

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate 12-foot wide Public Utility Easements located at 3403, 3405, 3407 and 3409 5th St. W. and 3400 Lee Blvd., Lehigh Acres (Case No. VAC2007-00006).

2. FUNDING SOURCE: No funding required.

3. WHAT ACTION ACCOMPLISHES: Eliminates the easement so that a commercial development can be constructed 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.**

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category:
COMMISSION DISTRICT #: 5

9:30 PH 2

6. Meeting Date: 05-22-2007

7. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

8. Requirement/Purpose: (specify)
 Statute F.S.CH. 177
 Ordinance
 Admin. Code 13-1
 Other

9. Request Initiated:
 Commissioner
 Department: Community Development
 Division: Development Services
 By: Peter Eckenrode, Director

10. Background:

The completed petition to vacate, VAC2007-00006 was submitted by Henderson, Franklin, Starnes & Holt, P.A. and Cody B. Vaughan-Birch on behalf of Michelle Curcione.

LOCATION: The site is located at 3403, 3405, 3407 and 3409 5th St. W. and 3400 Lee Blvd., Lehigh Acres, Florida 33971 and its strap numbers are 26-44-26-05-00025.0010, 0020, 0030, 0040 and 0060. Petition No. VAC2007-00006 proposes to vacate a twelve-foot (12') wide Public Utility Easement centered on the common line between Lots 1 and 2, 2 and 3, 3 and 4, 6 and 7, 7 and 8, 8 and 9, 9 and 10, 1 and 10, 2 and 9, 3 and 8 and 4 and 7, all in Block 25, Unit 5, Section 26, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 75 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northerly six feet of Lots 1 thru 4, the southerly six feet of Lots 6 thru 10, the easterly six feet of Lots 4 and 7 and the westerly six feet of Lots 1 and 10 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.

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
Mary Gibbs				John J. Meyer 4-24-07	Analyst 4/25/07	Risk 4/25/07	Grants 4/25/07	Mgr 4/25/07	4-25-07

12. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY COUNTY ADMIN: TD
 4/24/07
 2:05 pm
 COUNTY ADMIN FORWARDED TO: [Signature]
 4/24/07
 9:30 AM

Rec. by County
 Date: 4/17/07
 Time: 11:33 AM
 Forwarded To: [Signature]
 4/24/07 1 PM



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: April 6, 2007

To: Molly Schweers
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20070578

CASE NUMBER: VAC2007-00006

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: VAC2007-00006

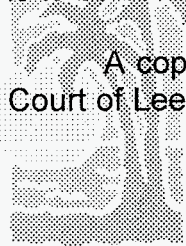
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 22nd of May, 2007 at 9:30 A.M. 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. Fredyma

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2007-00006
[Page One of One]

Legal Description of the Public Utility Easements to be Vacated:

Those portions of the twelve-foot (12') wide Public Utility Easements centered on the common lot lines between the following lots, all in Bock 25, Unit 5 of the Plat of the N.E. $\frac{1}{4}$ & S. $\frac{1}{2}$ of Section 26, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, Page 75 of the Public Records of Lee County Florida, and described as follows:

Lots 1 and 2; 2 and 3; 3 and 4; less and except the northerly six feet of each easement;

Lots 6 and 7; 7 and 8; 8 and 9; 9 and 10; less and except the southerly six feet of each easement;

Lots 1 and 10; less and except the westerly 6 feet thereof;

Lots 2 and 9; and 3 and 8; and

Lots 4 and 7; less and except the easterly 6 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: VAC2007-00006

WHEREAS, Petitioner Michelle Curcione 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. VAC2007-00006 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this _____.

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

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
VAC2007-00006
[Page One of One]

Legal Description of the Public Utility Easements to be Vacated:

Those portions of the twelve-foot (12') wide Public Utility Easements centered on the common lot lines between the following lots, all in Block 25, Unit 5 of the Plat of the N.E. ¼ & S. ½ of Section 26, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, Lee County, Florida, as recorded in Plat Book 15, Page 75 of the Public Records of Lee County Florida, and described as follows:

Lots 1 and 2; 2 and 3; 3 and 4; less and except the northerly six feet of each easement;

Lots 6 and 7; 7 and 8; 8 and 9; 9 and 10; less and except the southerly six feet of each easement;

Lots 1 and 10; less and except the westerly 6 feet thereof;

Lots 2 and 9; and 3 and 8; and

Lots 4 and 7; less and except the easterly 6 feet thereof.

JOB #: 05023.00



Neese & Associates
 Civil Engineering & Land Surveying
 L.B. #3590

12661 Metro Parkway Fort Myers, Florida 33912 239-768-0077 Fax 239-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION
 (SEE EXHIBIT "A")
 CURCIONE COMMERCIAL PROJECT
 CURCIONE

SECTION 26, TOWNSHIP 44 SOUTH, RANGE 26 EAST

- NOTES:
1. THIS DRAWING WAS MADE WITHOUT BENEFIT OF A TITLE REPORT.
 2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
 3. SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
 4. DRAWING IS IN ACCORDANCE WITH INFORMATION PROVIDED BY CLIENT.
 5. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, BLOCK 25, UNIT 5, PB 15, PG. 75, AS S89°36'48"E.

CONVEYED TO:
VAC2007-00006

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SKETCH OF THE HEREIN DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 610.17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND IT IS NOT VALID.

FOR NEESE & ASSOCIATES

 STEPHEN F. SHAWLES P.S.M.
 FLORIDA REGISTRATION NO. 6410
 DATE SIGNED: 04/10/06

SCALE: 1"=60' DATE OF SURVEY: N/A
 FIELD BOOK N/A PAGE N/A
 DRAWN BY: SFS DATE DRAWN: 04/10/06
 CHECKED BY: JC FILE #: EASEMENTS/ SKETCH

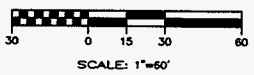
RESERVED FOR CANAL 240' W

Exhibit B

FIFTH ST. W. 50' R/W

SARA AVE 50' R/W

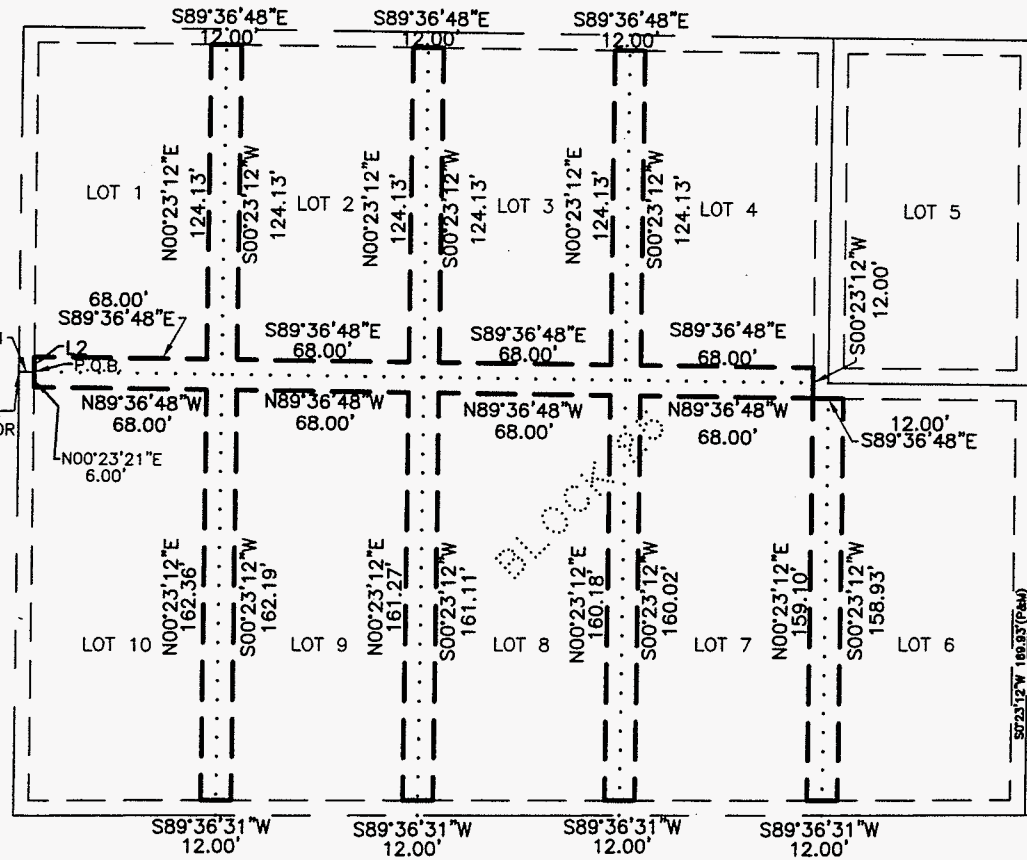
LEE BLVD. 106' R/W



Line Table		
L #1=	S89°36'48"E	6.00'
L #2=	N00°23'12"E	6.00'

LEGEND	
C.B.	= CHORD BEARING
C.D.	= CHORD DISTANCE
DB	= DEED BOOK
UE	= UTILITY EASEMENT
OR	= OFFICIAL RECORD BOOK
PB	= PLAT BOOK
PG	= PAGE
POB	= POINT OF BEGINNING
POC	= POINT OF COMMENCEMENT
PCC	= POINT OF COMPOUND CURVATURE
PRC	= POINT OF REVERSE CURVATURE

P.O.C.
 S.W. COR
 LOT 1



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 MAR 09 2007

COMMUNITY DEVELOPMENT

SHEET 1 OF 2

PETITION TO VACATE (AC 13-1)

Case Number: VAC 2007-00006

Petitioner(s), MICHELE CORCIONE
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, 1971 ROSEMONT CT. FT. MYERS FL 33913
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:

M. Corcione
Petitioner Signature

Petitioner Signature

MICHELE CORCIONE
Printed Name

Printed Name

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

RECEIVED
MAR 04 2007

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 26-44-26-05-00025.0010, 0020, 0030, 0040 and 0060 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 _____ Cody B. Vaughan-Birch 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.

Michelle Curcione

Owner*(signature)

Michelle Curcione

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 20th day of March, 2007, by Michelle Curcione, who is personally known to me or who has produced personally known as identification and who did (did not) take an oath.

Laurie L. Groeneveld

Notary Public

(SEAL)



Laurie L. Groeneveld
Commission # DD439903
Expires June 12, 2009
Blended Troy Pain - Insurance, Inc. 800-385-7019

VAC2007-00006

EXHIBIT "A"
Petition to Vacate
VAC2007-00006
[Page One of One]

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JOB #: 05023.00



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 Civil Engineering & Land Surveying
 LB #3590

12661 Metro Parkway
 Fort Myers, Florida 33912

239-768-0077
 Fax: 239-768-3457

SKETCH (NOT A SURVEY)

SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION
 (SEE EXHIBIT "A")
 CURCIONE COMMERCIAL PROJECT
 CURCIONE

SECTION 26, TOWNSHIP 44 SOUTH, RANGE 28 EAST

NOTES:

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5. BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, BLOCK 25, UNIT 5, PG 15, PG. 75, AS S89°36'48"E.

REFERRED TO:

VAC 2007-00006

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SKETCH OF THE HEREDIN DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 51G17-2, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007 OF THE FLORIDA STATUTES, UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND IT IS NOT VALID.

FOR NEESE & ASSOCIATES

Stephen F. Shawles II
 STEPHEN F. SHAWLES II P.S.M.
 FLORIDA REGISTRATION NO. 6412

DATE SIGNED: 04/10/06

SCALE: 1"=60' DATE OF SURVEY: N/A
 FIELD BOOK N/A PAGE N/A
 DRAWN BY: SFS DATE DRAWN: 04/10/06
 CHECKED BY: JG FILE #: EASEMENTS SKETCH

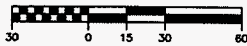
RESERVED FOR CANAL 240' W

S00°23'12"W 169.93'

FIFTH ST. W. 50' R/W

SARA AVE 50' R/W

LEE BLVD. 106' R/W



SCALE: 1"=60'

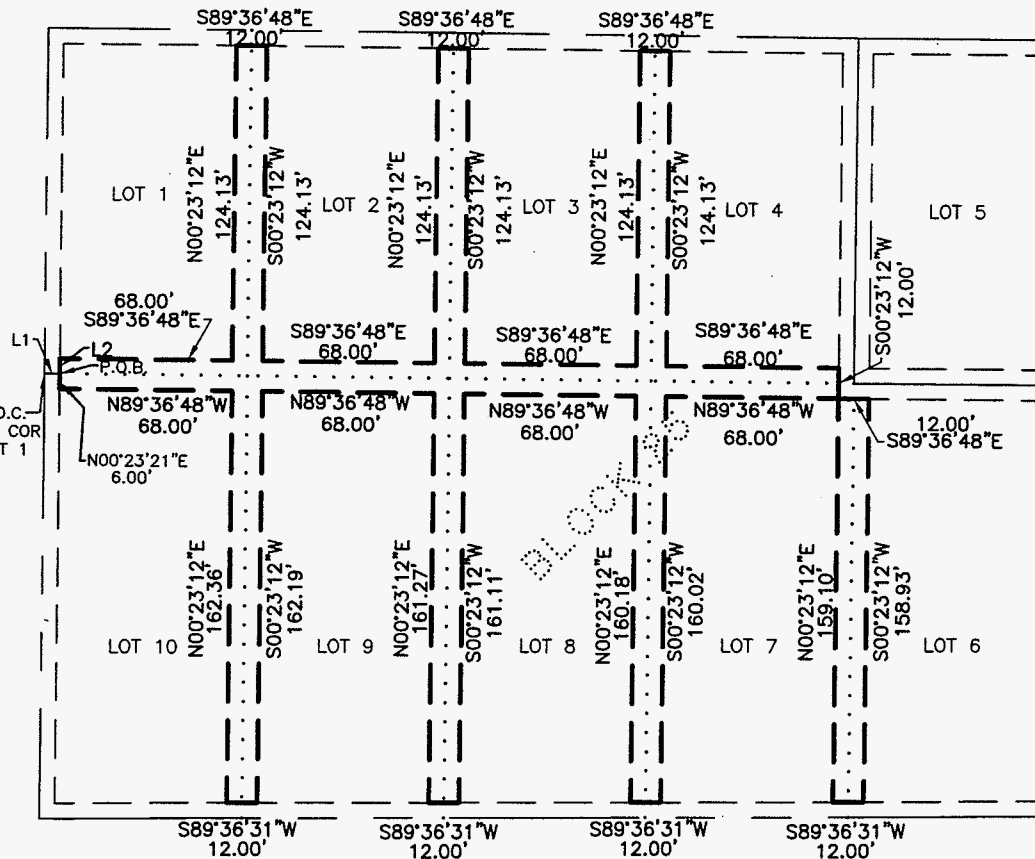
Line Table

L #1=	S89°36'48"E	6.00'
L #2=	N00°23'12"E	6.00'

LEGEND

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- C.D. = CHORD DISTANCE
- DB = DEED BOOK
- UE = UTILITY EASEMENT
- OR = OFFICIAL RECORD BOOK
- PB = PLAT BOOK
- PG = PAGE
- POB = POINT OF BEGINNING
- PCC = POINT OF COMMENCEMENT
- PCC = POINT OF COMPOUND CURVATURE
- PRC = POINT OF REVERSE CURVATURE

BLOCK 22




RECEIVED
 MAR 19 2007


COMMUNITY DEVELOPMENT

SHEET 1 OF 2

Exhibit B

Exhibit "C"
Petition to Vacate
VAC2007-00006
 [Page One of Two]

Real Property Information		
		
Account	Tax Year	Status
26-44-26-05-00025.0010	2006	PAID
Original Account	Book/Page	
26-44-26-05-00025.0010	4424/539	
Owner		
CURCIONE MICHELLE A		
Physical Address	Mailing Address	
3409 5TH ST W LEHIGH ACRES FL 33971	11971 ROSEMOUNT DR FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 5 BLK.25 PB 15 PG 75 LOT 1		
Outstanding Balance as of 3/9/2007		\$0.00

Real Property Information		
		
Account	Tax Year	Status
26-44-26-05-00025.0020	2006	PAID
Original Account	Book/Page	
26-44-26-05-00025.0020	4438/1809	
Owner		
CURCIONE MICHELLE A		
Physical Address	Mailing Address	
3407 5TH ST W LEHIGH ACRES FL 33971	11971 ROSEMOUNT DR FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 5 BLK.25 PB 15 PG 75 LOT 2		
Outstanding Balance as of 3/9/2007		\$0.00




Real Property Information		
		
Account	Tax Year	Status
26-44-26-05-00025.0030	2006	PAID
Original Account	Book/Page	
26-44-26-05-00025.0030	4420/3305	
Owner		
CURCIONE MICHELLE A		
Physical Address	Mailing Address	
3405 5TH ST W LEHIGH ACRES FL 33971	11971 ROSEMOUNT DR FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 5 BLK.25 PB 15 PG 75 LOT 3		
Outstanding Balance as of 3/9/2007		\$0.00

Exhibit "C"
Petition to Vacate
VAC2007-00006
 [Page Two of Two]

Real Property Information		
Account	Tax Year	Status
26-44-26-05-00025.0040	2006	PAID
Original Account	Book/Page	
26-44-26-05-00025.0040	4438/1812	
Owner		
CURCIONE MICHELLE A		
Physical Address	Mailing Address	
3403 5TH ST W LEHIGH ACRES FL 33971	11971 ROSEMOUNT DR FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 5 BLK.25 PB 15 PG 75 LOT 4		
Outstanding Balance as of 3/9/2007		\$0.00

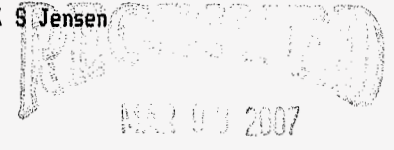
Real Property Information		
Account	Tax Year	Status
26-44-26-05-00025.0060	2006	PAID
Original Account	Book/Page	
26-44-26-05-00025.0060	4420/3305	
Owner		
CURCIONE MICHELLE A		
Physical Address	Mailing Address	
3400 LEE BLVD LEHIGH ACRES FL 33971	11971 ROSEMOUNT DR FORT MYERS FL 33913 USA	
Legal Description		
LEHIGH ACRES UNIT 5 BLK.25 PB 15 PG 75 LOT 6 THRU 10		
Outstanding Balance as of 3/9/2007		\$0.00

Prepared By: Tammy Stoddard
Morgan & Associates Title Company
55 Homestead Road North
Lehigh Acres, FL
incidental to the issuance of a title insurance policy.
File Number: 04-03006
Parcel ID #: 26-44-26-05-00025.0010



INSTR # 6432624
OR BK 04424 Pgs 0539 - 540; (2pgs)
RECORDED 09/09/2004 02:16:00 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 271.60
DEPUTY CLERK S. Jensen

**WARRANTY DEED
(INDIVIDUAL)**



COMMUNITY DEVELOPMENT

This WARRANTY DEED, dated 09/02/2004 by

**Barry Gionfriddo and Wendy S. Gionfriddo, husband and wife,
2512 Queen Dr., Lehigh Acres, FL 33971,**
hereinafter called the GRANTOR, to

Michelle A. Curcione, a married woman
whose post office address is **11971 Rosemount Dr. Fort Myers Fl 33913,**
hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

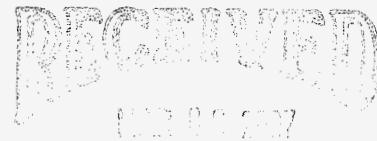
Lot 1, Block 25, Unit 5, Section 26, Township 44 South, Range 26 East, LEHIGH ACRES, according to the plat thereof, recorded in Plat Book 15, Page 75, of the Public Records of Lee County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2004 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.



COMMUNITY DEVELOPMENT
VAC 2007-00006

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness Signature: Tammy Stoddard
Print Name: Tammy Stoddard

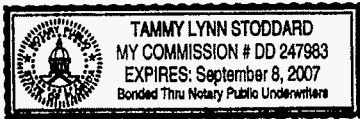
Barry Gionfriddo
Barry Gionfriddo

Witness Signature: Tara Ohmann
Print Name: Tara Ohmann

Wendy S. Gionfriddo
Wendy S. Gionfriddo

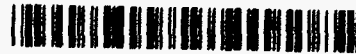
State of Florida
County of Lee

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 09/02/2004 by: **Barry Gionfriddo and Wendy S. Gionfriddo, husband and wife** who is personally known to me or who has produced _____ as identification.



Signature: Tammy Lynn Stoddard
Print Name: Tammy Lynn Stoddard
Expiration Date:

Prepared By: Tammy Lynn Stoddard
Morgan & Associates Title Company
55 Homestead Road North
Lehigh Acres, FL
incidental to the issuance of a title insurance policy.
File Number: 04-03020
Parcel ID #: 26-44-26-05-00025.0020



INSTR # 6450763
OR BK 04438 Pgs 1809 - 1810; (2pgs)
RECORDED 09/21/2004 01:09:09 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 258.60
DEPUTY CLERK K Cartwright

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 09/01/2004 by

Kori R. Clapper,
695 Morning Mist Lane, Lehigh Acres, FL 33936,
hereinafter called the GRANTOR, to

Michelle Curcione, a married person
whose post office address is 11971 Rosemount Dr. Fort Myers FL 33913,
hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

Lot(s) 2, Block 25, Unit 5, Section 26, Township 44 South, Range 26 East, LEHIGH ACRES, according to the plat thereof, recorded in Plat Book 15, Page(s) 75, of the Public Records of Lee County, Florida.

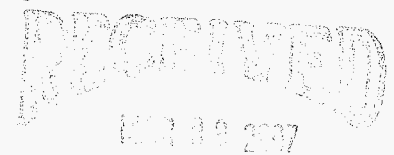
The subject property is not now nor has it ever been the homestead property of the Grantor herein.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2004 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.



COMMUNITY DEVELOPMENT

VAC 2007-00006

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

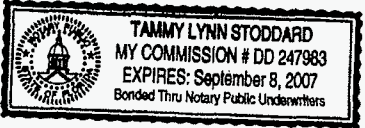
SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness Signature: [Signature] [Signature]
Print Name: DIAnna Reisinger Kori R. Clapper

Witness Signature: [Signature]
Print Name: Tammy Stoddard

State of **Florida**
County of **Lee**

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on **09/01/2004** by: **Kori R. Clapper** who is personally known to me or who has produced Fl. Dr. Lic as identification.



Signature: [Signature]
Print Name: Tammy Lynn Stoddard
Expiration Date: 9-08-2007

RECEIVED
MAR 08 2007
COMMUNITY DEVELOPMENT

VAC 2007-00006

Prepared By: Tammy Lynn Stoddard
Morgan & Associates Title Company
55 Homestead Road North
Lehigh Acres, FL
incidental to the issuance of a title insurance policy.
File Number: 04-03019
Parcel ID #: 26-44-26-05-00025.0040



INSTR # 6450765
OR BK 04438 Pgs 1812 - 1813; (2pgs)
RECORDED 09/21/2004 01:11:13 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 250.60
DEPUTY CLERK K Cartwright

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 09/01/2004 by

**Kori R. Clapper and Ruth R. Minnig, as Joint Tenants with Full Rights of Survivorship,
695 Morning Mist Lane, Lehigh Acres, FL 33936,**
hereinafter called the GRANTOR, to

Michelle A. Curcione, a married person
whose post office address is **11971 Rosemount Dr. Fort Myers Fl 33913,**
hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

Lot(s) 4, Block 25, Unit 5, Section 26, Township 44 South, Range 26 East, LEHIGH ACRES, according to the plat thereof, recorded in Plat Book 15, Page(s) 75, of the Public Records of Lee County, Florida.

The subject property is not now nor has it ever been the homestead property of the Grantor herein.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2004 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

VAC 2007-00006

RECEIVED
10/21/07
COMMUNITY DEVELOPMENT

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness Signature: Tammy Stoddard
Print Name: Tammy Stoddard

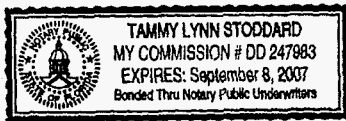
K R Clapper
Kori R. Clapper

Witness Signature: Tara Ohmann
Print Name: Tara Ohmann

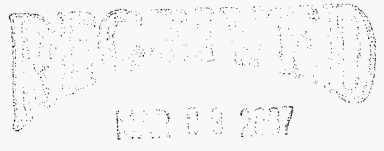
Ruth R Minnig
Ruth R. Minnig

State of Florida
County of Lee

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 09/01/2004 by: **Kori R. Clapper and Ruth R. Minnig, as Joint Tenants with Full Rights of Survivorship** who is personally known to me or who has produced FL Dr. Lic as identification.



Signature: Tammy Lynn Stoddard
Print Name: Tammy Lynn Stoddard
Expiration Date:



COMMUNITY DEVELOPMENT

VAC 2007-00006



INSTR # 6428223
 OR BK 04420 Pgs 3305 - 3306; (2pgs)
 RECORDED 09/07/2004 01:44:25 PM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 RECORDING FEE 16.50
 DEED DOC 3,465.00
 DEPUTY CLERK G Sherwood

Prepared by & Return to:
 Title Professionals of Florida
 13241 University Drive, # 103
 Fort Myers, FL 33907
 incidental to the issuance of a title insurance policy.
 File Number: pmf-3819-04
 Parcel ID #: 26-44-26-05-00025.0060
 26-44-26-05-00025.0030

**WARRANTY DEED
 (INDIVIDUAL)**

This WARRANTY DEED, dated 08/25/2004 by

John W Wilkes Sr and Sandra L Wilkes, husband and wife

hereinafter called the GRANTOR, to

Michelle A Curcione, a married person

whose post office address is:

11971 Rosemount Drive, Fort Myers, FL 33913

hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Lee County, Florida, viz:

Lots 3, 6, 7, 8, 9, and 10, Block 25, Unit 5, Section 26, Township 44 South, Range 26 East, LEHIGH ACRES, as recorded in Plat Book 15, Page 75, Public Records of Lee County, Florida.

This property is not the homestead of the Grantor(s), nor is it contiguous to the homestead of the grantor.

Subject property is vacant land.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2004 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

RECEIVED
 MAR 02 2007

COMMUNITY DEVELOPMENT

FORM: WARR. DEED 2

WAC 2007-000006

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness 1 Signature: M.A. Goss
Print Name: M. A. GOSS

Witness 2 Signature: Marian D Nesselhauf
Print Name: MARIAN D NESSELHAUF

John W. Wilkes Sr.
John W Wilkes Sr

Witness 1 Signature: M. A. Goss
Print Name: M. A. Goss

Witness 2 Signature: Marian D Nesselhauf
Print Name: MARIAN D NESSELHAUF

Sandra L. Wilkes
Sandra L Wilkes

State of Florida
County of Lee

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared John W Wilkes Sr and Sandra L Wilkes, husband and wife, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that; he, she and/or they, executed the same, and an oath was not taken. (Check one.) Said person(s) is/are personally known to me. Said person(s) provided the following type of identification: FL Drivers License

WITNESS my hand and official seal in the County and State last aforesaid this August 25, 2004.

(SEAL) **MARY ANNE GOSS**
Notary Public, State of FL
My Comm. Exp. Feb. 1, 2005
Comm. No. CC 994476
Reg Thru Notary Public Underwriters

Mary Anne Goss
Notary Signature

Print/Type/Stamp Notary Signature

My Commission Expires: 2/1/05



COMMUNITY DEVELOPMENT

VAC 2007-00006



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

239-479-8585

A. Brian Bigelow
District Two

April 9, 2007

Ray Judah
District Three

Tammy Hall
District Four

Cody Vaughan-Birch
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe St.
Fort Myers, FL 33901

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Re: **VAC2007-00006 - Petition to Vacate** a 12-foot wide Public Utility Easement centered on the combined lots of 1 and 2, 2 and 3, 3 and 4, 6 and 7, 7 and 8, 8 and 9, 9 and 10, 1 and 10, 2 and 9, 3 and 8 and 4 and 7, all in Block 25, Unit 5, Lehigh Acres, S 26, T 44S, R 26E, as recorded in Plat Book 15, Page 75, in the public records of Lee County, FL

Dear Mr. Vaughan-Birch:

You have indicated that in order to construct a commercial development on the combined lots, your client desires to eliminate the Public Utility Easements located between the nine (9) lots. The site is located at 3403, 3405, 3407 and 3409 5th St. W. and 3400 Lee Blvd., Lehigh Acres. 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

Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

March 9, 2007

Mr. Pete Eckenrode
Director, Lee County Development Services

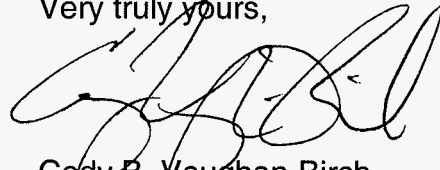
Re: Petition to Vacate a portion of a public utility easement
STRAP Nos. 26-44-26-05-0025.0010; 26-44-26-05-0025.0020; 26-44-26-
05-0025.0030; 26-44-26-05-0025.0040; 26-44-26-05-0025.0060;

Dear Mr. Eckenrode:

We have submitted this Petition to the Lee County Board of Commissioners seeking to vacate the platted internal public utility easements within the STRAP numbers referenced above. This property was recently rezoned to a Commercial Planned Development, and a condition contained in the zoning resolution requires that these internal public utility easements be vacated prior to obtaining a development order. Accordingly, we request that this petition be sent to the Board of County Commissioners for approval as this request allows for a unified development and preserves all public utility easements located along the perimeter of the development.

If you have any questions, please do not hesitate to contact me directly and thank you in advance for your consideration.

Very truly yours,


Cody B. Vaughan-Birch



COMMUNITY DEVELOPMENT

VAC 2007-00006



July 24, 2006

Mr. Cody B. Vaughn-Birch
Henderson, Franklin, Starnes & Holt, P.A.
P. O. Box 280
Fort Myers, FL 33902

Re: Vacation of Internal Public Utility Easements, Unit 5, Block 25,
Lots 1-4, 6-10, Lehigh Acres, Florida

Dear Mr. Vaughn-Birch:

LCEC does not object to vacation of the platted easements described as follows:

- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 1 and 2, Lots 2 and 3, Lots 3 and 4, Block 25, Unit 5, Lehigh Acres, Florida **LESS** and **EXCEPT** the northerly 6 feet thereof, as shown on the attached sketch provided by Neese & Associates, dated 4/11/06, marked Job # 05023.00, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 7 and 8, Lots 8 and 9, and Lots 9 and 10, Block 25, Unit 5, Lehigh Acres, Florida **LESS** and **EXCEPT** the southerly 6 feet thereof, as shown on the attached sketch provided by Neese & Associates, dated 4/11/06, marked Job # 05023.00, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 6 and 7, Block 25, Unit 5, Lehigh Acres, Florida **LESS** and **EXCEPT** the northerly 6 feet and the southerly 6 feet thereof, as shown on the attached sketch provided by Neese & Associates, dated 4/11/06, marked Job # 05023.00, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 1-4, and Lots 7-10, Block 25, Unit 5, Lehigh Acres, Florida **LESS** and **EXCEPT** the easterly 6 feet and the westerly 30 feet thereof.

Please call me at 656-2422 if you have any questions.

Sincerely,

Sandra McIver

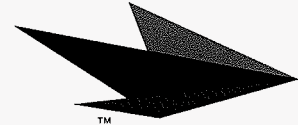
Sandra McIver
Real Property Representative



COMMUNITY DEVELOPMENT

VAC 2007 - 00006

Voice | Data | Internet | Wireless | Entertainment



EMBARQTM

Embarq Corporation
Post Office Box 1530
LaBelle, Florida 33975-4613
EMBARQ.com

August 7, 2006

Cody B. Vaughan-Birch
Henderson Franklin Attorneys at Law
Post Office Box 280
Fort Myers, FL 33902-0280

Re: Vacation of Public Utility Easement:

All being in block 25, unit 5, township 44 south, range 26 east, section 26 of Lehigh Acres, according to the plat thereof, as recorded in plat boot 15, page 5 of the Public records of Lee County.

All platted utility easements between lots 6&7, 7&8, 8&9, 9&10.

All platted utility easements between lots 1&2, 2&3, 3&4

All platted utility easements between lots 1&10, 2&9, 3&8, 4&7

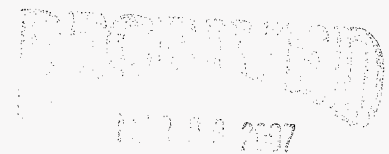
Dear Cody,

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 easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863 452-3232.

Sincerely,

Sabrina Thompson
Engineer

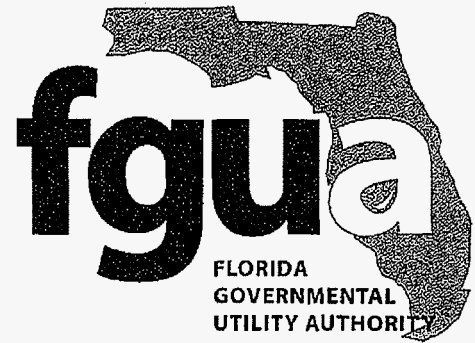


COMMUNITY DEVELOPMENT

VAC 2007-00006

April 4, 2007

Cody B. Vaughan-Birch
1715 Monroe Street
Fort Myers, FL 33901



RE: Vacation of Easement request from Cody Vaughan-Birch on behalf of Michelle Curcione for the Southerly and Easterly 6-foot wide public utility and drainage easement, less and except the Northerly and Westerly 6 feet thereof, of Lot 1, the Westerly, Southerly and Easterly 6-foot wide public utility and drainage easement, less and except the Northerly 6 feet thereof, of Lots 2 and 3, the Westerly and Southerly 6-foot wide public utility and drainage easement, less and except the Northerly and Easterly 6 feet thereof, of Lot 4, the Northerly and Easterly 6-foot wide public utility and drainage easement, less the Westerly and Southerly 6 feet thereof, of Lot 10, the Westerly, Northerly and Easterly 6-foot wide public utility and drainage easement, less and except the Southerly 6 feet thereof, of Lots 9, 8 and 7 and the Westerly 6-foot wide public utility and drainage easement, less the Southerly and Northerly 6 feet thereof, of Lot 6, all in Block 25, Unit 5 of Lehigh Acres, a subdivision being part of Section 26, Township 44 South, Range 26 East, as recorded in Plat Book 15, Page 75, of the Public Records of Lee County, Florida.

LEA ANN THOMAS, CHAIR
Polk County

BRIAN WHEELER
Osceola County

JIM LAVENDER
Lee County

THOMAS H. DICK
Citrus County

Dear Mr. Vaughan-Birch:

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 Cody Vaughan-Birch on behalf of Michelle Curcione for the Southerly and Easterly 6-foot wide public utility and drainage easement, less and except the Northerly and Westerly 6 feet thereof, of Lot 1, the Westerly, Southerly and Easterly 6-foot wide public utility and drainage easement, less and except the Northerly 6 feet thereof, of Lots 2 and 3, the Westerly and Southerly 6-foot wide public utility and drainage easement, less and except the Northerly and Easterly 6 feet thereof, of Lot 4, the Northerly and Easterly 6-foot wide public utility and drainage easement, less the Westerly and Southerly 6 feet thereof, of Lot 10, the Westerly, Northerly and Easterly 6-foot wide public utility and drainage easement, less and except the Southerly 6 feet thereof, of Lots 9, 8 and 7 and the Westerly 6-foot wide public utility and drainage easement, less the Southerly and Northerly 6 feet thereof, of Lot 6, all in Block 25, Unit 5 of Lehigh Acres, a subdivision being part of Section 26, Township 44

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

VAC 2007-00006

South, Range 26 East, as recorded in Plat Book 15, Page 75, of the Public Records of Lee County, Florida. 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

VAC 2007-00006

6/14/07



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

July 14, 2006
Henderson/Franklin Attorneys At Law
Cody B. Vaughan-Birch
P.O. Box 280
Fort Myers, Florida 33902

Re: Strap # 26-44-26-05-00025.0060, 26-44-26-00025.0040, 26-44-26-05-00025.0030
26-44-26-05-00025.0020, 26-44-26-05-00025.0010
(North of Lee Blvd. and East of Sara Dr.)

Dear Cody B. Vaughan-Birch:

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.

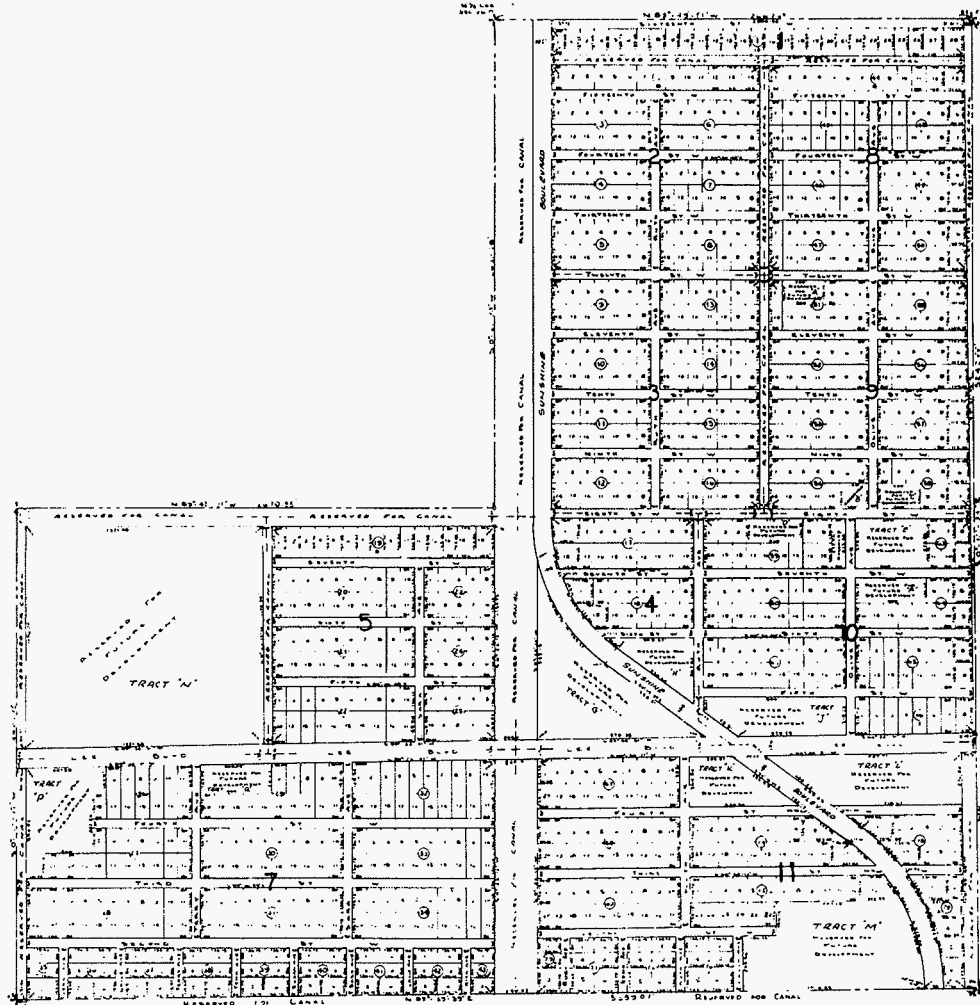
Cordially,

Mark Cook
Design Coordinator



COMMUNITY DEVELOPMENT

VAC 2007-00006



PLAT OF
NE 1/4 & S 1/2 OF SECTION 26
TOWNSHIP 44 SOUTH RANGE 26 EAST

A SUBDIVISION OF
LEHIGH ACRES

LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO., DE-L-O-P-E-N

SCALE 1" = 40' AUGUST, 1950

UNIT BOUNDARY - - - - -

SURVEYOR'S CERTIFICATE

I the undersigned hereby certify that the plat or plan is a correct representation of the land shown and that the same reference thereto has been placed in the books.

[Signature]
Florida Registered Land Surveyor No. 1159

NOTE: All lots subject to a utility easement with water, power and gas. Refer to P.L.M. No. 45 of 1949, Chapter 10, Section 10.01, Florida Statutes, for details.

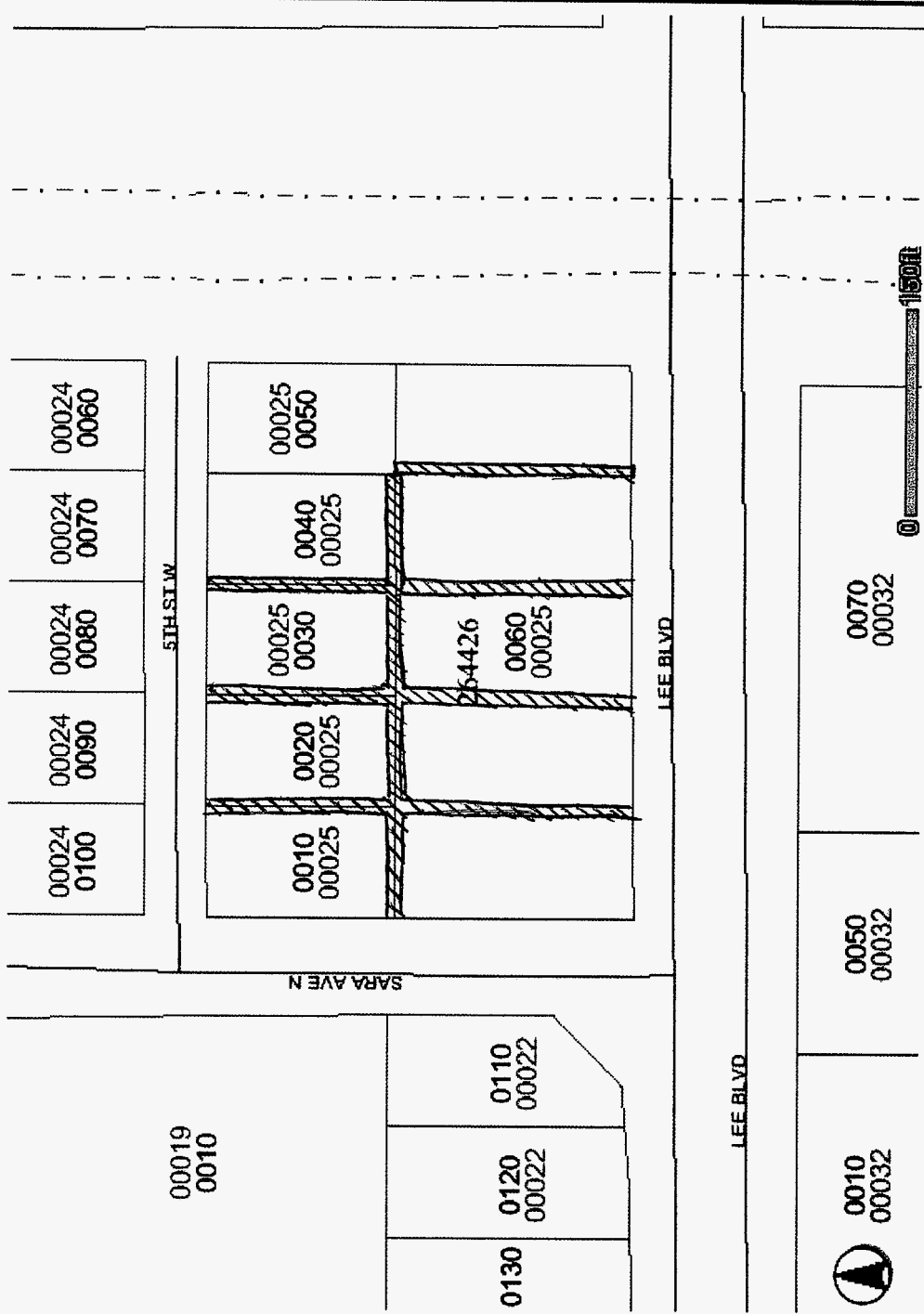


PLAT PREPARED BY: LEE COUNTY LAND & TITLE CO., DE-L-O-P-E-N




 - AREAS TO BE VACATED

Lee County Map



VAC 2007-00006


 Lee County, Florida
 COMMUNITY DEVELOPMENT
 MAR 23 2007