

1. ACTION REQUESTED/PURPOSE: Accept a Petition to Vacate two (2) 12-foot wide Public Utility Easements located at 5115/5117, 5119/5121 Leonard Blvd. S., and 5114/5116, 5118/5120 24th St. SW, Fort Myers, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 10th day of May, 2005. (Case No. VAC2004-00074).

2. WHAT ACTION ACCOMPLISHES: To build four (4) multi-family residences on the combined lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

3. MANAGEMENT RECOMMENDATION: N/A

4. Departmental Category:
 COMMISSION DISTRICT #: 5

C4B

5. Meeting Date: 04-12-2005

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177
 Ordinance
 Admin. Code 13-1
 Other

8. Request Initiated:
 Commissioner _____
 Department Community Development
 Division Development Services
 By: *[Signature]* 3/23/05
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2004-00074 was submitted by Hermann Kopper.

LOCATION: The site is located at **5115/5117, 5119/5121 Leonard Blvd. S., and 5114/5116, 5118/5120 24th St. SW, Fort Myers, Florida 33971** and its original strap numbers are 31-44-26-02-00004.0060 and 31-44-26-02-00004.0080. Petition No. VAC2005-00074 proposes to vacate two (2) twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 6 and 7, Lots 8 and 9, all in Block 4, Unit 2, Section 31, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northeasterly six feet and southwesterly feet thereof.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i>	<i>UAM 3/21/05</i>	<i>[Signature]</i>
				<i>[Signature]</i>	<i>Analyst 3/30/05</i>	
					<i>Risk 3/30/05</i>	
					<i>Grants 3/31/05</i>	
					<i>Mgr. 3/30/05</i>	

11. Commission Action:

- Approved**
- Deferred**
- Denied**
- Other**

Rec. by CoAtty
 Date: 3/24/05
 Time: 3:00
 Forwarded To:

RECEIVED BY COUNTY ADMIN: *[Signature]*
3/30/05
 3:30 PM
 COUNTY ADMIN FORWARDED TO: *[Signature]*
3/31/05
 4:30 PM

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00074

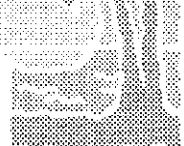
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of May 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
VAC2004-00074

Legal Description of the Public Utility Easements to be Vacated:

The twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 6 and 7, Lots 8 and 9, all in Block 4, Unit 2, Section 31, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly feet thereof.

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00074

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. VAC2004-00074 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of
County Commissioners of Lee County, Florida this _____.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00074

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LESS and EXCEPT the northeasterly six feet and southwesterly feet thereof.



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00074

Petitioner(s), Hermann Kopper 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, 4910-14 th Ave SW, Naples Fla 34116 .
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: [Signature]
Petitioner Signature

[Signature]
Petitioner Signature

HERMANN KOPPER
Printed Name

Printed Name

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

EXHIBIT "A"
Petition to Vacate
VAC2004-00074

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 6 and 7, Lots 8 and 9, all in Block 4, Unit 2, Section 31, Township 44 South, Range 26 East, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northeasterly six feet and southwesterly feet thereof.

PLAT NORTH

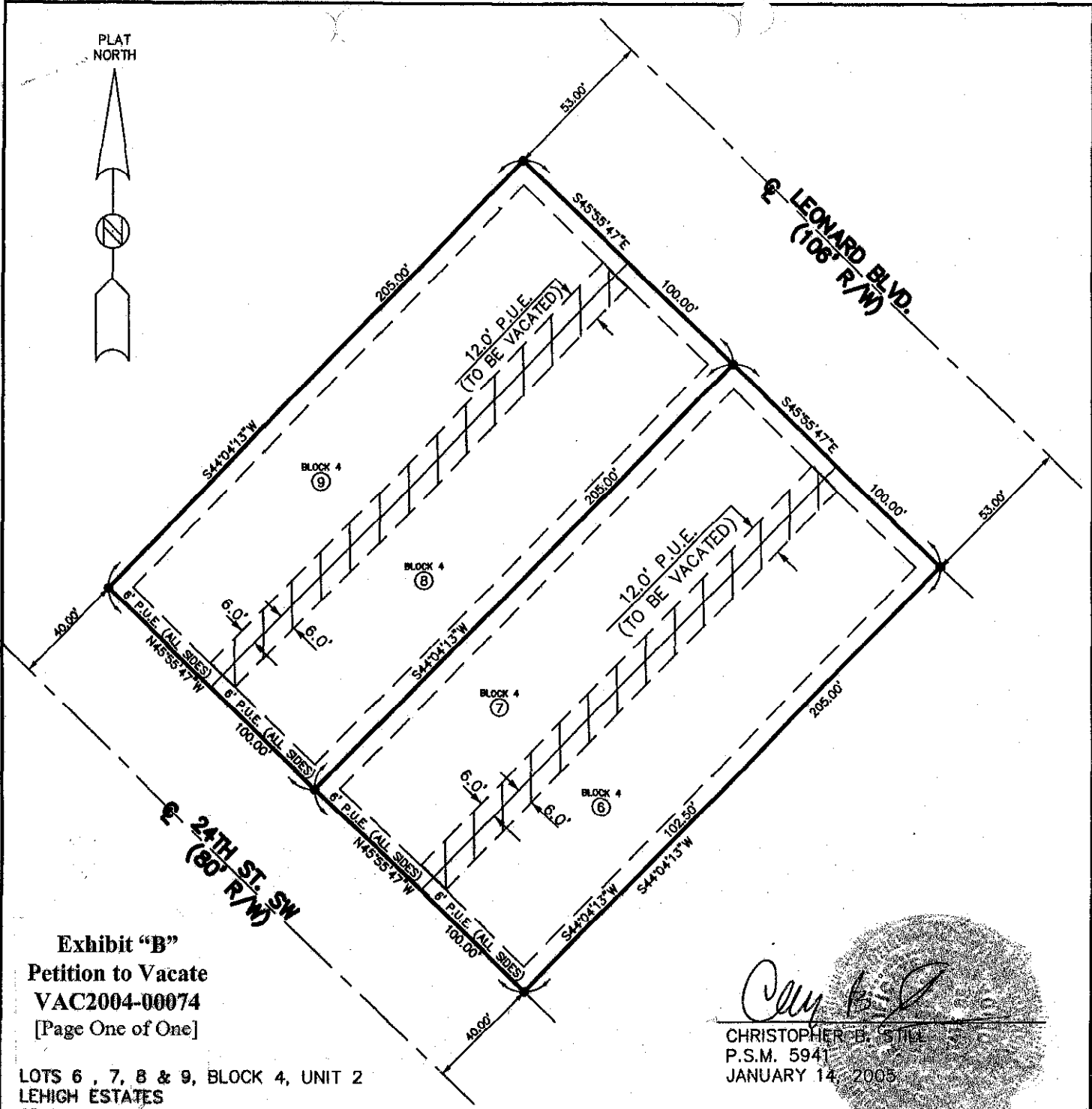


Exhibit "B"

Petition to Vacate

VAC2004-00074

[Page One of One]

LOTS 6 , 7, 8 & 9, BLOCK 4, UNIT 2
LEHIGH ESTATES
SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEHIGH ACRES, LEE COUNTY, FLORIDA

Christopher B. Still
CHRISTOPHER B. STILL
P.S.M. 5941
JANUARY 14, 2005

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) 368-7885 (Fax)

DATE:	1-14-05
JOB NUMBER:	04242-1B
DRAWN BY:	C.B.S.
SCALE:	1" = 50'
SHEET:	1 of 2

Exhibit "C"
Petition to Vacate
VAC2004-00074
 [Page One of One]

Lee County Tax Collector - Print Results



Real Property Information		New Search
Account	Tax Year	Status
31-44-26-02-00004.0060	2004	PAID
Original Account	Book/Page	
31-44-26-02-00004.0060	4451 /4561	
Owner		
KOPPER HERMANN		
Physical Address	Mailing Address	
ACCESS UNDETERMINED LEHIGH ACRES FL 33971	4910 14TH AVE SW NAPLES FL 34116 USA	
Legal Description		
LEHIGH ESTATES UNIT 2 BLK 4 PB 15 PG 82 LOTS 6 + 7		
Outstanding Balance as of 2/1/2005		\$0.00

Lee County Tax Collector - Print Results



Real Property Information		New Search
Account	Tax Year	Status
31-44-26-02-00004.0080	2004	PAID
Original Account	Book/Page	
31-44-26-02-00004.0080	4451 /4561	
Owner		
KOPPER HERMANN		
Physical Address	Mailing Address	
ACCESS UNDETERMINED LEHIGH ACRES FL 33971	4910 14TH AVE SW NAPLES FL 34116 USA	
Legal Description		
LEHIGH ESTATES UNIT 2 BLK 4 PB 15 PG 82 LOTS 8 + 9		
Outstanding Balance as of 2/1/2005		\$0.00

8/10/04
665.00

File # 041263



INSTR # 6468121
OR BK 04451 Pg 4561; (1pg)
RECORDED 10/01/2004 11:07:21 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
DEED DOI: 665.00
PREP BY: EKK Andersen

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Winsome Russell
Homestead Land & Title, Inc.
1414 Homestead Road
Lehigh Acres, Florida 33936
Property Appraisers Parcel Identification (Folio) Numbers: 31-44-26-02-00004.0060 & .0080
Grantee SS #:

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 24 day of August, 2004 by A C G Enterprises L. C., A Florida Limited Liability Company, herein called the grantors, to **Hermann Kopper**, whose post office address is 4910 - 14th Ave. S.W., Naples, Florida 34116, hereinafter called the Grantee:
(Wherever 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 grantors, 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.:

Lots 6, 7, 8 and 9, Block 4, Unit 2, Lehigh Estates, Section 31, Township 44 South, Range 26 East, Lehigh Acres, according to the plat thereof recorded in Plat Book 15, Page 82, Public Records of Lee County, Florida.
Subject to reservations and restrictions of record.

The subject property is vacant land and is not now nor has it ever been the homestead property, nor contiguous to homestead property of Grantor.

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 grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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 grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of
TWO SEPARATE WITNESSES:

Sandy Smith
Witness #1 Signature
SANDY SMITH
Witness #1 Printed Name

Jean Gallegos
Witness #2 Signature
Jean Gallegos
Witness #2 Printed Name

William H. Gerow
William H. Gerow
President
A C G Enterprises L. C.,
A Florida Limited Liability Company
8172 Breton Cir., Ft. Myers, Florida 33912

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24 day of August, 2004 by William H. Gerow, President, A C G Enterprises L. C., A Florida Limited Liability Company, who are personally known to me or have produced _____ as identification.

SEAL



Sandra Montgomery-Smith
Notary Public

Printed Notary Name

My commission expires:



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

March 22, 2005

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Diana M. Parker
County Hearing Examiner

Herman Kopper
4910 14th Ave. S.W.,
Naples, FL 34116

Re: VAC2004-00074 - Petition to Vacate two (2) twelve-foot (12') wide Public Utility Easements centered on the common line between Lots 6 and 7, Lots 8 and 9, all in Block 4, U 2, S 31, T 44 S, R 26 E, Lehigh Estates, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 82 of the Public Records of Lee County, FL; LESS and EXCEPT the northeasterly six feet and southwesterly feet thereof

Dear Mr. Kopper:

You have indicated that in order to construct four (4) multi-family residences on the combined lots, you desire to eliminate the above-described Public Utility Easements located at 5115/5117, 5119/5121 Leonard Blvd. S., and 5114/5116, 5118/5120 24th St. SW, Fort Myers. 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:\200503\20041210.130\5327660\DCDLETTER.DOC

**Hermann kopper
4910-14th AV. SW
Naples, Fla. 34116
PH: (239) 293-4308**

**Lee County Community Development
1500 Monroe St.
Fort Myers, Fla. 33902**

**Property legal description:
Lots 6,7,8 and 9
Lehigh States Unit 2
Block 4, PB 15 PG 82
Straps 31-44-26-02-00004.0060 and 0080**

To Whom It May Concern:

I am requesting Vacation of Utility Easement of lots 6,7,8 and 9. From 50' front and 205' long, to 100' front and 102.5 long.


This change is very important because this lots have undetermined access to Leonard Blvd. and 24 St. SW and also with 50 feet front is difficult to build a nice residence in a such narrow lots.

The changes are not going to affect the lot area or the zoning and is going to be two lots with 100 feet frontage on Leonard Blvd. and two lots with 100 feet at the frontage on 24 St. SW.

I am requesting the same layout that I saw in a property about 500 feet North of my property in the same Block they just built four nice multi family residences in those lots.

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

Sincerely,


HERMANN KOPPER



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.linc.com

November 10, 2004

Hermann Kopper
4910 14th Ave SW
Naples, FL 34116

Re: Lehigh Estates Unit 2, Blk 4, PB 15, PG 82, Lots 6, 7, 8, and 9
Strap Nos. 31-44-26-02-00004.0060 and 31-44-26-02-00004.0080

Dear Mr.Kopper:

LCEC does not object to vacation of the drainage easement at the above referenced location as identified on the attached sketch. Please be advised; however, that you must contact FPL as this parcel is in their service area.

Sincerely,

Sandra McIver
Real Property Representative

Attachment



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

Re: Vacation of easements for lots 6,7,8, & 9, Blk 4, PB 15, unit 2

FPL has no objection to the vacation of the PUE's perpendicular to 24th St SW and Leonard Blvd.

FPL will not, however, vacate PUE's along (parallel to) 24th St SW or Leonard Blvd. These easements currently have FPL property in them, and are not to be vacated with this instrument. Highlighted areas on the enclosed sketch (provided by Hermann Kopper) show the PUE's to be vacated.

Eric Walther
FPL Customer Project Manager



November 1, 2004

Mr. Hermann Kopper
4910-14th Avenue SW
Naples, Florida 34116

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line
common to lots 6 & 7 and 8 & 9, Block 4, Unit 2, Section 31, Township 44S, Range 26E.
Strap No. – 31-44-26-02-00004.0060 and 0080

Dear Mr. Kopper:

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**

November 2, 2004

Hermann Kopper
4910- 14th Av SW
Naples, FL 34116

Re: Lehigh Estates unit 2 Blk 4 PB 15 PG 82, Lots 6,7,8 &9
Straps # 31-44-26-02-00004.0060 & 0080
Vacate Right-of-Way and/or Utility Easement

Dear Hermann Kopper,

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,

A handwritten signature in cursive script, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

AmeriGas

America's Propane Company

November 5, 2004

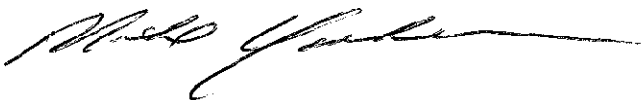
Hermann Kopper
Re: Utility Easements

In reference to your letter dated October 25, 2004 AmeriGas has no interest on right of way on the following locations:

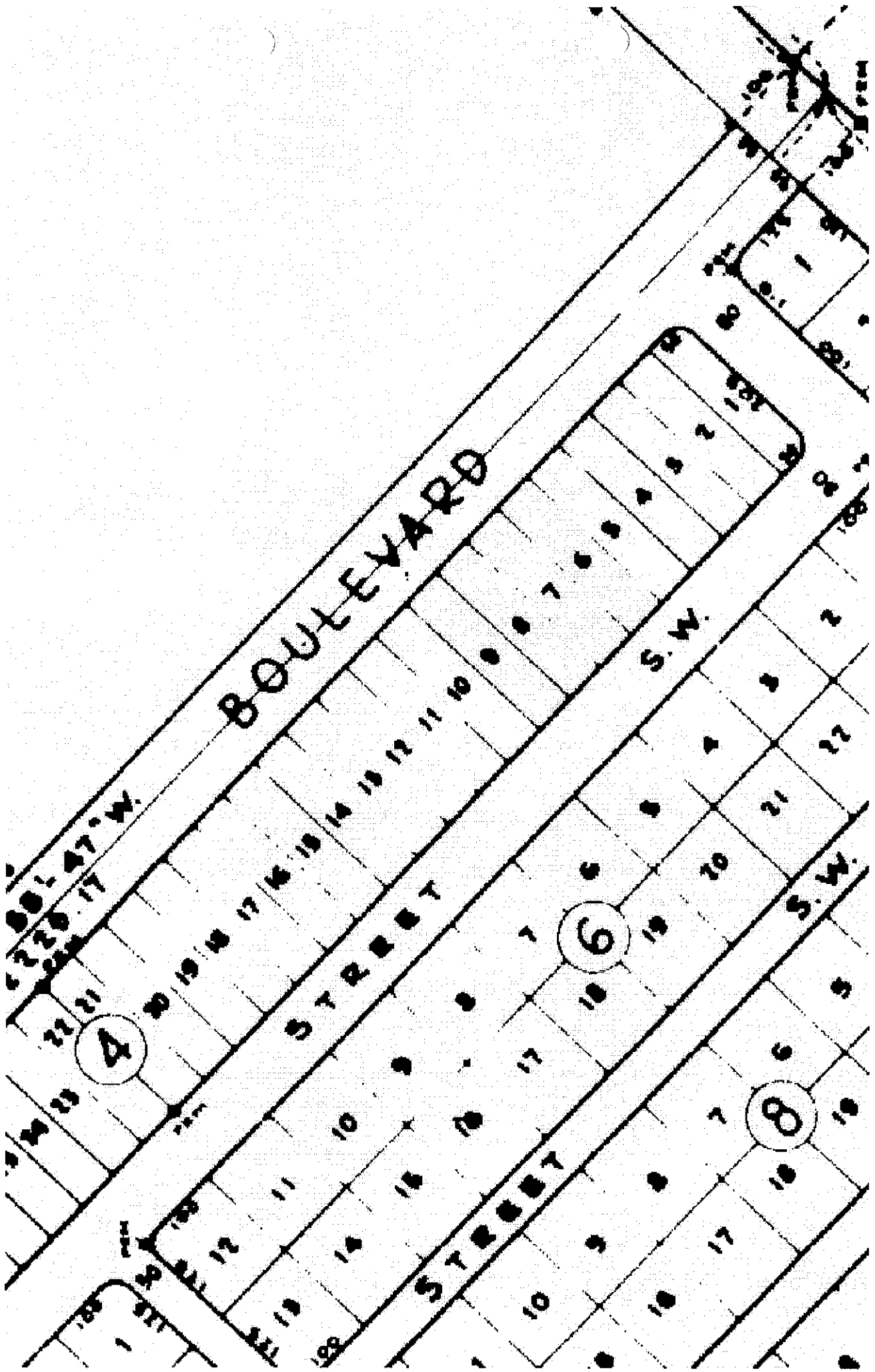
Strap #s 31-44-26-02-00004.0060 and 0080

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

Mike Yonker

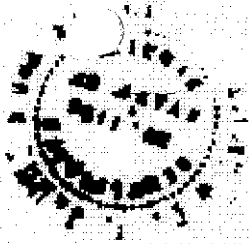


SSM



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

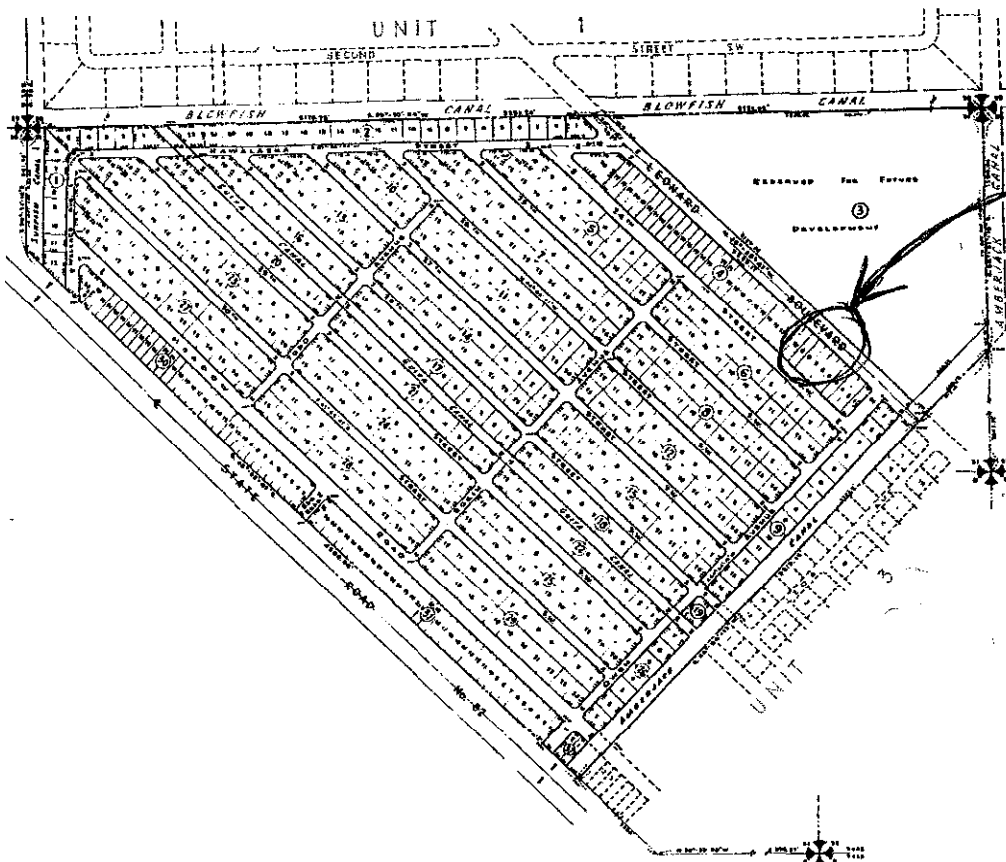

Florida Registered Land Surveyor
No. 1198



NOTE:

All lots subject to a 6 foot Utilities 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.
Unless otherwise shown corner lot radii are 25 feet and the lot dimensions are to the straight line intersections except where arc dimensions are shown.

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



PROPERTY
LOCATION

**PLAT OF
UNIT 2
LEHIGH ESTATES
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA**

LEE COUNTY LAND & TITLE CO., DEVELOPERS
Scale: 1" = 200.00' December 1959

DESCRIPTION

That part of Section 31, Township 46 South, Range 26 East, lying Northwly of State Road No. 92, except that part lying Easterly of the following described line: From the Northwest corner of said Section 31 go S 00°37'40"E (along the East line of said Section 31) a distance of 1360.78 feet to the point of beginning of said line; thence said line goes S 84°10'12"W a distance of 2235.19 feet, more or less, to the Northwly Right of Way line of said State Road No. 92 and terminate. And the South 5.28 Feet of Section 30, Township 46 South, Range 26 East.

SURVEYORS CERTIFICATE

I the undersigned hereby certify that the plat on which is a correct representation of the land plotted and that permanent reference monuments have been placed on them.

[Signature]
Florida Registered Land Surveyor
No. 1158



NOTE:

All lots subject to a 5 foot building Easement, both sides, front and back. Interior P.M.s are 4" x 1/2" of concrete. Section corner P.M.s are 24" x 24" of concrete. Unless otherwise shown thereon lot width are 25 feet and the lot dimensions are to the straight line intersection, except where otherwise are shown.

Notes: Dimensions, Bearings, Area and Line Length are Given on the Survey Sheet, as well as shown.

004 0120

00003 0070

00004 0100

00004 0080

00004 0060

1.5115H ACRES

00004 0030

00006 0040

00004 0010



Area to be vacated