

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate the Public's Interest in a portion of the platted Right-of-Way of Dean Street adjacent to a residential lot located on 4991 Dean St., Fort Myers, Florida, and adopt a resolution setting a Public Hearing for 5:00 PM on the 8th day of February, 2005. (Case No. VAC2004-00066)

WHY ACTION IS NECESSARY: To allow the property owner to convey title to the existing single-family residence on the subject parcel. Due to a construction error, which occurred when the home was constructed in 1958, a portion of the existing structure is located within the road right-of-way. **The vacation of this portion of right-of-way will not alter traffic or drainage conditions and the right-of-way is not necessary to accommodate any future traffic or drainage requirement.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 2

04

C4A

3. MEETING DATE:

01-18-2005

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]* 12/29/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00066 was submitted by Henderson, Franklin, P.A., and Cody Vaughan-Birch, Esq., as the agent for the petitioner, Annette Willis.

LOCATION: The right-of-way is located on **4991 Dean St., Fort Myers, Florida 33905** and the reference strap number is 09-44-25-14-00012.0000. The road to be vacated include a portion of platted Right-of-Way being part of Dean Street, Lot 12, Ortiz Subdivision, as recorded in Plat Book 10, Page 47, lying in Section 9, Township 44 South, Range 25 East, of 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 Risk			G County Manager
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> 1-6-05

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 1/3/05
Time: 2:40
Forwarded To:
Admin.
1/6/05

RECEIVED BY
COUNTY ADMIN:
1/6/05
3pm
COUNTY ADMIN
FORWARDED TO: PP
1/6/05
4:30pm

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00066

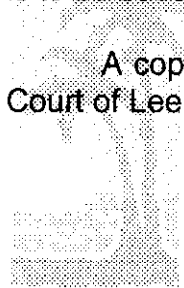
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 8th day of February 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.



LEE COUNTY

CHARLIE GREEN, CLERK

SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmooffice@bwk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description

A Tract or Parcel of Land
Lying in
Section 9, Township 44 South, Range 25 East
Lee County, Florida

A tract or parcel of land being a part of Dean Street, Ortiz Subdivision, as recorded in Plat Book 10 at Page 47 of the Lee County Records being further described as follows:

From the northeast corner of Lot 12, Ortiz Subdivision as recorded in Plat Book 10 at Page 47 of the Lee County Records, run N89°36'02"W for 74.00 feet to the northwest corner of said Lot 12; thence run S00°22'58"W for 120.97 feet to an intersection with the curved right-of-way line of Dean Street, being the southwest corner of said Lot 12 and the Point of Beginning.

From said Point of Beginning run S78°26'20"E for 25.00 feet; thence run S47°24'28"E for 20.00 feet; thence run S89°12'18"E for 27.34 feet to an intersection with the curved right-of-way line of Dean Street; thence run northwesterly, westerly and southwesterly along said right-of-way line along the arc of a curve, a radius 50.00 feet, chord bearing N74°07'38"W, chord 69.20 feet, delta 87°34'18" for 76.42 feet to the Point of Beginning.

Containing 779 square feet, more or less.

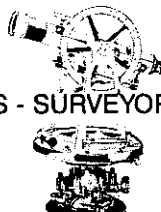
Bearings hereinabove mentioned based on the east line of said Lot 12 to bear N00°22'58"E.

W. Britt Pomeroy, Jr.
Professional Land Surveyor
Florida Certificate No. 4448

Exhibit "A" Petition to Vacate VAC2004-00066 [Page One of One]

35561DESC1

6/15/04



CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00066

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. VAC2004-00066 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

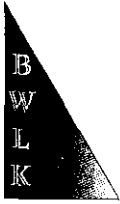
Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
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W. Britt Pomeroy, Jr.
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Exhibit "A" Petition to Vacate VAC2004-00066 [Page One of One]

35561DESC1

6/15/04

PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
- SCOTT C. WHITAKER, PSM, PRESIDENT
- JOSEPH L. LUTZ, PSM
- AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

- TRACY N. BEAN, AICP
- CHARLES D. KNIGHT, PSM
- W. BRITT POMEROY, JR., PSM
- STEPHEN H. SKORUPSKI, PSM
- ELWOOD FINEFIELD, PSM
- JAMES A. HESSLER, PSM
- JAMES R. COLEMAN, PSM
- RUDOLF A. NORMAN, PE



PETITION TO VACATE (AC 13-8)

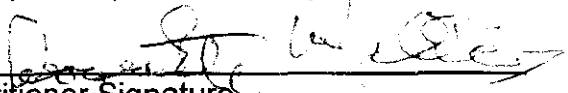
Case Number: VAC2004-00066

Petitioner(s), ANNETTE WILLIS
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, 4991 Dean Street, Fort Myers, FL 33905
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:


Petitioner Signature

Petitioner Signature

Annette Willis
Printed Name

Printed Name

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

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that she is the fee simple title holder and owner of record of property commonly known as 4991 Dean Street, having a STRAP number 09-44-25-14-00012.0000 and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. I hereby designate Henderson, Franklin, Starnes & Holt, P.A. and Cody B. Vaughan-Birch, Esq. 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 approval 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.

Annette Willis
Owner* (signature)

Annette Willis
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 24th day of September, 2004, by Annette Willis, who is personally known to me or who has produced A Florida driver license as identification and who did (did not) take an oath.

[Signature]
Notary Public

(SEAL)



Robert A. Winesett
MY COMMISSION # DD188851 EXPIRES
May 1, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

(Name typed, printed or stamped)



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

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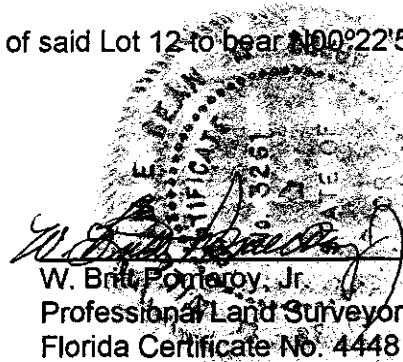
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Exhibit "A" Petition to Vacate VAC2004-00066 [Page One of One]

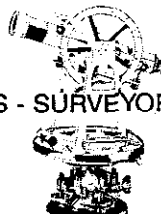
35561DESC1

6/15/04

PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
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CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



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- JAMES R. COLEMAN, PSM
- RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION
OF
PART OF DEAN STREET
ORTIZ SUBDIVISION
SECTION 9, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

P.O.C. DESC.
NE Corner
Lot 12

L1 = S78°26'20"E 25.00'
L2 = S47°24'28"E 20.00'
L3 = S89°12'18"E 27.34'

C1
R=50.00'
Δ=87°34'18"
L=76.42'
C=69.20'
CB=N74°07'38"W

N89°36'02"W

74.00'

S00°22'58"W 120.97'

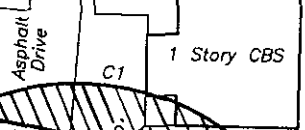
LOT 12

S00°22'58"W 165.00'

LOT 11

P.O.B. DESC.

Area to be vacated



Ortiz Subdivision,
Lot 12,
Section 9, Twp 44S, Rge 25E
Recorded in Plat Book 10,
Page 47 of the Public Records,
Lee County, Florida

50'

DEAN STREET

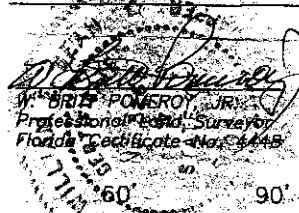
Asphalt Pavement

R = 50'

LOT 14

LOT 13

THIS IS NOT A SURVEY



P.O.C. = Point of Commencement
P.O.B. = Point of Beginning
DESC. = Description



Exhibit "B"
Petition to Vacate
VAC2004-00066
[Page One of One]

Bean, Whitaker, Lutz & Kareh, Inc. (L# 4819)					
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS					
13841-1 MCORRISON BOULEVARD, FORT MYERS, FLORIDA 33919-0910 (239) 481-1331					
SK35561.dwg					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-15-04	35561	WBP	1" = 30'	2 OF 2	9-44-25

Exhibit "C"
Petition to Vacate
VAC2004-00066
[Page One of One]

Lee County Tax Collector - Print Results



Real Property Information

Account	Tax Year	Status
09-44-25-14-00012.0000	2004	PAID
Original Account	Book/Page	
09-44-25-14-00012.0000	3598/1193	
Physical Address	Mailing Address	
WILLIS ANNETTE 4991 DEAN ST FORT MYERS FL 33905	WILLIS ANNETTE 4991 DEAN ST FORT MYERS FL 33905 USA	
Legal Description		
ORTIZ SUBD PB 10 PG 47 LOT 12.		
Outstanding Balance as of 12/9/2004		\$0.00

This instrument prepared by and for use in
Lee County, Florida

INSTR # 5382536

ROBERT A. WINESETT
AVERY, WHIGHAM & WINESETT, P.A.
2248 FIRST STREET
FORT MYERS, FLORIDA 33901

OR BK 03598 PG 1193

RECORDED BY: [unclear]
DATE RECORDED: [unclear]
LEE COUNTY
RECORDING FEE: [unclear]
200 [unclear]
DEPT. OF COUNTY CLERK

Property Appraisers Parcel Identification (Folio) Numbers:
09-44-25-14-00012.0000

Grantee SS #: 0643895

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the **13th** day of **March, A.D. 2002** by **Estella B. Rogers, a single woman** herein called the grantor, whose post office address is **6010 Jessica Street, Fort Myers, FL 33901**, to **Annette Willis, a single woman** whose post office address is **4991 Dean Street, Fort Myers, FL 33905**, hereinafter called the Grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00)** Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, viz:

Lot 12, ORTIZ SUBDIVISION, according to the plat thereof recorded in Plat Book 10, Page 47, of the public records of Lee County, Florida.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2001

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

Signed, sealed and delivered in the presence of:

[Signature]
Signature

Karlene Fickman
Printed Signature

[Signature]
Signature

Robert A. Winesett
Printed Signature

[Signature] L.S.
Estella B. Rogers

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this **13th** day of **March, 2002**, by **Estella B. Rogers** who is/are personally known to me or has produced Florida Driver License as identification.

SEAL

[Signature]
Notary Signature

Printed Notary Signature

My Commission Expires:



Robert A. Winesett
MY COMMISSION # CC814816 EXPIRES
May 1, 2003
BONDED THROUGH FIDELITY INSURANCE, INC.

Notice to Affected Property Owners

Attached please find notices sent to the affected property owners, Thomas Byrne and Estella Rogers, as determined by Lee County Development Services staff.



Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 16, 2004

VIA CERTIFIED MAIL

Thomas Byrne
525 N.W. 145th Street
North Miami, FL 33168

Strap No. 09-44-25-14-00011.0000

Re: Dean Street Vacation Notice

Dear Property Owner:

Please accept this letter as formal notice that Annette Willis is proposing to vacate a portion of Dean Street near your property. Lee County requires the applicant to serve this notice on all "affected property owners." Although your property located along Dean Street, has been determined to be an affected property, the proposed vacation will not affect your personal access to your property. As indicated in the enclosed sketch, this vacation will allow for Ms. Willis' existing home to conform to county setback requirements. If you have any questions, please feel free to contact myself or Lee County at **479-8587**.

Sincerely yours,

Cody B. Vaughan-Birch

CBV/cbv

Enclosure: sketch



Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 16, 2004

VIA CERTIFIED MAIL

Estella B. Rogers
6010 Jessica Street
Ft. Myers, FL 33905

Strap No. 09-44-25-14-00013.0000

Re: Dean Street Vacation Notice

Dear Property Owner:

Please accept this letter as formal notice that Annette Willis is proposing to vacate a portion of Dean Street near your property. Lee County requires the applicant to serve this notice on all "affected property owners." Although your property located along Dean Street, has been determined to be an affected property, the proposed vacation will not affect your personal access to your property. As indicated in the enclosed sketch, this vacation will allow for Ms. Willis' existing home to conform to county setback requirements. If you have any questions, please feel free to contact myself or Lee County at 479-8587.

Sincerely yours,

Cody B. Vaughan-Birch

CBV/cbv

Enclosure: sketch



LEE COUNTY
SOUTHWEST FLORIDA

239-479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

December 16, 2004

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

Cody Vaughan-Birch, Esq.
Henderson, Franklin, P.A.,
P.O. Box 280,
Fort Myers, FL 33902

Re: **VAC2004-00066 - Petition to Vacate** the Public's Interest in portion of the platted Dean Street Right-of-Way adjacent to Lot 12

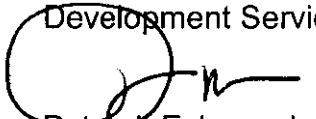
Dear Mr. Vaughan-Birch:

This office has received your request to vacate the above referenced portion of the platted Right-of-Way of Dean Street adjacent to a residential lot located on 4991 Dean St., Fort Myers, Florida and the reference strap number is 09-44-25-14-00012.0000. The road to be vacated include a portion of platted Right-of-Way being part of Dean Street, Lot 12, Ortiz Subdivision, as recorded in Plat Book 10, Page 47, lying in Section 9, Township 44 South, Range 25 East, of the Public Records of Lee County, Florida. The reason of this vacation is to allow the property owner to convey title to the existing single-family residence on the subject parcel. Due to a construction error, which occurred when the home was constructed in 1958, a portion of the existing structure is located within the road right-of-way. 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:\200412\20041025.155\1566780\DCDLETTER.DOC

Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

October 25, 2004

Mr. Pete Eckenrode
Lee County Development Services
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

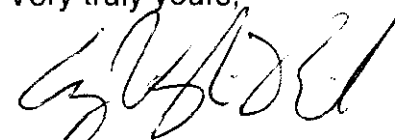
Re: Petition to Vacate a portion of the right of way adjacent to 4991 Dean
Street Fort Myers, FL
STRAP# 09-44-25-14-00012.0000

Dear Mr. Eckenrode:

Please accept this letter regarding the above-referenced petition to vacate. The reason and purpose of the requested vacation is to allow the property owner to comply with county setback requirements for the existing home on the subject parcel. Due to a surveyor's error when the house was originally constructed, the existing structure is built within the required setbacks for the roadway. The owner, Ms. Willis, is unable to convey the property because of various title issues, the setback problem being one of them. The granting of this petition to vacate will allow Ms. Willis to convey the property, while not affecting the surrounding property owners, or causing any adverse effects on the functionality of Dean Street.

It is my hope that we may proceed with this petition to vacate as expediently as possible to allow Ms. Willis to exercise her right to convey the property. If you have any questions, please do not hesitate to contact me directly, and thank you in advance for your consideration.

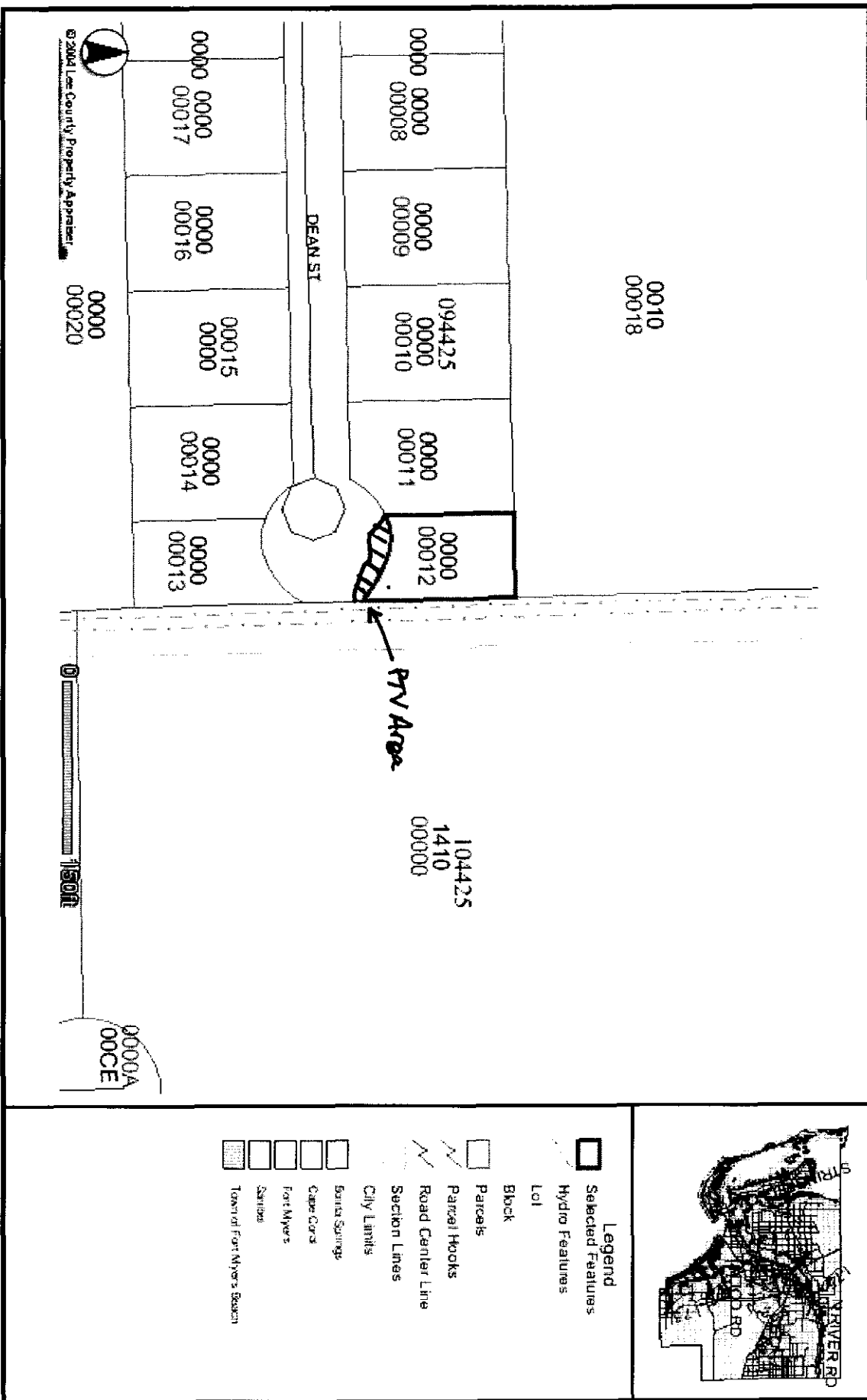
Very truly yours,



Cody B. Vaughan-Birch

CBV/

Lee County Map



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•

Russ Reed
Customer Project Manager
2425 Thompson St
Ft Myers, FL 33917
Phone 239-332-9167
Fax 239-332-9128

Florida Power & Light

October 19, 2004

Cody B. Vaughan-Birch
Henderson / Franklin Attorneys At Law
1715 Monroe St
Ft Myers, FL 33901
P O Box 280
Ft Myers, FL 33902
Phone 239-334-4121
Fax 239-334-4100

Dear Sir:

Florida Power & Light has no objection to vacating the easement on the South side of Lot 12 Dean Street Ortiz Subdivision per your sketch dated June 15th, 2004. Lot 12 has the following strap number:

STRAP # 09 - 44 - 25 - 14 - 00012.0000

If I may be of further assistance, please do not hesitate to contact me at 239-332-9167.

Sincerely,



Russ Reed
Customer Project Manager

.....



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

September 24, 2004

Henderson Franklin Attorneys at Law
1715 Monroe Street
Fort Myers Fl. 33901
PO Box 280 Ft. Myers Fl. 33902

Re: Letter of request for Vacation of Right of Way 4991 Dean Street Fort Myers Fl.
Strap # 09-44-25-14-00012.0000

To: Cody B. Vaughn-Birch

Sprint Florida has no objection to your proposed vacation as described in your attachments of the letter dated September 16, 2004 same subject. If you have any further questions please contact me at 239-336-2032.

Sincerely

A handwritten signature in cursive script that reads "Dick".

Richard Hayman
Network Engineer
Sprint Florida LTD.

Cc: eh



26930 Old U.S. 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483

December 15, 2004
Henderson/Franklin Attorneys At Law
Cody B. Vaughan-Birch
1715 Monroe Street
Fort Myers, Florida 33901

Re: 4991 Dean Street, Lot 12, Strap# 09-44-25-14-00012.0000

Dear Coby B. Vaughan-Birch:

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,

Mark Cook
Design Coordinator



Bonita Technical Office
26930 Old US 41
Bonita Springs, Fl 34135
Fax 239-498-4483
Office 239-415-4741

Fax

To:	Cody B. Vaughn	From:	MARK COOK
Fax:	344-1200	Date:	12-15-04
Phone:		Pages:	2
Re:			
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply			

Comments



December 15, 2004

Mr. Vaughn-Birch
Henderson / Franklin
715 Monroe Street
Fort Myers, Florida 33901

RE: Vacation of right-of-way
4991 Dean Street, Fort Myers, Florida

Dear Mr. Vaughn-Birch:

Your request for the above listed vacation of right of way has been reviewed. At this time, Time Warner Cable no facilities in this area and no future build anticipated. Time Warner Cable has **NO CONFLICT** with this proposed vacation of right of-way.

If you have any further questions or concern, please do not hesitate to contact me at (239) 772-2218, Ext. 79247.

Sincerely,

TIME WARNER CABLE

Adnaldo Rodriguez
Technical Field Inspector

AR/sgs

AmeriGas

America's Propane Company

September 28, 2004

Cody B. Vaughan-Birch
Henderson-Franklin
1715 Monroe Street
Fort Myers, Florida 33901

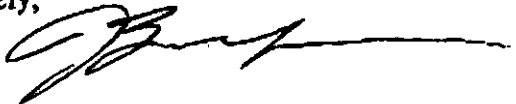
Dear Cody:

In reference to your letter faxed September 16, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO: 09-44-25-14-00012.0000

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Jim Riefstahl
Sales & Service Manager



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

August 19, 2004

Mr. Cody B. Vaughan-Birch
Henderson/Franklin
Attorneys at Law
P.O. Box 280
Ft. Myers, FL 33902-0280

RE: 4991 Dean Street, Fort Myers, FL; more specifically, a portion of Dean Street
in the Ortiz subdivision located in Section 9, Township 44S, Range 25E, Lee
County, Florida.

Dear Mr. Vaughan-Birch:

In response to your letter we received on August 9, 2004 our staff conducted a review of
your request to vacate the subject area as marked and generally described as: That
portion of proposed right of way or road easement vacation at the above referenced
location.

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

Sincerely,

A handwritten signature in black ink that reads "Tom Kasten".

Tom Kasten
Right of Way Agent
Property Management

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



ATIF/WMS

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

July 7, 2004

Charles J. Basinait, Esq.
Henderson Franklin
1715 Monroe Street
Fort Myers, FL 33901

**RE: Request to Vacate a portion of the platted
Right-of-way – 4991 Dean Street**

Dear Mr. Basinait:

Lee County Department of transportation has reviewed the request to vacate a portion of the platted right-of-way of Dean Street. Based upon a site inspection and review of the plat, DOT offers no objection to the vacation.

I trust this responds to the request for review and recommendation and should any additional information be required, please do not hesitate to contact me.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Terry Kelley, Utilities
Ruth Keith, Development Services
Allen Davies, Natural Resources
DOT ROW File (Dean Street)

S:\DOCUMENT\Petition To Vacate\2004\Dean Street.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Thursday, October 14, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

Mr. Cody B. Vaughn-Birch
Henderson Franklin
1715 Monroe Street
Fort Myers, FL 33901

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Re: Petition to Vacate a portion of Dean Street right-of-way, adjacent to Lot 12 of Ortiz Subdivision, as recorded in Plat Book 10, Page 47, public records of Lee County, Florida.

Diana M. Parker
County Hearing Examiner

Dear Mr. Vaughn-Birch:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a portion of the subject right of way.

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

S:\NATRES\SURFACE\DOCUMENT\vac463.doc



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

September 29, 2004

Douglas R. St. Cerny
District Two

Cody B. Vaughan-Birch
Henderson, Franklin - Attorneys at Law
Post Office Box 280
Fort Myers, FL 33902

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

**SUBJECT: REVIEW & RECOMMENDATION
PROPOSED RIGHT-OF-WAY VACATION
STRAP #S: 09-44-25-14-00012.0000**

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Dear Mr. Vaughan-Birch:

Diana M. Parker
County Hearing
Examiner

Lee County Utilities is in receipt of your letter and associated attachments concerning the proposed Petition to Vacate a portion of the existing Dean Street right-of-way adjacent to the above-mentioned parcel.

Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation. However, please be advised that record drawings indicate that Lee County Utilities owns and maintains potable water and sanitary sewer facilities within the Dean Street right-of-way near the area to be vacated. Lee County Utilities' position of '**NO OBJECTION**' is based in part, on the belief that these facilities are located outside of the area to be vacated and will not be affected by or in conflict with the proposed vacation.

If it is later determined that these facilities extend into the area to be vacated, they must either be relocated at the petitioner/owner's expense or a Lee County Utilities' Perpetual Public Utility Easement must be granted for access and maintenance of these facilities.

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 #334-4100
Original Mailed 09/29/04

cc: Correspondence File

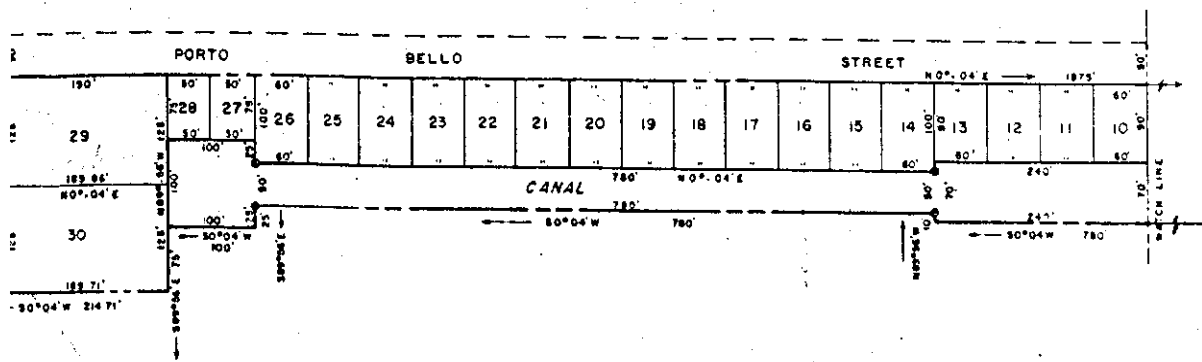
S:\Engr\TAK\LETTERS\VAC\FY 2004\Henderson-Franklin - Un-named R-O-W Vacation - Dean Street - No Objection.doc

CERTIFICATE OF SURVEYOR

STATE OF FLORIDA }
 COUNTY OF LEE } S.S.
 I, the undersigned registered land surveyor certify that this plat is a true representation described and shown to the best of my knowledge and belief and that the permanent reference marks have been placed as required in Survey Laws of 1931

J.V. Mosby
 J.V. MOSBY
 Reg. Land Surveyor - Fla. Cal

Date of Survey AUGUST 2, 1956

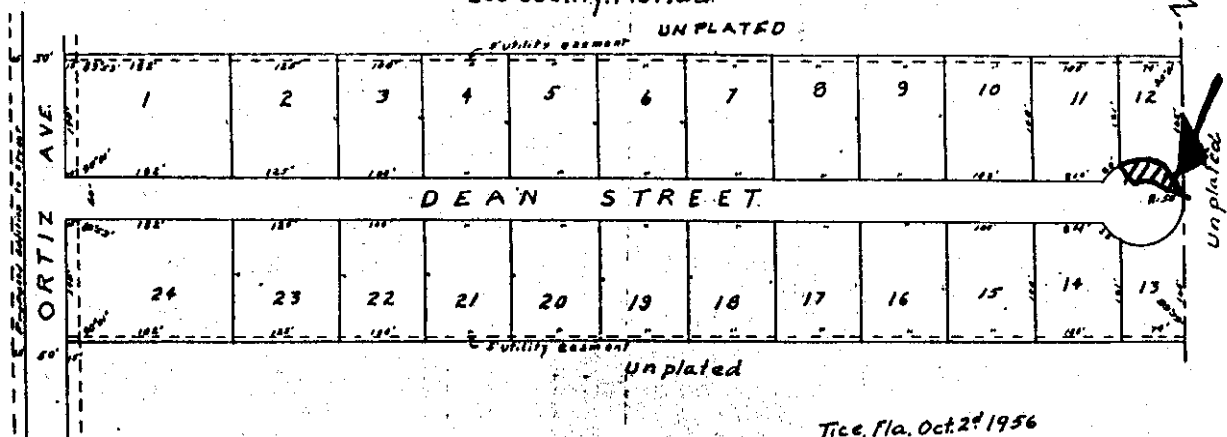


SURVEY AND PLAT BY:
 MOSBY ENGINEERING ASSOCIATES, INC.
 2259 BEE RIDGE ROAD, SARASOTA, FLA.

10 47

Plat Book 10 Page 47

ORTIZ Subdivision of
 The South 1/2 of North 1/2 of SE 1/4 of NE 1/4 Sec. 9, Tp. 44S, R. 25E
 Lee County, Florida.



N
 Scale, 1"=100ft.

Tice, Fla. Oct. 2^d 1956

This plat and the survey, there of were carefully made by me and markers placed in compliance with section 7, Chapter, 10275, Laws of Florida, Acts of 1925.

Earl S. Royer
 Civil Engr #680, Surveyor #673

We, W.A. Dean and Mary Edna Dean, husband and wife, sole owners, of land above described. Have caused this plat and the survey thereof to be made according to our desire and do here dedicate street as shown to public use forever.

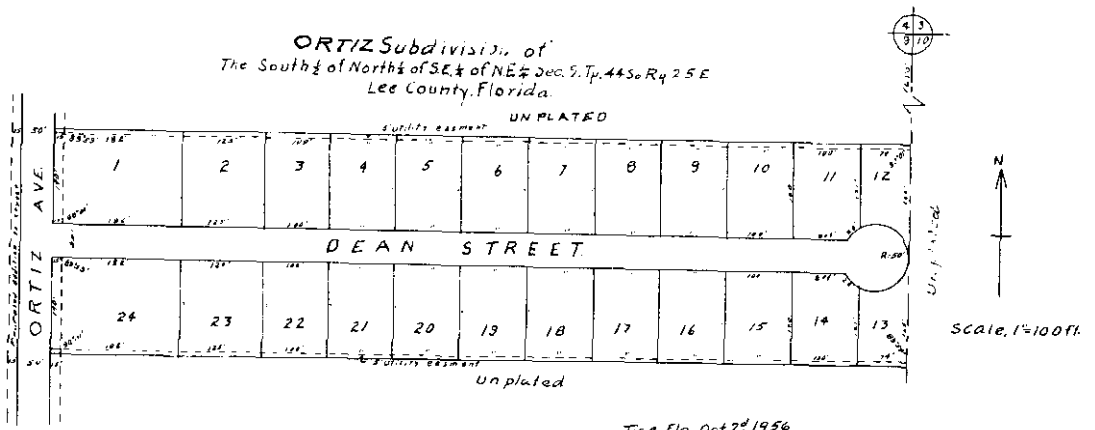
Witness *Earl S. Royer* signed *William A. Dean*
M. A. G. ... *Mary E. Dean*

State of Florida,
 County of Lee, Before me, a notary public, having authority in Lee County and The State of Florida at large. Today before me, personally appeared W.A. Dean and, his wife, Mary Edna Dean, to me well known, who each, did acknowledge the signing this instrument for the purpose indicated with my hand and official seal, Done at Tice, Lee Co., Florida, This 2^d day of October, 1956

Therese H. Crow Notary Public
 My commission expires October 7, 1956

Approved by the Board of County Commissioners of Lee County Florida. In open session, October 17, 1956.
 Attest *D. J. Farabee* Clerk, Signed *W. ...*

This plat was examined by me, and found to comply with chapter 10275 Laws of Florida, Acts of 1925.
 Received for record October 14th 1956
 Instrument Number
 Recorded in Plat, 10, Page 47
 # 374073
D. J. Farabee
 Clerk of The Circuit Court in and for Lee County, Florida



Tice, Fla. Oct 20 1956
 This plat and the survey thereof were carefully made by me and markers placed in compliance with section 7, Chapter 10275, Laws of Florida, Acts of 1925
Carl S. Royer
 civil Engr. No 680, Surveyor '673

We, W.A. Dean and Mary Edna Dean, husband and wife, sole owners, of land above described. Have caused this plat and the survey thereof to be made according to our desire and do here dedicate street as shown to public use forever.

witness Carl S. Royer signed William H. Dean
Mary Edna Dean

State of Florida,
 County of Lee, Before me, a notary public, having authority in Lee County and The State of Florida at large. Today before me, personally appeared W.A. Dean and, his wife, Mary Edna Dean, to me well known, who each, did acknowledge the signing this instrument for the purpose indicated
 witness my hand and official seal, Done at Tice, Lee Co., Florida, This 20 day of October, 1956
Mary H. Conrad Notary Public
 My commission expires October 7, 1956

Approved by the Board of County Commissioners of Lee County Florida, in open session, Oct 17, 1956
 Attest D. J. Farabee Clerk, Signed William H. Dean Chairman

This plat was examined by me, and found to comply with Chapter 10275 Laws of Florida, Acts of 1925
 174073 Received for Record October 19 1956
 Instrument Number
 Recorded in Plat, 10, Page 47
 Clerk of The Circuit Court in and for Lee County, Florida

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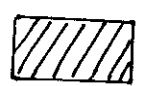
ORTIZ SUBD

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Area to be vacated