

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: **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

Deputy Clerk Signature

Chair Signature

Approved as to Form for the
Reliance of Lee County Only

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



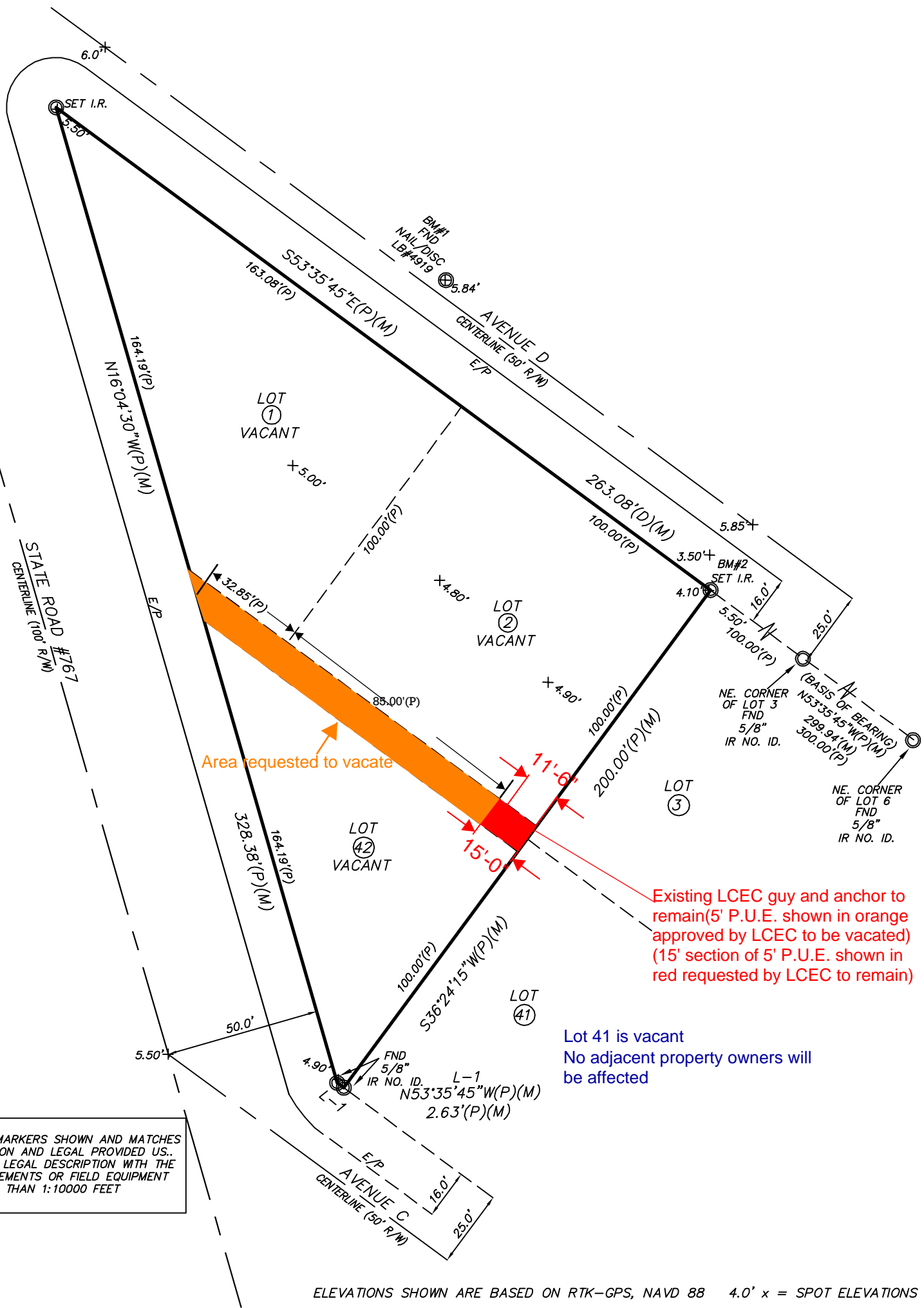
LEGAL DESCRIPTION:

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.0010Folio ID
10015576

- A/C AIR CONDITIONER
B.M. BENCHMARK
(C) CALCULATED
C.B. CABLE BOX
C.L.F. CHAIN LINK FENCE
CONC. CONCRETE
CSW CONCRETE SIDEWALK
(A) DEED
D.E. DRAINAGE EASEMENT
D.P.U.E. DRAINAGE/PUBLIC UTILITY EASEMENT
E.B. ELECTRIC BOX
E.O.W. EDGE OF WATER
E/P EDGE OF PAVEMENT
FCIR FIR CAPPED
CM CONC MONUMENT
IP IRON PIPE
IR IRON ROD
FN FOUND NAIL
FND FOUND
FXC FOUND X CUT
LP LIGHT POLE
(M) MEASURED
MHWL MEAN HIGH WATER LINE
B.S.L. BUILDING SETBACK LINE
MH MANHOLE
NCF NO CORNER FOUND
OHV OVERHEAD WIRES
O/A OVER-ALL
P.C.P. PERMANENT CONTROL POINT
(P) PLAT
P/E POOL EQUIPMENT
PP POWER POLE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
R/W RIGHT OF WAY
SET I.R. SET 1/2" IRON ROD WITH CAP-
LB 6912
SND SET NAIL AND DISK LB 6912
T.O.B. TOP OF BANK
TOS TOE OF SLOPE
TP TELEPHONE PEDESTAL
U.E. UTILITY EASEMENT
WM WATER METER
WV WATER VALVE
FND FOUND
D.U.E. DRAINAGE UTILITY EASEMENT
U.E. UTILITY EASEMENT
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENT
W.F. WOOD FENCE
MAFL MEAN ANNUAL FLOOD LINE
(D) DESCRIPTION
P.U.E. PUBLIC UTILITY EASEMENT
P.R.C. POINT OF REVERSE CURVE
P.I. POINT OF INTERSECTION
V.F. VINYL FENCE
F.H. FIRE HYDRANT
CPP CONCRETE POWER POLE
CH CHORD DISTANCE
CB CHORD BEARING
I.E. IRRIGATION EASEMENT
R RADIUS
Δ DELTA ANGLE
L ARC LENGTH
M MEASURED
M.F. METAL FENCE



SURVEYORS NOTE:
-SURVEY WAS MADE OF THE R/W AND PARCEL MARKERS SHOWN AND MATCHES THE ADDRESS AND LOCATION PER TAX INFORMATION AND LEGAL PROVIDED US.
-PARCEL BOUNDARY LINES SHOWN PER PLAT OR LEGAL DESCRIPTION WITH THE IMPROVEMENTS FIELD LOCATED BY HAND MEASUREMENTS OR FIELD EQUIPMENT
-FIELD MEASUREMENTS SURVEY CLOSURE BETTER THAN 1:10000 FEET
-SURVEY CAN BE USED FOR ALL NEEDS

FEMA MAP 12071C0380F
FLOOD ZONE AE
DATE: 08-28-08
BASE ELEV. 7'

DRAFTER - MARCOS (SDS)



(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

County Attorney's Office



PETITION TO VACATE TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: June 22, 2023

To: Rose Bahena
Administration

FROM: Gary Rashford
Development Services

BLUESHEET NUMBER: _____

CASE NUMBER: VAC2022-00035

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)



PETITION TO VACATE (AC 13-1)

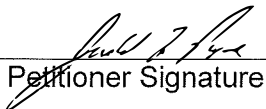
Case Number: VAC2022-00035

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