	Lee	unty Board Of County Commissio Agenda Item Summary	ners) Blue Sheet No.	20041629
1. REQUESTED MOTION:			Diad Shoot Ive	20011022
Lehigh Acres, Florida, and ad 2005. (Case No. VAC2004-0 WHY ACTION IS NECESSAI	opt a resolution 0045) <u>RY</u> : To build a	o Vacate a 12-foot wide Public Ut n, setting a Public Hearing for 5:0 single-family residence on the co d the easement is not necessa	0 PM on the <u>11th</u> day of mbined lots. The vacation	January ,
requirements.		e time and date of the Public Hea	·	
2. DEPARTMENTAL CATEO COMMISSION DISTRICT		C4B	3. <u>MEETING DATE</u> : 12-21	-2004
4. <u>AGENDA</u> :		EQUIREMENT/PURPOSE: pecify)	6. REQUESTOR OF INF	ORMATION:
X CONSENT ADMINISTRATIVE	X S	TATUTE F.S. Ch. 177 DRDINANCE		Community Development
APPEALS PUBLIC WALK ON TIME REQUIRED:		ADMIN. CODE 13-1 OTHER	C. DIVISION BY	Development Services
7. BACKGROUND:			Peter	J. Eckenrode, Director
The completed petition to vaca	ate, VAC2004-0	00045 was submitted by Lori D. F	ayne.	
00004.0110. Petition No. VAC common lot line between Lots	2004-00045 pr 18 and 19; both k 15 at Page 40	dway Ave., Lehigh Acres, Florid coposes to vacate a 12-foot wide the in Block 4, Unit 1, Section 27, 7 0 of the Public Records of Lee Co easement.	Public Utility Easement cer ownship 44 South, Range	ntered on the
Documentation pertaining to the	is Petition to V	acate is available for viewing at t	ne Office of Lee Cares.	
There are no objections to this	Petition to Vac	ate. Staff recommends the sche	duling of the Public Hearing	g.
Attached to this Blue sheet is t	he Petition to V	acate, Resolution to set Public H	earing, Notice of Public He	aring and Exhibits.
8. MANAGEMENT RECOMM	IENDATIONS:			
	9	. RECOMMENDED APPROVA	<u>L</u> :	
Department Purchasing Ho	C D man Other ources	E County Attorney	F Budget Services	G County Manager
Many N/A N/A	N/A	WW DOWN ON THE PROPERTY OF THE	of Salot Malor	Mond
RSK/ December 1, 2004 U:\200412\20040728.125\71	APPROVED DENIED DEFERRED OTHER	Rec. by CoAtty Date: 12 40 A Time: 1'.10 Forwarded To:	RECEIVED BY COUNTY ADMIN: 12-9-04 1:50 COUNTY ADMIN FORWARDED TO: 12/9/04	
0.1400T12120040120.120\/	io+iiu\DLUESHI	EETFORCHESMT.DOC HOMIN . HAPA 11:35 WM	4:30pm] '

RESOLUTION NO. _____ TO SET PUBLIC HEARING FOR PETITION TO VACATE Case Number: VAC2004-00045

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:

training, training, do tollows:		
1. A Public Hearing		VAC2004-00045 is set for the ee County Commission Chambers.
2. A Notice of Pub accordance with the Lee Co	olic Hearing on this Petit ounty Administrative Code	tion to Vacate will be published in e.
THIS RESOLUTION County Commissioners of L	passed by voice and ente ee County, Florida this_	ered into the minutes of the Board of
ATTEST:		BOARD OF COUNTY COMMISSIONERS OF
CHARLIE GREEN, CLERK SOUTH	WEST	LEE COUNTY, FLORIDA
Deputy Clerk Signature		Chairman Signature
Please Print Name		Please Print Name
	APPROVED AS TO FO	ORM
	County Attorney Signa	ture

Please Print Name

EXHIBIT "A"

Petition to Vacate VAC2004-00045

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 18 and 19; both in Block 4, Unit 1, Section 27, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 40 of the Public Records of Lee County, Florida;

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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: <u>VAC2004-00</u>045

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of January 2005 @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, CLER	K J N J
SOUT	Deputy Clerk Signature	LORIDA
	Please Print Name	
	APPROVED AS TO FORI	М
	County Attorney Signature	e
	Please Print Name	

EXHIBIT "A"

Petition to Vacate VAC2004-00045

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 18 and 19; both in Block 4, Unit 1, Section 27, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 40 of the Public Records of Lee County, Florida;

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



PETITION TO VACATE (AC 13-1)

Case Number: VAC	2004-00045
Petitioner(s), Or Or County Commissioners of to Vacate and states as follows:	of Lee County, Florida, to grant this Petition
1. Petitioner(s) mailing address, <u>514</u>	tamilton Av. Lehigh 33972
2. In accordance with Florida Statute (F.S.) C Code (LCAC) 13-1, Petitioner desires to vacate or portion of a plat legally described in the atta	e the public's interest in the easement, plat
3. A sketch showing the area the Petitioner de	esires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state an	d county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the un	derlying land sought to be vacated.
6. Petitioner did provide notice to all affected pr Petition in accordance with the LCAC 13-1.	operty owners concerning the intent of this
7. In accordance with letters of review an governmental and utility entities, it is apparent it will not affect the ownership or right of conver of the subdivision.	f the Board grants the Petitioner's request
Wherefore, Petitioner respectfully requal adopt a Resolution granting the Petition to Vac	ests the Board of County Commissioners ate.
Respectfully Submitted by: Out Tape 7/2/04 Petitioner Signature	Petitioner Signature
Lori Payne 7/2/04 Printed Name	Printed Name

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

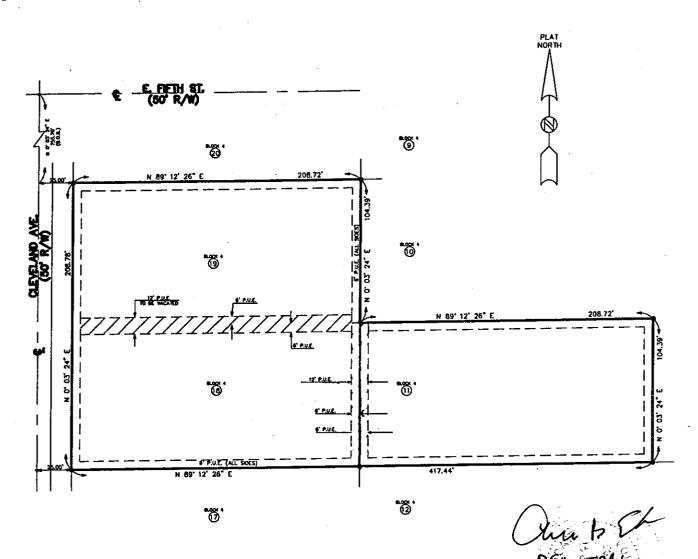
EXHIBIT "A"

Petition to Vacate VAC2004-00045

Legal Description of the Public Utility Easement to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 18 and 19; both in Block 4, Unit 1, Section 27, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 40 of the Public Records of Lee County, Florida;

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



NOT A SURVEY- SKETCH ONLY

Exhibit "B"
Petition to Vacate
VAC2004-00045
[Page One of One]

407 BROADWAY AVENUE
LOTS 18 & 19, BLOCK 4, UNIT 1
SECTION 27, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 40, OF THE
OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

COMMUNITY-PANEL NUMBER: 125124 0375 B DATE OF MAP: NOT PRINTED FLOOD ZONE: B BASE FLOOD ELEVATION: N/A

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

DATE:
42004
JOB NUMBER:
9252-38
DRAWN BY:
8.J.P.
SCALE:
1" = 70"
SHEET:
1 of 1

Exhibit "C" Petition to Vacate VAC2004-00045

[Page One of One]

Lee County Tax Collector - Print Results







Real Property Information

Account	Tax Year	Status	
27-44-27-01-00004.0110	2003	PAID	
Original Account	Book/Page		
27-44-27-01-00004.0180	4334 /2207		
Physical Address	Mailing Addres	SS	
PAYNE LORI D	PAYNE LORI D		
406 CLEVELAND AVE	514 HAMILTON	I AVE	
LEHIGH ACRES FL 33972	LEHIGH ACRE	S FL 33972	
	USA	•	
Legal Description			
LEHIGH ACRES UNIT 1 BLK.4 DB 25	54 PG 35 LOT 18		
Outstanding Balance as of 12/1/200)4	\$(0.00

Lee County Tax Collector - Print Results







Real Property Information

Account	Tax Year	Status
27-44-27-01-00004.0190	2003	PAID
Original Account	Book/Page	
27-44-27-01-00004.0190	4334 /2207	
Physical Address	Mailing Addres	S
PAYNE LORI D	PAYNE LORI D	
408 CLEVELAND AVE	514 HAMILTON	
LEHIGH ACRES FL 33972	LEHIGH ACRE	S FL 33972
	USA	
Legal Description		
LEHIGH ACRES UNIT 1 BLK.4 DB 25	64 +G 35 LOT 19	
Outstanding Balance as of 12/1/200	4	\$0.0



BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number:

Bob Janes District One

December 1, 2004

Douglas R. St. Cerny District Two

Ray Judah · District Three Lori Payne 514 Hamilton Ave.,

Lehigh Acres, FL 33972

Andrew W. Coy District Four John E. Albion

District Five

Donald D. Stilwell

County Manager

James G. Yaeger

County Attorney

Diana M. Parker County Hearing Examiner Re: VAC2004-00045 - Petition to Vacate a 12-foot Public Utility Easement located centered on the common lot line between Lots 18 and 19; both in Block 4, Unit 1, Section 27, Township 44 South, Range 27 East, Lehigh Acres, as recorded in Plat Book 15 at Page 40 of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly six feet and westerly six feet of each easement.

Dear Ms. Payne:

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 407 Broadway 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:\200412\20040728.125\7164110\DCDLETTER.DOC

Lori Payne Re/Max Real Estate Professionals

1252 Taylor Ln. Suite 6-A Lehigh Acres, Fl. 33936

> 239-368-4625 office 239-369-1400 fax 239-940 -8562 cell

loripaynehomes@aol.com

June 21, 2004

Dear Department of Community Development,

Regarding 406 and 408 Cleveland Av., Lehigh Acres, Lots 18 & 19, Block 4, Unit 1, Section 16, Township 44 South, Range 27 East, a subdivision in Lehigh Acres. We are requesting vacation of easement between the 2 lots. Please note the reason for combining the 2 lots into one parcel is for the purpose of building a single family residence in the center of the parcel.

Thank you,

Lori Payne, owner



Lee County Electric Cooperative, Inc.

Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.leec.net • www.ilire.com

June 26, 2004

Ms. Lori Payne
Re/Max Real Estate Professionals
1252 Taylor Ln., Suite 6-A
Lehigh Acres, FL 33936

Re: 406 & 408 Cleveland Ave., Lehigh Acres

Dear Ms. Payne:

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

A 12-foot-wide utility and/or drainage easement centered on the line between Lots 18 & 19, Block 4, Unit 1, a subdivision of Lehigh Acres, as recorded in Plat Book 15, page 40, Section 27, Township 44 South, Range 27 East, of the Public Records of Lee County, Florida; LESS and EXCEPT the easterly 6 feet and the westerly 6 feet thereof.

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

Sincerely,

Karen Hardin

Real Property Representative

RECEIVED OCT 12 2004

ZONING COUNTER

VAC 2004-00045



June 25, 2004

Ms. Lori Payne Re/Max Real Estate 1252 Taylor Lane, Suite 6-A Lehigh Acres, Florida 33936

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line common to lots 18 & 19 and lots 18 & 11, Block 4, Unit 1, Section 27, Township 44S, Range 27E. As recorded in Plat Book 15, Page 40 of the Lee County Public Records.

Strap No. – 27-44-27-01-0004.0180/.0190

406/408 Cleveland Avenue

Dear Ms. Payne:

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,

Dougheth Jackson
Wayneth Jackson

Engineer



26930 Old US 41 Bonita Springs, FL 34135 Phone: 239-732-3805

FAX: 239-498-4483

September 28, 2004

Brian Payne Lehigh Acres, FL

Re: 406 & 408 Cleveland Av, 407 Broadway Av Lots 11,18 & 19, Block 4, Unit 1 Vacate easement

Dear Brian Payne,

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 732-3861.

Cordially,

William Stanton

Design Coordinator

Wac SI



November 4, 2004

Mr Brian Payne 514 Hamilton Ave Lehigh Acres, Fla. 33972

RE:

Vacation of easement VAC2004-00045

Dear Mr. Payne:

Your request for the above listed vacation of easement has been revie at At this time, Time Warner Cable has no facilities in this area and no future build is nticipated. Time Warner Cable has NO OBJECTION with this proposed constituction.

Il you have any further questions or concern, please do not besitate to 772-2218, Ext. 79247.

Sincerely,

TIME WARNER CABLE

Adnaldo Rodriguez Technical Field Inspector

AR/ss

ontact me at



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

280 Wekiva Springs Road, Suite 203, Longwood, Florida 32779, Ph. (407) 629-6900, Fax: (407) 629-6963

November 3, 2004

Brian Payne 514 Hamilton Ave. Lehigh Acres, FL 33972

RE: Vacation of Easement for Lots 18 & 19, Block 4, Unit 1 in Lehigh Acres.

Dear Mr. Payne:

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 request for vacation of easement is hereby approved.

The vacation of easement was requested for the 12-foot wide public utility easement centered on the common lot line between Lots 18 and 19, Block 4, Unit 1 (excluding the eastern and western 6 feet), in Lehigh Acres. 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

Charles L. Sweat Director of Operations

CLS/vjb



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Bob Janes District One

October 27, 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

Brian Payne

514 Hamilton Av.

Lehigh Acres, FL 33972

SUBJECT: VACATION OF PLATTED EASEMENT(S)

STRAP#: 27-44-27-01-00004.0110

LOTS 11, 18 & 19, BLOCK 4 - LEHIGH ACRES, UNIT 1

406 & 408 CLEVELAND AVENUE NKA 407 BROADWAY AVENUE

Dear Mr. Payne:

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

Senior Engineering Technician **Utilities Engineering Division**

Via Facsimile #369-9981

CC: Correspondence File

Ruth Keith, Development Services



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FOR THE PROPERTY OF THE PR LEHIGH ACRE COUNTY LAND ; TITLE Co. DIMENSIONS DEARINGS, LOT AND LAND LINES DESCRIPTION SUPPLY NOVELLE SHEET 40 PLAT
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Area to be vacated