PGS 3108-3110
- ② PARCEL # 25-45-24-00-00001.1030
- ③ PARCEL # 25-45-24-00-00001.1000

LEGEND



PORTION OF 40' INGRESS/EGRESS EASEMENT TO BE VACATED - SEE ATTACHED LEGAL DESCRIPTION.

PORTION OF 40' INGRESS/EGRESS EASEMENT TO REMAIN.

EASEMENT VACATION SITE PLAN

SCALE: 1" = 100'-0"



Anchor Engineering Consultants, Inc.

CERTIFICATE OF AUTHORIZATION #3397

1520 ROYAL PALM SQ. BLVD. SUITE 200 FT. MYERS, FL. 33919 (239)936-4003 FAX: (239)936-0819

ENGINEER: RICHARD G. LEWIS	LICENSE NO.: PE-40795	NORRIS FURNITURE 14181 S. TAMIAMI TRAIL LEE COUNTY, FLORIDA
DATE : 02-27-04	JOB NO. : 4872-01-00	
SCALE : AS NOTED	CAD REF : 48720100C02R3	

Exhibit "C"
Petition to Vacate
VAC2004-00007
[Page One of One]

Your search for 2545240000011000 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance	
25-45-24-00-00001.1000	2003	HENDRICKS LARRY G 14151/181 S TAMIAMI TRL	PAID	Details
25-45-24-00-00001.1000	2002	HENDRICKS LARRY G 14151/181 S TAMIAMI TRL	PAID	Details
25-45-24-00-00001.1000	2001	HENDRICKS LARRY G 14151/181 S TAMIAMI TRL	PAID	Details
25-45-24-00-00001.1000	2000	HENDRICKS LARRY G 14151/181 S TAMIAMI TRL	PAID	Details
25-45-24-00-00001.1000	1999	HENDRICKS LARRY G 14151/181 S TAMIAMI TRL	PAID	Details
25-45-24-00-00001.1000	1998	COMMERCIAL DEVELOPMENT CO	PAID	Details
(Click on the account number for more information and/or online payment.)				
6 match(es)		Page 1 of 1		

14 50 Rec
24, 134.60 Doc

THIS INSTRUMENT PREPARED BY:
Denis H. Noah, Esq.
P. O. Box 280
Ft. Myers, FL 33902

4534633

0R3054 P62652

RECORDED BY
CINDY KELLER, D.C.

Documentary Tax Pd. \$ 24,134.60
Intangible Tax Pd. \$ 0
CHARLIE GREEN, CLERK, LEE COUNTY
By Cindy Keller Deputy Clerk

WARRANTY DEED

THIS INDENTURE, made this December 18, 1998 between COMMERCIAL DEVELOPMENT COMPANY, a Florida general partnership, whose address is 5150 N. Tamiami Trail, Naples, FL 34103, of the County of Collier in the State of Florida, Party of the First Part, and LARRY G. HENDRICKS, whose address is 14181 S. Tamiami Trail, Fort Myers, FL 33912, of the County of Lee in the State of Florida, Party of the Second Part.

WITNESSETH that the said Party of the First Part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to it in hand paid by the said Party of the Second Part, the receipt whereof is heraby acknowledged, has granted, bargained and sold to the said Party of the Second Part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

Parcel 1

A tract or parcel of land lying in the North half of the North half of Section 25, Township 45 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the Northwest corner of said Section run N 89°09'50" E along the North line of said Section for 83.56 feet to a point on the Easterly line of Tamiami Trail (State Road No. 45); thence run S 00°30'00" E along said East line, parallel with and 83 feet Easterly (as measured on a perpendicular) from the centerline of said State Road, for 930 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning, continue S 00°30'00" E along said Easterly line for 200 feet; thence run N 89°09'50" E, parallel with said section line, for 600 feet; thence run N 00°30'00" W, parallel with the Easterly line of said Tamiami Trail for 200 feet; thence run S 89°09'50" W, parallel with said section line for 600 feet to the Point of Beginning.

Bearings hereinabove mentioned are calculated from the centerline survey of said State Road 45.

Parcel 2

A tract or parcel of land lying in the North half of the North half of Section 25, Township 45 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the Northwest corner of said section run N 89°09'50" E along the North line of said Section for 83.58 feet to a point on the Easterly line of the Tamiami Trail (State Road No. 45); thence run S 00°30'00" E along said East line, parallel with and 83 feet Easterly (as measured on a perpendicular) from the centerline of said State Road, for 780 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning, continue S 00°30'00" E along said Easterly line for 150 feet; thence run N 89°09'50" E, parallel with said section line, for 600 feet; thence run N 00°30'00" W, parallel with the Easterly line of said Tamiami Trail for 150 feet; thence run S 89°09'50" W, parallel with said section line for 600 feet to the Point of Beginning.

Bearings hereinabove mentioned are calculated from the centerline survey of said State Road No. 45.

Subject to easements, restrictions and reservations of record, without intention to reimpose same, and real property taxes for the year 1998 and subsequent years

Parcel Identification No. 25-45-24-00-00001.1000

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

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered
In the Presence of:

COMMERCIAL DEVELOPMENT COMPANY,
a Florida general partnership

By: EXECUTIVE DEVELOPMENT
CORPORATION, a Florida corporation
(General Partner)

By: Phillip Lewallen
Phillip Lewallen, President

Marlene Downer
Witness Signature

MARLENE DOWNER
Type/Print Name of Witness

Susan M Copeland
Witness Signature

SUSAN M COPELAND
Type/Print Name of Witness

SIGNATURES CONTINUED ON FOLLOWING PAGE

0R3054 Pg2653

By: LEWALLEN ENTERPRISES, INC., a Florida corporation (General Partner)

Marlene Donner
Witness

By: Philip Lawallen
Philip Lawallen, President

MARLENE DONNER
Type/Print Name of Witness

Susan M. Copeland
Witness

SUSAN M. COPELAND
Type/Print Name of Witness

OR3054 P62654

STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this December 18th 1998 by PHILLIP LEWALLEN, as President of EXECUTIVE DEVELOPMENT CORPORATION, a Florida corporation, the general partner of COMMERCIAL DEVELOPMENT COMPANY, a Florida general partnership, who executed the foregoing on behalf of the corporation, who is personally known to me or who produced _____ as identification.

My Commission Expires:

M. A. Downer
Notary Public

M. A. DOWNER
Type/Print Name of Notary

Commission No: _____



STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this December 18th 1998 by PHILLIP LEWALLEN, as President of LEWALLEN ENTERPRISES, INC., a Florida corporation, the general partner of COMMERCIAL DEVELOPMENT COMPANY, a Florida general partnership, who executed the foregoing on behalf of the corporation, who is personally known to me or who produced _____ as identification.

My Commission Expires:

M. A. Downer
Notary Public

M. A. DOWNER
Type/Print Name of Notary

Commission No: _____



DR3054 PG2655

98 DEC 23 PM 3:58
CHARLIE GREEN, CLERK
LEE COUNTY, FL

FLORIDA DEPARTMENT OF REVENUE
RETURN FOR TRANSFERS OF INTEREST IN FLORIDA REAL PROPERTY

WARNING: FAILURE TO FILE THIS RETURN SHALL RESULT IN A PENALTY OF \$25.00
IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAWS OF FLORIDA.
Last Generated by Display Systems, Inc. - State Approval 1/93 - 0893

1. PARCEL IDENTIFICATION NUMBER 25-45-24-00-00001.1000

2. IS THIS A MULTI-PARCEL TRANSACTION? N IS THIS TRANSACTION A SPLIT OR CUTOUT FROM ANOTHER PARCEL? N

3. GRANTOR (Seller) COMMERCIAL DEVELOPMENT COMPANY,
PHONE NO.

4. GRANTEE (Buyer) LARRY G. HENDRICKS
STREET ADDRESS 14181 S. Tamiami Trail
CITY/STATE Fort Myers, Florida 33912
PHONE NO.

5. Date of Sale 12-23-98 \$ Sale Price 3447708.00
PROPERTY LOCATED IN: 46 COUNTY, FLORIDA (County Codes on Reverse)

6. TYPE OF DOCUMENT Warranty Deed Quit Claim Deed Contract/Agreement for Deed Other

TO THE BEST OF YOUR KNOWLEDGE, WERE THERE UNUSUAL CIRCUMSTANCES? MARK THOSE THAT APPLY:

7. Title Defects Sale under Duress Related to Seller Forced sale by Court Order
Mineral Rights Foreclosure Sale of a Partial or Undivided Interest Other

8. PROPERTY TYPE AT TIME OF SALE? Residential Commercial Industrial Other

9. WAS UNUSUAL PERSONAL PROPERTY INCLUDED IN THE SALE? N IF 'YES', Please state the amount attributable to the personal property \$

10. AMOUNT OF DOCUMENTARY STAMPS AFFIXED TO DOCUMENT? \$ 24134.60

11. IF ITEM NUMBER 10 IS "ZERO", Is Deed Exempt from Documentary Stamp Tax under §201.02(6), Florida Statutes? N 12. WAS THE PROPERTY IMPROVED AT THE TIME OF SALE? Y

I hereby certify that this return has been examined by me and to the best of my knowledge and belief is a true and complete return.

Signature of Grantor, Grantee or Other Agent
TO BE COMPLETED BY THE CLERK OF THE CIRCUIT COURT'S OFFICE

12/22/98
CLERK'S DATE STAMP

O.R. BOOK AND PAGE NUMBER

FILE NUMBER DATE BOOK & PAGE NO. OR FILE NO.

