

THIS INSTRUMENT PREPARED BY:

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

INSTR# 2024000100467, Pages 5  
DocType: GOV, Recorded: 4/10/2024 at 11:43 AM  
Kevin C. Karnes, Lee County Clerk of the Court & Comptroller  
Rec Fees: \$44.00

Deputy Clerk TBAER  
#1

**RESOLUTION NO. 24-04-02 FOR PETITION TO VACATE**

Case Number: VAC2023-00033

WHEREAS, Petitioner **Christlene Lafond** 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 2nd day of April, 2024 ; 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. VAC2023-00033 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 2nd day of April, 2024 .

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT


BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY

BY:   
Chair Signature



Approved as to Form for the  
Reliance of Lee County Only

BY:   
County Attorney

**SKETCH AND DESCRIPTION**

PLAT BOOK 15, PAGE 90  
SECTION 34, TOWNSHIP 44 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

**DESCRIPTION OF EASEMENT TO BE VACATED**

*Lots 8 and 9, Block 114, Unit 12, Section 34, Township 44 South, Range 26 East, Lehigh Acres according to the map or plat thereof on file in the office of the Clerk of the Circuit Court, recorded in Plat Book 15, Page 90, Public Records of Lee County, Florida and being more particularly described as follows:*

*Commencing at the Northwest corner of Lot 8 run North 87°52'35" East for a distance of 80.00 feet, thence run South 02°07'25" East for a distance of 6.00 feet to the Point of Beginning.*

*From said point of beginning run South 87°52'35" West for a distance of 6.00 feet, thence run South 02°07'25" East for a distance of 124.13 feet, thence run North 87°52'35" East for a distance of 12.00 feet, thence run North 02°07'25" West for a distance of 124.13 feet, thence run South 87°52'35" West for a distance of 6.00 feet to the Point of Beginning of the lands herein described.*

*Parcel Contains 1,489.56 Square Feet, of 0.03 Acres, Plus or Minus.*

THIS IS NOT A SURVEY

Reviewed and Approved By:



**ELITE  
SURVEYING**

4371 NOCATEE LANE.  
FORT MYERS, FL 33905  
239-362-3928(OFFICE)  
INFO@ELITESURVEYING.NET  
LB8427

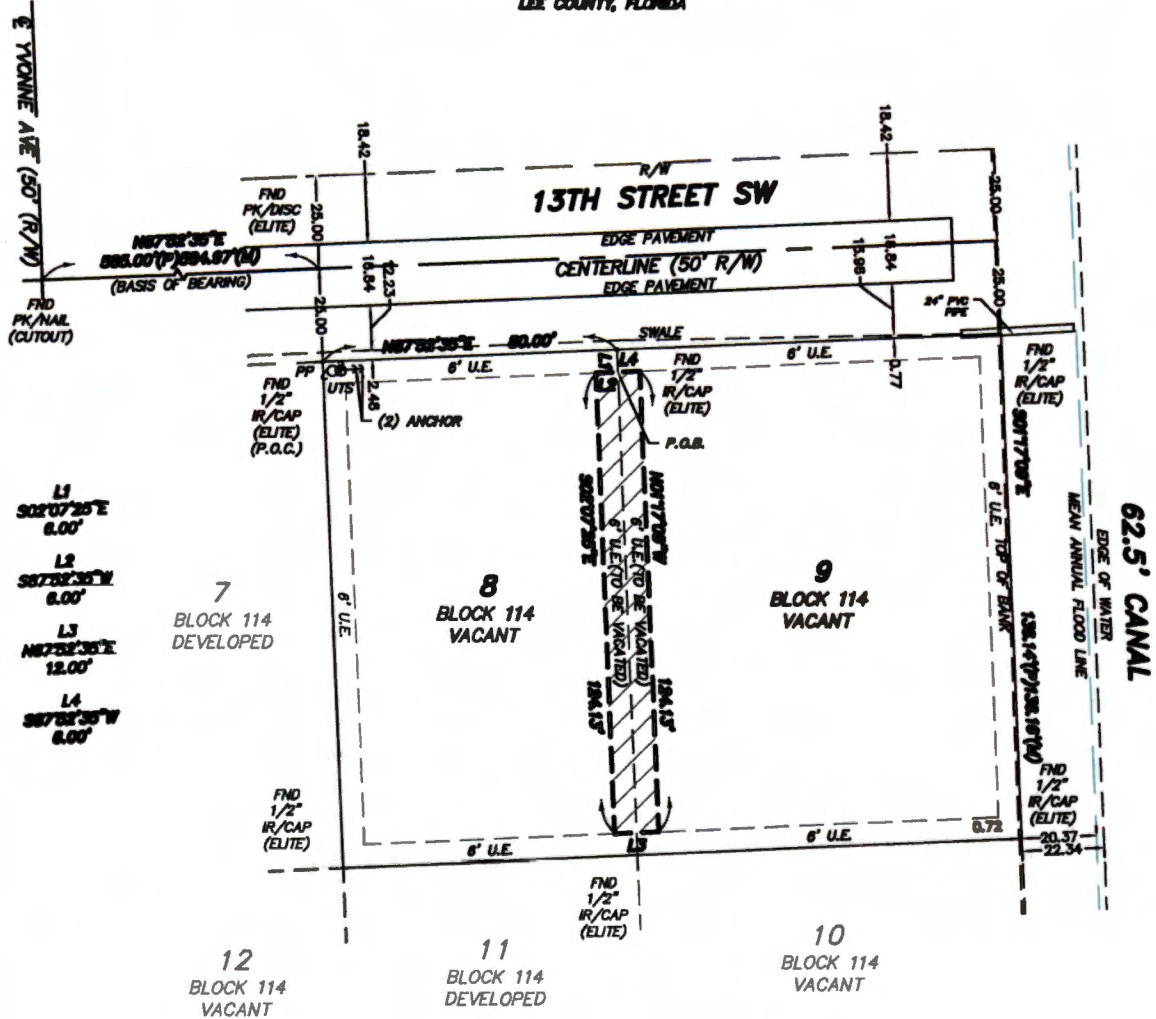
(SIGNED) \_\_\_\_\_

**John Robert Avery III, P.S.M.**  
**Professional Surveyor & Mapper**  
**FL License No. 5298**

*Not Valid without Signature and Original Raised Seal or Adobe Electronic Signature of John Robert Avery III, P.S.M.*

**SKETCH AND DESCRIPTION**

PLAT BOOK 13, PAGE 80  
SECTION 34, TOWNSHIP 44 SOUTH, RANGE 28 EAST  
LEE COUNTY, FLORIDA



THIS IS NOT A SURVEY

SCALE: 1"=50'



**ELITE SURVEYING**

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LB8427

Reviewed and Approved By:

(SIGNED) \_\_\_\_\_

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Not Valid without Signature and Original Raised Seal or  
Adobe Electronic Signature of John Robert Avery III, P.S.M.





Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**PROOF OF PUBLICATION**

Colleen Bennett  
Lcbbc-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:

03/18/2024, 03/26/2024

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 03/26/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$370.75

Order No: 9952863

Customer No: 1124450

PO #:

# of Copies:

1

**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: VAC2023-00033

Notice is hereby given that on the 2nd day of April 2024 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 easement centered along the common lot line between Lots 8 and 9 of the platted lots at 3703 13th Street SW in Lehigh Acres, Florida, as recorded in Plat Book 15, Page 90 of the public records of Lee County, 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.

3/18/24, 3/26/2024

## NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2023-00033

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 (239) 533-8585.

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KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

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Deputy Clerk

Approved as to Form for the  
Reliance of Lee County Only

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County Attorney



PETITION TO VACATE  
TRANSMITTAL FOR PUBLIC NOTICE  
REQUIREMENTS

DATE: February 19, 2024

To: Rose Bahena  
Administration

FROM: Colleen Bennett  
Development Services

CASE NUMBER: VAC2023-00033

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))

**AGENDA ITEM REPORT**

**DATE:** April 2, 2024  
**DEPARTMENT:** Community Development  
**REQUESTER:** Mikki Rozdolski  
**TITLE:** Approve Petition to Vacate at 3703 13th Street SW, Lehigh Acres

**I. MOTION REQUESTED**

Adopt a resolution approving vacation of the public interest (Case No. VAC2023-00033) in a portion of the 12' platted public utility easement centered along the common property lot line between Lots 8 and 9, of Block 114, Unit 12, Section 34, Township 44 South, Range 26 East, a Subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 90 of the public records of Lee County, Florida. (Strap # 34-44-26-L3-00114.0080)

**II. ITEM SUMMARY**

Extinguishes the public interest in a portion of the unimproved public utility easement centered along the common lot line between Lots 8 and 9 of the platted lots at 3703 13th Street SW in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for a single-family residence. There were no objections from the public utility providers and there are no other affected property owners. The vacation 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, VAC2023-00033, was submitted by Petitioner Christlene Lafond, who proposes to remove encumbrances in order to create a unified building site for a single-family residence. Staff has reviewed the Petition to Vacate, VAC2023-00033, 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
VAC2023-00033 PTV	3/12/2024	Backup Material
Vicinity Map	3/12/2024	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Development	Rozdolski, Mikki	Approved	3/20/2024 - 10:28 AM
Budget Services	Henkel, Anne	Approved	3/20/2024 - 3:14 PM
Budget Services	Winton, Peter	Approved	3/20/2024 - 4:34 PM
County Attorney	Halverson, David	Approved	3/26/2024 - 9:27 AM
County Manager	Mora, Marc	Approved	3/26/2024 - 1:33 PM