

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: VAC2023-00007

WHEREAS, Petitioner Daniel Rodriguez Garcia in accordance with Florida Statute (F.S.) Chapters 177 and 336 and Lee County Administrative Code (LCAC) 13-1 and 13-8, filed a Petition to vacate the public's interest in a portion of a platted right-of-way, legally described in the attached Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning the Petition to Vacate on the _____; and

WHEREAS, a legally sufficient Proof of Publication regarding the Notice of Public Hearing on this Petition to Vacate, was entered into the minutes of the County Commission Meeting and a copy of said Proof of Publication is attached as Exhibit "C"; and

WHEREAS, the Petitioners are fee simple title holders to the underlying land sought to be vacated in accordance with F.S. Chapters 177 and 336; and

WHEREAS, the Petitioners provided proof that all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioners did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing a portion of the subject right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2023-00007 is hereby granted.
2. The public's interest in the portion of the platted right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. Proof of Publication for the Notice of Resolution Adoption will be attached to the Resolution as Exhibit "D".
4. This Resolution will become effective upon recording of a fully executed Resolution, including all exhibits referred to above, 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

Chairman Signature

Approved as to Form for the
Reliance of Lee County Only

County Attorney Signature

EXHIBIT "A-1"

SKETCH AND LEGAL DESCRIPTION OF A PARCEL FOR MERGE WITH:
2500 FLOYD AVE S, LEHIGH ACRES FL 33976
(PARCEL ID: 04-45-26-01-00015.0010 IN LEE COUNTY, FLORIDA)

THE SOUTH 1/2 OF PLATTED RIGHT OF WAY OF 25TH STREET SOUTHWEST, BLOCK 15, LEHIGH ACRES UNIT 3, according to the plat thereofas recorded in Plat Book 15, Page 100, Public Records of LEE COUNTY, Florida.

HAVING A TOTAL AREA OF 3,403.00 Sq. Ft (0.078 Acres) MORE OR LESS. LYING AND BEING IN LEE COUNTY, FLORIDA

BEARINGS AND DISTANCES SHOWN HEREON ARE FROM BLOCK 15, LEHIGH ACRES UNIT 3, according to the plat thereofas recorded in Plat Book 15, Page 100, inclusive of the Public Records of LEE COUNTY, Florida

PREPARED BY: GUILLERMO A. GUERRERO
DATE: 07/21/2023

Galldo Group, Inc. (LB 8223)
5237 SUMMERLIN COMMONS BLVD
SUITE 201 FORT MYERS, FL 33907
TEL: 833-425-5364

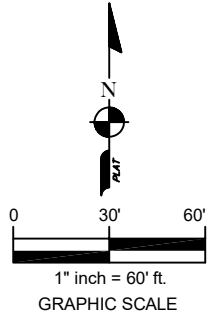
PAGE 1 OF 2
(NOT VALID WITHOUT PAGE 2)



BY: Guillermo A. Guerrero
Professional Surveyor and Mapper
Certificate No. 6453 STATE OF FLORIDA

EXHIBIT "B-1"

SKETCH AND LEGAL DESCRIPTION OF A PARCEL FOR MERGE WITH:
 2500 FLOYD AVE S, LEHIGH ACRES FL 33976
 (PARCEL ID: 04-45-26-01-00015.0010 IN LEE COUNTY, FLORIDA)

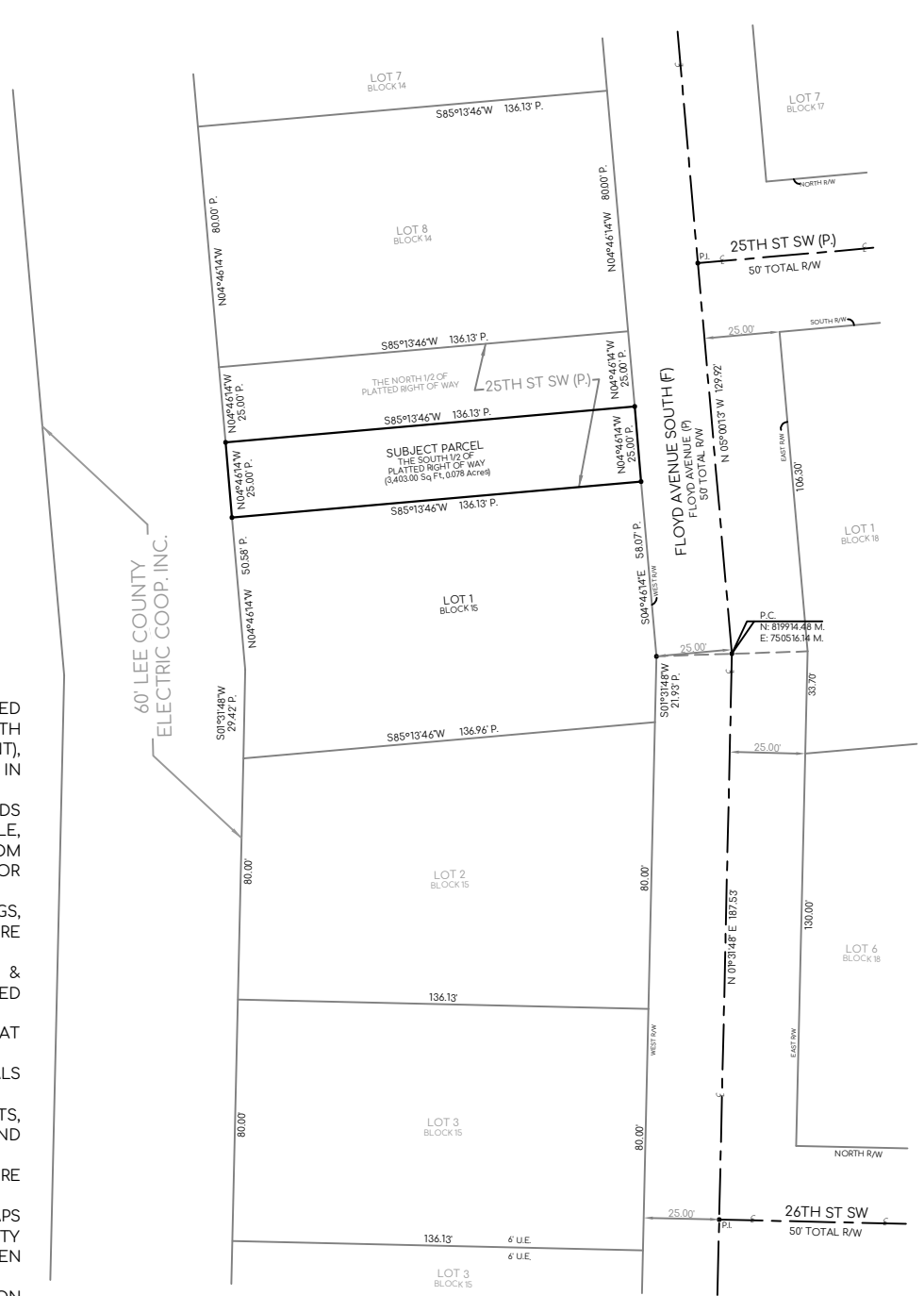


Legend:

⊟	CENTER LINE
C.	CALCULATED
D.	DEED
F.	FIELD
M.	MEASURED
P.	PLAT
P.C.	POINT OF CURVATURE
P.I.	POINT OF INTERSECTION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCE
○	CORNER
—	PRIMARY PROPERTY LINE
- - -	SECONDARY PROPERTY LINE
- - -	CENTERLINE
- - -	EASEMENT LINE

SKETCH NOTES:

1. THE STATE PLANE COORDINATES PROVIDED HEREON ARE REFERENCED BY THE NORTH AMERICAN DATUM 1983 (2011 ADJUSTMENT), FLORIDA WEST ZONE, SAID COORDINATES ARE IN US SURVEY FEET.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
3. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
6. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
7. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
8. EASEMENTS SHOWN ON THIS DRAWING ARE FROM THE RECORDED PLAT.
9. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
10. PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT.



This Sketch is not a Survey.

EXHIBIT "A-2"

SKETCH AND LEGAL DESCRIPTION OF A PARCEL FOR MERGE WITH:
2500 FLOYD AVE S, LEHIGH ACRES FL 33976
(PARCEL ID: 04-45-26-01-00015.0010 IN LEE COUNTY, FLORIDA)

THE NORTH 1/2 OF PLATTED RIGHT OF WAY OF 25TH STREET SOUTHWEST, BLOCK 15, LEHIGH ACRES UNIT 3, according to the plat thereofas recorded in Plat Book 15, Page 100, Public Records of LEE COUNTY, Florida.

HAVING A TOTAL AREA OF 3,403.00 Sq. Ft (0.078 Acres) MORE OR LESS. LYING AND BEING IN LEE COUNTY, FLORIDA

BEARINGS AND DISTANCES SHOWN HEREON ARE FROM BLOCK 15, LEHIGH ACRES UNIT 3, according to the plat thereofas recorded in Plat Book 15, Page 100, inclusive of the Public Records of LEE COUNTY, Florida

PREPARED BY: GUILLERMO A. GUERRERO
DATE: 07/21/2023

Galldo Group, Inc. (LB 8223)
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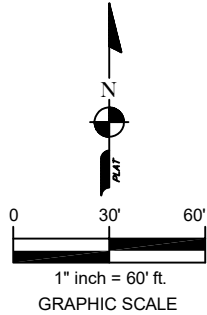
PAGE 1 OF 2
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BY: Guillermo A. Guerrero
Professional Surveyor and Mapper
Certificate No. 6453 STATE OF FLORIDA

EXHIBIT "B-2"

SKETCH AND LEGAL DESCRIPTION OF A PARCEL FOR MERGE WITH:
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 (PARCEL ID: 04-45-26-01-00015.0010 IN LEE COUNTY, FLORIDA)

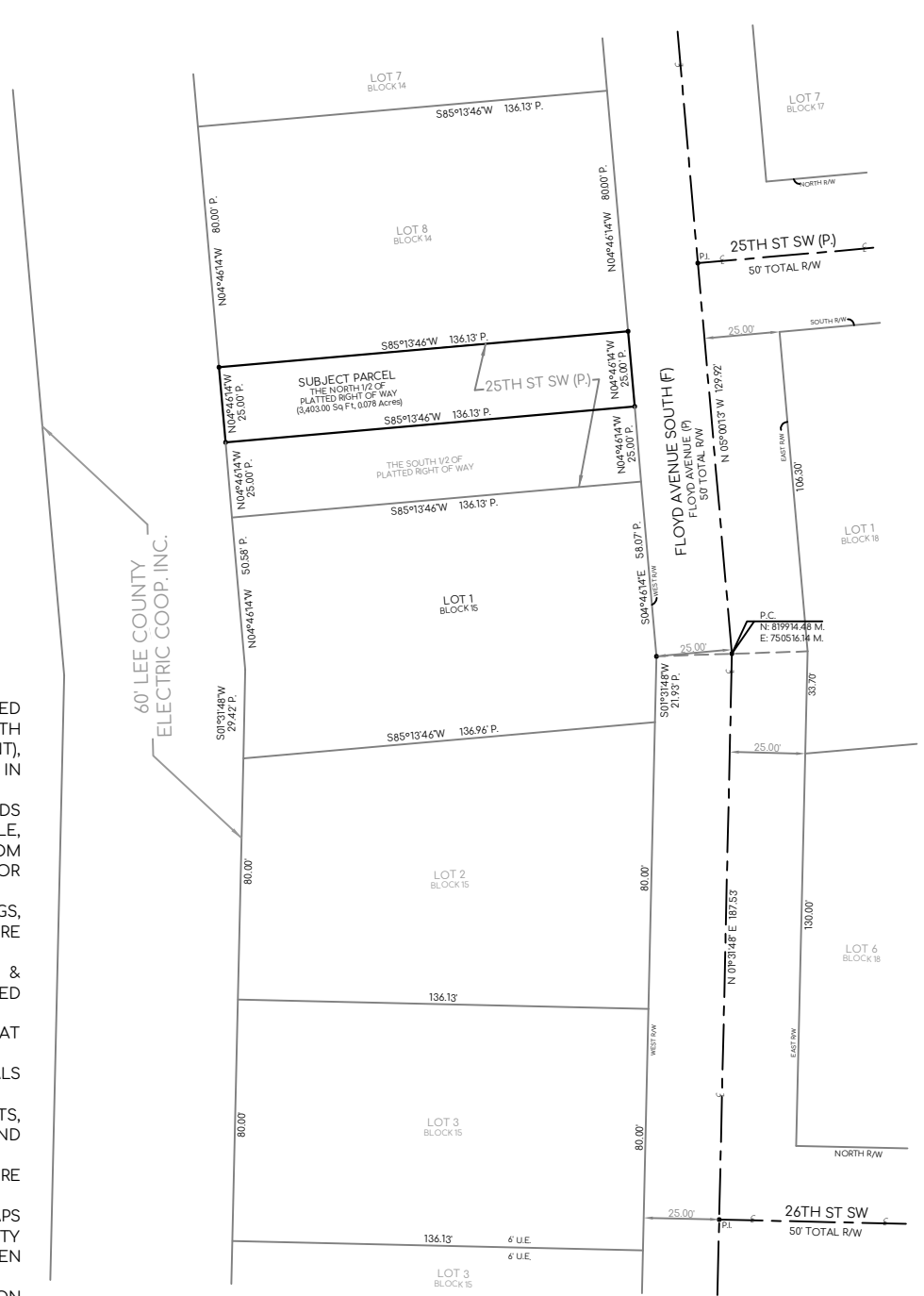


Legend:

⊕	CENTER LINE
C	CALCULATED
D	DEED
F	FIELD
M	MEASURED
P	PLAT
P.C.	POINT OF CURVATURE
P.I.	POINT OF INTERSECTION
P.O.B.	POINT OF BEGINNING
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10. PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT.



This Sketch is not a Survey.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2023-00007

TO WHOM IT MAY CONCERN:

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, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, as well as 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: October 31, 2023

To: Rose Bahena
Administration

FROM: Gary Rashford
Development Services

CASE NUMBER: VAC2023-00007

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 & 13-8)

Case Number: VAC2023-00007

Petitioner(s), Daniel Rodriguez 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: 2500 Floyd Ave S Lehigh Acres FL 339
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" and in accordance with F.S. Chapter 336 and LCAC 13-8, Petitioner desires to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in Exhibit "A."
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B."
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C."
5. In accordance with F.S. Chapter 177, Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition, Notice concerning the intent of this Petition will also be provided in accordance with the LCAC 13-8.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted by:

[Signature]
Petitioner Signature

Daniel Rodriguez
Printed Name

[Signature]
Petitioner Signature

Daniel Rodriguez
Printed Name