

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility and Drainage Easement located at 15421 Cemetery Rd., Fort Myers (Case No. VAC2004-00041).

**2. WHAT ACTION ACCOMPLISHES:** To build a single-family residence or duplex on the combined lots. The vacation of this easement will not alter existing utility and drainage conditions and the easement is not necessary to accommodate any future utility and drainage requirements.

**3. MANAGEMENT RECOMMENDATION:** Approve

**4. Departmental Category:**  
 COMMISSION DISTRICT #: 5 **PH #3**

**5. Meeting Date:** **08-02-2005**

**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]* 6/9/05  
 Peter J. Eckenrode, Director

**9. Background:**

The completed petition to vacate, VAC2004-00041 was submitted by Thomas P. Gordon, Sr.

**LOCATION:** The site is located at **15421 Cemetery Rd., Fort Myers, Florida 33905** and the strap number is 03-44-26-13-00076.0090. Petition No. VAC2004-00041 proposes to vacate a 12-foot wide Public Utility and Drainage Easement centered on the common lot line between Lots 9 and 10; both in Block 76, Unit 13, Section 3, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 18 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six 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.

Attached to this Blue sheet is the Petition to Vacate, 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
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
 COUNTY ADMIN. 10  
 07-13-05  
 1100  
 COUNTY ADMIN  
 FORWARDED TO:  
 6/14/05

Rec. by CoAtty  
 Date: 6-9-05  
 Time: 4:35  
 Forwarded To:

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00041

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 2nd day of August 2005 @9:30 AM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00041

**Legal Description of the Public Utility and Drainage Easement to be Vacated:**

The twelve-foot (12') wide Public Utility and Drainage Easement centered on the common lot line between Lots 9 and 10; both in Block 76, Unit 13, Section 3, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26 at Page 18 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the northerly six feet and southerly six feet thereof.

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

---

**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2004-00041

WHEREAS, Petitioner Thomas P. Gordon, Sr. in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the \_\_\_\_\_; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2004-00041 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

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

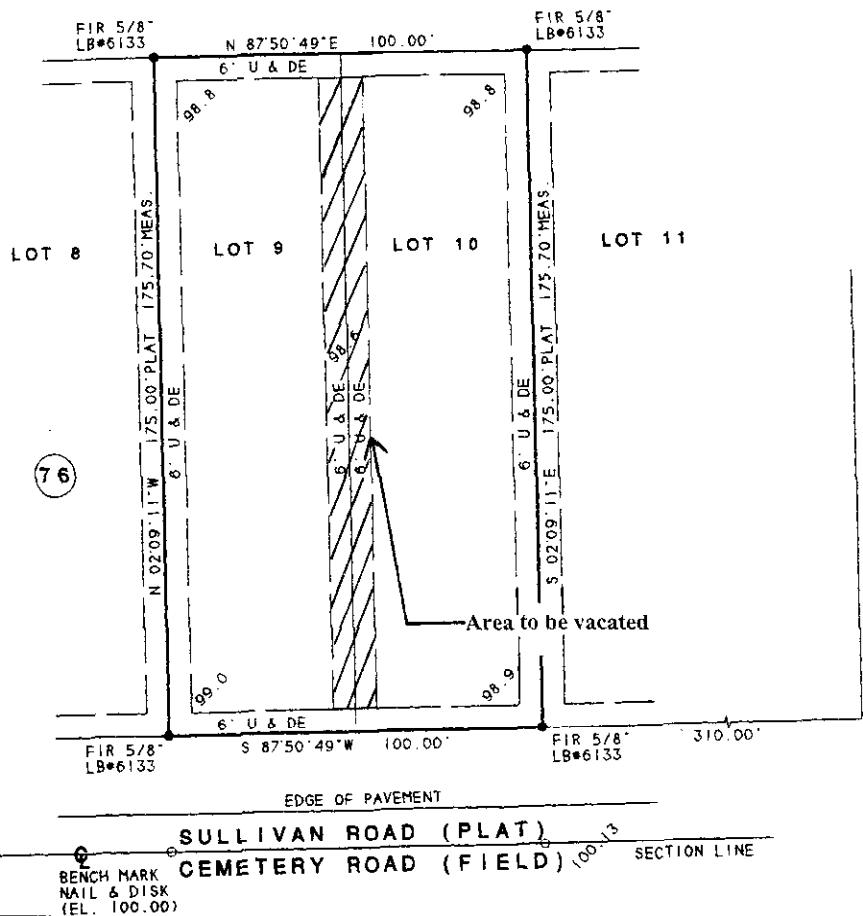
**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00041

**Legal Description of the Public Utility and Drainage Easement to be Vacated:**

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**LESS and EXCEPT** the northerly six feet and southerly six feet thereof.

CANAL



LEGEND

- FIR - FOUND IRON ROD (AS NOTED)
- FIP - FOUND IRON PIPE (AS NOTED)
- FCM - FOUND 4" X 4" CONCRETE MONUMENT
- SIR - SET 5/8" IRON ROD WITH CAP (LB#6386)
- P - PLAT
- D - DEED
- M - MEASURED
- ⊙ - POWER POLE
- ⊕ - WATER METER
- ⊞ - TELEPHONE COMPANY PEDESTAL
- ⊞ - ELECTRIC BOX
- ⊞ - CABLE BOX
- OHW - OVERHEAD WIRES
- +— WIRE FENCE
- +— WOOD FENCE
- U & DE - UTILITY & DRAINAGE EASEMENT
- ▨ - CONCRETE

NOTES

- 1) BEARINGS ARE BASED ON THE CENTER LINE OF CEMETERY ROAD. PLAT BEARING N 87°50'49"E.
- 2) THE PROPERTY SHOWN HEREON IS LYING IN ZONE B OF THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY-PANEL NUMBER 125124 0250 B. (DATE OF FIRM INDEX 07/20/98).
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 4) IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED ON THIS SURVEY.
- 5) ELEVATIONS SHOWN THUS  $\ominus$  REFER TO AN ASSUMED DATUM.
- 6) PARCEL IS VACANT.

Exhibit "B"  
 Petition to Vacate  
 VAC2004-00041  
 [Page One of One]

PROPERTY ADDRESS:  
 15421 CEMETERY ROAD  
 FORT MYERS, FLORIDA

CERTIFICATIONS

THOMAS P. GORDON, SR.  
 TRI COUNTY TITLE INSURANCE AGENCY, INC.  
 CHICAGO TITLE INSURANCE COMPANY

*Robert D. Reige*

ROBERT D. REIGE, P.S.M.  
 PROFESSIONAL SURVEYOR & MAPPER No. 4074  
 STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**BASE LINE, INC.**  
 LAND SURVEYING & MAPPING  
 LB#6386  
 7235 MAIDA LANE, SUITE 5-L  
 FORT MYERS, FLORIDA 33908  
 PHONE (239) 481-0421  
 FAX (239) 433-4588

**BOUNDARY SURVEY**

LOTS 9 AND 10, BLOCK 76, WEST PART OF UNIT 13, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, AS RECORDED IN PLAT BOOK 26, PAGE 20, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REV.	DATE	DESCRIPTION
1		
2		
3		
4		

PROJECT NO. 03851  
 SHEET 1 OF 1  
 SCALE 1" = 40'  
 FIELD SURVEY DATE:  
 12/02/03  
 SURVEY ISSUE DATE:  
 12/03/03



**PETITION TO VACATE (AC 13-1)**

Case Number: VAC2004-00041

Petitioner(s), Thomas P. Gordon, Sr.

requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

*3846 Hillandale St.,*

1. Petitioner(s) mailing address, ~~13825 Fourth St., Fort Myers, FL 33905-2445~~

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:

*Thomas P. Gordon Sr.*

Petitioner Signature

Petitioner Signature

Thomas P. Gordon, Sr.

Printed Name

Printed Name

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



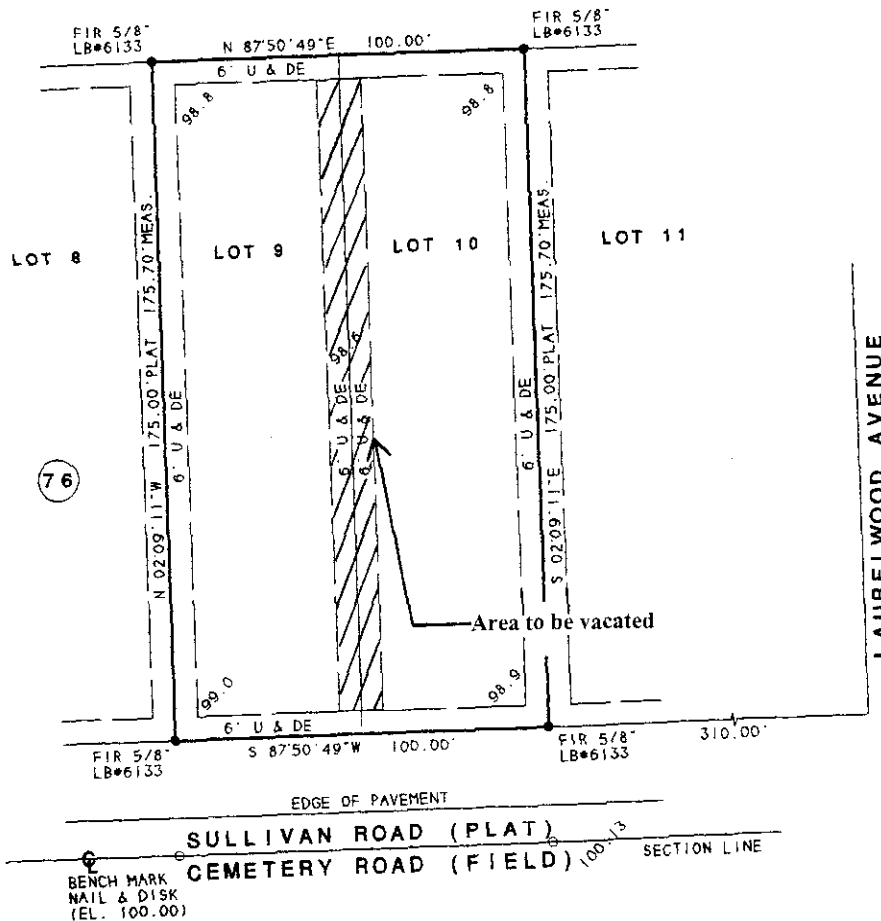
**EXHIBIT "A"**  
Petition to Vacate  
VAC2004-00041

**Legal Description of the Public Utility and Drainage Easement to be Vacated:**

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**LESS and EXCEPT** the northerly six feet and southerly six feet thereof.

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- FIP - FOUND IRON PIPE (AS NOTED)
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- ⊞ - ELECTRIC BOX
- ⊞ - CABLE BOX
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- X— WIRE FENCE
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- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
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Exhibit "B"  
 Petition to Vacate  
 VAC2004-00041  
 [Page One of One]

PROPERTY ADDRESS:  
 15421 CEMETERY ROAD  
 FORT MYERS, FLORIDA

**CERTIFICATIONS**

THOMAS P. GORDON, SR.  
 TRI COUNTY TITLE INSURANCE AGENCY, INC.  
 CHICAGO TITLE INSURANCE COMPANY

*Robert D. Reige*

ROBERT D. REIGE, P.S.M.  
 PROFESSIONAL SURVEYOR & MAPPER No. 4074  
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NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**BASE LINE, INC.**

LAND SURVEYING & MAPPING  
 LB#6386  
 7235 MAIDA LANE, SUITE 5-L  
 FORT MYERS, FLORIDA 33908  
 PHONE (239) 481-0421  
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REV	DATE	DESCRIPTION
1		
2		
3		
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PROJECT NO. 03851  
 SHEET 1 OF 1  
 SCALE 1" = 40'  
 FIELD SURVEY DATE:  
 12/02/03  
 SURVEY ISSUE DATE:  
 12/03/03

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2004-00041**  
**[Page One of One]**

Lee County Tax Collector - Print Results



Real Property Information		
Account	Tax Year	Status
03-44-26-13-00076.0090	2004	PAID
Original Account	Book/Page	
03-44-26-13-00076.0090	4154/4389	
Owner		
GORDON THOMAS P SR		
Physical Address	Mailing Address	
15421 CEMETERY RD FORT MYERS FL 33905	13825 4TH ST FORT MYERS FL 33905 USA	
Legal Description		
LEHIGH ACRES UT 13 W 1/2 BLK 76 PB 26 PG 18 LOTS 9 + 10		
Outstanding Balance as of 6/8/2005		\$0.00

Prepared by:  
Melissa Alford  
Tri-County Title Insurance Agency, Inc.  
13468 Palm Beach Blvd. - Suite A  
Fort Myers, Florida 33905

File Number: EFM648

INSTR # 6088483  
DR BK 84154 Pg 4389; (1pg)  
RECORDED 12/23/2003 07:48:48 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 6.00  
DEED DOC 140.00  
DEPUTY CLERK L Parent

### General Warranty Deed

Made this December 12, 2003 A.D. By **FRANK DIMEGLIO**, 3040 White Blvd, Naples, Fl. 34117, hereinafter called the grantor, to **THOMAS P. GORDON, SR.**, whose post office address is: 13825 4th Street, Fort Myers, Fl. 33905, hereinafter called the grantee:

(Whenever used herein the term "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 Dollars, (\$10.00) 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:

**Lots 9 and 10, Block 76, West 1/2 Unit 13, Section 3, Township 44 South, Range 26 East, 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 26, Page 18, Public Records of Lee County, Florida.**

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 03-44-26-13-00076.0090

**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 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.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Melissa Alford*  
\_\_\_\_\_  
Witness Printed Name: **MELISSA ALFORD**

*Frank Dimeglio* (Seal)  
\_\_\_\_\_  
**FRANK DIMEGLIO**  
Address: 3040 White Blvd, Naples, Fl. 34117

*Shirley A. Adams*  
\_\_\_\_\_  
Witness Printed Name: **Shirley A. Adams**

\_\_\_\_\_  
(Seal)  
Address:

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 12th day of December, 2003, by **FRANK DIMEGLIO**, who is/are personally known to me or who has produced *id. etc.* as identification.

Melissa Alford  
Commission #DD146910  
Expires: Sep 03, 2006  
Bonded Thru  
Atlantic Bonding Co., Inc.

*Melissa Alford*  
\_\_\_\_\_  
Notary Public  
Print Name: **MELISSA ALFORD**  
My Commission Expires: \_\_\_\_\_

DEED Individual Warranty Deed With Non-Homestead- Legal on Face  
Closers' Choice

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number:

Bob Janes  
*District One*                      June 8, 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*

**THOMAS P. GORDON**  
3846 HILLANDALE ST.,  
FORT MYERS, FL 33905

**Re: VAC2004-00041 - Petition to Vacate a 12-foot Public Utility Easement and Drainage** located at 15421 Cemetery Rd., Fort Myers, as recorded in Plat Book 26 at Page 18 of the Public Records of Lee County, Florida

Dear Mr. Gordon:

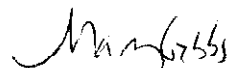
You have indicated that in order to build a single-family residence or duplex on the combined lots, you desire to eliminate the Public Utility and Drainage Easements located between your two (2) lots. The site is located at 15421 Cemetery Rd., Fort Myers.

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



*PJ*  
Peter J. Eckenrode  
Director

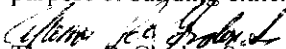
PJE/RSK

U:\200506\20040712.112\5560870\DCDLETTER.DOC

Department of Community Development  
P.O. Box 398  
Fort Myers, FL 33902-0398  
Attn: Peter J. Eckenrode  
Director Development Services

Sir,

I request that the common utility easement between Lots 9 and 10, block 76, west part of unit 13, section 3, township 44 south, range 26 east, Lehigh Acres as recorded in plat book 26, page 20 of the public records of Lee County, Florida also known as 15421 Cemetery Road, Fort Myers, Florida 33905 for the purpose of building either a single family home or duplex.

  
Thomas P. Gordon Sr.

13825 Fourth St.  
Fort Myers, FL 33905-2115  
239-63-8132



Florida Power & Light Company, 2425 Thompson St., Ft. Myers, FL 33901  
Phone: 239-332-9168, Fax: 230-332-9128

January 7, 2004

Mr. Thomas P. Gordon  
13825 4<sup>th</sup> St.  
Ft. Myers Fl. 33905

Dear Mr. Gordon

Florida Power & Light has no objection to vacating the easement common to lots 9 & 10 less and except the north and south six feet thereof. These combined lots have the following strap number;

03-44-26-13-00076.0090

Please do not hesitate to call the number above if you should need further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Thompson', is written above the printed name.

Dan Thompson



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.ifine.com

December 16, 2003

Mr. Thomas P. Gordon  
13825 4<sup>th</sup> St.  
Ft. Myers, FL 33905

Re: 15421 Cemetery Road

Dear Mr. Gordon:

LCEC does not object to vacation of the 12-foot-wide utility and/or drainage easement centered on the lot line between Lots 9 and 10, Block 76, West part of Unit 13, Section 3, Township 44 South, Range 26 East, Lehigh Acres, as recorded in Plat Book 26, page 20, of the Public Records of Lee County, Florida.

Please be advised; however, that you must contact FPL as this is in their service area.

Sincerely,

Karen Hardin  
Real Property Representative

REC'D  
2004 00041  
MAY 16





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

February 2, 2004

Re: Mr. Thomas P. Gordon  
13825 4<sup>th</sup> St.  
Fort Myers, FL 33905

Ref: Petition to vacate a 6 foot utility easement.

To vacate the 6 foot utility easement between westerly lot line, of lot 10 and the easterly lot line, of lot 9 in the Lehigh Acers subdivision, known as section 03.

STRAP # 03-44-26-13-00076.0090.as recorded in Pb 26, Pg 18, Lot 9+10, in the Lee County Records.

Mr. Thomas P. Gordon

This letter is a follow up in examining the property at 15421 Cemetery Rd. Sprint has no objection to the vacation of the existing 12 foot utility easement, between lots 9 and 10.

See attached:

Questions please advise Craig Sloan 293-336-2039 or Dick Hayman 239-336-2032.

Call before you dig 1800-432-4770 Call One.

Sincerely,

A handwritten signature in cursive script, appearing to read "Craig Sloan".

Craig Sloan  
Engineer 1 Sprint

Cc: RH, RT,

301 Tower Road  
Naples, FL 34113  
Collier: (239)-732-3861  
Lee: (239)-432-1861  
FAX: 239-334-8575



January 2, 2004

Thomas Gordon  
13825 4<sup>th</sup> Street  
Fort Myers, Fl. 33905

Re: Vacation of the 12 foot Utility and Drainage Easement located at 15421 Cemetery Road on the common lot line between Lots 9 and 10, Block 76 in the west part of Unit 13 Township 44 South, Range 26 East, Section 3 Lehigh Acres, Fort Myers, Florida 33905

Dear Mr. Gordon:

Comcast Communications has reviewed the plans of the above referenced properties. Comcast has no objection to the vacation of the Utility Easement as indicated on the attached sketch.

If I can be of any additional information regarding this project, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "William Stanton". The signature is fluid and cursive, with a long horizontal stroke at the end.

William Stanton  
Design Department



# Florida Department of Transportation

JEB BUSH  
GOVERNOR

JOSÉ ABREU  
SECRETARY

January 19, 2005

Mr. Thomas P. Gordon  
13825 4<sup>th</sup> Street  
Fort Myers, Florida 33905

RE: Vacation of a Public Utility and Drainage Easement

Dear Mr. Gordon:

Per your request this date, the Department is resending this letter as a duplicate and replacement to the one we originally sent to you on January 5, 2004 for vacation of a public utility and drainage easement in Lehigh Acres. (See attachment.)

Therefore, in response to your letter we received on December 29, 2003, our staff has conducted a review of your request to vacate the subject area as marked and generally described as: That portion of a 12' wide by 175' long Public Utility and Drainage Easement identified as lying between Block 76 (Lot 9) and (Lot 10) of the West part of Unit 13, Lehigh Acres, in Section 3, Township 44 South, Range 26 East, recorded in Plat Book 26, Page 20, of the Public Records of Lee County, Florida.

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

Sincerely,

Ruthie M. Chunn  
Right of Way Agent  
Property Management

RMC/rmc  
Attmt.

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



District One-Right of Way Department-Property Management  
801 North Broadway Avenue\*Post Office Box 1249\*Bartow, FL 33831-1249  
(863)519-2413\*(863)534-7168(FAX)\*MS 1-66  
[www.dot.state.fl.us](http://www.dot.state.fl.us)





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

December 13, 2004

Mr. Thomas P. Gordon, Sr.  
13825 Fourth Street  
Fort Myers, FL 33905-2115

**RE: Petition to Vacate the 12' wide drainage and  
Utility easement on the lot line common to  
Lots 9 and 10, Block 76, Unit 13, Section 3,  
Township 44 South, Range 26 East,  
Plat Book 26, page 18, Lehigh Acres**

Dear Mr. Gordon:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. DOT has no facilities within the easement and does not maintain it.

Therefore, DOT offers no objection to this petition to vacate as proposed.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

cc: Ruth Keith, Development Services  
Allen Davies, Natural Resources  
DOT PTV File



**LEE COUNTY**  
SOUTHWEST FLORIDA

(941) 479-8124

Writer's Direct Dial Number: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS**

Thursday, February 05, 2004

Bob Janes  
*District One*

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*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
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John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**MR. GORDON THOMAS**  
13825 4TH ST  
FORT MYERS FL 33905

**Re: Petition to Vacate a twelve (12) foot wide public utility & drainage easements common to Lots 09 & 10, Block 76, Unit 13, Lehigh Acres Subdivision, as recorded in Plat Book 26 Page 18, in the public records, Lee County, Florida.**

Dear Mr. Thomas:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility and drainage easement.

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

-cc: Don Blackburn, Development Services  
Joan Henry, County Attorney's Office  
Margaret Lawson, LCDOT  
Roland Ottolini, P.E., NRD

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**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8181

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
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Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

January 10, 2005

Thomas P. Gordon  
13825 4<sup>th</sup> Street  
Fort Myers, Fl. 33905

**SUBJECT: PETITION TO VACATE EASEMENT BETWEEN TWO PARCELS  
03-44-26-13-00076.0090 AND 03-44-26-13-00076.0100**

Dear Mr. Gordon:

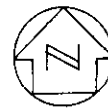
Lee County Utilities has reviewed the easement described in your letter of December 12, 2003. Lee County Utilities has no facilities located within the easement; therefore, there is no objection to the vacation of this easement..

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Senior Engineering Tech.  
UTILITIES ENGINEERING



PLAT OF  
 W. 1/2 UNIT 13  
 SECTION 3, TWP. 44S., RGE. 26 E.

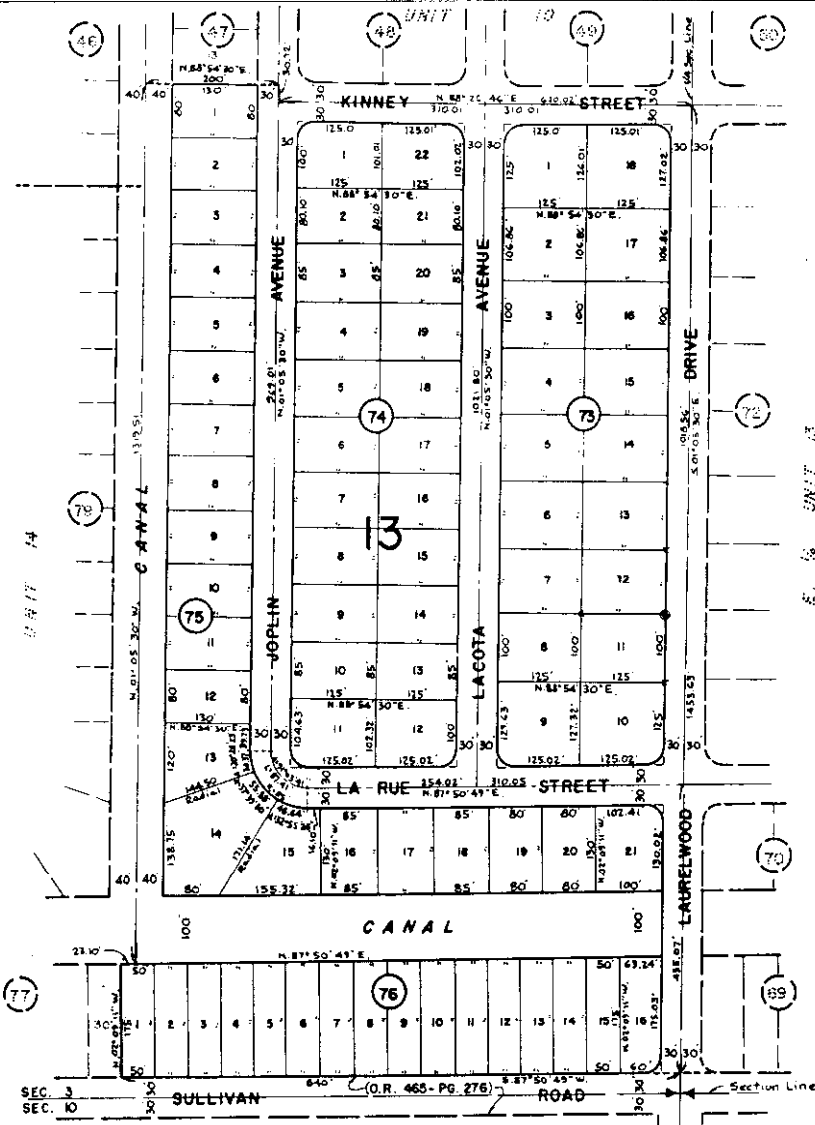
A SUBDIVISION OF  
**LEHIGH ACRES**

LEE COUNTY, FLORIDA



All lots subject to a 6 foot Utility and  
 Drainage Easement on both sides, front,  
 and back.

All corner lot radii are 25 feet except as  
 shown and the lot dimensions are to the  
 straight line intersections, except where  
 arc distances are shown.



NOT SUBDIVIDED

LEHIGH ACRES

0000' 00" D

0000' 00" E

0000' 00" F

Area to be vacated