

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Public Utility Easement located at 508 Redwood Ave. S, Lehigh Acres (Case No. VAC2006-00007).

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

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category:
COMMISSION DISTRICT #: 5

9:30 AM PH I

5. Meeting Date:

08-01-2006

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]*
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2006-00007 was submitted by Jim Arkoosh and Sun Country Realty on behalf of their clients Laurence J. and Nancy K. Hovey, Co-Trustees of the Hovey Family Trust.

LOCATION: The site is located at 508 Redwood Ave. S, Lehigh Acres, Florida 33936 and its strap number is 14-45-27-02-00011.0070. Petition No. VAC2006-00007 proposes to vacate a twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 7 and 8, both in Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 131 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly 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>John J. Fredman 6/19/06</i>	<i>190 6/21/06</i>	<i>Follow</i>	<i>6/21/06</i>	<i>6/21/06</i>	<i>HS 6/28/06</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: *[Signature]*
 6/19/06 11:51 AM
 COUN FOR: *[Signature]*
 6/19/06

Rec. by CoAtty
 Date: 6/19/06
 Time: 4:00pm
 Forwarded To: Co. Adm. 6/19/06 10AM



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: June 15, 2006

To: Molly Schweers
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20060836

CASE NUMBER: VAC2006-00007

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).

**Legal Description
(Vacation of Easements)**

A 12.0 foot wide public utility easement centered on Lots 7 & 8, Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, page 131, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.



Christopher B. Still
P.S.M. 5941
June 9, 2006

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: VAC2006-00007

WHEREAS, Petitioner **Laurence J. Hovey and Nancy K. Hovey, Co-Trustees of the Hovey Family Trust** 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. VAC2006-00007 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

Chairwoman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

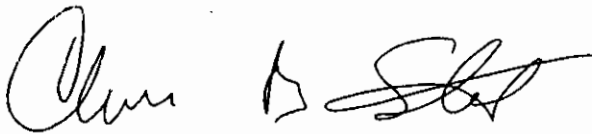
County Attorney Signature

Please Print Name

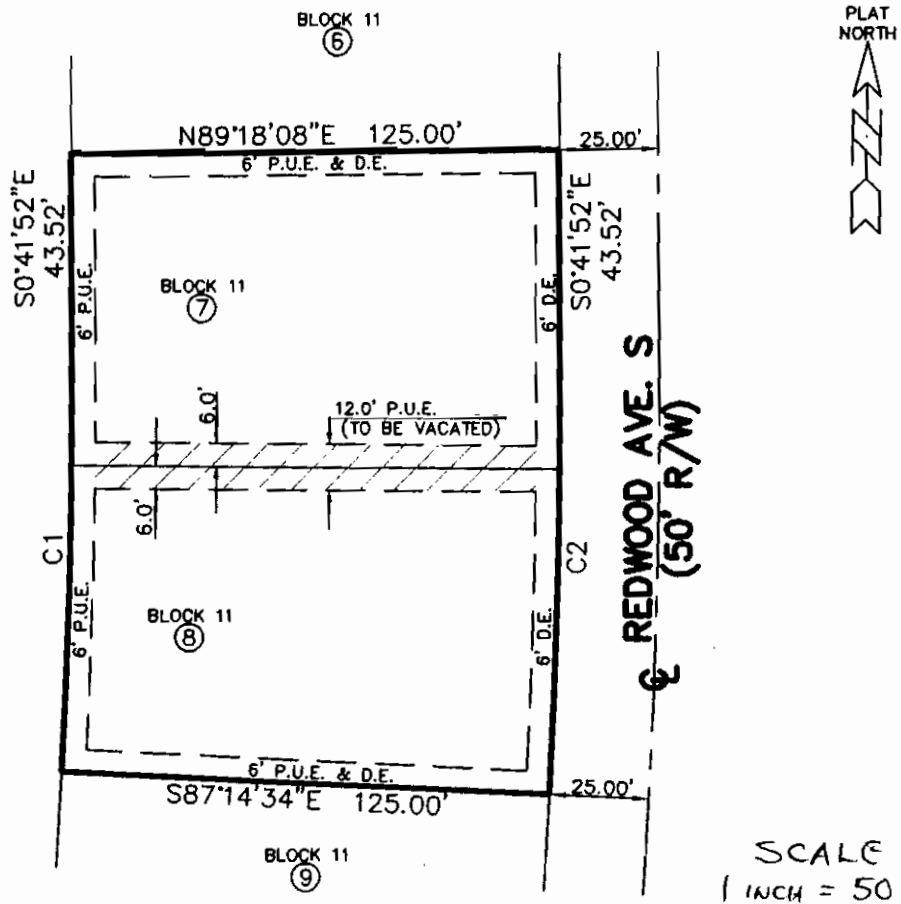
**Legal Description
(Vacation of Easements)**

A 12.0 foot wide public utility easement centered on Lots 7 & 8, Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, page 131, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.



Christopher B. Still
P.S.M. 5941
June 9, 2006



NUMBER	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	1931.37	03°27'18"	116.46	N 01°01'47" E	116.45
C2	2056.37	03°27'18"	124.00	N 01°01'47" E	123.98

508 REDWOOD AVENUE S
 LOTS 7 & 8, BLOCK 11, UNIT 2
 SECTION 14, TOWNSHIP 45 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 131, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

NOT A SURVEY – SKETCH ONLY

LEHIGH SURVEYING, INC.

LB7462
 1130-E LEE BOULEVARD
 LEHIGH ACRES, FLORIDA 33936
 239-368-7400 239-368-7685 (FAX)

6-9-06

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

Exhibit "B"
 Petition to Vacate
 VAC2006-00007
 [Page One of One]

SHEET 1 OF 2
 FILE NUMBER: 06214



PETITION TO VACATE (AC 13-1)

Case Number: VAC2006-00007

Petitioner(s), Lawrence J & Nancy K Hovey 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, 2812 Pleasant Lake Shore Dr Cadillac, MI 49601

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:

Lawrence Hovey (handwritten signature)
Petitioner Signature

Nancy K. Hovey (handwritten signature)
Petitioner Signature

LAWRENCE HOVEY
Printed Name

Nancy K. Hovey
Printed Name

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

RECEIVED
FEB 09 2006

Lawrence J and Nancy K Hovey
2718 Pleasant lake Shore Dr
Cadillac, MI 49601
May 19, 2006

Lee County
Development Services Division
Department of Community Development
P.O.Box 398
Ft. Myers, Florida 33902

To Whom It May Concern::

This letter is to inform you that I give permission to Jim Arkoosh of Dolphin Realty to act as my agent for the sole purpose of vacating the Public Utility Easement on our property at 508 South Redwood in Lehigh Acres, Florida

Sincerely

Lawrence J. Hovey 05/24/06

Lawrence J Hovey Date

Nancy K. Hovey 5-24-06

Nancy K. Hovey Date

Janet L Smythe 5.24.06

Notary Public Date

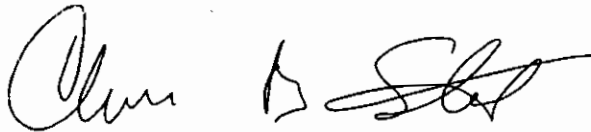
JANET L. SMYTHE
NOTARY PUBLIC WEXFORD CO., MI
MY COMMISSION EXPIRES Sep 25, 2008
Acting in Wexford County, Michigan



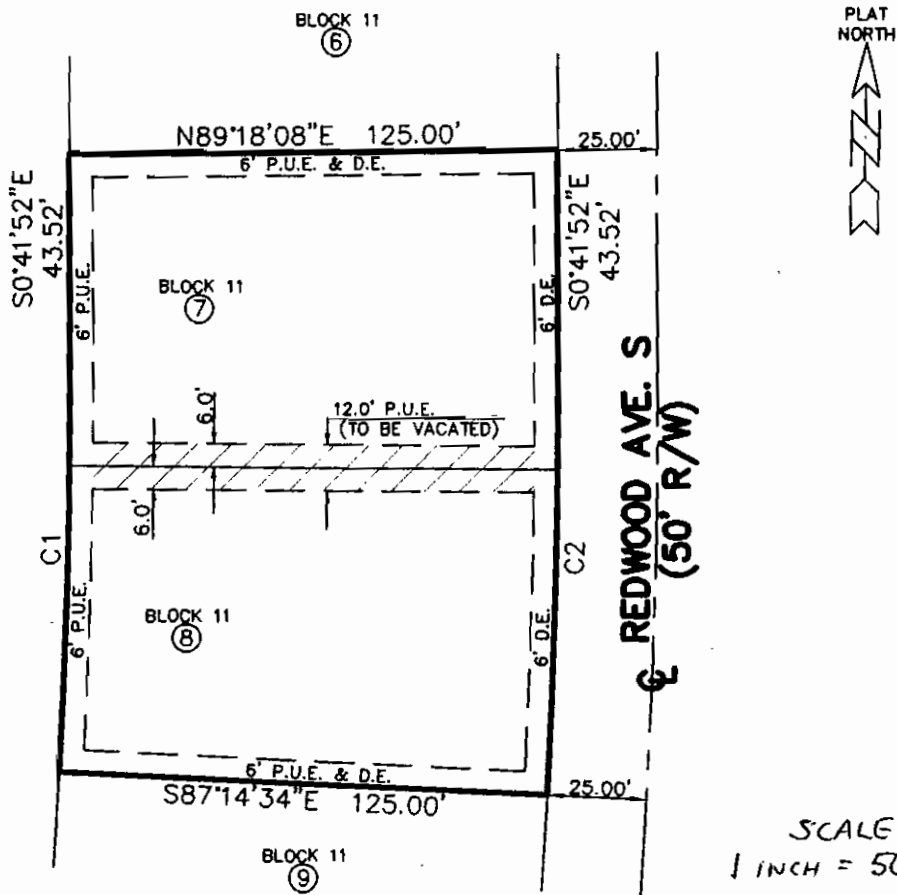
**Legal Description
(Vacation of Easements)**

A 12.0 foot wide public utility easement centered on Lots 7 & 8, Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, page 131, of the Official Records of Lee County, Florida.

Less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.



Christopher B. Still
P.S.M. 5941
June 9, 2006



SCALE
1 INCH = 50 FEET

NUMBER	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	1931.37	03°27'18"	116.46	N 01°01'47" E	116.45
C2	2056.37	03°27'18"	124.00	N 01°01'47" E	123.98

508 REDWOOD AVENUE S
 LOTS 7 & 8, BLOCK 11, UNIT 2
 SECTION 14, TOWNSHIP 45 SOUTH, RANGE 27 EAST
 LEHIGH ACRES, LEE COUNTY, FLORIDA
 RECORDED IN PLAT BOOK 15, PAGE 131, OF THE
 OFFICIAL RECORDS OF LEE COUNTY, FLORIDA

NOT A SURVEY – SKETCH ONLY

LEHIGH SURVEYING, INC.

LB7462
 1130-E LEE BOULEVARD
 LEHIGH ACRES, FLORIDA 33936
 239-368-7400 239-368-7685 (FAX)

Exhibit "B"
 Petition to Vacate
 VAC2006-00007
 [Page One of One]

Christopher B. Still

6-9-06

CHRISTOPHER B. STILL
REGISTERED LAND SURVEYOR NO. 5941

SHEET 1 OF 2
 FILE NUMBER: 06214

Exhibit "C"
Petition to Vacate
VAC2006-00007
 [Page One of One]

Real Property Information		
Account	Tax Year	Status
14-45-27-02-00011.0070	2005	PAID
Original Account	Book/Page	
14-45-27-02-00011.0070	3828/2556	
Owner		
HOVEY LAURENCE J + NANCY K TR FOR HOVEY FAMILY TRUST		
Physical Address	Mailing Address	
508 REDWOOD AVE S Lehigh Acres FL 33936	2718 PLEASANT LAKE SHORE DR CADILLAC MI 49601 USA	
Legal Description		
LEHIGH ACRES UNIT 2 BLK 11 PB 15 PG 131 LOTS 7 + 8		
Outstanding Balance as of 1/25/2006		\$0.00



This Instrument Prepared by and return to:

Name: Pat Regas
Tradewinds Title, Inc.
Address: 904 Lee Blvd., Suite 106
Lehigh Acres, FL 33936
53860

Parcel LD. #: 14-45-27-02-00011.0070/0000
Rec: 10.50 **DS:** 21.00 **Total:** 31.50

INSTR # 5689345
Official Records BK 03828 PG 2556
RECORDED 01/21/2003 04:06:10 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 21.00
DEPUTY CLERK P Johnston

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 3rd day of January, A.D. 2003, by **WAYNE T. WETHERELL and ELNOR E. WETHERELL**, husband and wife, hereinafter called the grantors, to **LAURENCE J. HOVEY, and NANCY K. HOVEY, CO-TRUSTEES OF THE HOVEY FAMILY TRUST DATED November 8, 1995**, whose post office address is 2431 Sycamore St., St. James City, FL 33956, hereinafter called the grantees:



(Wherever used herein the terms "grantors" and "grantees" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees all that certain land situate in Lee County, State of Florida, viz:

Lot 7, Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 131, Public Records of Lee County, Florida.

Lot 8, Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 131, Public Records of Lee County, Florida.

SUBJECT TO TAXES FOR THE YEAR 2003 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Subject Property is not now nor has it ever been the homestead property of the grantor. Subject property is vacant land.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold the same in fee simple forever.

And the grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.

In Witness Whereof, the said grantors have signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Must be witnessed by two separate people not related to seller or buyer

Roxanne E. Prince
1st Witness Signature

Roxanne E. Prince
Printed Name

[Signature]
2nd Witness Signature

Shirley J. Araujo
Printed Name

[Signature] L.S.
Wayne T. Wetherell
Address:
7459 Willow Dr., Cadillac, MI 49601

[Signature] L.S.
Elnor E. Wetherell
Address:
7459 Willow Dr., Cadillac, MI 49601

State of Michigan
County of Washtenaw

The foregoing instrument was acknowledged before me this 3rd day of January, 2003, by Wayne T. Wetherell and Elnor E. Wetherell, who are known to me or who have produced photometrically known as identification and who did (did not) take an oath.

Roxanne E. Prince
Notary Public, Washtenaw County, Michigan
My Commission Expires March 17, 2008

Roxanne E. Prince
Signature of Acknowledger
My commission expires 3/17/2008





BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

239-479-8585

Douglas R. St. Cerny
District Two

June 15, 2006

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Jim Arkoosh
Sun Country Realty
13960 Stringfellow Rd.
Bokeelia, FL 33922

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Re: **VAC2006-00007 - Petition to Vacate** a 12-foot Public Utility Easement centered on the combined lots of Lots 7 and 8, both in Block 11, Unit 2, Lehigh Acres, Section 14, Township 45 South, Range 27 East, as recorded in Plate Book 15, Page 131, in the Public Records of Lee County, Florida, **LESS and EXCEPT** the Easterly 6-feet and the Westerly 6-feet thereof.

Dear Mr. Arkoosh:

You have indicated that in order to construct a single family home, your client, The Hovey Family Trust desires to vacate the 12-foot Public Utility Easement Located on the two (2) lots. The site is located at 508 Redwood Ave. S, Lehigh Acres, Florida. Based on a review of the information 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

JIM ARKOOSH
DOLPHIN REALTY OF PINE ISLAND, INC.

P. O. BOX 175
ST. JAMES CITY, FL 33956

239-283-9400

June 12, 2006

Department of Community Development
P. O. Box 398
Fort Myers, Florida 33902

To Whom It May Concern:

We would like to vacate the easement between the lots located at 508 Redwood Ave., in Lehigh Acres, (strap # 14-45-27-02-00011.0070) in order to have the ability at a future time to build a house in the middle of the two lots.

Thank you,


Jim Arkoosh



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.iline.com

February 13, 2006

Mr. Jim Arkoosh
13960 Stringfellow Road
Bokeelia, FL 33922

Re: Vacation of Public Utility Easement
Block 11, Lots 7-8, Unit 2, Section 14, Township 45 South, Range 27 East
Lehigh Acres, Florida

Dear Mr. Arkoosh:

LCEC does not object to the vacation of the 12-foot Public Utility Easement lying between Lots 7 and 8, Block 11, Unit 2, Section 14, Township 45 South, Range 27 East, Lehigh Acres, Florida, **LESS AND EXCEPT** the Westerly 6 feet and the Easterly 6 feet thereof as shown on the attached sketch provided by S.T.A.R. Surveying, Inc. dated 2-18-94.

If I can be of further assistance, I can be reached at 656-2422.

Sincerely,

Sandra McIver
Real Property Representative

Attachment



February 23, 2006

Mr. Jim Arkoosh
Sun Country Realty
13960 Stringfellow Road
Bokeelia, Florida 33922

Re: Vacation of a 12' Public Utility and drainage easement between lots 7 and 8, Unit 2,
Section 14, Township 45S, Range 27E, Lehigh Acres, Lee County, Florida
Recorded in Plat Book 15, Page 131, of the official records of Lee County, Florida.
Address: 508 S. Redwood Avenue, Lehigh Acres, Florida 33936

Dear Mr. Arkoosh:

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility and drainage easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863-452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson
Engineer



April 13, 2006

Jim Arkoosh
13960 Stringfellow Road
Bokeelia, Florida 33922

Property Address: 508 S. Redwood, Lehigh Acres, Florida 33936

RE: Vacation of Easement request from Jim Arkoosh for a 12-foot utility easement between lots 7 and 8, block 11, unit 2, Lehigh Acres, according to the plat thereof, as recorded in plat book 15, page 131, in the public records of Lee County, Florida. Less and except the easterly and westerly 6-feet thereof.

LEA ANN THOMAS,
CHAIR
Polk County

RICHARD W. WESCH
Citrus County

BRIAN WHEELER
Osceola County

JIM LAVENDER
Lee County

Dear Mr. Arkoosh:


The FGUA has determined that it does not presently hold any property rights over the property identified above other than the easement included in the plat reservation. It has also been determined that the FGUA has no current utilities in the utility easement, nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the request for vacation of easement as depicted in the sketch attached to your request and identified below is hereby approved.

The vacation of easement was requested from Jim Arkoosh for a 12-foot utility easement between lots 7 and 8, block 11, unit 2, Lehigh Acres, according to the plat thereof, as recorded in plat book 15, page 131, in the public records of Lee County, Florida. Less and except the easterly and westerly 6-feet thereof.

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority


Charles L. Sweat
Director of Operations

FGUA OPERATIONS OFFICE

Government Services Group, Inc.
Protegrity Plaza, Suite 203
280 Wekiva Springs Road
Longwood FL 32779

877/552-3482 Toll Free
407/629-6900 Tel
407/629-6963 Fax



**26102 Bonita Grande Dr.
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-5456**

February 13, 2006
Sun Country Realty
Jim Arkoosh
13960 Stringfellow Rd.
Bokeelia, Florida 33922

Re: 508 Redwood Ave. Lehigh Acres Fl. 33936

Dear Jim Arkoosh,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

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

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

AmeriGas

America's Propane Company

February 21, 2006

Mr. Jim Arkoosh
Sun Country Realty of Florida, Inc.
1206 Pondella Circle
N. Fort Myers, florida 33903

Dear Mr. Arkoosh

As requested, please note the location of a public utility easement to be vacated, according to your letter dated January 25th, is clear and there is no gas at the stated location as follows:

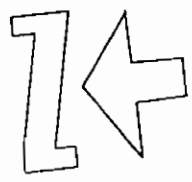
508 S. Redwood Avenue
Lehigh Acres, Florida 33936

If you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely



Susan Koski
Sales & Service Manager



PLAT OF PART OF UNIT 2
SECTION 14, TWP. 45 S., RGE. 27 E.
A SUBDIVISION OF

LEHIGH ACRES

LEE COUNTY, FLORIDA



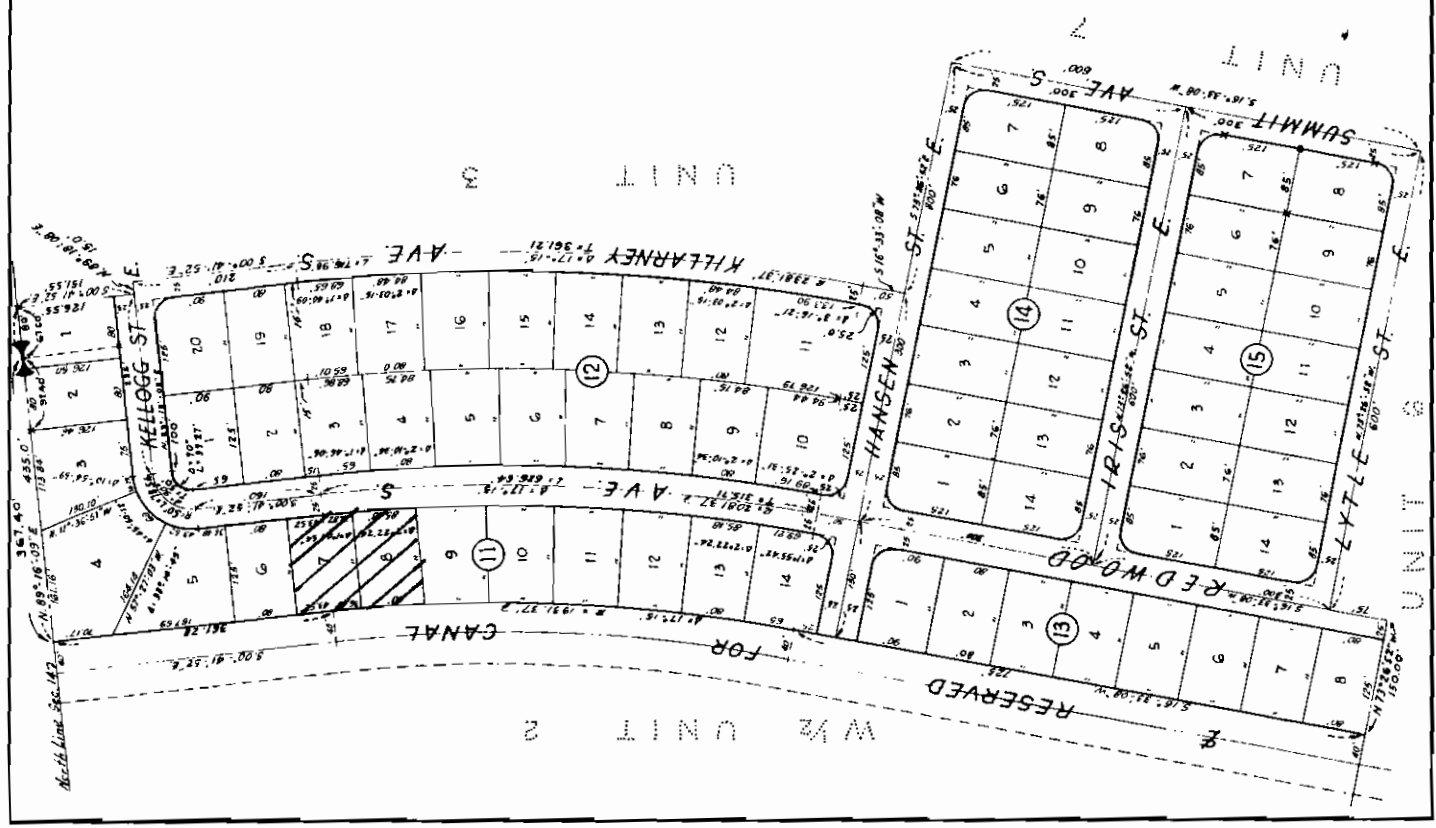
All lots subject to a 6 foot Utility Easement on both sides and back, and a 6 foot Drainage Easement on the front and sides of lot on 50 foot R/W. Interior P.R.M.s are 4"x4"x24" concrete

- Denotes P.R.M.s

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.

All Canals to be dedicated to East County Water Control District.

- x Witness Monument.





- AREA TO BE VACATED

