

THIS INSTRUMENT PREPARED BY:

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

INSTR# 2024000122659, Pages 8
DocType: GOV, Recorded: 5/1/2024 at 10:07 AM
Kevin C. Karnes, Lee County Clerk of the Court & Comptroller
Rec Fees: \$69.50

Deputy Clerk TBAER
#1

RESOLUTION NO. 24-04-07 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 2nd day of April, 2024; 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.

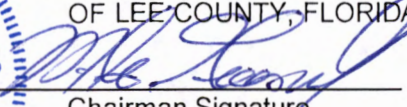
This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this 2nd day of April, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT


Deputy Clerk Signature



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA


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 thereof as 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 thereof as 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 "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

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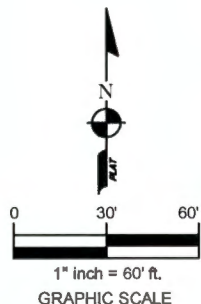
PAGE 1 OF 2
(NOT VALID WITHOUT PAGE 2)

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)

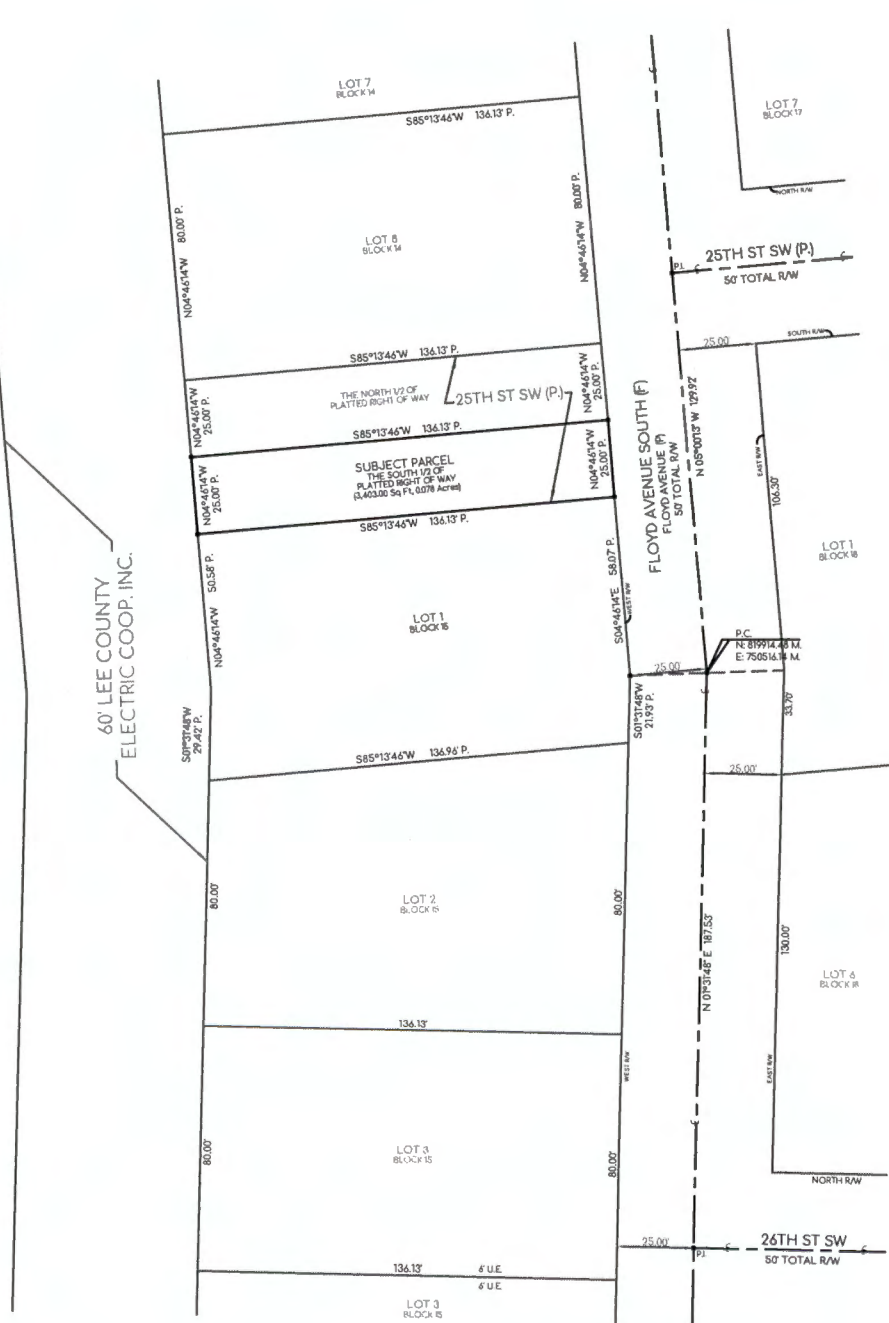


Legend:

	CENTER LINE
	CALCULATED
	DEED
	FIELD
	MEASURED
	PLAT
	POINT OF CURVATURE
	POINT OF INTERSECTION
	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	CORNER
	PRIMARY PROPERTY LINE
	SECONDARY PROPERTY LINE
	CENTERLINE
	EASEMENT LINE

SKETCH NOTES:

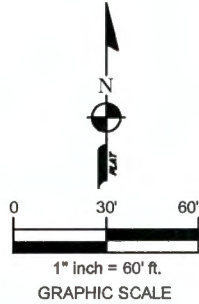
1. THE STATE PLANE COORDINATES PROVIDED HEREON ARE REFERENCED BY THE NORTH AMERICAN DATUM 1983 (2011 ADJUSTMENT), FLORIDA WEST ZONE, SAID COORDINATES ARE IN US SURVEY FEET.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES 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 "B-2"

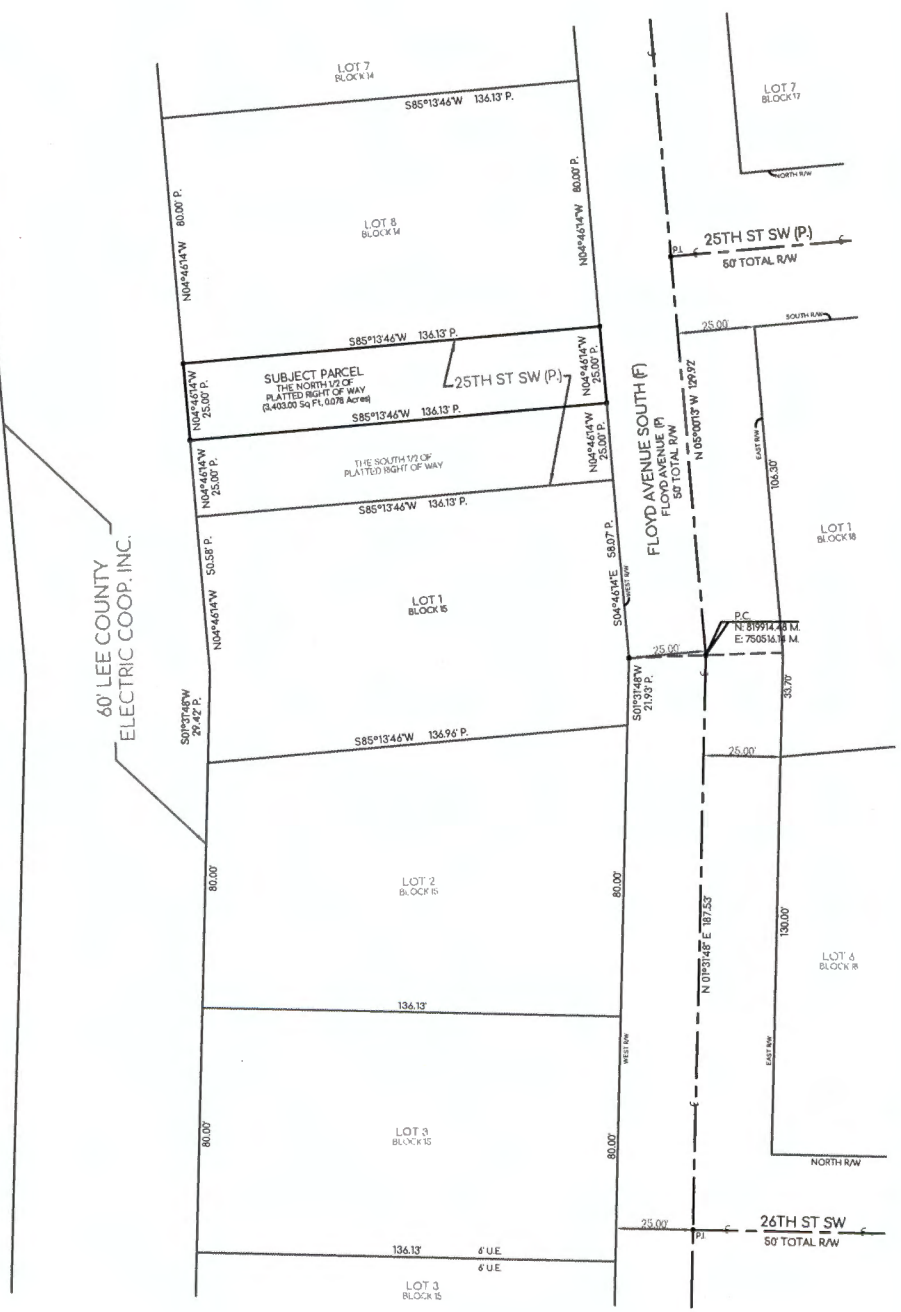
SKETCH AND LEGAL DESCRIPTION OF A PARCEL FOR MERGE WITH:
 2500 FLOYD AVE S, LEHIGH ACRES FL 33976
 (PARCEL ID: 04-45-26-01-00015.0010 IN LEE COUNTY, FLORIDA)



- Legend:**
- ⊕ CENTER LINE
 - 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.
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10. PARCEL WAS SURVEYED FROM INFORMATION SUPPLIED BY THE CLIENT.



This Sketch is not a Survey.

*** LocalIQ**
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Colleen Bennett
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:

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

8-21-26

My commission expires

Publication Cost: \$377.00
Order No: 9953958 # of Copies:
Customer No: 1124450 1
PO #: VAC2023-00007

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2023-00007

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, 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 as follows:

A portion of a 50-foot right-of-way of 25th Street Southwest, Block 15, Lehigh Acres Unit 3, adjacent to the northerly line of 2500 Floyd Ave South, as recorded in Plat Book 15, Page 100 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, 3/26/24 9953958

NICOLE JACOBS
Notary Public
State of Wisconsin

EXHIBIT D



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Colleen Bennett
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2023-00007

TO WHOM IT MAY CONCERN:

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:

04/18/2024

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 04/18/2024

NOTICE is hereby given that on the 2nd day of April 2024, the Board of County Commissioners of Lee County, Florida adopted Resolution No. 24-04-07. The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the rights-of-way or portion of rights-of-way described as follows:

A portion of a 50-foot right-of-way of 25th Street Southwest, Block 15, Lehigh Acres Unit 3, adjacent to the northerly line of 2500 Floyd Ave South, as recorded in Plat Book 15, Page 100 of the public records of Lee County, Florida. (Strap # 04-45-26-01-00015.0010)

Please Govern Yourself Accordingly.

PUBLICATION, 4/14/2024, 10068154

D. Robert
Legal Clerk

Nicole Jacobs
Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$96.64
Order No: 10068154 # 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



AFFIDAVIT OF POSTING NOTICE

Petition to Vacate No. VAC2023-00007

State of Florida

County of Lee

Before the undersigned authority personally appeared Brody Griffen, who, on oath, swears proper notice was posted on 03-18-2024, as required by Lee County Administrative Code 13-8 to vacate, abandon, close and discontinue the public's interest in the plat, right-of-way, or easement relating to the above referenced Petition to Vacate.

Brody Griffen
Signature

Brody Griffen
Printed or typed name

1500 Monroe Street
Mailing Address

Fort Myers Florida 33901-5500
City, State, Zip Code

The foregoing instrument was acknowledged before me, **by means of physical presence or online notarization**, this 18 day of March, 2024, by

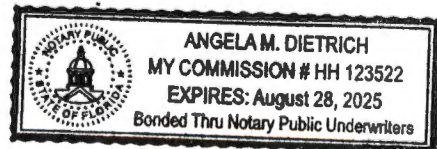
Brody Griffen
who is personally known to me or [] produced

as identification.

Angela Dietrich
Notary Public, State of Florida

Angela Dietrich
Printed Name

My Commission Expires: 8/28/2025



PUBLIC NOTICE

of

**PUBLIC HEARING TO VACATE, ABANDON, DISCONTINUE,
OR CLOSE THE FOLLOWING PUBLIC RIGHT-OF-WAY:**

A PORTION OF A 50-FOOT R-O-W

OF 25th ST SW, BLOCK 15, LEHIGH ACRES

UNIT 3, ADJACENT TO THE NORTHERLY

LINE OF 2500 FLOYD AVE SOUTH, AS
RECORDED IN PB 15, PAGE 100 OF THE
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

APPLICANT: DANIEL RODRIGUEZ GARCIA

PETITION TO VACATE#: VAC 2023-00007

STAFF CONTACT NAME: CELLEN BENNETT TELEPHONE NO. (239) 533-8585

PUBLIC HEARING DATE: APRIL 2, 2024 TIME: 9:30 A.M.

**PUBLIC HEARING LOCATION:
COUNTY COMMISSIONERS MEETING ROOM
2120 MAIN STREET, FLORIDA
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA**

PUBLIC NOTICE
of
PUBLIC HEARING TO VACATE, ABANDON, DISCONTINUE,
OR CLOSE THE FOLLOWING PUBLIC RIGHT-OF-WAY:
A PORTION OF A 50-FOOT R.O.W.
OF 25th ST SW, BLOCK 15, LENEX ACRES
UNIT 3, ADJACENT TO THE NORTHERLY
LENG OF 2500 FLOYD AVE SOUTH, AS
RECORDED IN P.S. 15, PAGE 100 OF THE
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
APPLICANT: DANIEL RODRIGUE GARZA
PETITION NO VACATE: VAC2023-0007
STAFF CONTACT NAME: CLARE BENNETT TELEPHONE NO: (813) 221-2244
PUBLIC HEARING DATE: APRIL 2, 2024 TIME: 9:30 AM
PUBLIC HEARING LOCATION:
COUNTY COMMISSIONERS MEETING ROOM
3020 MAIN STREET, FLORIDA
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA



FRESH WATER
WELL DRILLING AND WATER SYSTEMS
WE SERVE THE MIAMI SOUTH BEACH AREA
A PORTABLE WATER SYSTEM
OF 20" DIAMETER, 100' DEEP, 100' LONG
WATER SYSTEM TO THE PROPERTY.
FOR MORE INFORMATION, PLEASE CONTACT
OUR OFFICE AT 305.866.1111
OR VISIT OUR WEBSITE AT
WWW.FRESHWATERWELL.COM
WE ARE OPEN 24 HOURS
AND SERVING OUR CUSTOMERS
THROUGHOUT THE MIAMI SOUTH BEACH
AREA OF SOUTH FLORIDA.
SERVING THE MIAMI SOUTH BEACH AREA
OF SOUTH FLORIDA.
SERVING THE MIAMI SOUTH BEACH AREA
OF SOUTH FLORIDA.

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:	04/02/2024
Agenda Item #:	930PH1
Agenda Item Title:	Approve Petition to Vacate Right-of-Way Adjacent to 2500 Floyd Ave S, Lehigh Acres
	(1) Resolution

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

Date out from Administration: 04/02/24

Return to Dept. Novus

RECEIVED
MINUTES OFFICE
2024 APR -5 PM 1:28



2024 APR -2 AM 11:05
RECEIVED BY
LEE CO. ATTORNEY

AGENDA ITEM REPORT

DATE: April 2, 2024
DEPARTMENT: Community Development
REQUESTER: Mikki Rozdolski
TITLE: Approve Petition to Vacate Right-of-Way Adjacent to 2500 Floyd Ave S, Lehigh Acres

I. MOTION REQUESTED

Case No. VAC2023-00007. Conduct a public hearing to adopt a resolution approving vacation of the public interest in a portion of a 50-foot right-of-way of 25th Street Southwest, Block 15, Lehigh Acres Unit 3, adjacent to the northerly line of 2500 Floyd Ave South, as recorded in Plat Book 15, Page 100 of the public records of Lee County, Florida. (Strap # 04-45-26-01-00015.0010)

II. ITEM SUMMARY

Extinguishes the public interest in a portion of the 50-foot right-of-way lying on the northerly line of 2500 Floyd Avenue South of the platted lots of a Subdivision of Lehigh Acres, Lee County, Florida. This action will remove encumbrances to create a unified site for residential development. There were no objections from the public utility providers and the affected property owner has been notified via certified mail. The vacation will not alter existing drainage or utility conditions.

III. BACKGROUND AND IMPLICATIONS OF ACTION

- A) Board Action and Other History
Fla. Stat. Chs. 177 and 336; Lee County Administrative Code 13-1 and 13-8
- B) Policy Issues
- C) BoCC Goals
- D) Analysis
The completed Petition to Vacate, VAC2023-00007, was submitted by Petitioner Daniel Rodriguez Garcia, who proposes to remove encumbrances to create a unified building site for residential development. Staff has reviewed the Petition to Vacate, VAC2023-00007, together with letters of no objection from Public Utility Providers.
There are no objections to the requested vacation and the affected property owner has been notified via certified mail.
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
Vicinity Map	3/12/2024	Backup Material
VAC2023-00007 PTV	3/12/2024	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Rozdolski, Mikki	Approved	3/20/2024 - 10:29 AM
Budget Services	Henkel, Anne	Approved	3/20/2024 - 3:15 PM
Budget Services	Winton, Peter	Approved	3/20/2024 - 4:34 PM
County Attorney	Halverson, David	Approved	3/26/2024 - 9:35 AM
County Manager	Mora, Marc	Approved	3/26/2024 - 1:33 PM