

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: **VAC2023-00012**

WHEREAS, Petitioner **D & R Group Limited, LLC**, 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 easements legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida considered this Petition to Vacate on the _____; and

WHEREAS, a legally sufficient Proof of Publication regarding the Notice of Intent on this Petition to Vacate was provided to the Clerk of Court; and the original said Proof of Publication is attached as Exhibit "C"; 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 (if any) 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. **VAC2023-00012** is hereby granted.
2. The public's interest in the easements 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:
KEVIN KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chair Signature

Approved as to Form for the
Reliance of Lee County Only

County Attorney Signature

Exhibit A

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
(PROPOSED VACATED 6' DRAINAGE & UTILITY EASEMENT)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 11,
BLOCK 24, PLAT BOOK 15, PAGE 70; THENCE
N 00°36'16" W, ALONG THE EASTERLY LINE OF SAID
LOT, A DISTANCE OF 120.13'; THENCE S 89°23'44" W A
DISTANCE OF 6.00' TO THE POINT OF BEGINNING.

THENCE S89°23'44"W A DISTANCE OF 68.00'
THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE S89°23'44"W A DISTANCE OF 12.00'
THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE S89°23'44"W A DISTANCE OF 68.00'
THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE S89°23'44"W A DISTANCE OF 12.00'
THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE S89°23'44"W A DISTANCE OF 68.00'
THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE S89°23'44"W A DISTANCE OF 12.00'
THENCE N00°36'16"W A DISTANCE OF 114.13'
THENCE S89°23'44"W A DISTANCE OF 18.00'
THENCE N00°36'16"W A DISTANCE OF 12.00'
THENCE N89°23'44"E A DISTANCE OF 18.00'
THENCE N00°36'16"W A DISTANCE OF 114.13'
THENCE N89°23'44"E A DISTANCE OF 12.00'
THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE N89°23'44"E A DISTANCE OF 68.00'
THENCE N00°36'16"W A DISTANCE OF 114.13'
THENCE N89°23'44"E A DISTANCE OF 12.00'
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THENCE S00°36'16"E A DISTANCE OF 114.13'
THENCE N89°23'44"E A DISTANCE OF 68.00'
THENCE S00°36'16"E A DISTANCE OF 12.00'
TO THE POINT OF BEGINNING.

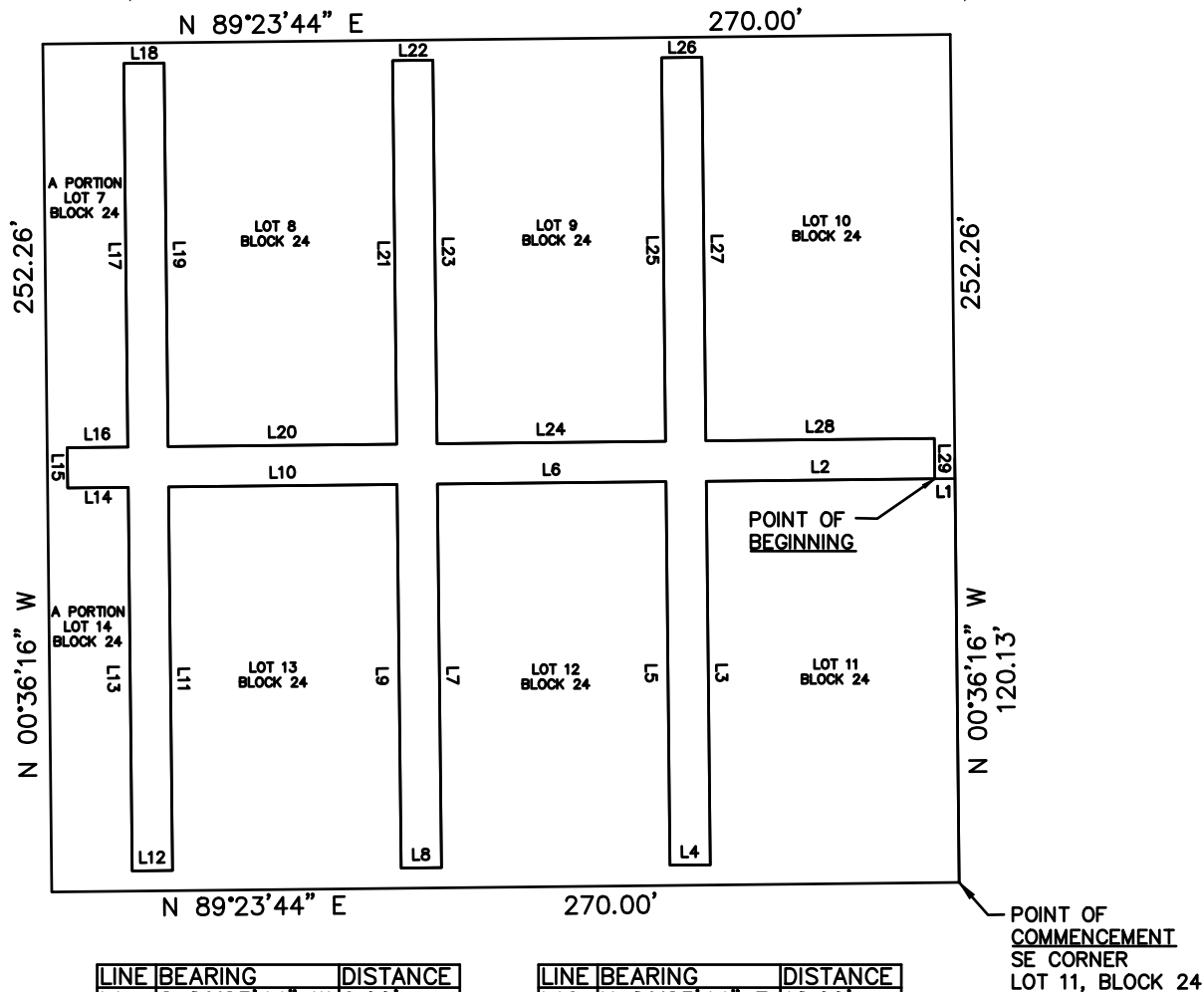
Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126
DATE: 04/25/2021

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND
LYING IN
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA
(PROPOSED VACATED 6' DRAINAGE & UTILITY EASEMENT)

NOT TO SCALE



LINE	BEARING	DISTANCE
L1	S 89°23'44" W	6.00'
L2	S 89°23'44" W	68.00'
L3	S 00°36'16" E	114.13'
L4	N 89°23'44" E	12.00'
L5	N 00°36'16" W	114.13'
L6	S 89°23'44" W	68.00'
L7	S 00°36'16" E	114.13'
L8	S 89°23'44" W	12.00'
L9	N 00°36'16" W	114.13'
L10	S 89°23'44" W	68.00'
L11	S 00°36'16" E	114.13'
L12	S 89°23'44" W	12.00'
L13	N 00°36'16" W	114.13'
L14	S 89°23'44" W	18.00'
L15	N 00°36'16" W	12.00'

LINE	BEARING	DISTANCE
L16	N 89°23'44" E	18.00'
L17	N 00°36'16" W	114.13'
L18	N 89°23'44" E	12.00'
L19	S 00°36'16" E	114.13'
L20	N 89°23'44" E	68.00'
L21	N 00°36'16" W	114.13'
L22	N 89°23'44" E	12.00'
L23	S 00°36'16" E	114.13'
L24	N 89°23'44" E	68.00'
L25	N 00°36'16" W	114.13'
L26	N 89°23'44" E	12.00'
L27	S 00°36'16" E	114.13'
L28	N 89°23'44" E	68.00'
L29	S 00°36'16" E	12.00'

*** THIS IS NOT A SURVEY ***

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126
DATE: 04/25/2021

PROJECT No: 21-0104
DATE: 04/25/2021
SHEET 2 OF 2



LEE COUNTY
SOUTHWEST FLORIDA

PETITION TO VACATE TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: May 15, 2023

To: Rose Bahena
Administration

FROM: Gary Rashford
Development Services

BLUESHEET NUMBER: _____

CASE NUMBER: VAC2023-00012

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 Gary Rashford, Development Services Surveyor, Development Services (grashford@leegov.com) and David Halverson, Assistant County Attorney (dhalverson@leegov.com)

NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2023-00012

Notice is hereby given that on the _____ 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. Minutes Office can be reached at 239-533-2328.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

ATTEST:
KEVIN KARNES, CLERK

BY: _____
Deputy Clerk

Approved as to Form for the
Reliance of Lee County Only

County Attorney's Office



PETITION TO VACATE (AC 13-1)

Case Number: VAC2023-00012

Petitioner(s), D + R Group Limited 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: 7746 NW 128th Avenue Parkland, Florida 33076
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 that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

A handwritten signature in blue ink, appearing to read "Patricia Lewis".

Petitioner Signature

Petitioner Signature

Patricia Lewis, Manager

Printed Name

Printed Name