

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: **VAC2023-00016**

WHEREAS, Petitioner **John Robert Delargy, Jr.**, 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. **VAC2023-00016** 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

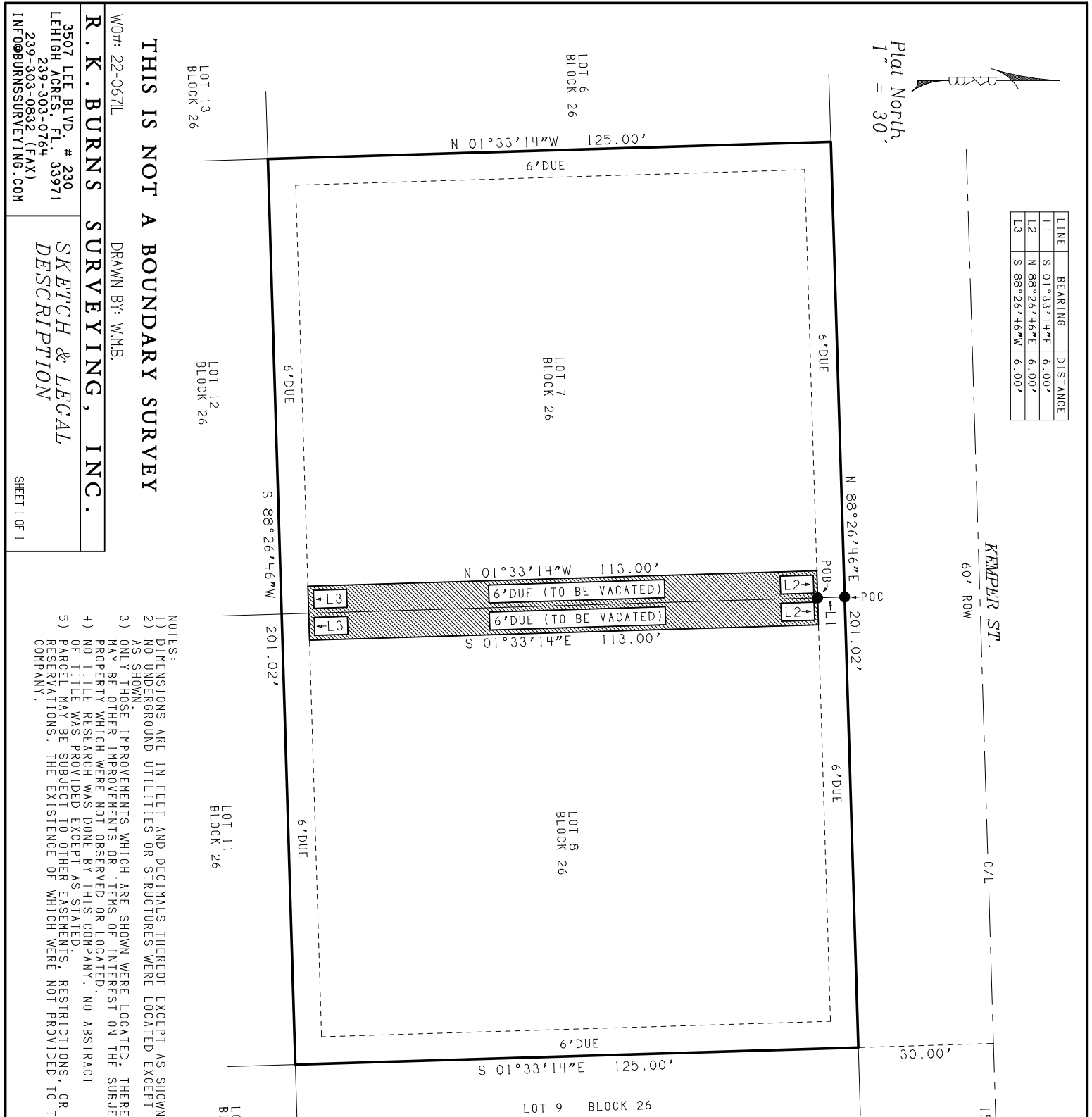
Approved as to Form for the
Reliance of Lee County Only

County Attorney Signature

Exhibit B

LINE	BEARING	DISTANCE
L1	S 01°33'14"E	6.00'
L2	N 88°26'46"E	6.00'
L3	S 88°26'46"W	6.00'

Plat North
1" = 30'



KEMPER ST.
60' ROW

C/L

157.26'

STRATTON RD.

LEGEND:
C/L = CENTERLINE
DUE = DRAINAGE & UTILITY EASEMENT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
ROW = RIGHT-OF-WAY

PARCEL DESCRIPTION:
A DRAINAGE AND UTILITY EASEMENT ACROSS THE EAST 6 FEET OF LOT 7 AND THE WEST 6 FEET OF LOT 8, EXCEPTING THE NORTH AND SOUTH 6 FEET THEREOF, OF BLOCK 26, UNIT 5, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 26 EAST, A SUBDIVISION OF LEHIGH ACRES, AS RECORDED IN PLAT BOOK 26, PAGE 7, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF AFORESAID LOT 7, BEING ALSO THE NORTHWEST CORNER OF AFORESAID LOT 8; THENCE ALONG THE LINE BETWEEN SAID LOTS 7 AND 8, S 01°33'14"E 6.00 FEET TO THE SOUTH SIDE OF A DRAINAGE AND UTILITY EASEMENT AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH SIDE, 6 FEET FROM AND PARALLEL TO THE NORTH SIDE OF SAID LOT 8, N 88°26'46"E 6.00 FEET TO THE EAST SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID EAST SIDE, 6 FEET FROM AND PARALLEL TO THE WEST SIDE OF SAID LOT 8, S 01°33'14"E 113.00 FEET TO THE NORTH SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID NORTH SIDE, 6 FEET FROM AND PARALLEL TO THE SOUTH SIDE OF SAID LOT 8, S 88°26'46"W 6.00 FEET TO THE WEST SIDE OF SAID LOT 7, S 01°33'14"E 113.00 FEET TO THE SOUTH SIDE OF SAID LOT 7, S 88°26'46"W 6.00 FEET, TO THE WEST SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID WEST SIDE, 6 FEET FROM AND PARALLEL TO THE EAST SIDE OF SAID LOT 7, N 01°33'14"W 113.00 FEET TO THE SOUTH SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE ALONG SAID SOUTH SIDE, 6 FEET FROM AND PARALLEL TO THE NORTH SIDE OF SAID LOT 7, N 88°26'46"E 6.00 FEET TO THE POINT OF BEGINNING.

THIS IS NOT A BOUNDARY SURVEY

W0#: 22-0671L

DRAWN BY: W.J.M.B.

R. K. BURNS SURVEYING, INC.

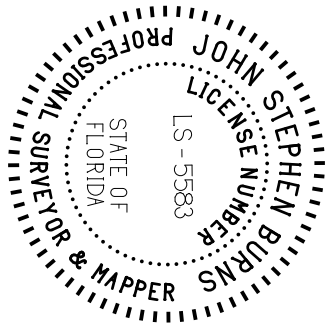
3507 LEE BLVD., # 230
LEHIGH ACRES, FL., 33971
239-303-0764 (FAX)
INFO@BURNSURVEYING.COM

SKETCH & LEGAL DESCRIPTION

SHEET 1 OF 1

- NOTES:
- 1) DIMENSIONS ARE IN FEET AND DECIMALS, THEREOF EXCEPT AS SHOWN.
 - 2) NO UNDERGROUND UTILITIES OR STRUCTURES WERE LOCATED EXCEPT AS SHOWN.
 - 3) ONLY THOSE IMPROVEMENTS WHICH ARE SHOWN WERE LOCATED; THERE MAY BE OTHER IMPROVEMENTS OR ITEMS OF INTEREST IN THE SUBJECT PROPERTY WHICH WERE NOT OBSERVED OR LOCATED.
 - 4) NO TITLE RESEARCH WAS DONE BY THIS COMPANY. NO ABSTRACT OF TITLE WAS PROVIDED EXCEPT AS STATED.
 - 5) PARCELS MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, OR RESERVATIONS, THE EXISTENCE OF WHICH WERE NOT PROVIDED TO THIS COMPANY.

By: *John Burns*



NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2023-00016

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 Lee County Community Development, 1500 Monroe Street, Fort Myers, Florida, 33902-0398. The Office can be reached at (239) 533-8585.

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: July 24, 2023

To: Rose Bahena
Administration

FROM: Colleen Bennett
Development Services

BLUESHEET NUMBER: _____

CASE NUMBER: VAC2023-00016

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: _____

Petitioner(s), John DeLargy Jr 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: 3709 Kemper St. Ft. Myers, FL 33905
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:

[Signature]
Petitioner Signature

Petitioner Signature

John DeLargy Jr.
Printed Name

Printed Name