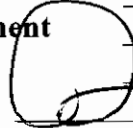


**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located at 4640 Vinsetta Ave., North Ft. Myers (Case No. VAC2005-00047).

**2. WHAT ACTION ACCOMPLISHES:** To do a lot reconfiguration and provide equal distribution of water frontage 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:** Approve

**4. Departmental Category:** COMMISSION DISTRICT #: 4 **9:30 AM PH3** **5. Meeting Date:** **04-18-2006**

<b>6. Agenda:</b>	<input type="checkbox"/> Consent	<b>7. Requirement/Purpose: (specify)</b>	<input checked="" type="checkbox"/> Statute	F.S. Ch. 177	<b>8. Request Initiated:</b> Commissioner Department Division By:  3/21/06 Peter J. Eckenrode, Director
	<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		
	<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code	13-1	
	<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Other		
<input type="checkbox"/> Walk-On					

**9. Background:**

The completed petition to vacate, VAC2005-00047 was submitted by Althea Gordon as the agent on behalf of Jeffrey M. Miloff and Gary Aubuchon.

**LOCATION:** The site is located at **4640 Vinsetta Ave., North Ft. Myers, Florida 33903** and its strap number is **16-44-24-08-00007.0480**. Petition No. VAC2005-00047 proposes to vacate a twelve-foot (12') wide Drainage and Public Utility Easement on Lots 48 and 49, Block 7, Unit 2, Section 16, Township 44 South, Range 24 East, Waterway Estates, as recorded in Plat Book 21, Page 44 and 45 of the Public Records of Lee County, Florida.

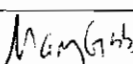
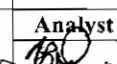

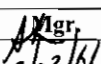
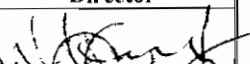
Home located on the subject parcels has been removed per demolition permit DEM2005-00202.

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.	
				John J. ... 3/22/06		MF 3/23/06			

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 
3/22/06
11am
COUNTY ADMIN FORWARDED TO: 
3/23/06


Rec. by CoAtty
Date: 
Time: 
Forwarded To: Co. Admin 3/22/06 10 AM



PETITION TO VACATE  
TRANSMITTAL FOR PUBLIC NOTICE  
REQUIREMENTS

DATE: March 14, 2006

To: Richard DeSalvo  
Public Resources

FROM: Ron Wilson  
Development Services

BLUESHEET NUMBER: 20060317

CASE NUMBER: VAC2005-00047

Applicable Public Noticing Requirement:

PTV under AC13-1  
1<sup>st</sup> Notice - 15 days prior to Public Hearing  
2<sup>nd</sup> 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](mailto:rwilson@leegov.com)) and John Fredyma, Assistant County Attorney ([fredymjj@leegov.com](mailto:fredymjj@leegov.com)).

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00047

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 18th day of April 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

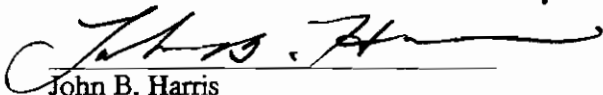
DESCRIPTION: ( Easement Vacation )

A 12.00 foot wide Public Utility and drainage Easement lying 6.00 feet either side of the Lot line common to Lots 48 and 49, Block 7, Waterway Estates, Unit 2, as recorded in Plat Book 21, Page 45, Public Records of Lee County, Florida, the centerline of said vacated portion of said easement is described as follows:

Commencing at the Northeast corner of the aforesaid Lot 48; thence run S.00°57'20"W. along the line common to Lots 48 and 49 for 6.00 feet to the point of beginning; thence continue S.00°57' 20"W. for 98.00 feet to the terminus of said centerline.

Said tract contains 1,176 square feet, more or less.

Bearings are based on the Lot line common to the aforesaid Lots 48 and 49 as being S.00°57'20"W.



John B. Harris  
P.S.M. #4631  
January 5, 2006

**RECEIVED**  
MAR 08 2006

COMMUNITY DEVELOPMENT

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00047**  
[Page One of One]

VAC 2005 - 00047

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: VAC2005-00047

WHEREAS, Petitioner **Jeffrey M. Miloff and Gary Aubuchon** 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. VAC2005-00047 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

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

\_\_\_\_\_  
Chairwoman Signature

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

APPROVED AS TO FORM

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

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

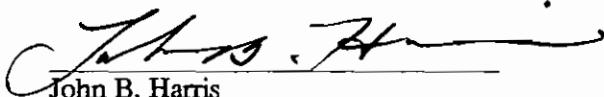
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Commencing at the Northeast corner of the aforesaid Lot 48; thence run S.00°57'20"W. along the line common to Lots 48 and 49 for 6.00 feet to the point of beginning; thence continue S.00°57' 20"W. for 98.00 feet to the terminus of said centerline.

Said tract contains 1,176 square feet, more or less.

Bearings are based on the Lot line common to the aforesaid Lots 48 and 49 as being S.00°57'20"W.



John B. Harris  
P.S.M. #4631  
January 5, 2006

**RECEIVED**  
MAR 09 2006

COMMUNITY DEVELOPMENT

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00047**  
[Page One of One]

VAC 2005 - 00047

DESCRIPTION: ( Easement Vacation )

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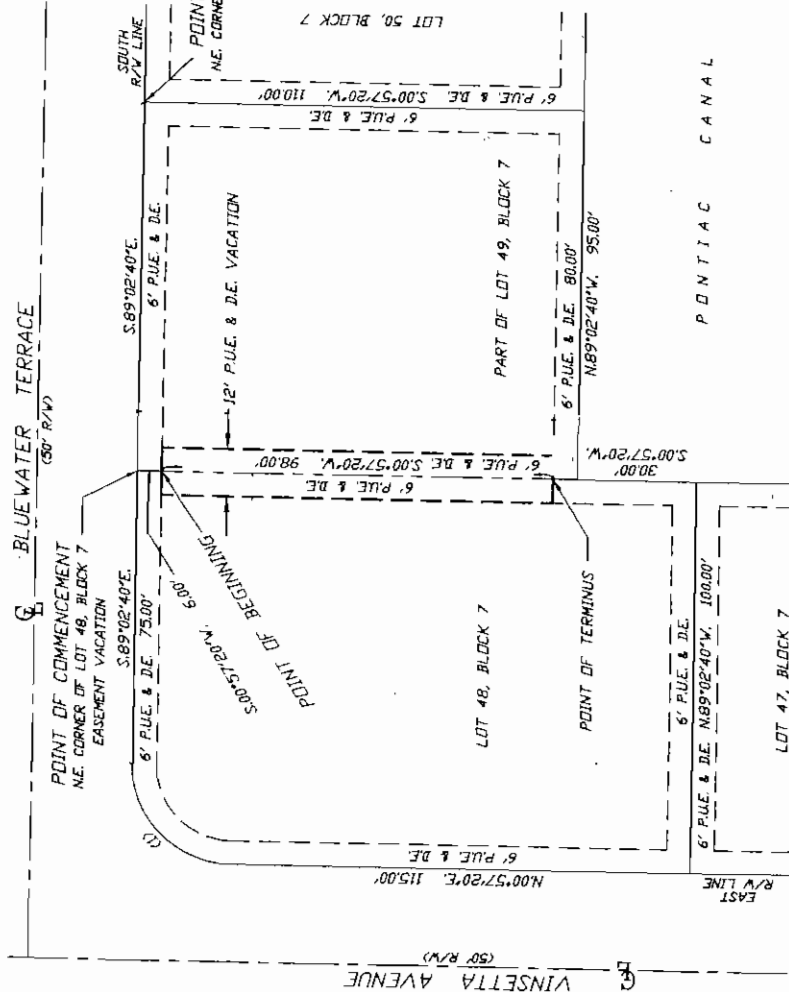
Commencing at the Northeast corner of the aforesaid Lot 48; thence run S.00°57'20"W. along the line common to Lots 48 and 49 for 6.00 feet to the point of beginning; thence continue S.00°57'20"W. for 98.00 feet to the terminus of said centerline.

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Bearings are based on the Lot line common to the aforesaid Lots 48 and 49 as being S.00°57'20"W.

RECEIVED  
MAR 03 2006

COMMUNITY DEVELOPMENT



SKETCH OF  
**EASEMENT VACATION**  
**LOTS 48 & 49, BLOCK 7**  
**WATERWAY ESTATES, UNIT 2**  
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
(PLAT BOOK 21, PAGE 45)  
LEE COUNTY, FLORIDA

**LEGEND:**

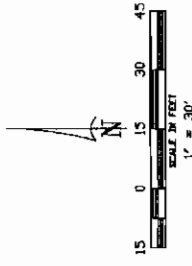
- |          |         |                                  |
|----------|---------|----------------------------------|
| N. NORTH | E. EAST | P.O.B. POINT OF BEGINNING        |
| S. SOUTH | W. WEST | P.O.C. POINT OF COMMENCEMENT     |
| ●        | ○       | P. POINT OF CURVATURE            |
| ○        | ○       | D.R. OFFICIAL RECORDS BOOK       |
| □        | □       | D. DELTA OF CURVE                |
| □        | □       | R. RADIUS OF CURVE               |
| □        | □       | C. CHORD BEARING                 |
| □        | □       | CB. CHORD BEARING                |
| (P)      | (S)     | C. CURVE NUMBER                  |
| (S)      | (S)     | A/C. AIR CONDITIONER             |
| (S)      | (S)     | D/H. OVERHEAD POWERLINES         |
| (S)      | (S)     | P.P. POWER POLE                  |
| (S)      | (S)     | V.M. WATER METER                 |
| (S)      | (S)     | U.T. UTILITY                     |
| (S)      | (S)     | T.V. TELEPHONE BOX               |
| (S)      | (S)     | C.A.T.V. TV-CABLE BOX            |
| (S)      | (S)     | E.D.P. EDGE OF PAVEMENT          |
| (S)      | (S)     | G.A.B.V. GUY ANCHOR & WIRE       |
| (S)      | (S)     | N/D. NAIL & DISK                 |
| (S)      | (S)     | N/T.T. NAIL & TINTAB             |
| (S)      | (S)     | D/H. DRILL HOLE                  |
| (S)      | (S)     | P.U.E. PUBLIC UTILITY EASEMENT   |
| (S)      | (S)     | L.H.E. LAKE MAINTENANCE EASEMENT |
| (S)      | (S)     | C.B.E. CONCRETE BASEMENT         |
| (S)      | (S)     | R/W/B. RECLAIMED WATER BOX       |
| (S)      | (S)     | ELEV. ELEVATION                  |
| (S)      | (S)     | G.A.V. GUY ANCHOR & WIRE         |
| (S)      | (S)     | N/T.T. NAIL & TINTAB             |
| (S)      | (S)     | D/H. DRILL HOLE                  |

- NOTES:**
1. BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE SOUTH RIGHT-OF-WAY UNDER BARBER SERVICE, AS BEING S.89°02'40"E.
  2. FOUND UTILITIES, EASEMENTS AND RESTRICTIONS OF RECORD.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
  5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
  6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
  7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
  9. ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.).

FLOOD ZONE: 'AE', ELEVATION: 6.00' N.G.V.D.  
COMMUNITY # 125124 PANEL # 0200  
SUFFIX --- C REVISION DATE: 9/18/85  
THIS SKETCH IS CERTIFIED TO:  
JAQUELINE AND JEFFREY HILDF

HARRIS - JORGENSEN, INC  
2705 S.E. SANTA BARBARA PLACE  
CAPE CORAL, FLORIDA  
PHONE: (239) 772-9999  
FAX: (239) 772-1315

PROJECT #  
JOB #1 VE-02-0749EV  
SKETCH DATE: 6/1/05  
JOHN B. HARRIS, P.S.M.  
FLORIDA LAND SURVEYOR #4631  
FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921



Curve number 1  
Radius= 25.00'  
Delta= 90°00'00"  
Arc= 392.7'  
Tangent= 25.00'  
Chord= 35.36'  
Chord Brng= N.45°57'20"E.





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

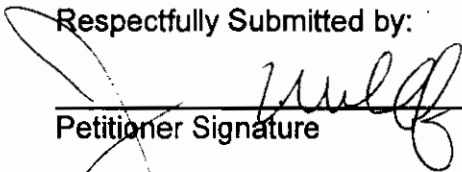
Case Number: VAC 2005-00047

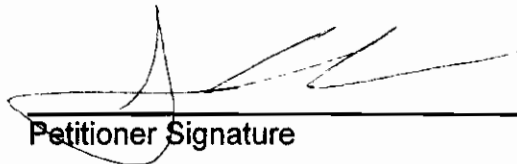
Petitioner(s), Jeffrey M. Miloff, Gary Aubuchon  
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 4707 SE 9th Pl, Cape Coral, FL 33904.
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

Jeffrey M. Miloff  
\_\_\_\_\_  
Printed Name

Gary Aubuchon  
\_\_\_\_\_  
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 16-44-24-08-00007.0460 \_\_\_\_\_ 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 \_\_\_\_\_ Althea Gordon \_\_\_\_\_ 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) \_\_\_\_\_  
Jeffrey M. Miloff  
Printed Name

Owner\*(signature) \_\_\_\_\_  
Gary Aubuchon  
Printed Name

Owner\*(signature) \_\_\_\_\_

Printed Name \_\_\_\_\_

Owner\*(signature) \_\_\_\_\_

Printed Name \_\_\_\_\_

Owner\*(signature) \_\_\_\_\_

Printed Name \_\_\_\_\_

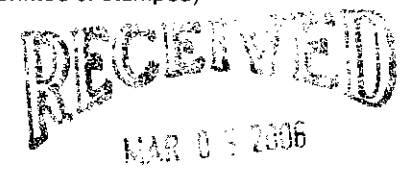
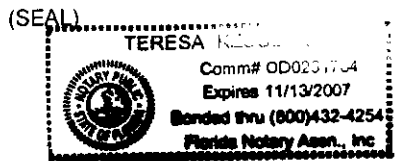
Owner\*(signature) \_\_\_\_\_

Printed Name \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 26<sup>th</sup> day of October, 2005, by Jeff Miloff & Gary Aubuchon who is not personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
Teresa Kessler  
Notary Public  
(Name typed, printed or stamped)



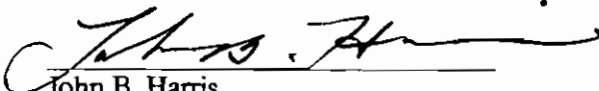
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A 12.00 foot wide Public Utility and drainage Easement lying 6.00 feet either side of the Lot line common to Lots 48 and 49, Block 7, Waterway Estates, Unit 2, as recorded in Plat Book 21, Page 45, Public Records of Lee County, Florida, the centerline of said vacated portion of said easement is described as follows:

Commencing at the Northeast corner of the aforesaid Lot 48; thence run S.00°57'20"W. along the line common to Lots 48 and 49 for 6.00 feet to the point of beginning; thence continue S.00°57' 20"W. for 98.00 feet to the terminus of said centerline.

Said tract contains 1,176 square feet, more or less.

Bearings are based on the Lot line common to the aforesaid Lots 48 and 49 as being S.00°57'20"W.



John B. Harris  
P.S.M. #4631  
January 5, 2006

**RECEIVED**  
MAR 09 2006

COMMUNITY DEVELOPMENT

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00047**  
[Page One of One]

**VAC 2005 - 00047**

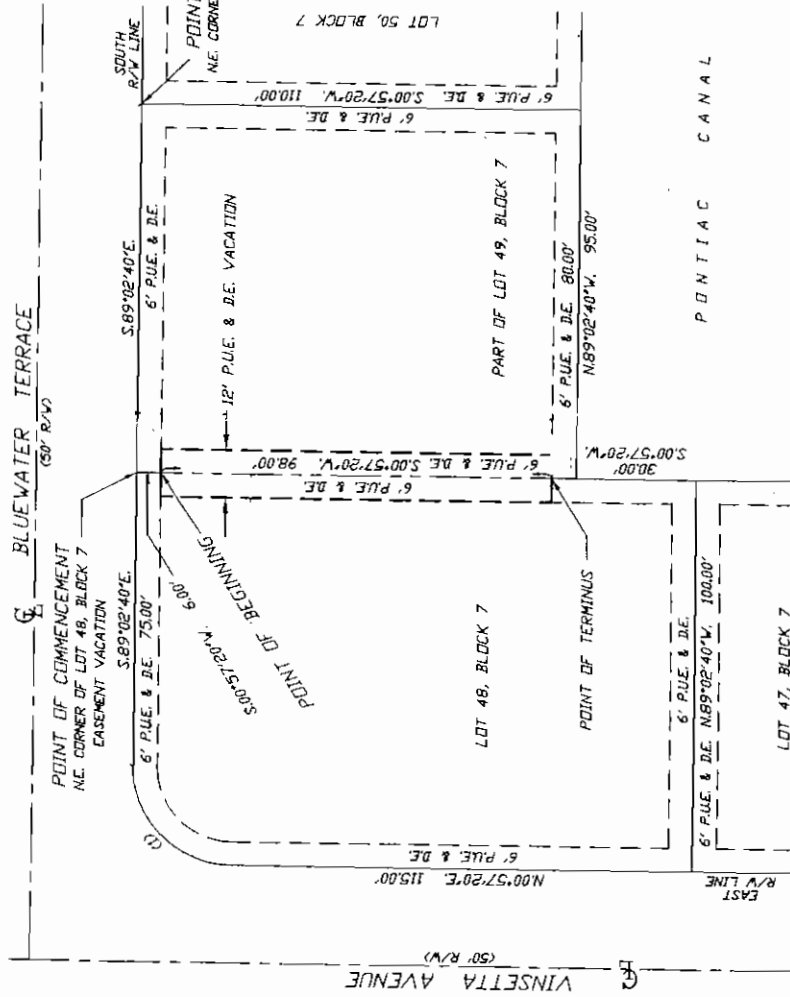
DESCRIPTION: ( Easement Vacation )

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Bearings are based on the Lot line common to the aforesaid Lots 48 and 49 as being S.00°57'20"W.



RECEIVED  
MAR 03 2006

COMMUNITY DEVELOPMENT

SKETCH OF

**EASEMENT VACATION  
LOTS 48 & 49, BLOCK 7  
WATERWAY ESTATES, UNIT 2**

SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST  
(PLAT BOOK 21, PAGE 45)  
LEE COUNTY, FLORIDA

**LEGEND:**

- N. NORTH
- S. SOUTH
- SET IRON PIN (CAP #4630)
- FOUND IRON PIN (FNDR)
- CONCRETE MONUMENT (CM)
- PERMANENT REFERENCE MONUMENT
- P.C.P. PERMANENT CONTROL POINT
- (P) AS PER PLAT
- (D) AS PER DEED
- (S) AS PER SURVEY
- (M) AS MEASURED
- P.U.E. PUBLIC UTILITY EASEMENT
- L.A.E. LANDSCAPE EASEMENT
- C.B.E. CONCRETE BLOCK STRUCTURE
- R/W/B RECLAIMED WATER BOX
- ELEV. ELEVATION
- G.A.W. GUY ANCHOR & WIRE
- N/D NAIL & DISK
- N/T/T NAIL & TIN TAB
- D/H DRILL HOLE
- E. EAST
- V. WEST
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- OFFICIAL RECORDS BOOK
- PLAT BOOK
- ARC OF CURVE
- CHORD BEARING
- CHORD LENGTH
- CB CURVE NUMBER
- A/C AIR CONDITIONER
- D/H OVERHEAD POWERLINES
- P.P. POWER PILE
- M.A.E. MANHOLE
- U.T.S. UTILITY
- E.B. ELECTRIC BOX
- TV-CABLE BOX
- EDGE OF PAVEMENT
- CURB/GUTTER
- C/G CENTERLINE
- R/W RIGHT-OF-WAY
- B.M. BENCHMARK
- TYPICAL ELEVATION

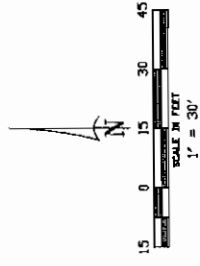
**NOTES:**

1. BASIS OF BEARINGS SHOWN HEREIN TAKEN FROM THE SOUTH RIGHT-OF-WAY LINE OF BLUEWATER TERRACE AS BEING S.89°02'40"E.
  2. FIELD NOTES IN WATERWAY ESTATES.
  3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
  5. THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
  6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
  7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
  9. ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGV.D.). FLOOD ZONE 'AE' ELEVATION: 8.00' NGV.D.
- COMMUNITY # 125124 PANEL # 0200  
SUFFIX --- C REVISION DATE: 9/18/85
- THIS SKETCH IS CERTIFIED TO:  
JAQUELINE AND JEFFREY HILDOFF

HARRIS - JORGENSEN, INC.  
2706 S.E. SANTA BARBARA PLACE  
CAPE CORAL, FLORIDA  
PHONE: (239) 772-9939  
FAX: (239) 772-1315

PROJECT #  
JOB # WE-02-0749EV  
SKETCH DATE: 5/1/05

Curve number 1  
Radius= 25.00'  
Delta= 90°00'  
Arc= 39.27'  
Tangents= 25.00'  
Chord Bis= 14.4537207E.



John B. Harris  
John B. Harris, P.S.M.  
FLORIDA LAND SURVEYOR #4631  
FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00047**  
 [Page One of One]

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
16-44-24-08-00007.0480	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
16-44-24-08-00007.0480	4657/2322	
<b>Owner</b>		
MILOFF JEFFREY M + AUBUCHON GARY T/C		
<b>Physical Address</b>	<b>Mailing Address</b>	
4640 VINSETTA AVE North Fort Myers FL 33903	4707 SE 9TH PL CAPE CORAL FL 33904 USA	
<b>Legal Description</b>		
WATERWAY EST.UNIT 2 SEC.3 BLK 7 PB 21 PG 45 LOTS 48 + 49		
<b>Outstanding Balance as of 3/14/2006</b>		<b>\$0.00</b>



Prepared by and Return To:

James M. Costello, Esq.  
Law Offices of James M. Costello, P.L.  
Courthouse Box #922

STRAP: 16-44-24-08-00007.0480

INSTR # 6729184  
OR BK 04657 Pgs 2322 - 2323; (2pgs)  
RECORDED 04/08/2005 01:04:00 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 18.50  
DEED DOC 3,150.00  
DEPUTY CLERK M Istenes

**WARRANTY DEED**

(Statutory Form - Section 689.02, F.S.)

This Indenture, made this 14<sup>th</sup> day of March, 2005, between **DARLYNDA JOYCE ARNOLD, f/k/a Darlynda Joyce Marlatt**, whose post office address is 7140 Bergano Way, #201, Fort Myers, Florida 33912, grantor, and **JEFFREY M. MILOFF and GARY AUBUCHON**, whose post office address is 4707 S.E. 9<sup>th</sup> Place, Cape Coral, Florida 33904, grantee,

"Grantor" and "grantee" are used for singular or plural, as context requires.

2) **WITNESSETH** that said grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to wit:

**Lots 48 and 49, Block 7, Unit 2, Section 3 of WATERWAY ESTATES OF FORT MYERS**, a subdivision according to the plat or map thereof as recorded in Plat Book 21 at Pages 44 through 45, of the Public Records of Lee County, Florida.

This conveyance is subject to the following:

1. Zoning and other governmental regulations.
2. Restrictions, reservations, easements, conditions, and limitations of record.
3. Taxes for the year of 2005 and subsequent years;

And said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in our presence:

*[Handwritten signature of Beverly L. Stevens]*

Signature of first witness

**Beverly L. Stevens**

Printed name of first witness

*[Handwritten signature of James M. Costello]*

Signature of second witness

**JAMES M. COSTELLO**

Printed name of second witness

*[Handwritten signature of Darlynda Joyce Arnold]*  
**DARLYNDA JOYCE ARNOLD, f/k/a**  
**Darlynda Joyce Marlatt, Grantor**

STATE OF FLORIDA        )  
  ) §  
COUNTY OF LEE         )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 2005, by **DARLYNDA JOYCE ARNOLD, f/k/a Darlynda Joyce Marlatt**,  who is personally known to me or  who has produced a state ID card as identification.

(Seal)



Beverly L. Stevens  
MY COMMISSION # DD191954 EXPIRES  
March 10, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

*[Handwritten signature of Beverly L. Stevens]*  
Notary Public: State of Florida

Bob Janes  
*District One*

March 14, 2006

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*

Althea Gordon  
4707 SE 9<sup>th</sup> Place  
Cape Coral, FL 33904

Re: VAC2005-00047 - Petition to Vacate Public Utility and Drainage Easements centered on the common lines of Lots 48 and 49, both in the Block 7, Waterway Estates, Unit 2, S 16, T 44S, R 24E, as recorded in Plat Book 21, Page 44 and 45 of the Public Records of Lee County, FL

Dear Ms. Gordon:

You have indicated that in order to do a lot reconfiguration and provide a more equal distribution of water frontage between the two (2) lots, your clients, Mr. Miloff & Mr. Aubuchon desire to eliminate the Public Utility and Drainage Easements located between the two (2) subject lots. The site is located at 4640 Vinsetta Ave., North 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

U:\200603\20051019.161\3554320\DCDLETTER.DOC





**AUBUCHON  
HOMES, INC.**

**BUILDER OF BETTER IDEAS®**

Lic. # CGC 059630

Phone: 239-549-6358

Fax: 239-549-1858

www.aubuchonhomes.com

4707 S.E. 9th Place • Cape Coral, FL 33904

October 26, 2005

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

Re: **VAC2005-00047** – Petition to Vacate a 6-foot wide Drainage and Public Utility Easement on the Combined Lots of 48 and 49, Block 7, Unit 2, Waterway Estates, S 16, T 44S, R 24E, as recorded in Plat Book 21, Page 45, Strap # 16-44-24-08-00007.0480 in the public records of Lee County, FL

Dear Mr. Eckenrode:

We have submitted a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement, utility and drainage easement at the location identified above in order to accomplish the following purpose:

To provide a more equal distribution of water frontage between the two (2) lots that better reflects current design standards.

We have included a revised sketch and legal description and added all Drainage Easement notations, which pertain to this Petition and its Easement to be vacated.

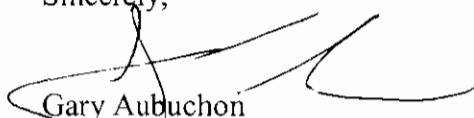
If you have any further questions please feel free to contact us at:

Aubuchon Homes, Inc.  
4707 SE 9<sup>th</sup> Place  
Cape Coral, FL 33904  
239.549.6358  
239.549.1858 - Fax

RECEIVED  
OCT 26 2005

COMMUNITY DEVELOPMENT

Sincerely,

  
Gary Aubuchon  
President Aubuchon Homes, Inc.

cc: Jeff Miloff

VAC 2005 - 00047



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.lline.com

August 15, 2005

Mr. Jeffrey M. Miloff  
Mr. Gary Aubuchon  
4707 SE 9<sup>th</sup> Place  
Cape Coral, FL 33904

Re: Vacation of the Public Utility Easements between Lots 49 and 49  
Block 7, Waterway Estates Unit 2, North Fort Myers, Florida

Dear Mr. Miloff and Mr. Aubuchon:

LCEC does not object to the vacation of the Public Utility Easement between Lots 48 and 49, Block 7, Waterway Estates Unit 2, North Fort Myers, Florida, **LESS AND EXCEPT**, the Northerly 6 feet and the Southerly 6 feet as indicated on the attached sketch provided by Harris – Jorgensen, Inc. dated July 14, 2005. LCEC understands the 6-foot perimeter easement of the combined parcel will remain intact.

If you have any questions, I can be reached at 239-656-2422.

Sincerely,

Sandra McIver  
Real Property Representative

Attachment

VAC 2005-00047



8441 Littleton Road  
North Fort Myers, FL 33903

October 14, 2005

Gary Aubuchon and Jeff Miloff  
4707 SE 9<sup>th</sup> Place  
Cape Coral, Florida 33904

RE: Request for a letter of Review and Recommendation on proposed easement vacations on the  
Following parcels:

Lots 48 & 49, Block 7  
Waterway Estates, Unit 2  
Section 16, Township 44 South, Range 24 East  
(Plat Book 21, Page 45) Lee County, Florida

With reference to your letter of October 7, 2005 requesting Sprint's concurrence with your request to vacate the public interest in the 12' public utility easement. Sprint has no objection to the vacation of these easements.

If you have any questions please call me at 239-336-2017.

Sincerely,

A handwritten signature in black ink that reads "Joe Sansone". The signature is written in a cursive, flowing style.

Joe Sansone  
OSP Engineer

VAC 2005-00047



August 18, 2005

Jeffrey Miloff  
Gary Aubuchon  
4707 SE 9<sup>th</sup> Place  
Cape Coral, Fla. 33904

RE: Vacation of easement – Lot 48 & 49, Block 7, Waterways Estates

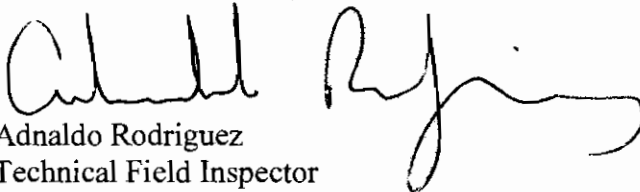
Dear Mr. Miloff & Mr. Aubuchon:

A request for the above listed vacation of easement has been reviewed. At this time, Time Warner Cable has **NO CONFLICT** with this proposed vacation of easement.

If you have any further questions or concerns, please do not hesitate to contact me at (239) 772-2218, Ext. 79247.

Sincerely,

TIME WARNER CABLE



Adnaldo Rodriguez  
Technical Field Inspector

AR/ss

# AmeriGas

*America's Propane Company*

September 13, 2005

Jeffrey Miloff and Gary Aubuchon  
4707 SE 9<sup>th</sup> Place  
Cape Coral, FL 33904

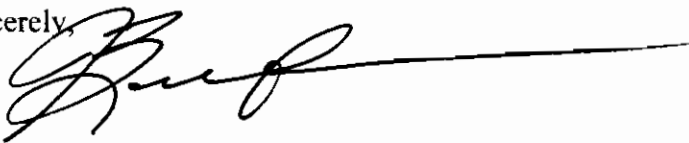
Dear Mr. Miloff and Mr. Aubuchon:

In reference to your letter dated August 9th, AMERIGAS has no interest on right of way between the following parcel(s):

STRAP NO.: 1644-24-08-00007.0408

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Jim Riefstahl  
Sales & Service Manager



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8150

Bob Janes  
*District One*

August 10, 2005

Douglas R. St. Cerny  
*District Two*

Jeffrey Miloff

Ray Judah  
*District Three*

Gary Aubuchon  
4707 SE 9<sup>th</sup> Pl.

Tammy Hall  
*District Four*

Cape Coral, FL 33904

John E. Albion  
*District Five*

**SUBJECT: VACATION OF RIGHT OF WAY OR PUBLIC UTILITY EASEMENT**  
**STRAP #: 16-44-24-08-00007.0480**  
**4640 VINSETTA AVE**

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Dear Mr. Milnoff and Mr. Aubuchon,

Lee County Utilities has ***no objection*** to the proposed vacation as described in your recent letter and associated attachment. Even though the vacation is within the service area of Lee County Utilities we have no infrastructure within the area you intend to vacate.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 479-8150.

Sincerely,

**LEE COUNTY UTILITIES**

David Reycraft  
Utilities GIS Coordinator  
Utilities Engineering Division

Original Mailed: 08/10/2005

CC: Correspondence File

H:\Vacates\2005\Milnoff\08102005.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111  
Internet address <http://www.lee-county.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Bob Janes  
District One

Tuesday, January 10, 2006

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Mr. Gary Aubuchon  
Aubuchon Homes, Inc.  
4707 SE 9<sup>th</sup> Place  
Cape Coral, FL 33904

Tammy Hall  
District Four

John E. Albion  
District Five

Re: Petition to Vacate a twelve-foot (12') wide public utility and drainage easement centered on the common lot line of Tract "A", and Tract "B", Block 07, Unit 2, Waterway Estates Subdivision as recorded in Plat Book 21 at Page 45 of the Public Records of Lee County, Florida.

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing Examiner

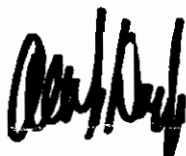
Dear Mr. Aubuchon:

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



COMMUNITY DEVELOPMENT

S:\NATRES\SURFACE\DOCUMENT\vac536.doc

VAC 2005-00047



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 479-8517

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

February 28, 2006

Gary Aubuchon  
Aubuchon Homes, Inc.  
4707 S.E. 9<sup>th</sup> Place  
Cape Coral, FL 33904

**Re: Petition to Vacate Easement—Plat Book 21, Page 45; Section 16, Township 44, Range 24; Lots 48 & 49, Block 7, Unit 2, Waterway Estates, 4660 Vinsetta Avenue, North Fort Myers 33903**

Mr. Aubuchon:

Lee County Department of Transportation has reviewed the above referenced request to vacate the easement located at 4660 Vinsetta Avenue.

Based upon this department's review, DOT offers no objection to this vacation.

Very truly yours,

Margaret Lawson  
Right-of-way Supervisor  
Lee County Department of Transportation

ML/hc

cc: Ron Wilson, Development Services  
Allen Davies, Natural Resources  
Terry Kelley, Utilities  
DOT/PTV File (Vinsetta Avenue)

RECEIVED  
MAR 1 2006

COMMUNITY DEVELOPMENT

VAC 2005-00047





# Florida Department of Transportation

JEB BUSH  
GOVERNOR

DENVER J. STUTLER, JR.  
SECRETARY

February 21, 2006

Mr. Gary Aubuchon  
President, Aubuchon Homes, Inc.  
4707 SE 9<sup>th</sup> Place  
Cape Coral, FL 33904

**RE: Vacation of Public Interest on a Proposed Right of Way or Road  
Easement, Utility and Drainage Easement  
Strap # 16-44-24-08-00007.0480  
PM Log# 06-03**

Dear Mr. Aubuchon:

In response to your letter we received on January 9, 2006, our staff conducted a review of your request to vacate the public interest in the subject area as marked and generally described as:

Combined Lots of 48 & 49, Block 7, Unit 2, Waterway Estates, Section 16,  
Township 44 S, Range 24 E, as recorded in Plat Book 21, Page 45 in the Public  
Records of 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  
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

MAR 09 2006

COMMUNITY DEVELOPMENT

VAC 2005-00047

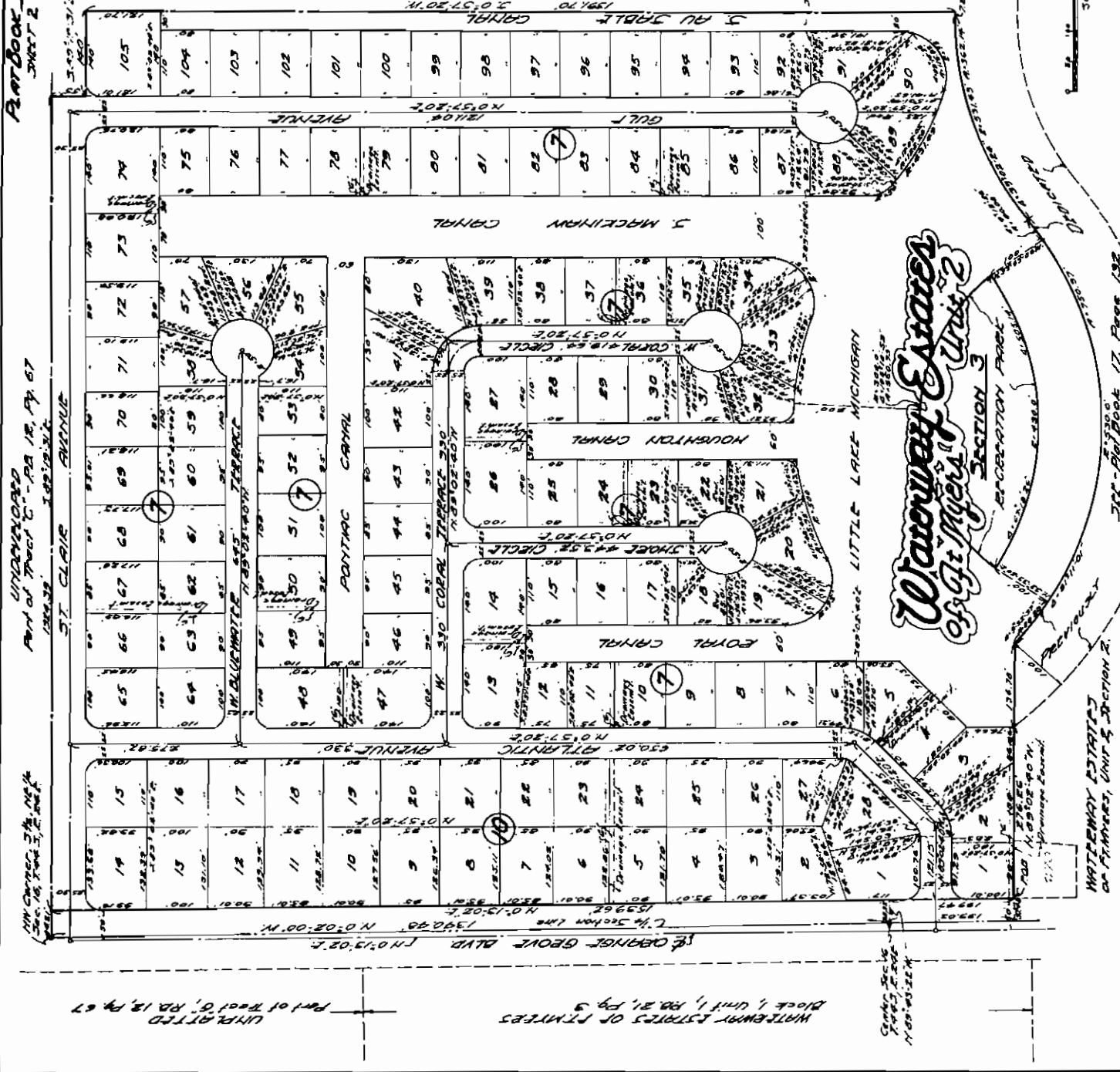
District One-Right of Way Department-Property Management  
801 North Broadway Avenue\*Post Office Box 1249\*Bartow, FL 33831-1249  
(863)519-2413\*(863)519-5183(FAX)\*MS 1-66

www.dot.state.fl.us



**AMEY, INC.**  
-ENGINEERING-  
16 Park Dr., Lees Ferry, Ariz., U.S.A.  
W.O. 25443

Plotted by Victor  
Carter, July 11, 1967  
Checked by Victor Carter  
Carter, August 1, 1967  
C.S.M. & P. 152



**Wyanway Estates**  
of Ft. Myers, Unit 2  
SECTION 3  
RECREATION AREA

Scale in Feet  
1" = 40'

UNPLATTED  
Part of Tract C, RA 18, Pg. 67

WYANWAY ESTATES OF FT. MYERS  
Block 1, Unit 1, RA 21, Pg. 9

Circle 20  
Circle 21  
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Circle 105

# Waterway Estates of Mr. Myers Unit 2

SECTION 3  
A SUBDIVISION IN SECTION 16  
T1P 44 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA  
AS SHOWN ON MAP OF 1967

**AMEY, INC.**  
ENGINEERING  
16 Palis de Leon, Myers, Fla.  
WOP 2845

**NOTES:-**  
All block corner rods are 25' and 60' measuring points of block corners and 16 points of intersection, unless otherwise shown.  
All changes and utility easements is reserved along all lot lines.  
Bearings are based on the First PM line of Orange Grove Blvd. N 01° 13' 02" E.  
© 1964 - Permanent Reference Monument Set. P.M. Reference Monument.

**DESCRIPTION:-**

Beginning at a point on the Ely 6th line of Orange Grove Boulevard, said point being the NW corner of Lot 270 of Waterway Estates of Mr. Myers Unit 2, Section 2, as recorded in Plat Book 17, Page 132, Public Records of Lee County, Florida, thence run N 01° 13' 02" E along the Ely 6th line of said Orange Grove Boulevard, a distance of 1539.62 ft. to a point on the N line of the 3 1/2% of the N.W. corner of 16, T1P 44 S, Range 24 E, 2nd point being 942.21 ft. S 89° 19' 31" W from the NW corner of the 3 1/2% of the N.W. of said Section 16, thence run S 89° 19' 31" W along the N line of the 3 1/2% of the NW corner of 16, a distance of 324.39 ft. to the projection of the Ely 6th line of a proposed 50' street thence run S 05° 57' 20" W along the Ely 6th line of said 50' street, a distance of 55.0 ft. to the Ely 6th line of a proposed 50' street, thence S 89° 19' 31" W along said Ely 6th line a distance of 140.0 ft. to the projected center line of a proposed 60' ft. canal, thence S 01° 57' 20" W along the projected center line and the center line of said 60' ft. canal a distance of 139.70 ft. to the NW 20' x 20' of an existing 100' ft. canal, thence N 03° 02' 40" W along said NW 20' x 20' line a distance of 72.8 ft. to the center of a curve having for its elements a radius of 531.49 ft., a deflection angle of 39° 02' 24", bearing left, and an arc distance of 362.14 ft., thence run S 11° 14' 14" along the arc of said curve a distance of 362.14 ft. to the P.E.C. of a curve having for its elements a radius of 530 ft., a deflection angle of 41° 41' bearing right, and an arc distance of 300.37 ft., thence S 11° 14' 14" along the arc of said curve a distance of 750.02 ft., thence N 03° 02' 40" W a distance of 413.02 ft. to the P.O.B. lying in and being a part of Row 16, P.B. 19, Pt. 67, Sec. 16, T. 44 S., R. 24 E., Lee County, Florida, and containing 51.38 Acres, more or less.

**ACKNOWLEDGEMENT:-**

I, **HERBIE CARTER**, that on this day personally appeared before me, the undersigned authority, Joseph F. Rulle, President and Willis I. Myers, Secretary, to me well known to be the persons who signed the foregoing, executing thereon to be their free and legal deed as such officers for the uses and purposes therein mentioned, and that they advised their official seal of said corporation.  
Witness my hand and notarial seal this 23 day of July, 1968. AD 1968

*Joseph F. Rulle*  
President, Rulle, Inc.

*Willis I. Myers*  
Secretary, Rulle, Inc.

**ACKNOWLEDGEMENT:-**

This plat was accepted this 31<sup>st</sup> day of November, 1968, in open meeting of the Board of County Commissioners of Lee County, Florida.  
*James A. Foy*  
County Engineer

*James A. Foy*  
County Engineer

**APPROVAL:-**

This plat was accepted this 31<sup>st</sup> day of November, 1968, in open meeting of the Board of County Commissioners of Lee County, Florida.

*James A. Foy*  
County Engineer

*D. I. Farabee*  
County Clerk  
By 96th Aug. A.C.

**INHERENT CERTIFICATE**  
This plat has been examined by me and, from my examination, I find that this plat complies in every way with the requirements of Chapter 103.25, Laws of Florida, Acts of 1925, further certifying that this plat was filed for record on this 23<sup>rd</sup> day of July, 1968. AD 1968 and was recorded in Plat Book 21, Page 44, Public Records of Lee County, Florida.

*D. I. Farabee*  
County Clerk  
By 96th Aug. A.C.

**SUBJECTS CERTIFICATE**

I, **HERBIE CARTER**, that the attached plat of Waterway Estates of Mr. Myers Unit 2, Section 3, is a true and correct representation of the areas described and according to a recent survey made and plotted under my direction and that permanent reference monuments were set in accordance with the provisions of Section 2, Chapter 103.25, Laws of Florida, Acts of 1925.

*Herbie Carter*  
Surveyor and Planner

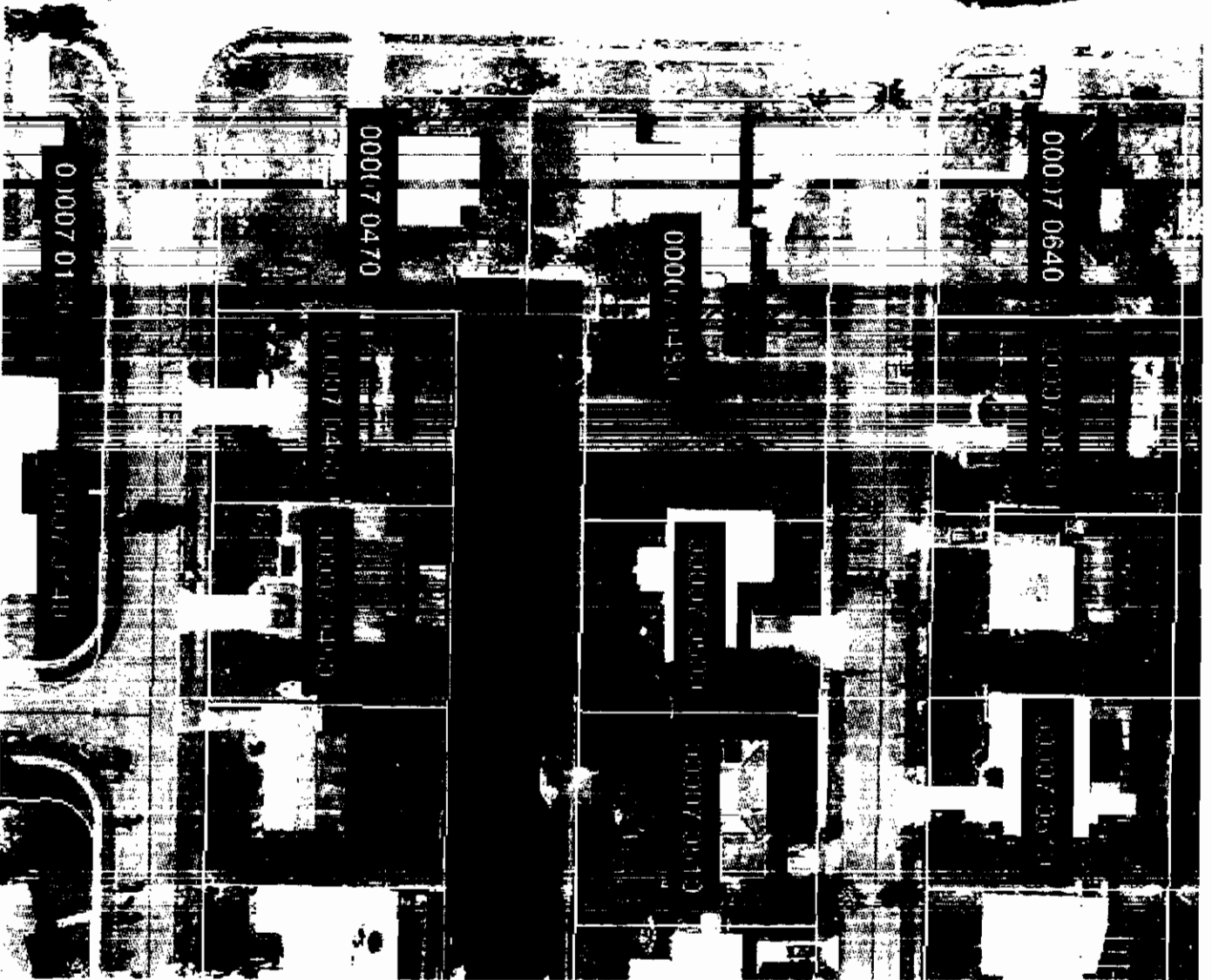
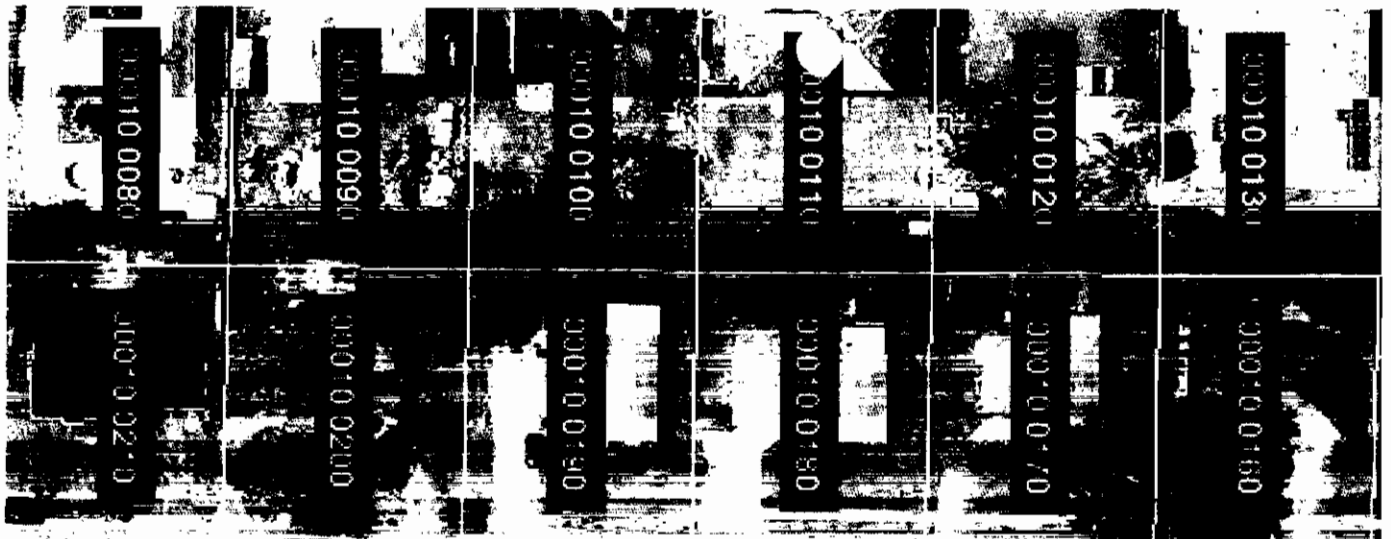
**DESCRIPTION**

**KNOW ALL MEN BY THESE PRESENTS**, that the Florida Capital Corporation, a Florida corporation, the holder of that certain mortgage recorded in October 1960, Page 16, Lee County records, and holder of that certain mortgage recorded in October 1967, Page 250, Lee County records, granted this plat of Waterway Estates of Mr. Myers, Unit 2, Section 3, shown hereon and who voluntarily affix their hand and seal this 21<sup>st</sup> day of Sept. AD 1965.

*James A. Foy*  
County Engineer

*James A. Foy*  
County Engineer

NOT RECORDED



 - AREA TO BE VACATED



- Easement Labels
- Mobile Home Lots
- Easements
- Lot Lines
- Subdivisions
- Parcel Labels
- Parcel Lines
- Pointers
- Wetland Labels
- Wetland Lines
- Witness Labels
- Witness Lines
- Cape Coral Units
- County Lands
- County Lands Lines

Parcel Query Report

VAC 2005-00047