	<u> </u>	Lee	anty Board Of Co		oners Blue	e Sheet No. 20	050224
REQUEST	TED MOTION	 :					
CTION DE	ομέςτευ. Δ	ccent a Petition	to Vacate a 12-for	ot wide Public U	Jtility Easement lo	cated at 904 H	lamilton Avenue,
high Acres	S, Florida, and	adopt a resolution	on, setting a Public	c Hearing for 5:	00 PM on the $\frac{12}{}$	th day of Ap	ril,
05. (Case	No. VAC2005	-00003)					
IIV ACTIO	N IC NECECS	ADV: To build a	a single-family res	idence on the o	combined lots. Th	e vacation of	this easement
il not alter	r existing utili	ty conditions a	nd the easement	is not necess	ary to accommo	date any futu	e utility
quirement							
нат асті	ION ACCOME	PLISHES: Sets t	he time and date	of the Public He	earing.		
		<del></del>					
DEPART	MENTAL CAT	EGORY: 04			3. MEETING	DATE:	
	SION DISTRI			IP	0:	<del>_</del>	2005
				<i>+D</i>	O S DECLIECTE		
<u>AGENDA</u>	<b>:</b>		REQUIREMENT/ (Specify)	PURPOSE:	6. REQUEST	OR OF INFUL	CVIATION:
y con	NSENT		STATUTE	F.S. Ch. 177	A. COMMISS	HONER	
	MINISTRATIV	<del></del>	ORDINANCE		B. DEPARTM	IENT Cor	nmunity Developmen
APP	PEALS		ADMIN. CODE	13-1	C. DIVISION		2/16/65
PUB		<u> </u>	OTHER		BY:		2/16/25
	LK ON IE REQUIRED					Peter J.	Eckenrode, Directo
BACKG		<u> </u>					
	ad patition to s	rancto VAC2006	5.00003 wae eubn	nitted by Gemm	na C. and Charles	Nunez.	
•							
OCATION:	The site is lo	cated at 904 Hai	milton Avenue, L	ehigh Acres, i	Florida 33972 and	l its strap num	ber is 23-44 <b>-</b> 27-
5-00017.01	00. Petition N	o. VAC2005-000	)03 proposes to v Lin Block 17. Unit	acate a 12-toot 5 Section 23	wide Public Utility Township 44 Sout	h. Range 27 f	mered on me East, a subdivision
Lehigh Ac	res, as record	ed in Plat Book 1	15, Page 34 of the	Public Record	s of Lee County, F	lorida; <b>LESS</b>	and EXCEPT the
asterly six f	eet and weste	rly six feet there	of.				
ocumentati	ion pertaining t	o this Petition to	Vacate is availab	le for viewing a	at the Office of Lee	Cares.	
ere are no	o objections to	this Petition to V	'acate. Staff reco	mmends the so	cheduling of the Pu	ublic Hearing.	
tached to t	this Blue sheet	is the Petition to	o Vacate, Resolut	ion to set Public	c Hearing, Notice	of Public Hear	ing and Exhibits.
MANACI	EMENT RECO	MMENDATION	 JS:				
MANAGE	BIVIERY RECO	WINIE WALLE	<u></u>				
			9. RECOMME	NDED APPRO	VAL:		
	<u> </u>						G
A Department	B Purchasing	C Human O	ther E County		F Budget Services		County Manager
Director	or Contracts	Resources	Attorney	) > QA	OM Risk	, GC	
h.m			1 XM	Y MAR )	<del>/                                    </del>	2011 4	L
N. Jahr	N/A	N/A N/A	X/4,	12/23/2	13/25 3/04/05	2/2/	Mylyn
(Jhh)	SSION ACTIO	N.		2/05/05/0			
. <u>COMMI</u>	BBION ACTIC	<del></del>	<b>-</b>				
		APPROVED DENIED	Rec	. by CoAtty	RI9 CO	CEIVED BY UNTY ADMI <b>N</b> :	
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RSK/ Fe	ebruary 14, 2005		U:\200502\2	<del>50111.09<u>5</u>193</del> 87	700\BLUESHEE [序	RCHESINTOC	C
			Fo ; i	rwarded To:		- 1 W - 5	<u> </u>
			لظ	22/22/11/20	L_	0 0	<u></u>

# RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING FOR PETITION TO VACATE Case Number: VAC2005-00003

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:

County, 1 londa, as lone we.	
A Public Hearing on Petition to Vacate No.     in the L	VAC2005-00003 is set for the ee County Commission Chambers.
<ol><li>A Notice of Public Hearing on this Petit accordance with the Lee County Administrative Code</li></ol>	
THIS RESOLUTION passed by voice and ente County Commissioners of Lee County, Florida this _	
ATTEST	BOARD OF COUNTY COMMISSIONERS OF
CHARLIE GREEN, CLERK	LEE COUNTY, FLORIDA
Deputy Clerk Signature	Chairman Signature
Please Print Name	Please Print Name
APPROVED AS TO F	ORM
County Attorney Signa	ature

Please Print Name

#### **EXHIBIT "A"**

Petition to Vacate VAC2005-00003

#### 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 10 and 11, both in Block 17, Unit 5, Section 23, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 34 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: VAC2005-00003

	MAY CONCERI	MAY	IT.	WHOM	TO
--	-------------	-----	-----	------	----

Notice is hereby given that on the 12th day of April 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.

1			CHARLIE	E GREEN, (	CLERK				
9		with the second	Deputy	Clerk Sign	ature	- 12 - 2 - 2, 13		Section 6	A.
			Plea	se Print Naı	me	-			
			APPRO\	/ED AS TO	FORM				
			County A	Attorney Sig	nature	_			
			Plea	se Print Na	me	_			

#### **EXHIBIT "A"**

# Petition to Vacate VAC2005-00003

#### 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 10 and 11, both in Block 17, Unit 5, Section 23, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 34 of the Public Records of Lee County, Florida;

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



## PETITION TO VACATE (AC 13-1)

Case Number: <u>VAC 20</u>	05-00003								
Petitioner(s), Geining C. G., Granter requests the Board of County Commissioners of	Lee County, Florida, to grant this Petition								
to Vacate and states as follows:									
	60804 Fort Myers FL 33906								
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 des	sires 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.									
<ol><li>Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.</li></ol>									
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 reque adopt a Resolution granting the Petition to Vac	ests the Board of County Commissioners ate.								
Respectfully Submitted by:	estroits them								
Petitioner Signature	Petitioner Signature								
Gemma C. Nunez Printed Name	Printed Name								

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

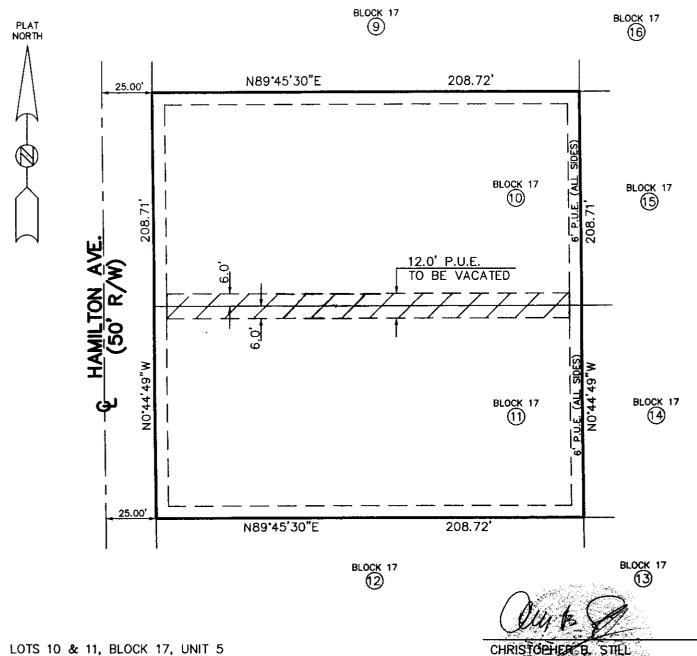
#### **EXHIBIT "A"**

Petition to Vacate VAC2005-00003

#### 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 10 and 11, both in Block 17, Unit 5, Section 23, Township 44 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 34 of the Public Records of Lee County, Florida;

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



LOTS 10 & 11, BLOCK 17, UNIT 5
SECTION 23, TOWNSHIP 44 SOUTH, RANGE 27 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA
RECORDED IN PLAT BOOK 15, PAGE 34, OF THE
OFFICIAL REORDS OF LEE COUNTY, FLORIDA

Exhibit "B"
Petition to Vacate
VAC2005-00003

[Page One of One]

NOT A SURVEY - SKETCH ONLY

# S.T.A.R. Surveying, Inc. (LB5440)

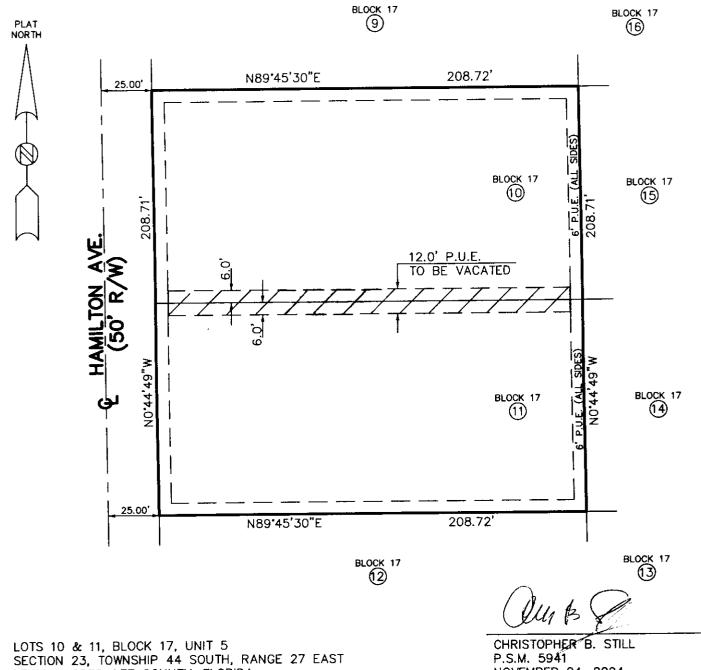
Professional Surveyors and Mappers

1130-E Lee Boulevard, Lehigh Acres, Florida 33936 (239) 368-7400 (239) 368-7685 (Fax)

DATE: 11-24-04
JOB NUMBER: 8611-703A
DRAWN BY: C.B.S.
SCALE: 1" = 50'
SHEET: 1 of 2

P.S.M. 5941

NOVEMBER 24, 2004



LEHIGH ACRES, LEE COUNTY, FLORIDA RECORDED IN PLAT BOOK 15, PAGE 34, OF THE OFFICIAL REORDS OF LEE COUNTY, FLORIDA

NOVEMBER 24, 2004

Exhibit "B" **Petition to Vacate** VAC2005-00003 [Page One of One]

NOT A SURVEY - SKETCH ONLY

# S.T.A.R. Surveying, Inc. (LB5449)

Professional Surveyors and Mappers 1130-E Lee Boulevard, Lehigh Acres, Florida 33936 (239) 368-7400 (239) 368-7685 (Fax)

DATE: 11-24-04
JOB NUMBER: 8611-703A
DRAWN BY: C.B.S.
SCALE: 1" = 50'
SHEET:1_ of _2_

# Exhibit "C" Petition to Vacate VAC2005-00003

[Page One of One]

### Lee County Tax Collector - Print Results







Real Property Information		Sediel 1	
Account	Tax Year	Status	
23-44-27-05-00017.0100	2004	PAID	
Original Account	Book/Page		
23-44-27-05-00017.0100	4490 /2750		
Owner		,	
NUNEZ GEMMA C + CHARLES			
Physical Address	Mailing Address	;	
904 HAMILTON AVE	PO BOX 60804		
LEHIGH ACRES FL 33972	FORT MYERS F	L 33906	
	USA		
Legal Desccription			
LEHIGH ACRES UNIT 5 BLK 17 DB 254	PG 55 LOT 10		
Outstanding Balance as of 2/10/2005			\$0.00

Real Property Information			
Account	Tax Year	Status	
23-44-27-05-00017.0110	2004	PAID	
Original Account	Book/Page		
23-44-27-05-00017.0110	4059/1435	<u>-</u>	
Owner			
RAJPAL VIDYA + KOOLWANTIE			
Physical Address	Mailing Address		
902 HAMILTON AVE	149-50 117TH ST		
LEHIGH ACRES FL 33972	S OZONE PARK N	/ 11420	
	USA	11720	
egal Desccription			
EHIGH ACRES UNIT 5 BLK 17 DB 254	PG 55 LOT 11	····	
Outstanding Balance as of 2/10/2005			\$0.00

# Exhibit "C" Petition to Vacate VAC2005-00003

[Page One of One]

#### Lee County Tax Collector - Print Results







Real Property Information		New Search B
Account	Tax Year	Status
23-44-27-05-00017.0100	2004	PAID
Original Account	Book/Page	
23-44-27-05-00017.0100	4490 /2750	
Owner		
NUNEZ GEMMA C + CHARLES		
Physical Address	Mailing Address	
904 HAMILTON AVE	PO BOX 60804	
LEHIGH ACRES FL 33972	FORT MYERS FL	33906
	USA	
Legal Desccription		
LEHIGH ACRES UNIT 5 BLK 17 DB 254	PG 55 LOT 10	· · · · · · · · · · · · · · · · · · ·
Outstanding Balance as of 2/10/2005		\$0.00

Real Property Information		New Search
Account	Tax Year	Status
23-44-27-05-00017.0110	2004	PAID
Original Account	Book/Page	17110
23-44-27-05-00017.0110	4059/1435	
Owner		
RAJPAL VIDYA + KOOLWANTIE		
Physical Address	Mailing Address	
902 HAMILTON AVE	149-50 117TH ST	
LEHIGH ACRES FL 33972	S OZONE PARK	
	USA	11420
Legal Desccription		
LEHIGH ACRES UNIT 5 BLK 17 DB 254	PG 55 LOT 11	
Outstanding Balance as of 2/10/2005		\$0.

**BOARD OF COUNTY COMMISSIONERS** 

479-8585

Writer's	Direct	Dial	Number:	
----------	--------	------	---------	--

Rob Janes District One

February 14, 2005

Douglas R. St. Cerny District Two

Ray Judah District Three

Tammy Hall District Four

John E. Albion District Five

Donald D. Stilwell County Manager

David M. Owen County Attorney

Diana M. Parker County Hearing Examiner

Gemma C. Nunez & Charles Nunez P.O. Box 60804, Fort Myers, FL 33906

VAC2005-00003 - Petition to Vacate a 12-foot wide Public Utility Re: Easement on the combined lots of 10 and 11, Block 17, Unit 5, Lehigh Acres, S 23, T 44S, R 27E, as recorded in Plat Book 15, Page 34, in the public records of Lee County, FL

Dear Mr. & Mrs. Nunez:

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 904 Hamilton Avenue, 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:\200502\20050111.095\9318700\DCDLETTER.DOC

January 10, 2005

Department of Community Development

Peter J. Eckenrode,

We are requesting the vacation of easement for both six (6) foot easements between lots 10 and 11, Block 17, Unit 15, Strap Number 23-44-27-05-00017.0100, 904 Hamilton Ave., Lehigh Acres, Florida to combine two (2) lots into one for future building site of a single-family residence.

If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed,

Gemma and Charles Nunez

PO BOX 60804

Fort Myers, FL 33906

(239) 303-1320/ 560-9738

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December 29, 2004

Gemma & Charles Nunez P O Box 60804 Fort Myers, FL 33906

Re: Block 17, Lots 10 & 11, Unit 5, Lehigh Acres, Florida

Strap # 23-44-27-05-00017.0100

Dear Mr. and Mrs. Nunez:

LCEC does not object to vacation of the interior easement on the above referenced parcel, LESS and EXCEPT the Easterly 6 feet and the Westerly 6 feet thereof. It is our understanding that the 6-foot perimeter easement of the combined parcel will remain intact.

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

Sincerely,

Sandra McIver

Real Property Representative

Sandia MSloce

Attachment





Post Office Box 1530 LaBelle, Florida 13975 4013

December 8, 2004

Gemma & Charles Nunez P.O. Box 60804 Ft. Myers, Fl 33906

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line common to lots 10 & 11, Block 17, Unit 5, Section 23, Township 44S, Range 27E, as recorded in Plat Book 15, Page 34 of the Official Records of Lee County, Florida

Dear: Mr. & Mrs. Nunez

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 easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863 452-3232.

Sincerely, Latina Thompson

Sabrina Thompson

Engineer



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

FAX: 239-498-4483

December 3, 2004

Gemma & Charles Nunez PO BOX 60804 Ft Myers, FL 33906

Re: 904 Hamilton Av, Lehigh Acres, FL

Vacate Right-of-Way and/or Utility Easement

Dear Gemma & Charles,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of Right-of-way and/or Utility easement of the above referenced location..

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

Mark Cook

**Design Coordinator** 

Mh Ch



December 15, 2004

Mr. & Mrs. Nunez P.O. Box 60804 Fort Myers, Fla. 33906

RE: Vacation of easement, 904 Hamilton Ave, Lehigh Acres, Florida.

Dear Mr. & Mrs. Nunez:

Your request for the above listed vacation of easement 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 utility easement.

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



## FLORIDA GOVERNMENTAL UTILITY AUTHORITY

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

December 27, 2004

Gemma & Charles Munez PO Box 60804 Fort Myers, FL 33906

RE: Vacation of Easement for Both 6 Foot Utility Easements Between Lots 10 and 11, Block 17, Unit 5, 904 Hamilton Ave., Lehigh Acres

Dear Mr. & Mrs. Munez:

The FGUA has determined that it does not presently hold any property rights over the property identified above other than the easement included in the plat reservation. It has also been 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 as depicted in the sketch attached to your request is hereby approved.

The vacation of easement was requested for both 6 foot utility easements between lots 10 and 11, Block 17, Unit 5, 904 Hamilton Ave., Lehigh Acres, Florida, less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.

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

(239)479-8531

Bob Janes District One

November 29, 2004

Douglas R. St. Cerny District Two

Ray Judah District Three

Charles & Gemma Nunez

Andrew W. Coy District Four

P.O. Box 60804 Fort Myers, FL 33906

John E. Albion District Five

Donald D. Stilwell County Manager

SUBJECT: VACATION OF PLATTED EASEMENT(S) STRAP#: 23-44-27-05-00017.0100

Lots 10 & 11, Block 17 – Lehigh Acres, Unit 5

James G. Yaeger County Attorney

904 Hamilton Avenue

Diana M. Parker County Hearing Examiner

Dear Mr. & Mrs. Nunez:

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

Ruth Keith, Development Services



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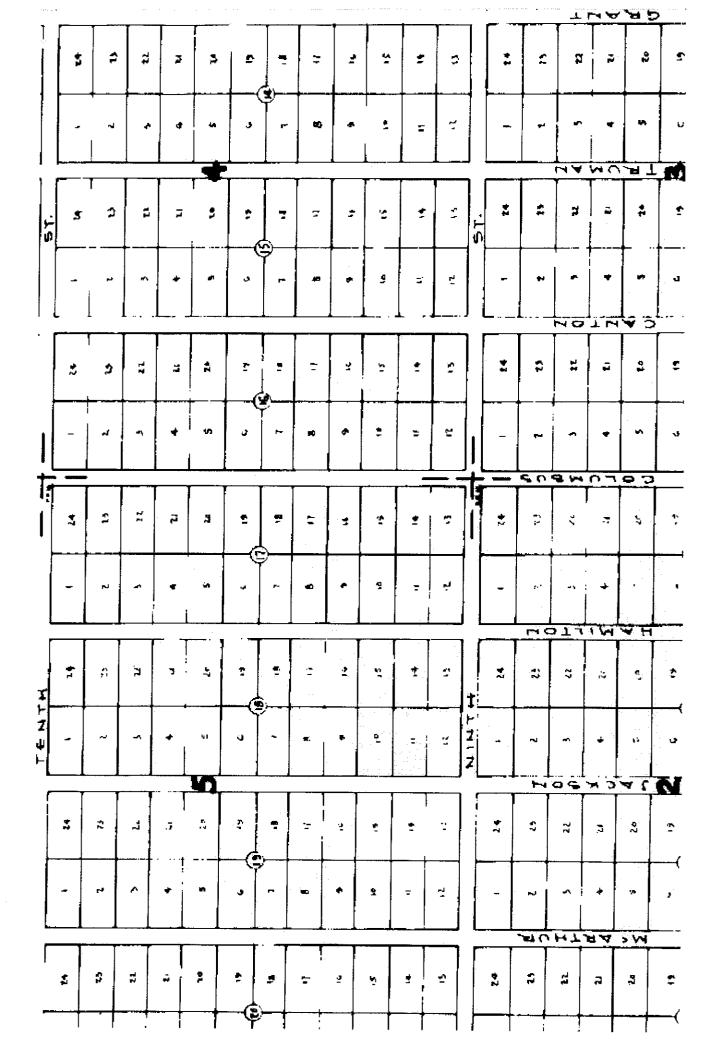
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