

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 807 North Ave., Lehigh Acres, FL 33972, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 14th day of December, 2004. (Case No. VAC2004-00062)

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

C4B

3. MEETING DATE:

11-23-2004

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]* 11/02/04
- Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00062 was submitted by James E. Derrick.

LOCATION: The site is located at **807 North Ave., Lehigh Acres, FL 33972**. Petition No. VAC2004-00062 proposes to vacate a 12-foot wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six 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 <i>CLM 11/9/04</i>				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A	N/A		<i>[Signature]</i> 11/18/04	<i>[Signature]</i> 11/9/04	<i>[Signature]</i> 11-9-04	<i>[Signature]</i> 11/9/04	<i>[Signature]</i> 11/9/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 11/5/04
Time: 2:15
Forwarded To:
[Signature]

RECEIVED BY
COUNTY ADMIN: *[Signature]*
[Signature]
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11-9-04
[Signature]



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00062

Petitioner(s), James E. Derrick 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, 1514 S.W. 14th St. Cape Coral FL 33991
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:

James E. Derrick
Petitioner Signature

Petitioner Signature

James E. Derrick
Printed Name

Printed Name

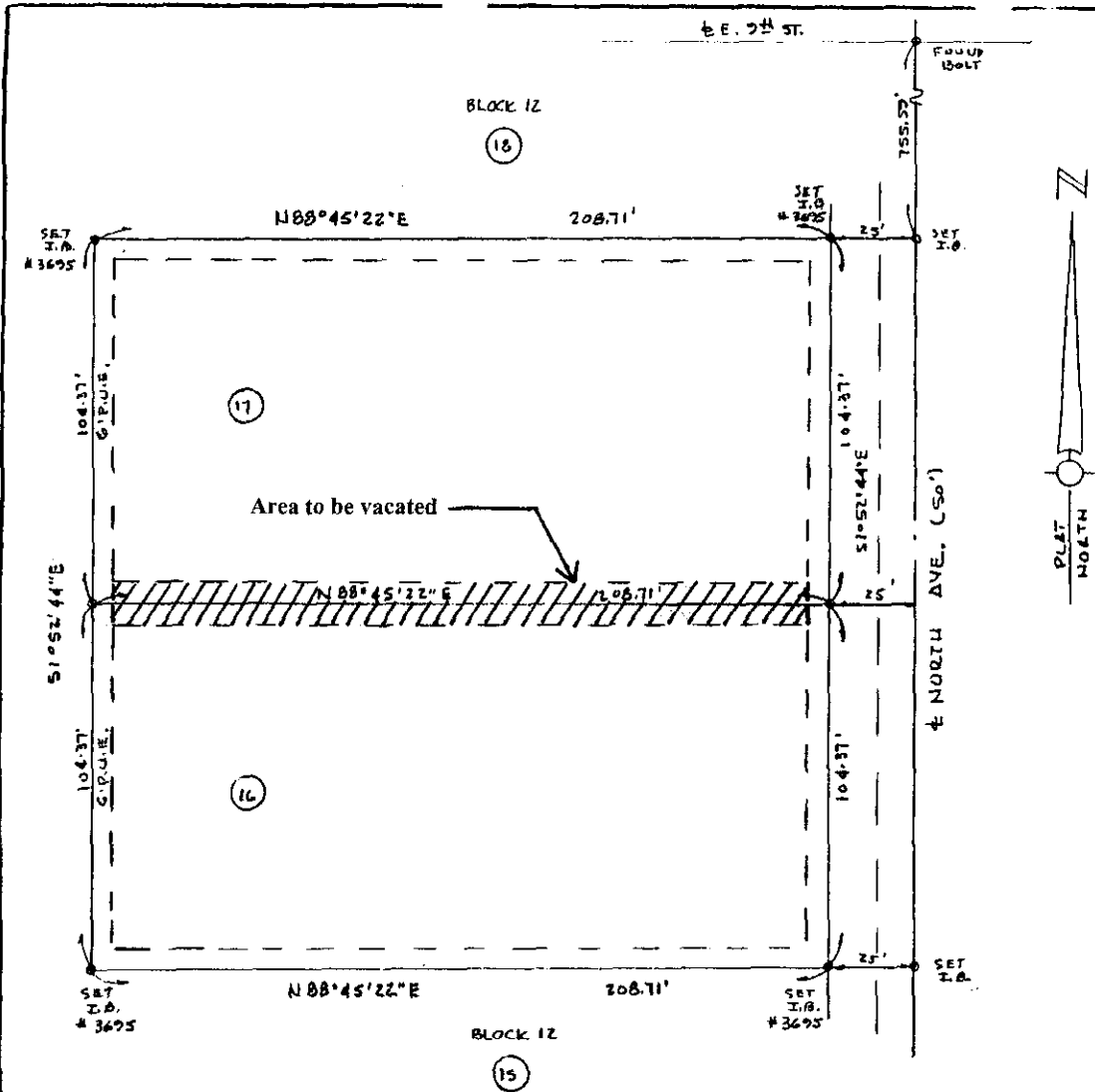
NOTE: This is a legal document and is therefore not available in Word Perfect format.

EXHIBIT "A"
Petition to Vacate
VAC2004-00062

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet thereof.



Above property is located in flood zone 'B'

A Subdivision of Lehigh Acres,
 Lots 16 & 17, Block 12, Unit 3,
 Section 21, Twp 44S, Rge 27E
 Recorded in Plat Book 15,
 Page 30 of the Public Records,
 Lee County, Florida

Exhibit "B"
 Petition to Vacate
 VAC2004-00062
 [Page One of One]

Scale: 1" = 40'

LEGEND:
 C.M. - Concrete Monument (P) - Plat
 I.B. - Iron Bar (M) - Measured
 P.U.E. - Public Utility Easement (C) - Calculated
 P.R.M. - Permanent Reference Monument (D) - Dead
 S.P. - Screened Porch -H- - Wire Fence
 T.B.M. - Temporary Bench Mark -X- - Wood Fence
 ‡ - Center Line

I HEREBY CERTIFY THAT A SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 21 H&S FLORIDA ADMINISTRATIVE CODE. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS.

Robert M. Still 11-21-09
 ROBERT M. STILL, REGISTERED LAND SURVEYOR NO. 3695
 1130-G LEE BLVD. LEHIGH ACRES, FL. 33936
 (813) 368-7400 FAX (813) 368-7695

FIELD SURVEY:

11-21-09

REV:

FILE NO: 8900-127

Exhibit "C"
Petition to Vacate
VAC2004-00062
[Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
21-44-27-03-00012.0160	2004	PAID
Original Account	Book/Page	
21-44-27-03-00012.0160	3274/980	
Physical Address	Mailing Address	
DERRICK JAMES E 807 NORTH AVE LEHIGH ACRES FL 33972	DERRICK JAMES E 1514 SW 14TH ST CAPE CORAL FL 33991 USA	
Legal Description		
LEHIGH ACRES UNIT 3 BLK.12 DB 254 PG 65 LOTS 16 + 17		
Outstanding Balance as of 11/1/2004		\$0.00

66
70D

INSTR # 4910583
OR BK 03274 PG 0980
RECORDED 06/30/00 11:08 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DOC TAX PD(F.S. 201.02) 0.70
DEPUTY CLERK & Sherwood

Parcel ID Number: 21-44-27-03-00012.0160

Quitclaim Deed

This Quitclaim Deed, Made this 26th day of June 2000, ~~19~~ A.D., Between

JAMES E. DERRICK and FLORENCE E. DERRICK

of the County of LEE, State of FLORIDA, grantor, and

JAMES E. DERRICK

whose address is: 1514 SW 14th Street, Cape Coral, Florida 33991

of the County of LEE, State of FLORIDA, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and quitclaimed to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

Lots 16 and 17, Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in DEED Book 254, Page 65, Public Records of Lee County, Florida.

Subject property is not now, nor has it ever been the homestead property of the grantor.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantor, either in law or equity, for the use, benefit and profit of the said grantee forever.

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

Dixie Lee Ball
Printed Name: DIXIE LEE BALL
Witness

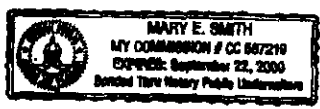
James E. Derrick (Seal)
JAMES E. DERRICK

Mary E. Smith
Printed Name: MARY E. SMITH
Witness

Florence E. Derrick (Seal)
FLORENCE E. DERRICK

Printed Name:
Witness

Printed Name:
Witness



STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 26th day of June 2000, ~~19~~ by JAMES E. DERRICK and FLORENCE E. DERRICK

who is personally known to me or who has produced her _____ as identification.

This Document Prepared By:
NEAL C. PATTERSON, JR., P.A., ATTORNEY AT LAW
1201 CAPE CORAL PARKWAY
CAPE CORAL, FL 33904

Mary E. Smith
NOTARY PUBLIC, STATE OF _____
My Commission Expires: _____



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number:

Bob Janes
District One

November 3, 2004

Douglas R. St. Corny
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

James E. Derrick
1514 S.W. 14th St.
Cape Coral, FL 33991

Re: **VAC2004-00062 - Petition to Vacate** a 12-foot Public Utility Easement located centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet thereof.

Dear Mr. Derrick:

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 807 North Ave., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200411\20041019.145\9155410\DCDLETTER.DOC

1514 S.W 14th Street
Cape Coral
FL 33991
Phone: 239-574-8152

August 5, 2004

Dept. of Community Development
Attention: Peter J. Eckenrode
Director of Development Services

Dear Sir:

It is my intention to build a single family home in the center of my Lehigh Acres property, which address is 807 North Ave Lehigh Acres, FL 33972.

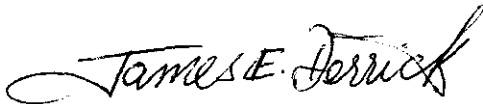
The Strap number for the property is: 21-44-27-03-00012.0160. The numbers for the Lots are 16 and 17.

Therefore, I am requesting that the utility easement between the two Lots be vacated in order to make my future accomplishment possible.

Thank you very much for your consideration in this very important matter.

I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script that reads "James E. Derrick". The signature is written in black ink and is positioned above the printed name.

James E. Derrick



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

September 8, 2004

Mr. James E. Derrick
1514 S.W. 14th St.
Cape Coral, FL 33991

Re: Strap No. 21-44-27-03-00012.0160
807 North Ave, Lehigh Acres

Dear Mr. Derrick:

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

A 12-foot-wide utility and/or drainage easement centered on the lot line between Lots 16 and 17, Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 30, of the Official Records of Lee County, Florida; LESS and EXCEPT the east 6 feet and the west 6 feet thereof.

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

Sincerely,

Karen Hardin
Real Property Representative



August 16, 2004

Mr. James E. Derrick
1514 SW 14th Street
Cape Coral, Florida 33991

Re: Vacation of Public Utility Easement:
A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 16 & 17, Block 12, Unit 3, Section 21, Township 44S, Range 27E.
Strap No. -- 21-44-27-03-00012-0160

Dear Mr. Derrick:

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility/drainage easement at the Lehigh Acres location.

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

Sincerely,

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

Wayneth Jackson
Engineer



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

August 11, 2004

James E Derrick
1514 SW 14th St
Cape Coral, FL 33991

Re: 807 North Av Lehigh Acres
Vacate easement

Dear James E Derrick,

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

October 7, 2004

James E. Derrick
1514 S.W. 14th Street
Cape Coral, FL. 33991
(239) 574-8152

RE: Vacation of Easement for Lots 16 and 17, Block 12, Unit 3 in Lehigh Acres

Dear Mr. Derrick:

The FGUA Board 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 October 7, 2004.

The vacation of easement was requested for the 6-foot wide utility and drainage easement lying on the south side of Lot 17 and the north side of Lot 16 (excluding the eastern and western 6 feet), Block 12, Unit 3 in Lehigh Acres. The request is made for the purpose of combining lots for new home construction. All lots in this subdivision have 6-foot utility easements on the front and rear portions of the properties.

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 L. Sweat', is written over a horizontal line.

Charles L. Sweat
Director of Operations

AmeriGas

America's Propane Company

August 10, 2004

James E. Derrick
1514 SW 14th Street
Cape Coral, Florida 33991

Dear Mr. Derrick:

In reference to your letter dated August, 05, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 21-44-27-03-00012.0160

Please feel free to contact me at 239-948-4902, should you have further questions.

Sincerely,



Mike Yonker
Sales & Service Manager



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

September 3, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

James E. Derrick
1514 SW 14th Street
Cape Coral, FL 33991

Andrew W. Coy
District Four

John E. Albion
District Five

SUBJECT: VACATION OF PLATTED EASEMENT(S)
STRAP #: 21-44-27-03-00012.0160
LOTS 16 & 17, BLOCK 12 – LEHIGH ACRES, UNIT 3
807 NORTH AVENUE

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Dear Mr. Derrick:

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

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

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

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

CC: Correspondence File

S:\Engn\TAK\LETTERS\VAC\FY 2004\Derrick - North Av - Lehigh.doc

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

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00062**

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. VAC2004-00062 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00062

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00062

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of December, 2004 @ 5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

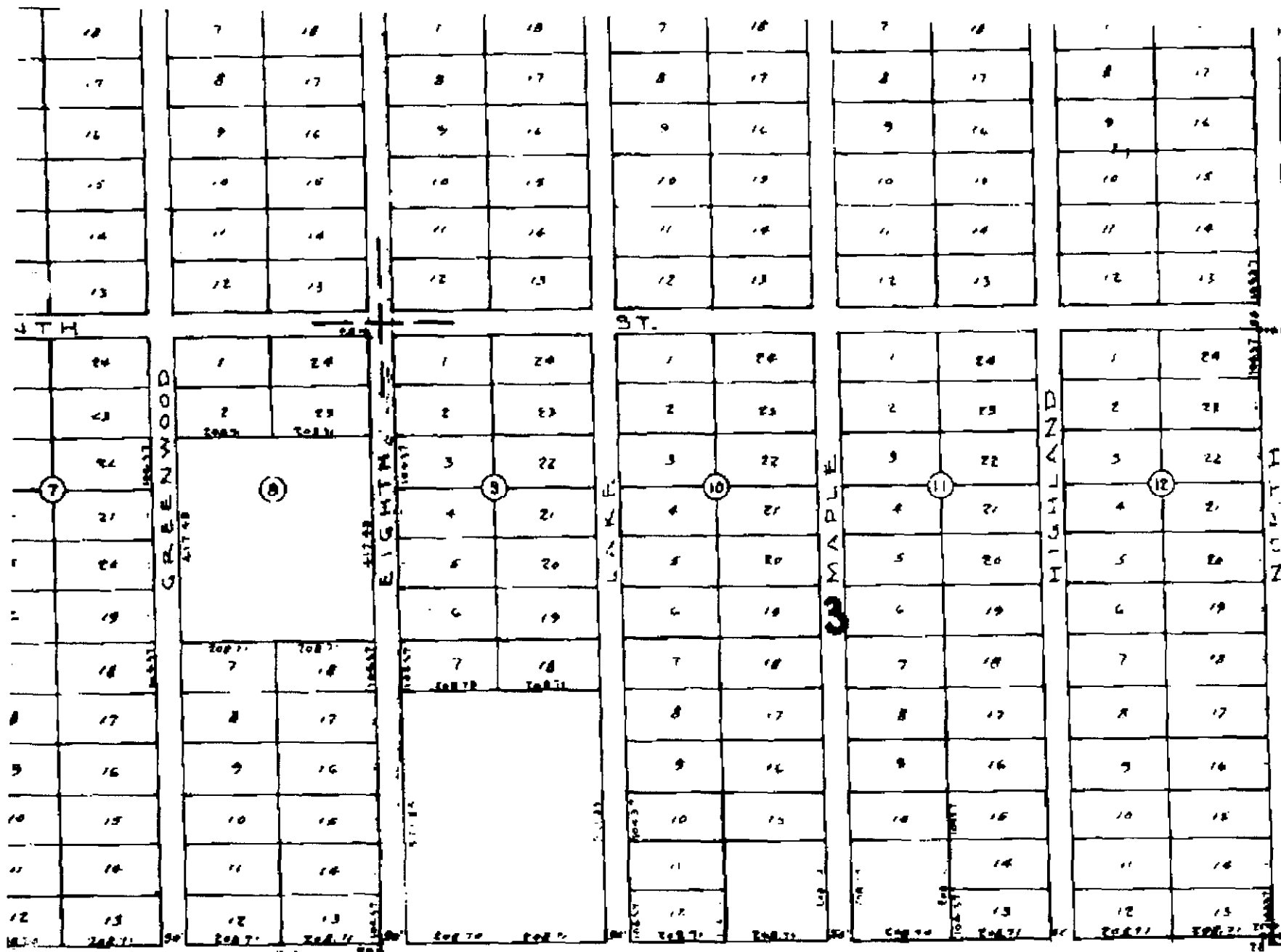
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00062

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 16 and 17, both in Block 12, Unit 3, Section 21, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 30 of the Public Records of Lee County, Florida;

LESS and EXCEPT the easterly six feet and westerly six feet thereof.



CERTIFICATE
 IN THE UNDER
 PLAT AS SHOWN
 THE LAND PLAT
 MONUMENTS W

NOTE:
 ALL LOTS SUBJECT
 ON ALL 4 SIDES OF
 INTERIOR FRON
 SECTION FOR THE
 ALL LOTS EQUAL 1/2

NOTE
 DIMEN
 : RAW

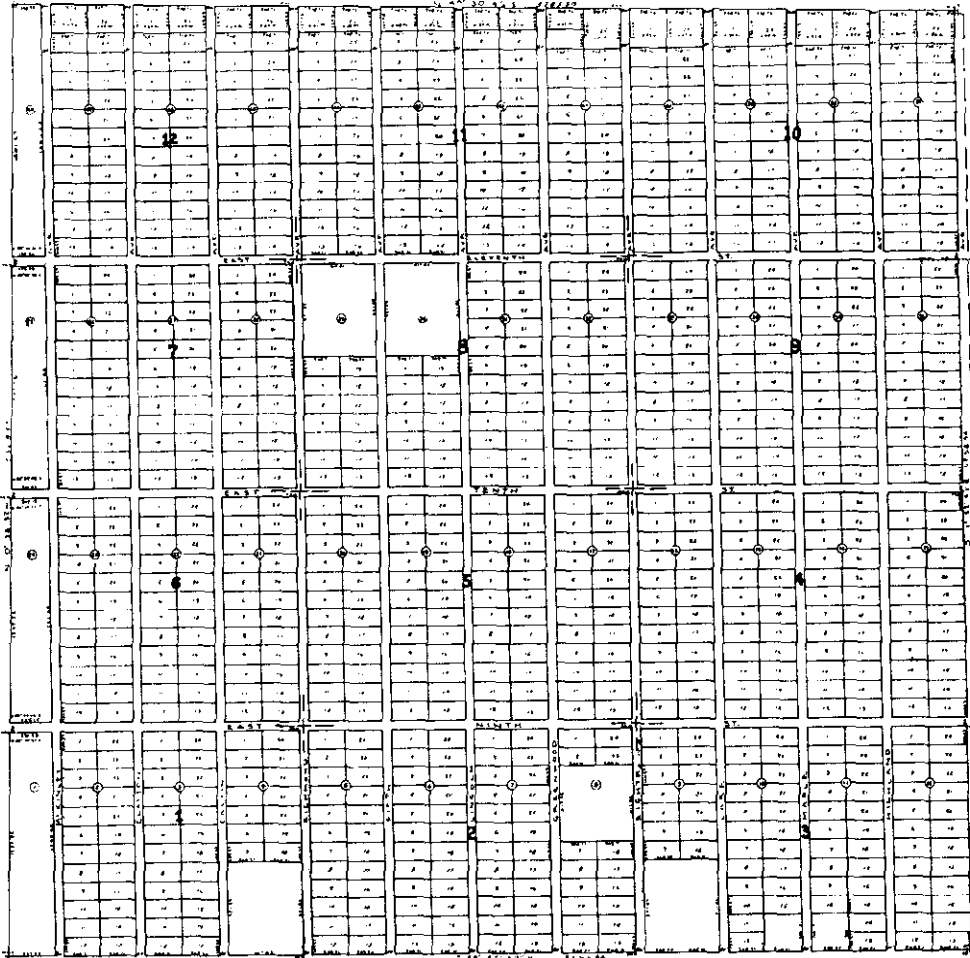
9	16	18937
10	15	
11	14	
12	13	
18937		
1	24	18937
2	23	
3	22	
4	21	
5	20	

12

PLAT AS SHOWN IS A CORRECT REPRESENTATION
 THE LAND PLATTED AND THAT PERMANENT
 MONUMENTS HAVE BEEN PLACED AS SHOWN.

Earl S. R.
 FLORIDA REG'D

NOTE:
 ALL LOTS SUBJECT TO A 60 UTILITY EASEMENT
 ON ALL SIDES OR LBT
 INTERIOR FRMS ARE 4 1/4" x 8" CONCRETE.
 SECTION CORNERS ARE 6" x 8" CONCRETE
 ALL LOTS EQUAL 1/2 ACRE EXCEPT WHERE NOTED



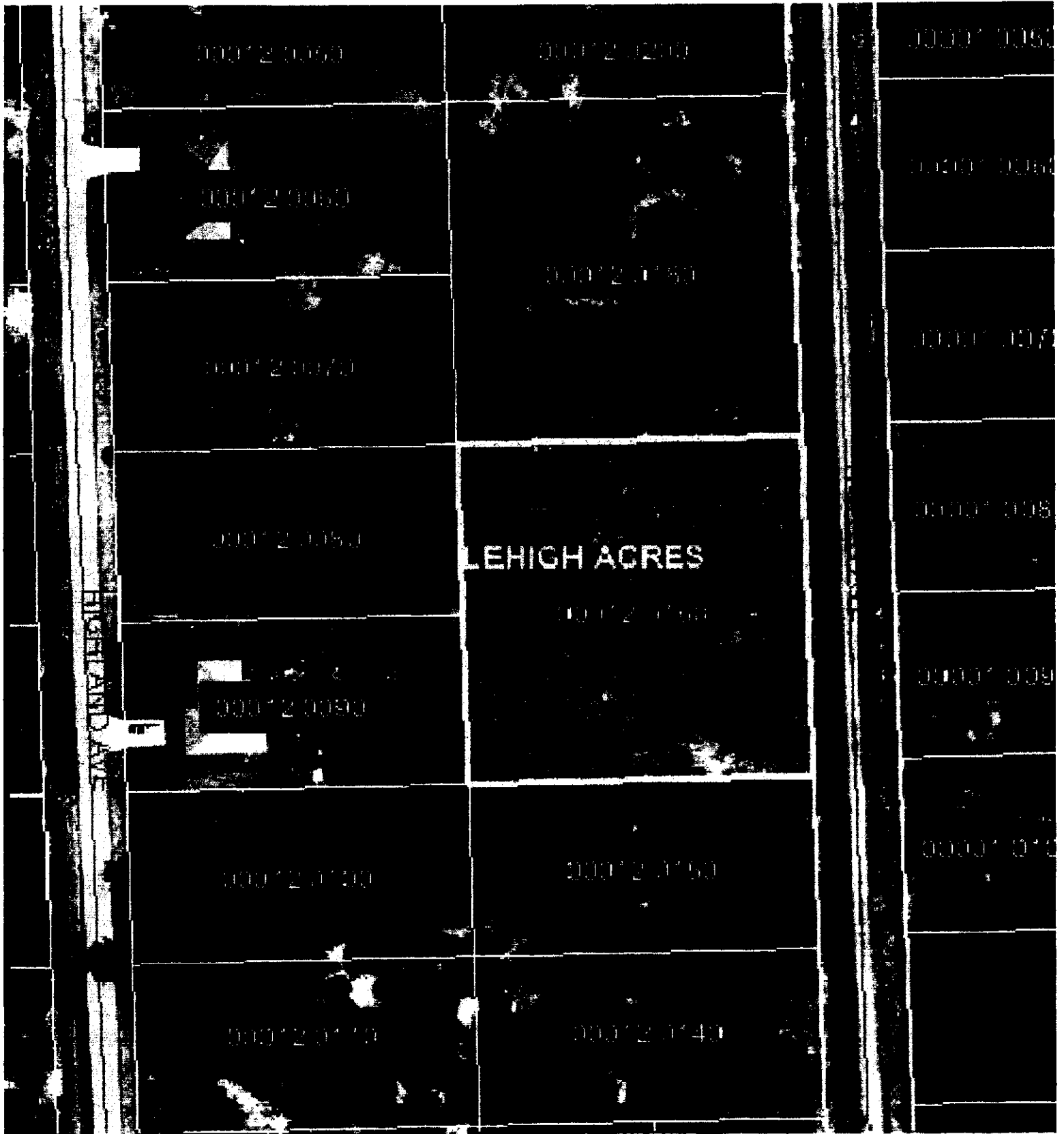
PLAT
OF
SECTION 21
Twp. 44 S. R. 6 E. 27 E.

A SUBDIVISION OF
"LEHIGH ACRES"
LEHIGH COUNTY, PA.
LEHIGH COUNTY LAND ENTERPRISE DEVELOPERS
DATE: _____ JAN 15, 1988

CERTIFICATE OF SURVEY
THIS SURVEY WAS MADE BY ME
AND IS CORRECT AND ACCURATE
AND THE LINES PLATTED AND THE PERCENTAGE ALLEGED
HEREON ARE TRUE AND CORRECT AS SHOWN
Paul A. Ryan, Inc.
PLATON & SURVEYOR
100 EAST 10TH ST.
LEHIGH VALLEY, PA. 18001

NOTICE TO THE PUBLIC
THIS SURVEY WAS MADE BY ME
AND IS CORRECT AND ACCURATE
AND THE LINES PLATTED AND THE PERCENTAGE ALLEGED
HEREON ARE TRUE AND CORRECT AS SHOWN

NOTE:
LEHIGH COUNTY, PA. HAS A RECORDING SYSTEM
FOR THE RECORDING OF PLATS AND SURVEYS
AND THE PUBLIC IS ADVISED TO CHECK THE RECORDS
FOR THE RECORDING OF THIS PLAT.



Area to be vacated