

THIS INSTRUMENT PREPARED BY:

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

INSTR# 2023000362667, Pages 6
DocType: GOV, Recorded: 11/13/2023 at 12:42 PM
Kevin C. Karnes, Lee County Clerk of the Court & Comptroller
Rec Fees: \$52.50

Deputy Clerk TBAER
#1

RESOLUTION NO. 23-11-05 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 7th day 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. VAC2023-00015 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 7th day of November, 2023 .

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Melissa Bentley
Deputy Clerk

BY: [Signature]
Vice Chair



Approved as to Form for the
Reliance of Lee County Only

BY: [Signature]

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

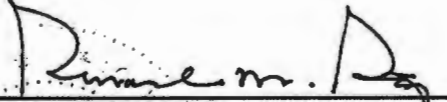
• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690
S:\Jobs\21XX\2187 (2016)\SURVEY\Descriptions\2187 LCUE VAC 1-SK.dwg
S:\Jobs\21XX\2187 (2016)\SURVEY\Descriptions\LCU EASEMENTS\2187 LCUE VAC 1-LGL.doc

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

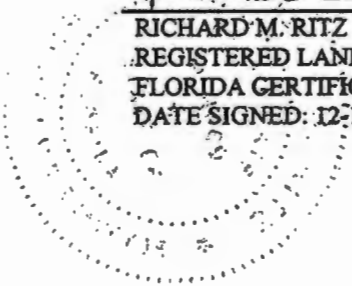


EXHIBIT "B"

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

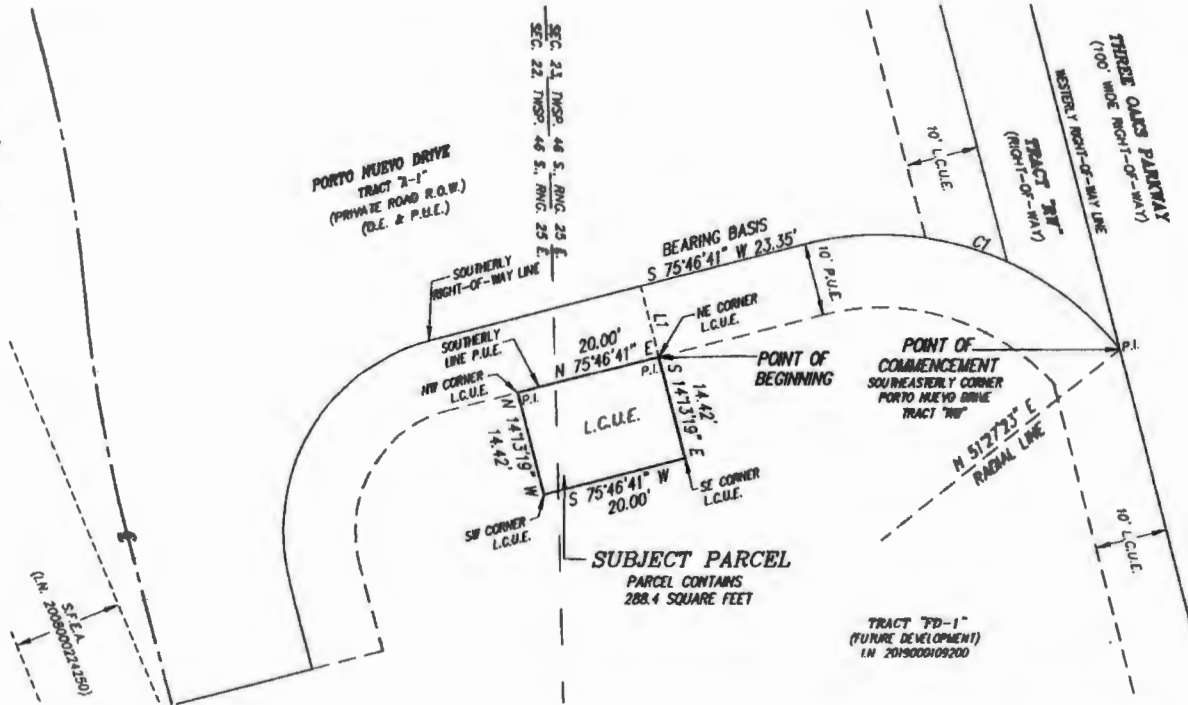
SKETCH OF DESCRIPTION

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

**BANKS
ENGINEERING**

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

1000 THE PALM COURSES BUILDING, SUITE 101
FT. WORTH, FLORIDA 33094
PHONE (202)220-2410 FAX (202)220-2982
COMMERCIAL LICENSE # 12014499
SURVEY LICENSE # 16344
WWW.BANKSENG.COM



LEGEND:

- RNG - INDICATES RANGE
- SEC - INDICATES SECTION
- TWSP - INDICATES TOWNSHIP
- E - 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 "RN", 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.

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'

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

Exhibit "C"

*** LocalIQ**
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

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

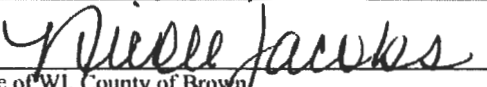
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, 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
8-21-20

My commission expires

Publication Cost: \$352.00
Order No: 9389799 # of Copies:
Customer No: 1124450 1
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: VAC2023-00015

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 288-sq. ft. Lee County Utility Easement being a part of Tract FD-1 in Portofino Vineyards at 19093 Cresenzo Court 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.
October 23,31, 2023 9389799

EXHIBIT C
110723R C.7

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 #:	C7
Agenda Item Title:	Approve Petition to Vacate at 19093 Cresenzo Court, Fort Myers
	(1) Resolution <i>VAC 2023-00015</i>

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

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 3:58
 RECEIVED
 MINUTES OFFICE

AGENDA ITEM REPORT

DATE: November 7, 2023
DEPARTMENT: Community Development
REQUESTER: Mikki Rozdolski
TITLE: Approve Petition to Vacate at 19093 Cresenzo Court, Fort Myers

I. MOTION REQUESTED

Case No. VAC2023-00015. Adopt a resolution approving vacation of the public's interest in a 288-sq. ft. Lee County Utility Easement lying in Sections 22 and 23, Township 46 South, Range 25 East, Being a Portion of Tract "FD-1" as shown on Portofino Vineyards, a Subdivision according to the Plat thereof recorded in Instrument Number 2019000109200 of the Public Records of Lee County, Florida. (STRAP# 22-46-25-L2-19FD1.0000)

II. ITEM SUMMARY

Extinguishes the public's interest in an unimproved 288 square foot public utility easement located in Portofino Vineyards at 19093 Cresenzo Court, Fort Myers. Lee County Utilities intended to use the easement to install a meter. The meter was installed in a different location and there is no need for this easement. There were no objections from 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, VAC2023-00015, was submitted by Petitioner Grove at Portofino Vineyards LLC. The meter that was intended to be installed in this easement was installed in a different area, so the easement is no longer needed. Staff has reviewed the Petition to Vacate, VAC2023-00015, together with letters of no objection from the applicable reviewing entities.

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
VAC2023-00015 PTV	10/9/2023	Backup Material
Vicinity Map	10/9/2023	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Rozdolski, Mikki	Approved	10/25/2023 - 9:55 AM
Budget Services	Henkel, Anne	Approved	10/25/2023 - 11:14 AM
Budget Services	Winton, Peter	Approved	10/25/2023 - 12:48 PM
County Attorney	Halverson, David	Approved	10/31/2023 - 8:09 AM
County Manager	Mora, Marc	Approved	10/31/2023 - 12:07 PM

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.

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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
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)