

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a portion of a 20-foot wide Drainage Easement located at 12130 Via Del Fontana Ave., Trevi subdivision, South Ft. Myers (Case No. VAC2005-00046).

2. WHAT ACTION ACCOMPLISHES: To construct a single-family home with screen enclosure on the West side of the Lot. The vacation of this easement will not alter existing drainage conditions and the easement is not necessary to accommodate any future drainage requirements.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 2

930 PK4

5. Meeting Date:
1-10-2006

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]* 11/15/05
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2005-00046 was submitted by Tracy N. Bean as the agent on behalf of Herbert P. and Gabriele Baum.

LOCATION: The site is located at **12130 Via Del Fontana Ave., Ft. Myers, Florida 33919** and its strap number is **16-45-24-46-00000.0010**. Petition No. VAC2005-00046 proposes to vacate a portion of a twenty-foot (20') wide Drainage Easement on Lot 1, Section 16, Township 45 South, Range 24 East, the plat of Trevi Subdivision, as recorded in Plat Book 78, Page 69 of the Public Records of Lee County, Florida.

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

There are no objections to this Petition to Vacate.

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>Mam (1/5/05)</i>				<i>[Signature] 12-6-05</i>	<i>[Signature] 12/6/05</i>	<i>[Signature] 12/6/05</i>	<i>[Signature] 12/6/05</i>	<i>[Signature] 12/6/05</i>	<i>[Signature] 12/6/05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*
 12-6-05
 3pm
 COUNTY ADMIN FORWARDED TO: *[Signature]*
 12/15/05
 3pm

Rec. by CoAtty
 Date: 11/21/05
 Time: 11:20am
 Forwarded To: Co. Atty, 12/6/05 3PM



PETITION TO VACATE
TRANSMITTAL FOR PUBLIC NOTICE
REQUIREMENTS

DATE: November 9, 2005

To: Richard DeSalvo
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20051640

CASE NUMBER: VAC2005-00046

Applicable Public Noticing Requirement:

PTV under AC13-1
1st Notice - 15 days prior to Public Hearing
2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8
One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and John Fredyma, Assistant County Attorney (fredymjj@leegov.com).

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00046

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of January 2006 @9:30AM 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

John J. Fredyma
County Attorney Signature

JOHN J. FREDYMA
Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

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

Description

Proposed Easement Vacation
Lot 1, Trevi Subdivision
Section 16, Township 45 South, Range 24 East
Lee County, Florida

A tract or parcel of land being part of Lot 1, Trevi Subdivision, as recorded in Plat Book 78 at Page 69 lying in Section 16, Township 45 South, Range 24 East, Lee County, Florida, being further described as follows:


From the southwest corner of said Lot 1, Trevi Subdivision, run N88°58'00"E along the south line of said Lot 1 for 20.00 feet to an intersection with the east line of a drainage easement 20 feet wide; thence run N01°02'40"W along said east line for 54.34 feet to the Point of Beginning.

From said Point of Beginning run S88°57'20"W for 5.00 feet; thence run N01°02'40"W for 42.33 feet; thence run N88°57'20"E for 5.00 feet to an intersection with the east line of said drainage easement; thence run S01°02'40"E along said east line for 42.33 feet to the Point of Beginning.

Containing 212 square feet.

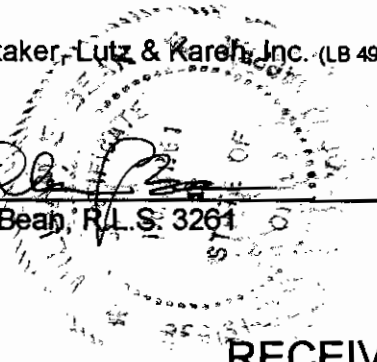
Bearings hereinabove mentioned based on the plat of Trevi Subdivision as recorded in Plat Book 78, Page 69 of the Lee County Records.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


William E. Bean, R.L.S. 3261

36116DESC1

8/19/05



RECEIVED

OCT 10 2005

VAC 2005-00046

Exhibit "A"
Petition to Vacate
VAC2005-00046
[Page One of One]

Page 1 of 2



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

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



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

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: VAC2005-00046

WHEREAS, Petitioner **Herbert P. Baum and Gabriele Baum** 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. VAC2005-00046 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



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
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From said Point of Beginning run S88°57'20"W for 5.00 feet; thence run N01°02'40"W for 42.33 feet; thence run N88°57'20"E for 5.00 feet to an intersection with the east line of said drainage easement; thence run S01°02'40"E along said east line for 42.33 feet to the Point of Beginning.

Containing 212 square feet.

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William E. Bean, R.L.S. 3261

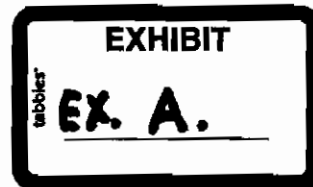
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Exhibit "A"
Petition to Vacate
VAC2005-00046
[Page One of One]

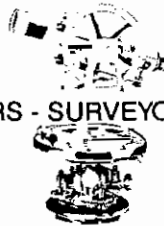
Page 1 of 2



PRINCIPALS:

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SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



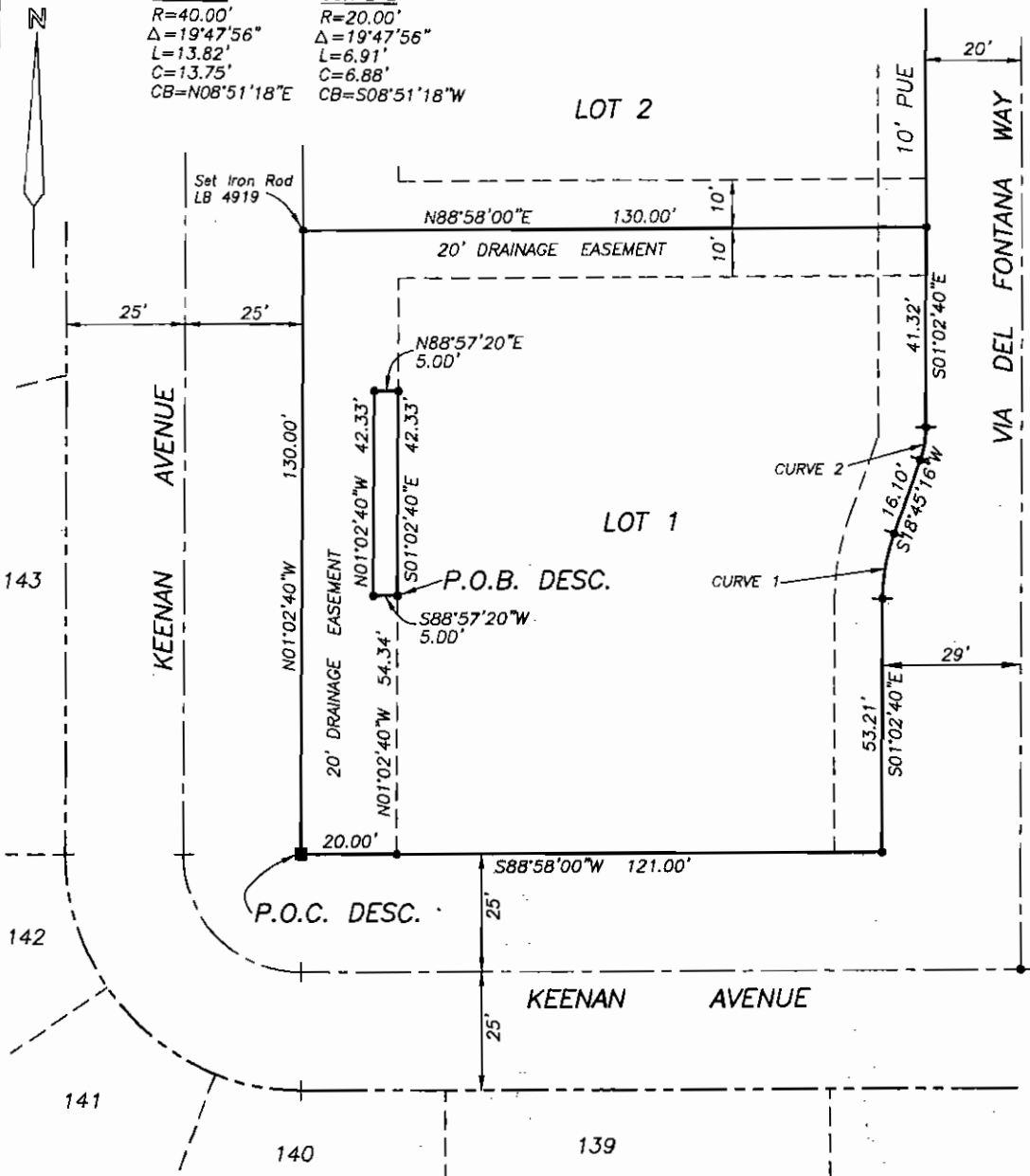
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ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION
 PROPOSED EASEMENT VACATION
 LOT 1, TREVI SUBDIVISION
 PLAT BOOK 78, PAGE 69
 SECTION 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
 LEE COUNTY, FLORIDA**

CURVE 1
 R=40.00'
 $\Delta=19^{\circ}47'56''$
 L=13.82'
 C=13.75'
 CB=N08°51'18"E

CURVE 2
 R=20.00'
 $\Delta=19^{\circ}47'56''$
 L=6.91'
 C=6.88'
 CB=S08°51'18"W



UNIT NO. 1
 MCGREGOR ISLES
 PLAT BOOK 12, PAGE 24

THIS IS NOT A SURVEY

ABBREVIATIONS:
 P.B. = Plat Book
 O.R. = Official Records Book
 P.C. = Page
 P.O.B. = Point of Beginning
 P.O.C. = Point of Commencement

WILLIAM J. BEAN
 Registered Professional Engineer
 Florida

EXHIBIT
Ex. B

Bean, Whitaker, Lutz & Associates, Inc.
 CIVIL ENGINEERS - SURVEYORS AND MAPPERS
 12941-1 MCGREGOR BOLLING RD, FORT MYERS, FLORIDA 33905-9258 (239) 461-1331

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-10)
8-18-05	36116	WBP	1" = 30'	2 OF 2	15-45-24

Exhibit "B"
Petition to Vacate
VAC2005-00046
 [Page One of One]



PETITION TO VACATE (AC 13-1)

Case Number: VAC2005-00046

Petitioner(s), Herbert P. Baum & Gabriele Baum
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, 6918 Old Whiskey Creek Drive, Fort Myers, FL 33919
- 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:

Petitioner Signature

Petitioner Signature

Herbert P. Baum

Printed Name

Gabriele Baum

Printed Name

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

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as _____ Having Strap number 16-45-24-16-00000.0010 and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Bean, Whitaker, Lutz & Kareh, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner*(signature)

Herbert P. Baum, Managing Member, G & H Management & Consulting, LLC

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 18 day of Oct, 2005, by Herbert P. Baum, Managing Member of G & H Management & Consulting, LLC who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)



Sylvia E. Heldreth
My Commission DD252119
Expires January 02, 2008

Notary Public

(Name typed, printed or stamped)

VAC 2005-00046



Florida Limited Liability

G & H MANAGEMENT & CONSULTING, LLC

PRINCIPAL ADDRESS
 6918 OLD WHISKEY CREEK DRIVE
 FORT MYERS FL 33919

MAILING ADDRESS
 C/O SSI ACCT+TAX SVC 1500 COLONIAL BLVD
 SUITE 235
 FORT MYERS FL 33907
 Changed 04/12/2005

Document Number L03000011971	FEI Number 412091911	Date Filed 04/02/2003
State FL	Status ACTIVE	Effective Date NONE
Last Event AMENDMENT	Event Date Filed 04/08/2005	Event Effective Date NONE
Total Contribution 0.00		

Registered Agent

Name & Address
SSI ACCOUNTING & TAX SERVICE INC. 1500COLONIAL BLVD. SUITE 235 FORT MYERS FL 33907
Name Changed: 04/12/2005
Address Changed: 04/22/2004

Manager/Member Detail

Name & Address	Title
BAUM, GABRIELE 6918 OLD WHISKEY CREEK DRIVE	

FORT MYERS FL 33919	MGRM
BAUM, HERBERT P 6918 OLD WHISKEY CREEK DRIVE FORT MYERS FL 33919	MGRM

Annual Reports

Report Year	Filed Date
2004	04/22/2004
2005	04/12/2005

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)
No Name History Information

Document Images

Listed below are the images available for this filing.

04/12/2005 -- ANNUAL REPORT
04/08/2005 -- Amendment
04/22/2004 -- ANNUAL REPORT
04/02/2003 -- Florida Limited Liabilites

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

[Corporations Help](#)



Bean, Whitaker, Lutz & Kareh, Inc.

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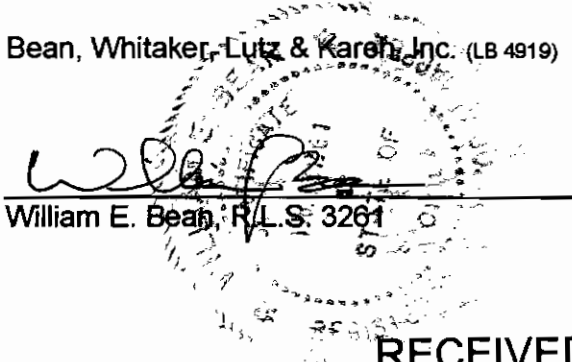
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36116DESC1

8/19/05

William E. Bean, R.L.S. 3261

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OCT 10 2005

VAC 2005-00046

Exhibit "A"
Petition to Vacate
VAC2005-00046
[Page One of One]

Page 1 of 2



PRINCIPALS:
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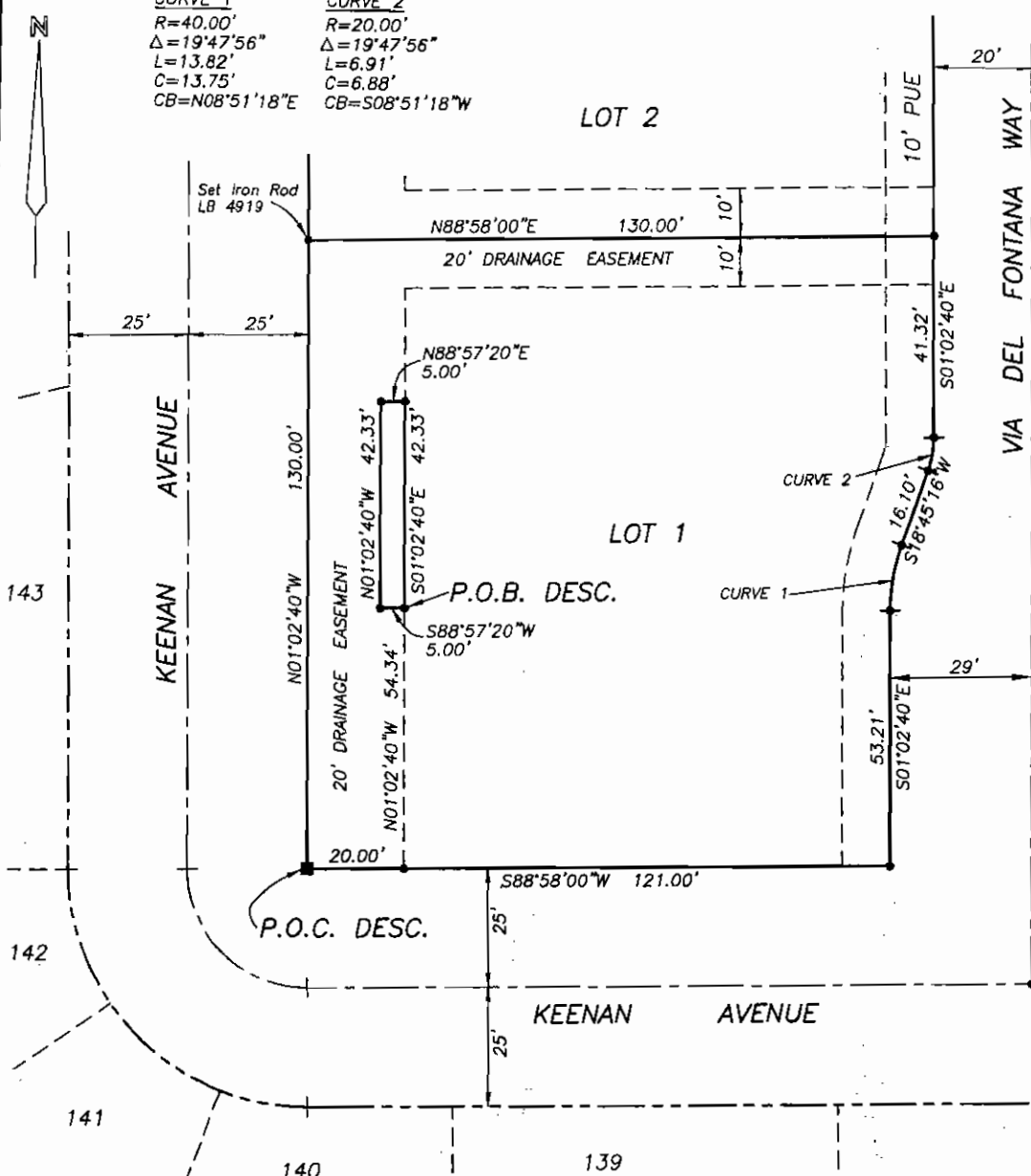
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



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UNIT NO. 1
 MCGREGOR ISLES
 PLAT BOOK 12, PAGE 24

THIS IS NOT A SURVEY

ABBREVIATIONS:

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- O.R. = Official Records Book
- PG. = Page
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Bean, Whitaker, Lutz & Associates
 CIVIL ENGINEERS - SURVEYORS AND MAPPERS
 13841-M MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33907-2070 (239) 481-1331

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-19-05	36116	WBP	1" = 30'	2 OF 2	16-45-24

EXHIBIT
EX. B

Exhibit "B"
Petition to Vacate
VAC2005-00046
 [Page One of One]

Exhibit "C"
Petition to Vacate
VAC2005-00046
[Page One of One]



Real Property Information		
Account	Tax Year	Status
16-45-24-46-00000.0010	2005	PAID
Original Account	Book/Page	
16-45-24-46-00000.0010	4831/4568	
Owner		
BAUM HERBERT P + GABRIELE		
Physical Address		Mailing Address
12130 VIA DEL FONTANA AVE FT MYERS FL 33919		6918 OLD WHISKEY CREEK DR FORT MYERS FL 33919 USA
Legal Description		
TREVI PB 78 PG 69 LOT 1		
Outstanding Balance as of 12/6/2005		\$0.00

Additional Options:

- Tax Detail
- Payments Made
- All Unpaid Taxes
- Tax History
- Link to Property Appraiser's Tax Estimator

See also:



Prepared By: Joyce Whiteside
4423 Del Prado Blvd. S
Cape Coral, FL 33904

Parcel ID Numbers: 16-45-24-46-00000.0010

INSTR # 6929380
DR BK 04831 Pg 4568; (1pg)
RECORDED 08/05/2005 10:56:10 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
DEED DOC 0.70
DEPUTY CLERK G Sherwood

**QUIT CLAIM DEED
(CORPORATE)**

This QUIT CLAIM DEED, dated July 14, 2005, by **G & H Management and Consulting LLC, a Florida LLC** whose post office address is **6918 Old Whiskey Creek Dr., Fort Myers, FL 33919** hereinafter called the GRANTOR,

to **Herbert P. Baum and Gabriele Baum, husband and wife** whose post office address is **6918 Old Whiskey Creek Dr., Fort Myers, FL 33919** 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 GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto GRANTEE forever, all the right, title, interest, claim and demand which GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in Lee County, Florida:

Lot 1, TREVI SUBDIVISION, according to the Plat thereof as recorded in Plat Book 78, Page 69, of the Public Records of Lee County, Florida.

Parcel Identification Number: 16-45-24-46-00000.0010

Subject to ordinances, easements, restrictions, and reservations of record and taxes for the year 2005 and thereafter.

This property is not now, nor has it ever been during the period of ownership, the homestead property of the grantor, nor is it contiguous to any homestead property of the Grantor. This property is unimproved land.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said GRANTOR, either in law or equity, to the only proper use, benefit and behoove of the said GRANTEE forever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES: Signature: <u>[Signature]</u> Print Name: <u>Manfred Badri</u> Signature: <u>[Signature]</u> Print Name: <u>Kimberly Sands</u>	G & H Management and Consulting LLC, a Florida LLC <u>[Signature]</u> BY: <u>Herbert P. Baum</u> - Manager
---	---

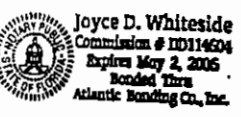
State of Florida
County of Lee

I am a notary public of the state of Florida and my commission expires: May 2, 2006

THE FOREGOING INSTRUMENT was acknowledged before me on (Date) July 14, 2005 by: Herbert Baum as Manager of G & H Management and Consulting LLC, a Florida LLC

He/She is personally known to me or who has produced as identification and who did take an oath.

Notary Seal



Joyce D. Whiteside
Commission # DD114604
Expires May 2, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

Signature: Joyce D. Whiteside
Print Name: Joyce D. Whiteside, Notary Public

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

November 9, 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

Tracy N. Bean, AICP
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Ft. Myers, FL 33919

Re: VAC2005-00046 - Petition to vacate a portion of a 20- foot wide Drainage Easement located on the West side of Lot 1, the plat of Trevi Subdivision, S 16, T 45 S, R 24 E, as recorded in Plat Book 78 at Page 69 of the Public Records of Lee County, Florida.

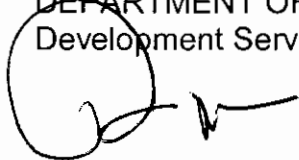
Dear Ms. Bean:

You have indicated that in order to build a home with a screen enclosure, your clients desire to eliminate a 5' X 42.33' portion of the 20-foot Drainage Easement located on the West of lot 1. The site is located at 12130 Via Del Fontana Ave., Ft. Myers, 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/RXW

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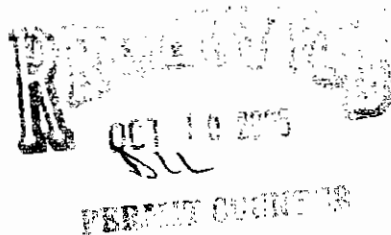


Bean, Whitaker, Lutz & Kareh, Inc.

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

October 7, 2005

Mr. Peter J. Eckenrode, Director
Division of Development Services
Lee County Department of Community Development
Post Office Box 398
Fort Myers, FL 33902-0398



Reference: Lot 1, Trevi Subdivision - DOS 2003-00242 - Petition to Vacate
BWLK Project No. 36116 16-45-24

Dear Mr. Eckenrode:

On behalf of G&H Management & Consulting, Inc., we are requesting vacation of a 20' drainage easement on Lot 1, Trevi Subdivision. Lot 1 has the unfortunate situation of having triple frontage as well as the 20' easement at the rear of the lot. It has been difficult to site a house on the lot due to three street setback limitations. Although the house has been designed within those setbacks, five feet of the screen enclosure encroach into the easement.

The project engineer has stated that the drainage swale will not be disturbed by this vacation. The scope of the encroachment is a 5' x 42.33' area or 211.65 SF. 15' of the drainage easement would remain adjacent to the screen enclosure and the full 20' wide easement would otherwise remain.

The original signed and notarized petition to vacate as well as three copies of all the required attachments and a check for \$600.00 are included with the submittal package.

The owner anticipates that a variance may be required to reduce the structure setback from 25' to 15' adjacent to the encroachment.

Sincerely,

Bean, Whitaker, Lutz & Kareh, Inc.

Tracy N. Bean, AICP
Zoning & Land Use Coordinator

RECEIVED

OCT 10 2005

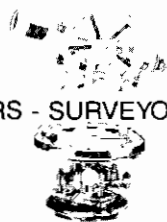
TNB/BS
Enclosures

cc: Walt Hogan, G&H Management, Inc.
T. Dean Martin, TDM Consulting, Inc.
36116ECKENRODE2

2005-00046

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

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



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



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Monday, October 31, 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

Robert W. Gray
Deputy County Attorney

Diana M. Parker
County Hearing Examiner

**Ms. Tracy Bean, AICP
Bean, Whitaker, Lutz, & Kareh, Inc.
13041 McGregor Blvd.
Fort Myers, FL 33919-5910**

Re: Petition to Vacate a thirty-five foot (35') by ten foot (10') portion of a twenty foot (20') wide drainage easement located on the west side of Lot 1, Trevi Subdivision as recorded in Plat Book 78 at Page 69 of the Public Records of Lee County, Florida.

Dear Ms. Bean:

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

S:\NATRES\SURFACE\DOCUMENT\vac522.doc



LEE COUNTY
SOUTHWEST FLORIDA

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

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

June 7, 2005

Ms. Tracy N. Bean
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Fort Myers, FL 33919-5910

**RE: Petition to Vacate a portion of a 20 foot wide
Drainage easement on Lot 1, Trevi Subdivision,
Plat Book 78, page 69, Section 16,
Township 45 South, Range 24 East**

Dear Ms. Bean:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. This easement has no significant impact on drainage or access.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

David M. Loveland
Manager, Transportation Planning

DML/JMK/mlb

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

received
June 10, 2005



Florida Department of Transportation

JEB BUSH
GOVERNOR

DENVER J. STUTLER, JR.
SECRETARY

October 19, 2005

Bean, Whitaker, Lutz & Kareh, Inc.
Attn.: Ms. Tracey N. Bean, AICP
Zoning & Land Use Coordinator
13041 McGregor Boulevard
Fort Myers, Florida 33919

**RE: Vacation of Public Interest for a Proposed Drainage Easement, located at
12130 Via Del Fontana Avenue, Trevi Subdivision, Fort Myers, Lee County,
Florida BWLK Project No. 36116
PM Log#: 05-85**

Dear Ms. Bean:

In response to your letter we received on October 18, 2005, our staff conducted a review of your request to vacate the subject area as marked and generally described as:

Lot 1, Trevi Subdivision, 12130 Via del Fontana Avenue, in Unit No. 1,
McGregor Isles, Plat Book 12, Page 24, Fort Myers, Lee County, Florida

Based on this review, we offer "No Objection" to this vacation request. If we can be of further assistance, please feel free to contact this office.

Sincerely,
Sylvia Petrosky
Sylvia Petrosky
Right of Way Agent
Property Management

SAP/jps

cc: Scott Gilbertson, P.E. – Lee County
Peter J. Eckenrode – Lee County
Michael G. Rippe – FDOT
Thomas T. Garcia – FDOT
File, Daily File

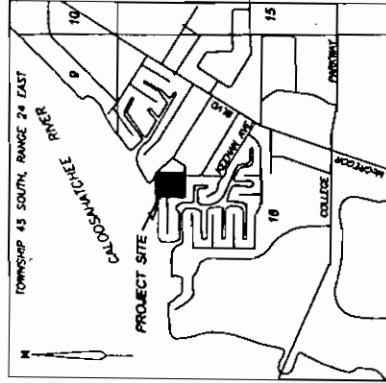
NOTICE:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED, BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

NOTICE:

THIS PLAT, AS RECORDED IN GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

TREVI SUBDIVISION
A SUBDIVISION IN
SECTIONS 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DESCRIPTION

A TRACT OF LAND LIES IN CONVEYANCE LOT 3, SECTION 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THIS THE RESPECTIVE PART OF SAID CONVEYANCE LOT 3, BEING THE WEST LINE OF SAID CONVEYANCE LOT 3, AND THE CONTINUED OF SECTION CORNER 50 FEET (FOR 10 FEET) TO THE POINT OF BEGINNING.

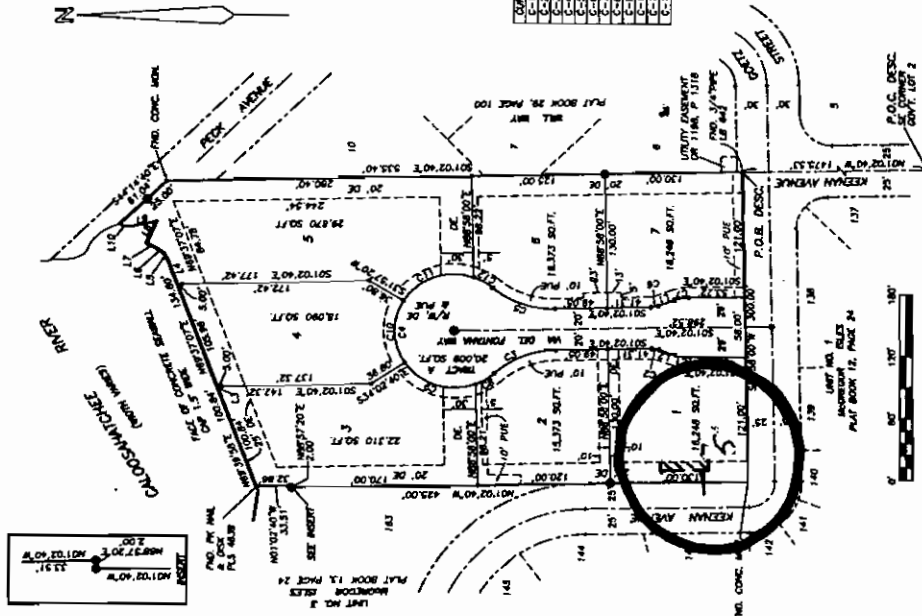
FROM SAID POINT OF BEGINNING, RUN S01°02'40"E 333.40 FEET TO THE POINT OF BEGINNING, AS SHOWN ON PLAT OF LOT 3, RECORDED IN PLAT BOOK 78 AT PAGE 69 OF THIS COUNTY RECORDS, TO THE POINT OF BEGINNING, AS SHOWN ON PLAT OF LOT 3, RECORDED IN PLAT BOOK 78 AT PAGE 69 OF THIS COUNTY RECORDS, TO THE POINT OF BEGINNING, AS SHOWN ON PLAT OF LOT 3, RECORDED IN PLAT BOOK 78 AT PAGE 69 OF THIS COUNTY RECORDS.

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S89°50'30"E	18.10
L-2	S16°45'18"E	18.10
L-3	S89°51'07"E	2.89
L-4	S89°51'07"E	2.89
L-5	N89°51'07"E	2.89
L-6	S89°51'07"E	2.89
L-7	S65°35'37"E	10.53
L-8	N89°51'07"E	2.89
L-9	S89°51'07"E	2.89
L-10	N11°49'53"E	10.18

CURVE TABLE

CURVE	PIVOTAL ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C-1	174°15'	6.817	6.817	S174°15'00"E
C-2	174°15'	6.817	6.817	S174°15'00"E
C-3	84°07'30"	13.634	13.634	S84°07'30"E
C-4	84°07'30"	13.634	13.634	S84°07'30"E
C-5	84°07'30"	13.634	13.634	S84°07'30"E
C-6	84°07'30"	13.634	13.634	S84°07'30"E
C-7	84°07'30"	13.634	13.634	S84°07'30"E
C-8	84°07'30"	13.634	13.634	S84°07'30"E
C-9	84°07'30"	13.634	13.634	S84°07'30"E
C-10	84°07'30"	13.634	13.634	S84°07'30"E
C-11	84°07'30"	13.634	13.634	S84°07'30"E
C-12	84°07'30"	13.634	13.634	S84°07'30"E



DEDICATION:
FROM ALL PARTS OF THESE PRESENTS THAT THE INVESTMENTS, L.L.C. A FLORIDA LIMITED LIABILITY COMPANY, THE OWNER OF THE ABOVE DESCRIBED LANDS, HAS HEREBY DEDICATED TO THE PUBLIC USE OF THE COUNTY OF LEE COUNTY, FLORIDA, TO BE USED AND HEREIN:

1. DEDICATES TRACT "A", FOR PRIVATE ROAD RIGHT-OF-WAY AND DRAINAGE PURPOSES TO THE TRAFFIC AND CONVEYANCE OF THE PUBLIC.
2. DEDICATES TRACT "B", FOR PRIVATE ROAD RIGHT-OF-WAY AND DRAINAGE PURPOSES TO THE TRAFFIC AND CONVEYANCE OF THE PUBLIC.
3. DEDICATES PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS PLAT TO ALL PUBLIC AND PRIVATE UTILITIES IN PLACEMENT FOR OVERHEAD AND/OR UNDERGROUND PUBLIC UTILITIES. THE PUBLIC UTILITY EASEMENTS ARE ALSO DEDICATED FOR THE TRAFFIC AND CONVEYANCE OF THE PUBLIC.

ALL DEDICATIONS AND EASEMENTS TO THE PUBLIC SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE DEDICATIONS AND EASEMENTS SHALL BE SUBJECT TO THE PUBLIC RECORDS OF THIS COUNTY.
2. THE DEDICATIONS AND EASEMENTS SHALL BE SUBJECT TO THE PUBLIC RECORDS OF THIS COUNTY.
3. THE DEDICATIONS AND EASEMENTS SHALL BE SUBJECT TO THE PUBLIC RECORDS OF THIS COUNTY.

ACKNOWLEDGMENT:
STATE OF FLORIDA,)
COUNTY OF LEE)
I, THE CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF THE TRACT "A" AND "B" DESCRIBED IN THIS PLAT WAS FILED FOR RECORD IN PLAT BOOK 78, AT PAGE 69 OF THIS COUNTY RECORDS, AND WAS RECEIVED IN PLAT BOOK 78, AT PAGE 69 OF THIS COUNTY RECORDS, AND IS THE PUBLIC RECORD OF LEE COUNTY, FLORIDA.

CLERK'S CERTIFICATION: 6379193
I, THE CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ABOVE PLAT OF THE TRACT "A" AND "B" DESCRIBED IN THIS PLAT WAS FILED FOR RECORD IN PLAT BOOK 78, AT PAGE 69 OF THIS COUNTY RECORDS, AND WAS RECEIVED IN PLAT BOOK 78, AT PAGE 69 OF THIS COUNTY RECORDS, AND IS THE PUBLIC RECORD OF LEE COUNTY, FLORIDA.

APPROVAL:
THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, THIS DATE, DATE OF THE BOARD OF COUNTY COMMISSIONERS MEETING, AND DATE APPROVED IN PLAT BOOK 78, AT PAGE 69 OF THIS COUNTY RECORDS.

NOTES:
REMARKS SHOWN HEREON ARE BASED ON CONTINUES OF KEENEY AVENUE (LAST LINE OF CONVEYANCE LOT 1) TO BEAN AVENUE (40' WHICH ARE 24" TYPED CONCRETE WITH COP BEARING COMPANION NUMBER 18 4118, UNLESS OTHERWISE NOTED).

- 1. ALL WITH ACCESS BOOK BEARING COMPANION NUMBER 18 4118.
- 2. ALL WITH ACCESS BOOK BEARING COMPANION NUMBER 18 4118.
- 3. ALL WITH ACCESS BOOK BEARING COMPANION NUMBER 18 4118.
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- 10. ALL WITH ACCESS BOOK BEARING COMPANION NUMBER 18 4118.
- 11. ALL WITH ACCESS BOOK BEARING COMPANION NUMBER 18 4118.
- 12. ALL WITH ACCESS BOOK BEARING COMPANION NUMBER 18 4118.

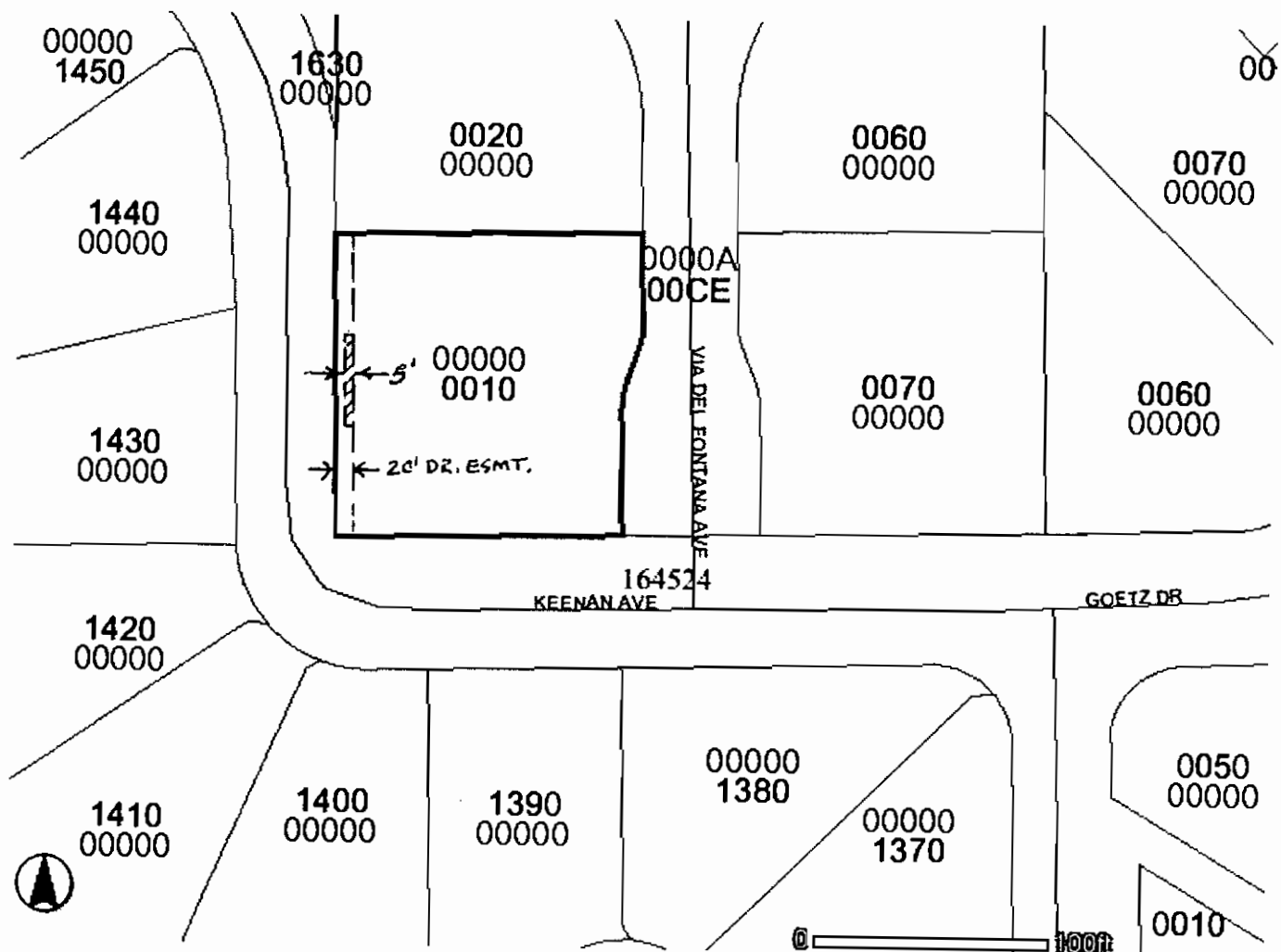
SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THE ATTACHED PLAT OF THIS SUBDIVISION, A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, HAVE BEEN COMPLIED WITH. I HEREBY CERTIFY THAT THE FOREGOING REFERENCE APPEARANCES (MARKS) PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

REAL: WALTER LUTZ & KARGE, INC. 18, 4118
13041-1 WOODLARK BULLWOCK (234) 941-1331
FORT MYERS, FLORIDA 33918-9418

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OCT 10 2005
LEE COUNTY, FLORIDA
CLERK OF THE COUNTY



 - AREA TO BE VACATED



Portion of 20' Drainage Easement to be Vacated on Lot 1, Trevi Subdivision Plat Book 78, Page 69

RECEIVED
OCT 10 2005

VAC 2005-00046