

THIS INSTRUMENT PREPARED BY:

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

INSTR# 2023000362653, Pages 5  
DocType: GOV, Recorded: 11/13/2023 at 12:36 PM  
Kevin C. Karnes, Lee County Clerk of the Court & Comptroller  
Rec Fees: \$44.00

Deputy Clerk TBAER  
#1

**RESOLUTION NO. 23-11-04 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 7th day of November, 2023 ; 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:

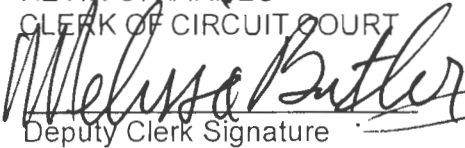
1. Petition to Vacate No. VAC2023-00016 is hereby granted.
2. The public's interest in the easements legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

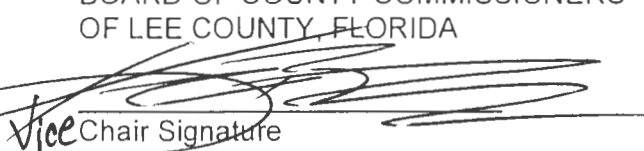
This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this 7th day of November, 2023 .

ATTEST:

KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

  
Deputy Clerk Signature

  
Vice Chair Signature



Approved as to Form for the  
Reliance of Lee County Only

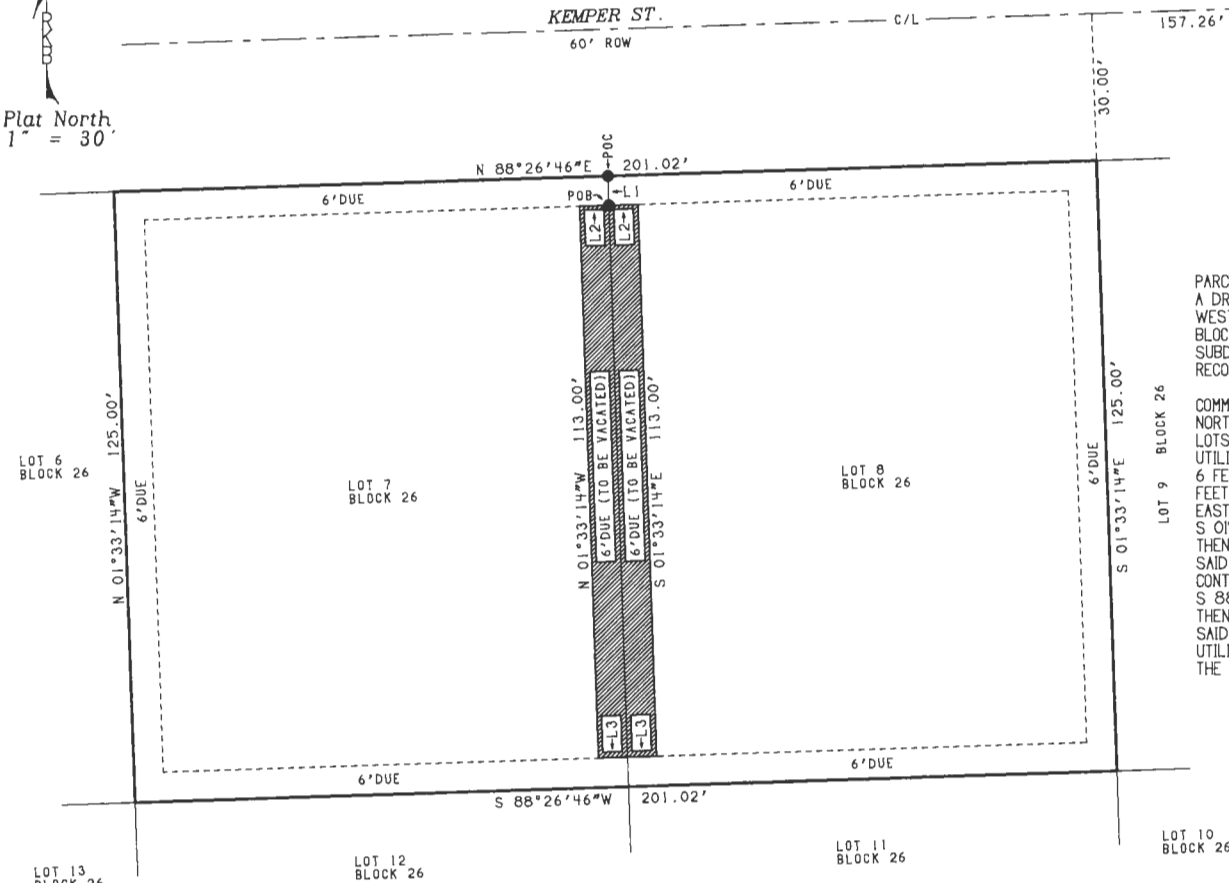


County Attorney Signature

Exhibit A

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'



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 8; THENCE CONTINUE, 6 FEET FROM AND PARALLEL 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.

- 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 ON 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) PARCEL MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, OR RESERVATIONS, THE EXISTENCE OF WHICH WERE NOT PROVIDED TO THIS COMPANY.

THIS IS NOT A BOUNDARY SURVEY

WD#: 22-0671L

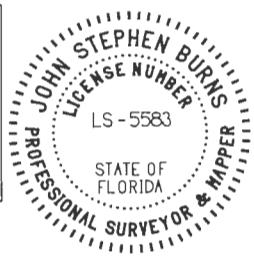
DRAWN BY: W.M.B.

R. K. BURNS SURVEYING, INC.

3507 LEE BLVD. # 230  
 LEHIGH ACRES, FL. 33971  
 239-303-0764  
 239-303-0832 (FAX)  
 INFO@BURNSURVEYING.COM

SKETCH & LEGAL  
 DESCRIPTION

SHEET 1 OF 1

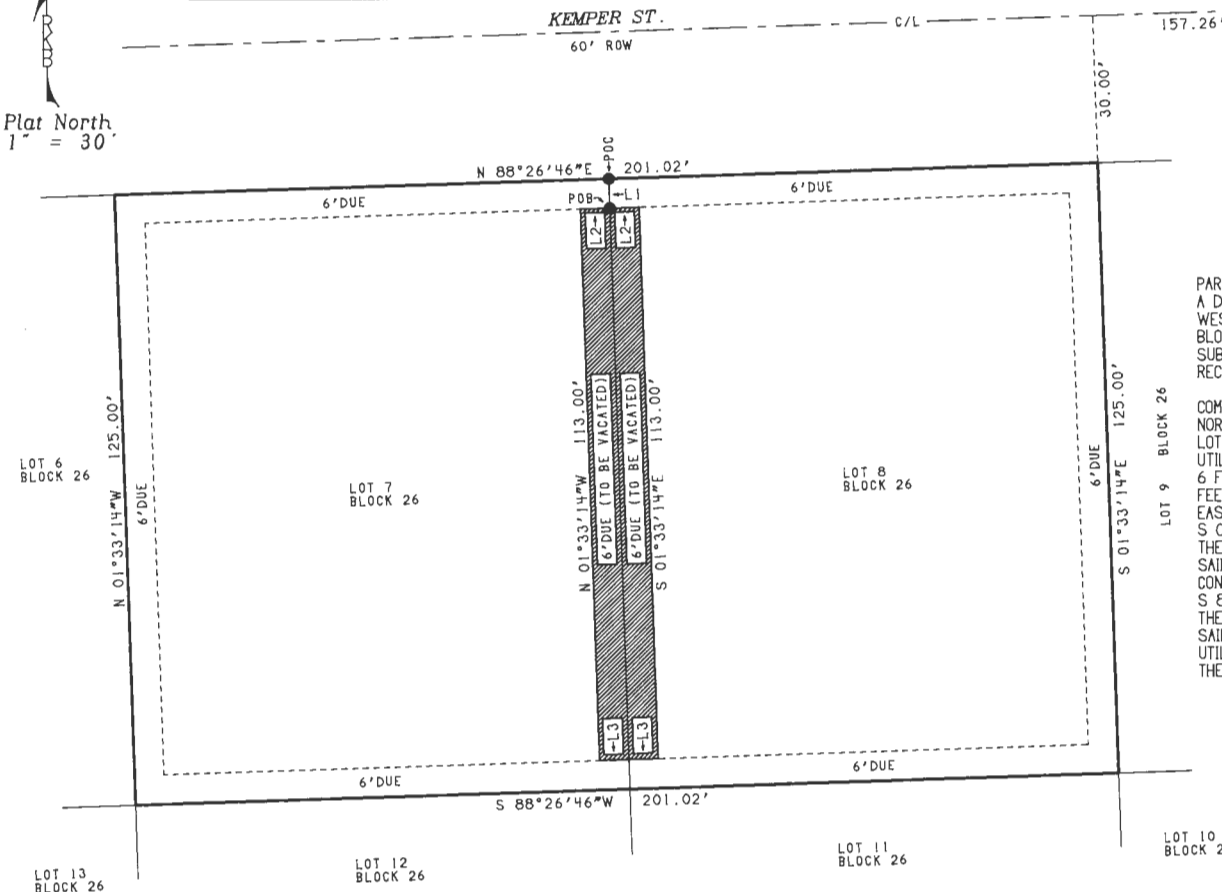


By: *John Stephen Burns*

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'



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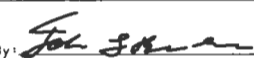
THIS IS NOT A BOUNDARY SURVEY

W0#: 22-0671L DRAWN BY: W.M.B.  
**R. K. BURNS SURVEYING, INC.**  
 3507 LEE BLVD. # 230  
 LEHIGH ACRES, FL. 33971  
 239-303-0764  
 239-303-0832 (FAX)  
 INFO@BURNSSURVEYING.COM

**SKETCH & LEGAL DESCRIPTION**

SHEET 1 OF 1

- NOTES:
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By: 

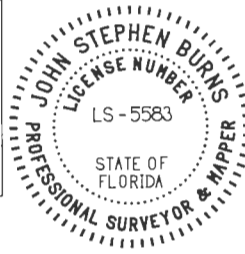


Exhibit "C"



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**PROOF OF PUBLICATION**

VELOPMEN-D LCBC-DEPT OF COMM DE  
Lcbc-Dept Of Comm Development-D  
1500 MONROE ST  
Fort Myers FL 33901


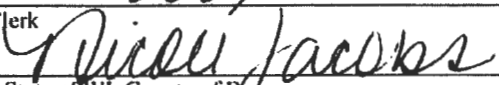
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

10/23/2023, 10/31/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/31/2023

  
\_\_\_\_\_  
Legal Clerk  
  
\_\_\_\_\_  
Notary, State of WI, County of Brown  
8-21-26

My commission expires

Publication Cost: \$352.00  
Order No: 9369735 # of Copies: 1  
Customer No: 1124450  
PO #:

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

NICOLE JACOBS  
Notary Public  
State of Wisconsin

**NOTICE OF INTENT FOR PETITION TO VACATE**  
Case Number: VAC2023-00016  
Notice is hereby given that on the 7th day of November 2023 at 9:30 a.m. 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 as follows:  
A portion of the unimproved public utility and drainage easement centered along the common lot line between Lots 7 and 8 of the platted lots at 3709 Kemper Street in Fort Myers, Florida.  
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.  
10/23, 10/31/2023 #9369735

EXHIBIT C  
110723R C.4

The attached document has been approved by the Board of County Commissioners. Please review the instructions below and forward to the appropriate office when complete.

**Meeting Date:** 11/07/2023

**Agenda Item #:** C6

**Agenda Item Title:** Approve Petition to Vacate at 3709 Kemper Street, Lehigh Acres

(1) Resolution

*VAC 2023 - 00016*

Department	Instructions
<b>County Attorney</b>	Please review the attached document(s) at the <b>BLUE</b> sticker. If you have any questions concerning the document(s), contact the originating department.  After completion, forward to the <b>CHAIR/VICE CHAIR</b> for signature.
<b>Chair/Vice Chair</b>	Sign the attached document(s) at the <b>RED</b> sticker.  After completion, forward to the <b>MINUTES OFFICE</b> for execution.
<b>Minutes Office</b>	Execute the attached document(s).  After document(s) are completely executed, return the remaining originals to <b>Laurel Chick, County Administration</b> for distribution.

Date out from Administration: 11/07/23

Return to Dept.  Novus

2023 NOV - 7 AM 11: 17  
 RECEIVED BY  
 LEE CO. ATTORNEY

2023 NOV - 9 PM 3: 53

RECEIVED  
 MINUTES OFFICE  
*MM*

**AGENDA ITEM REPORT**

**DATE:** November 7, 2023  
**DEPARTMENT:** Community Development  
**REQUESTER:** Mikki Rozdolski  
**TITLE:** Approve Petition to Vacate at 3709 Kemper Street, Lehigh Acres

**I. MOTION REQUESTED**

Adopt a resolution approving Case No. VAC2023-00016, which is a vacation of the public interest in a portion of the 12' platted public utility and drainage easement centered along the common property lot line between Lots 7 and 8, 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, of the Public Records of Lee County, Florida. (Strap # 03-44-26-L2-00026.0080)

**II. ITEM SUMMARY**

Extinguishes the public's interest in a portion of the unimproved public utility and drainage easement centered along the common lot line between Lots 7 and 8 of the platted lots at 3709 Kemper Street in Lehigh Acres. This action will remove encumbrances to create a unified building site for a single-family residence with accessory structures. There were no objections from the public utility providers and there are no other affected property owners. The vacation of the easement will not alter existing drainage or utility conditions.

**III. BACKGROUND AND IMPLICATIONS OF ACTION**

- A) Board Action and Other History  
Florida Statute 177, Lee County Administrative Code 13-1
- B) Policy Issues
- C) BoCC Goals
- D) Analysis  
The completed Petition to Vacate, VAC2023-00016, was submitted by Petitioner John Delargy who proposes to remove encumbrances to create a unified building site for a swimming pool. Staff has reviewed the Petition to Vacate together with letters of no objection from Public Utility Providers.

There are no objections to the requested vacation and no other affected property owners. The vacation of the portion of the above-referenced platted easements will not alter existing drainage or utility conditions.

- E) Options

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	N/A
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A

H)	Comments:
----	-----------

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

**VII. FOLLOW UP**

**ATTACHMENTS:**

Description	Upload Date	Type
VAC2023-00016 PTV	9/18/2023	Backup Material
Vicinity Map	9/18/2023	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Development	Rozdolski, Mikki	Approved	10/25/2023 - 9:57 AM
Budget Services	Henkel, Anne	Approved	10/25/2023 - 11:12 AM
Budget Services	Winton, Peter	Approved	10/25/2023 - 12:49 PM
County Attorney	Halverson, David	Approved	10/31/2023 - 8:10 AM
County Manager	Mora, Marc	Approved	10/31/2023 - 12:06 PM

## 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.

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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  
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))