

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20060896

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 12-foot wide Drainage Easement located at 4810 and 4830 Waycross Rd, Ft. Myers (Case No. VAC2006-00024).

**2. WHAT ACTION ACCOMPLISHES:** To build a commercial building on the combined lots. **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

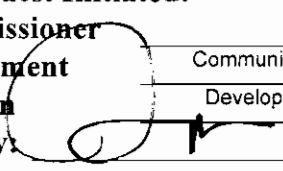
**4. Departmental Category:**  
COMMISSION DISTRICT #: 5

**PH 1**

**5. Meeting Date:** **08-15-2006**

**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:   
 Peter J. Eckenrode, Director

**9. Background:**

The completed petition to vacate, VAC2006-00024 was submitted by Bob Case, P.E. on behalf of BBF, LLC.

**LOCATION:** The site is located at **4810 and 4830 Waycross Rd., Ft. Myers, Florida 33905** and its strap numbers are **10-44-25-07-0000.0270 and .0280**. Petition No. VAC2006-00024 proposes to vacate a twelve-foot (12') wide Drainage Easement centered on the common line between Lots 27 and 28, Section 10, Township 44 South, Range 25 East, B.F. Industrial Center, as recorded in Plat Book 47, Page 92 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the southerly ten 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	
<i>[Signature]</i>				<i>John Wedgier</i> 7-13-06	<i>[Signature]</i> 7/14/06	<i>[Signature]</i> 7/14/06	<i>[Signature]</i> 7/14/06	<i>AS</i> 7/14/06

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY  
COUNTY ADMIN:  
7-13-06 4:00 PM  
 COUNTY ADMIN  
FORWARDED TO:  
7/19/06  
8:30 AM

Rec. by CoAtty  
 Date: 7/13/06  
 Time: 9:10 AM  
 Forwarded To:  
 C.C. Administration  
 7/13/06 2:30 PM

RXW/ July 5, 2006

*AS*



## PETITION TO VACATE

### TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: July 5, 2006 \_\_\_\_\_

To: Molly Schweers \_\_\_\_\_  
Public Resources

FROM: Ron Wilson \_\_\_\_\_  
Development Services

BLUESHEET NUMBER: 20060896

CASE NUMBER: VAC2006-00024

#### 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: VAC2006-00024

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 15th day of August 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.

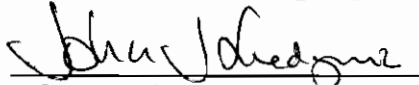
LEE COUNTY  
SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

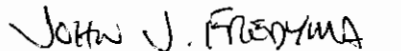
Deputy Clerk Signature

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

APPROVED AS TO FORM



County Attorney Signature



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

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2006-00024**

**Legal Description of the Drainage Easement to be Vacated:**

The twelve-foot (12') wide Drainage Easement centered on the common line between Lots 27 and 28, both in Section 10, Township 44 South, Range 25 East, B. F. Industrial Center, as recorded in Plat Book 47, Page 92 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the Southerly ten feet thereof.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2006-00024**  
[Page One of One]

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: VAC2006-00024

WHEREAS, Petitioner **BBF, LLC, a Florida limited liability company** 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. VAC2006-00024 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

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2006-00024**

**Legal Description of the Drainage Easement to be Vacated:**

The twelve-foot (12') wide Drainage Easement centered on the common line between Lots 27 and 28, both in Section 10, Township 44 South, Range 25 East, B. F. Industrial Center, as recorded in Plat Book 47, Page 92 of the Public Records of Lee County, Florida;

**LESS and EXCEPT** the Southerly ten feet thereof.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2006-00024**  
[Page One of One]







PETITION TO VACATE (AC 13-1)

Case Number: VAC2006-00024

Petitioner(s), Mr. Orville D. Scott of BBE, LLC  
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, 5311 26th St SW, Lehigh Acres, FL 33971
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: BBE, LLC

BY: [Signature]  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

Orville D. Scott  
Printed Name  
MANAGING MEMBER

\_\_\_\_\_  
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 numbers 10-44-25-07-00000.0270, and .0280 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 Robert W. Case or Land Investment Services, 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.

*Orville D. Scott*  
Owner\*(signature)

Orville D. Scott (Managing Partner)  
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 21<sup>st</sup> day of Jul, 2006, by Orville D. Scott, who is personally known to me or who has produced N/A as identification and who did (did not) take an oath.

(SEAL)



Amie B. Connolly  
Commission #DD231794  
Expires: Jul 13, 2007  
Bonded Thru  
Atlantic Bonding Co., Inc

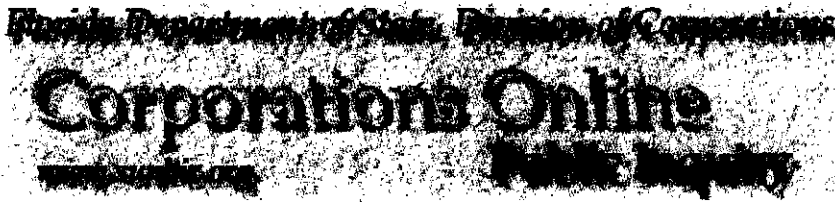
*Amie B. Connolly*  
Notary Public

Amie B. Connolly  
(Name typed, printed or stamped)

RECEIVED

JUN 28 2006

VAC 2006-00024



**Florida Limited Liability**

**BBF, LLC**

**PRINCIPAL ADDRESS**

5311 26TH ST SW  
 LEHIGH ACRES FL 33971  
 Changed 04/20/2005

**MAILING ADDRESS**

5311 26TH ST SW  
 LEHIGH ACRES FL 33971  
 Changed 04/20/2005

**Document Number**

L02000002284

**FEI Number**

010648150

**Date Filed**

01/24/2002

**State**

FL

**Status**

ACTIVE

**Effective Date**

NONE

**Total Contribution**

0.00

**Registered Agent**

Name & Address
COSS, ROBERT H 3204 RIVER GROVE CIRCLE FORT MYERS FL 33905
Name Changed: 01/17/2006
Address Changed: 04/20/2005

**Manager/Member Detail**

Name & Address	Title
COSS, ROBERT H MGR 3204 RIVER GROVE CIRCLE FORT MYERS FL 33905 US	MGR
SCOTT, ORVILLE D MGRM 101 PAULA AVE. N.	MGRM

LEHIGH ACRES FL 33970 US

## Annual Reports

Report Year	Filed Date
2004	08/26/2004
2005	04/20/2005
2006	01/17/2006

[Previous Filing](#)[Return to List](#)[Next Filing](#)

No Events  
No Name History Information

## Document Images

Listed below are the images available for this filing.

[01/17/2006 -- ANNUAL REPORT](#)  
[04/20/2005 -- ANNUAL REPORT](#)  
[08/26/2004 -- ANNUAL REPORT](#)  
[08/09/2003 -- ANNUAL REPORT](#)  
[01/24/2002 -- Florida Limited Liabilites](#)

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

[Corporations Inquiry](#)[Corporations Help](#)

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2006-00024**

**Legal Description of the Drainage Easement to be Vacated:**


The twelve-foot (12') wide Drainage Easement centered on the common line between Lots 27 and 28, both in Section 10, Township 44 South, Range 25 East, B. F. Industrial Center, as recorded in Plat Book 47, Page 92 of the Public Records of Lee County, Florida;


**LESS and EXCEPT** the Southerly ten feet thereof.

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2006-00024**  
[Page One of One]



**Exhibit "C"**  
**Petition to Vacate**  
**VAC2006-00024**  
 [Page One of One]

Real Property Information		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
10-44-25-07-00000.0270	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
10-44-25-07-00000.0270	4418/3103	
<b>Owner</b>		
BBF LLC		
<b>Physical Address</b>	<b>Mailing Address</b>	
4830 WAYCROSS RD Fort Myers FL 33905	5313 26TH ST SW LEHIGH ACRES FL 33971 USA	
<b>Legal Description</b>		
B F INDUSTRIAL CENTER P B 47 PG 92 LOT 27		
<b>Outstanding Balance as of 4/24/2006</b>		\$0.00

Real Property Information		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
10-44-25-07-00000.0280	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
10-44-25-07-00000.0280	4418/3103	
<b>Owner</b>		
BBF LLC		
<b>Physical Address</b>	<b>Mailing Address</b>	
4810 WAYCROSS RD Fort Myers FL 33905	5313 26TH ST SW LEHIGH ACRES FL 33971 USA	
<b>Legal Description</b>		
B F INDUSTRIAL CENTER P B 47 PG 92 LOT 28		
<b>Outstanding Balance as of 4/24/2006</b>		\$0.00



INSTR # 6425624  
 CR. # 04416 Pg. 3103; 1:00  
 RECORDED 05/03/2004 09:12:48 AM  
 MARLENE GREEN, CLERK OF COURT  
 LEE COUNTY, FLORIDA  
 RECORDING FEE 10.00  
 DEED DOC # 4480.86

THIS INSTRUMENT PREPARED BY  
 AND SHOULD BE RETURNED TO:  
 ✓  
 TERRY V. BROUGHTON, ESQ.  
 1705-D2 COLONIAL BOULEVARD  
 FORT MYERS, FL. 33907

Space above this line for recording 05/03/2004 11:44:44

**WARRANTY DEED**

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 13 day of August, 2004, Between  
**B.F. Industrial Park, Inc., a Florida corporation.**  
 of the County of LEE, State of FLORIDA, Grantor\*, and  
**BBF, LLC, a Florida limited liability company**  
 whose post office address is 5313 26<sup>th</sup> St. SW, Lehigh Acres, FL 33971  
 of the County of LEE, State of FLORIDA, Grantee\*.  
 Witnesseth that said Grantor, for and in consideration of the sum of Ten Dollars and no/100  
 (\$10.00) Dollars, 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, situated, lying and  
 being in Lee County, Florida, to-wit:

Lots 27 and 28, B.F. Industrial Center Subdivision, according to the map or plat thereof as recorded in Plat Book 47, Pages(s) 91 and 92, of the Public Records of Lee County, Florida.

Subject to easements, restrictions, and reservations of record, if any, 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.

\*"Grantor" and "Grantee" are used for singular or plural, as context requires.

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:

WITNESSES:

Printed Name: TERRY V. BROUGHTON  
  
 Printed Name: PHIL SAPIA

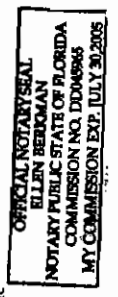
**B.F. INDUSTRIAL PARK, INC.,**  
 a Florida corporation  
  
 John E. Kanter, as President

STATE OF FLORIDA )  
 COUNTY OF DADE )

THE FOREGOING instrument was acknowledged before me this 13 day of August, 2004, by John E. Kanter, as President of B.F. INDUSTRIAL PARK, INC., a Florida corporation, on behalf of the corporation. He is personally known to me or has /have produced \_\_\_\_\_ as identification.



Notary Public



RECEIVED

MAY 24 2006

VAC 2006-00024

Miller/Lot 26/Deed





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

239-479-8585

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

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*

July 5, 2006

Bob Case, P.E.  
21430 Palm Beach Blvd.  
Alva, FL 33920

Re: VAC2006-00024 - Petition to vacate a 12-foot Drainage Easement  
Centered on the common lot lines of Lots 27 and 28, B.F. Industrial  
Center, S 10, T 44S, R 25E, as recorded in Plat Book 47, Page 92,  
In the public records of Lee County, FL

Dear Mr. Case:

You have indicated that in order to build a commercial building on the combined lots, your client, BBF, LLC desires to eliminate the Drainage Easement located between your two (2) lots. The site is located at 4810 and 4830 Waycross Rd., 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

# *Land Investment Services, P.A.*

---

June 6, 2006

Mr. Peter J. Eckenrode  
Lee County Director Development Services  
1500 Monroe Street  
Fort Myers, FL 33901

Re: Petition to Vacate a twelve-foot (12') wide  
drainage easement centered on the common  
lot line of Lot 27 and 28, B.F. Industrial Subdivision  
as recorded in Plat Book 47 at Page 92 of the Public  
Records of Lee County, Florida.  
STRAP#(s): 10-44-25-07-00000.0270 & 0280

Dear Peter,

It is the intent of our client, Mr. Duane Scott, managing partner of B.B.F., L.L.C. to Vacate the easement as described above, in order to facilitate the construction of a commercial building.

Please do not hesitate to phone me should you have any questions or require any additional information. Your assistance in this matter is greatly appreciated.

Sincerely,



Bob Case, P.E.

RECEIVED

JUN 7 2006

VAC 2006-00024



Florida Power & Light Company

January 26, 2006

Land Investment Services Engineering Inc.  
21430 Palm Beach Blvd  
Alva, FL 33920

Re: Proposed Vacation of Drainage Easement .

Dear Mr. Case

FPL would have no objection to vacating the Drainage easements common to lot's 27 &28 per your letter dated 1/18/2006. These lot's have the following strap numbers.

10-44-25-07-00000.0280  
10-44-25-07-00000.0270

If you have any question, please call me at (239) 332-9160.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy Winfrey'.

Roy Winfrey  
Customer Project Manager

RECEIVED

MAY 24 2006

VAC 2006-00024



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

January 23, 2006

Land Investment Services Engineering, Inc.  
Attn: Mr. Bob Case, P.E.  
21430 Palm Beach Boulevard  
Alva, FL 33920

Re: Vacation of Drainage Easement between Lots 27 and 28  
BF Industrial Center, Fort Myers, Florida

Dear Mr. Case:

LCEC does not object to vacation of the utility and/or drainage easements lying between Lots 27 and 28, BF Industrial Center, per your attached request.

Please contact FPL for their review and recommendation since these properties are in their service area. You can contact me at 656-2422 if you have any questions.

Sincerely,

Sandra McIver  
Real Property Representative

RECEIVED

MAY 24 2006

VAC 2006-00024



February 1, 2006

Bob Case  
21430 Palm Beach Blvd.  
Alva, FL 33920

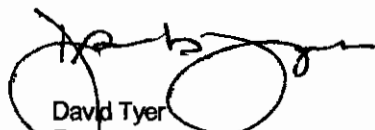
RE: Letter of Review and Recommendation

Dear Bob,

I have reviewed your provided drawings of the proposal to vacate the utility and drainage easement located at the BF Industrial Park. Sprint has no facilities in the affected area, and has no objections regarding releasing this easement. Our facilities are located in the right of way, and no new facilities are planned for installation in this area.

If you have any questions, comments, or require additional information, please feel free to contact me. I can be reached at 239-336-2066

Yours truly,



David Tyer  
Engineer  
Sprint

djt

RECEIVED

MAY 24 2006

VAC 2006 - 00024



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

January 24, 2006  
Land Investment Services Engineering Inc.  
Bob Case  
21430 Palm Beach Blvd.  
Alva, Florida 33920

Re: BBF, LLC (Water & Sewer)  
Vacate Drainage In BF Industrial Park  
Strap # 10-44-25-07-00000.0280, 10-44-25-07-00000.0270

Dear Bob Case:

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above. You'll need to contact our Commercial Development Christine Graham at 239-415-4712 for any future service.

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

Cordially,

  
Mark Cook  
Design Coordinator

RECEIVED

MAY 24 2006

VAC 2006 - 00024



April 13, 2006

Bob Case  
Land Investment Services Engineering  
21430 Palm Beach Blvd  
Alva, Fla. 33920

RE: Vacation of easement  
BF Industrial Park, Strap #10-44-25-07-00000.0280 and 10-44-25-07-  
00000.0270, Section 10, Township 44, Range 25

Dear Mr. Case:

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

Eliacim Viera  
Quality Control Coordinator

EV/sgs

RECEIVED

MAY 24 2006

VAC 2006-00024

# AmeriGas

*America's Propane Company*

March 20, 2006

Ms. Teresa Michaels  
Amerigas  
2600 Katherine Street  
Fort Myers, FL 33901

Dear Mr. Bob Case:

In reference to your letter dated January 18th, Amerigas has no interest on the right of way between the following parcel(s):

Strap#: 10-44-25-07-00000.0280  
Strap#: 10-44-25-07-00000.0270

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

Sincerely,

*Teresa Michaels*  
Teresa Michaels  
Sales & Service Manager

RECEIVED

MAY 24 2006

VAC 2006-00024



 **LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(239) 479-8150

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

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

January 19, 2006

Bob Case  
Land Investment Services Engineering, Inc.  
21430 Palm Beach Blvd.  
Alva, FL. 33920

**SUBJECT: VACATION OF UTILITY AND/OR DRAINAGE EASEMENT**  
**STRAP #: 09-44-24-33-00000.0270 & 0280**  
**ADDRESS: 4810 & 4830 WAYCROSS RD**

Dear Mr. Case,

Lee County Utilities is in receipt of your letter and associated attachments concerning the proposed Petition to Vacate an existing utility and/or drainage easement.

Lee County Utilities has reviewed your request and has ***NO OBJECTION*** to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, our records indicate that we have no potable water or sanitary sewer facilities within the area to be vacated.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8181.

Sincerely,

**LEE COUNTY UTILITIES**

  
David Reycraft  
Utilities GIS Coordinator  
Utilities Engineering Division

Original Mailed: 01/19/2006  
Original Faxed: 01/19/2006

cc: Correspondence File

**RECEIVED**

**MAY 24 2006**

H:\Vacates\2006\NoObjection\Case01192006.doc

VAC 2006-00024



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
District One

Tuesday, February 07, 2006

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Mr. Bob Case, P.E.  
Land Investment Services Engineering, Inc.  
21430 Palm Beach Blvd.  
Alva, FL 33920

Tammy Hall  
District Four

John E. Albion  
District Five

Re: Petition to Vacate a twelve-foot (12') wide and drainage easement centered on the common lot line of Lot 27 and 28, B.F. Industrial Subdivision as recorded in Plat Book 47 at Page 92 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. Case:

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 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\vac540.doc

RECEIVED

MAY 24 2006

VAC 2006-00024

Bob Janes  
District One

March 17, 2006

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

**Bob Case, P.E.-Agent**  
**Land Investment Services Engineering, Inc.**  
**21430 Palm Beach Boulevard**  
**Alva, FL 33920**

Tammy Hall  
District Four

John E. Albion  
District Five

**Re: Petition to Vacate Drainage Easement—BF Industrial Park; STRAP # 10-44-25-07-00000.0280 and 10-44-25-07-00000.0270; Section 10, Township 44, Range 25**

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing Examiner

**Mr. Case:**

Lee County Department of Transportation has reviewed the above referenced request to vacate a public drainage easement.

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 (BF Industrial Park)

RECEIVED

MAY 24 2006

VAC 2006-00024



# Florida Department of Transportation

JEB BUSH  
GOVERNOR

DENVER J. STUTLER, JR.  
SECRETARY

February 6, 2006

Land Investment Services Engineering, Inc.  
Attn.: Mr. Bob Case, P.E.  
21430 Palm Beach Blvd.  
Alva, FL 33920

**RE: Vacation of Interior Drainage Easement  
Strap# 10-44-25-07-00000.0280 and  
Strap# 10-44-25-07-00000.0270**

Dear Mr. Case:

In response to your letter we received on January 18, 2006 our staff conducted a review of your request to vacate/relocate the subject area as marked and generally described as:

An interior drainage easement in BF Industrial Park, along common lots 27 and 28, Lee County, FL

Based on this review, we offer "Defer to County" to this vacation request. If we can be of further assistance, please feel free to contact this office.

Sincerely,

Gerald W. Strouse  
Property Management Administrator

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

RECEIVED

MAY 24 2006

VAC 2006-00024

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](http://www.dot.state.fl.us)



INK ENGINEERING, INC.  
6320 BEAU DRIVE  
NORTH FT. MYERS, FLORIDA  
(813) 495-8500

# B.F. INDUSTRIAL CENTER

PLAT BOOK 47 PAGE 92

DATE: JAN. 12, 1991

JOB NO. 8488

SHEET 2 OF 2

A SUBDIVISION IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST,

LEE COUNTY, FLORIDA

CURVE TABLE

NO.	RADIUS	DELTA	ARC	NO.	RADIUS	DELTA	ARC
1	65.00	44°41'10"	50.69	15	260.00	11°49'36"	53.67
2	80.00	56°44'37"	89.13	16	260.00	21°19'37"	96.78
3	70.00	72°42'12"	88.82	17	100.00	72°42'12"	126.89
4	30.00	90°00'00"	47.12	18	200.00	33°09'13"	115.73
5	30.00	87°42'14"	45.92	19	230.00	33°09'13"	133.09
6	30.00	80°00'00"	47.12				
7	170.00	33°09'13"	98.37				
8	170.00	10°22'13"	30.77				
9	170.00	22°47'00"	67.60				
10	30.00	89°59'54"	47.12				
11	130.00	72°42'12"	164.96				
12	230.00	20°21'16"	81.71				
13	230.00	12°47'57"	51.38				
14	280.00	33°09'13"	150.45				

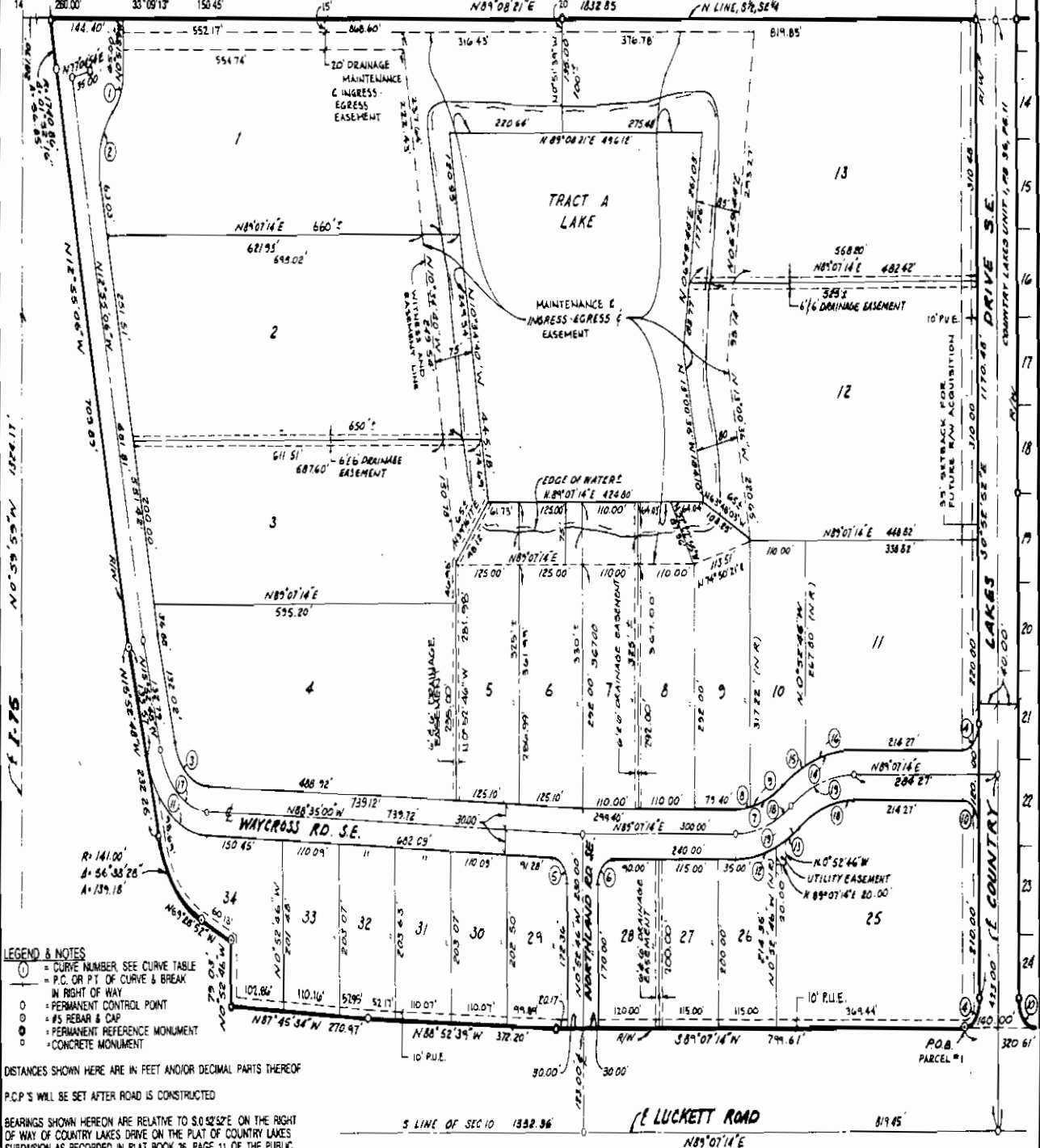
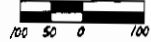
EASEMENT DEDICATION

PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED OVER, UNDER AND ACROSS THE FOLLOWING

1. THAT STRIP OF LAND LYING WITHIN SIX (6) FEET OF THE SIDE LINE AND SIX (6) FEET OF THE REAR LINE OF EACH BUILDING SITE.

2. THAT STRIP OF LAND LYING TEN (10) FEET OUTSIDE OF THE ROAD RIGHT OF WAY OF WAYCROSS ROAD AND NORTH-LAND ROAD AND ACROSS ADJACENT LOTS. EASEMENTS ARE HEREBY GRANTED OVER, UNDER AND ACROSS THE FOLLOWING

1. THOSE STRIPS OF LAND OTHERWISE SPECIFICALLY LABELLED AS SUCH EASEMENTS ON THIS PLAT.



LEGEND & NOTES

- ① = CURVE NUMBER SEE CURVE TABLE
- P.C. OR P.T. OF CURVE & BREAK IN RIGHT OF WAY
- = PERMANENT CONTROL POINT
- ⊙ = #5 REBAR & CAP
- ⊙ = PERMANENT REFERENCE MONUMENT
- ⊙ = CONCRETE MONUMENT

DISTANCES SHOWN HERE ARE IN FEET AND/OR DECIMAL PARTS THEREOF

P.C.P.'S WILL BE SET AFTER ROAD IS CONSTRUCTED

BEARINGS SHOWN HEREON ARE RELATIVE TO S.0 S2 2° E. ON THE RIGHT OF WAY OF COUNTRY LAKES DRIVE ON THE PLAT OF COUNTRY LAKES SUBDIVISION AS RECORDED IN PLAT BOOK 36, PAGE 11 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA



 - AREA TO BE VACATED