

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a 12-foot wide Public Utility Easement located at 534 & 538 Meadow Rd., Lehigh Acres, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 22nd day of March, 2005. (Case No. VAC2004-00067)

WHY ACTION IS NECESSARY: To build a commercial building on the combined lots. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4C

3. MEETING DATE:

02-15-2005

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]* 1/24/05

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00067 was submitted by Smutney's Concrete & Pumping, Inc.

LOCATION: The site is located at **534 & 538 Meadow Rd., Lehigh Acres, Florida 33971** and its strap numbers are 05-45-26-03-00036.0180 and 05-45-26-03-00036.0200. Petition No. VAC2004-00067 proposes to vacate a twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 19 and 20; both in Block 36, Unit 3, Section 5, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 83 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northeasterly six feet and southwesterly six feet of each easement.

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			G County Manager
					OM	Risk	GC	
<i>MAM (Gib)</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i> 2/2/05	<i>[Signature]</i> 2/3/05	<i>[Signature]</i> 2/3/05	<i>[Signature]</i> 2-3-05

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty

Date: *2/1/05*

Time: *11:45 AM*

Forwarded to:

2/2/05 2:52 PM

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
<i>2/2/05</i>
<i>3:40 PM</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>2/2/05</i>
<i>2 PM</i>

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00067

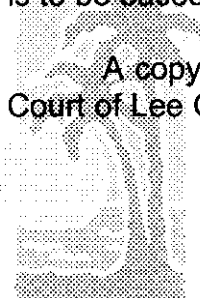
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 22nd day of March 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

S O U T H W E S T F L O R I D A

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00067

Legal Description of the Public Utility Easements to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 19 and 20; both in Block 36, Unit 3, Section 5, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 83 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly six feet of each easement.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00067**

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. VAC2004-00067 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00067

Legal Description of the Public Utility Easements to be Vacated:

The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 19 and 20; both in Block 36, Unit 3, Section 5, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 83 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly six feet of each easement.



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00067

Petitioner(s), Smutney's Concrete & Pumping, Inc., a Florida Corporation
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, 534 Meadow Rd., Lehigh Acres, FL 33971.
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.

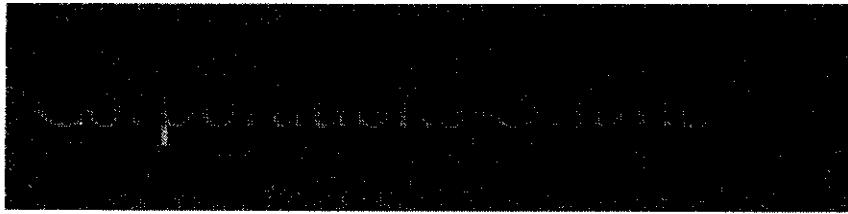
Respectfully Submitted by:

Kurt Smutney, Vice-President
 Petitioner Signature Petitioner Signature

Kurt Smutney, Vice President
Printed Name

Printed Name

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



Florida Profit

SMUTNEY'S CONCRETE & PUMPING INC.

PRINCIPAL ADDRESS
 534 MEADOW ROAD
 LEHIGH ACRES FL 33971
 Changed 07/28/2004

MAILING ADDRESS
 534 MEADOW ROAD
 LEHIGH ACRES FL 33971
 Changed 07/28/2004

Document Number
 P01000078229

FEI Number
 651096016

Date Filed
 08/06/2001

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Registered Agent

Name & Address
SMUTNEY, JASON 3709 41ST ST. SW LEHIGH ACRES FL 33971

Officer/Director Detail

Name & Address	Title
SMUTNEY, JASON 3709 41ST ST. SW LEHIGH ACRES FL 33971	PD
SMUTNEY, KURT 414 CACTUS CIRCLE LEHIGH ACRES FL 33936	VP

Annual Reports

))

EXHIBIT "A"
Petition to Vacate
VAC2004-00067

Legal Description of the Public Utility Easements to be Vacated:

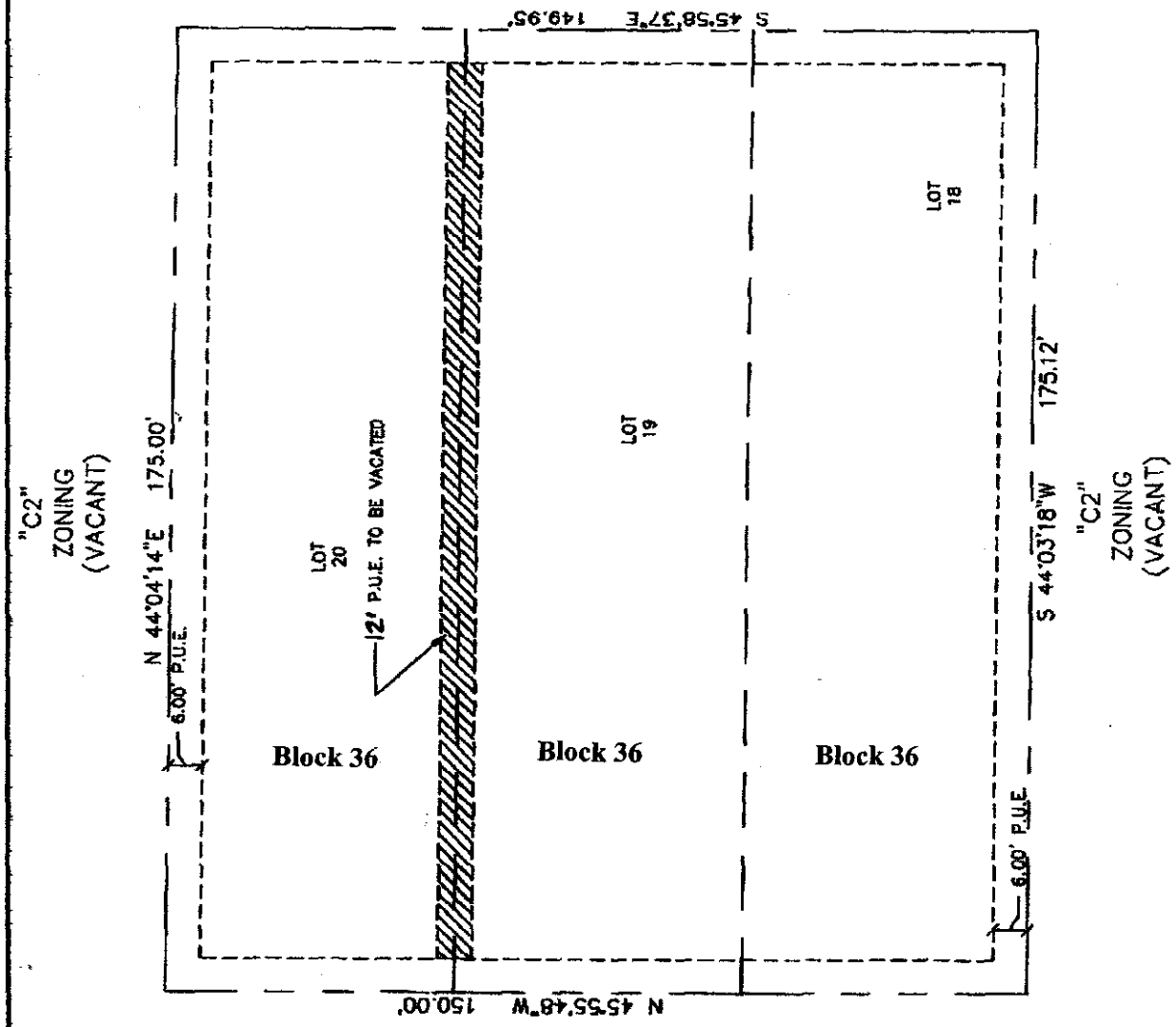
The twelve-foot (12') wide Public Utility Easement centered on the common lot line between Lots 19 and 20; both in Block 36, Unit 3, Section 5, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15 at Page 83 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly six feet of each easement.



S.R. 82
(200' R/W)

Exhibit "B"
Petition to Vacate
VAC2004-00067
[Page One of One]



MEADOW ROAD
(80' R/W)

STRAP NUMBERS:
05-45-26-03-00036-0200
05-45-26-03-00036-0180

Lehigh Estates,
A Subdivision of Lehigh Acres,
Lots 19 & 20, Block 36, Unit 3,
Section 5, Twp 45S, Rge 26E
Recorded in Plat Book 15,
Page 83 of the Public Records,
Lee County, Florida

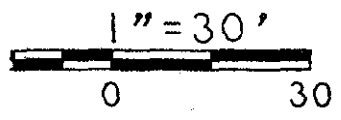


Exhibit "C"
Petition to Vacate
VAC2004-00067
[Page One of One]

[View Cart](#)

[Checkout](#)

[Help](#)

Real Property Information

Account	Tax Year	Status
05-45-26-03-00036.0180	2004	PAID
Original Account	Book/Page	
05-45-26-03-00036.0180	3824/2619	
Physical Address	Mailing Address	
SMUTNEYS CONCRETE + PUMPING 534 MEADOW RD LEHIGH ACRES FL 33971	SMUTNEYS CONCRETE + PUMPING 3709 41ST ST SW LEHIGH ACRES FL 33971 USA	
Legal Description		
LEHIGH ESTATES UNIT 3 BLK 36 PB 15 PG 83 LOTS 18 + 19		
Outstanding Balance as of 12/10/2004		\$0.00

[View Cart](#)

[Checkout](#)

[Help](#)

Real Property Information

Account	Tax Year	Status
05-45-26-03-00036.0200	2004	PAID
Original Account	Book/Page	
05-45-26-03-00036.0200	4301/3605	
Physical Address	Mailing Address	
SMUTNEYS CONCRETE + PUMPING 538 MEADOW RD LEHIGH ACRES FL 33971	SMUTNEYS CONCRETE + PUMPING 3709 41ST ST W LEHIGH ACRES FL 33971 USA	
Legal Description		
LEHIGH ESTATES UNIT 3 BLK 36 PB 15 PG 83 LOT 20		
Outstanding Balance as of 12/10/2004		\$0.00



Return to: Sandra Jones
Name: Executive Title Insurance Services, Inc.
Address: 1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

INSTR # 5684688
OR BK 03824 PG 2619
RECORDED 01/16/2003 09:56:06 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 42.00
DEPUTY CLERK M Bernard

This Instrument Prepared:
Sandra Jones
Executive Title Insurance Services, Inc.
1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
05-45-26-03-00036.0180

File No:7021456

WARRANTY DEED

This Warranty Deed Made the 31st day of December, 2002, by

Thorvald D. Hansen and Phyllis Hansen, Husband and Wife,

hereinafter called the grantor, whose post office address is:

524 Pennview Avenue, Lehigh Acres, FL 33936

to Smutney Concrete & Pumping Incorporated, A Florida Corporation,

whose post office address is:

3709 41st Street SW, Lehigh Acres, FL 33971,

hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, viz:

Lot 18, Block 36, Unit 3, Lehigh Estates, Lehigh Acres, Florida, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 83, Public Records of Lee County, Florida. Subject to reservations, restrictions, and Easements of record, and taxes for the calendar year. Reserving however, all oil, gas, and mineral rights.

The property is not the homestead of the Grantor(s).
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.

Page 2 of 2-Warranty Deed

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES

(TWO SEPARATE WITNESSES REQUIRED)

1st Witness Signature: [Signature]
Printed Name: Sandra L. Jones

[Signature]
Thorvald D. Hansen

2nd Witness Signature: [Signature]
Printed Name: Brand Johnson

[Signature]
Phyllis Hansen

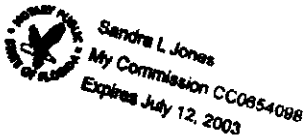
STATE OF SC
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 3rd day of January, 2002, by Thorvald D. Hansen and Phyllis Hansen, Husband and Wife, who is/are personally known to me or who has/have produced driver license(s) as identification, and who did / did not take an oath.

My Commission Expires:

[Signature]
Notary Signature
Print Name: Sandra L. Jones
Serial Number

SEAL





Return to: Sandra Jones
Name: Executive Title Insurance Services, Inc.
Address: 1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

INSTR # 5686700
OR BK 03826 PG 1315
RECORDED 01/17/2003 10:56:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 35.00
DEPUTY CLERK J Miller

This Instrument Prepared:
Sandra Jones
Executive Title Insurance Services, Inc.
1140 Lee Boulevard Suite 111
Lehigh Acres, Florida 33936

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
05-45-26-03-00036.0190

File No:7021455

WARRANTY DEED

This Warranty Deed Made the 30th day of December, 2002, by

R. L. Green and Vivien Green, Husband and Wife,

hereinafter called the grantor, whose post office address is:

2211 S. Christiana Avenue, Chicago, IL 60623

to **Smutney Concrete & Pumping Incorporated, A Florida Corporation,**

whose post office address is:

3709 41st Street SW, Lehigh Acres, FL 33971,

hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, viz:

Lot 19, Block 36, Unit 3, Lehigh Estates, Lehigh Acres, Florida, according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 83, Public Records of Lee County, Florida. Subject to reservations, restrictions, and Easements of record, and taxes for the calendar year. Reserving however, all oil, gas, and mineral rights.

The property is not the homestead of the Grantor(s).
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.

Page 2 of 2-Warranty Deed

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES

(TWO SEPARATE WITNESSES REQUIRED)

1st Witness Signature: [Signature]
Printed Name:

R. L. Green
R. L. Green

2nd Witness Signature: [Signature]
Printed Name:

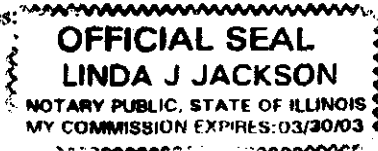
Vivien Green
Vivien Green

STATE OF IL

COUNTY OF COOK

The foregoing instrument was acknowledged before me this 2 day of Jan, 2003 by R. L. Green and Vivien Green, Husband and Wife, who is/are personally known to me or who has/have produced driver license(s) as identification, and who did / did not take an oath.

My Commission Expires:



SEAL

[Signature]
Notary Signature
Print Name:
Serial Number



This Instrument Prepared by and return to:

Name: Patricia Regas
Tradewinds Title, Inc.
Address: 904 Lee Blvd., Suite 106
Lehigh Acres, FL 33936

INSTR # 6278598 (2)
OR BK 04301 Pgs 3605 - 3606 (2pgs)
RECORDED 05/19/2004 10:28:33 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.50
DEED DOC 126.00
DEPUTY CLERK P Johnston

62834
Parcel I.D. #: 05-45-26-03-00036.0200
Recording Fee \$10.50 Doc Stamps \$126.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 28 day of April
A.D. 2004, by **ELIZABETH C. KERWIN**, hereinafter called the grantor, to **SMUTNEY'S
CONCRETE & PUMPING, INC.**, a Florida Corporation, having its principal place of business
at 3709 41st St. SW, Lehigh Acres, FL 33971, hereinafter called the grantee:

*(Wherever used herein the terms "grantor" and "grantee" include all the parties
to this instrument, singular and plural, the heirs, legal representatives and
assigns of individuals, and the successors and assigns of corporations, wherever
the context so admits or requires.)*

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other
valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain,
sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in
Lee County, State of Florida, viz:

Lot 20, Block 36, Unit 3, Lehigh Estates, Section 5, Township 45 South, Range
26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of
the Clerk of the Circuit Court recorded in Plat Book 15, Page 83, Public Records
of Lee County, Florida.

**SUBJECT TO TAXES FOR THE YEAR 2004 AND SUBSEQUENT YEARS, RESTRICTIONS,
RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.**

*Subject Property is not now nor has it ever been the homestead property of the grantor. Subject
property is vacant land.*

*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 he is lawfully seized of said land in fee simple;
that he has good right and lawful authority to sell and convey said land, and hereby fully 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, 2003.*

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:

Must be witnessed by two separate people not related to seller or buyer

[Handwritten Signature]

1st Witness Signature

Elizabeth C. Kerwin L.S.
Elizabeth C. Kerwin
Address:
1675 Norton Estates Dr., Snellville, GA 30078

Christopher York

Printed Name

[Handwritten Signature]

2nd Witness Signature

GINA JONES

Printed Name

State of Georgia

County of DeKalb

The foregoing instrument was acknowledged before me this 28 day of April, 2004, by Elizabeth C. Kerwin, who is known to me or who has produced _____ as identification and who did (did not) take an oath.

[Handwritten Signature]

Name of Notary
JERRY GASKIN
JANUARY 10, 2007
My Commission Expires January 10, 2007
DEKALB COUNTY, GEORGIA

Notary Seal:



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

January 21, 2005

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*

Kurt Smutney
Smutney's Concrete & Pumping, Inc.
534 Meadow Road,
Lehigh Acres, FL 33971

Re: **VAC2004-00067 - Petition to Vacate** a 12-foot wide Public Utility Easement on the combined lots of 19 and 20, Block 36, Unit 3, Lehigh Acres, S 5, T 45S, R 26E, as recorded in Plat Book 15, Page 83, in the public records of Lee County, FL

Dear Mr. Smutney:

You have indicated that in order to build a commercial building on the combined lots, you desire to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 534 & 538 Meadow Rd., Lehigh Acres. 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:\200501\20041026.115\2224680\DCDLETTER.DOC



Layout Thru Tie-Beam
"Concrete Specialists"

Office: (239) 303-0750
Fax: (239) 303-0784

Free Estimates - Licensed and Insured #014043

Lee County Board of County Commissioners
Department of Community Development

January 4, 2005

RE: Request for Vacation of Easement

Dear Sir / Madam;

Commercial This is a request for vacation of easement for future development of a building site at **534 Meadow Road, Lehigh Acres, FL**, Strap Numbers: **05-45-26-03-00036-0200, 05-45-26-03-00036-0180, and 05-45-26-03-00036-0190** described in Plat Book 15, page 83 as Lehigh Estates Unit 3, Block 36, Lot 20 and Plat Book 15, page 83 as Lehigh Estates Unit 3, Block 36, Lots 18 & 19 of the Public Records of Lee County, Florida.

Please contact me at the following daytime telephone numbers if needed:

Office: (239) 303-0750

Mobile: (239) 633-2118

Sincerely,

Kurt R. Smutney

Vice President

Smutney's Concrete & Pumping, Inc.



Eric Walther
Associate Project Designer
15834 Winkler Rd
Ft. Myers, FL 33908
415-1348 Office
415-1350 FAX

To Smutney Concrete,

Florida Power & Light has no objection to the vacation of the easement described in your petition and shown in your documentation, provided that good and sufficient easements are granted to provide electrical service to the property upon further or future development.

FPL does, however, have electrical facilities along the road, either in the PUE or in the right of way. This document is not to be interpreted as an instrument to vacate these easements.

Sincerely,

Eric Walther
FPL



June 28, 2004

Mr. Kurt Smutney
534 Meadow Road
Lehigh Acres, Florida 33971

Re: Vacation of Public Utility Easement:
A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 19 & 20, Block 36, Unit 3, Section 05, Township 45S, Range 26E.
Strap No. – 05-45-26-03-00036.0180
534 Meadow Road

Dear Mr. Smutney:

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**

June 8, 2004

Smutney Concrete & Pumping Inc
C/O Kurt Smutney
534 Meadow Rd
Lehigh Acres, FL 33971

Re: 534 Meadow Rd, Lehigh Acres, Fl 33971
Vacate easement

Dear Kurt Smutney,

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 that reads "Mark Cook". The signature is written in a cursive, flowing style.

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

July 19, 2004

Kurt R. Smutney
Smutney Concrete & Pumping Inc.
534 Meadow Road
Lehigh Acres, FL 33971

RE: Vacation of Easement for Lots 19 and 20, Block 36 in Lehigh

Dear Mr. Smutney:

The FGUA Board met July 16, 2004 and 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 July 16, 2004.

The vacation of easement was requested for the 12-foot wide (6-feet on each side) utility and drainage easement on the common line of Lot 19 and 20 of Block 36 (excluding the northeasterly and southwesterly 6 feet). The request is made for the purpose of combining lots for commercial business expansion. All lots in this subdivision have 6-foot utility easements around all sides.

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 Sweat", is written over a horizontal line.

Charles Sweat
Director of Operations

AmeriGas

America's Propane Company

August 30, 2004

Kurt Smutney
Smutney Concrete & Pumping Inc.
534 Meadow Road
Lehigh Acres, Florida 33971

Dear Mr. Smutney:

In reference to your letter faxed August 30, 2004, AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO: 05-45-26-03-00036.0180

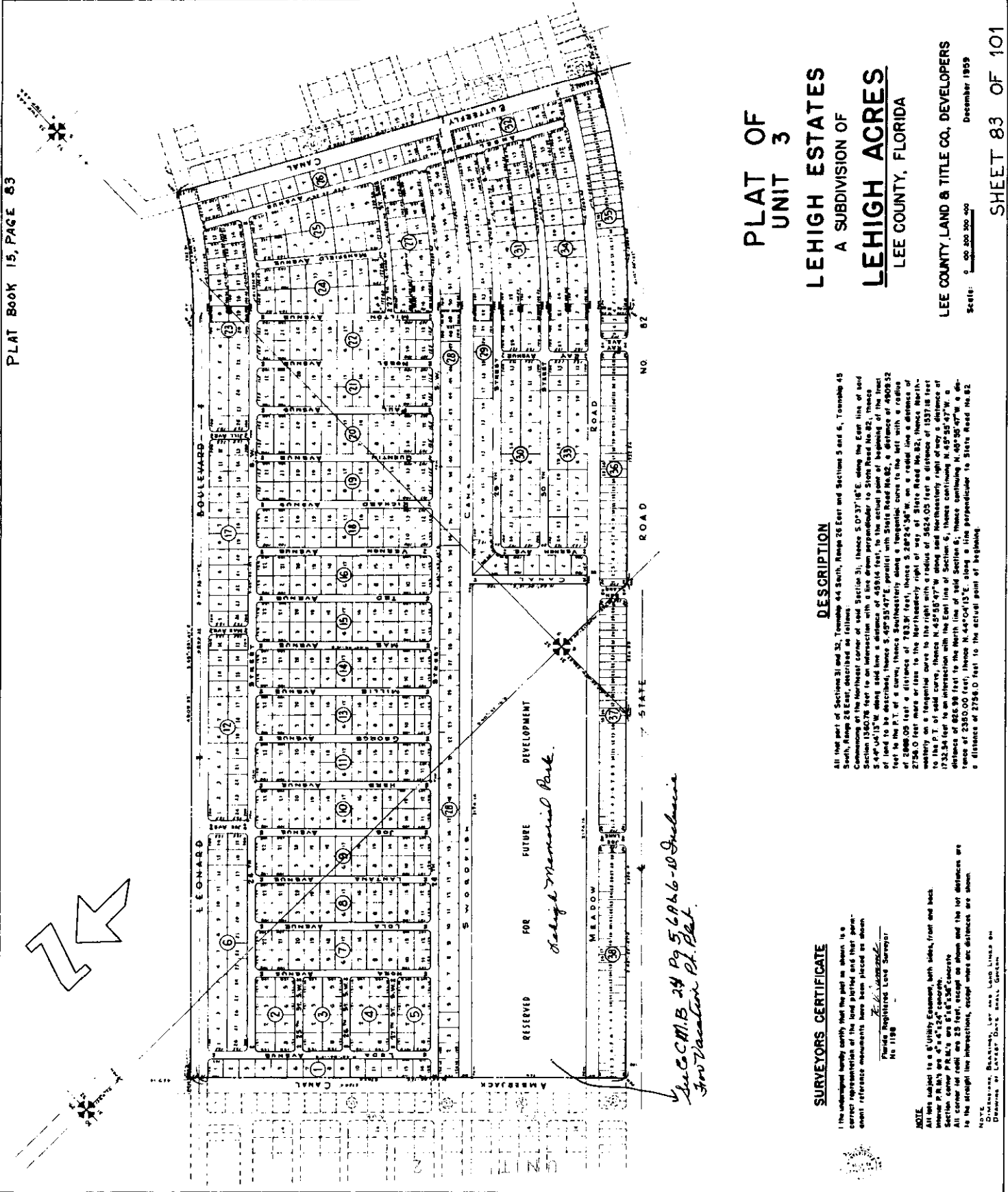
STRAP NO: 05-45-26-03-00036.0190

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

Sincerely,



Mike Yonker
Sales & Service Manager



PLAT OF
UNIT 3

LEHIGH ESTATES
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO., DEVELOPERS
December 1959
Scale: 1" = 50' 000 000

SHEET 83 OF 101

DESCRIPTION

All the part of Sections 31 and 32, Township 44 South, Range 26 East and Sections 5 and 6, Township 45 South, Range 26 East, described as follows:
Commencing at the Northeast corner of said Section 31, thence S.07°37'18"E, along the East line of said Section 1360.78 feet to an intersection with a line drawn perpendicular to State Road No. 82, thence S.44°04'15"W, along said line a distance of 459.14 feet, to the actual point of beginning of the tract to be described, thence S.49°55'47"E, parallel with State Road No. 82, a distance of 4808.52 feet to the P.T. of a curve; thence Southwesterly along a tangential curve to the left with a radius of 2806.05 feet a distance of 783.91 feet, thence S.28°24'38"W, on a radial line a distance of 2806.05 feet to the Northwesterly right of way of State Road No. 82, thence Northwesterly along the right of way of State Road No. 82 a distance of 364.05 feet to the P.T. of a curve, thence N.45°58'57"W, along a radial line a distance of 1732.34 feet to an intersection with the East line of said Section 5, thence continuing N.45°58'57"W, a distance of 825.98 feet to the North line of said Section 5, thence continuing N.45°58'57"W, a distance of 2350.00 feet; thence N.44°04'15"E, along a line perpendicular to State Road No. 82 a distance of 2756.0 feet to the actual point of beginning.

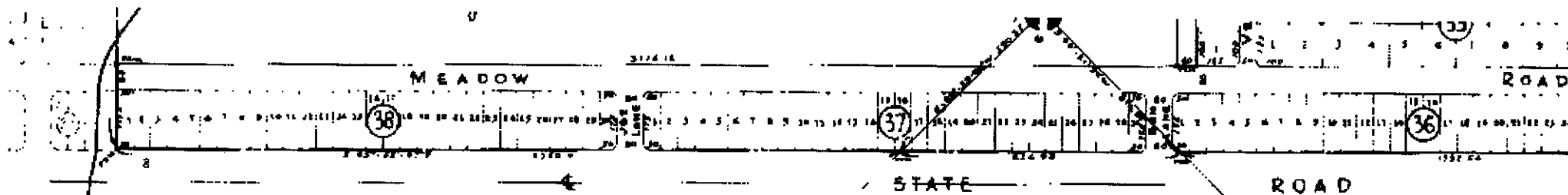
SURVEYORS CERTIFICATE

I, the undersigned, hereby certify that the plat as shown, is a correct representation of the land platted and that permanent reference monuments have been placed as shown.
Florida Registered Land Surveyor
No. 1128

NOTE:

All lots subject to a Utility Easement, both sides, front and back. General P.L.M.S. No. 4, of 1947, Chapter 10, Section 10.01, Florida Statutes. All corners for each lot are 25 feet, except as shown and the lot distances are to the straight line intersection, except where distances are shown.
NOTE: Dimensions, Bearings, Lot and Land Lines are Drawings or Larger Date small Given.

*See C.C.M.B. 24 Pg 56966-10 Suburban
And Vacation Pt. Plat.*



See Co. M. B. 24 Pg 5, 6 A to 6-D Inclusion
 For Vacation Pt. Plat.

SURVEYORS CERTIFICATE

I the undersigned hereby certify that the plat as shown is a correct representation of the land platted and that permanent reference monuments have been placed as shown

F. L. Swannell
 Florida Registered Land Surveyor
 No 1198

NOTE.

All lots subject to a 6' Utility Easement, both sides, front and back.
 Interior P.R.M.'s are 4" x 4" x 24" concrete.
 Section corner P.R.M.'s are 6" x 6" x 36" concrete
 All corner lot radii are 25 feet, except as shown and the lot distances are to the straight line intersections, except where arc distances are shown.

NOTE.

DIMENSIONS, BEARINGS, LOT AND LAND LINES ON DRAWING OF LATEST DATE SHALL GOVERN

DESCRIPTION

All that part of Sections 31 and 32, Township 44 South, Range 26 East and Sections 5 and 6, Town 44 South, Range 26 East, described as follows:

Commencing at the Northeast corner of said Section 31; thence S. 0° 37' 16" E. along the East line Section 1360.76 feet to an intersection with a line drawn perpendicular to State Road No. 82, the S. 44° 04' 13" W. along said line a distance of 459.14 feet, to the actual point of beginning of the land to be described; thence S. 45° 55' 47" E. parallel with State Road No. 82, a distance of 1732.54 feet to the P.T. of a curve; thence Southeastery along a tangential curve to the left with a radius of 2868.05 feet a distance of 783.91 feet; thence S. 28° 24' 36" W. on a radial line a distance of 2756.0 feet more or less to the Northeastery right of way of State Road No. 82; thence Westery on a tangential curve to the right with a radius of 5624.05 feet a distance of 1537.11 feet to the P.T. of said curve; thence N. 45° 55' 47" W. along said Northeastery right of way a distance of 1732.54 feet to an intersection with the East line of Section 6; thence continuing N. 45° 55' 47" W. a distance of 826.98 feet to the North line of said Section 6; thence continuing N. 45° 55' 47" W. a distance of 2350.00 feet; thence N. 44° 04' 13" E. along a line perpendicular to State Road No. 82 a distance of 2756.0 feet to the actual point of beginning

32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	28	47	48	49	50	51	52	53	54
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----------	----	----	----	----	----	----	----	----

CANAL

5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	29	20	21	22	23	24	25	26	27
---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	-----------	----	----	----	----	----	----	----	----

29 TH STREET

1	2	3	4	5	6	30	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
---	---	---	---	---	---	-----------	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

30 TH STREET

1	2	3	4	5	6	33	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
---	---	---	---	---	---	-----------	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

ROAD

1	2	3	4	5	6	7	8	9	10	11	12	13	14	36	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
---	---	---	---	---	---	---	---	---	----	----	----	----	----	-----------	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

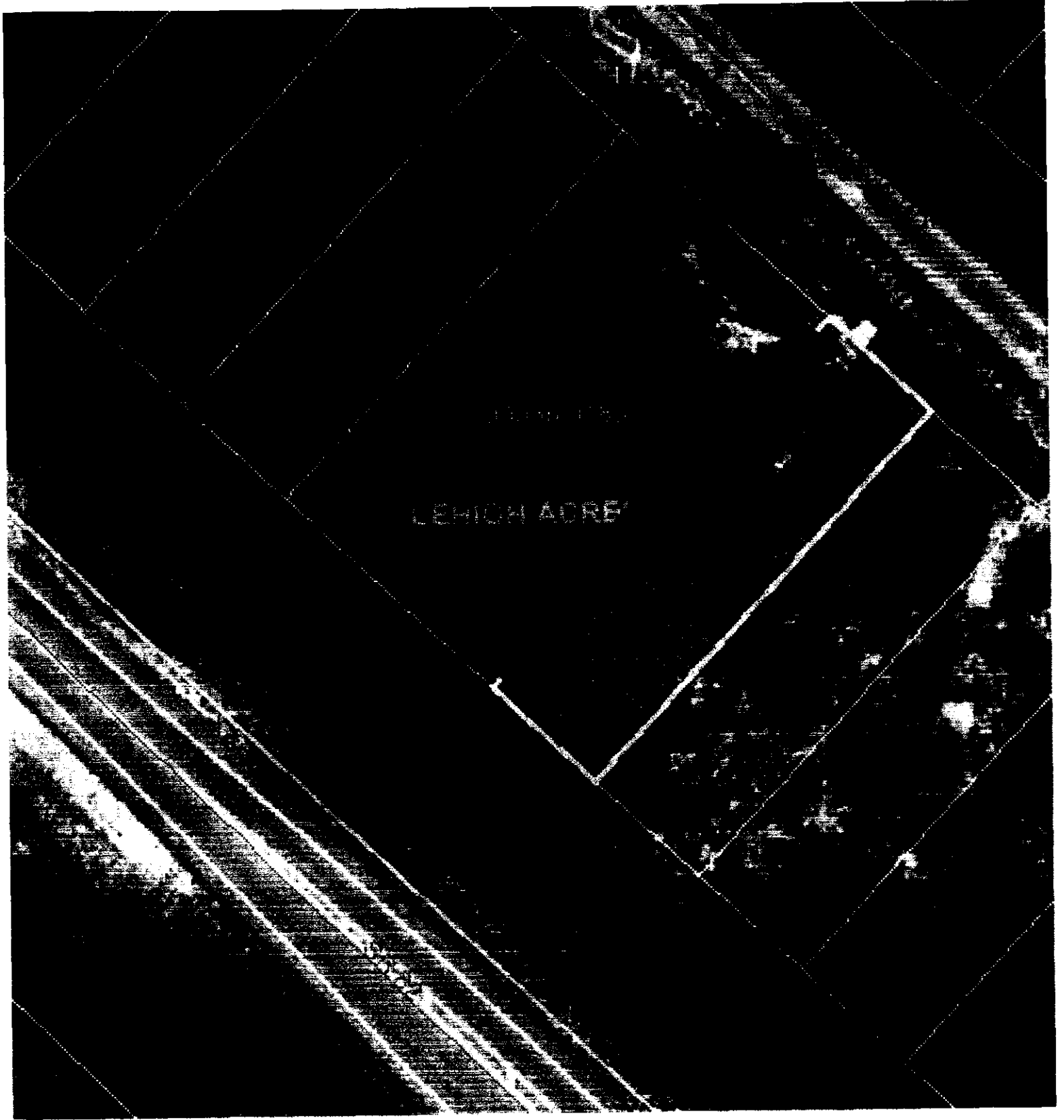
ROAD

NO.

82

1732 54

4.15'-29'-31"



Area to be vacated