

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: **VAC2023-00015**

WHEREAS, Petitioner **The Grove at Portofino Vineyards 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 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. VAC2023-00015 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 C. KARNES  
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

Approved as to Form for the  
Reliance of Lee County Only

BY: \_\_\_\_\_  
County Attorney

## EXHIBIT "A"



Professional Engineers, Planners & Land Surveyors

PORTOFINO VINEYARDS  
THREE OAKS ENTRY/EXIT  
LEE COUNTY UTILITY EASEMENT (L.C.U.E.)  
DESCRIPTION  
OF A PARCEL OF LAND  
LYING IN  
SECTION 22 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY, OF LEE, LYING IN SECTIONS 22 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PORTION OF TRACT "FD-1" AND ALL OF A LEE COUNTY UTILITY EASEMENT AS SHOWN ON PORTOFINO VINEYARDS, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NUMBER 2019000109200, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

**COMMENCING** THE SOUTHEASTERLY CORNER, PORTO NUEVO DRIVE, TRACT "RW" (WIDTH VARIES), OF SAID PORTOFINO VINEYARDS, SAID POINT ALSO BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 42.00 FEET TO WHICH POINT OF CURVE A RADIAL LINE BEARS N 51°27'23" E; THENCE WESTERLY ALONG SAID CURVE AND THE SOUTHERLY LINE OF SAID PORTO NUEVO DRIVE THROUGH A CENTRAL ANGLE OF 65°40'42" FOR 48.14 FEET; THENCE S 75°46'41" W ALONG SAID SOUTHERLY LINE FOR 23.35 FEET; THENCE S 14°13'19" E FOR 10.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF A 10 FOOT PUBLIC UTILITY EASEMENT AS SHOWN ON SAID PORTOFINO VINEYARDS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LEE COUNTY UTILITY EASEMENT (L.C.U.E.) AS SHOWN ON SAID PORTOFINO VINEYARDS AND TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 14°13'19" E ALONG THE EAST LINE OF SAID EASEMENT FOR 14.42 FEET TO THE SOUTHEAST CORNER OF SAID EASEMENT; THENCE S 75°46'41" W ALONG THE SOUTH LINE OF SAID EASEMENT FOR 20.00 FEET TO THE SOUTHWEST CORNER OF SAID EASEMENT; THENCE N 14°13'19" W ALONG THE WEST LINE OF SAID EASEMENT FOR 14.42 FEET TO THE NORTHWEST CORNER OF SAID EASEMENT AND AN INTERSECTION WITH SAID 10 FOOT PUBLIC UTILITY EASEMENT; THENCE N 75°46'41" E ALONG THE NORTH LINE OF SAID LEE COUNTY UTILITY EASEMENT AND SOUTH LINE OF SAID PUBLIC UTILITY EASEMENT FOR 20.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 288.4 SQUARE FEET MORE OR LESS.

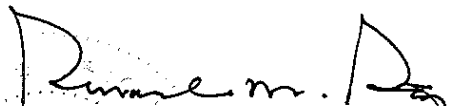
SHEET 1 OF 3

• SERVING THE STATE OF FLORIDA •

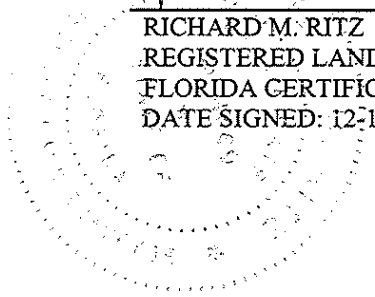
PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY OF PORTO NUEVO DRIVE, TRACT "RW", PORTOFINO VINEYARDS, A SUBDIVISION RECORDED IN INSTRUMENT NUMBER 2019000109200 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEARING S 75°46'41" W.

DESCRIPTION PREPARED: 12-01-2020.  
REVISED: 03-26-2021



RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009  
DATE SIGNED: 12-13-2022



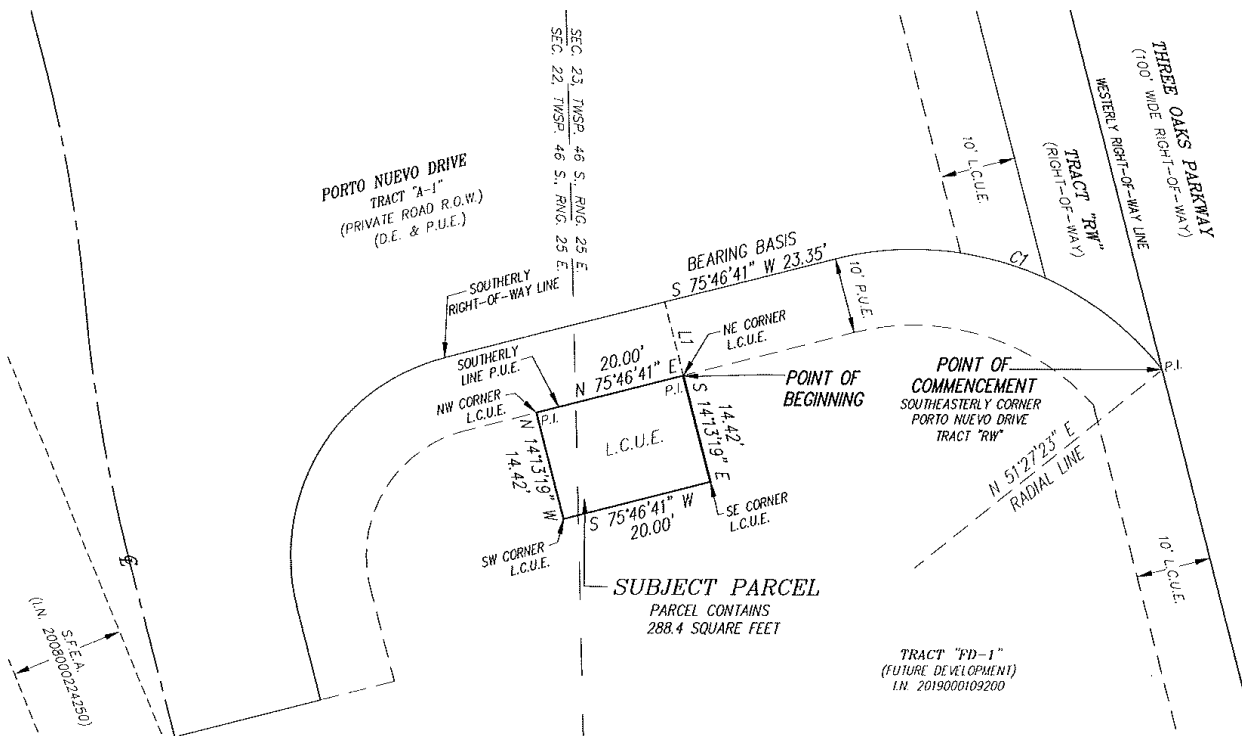
**EXHIBIT "B"**

**BANKS ENGINEERING**  
Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

10511 9X WALK CYPRESS PARKWAY, SUITE 101  
FT. MYERS, FLORIDA 33906  
PHONE (888)939-5400 FAX (239)339-2523  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LD 6890  
WWW.BANKSENG.COM

**PORTOFINO VINEYARDS  
THREE OAKS ENTRY/EXIT  
LEE COUNTY UTILITY EASEMENT (L.C.U.E.)**

**SKETCH OF DESCRIPTION**  
OF  
A TRACT OR PARCEL OF LAND LYING IN  
SECTIONS 22 & 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA



**LEGEND:**

- RNG - INDICATES RANGE
- SEC - INDICATES SECTION
- TWSP - INDICATES TOWNSHIP
- CL - INDICATES CENTERLINE
- R.O.W. - INDICATES RIGHT OF WAY
- LB - INDICATES LICENSED BUSINESS
- I.N. - INDICATES INSTRUMENT NUMBER
- D.E. - INDICATES DRAINAGE EASEMENT
- P.I. - INDICATES POINT OF INTERSECTION
- L1 - INDICATES LINE 1 FROM LINE TABLE
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- C1 - INDICATES CURVE 1 FROM CURVE TABLE
- L.C.U.E. - INDICATES LEE COUNTY UTILITY EASEMENT
- S.F.E.A. - INDICATES STORMWATER FACILITY EASEMENTS AGREEMENT

**NOTES:**

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY OF PORTO NUEVO DRIVE, TRACT "RW", PORTOFINO VINEYARDS, A SUBDIVISION RECORDED IN INSTRUMENT NUMBER 2019000109200 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEARING S 75°46'41" W.

SEE SHEET 1 AND 2 OF 3 FOR COMPLETE METES AND BOUNDS DESCRIPTION.  
**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*Richard M. Ritz*  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009  
- DATE SIGNED: 12-13-2022  
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**NOTE:** ALL LOTS, TRACTS AND EASEMENTS SHOWN HEREON, UNLESS OTHERWISE NOTED, ARE PART OF PORTOFINO VINEYARDS, A SUBDIVISION RECORDED AS I.N. 2019000109200 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REVISED 03-26-2021  
PREPARED 12-01-2020  
SHEET 3 OF 3

**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	42.00'	65°40'42"	48.14'	45.55'	N 71°22'58" W

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 14°13'19" E	10.00'

## NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2023-00015

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 may 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

KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

BY: \_\_\_\_\_  
Deputy Clerk

Approved as to Form for the  
Reliance of Lee County Only

BY: \_\_\_\_\_  
County Attorney



PETITION TO VACATE  
TRANSMITTAL FOR PUBLIC NOTICE  
REQUIREMENTS

DATE: September 20, 2023

To: Rose Bahena  
Administration

FROM: Gary Rashford  
Development Services

CASE NUMBER: VAC2023-00015

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:** \_\_\_\_\_


Petitioner(s), The Grove at Portofino Vineyards 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: 4651 Sheridan Street, Suite 480, Hollywood, FL 33021
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:

The Grove at Portofino Vineyards LLC  
By: SFWCV LLC, its manager  
By: Prime Hospitality Group IV LLC, its manager  
By: PMG Asset Services LLC, its manager

 01.30.2023 \_\_\_\_\_  
Petitioner Signature

Larry M. Abbo, manager

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name