

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: **VAC2022-00027**

WHEREAS, Petitioner **Florida Freezer, LTD.**, 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. VAC2022-00027 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

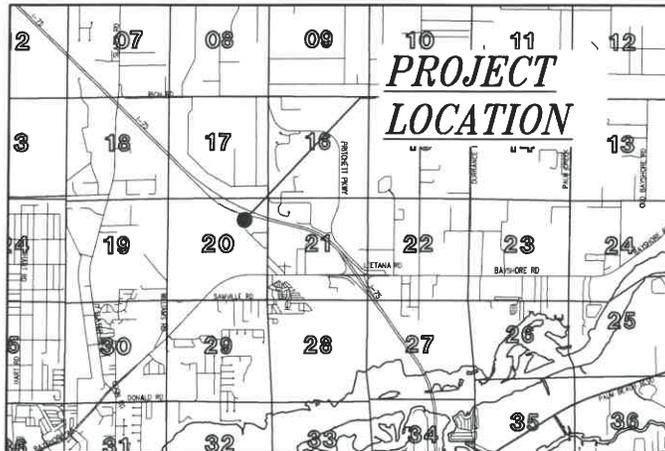
Approved as to Form for the
Reliance of Lee County Only

County Attorney Signature

SKETCH AND DESCRIPTION

**A PORTION OF UTILITY AND DRAINAGE EASEMENT TO BE VACATED
LYING IN LOTS 20, 21 AND 22, PLAT OF I-75/BAYSHORE ROAD INDUSTRIAL PARK
PLAT BOOK 34, PAGES 42 THROUGH 45
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
CITY OF FORT MYERS, LEE COUNTY, FLORIDA**

VICINITY MAP



LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- ORI = OFFICIAL RECORDS INSTRUMENT
- ORB = OFFICIAL RECORDS BOOK/PAGE
- PB/(P) = PLAT BOOK/PLAT PG = PAGE
- PUE = PUBLIC UTILITY EASEMENT
- TUE = TECHNOLOGY UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
- R/W = RIGHT-OF-WAY
- SQ. FT./AC = SQUARE FEET/ACRES
- N: = NORTHING
- E: = EASTING

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. COORDINATES AND HORIZONTAL DATA SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHWESTERLY BOUNDARY OF I-75/BAYSHORE ROAD INDUSTRIAL PARK, PLAT BOOK 34, PAGES 42 THROUGH 45 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING N45°40'50"W.
4. PARCEL CONTAINS 9,609 SQUARE FEET MORE OR LESS.
5. NOT VALID WITHOUT SHEETS 1 THROUGH 3 OF 3.

THIS IS NOT A SURVEY

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

[Signature]
 MARK D. HAINES (FOR THE FIRM L.B. 642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5312

DATE SIGNED: 5/7/21

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



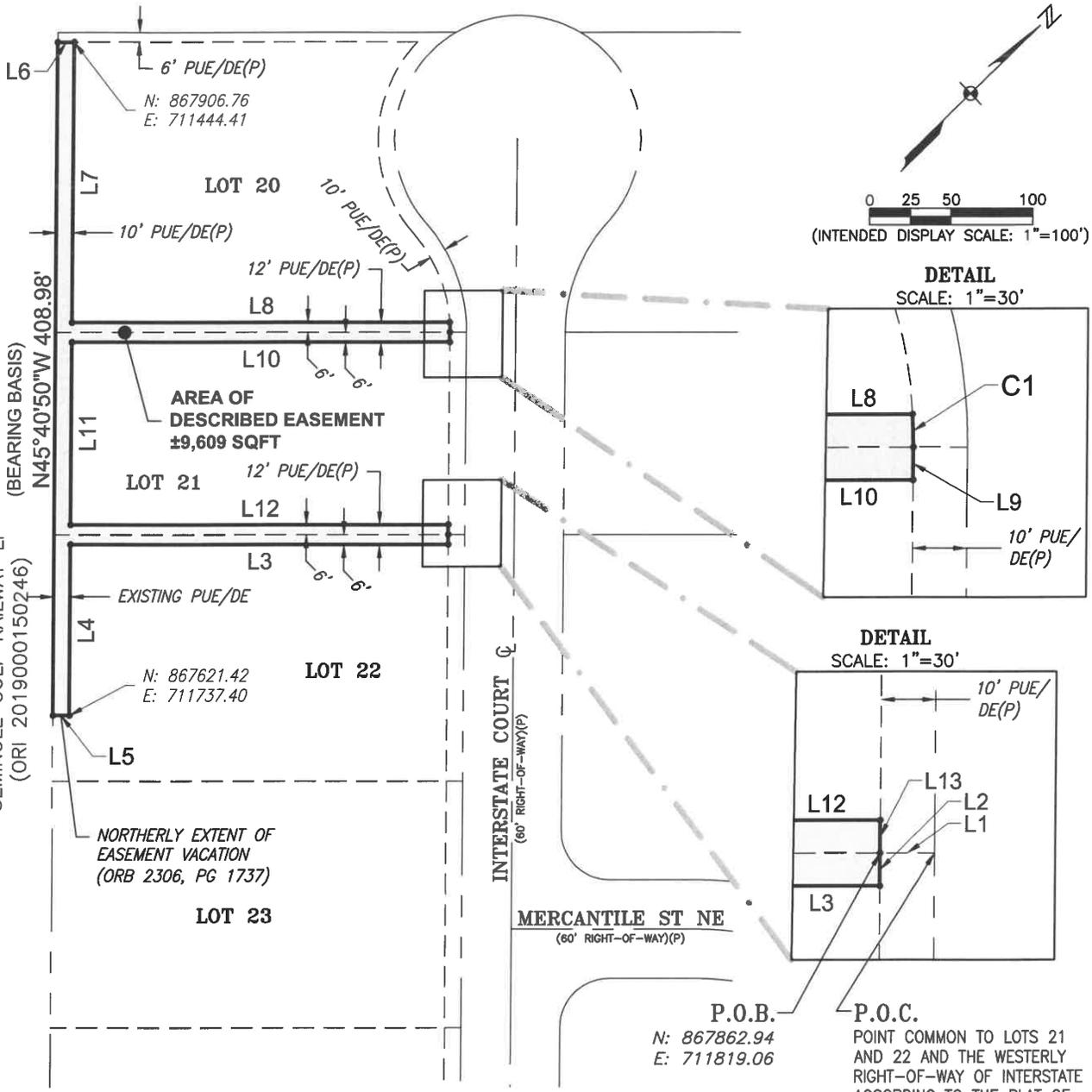
JOHNSON ENGINEERING, INC.
 2122 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE: (239) 334-0046
 FAX: (239) 334-3661
 E.B. #642 & L.B. #642

A PORTION OF UTILITY AND DRAINAGE EASEMENT TO BE VACATED
 LYING IN LOTS 20, 21 AND 22, PLAT OF I-75/BAYSHORE ROAD INDUSTRIAL PARK
 PLAT BOOK 34, PAGES 42 THROUGH 45
 SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
 CITY OF FORT MYERS, LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05-06-2021	20192179-001	20-43-25	AS SHOWN	1 OF 2

\\firms01\Drawings\2019\20192179-001\Surveying\Sketches\20192179-001_UE&DE_Vacation_S&D.dwg (SD1) MDH May 07, 2021 -- 11:37am

\\ffms01\Drawings\2019\20192179-001\Surveying\Sketches\20192179-001_U&DE_Vacation S&D.dwg (SD2) MDH May 07, 2021 - 11:37am
 20-43-25-02-00006.0000
 SEMINOLE GULF RAILWAY LP
 (ORI 2019000150246)



CURVE TABLE

CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	90.00'	3°49'21"	S47°35'31"E	6.00'	6.00'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S44°19'10"W	10.00'
L2	S45°40'50"E	6.00'
L3	S44°19'10"W	230.00'
L4	S45°40'50"E	104.00'
L5	S44°19'10"W	10.00'

LINE TABLE

LINE	BEARING	DISTANCE
L6	N44°19'10"E	10.00'
L7	S45°40'50"E	170.11'
L8	N44°19'10"E	229.80'
L9	S45°40'50"E	6.00'
L10	S44°19'10"W	230.00'

LINE TABLE

LINE	BEARING	DISTANCE
L11	S45°40'50"E	110.87'
L12	N44°19'10"E	230.00'
L13	S45°40'50"E	6.00'

THIS IS NOT A SURVEY



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 LYING IN LOTS 20, 21 AND 22, PLAT OF I-75/BAYSHORE ROAD INDUSTRIAL PARK
 PLAT BOOK 34, PAGES 42 THROUGH 45
 SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST,
 CITY OF FORT MYERS, LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05-06-2021	20192179-001	20-43-25	1"=100	2 OF 3

LEGAL DESCRIPTION

A PORTION OF UTILITY AND DRAINAGE EASEMENT TO BE VACATED
LYING IN LOTS 20, 21 AND 22, PLAT OF I-75/BAYSHORE ROAD INDUSTRIAL PARK,
PLAT BOOK 34, PAGES 42-45
SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A PORTION OF A UTILITY AND DRAINAGE EASEMENT LYING IN LOTS 20, 21 AND 22
ACCORDING TO THE PLAT OF I-75/BAYSHORE ROAD AS RECORDED IN PLAT BOOK 34,
PAGES 42-45, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALSO LYING IN
SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT COMMON TO THE AFOREMENTIONED LOTS 21 AND 22 AND
THE SOUTHWESTERLY RIGHT-OF-WAY OF INTERSTATE COURT N.E. ACCORDING TO THE
AFOREMENTIONED PLAT OF I-75/BAYSHORE ROAD; THENCE, ALONG THE BOUNDARY
COMMON TO SAID LOTS 21 AND 22, S.44°19'10"W., 10.00 FEET TO AN INTERSECTION
WITH THE SOUTHWESTERLY BOUNDARY OF A 10.00 WIDE UTILITY AND DRAINAGE
EASEMENT ACCORDING TO SAID PLAT OF I-75/BAYSHORE ROAD AND THE POINT OF
BEGINNING; THENCE, ALONG SAID UTILITY AND DRAINAGE EASEMENT, S.45°40'50"E., 6.00
FEET; THENCE, S.44°19'10"W., 230.00 FEET; THENCE S.45°40'50"E., 104.00 FEET TO
THE NORTHWESTERLY EXTENT OF A VACATED UTILITY AND DRAINAGE EASEMENT
ACCORDING TO OFFICIAL RECORDS BOOK 2306, PAGE 1737 OF THE AFOREMENTIONED
PUBLIC RECORDS; THENCE, ALONG SAID NORTHWESTERLY EXTENT, S.44°19'10"W., 10.00
FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY OF THE
AFOREMENTIONED PLAT OF I-75/BAYSHORE ROAD; THENCE, ALONG SAID
SOUTHWESTERLY BOUNDARY, N.45°40'50"W., 408.98 FEET TO AN INTERSECTION WITH
THE SOUTHEASTERLY LINE OF A 6.00 FOOT WIDE UTILITY AND DRAINAGE EASEMENT
ACCORDING TO SAID PLAT OF I-75/BAYSHORE ROAD; THENCE, ALONG SAID UTILITY AND
DRAINAGE EASEMENT, N.44°19'10"E., 10.00 FEET; THENCE S.45°40'50"E., 170.11 FEET;
THENCE N.44°19'10"E., 229.80 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY
BOUNDARY OF A 10.00 FOOT WIDE UTILITY AND DRAINAGE EASEMENT ACCORDING TO
SAID PLAT OF I-75/BAYSHORE ROAD; THENCE, ALONG SAID UTILITY AND DRAINAGE
EASEMENT FOR THE FOLLOWING TWO (2) COURSES:

- 1. ALONG THE ARC OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE
SOUTHWEST HAVING FOR ITS ELEMENTS A RADIUS OF 90.00 FEET, A CENTRAL
ANGLE OF 03°49'21", A CHORD OF 6.00 FEET, A CHORD BEARING OF S.47°35'31"E.,
AN ARC OF 6.00 FEET;
- 2. S.45°40'50"E., 6.00 FEET;

THENCE S.44°19'10"W., 230.00 FEET; THENCE S.45°40'50"E., 110.87 FEET; THENCE
N.44°19'10"E., 230.00 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY BOUNDARY
OF A 10.00 FOOT WIDE UTILITY AND DRAINAGE EASEMENT ACCORDING TO SAID PLAT OF
I-75/BAYSHORE ROAD; THENCE, ALONG SAID UTILITY AND DRAINAGE EASEMENT,
S.45°40'50"E., 6.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 9,609 SQUARE FEET, MORE OR LESS.

\\ftms01\Drawings\2019\20192179-001\Surveying\Sketches\20192179-001_UE&DE_Vocation S&D.dwg (SD3) MDH May 07, 2021 - 11:37am



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DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05-06-2021	20192179-001	20-43-25	N/A	3 OF 3

NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2022-00027

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



LEE COUNTY
SOUTHWEST FLORIDA

PETITION TO VACATE TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: April 19, 2023

To: Rose Bahena
Administration

FROM: Gary Rashford
Development Services

BLUESHEET NUMBER: _____

CASE NUMBER: VAC2022-00027

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: VAC2022-00027

Petitioner(s), Florida Freezer Limited Partnership, BY its general partner Florida Freezer, Inc. 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: 4110 Center Pointe Drive, Suite 207 Fort Myers, Florida 33916
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

Petitioner Signature

*Robert H. Fay, President Florida Freezer, Inc.
as general partner of
Florida Freezer
Limited Partnership*

Printed Name

Printed Name