

Agenda Item Summary

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 15701 and 15711 Cemetery Rd., Ft. Myers (Case No. VAC2006-00044).

2. WHAT ACTION ACCOMPLISHES: To create a future building site for a single structure 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

<p>4. Departmental Category: COMMISSION DISTRICT #: 5 9:30 PH 1</p>	<p>5. Meeting Date: 1-30-07</p>																						
<p>6. Agenda:</p> <table style="width:100%;"> <tr><td><input type="checkbox"/></td><td>Consent</td></tr> <tr><td><input type="checkbox"/></td><td>Administrative</td></tr> <tr><td><input type="checkbox"/></td><td>Appeals</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Public</td></tr> <tr><td><input type="checkbox"/></td><td>Walk-On</td></tr> </table>	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Administrative	<input type="checkbox"/>	Appeals	<input checked="" type="checkbox"/>	Public	<input type="checkbox"/>	Walk-On	<p>7. Requirement/Purpose: (specify)</p> <table style="width:100%;"> <tr><td><input checked="" type="checkbox"/></td><td>Statute</td><td>F.S. Ch. 177</td></tr> <tr><td><input type="checkbox"/></td><td>Ordinance</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Admin. Code</td><td>13-1</td></tr> <tr><td><input type="checkbox"/></td><td>Other</td><td></td></tr> </table>	<input checked="" type="checkbox"/>	Statute	F.S. Ch. 177	<input type="checkbox"/>	Ordinance		<input checked="" type="checkbox"/>	Admin. Code	13-1	<input type="checkbox"/>	Other	
<input type="checkbox"/>	Consent																						
<input type="checkbox"/>	Administrative																						
<input type="checkbox"/>	Appeals																						
<input checked="" type="checkbox"/>	Public																						
<input type="checkbox"/>	Walk-On																						
<input checked="" type="checkbox"/>	Statute	F.S. Ch. 177																					
<input type="checkbox"/>	Ordinance																						
<input checked="" type="checkbox"/>	Admin. Code	13-1																					
<input type="checkbox"/>	Other																						
<p>8. Request Initiated:</p> <table style="width:100%;"> <tr><td colspan="2">Commissioner</td></tr> <tr><td>Department</td><td>Community Development</td></tr> <tr><td>Division</td><td>Development Services</td></tr> <tr><td>By:</td><td><i>[Signature]</i> 12/08/06</td></tr> <tr><td colspan="2" style="text-align: right;">Peter J. Eckenrode, Director</td></tr> </table>		Commissioner		Department	Community Development	Division	Development Services	By:	<i>[Signature]</i> 12/08/06	Peter J. Eckenrode, Director													
Commissioner																							
Department	Community Development																						
Division	Development Services																						
By:	<i>[Signature]</i> 12/08/06																						
Peter J. Eckenrode, Director																							

9. Background:

The completed petition to vacate, VAC2006-00044 was submitted by Mark A. and Katharina Johnson.

LOCATION: The site is located at **15701 and 15711 Cemetery Rd., Ft. Myers, Florida 33905** and its strap numbers are **03-44-26-12-00068.0050 and .0060**. Petition No. VAC2006-00044 proposes to vacate a twelve-foot (12') wide Drainage Public Utility Easement centered on the common line between Lots 5 and 6, both in Block 68, Unit 12, Section 3, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 16 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet and southerly six feet thereof.

12-18-06

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>M. Gibbs</i>				<i>[Signature]</i> 12-18-06	<i>[Signature]</i> 12/19/06	<i>[Signature]</i> 12/19/06	<i>[Signature]</i> 12/19/06	<i>[Signature]</i> 12/19/06	<i>[Signature]</i> 12-20-06

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN:
12/19 8:30 AM
COUNTY ADMIN FORWARDED TO:
12/20 3pm
PR

Rec. by CoAtty
Date: 12/19/06
Time: 3:15pm
Forwarded To: Co. Admin. 12/19/06 9AM



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: December 6, 2006

TO: Molly Schweers
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20061647

CASE NUMBER: VAC2006-00044

Applicable Public Noticing Requirement:

PTV under AC13-1

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

PTV under AC13-8

One Notice - 15 days prior to Public Hearing

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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2006-00044

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 30th day of January 2007 @ 9:30 AM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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



LEE COUNTY

CHARLIE GREEN, CLERK

S O U T H W E S T F L O R I D A

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

John Medyne
County Attorney Signature

John J. FREYMA
Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2006-00044

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

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 5 and 6, both in Block 68, Unit 12, Plat of Section 3, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 16 of the Public Records of Lee County, Florida;

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

THIS INSTRUMENT PREPARED BY:

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

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2006-00044

WHEREAS, Petitioner **Mark A. Johnson and Katharina Johnson** 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. VAC2006-00044 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

LEE COUNTY
S O U T H W E S T F L O R I D A

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2006-00044

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

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 5 and 6, both in Block 68, Unit 12, Plat of Section 3, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 16 of the Public Records of Lee County, Florida;

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

PETITION TO VACATE (AC 13-1)

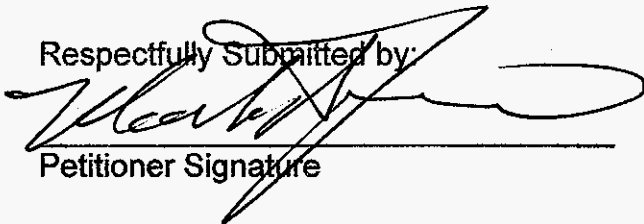
Case Number: VAC2006-00044

Petitioner(s), Mark A. & Katharina Johnson
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, 3172 River Grove Cir Fort Myers FL
33905
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

MARK A. JOHNSON
Printed Name

Katharina Johnson
Printed Name

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

RECEIVED

OCT 12 2006

Page 5 of 7

EXHIBIT "A"
Petition to Vacate
VAC2006-00044

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

The twelve-foot (12') wide Drainage and Public Utility Easement centered on the common line between Lots 5 and 6, both in Block 68, Unit 12, Plat of Section 3, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 26, Page 16 of the Public Records of Lee County, Florida;

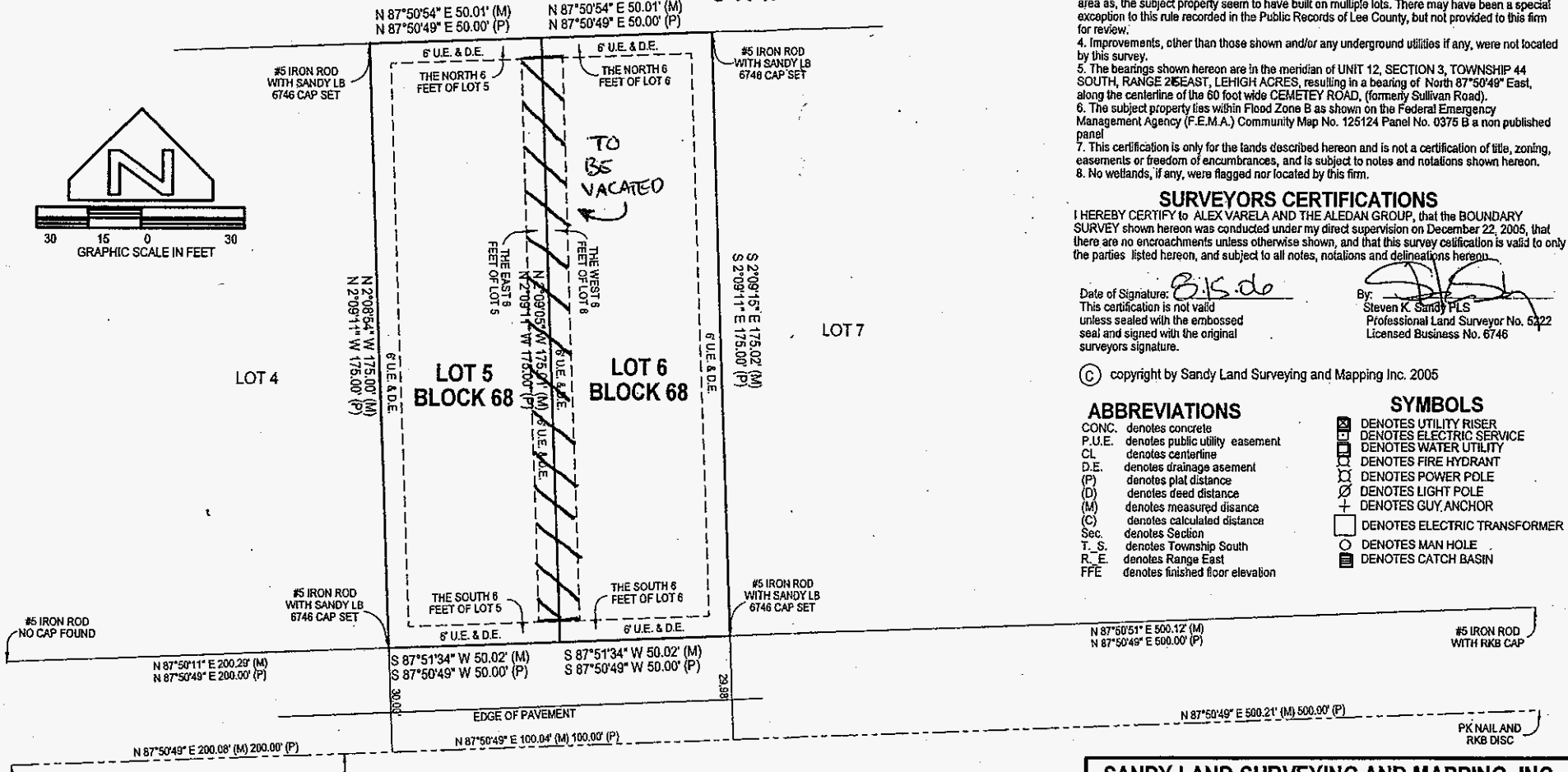
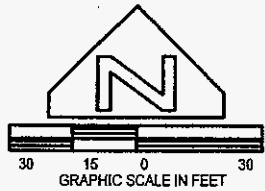
LESS and EXCEPT the northerly six feet and southerly six feet thereof.

PROPERTY DESCRIPTION

LOT 5 AND LOT 6 BLOCK 68, UNIT 12, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, according to the Map or Plat thereof, as recorded in Plat Book 26 at page 16, in the Public Records of Lee County, Florida.

SKETCH OF BOUNDARY SURVEY

CANAL



SURVEYORS NOTES

1. No search of the Public Records was made by, or furnished to this office for review.
2. The legal description shown hereon was furnished by the client.
3. The property shown hereon is subject to easements, rights-of-way and/or reservations of record, if any, including those shown hereon and on the Plat of record. The Plat cites that each LOT is subject to the easement as shown, however, some homes adjacent to, and in the same area as, the subject property seem to have built on multiple lots. There may have been a special exception to this rule recorded in the Public Records of Lee County, but not provided to this firm for review.
4. Improvements, other than those shown and/or any underground utilities if any, were not located by this survey.
5. The bearings shown hereon are in the meridian of UNIT 12, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, resulting in a bearing of North 87°50'48" East, along the centerline of the 60 foot wide CEMETERY ROAD, (formerly Sullivan Road).
6. The subject property lies within Flood Zone B as shown on the Federal Emergency Management Agency (F.E.M.A.) Community Map No. 126124 Panel No. 0375 B a non published panel.
7. This certification is only for the lands described hereon and is not a certification of title, zoning, easements or freedom of encumbrances, and is subject to notes and notations shown hereon.
8. No wetlands, if any, were flagged nor located by this firm.

SURVEYORS CERTIFICATIONS

I HEREBY CERTIFY TO ALEX VARELA AND THE ALEDAN GROUP, that the BOUNDARY SURVEY shown hereon was conducted under my direct supervision on December 22, 2005, that there are no encroachments unless otherwise shown, and that this survey certification is valid to only the parties listed hereon, and subject to all notes, notations and delineations hereon.

Date of Signature: *B.S. de*

This certification is not valid unless sealed with the embossed seal and signed with the original surveyors signature.

By: *[Signature]*
 Steven K. Sandy PLS
 Professional Land Surveyor No. 5422
 Licensed Business No. 6746

© copyright by Sandy Land Surveying and Mapping Inc. 2005

ABBREVIATIONS

- CONC. denotes concrete
- P.U.E. denotes public utility easement
- CL denotes centerline
- D.E. denotes drainage easement
- (P) denotes plat distance
- (D) denotes deed distance
- (M) denotes measured distance
- (C) denotes calculated distance
- Sec. denotes Section
- T.S. denotes Township South
- R.E. denotes Range East
- FFE denotes finished floor elevation

SYMBOLS

- DENOTES UTILITY RISER
- DENOTES ELECTRIC SERVICE
- DENOTES WATER UTILITY
- DENOTES FIRE HYDRANT
- DENOTES POWER POLE
- DENOTES LIGHT POLE
- DENOTES GUY ANCHOR
- DENOTES ELECTRIC TRANSFORMER
- DENOTES MAN HOLE
- DENOTES CATCH BASIN

EASEMENT DESCRIPTION

THE EAST 6 FEET OF LOT 5 BLOCK 68, UNIT 12, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, according to the Map or Plat thereof, as recorded in Plat Book 26 at page 16, in the Public Records of Lee County, Florida, LESS the North 6 feet and the South 6 feet thereof
 THE WEST 6 FEET OF LOT 6 BLOCK 68, UNIT 12, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEHIGH ACRES, according to the Map or Plat thereof, as recorded in Plat Book 26 at page 16, in the Public Records of Lee County, Florida, LESS the North 6 feet and the South 6 feet thereof.


SANDY LAND SURVEYING AND MAPPING, INC.
SURVEYING PLATTING MAPPING

9331 TAMAMI TRAIL NORTH SUITE NO. 24
 NAPLES FLORIDA, 34108
 TEL. (239) 597-1022 FAX. (239) 597-1035

FIELD: C. SANDY	DRAWN S. SANDY	APPROVED S. SANDY	DATE 05-30-06
SHEET 1 OF 1	SCALE 1"=30'	SECTION 3, TWP. 44 S., R. 26 E.	
FIELD BOOK 62 PAGE 3	BENCHMARK BOOK PAGE	DRAWING NO. 05-347E	

Exhibit "B"
Petition to Vacate
VAC2006-00044
[Page One of One]

Exhibit "C"
Petition to Vacate
VAC2006-00044
 [Page One of One]

Real Property Information		
Account	Tax Year	Status
03-44-26-12-00068.0050	2006	PAID
Original Account	Book/Page	
03-44-26-12-00068.0050	4289/3357	
Owner		
JOHNSON MARK A + KATHARINA		
Physical Address	Mailing Address	
15701 CEMETERY RD FORT MYERS FL 33905	3172 RIVER GROVE CIR FORT MYERS FL 33905 USA	
Legal Description		
LEHIGH ACRES W PT UNIT 12 BLK 68 PB 26 PG 16 LOTS 5 + 6		
Outstanding Balance as of 12/6/2006		\$0.00



This Instrument Prepared by and return to:

Name: Patricia Regas
Tradewinds Title, Inc.
Address: 904 Lee Blvd., Suite 106
Lehigh Acres, FL 33936
62234
Parcel I.D. #: 03-44-26-12-00068.0050
03-44-26-12-00068.0060

INSTR # 6263666
OR OK 04:289 Pgs 3357 - 3358; (2pgs)
RECORDED 05/11/2004 11:14:14 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.50
DEED DIC 147.00
DEPUTY CLERK P Johnston

Recording Fee \$10.50 Doc Stamps \$147.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 5th day of April, A.D. 2004, by **CKR PROPERTIES, LLC**, a Florida Limited Liability Co, having its principal place of business at 9131 College Pkwy., Ste 13 B, Box 110, Fort Myers, FL 33919, hereinafter called the grantor, to **MARK A. JOHNSON and KATHARINA JOHNSON, husband and wife**, whose post office address is 3172 River Grove Cir., Fort Myers, FL 33905, hereinafter called the grantees:

(Wherever used herein the terms "grantor" 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 grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does 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 5, Block 68, Unit 12, Section 3, Township 44 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 26, Page 16, Public Records of Lee County, Florida.

Lot 6, Block 68, Unit 12, Section 3, Township 44 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 26, Page 16, 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.

RECEIVED

OCT 12 2006

VAC 2006-00044

And the grantor hereby covenants with said grantees that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003

In Witness Whereof, the said grantor has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, 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

Judith A. Murray
1st Witness Signature

Judith A. Murray
Printed Name

Sharyl Leifeld
2nd Witness Signature

SHARYL LEIFELD
Printed Name

CKR PROPERTIES, LLC

By: J. C. Reitan L.S.

Name: J. C. Reitan
Title: President/Managing Member

State of FLORIDA
County of LEE

The foregoing instrument was acknowledged before me this 5 day of APRIL, 2004, by J. C. Reitan as President/Managing Member of CKR Properties, LLC, a Florida Limited Liability Co. He (she) is personally known to me or has produced _____ as identification and did (did not) take an oath.

Sharyl Leifeld
Signature of Notary

SHARYL LEIFELD
Printed Name of Notary

My commission expires JAN 22, 2007

Notary Seal:



Sharyl Leifeld
Commission #DD179299
Expires: Jan 22, 2007
Bonded Thru
Atlantic Bonding Co., Inc.



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

December 6, 2006

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Mark A. and Katharina Johnson
3172 River Grove Cir.
Ft. Myers, FL 33905

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stillwell
County Manager

Re: VAC2006-00044 - Petition to Vacate 12-foot wide Public Utility and Drainage Easements centered on the common lot lines of Lots 5 and 6, both in Block 68, Unit 12, S 3, T 44S, R 27E, Lehigh Acres, as recorded in Plat Book 26, Page 16 of the Public Records of Lee County, FL

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. and Mrs. Johnson:

You have indicated that in order to create a future building site for a single structure on the combined lots, you desire to eliminate the Public Utility and Drainage Easements located between your two (2) lots. The site is located at 15701 and 15711 Cemetery 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

Petition to Vacate

Tuesday, October 10, 2006

Department of Community Development
Attn.: Peter J. Eckenrode,
Director Development Services

Re: Request for Vacation of utility and drainage easement

Strap# 03-44-26-12-00068.0050

To Whom It May Concern:

We are hereby submitting a petition to vacate the public interest in the utility and drainage easement at the location identified above to combine the two (2) lots to create a future building site for a single structure on the combined property across the said easement.

If you have any further questions, please do not hesitate to contact us directly and thanks you so much in advance for your consideration.

Respectfully,



Mark A. and Katharina Johnson
The Petitioners

3172 River Grove Cir
Fort Myers, FL 33905
239-340-9009

RECEIVED

OCT 12 2006

VAC2006-00044

Larry Valentine
Customer Project Manager
2425 Thompson St
Ft Myers, FL 33901
Phone 239-332-9135
Fax 239-332-9128

Florida Power & Light

August 1, 2006

Mark A & Katharina Johnson
3172 River Grove Cir
Ft Myers FL 33905

Dear Mr & Mrs Johnson:

Florida Power & Light has no objection to vacating the easement between Lot 5 and Lot 6 of Block 68 located at 15701 Cemetery Rd per your request dated July 13th, 2006. Lot 5 has the following strap number:

STRAP # 03-44-26-12-00068.0050

If I may be of further assistance, please do not hesitate to contact me at 239-332-9135.

Sincerely,



Larry Valentine
Customer Project Manager

RECEIVED

OCT 12 2006

VAC 2006-00044



Katharina & Mark Johnson
3172 River Grove Cir
Fort Myers FL 33905

July 28, 2006

Subject: Vacation of easement strap# 03-44-26-12-00068.0050

To Whom It May Concern:

Embarq has investigated the property in question and no objection to the vacation of the easement. If you have any further questions I can be reached at (239) 336-2011

Sincerely,

A handwritten signature in cursive script that reads "Chet Prendota".

Chet Prendota
Engineer

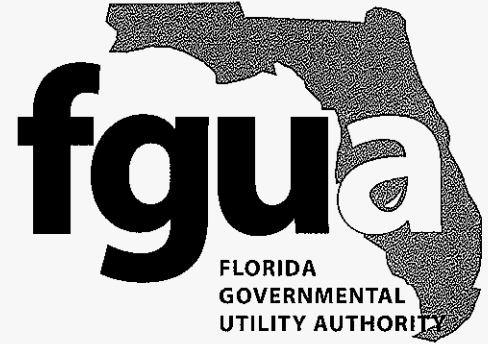
RECEIVED

OCT 12 2006

VAC 2006 - 00044

November 8, 2006

Mark A. Johnson
3172 River Grove Circle
Fort Myers FL 33905



RE: Vacation of Easement request from Mark A. Johnson for the 6-foot drainage and utility easement on the east of Lot 5, and the 6-foot drainage and utility easement on the west side of Lot 6, Block 68 Unit 12, Section 3, Township 44 South, Range 27 East, Lehigh Acres, according to the plat or map thereof, as recorded in Plat Book 26 at page 16, in the Public Records of Lee County, Florida, Less the North 6 feet and South 6 feet thereof.

LEA ANN THOMAS, CHAIR
Polk County

BRIAN WHEELER
Osceola County

JIM LAVENDER
Lee County

THOMAS H. DICK
Citrus County

Dear Mr. Johnson:

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 Mark A. Johnson for the 6-foot drainage and utility easement on the east of Lot 5, and the 6-foot drainage and utility easement on the west side of Lot 6, Block 68 Unit 12, Section 3, Township 44 South, Range 27 East, Lehigh Acres, according to the plat or map thereof, as recorded in Plat Book 26 at page 16, in the Public Records of Lee County, Florida, Less the North 6 feet and South 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

A handwritten signature in black ink, appearing to read 'Charles L. Sweat', is written over a horizontal line.

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**

September 15, 2006

Mark & Katharina Johnson
3172 River Grove Cir.
Fort Myers, Florida 33905

Re: Strap # 03-44-26-12-00068.0050 (15701 Cemetery Rd.)

Dear Mark & Katharina Johnson

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 that appears to read "Mark Cook".

Mark Cook
Design Coordinator

RECEIVED

OCT 12 2006

VAC 2006-00044

AmeriGas®

America's Propane Company

July 28th, 2006

Mr. and Mrs. Katharina & Mark Johnson
3172 River Grove Cir.
Fort Myers, FL 33905

Dear Mr. and Mrs. Johnson:

In reference to your letter dated July 13th Amerigas has no interest on the right of way between the following parcel(s):

STRAP#: 03-44-26-12-00068.0050

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

Sincerely,



Teresa Michaels
Sales & Service Manager

RECEIVED

OCT 12 2006

VAC 2006-00044



LEE COUNTY
SOUTHWEST FLORIDA

(239) 479-8150

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

July 26, 2006

Douglas R. St. Cerny
District Two

Katharina and Mark Johnson
3172 River Grove Cir.
Fort Myers, FL 33905

Ray Judah
District Three

Tammy Hall
District Four

SUBJECT: VACATION OF UTILITY AND/OR DRAINAGE EASEMENT
STRAP #: 03-44-26-12-00068.0050
15701 CEMETERY RD

John E. Albion
District Five

Donald D. Stihwell
County Manager

David M. Owen
County Attorney

Dear Mr. and Mrs. Johnson,

Diana M. Parker
County Hearing Examiner

Lee County Utilities has *no objection* to the proposed vacation of the existing platted easement(s) as described in your recent letter and associated attachment. However, the area in question is not located within Lee County Utilities' service area; therefore, we have no potable water or wastewater lines within the area to be vacated.

You may wish to contact Florida Governmental Utility Authority at (407) 629-6900 or (239) 368-1615 concerning your request, as the subject parcel(s) are located within their service area boundaries.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 479-8181.

Sincerely,

LEE COUNTY UTILITIES

David Reyerraft, MA, GISP
Utilities GIS Coordinator
Utilities Engineering Division
Lee County Utilities

Original Mailed: 07/26/2006

CC: Correspondence File

RECEIVED

OCT 12 2006

VAC 2006-00044

H:\Vacates\2006\Johnson07262006.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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

September 6, 2006

Ms. Katharina Johnson
3172 River Grove Circle
Fort Myers, FL 33905

Re: Petition to Vacate a twelve-foot (12') wide public utility and drainage easement centered on the common lot lines of Lots 5 and 6, Unit 2, Block 68, Lehigh Acres West Subdivision as recorded in Plat Book 26 at Page 16 of the Public Records of Lee County, Florida.

Dear Ms. Johnson:

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 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

RECEIVED

OCT 12 2006

S:\SURFACE\DOCUMENT\vac562.doc

VAC2006-00044



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8117

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

September 13, 2006

Katharina Johnson
3172 River Grove Circle
Fort Myers, FL 33905

**Re: Petition to Vacate Utility/Drainage Easement—15701 Cemetery Road,
Fort Myers 33905**

Ms. Johnson:

Lee County Department of Transportation has reviewed the above referenced request to vacate the drainage easement at the location described above.

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

Very truly yours,

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

ML/hc

cc: Paul Wingard, DOT Operations
Ron Wilson, Development Services
Allen Davies, Natural Resources
Terry Kelley, Utilities
DOT/PTV File (Cemetery Road)

RECEIVED

OCT 12 2006

VAC 2006-00044



Florida Department of Transportation

JEB BUSH
GOVERNOR

DENVER J. STUTLER, JR.
SECRETARY

August 1, 2006

Katharina and Mark Johnson
3172 River Grove Circle
Fort Myers, Florida 33905

**RE: Vacation of a Public Interest for a Utility and Drainage Easement at
15701 Cemetery Road, Fort Myers, Lee County, Florida 33905
Strap# 03-44-26-12-00068.0050
PM Log# 06-92**

Dear Mr. & Mrs. Johnson:

In response to your letter we received on July 25, 2006, our staff has conducted a review of your request to vacate the public interest in the subject area as marked and generally described as:

Lots 4 & 6, Block 68, Unit 12, Lehigh Acres as shown in Plat Book 26, Page 16,
and recorded in the Official Records of Fort Myers, Lee County, Florida

Based on this review, we "Defer to the County" 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

RECEIVED

OCT 12 2006

VAC 2006-00044

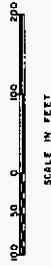


PLAT OF
WEST PART UNIT 12
SECTION 3, TWP. 44S., RGE. 26E.

A SUBDIVISION OF

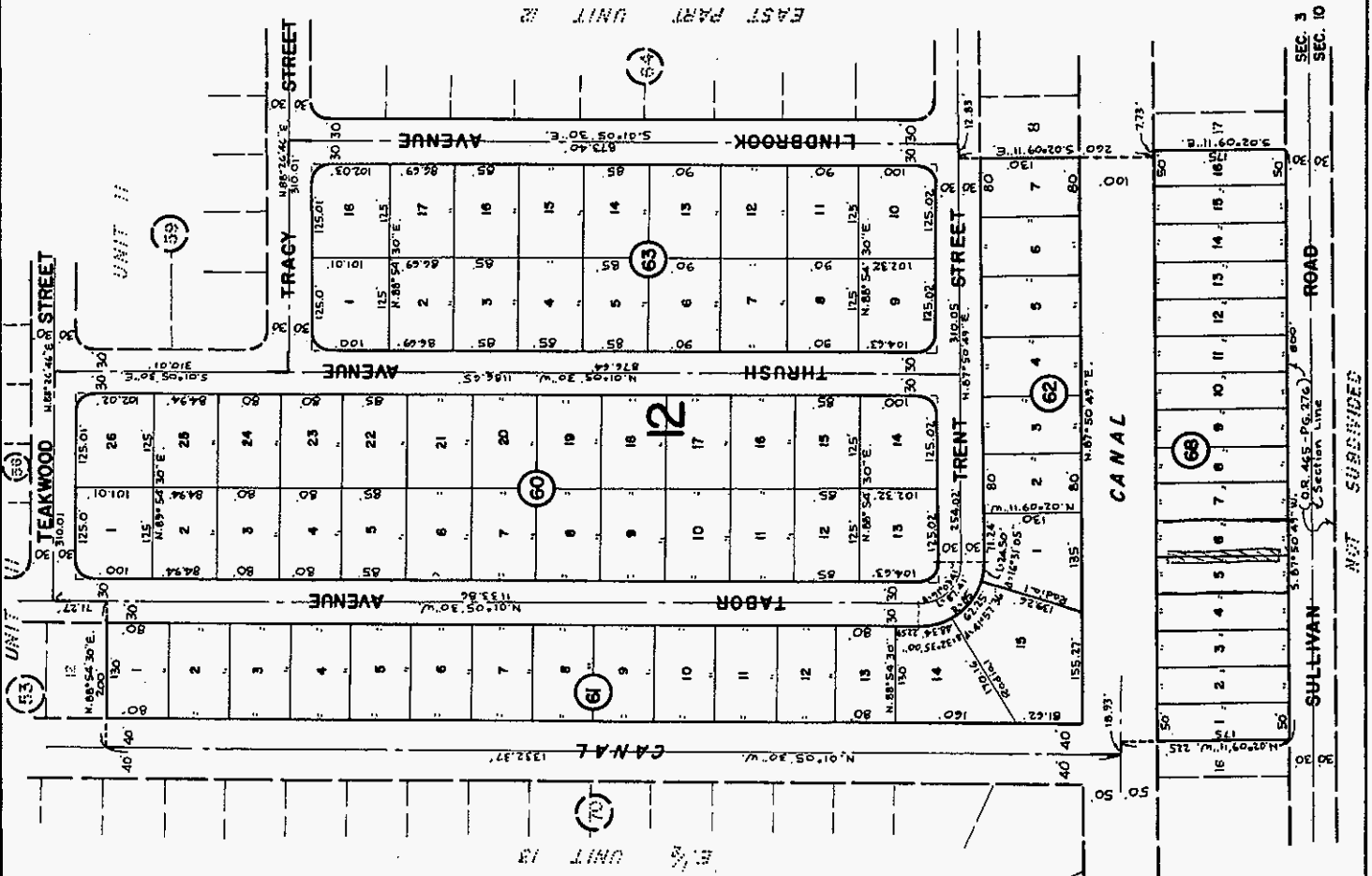
LEHIGH ACRES

LEE COUNTY, FLORIDA



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

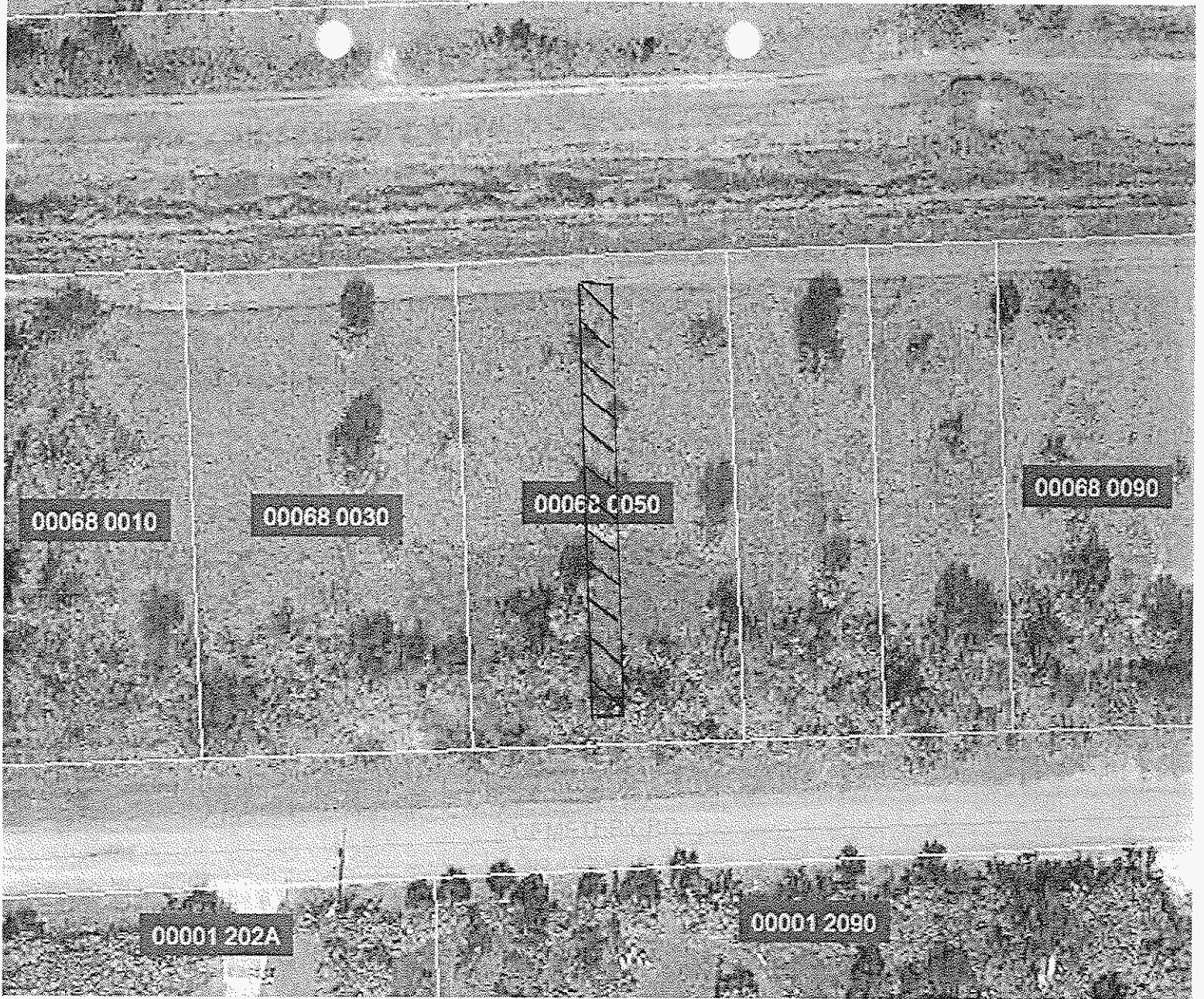
All corner lot radii are 25 feet except as
shown and the lot dimensions are to the
straight line intersections, except where
arc distances are shown.



RECEIVED
OCT 12 2006

VAC 2006 - 00044

NOT SUBMITTED



- AREA TO BE VACATED