

THIS INSTRUMENT PREPARED BY:

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

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: **VAC2022-00035**

WHEREAS, Petitioners **Judd Payne and Sherami Payne**, 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 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. VAC2022-00035 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

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Deputy Clerk Signature

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Chair Signature

Approved as to Form for the  
Reliance of Lee County Only

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County Attorney Signature

## **EXHIBIT A**

### **Legal Description Of Area To Be Vacated**

The southwesterly 5 feet of Lot 1, together with the southwesterly 5 feet of Lot 2 less the easterly 15 feet thereof, together with the northeasterly 5 feet of Lot 42 less the easterly 15 feet thereof, of Block D, Pine Island Center as recorded in Plat Book 9, Page 120 of the Public Records of Lee County, Florida.

BOUNDARY & TOPOGRAPHIC SURVEY OF  
5585 AVENUE D  
BOKEELIA, FL 33922

EXHIBIT B



LEGAL DESCRIPTION:

Lots 1,2 & 42, Block D, PINE ISLAND CENTER, according to the map or plat thereof, recorded in Plat Book 9, Pages 120, Inclusive of the Public Records of Lee County, Florida.

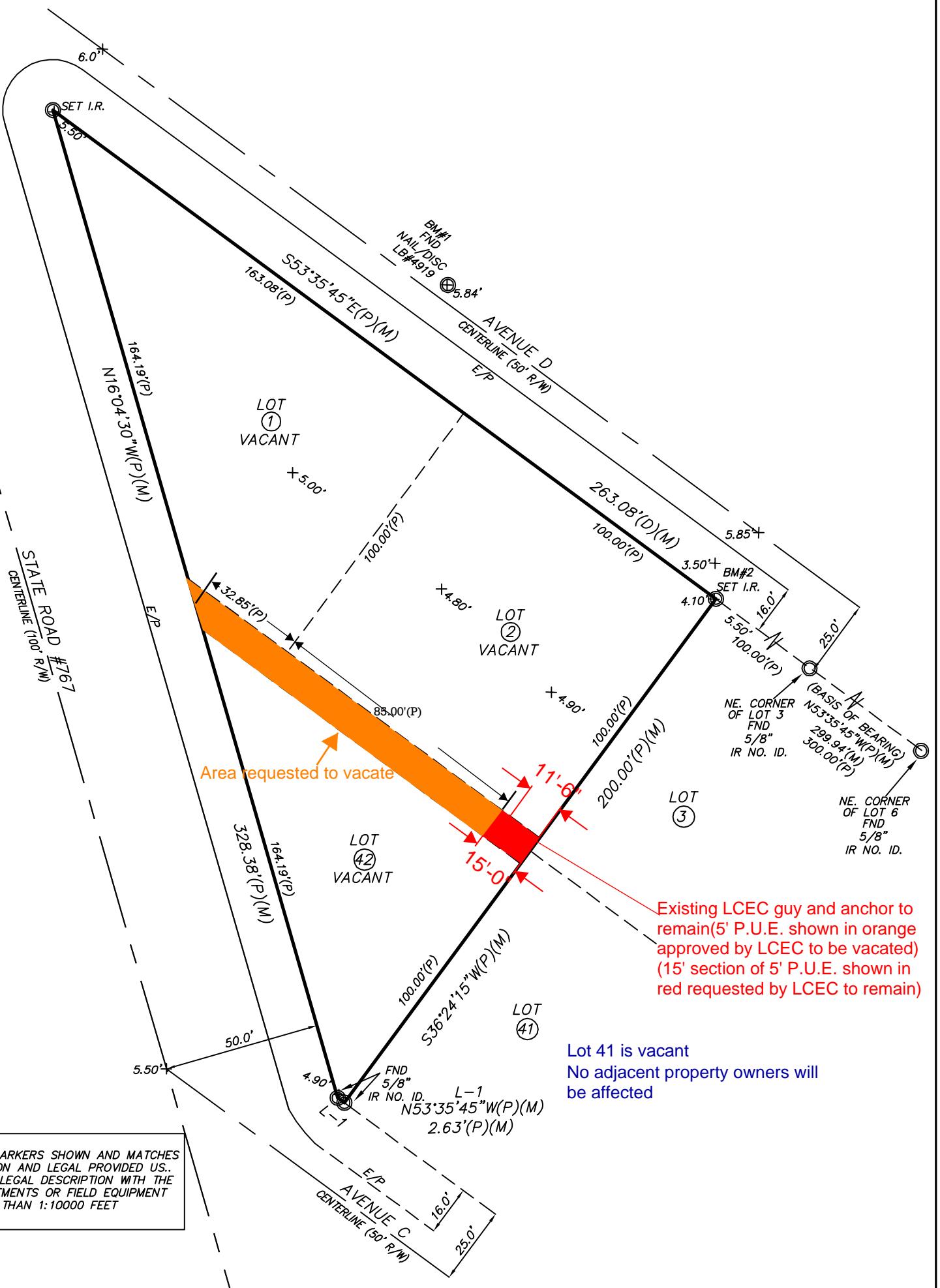
STRAP

28-44-22-02-0000D.0010 Folio ID

10015576

A/C  
B.M.  
(C)  
C.B.  
CL.F.  
CONC.  
CSW  
(A)  
D.E.  
D.P.U.E.  
E.B.  
E.O.W.  
E/P  
FCIR  
CM  
IP  
IR  
FN  
FND  
FXC  
LP  
(M)  
MHWL  
B.S.L  
MH  
NCF  
OHW  
O/A  
P.C.P. PERMANENT CONTROL POINT  
(P)  
P/E  
PP  
P.O.B.  
P.O.C.  
R/W  
SET I.R.  
SND  
T.O.B.  
TOS  
TP  
U.E.  
WM  
WV  
FND  
D.U.E.  
U.E.  
P.C.  
P.T.  
W.F.  
MAFL  
(D)  
P.U.E.  
P.R.C.  
P.I.  
V.F.  
F.H.  
CPP  
CH  
CB  
I.E.  
R  
△  
L  
M  
M.F.

AIR CONDITIONER  
BENCHMARK  
CALCULATED  
CABLE BOX  
CHAIN LINK FENCE  
CONCRETE  
CONCRETE SIDEWALK  
DEED  
DRAINAGE EASEMENT  
DRAINAGE/PUBLIC UTILITY EASEMENT  
ELECTRIC BOX  
EDGE OF WATER  
EDGE OF PAVEMENT  
FIR CAPPED  
CONC MONUMENT  
IRON PIPE  
IRON ROD  
FOUND NAIL  
FOUND  
FOUND X CUT  
LIGHT POLE  
MEASURED  
MEAN HIGH WATER LINE  
BUILDING SETBACK LINE  
MANHOLE  
NO CORNER FOUND  
OVERHEAD WIRES  
OVER-ALL  
PERMANENT CONTROL POINT  
PLAT  
POOL EQUIPMENT  
POWER POLE  
POINT OF BEGINNING  
POINT OF COMMENCEMENT  
RIGHT OF WAY  
SET 1/2" IRON ROD WITH CAP-  
LB 6912  
SET NAIL AND DISK LB 6912  
TOP OF BANK  
TOE OF SLOPE  
TELEPHONE PEDESTAL  
UTILITY EASEMENT  
WATER METER  
WATER VALVE  
FOUND  
DRAINAGE UTILITY EASEMENT  
UTILITY EASEMENT  
POINT OF CURVATURE  
POINT OF TANGENT  
WOOD FENCE  
MEAN ANNUAL FLOOD LINE  
DESCRIPTION  
PUBLIC UTILITY EASEMENT  
POINT OF REVERSE CURVE  
POINT OF INTERSECTION  
VINYL FENCE  
FIRE HYDRANT  
CONCRETE POWER POLE  
CHORD DISTANCE  
CHORD BEARING  
IRRIGATION EASEMENT  
RADIUS  
DELTA ANGLE  
ARC LENGTH  
MEASURED  
METAL FENCE



(C) 2020 BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE

FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY - OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

AFFORDABLE SURVEYS  
239-283-1518

3366 STRINGFELLOW ROAD  
SAINT JAMES CITY, FL 33956

AFFORDABLE SURVEYS IS OWNED BY KNOW IT NOW, INC., 2011 HEIDELBERG AVENUE, DUNEDIN, FL 34698

CERTIFIED EXCLUSIVELY TO:  
Judd & Sherman Payne

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT  
USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS  
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE  
AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

DATE OF FIELD SURVEY  
10-22-2022

BILL HYATT  
Surveyor & Mapper Number 4636  
LB 6912

FLORIDASURVEYOR@aol.com  
727-415-8305

## NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2022-00035

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

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County Attorney's Office



# PETITION TO VACATE TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: June 22, 2023

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To: Rose Bahena  
Administration

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FROM: Gary Rashford  
Development Services

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BLUESHEET NUMBER: \_\_\_\_\_

CASE NUMBER: VAC2022-00035

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



## PETITION TO VACATE (AC 13-1)

Case Number: VAC2022-00035

Petitioner(s), Judd Payne and Sherami Payne 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: 11818 Island Avenue, Matlacha, FL 33993
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:

  
Petitioner Signature

Judd Payne  
Printed Name

  
Petitioner Signature

Sherami Payne  
Printed Name