

THIS INSTRUMENT PREPARED BY:

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

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: **VAC2024-00024**

WHEREAS, Petitioners **Andre Knowles & Jessica Horner** 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 \_\_\_\_\_ ; 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. **VAC2024-00024** 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 \_\_\_\_\_ .

ATTEST:  
KEVIN KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_

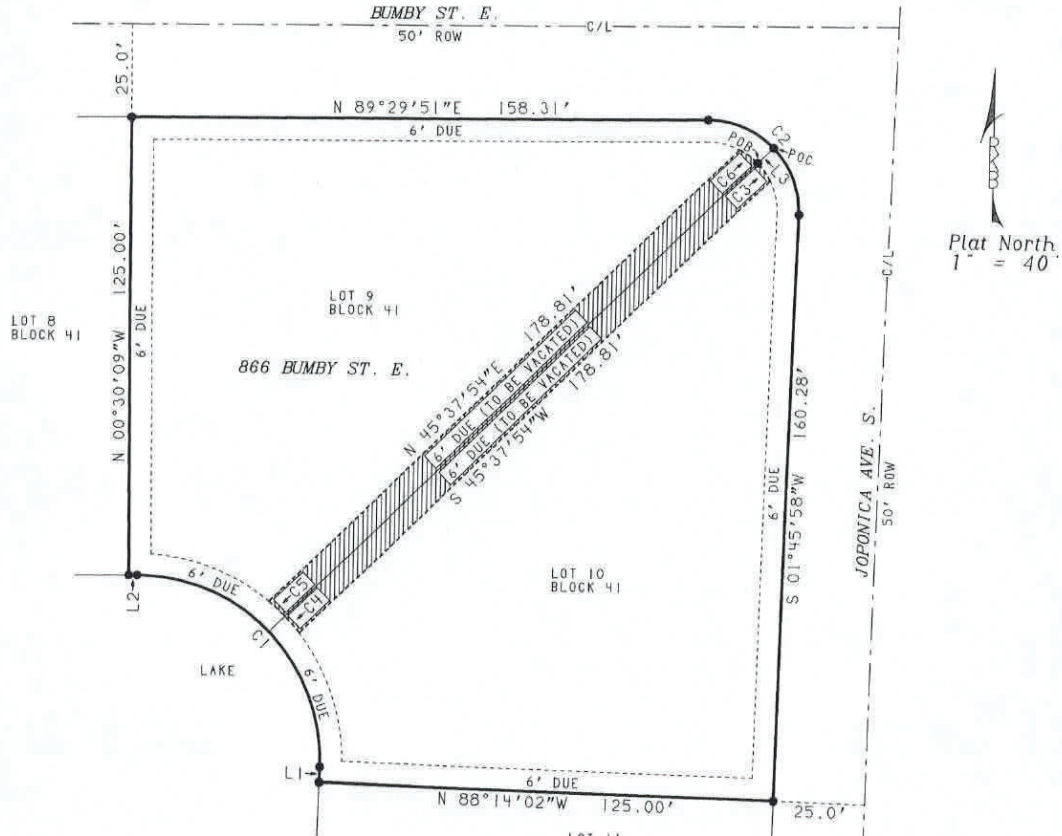
\_\_\_\_\_

Approved as to Form for the  
Reliance of Lee County Only

\_\_\_\_\_  
County Attorney Signature

# Exhibit A & Exhibit B

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING	LINE	BEARING	DISTANCE
C 1	92°16'07"	50.00'	80.52'	52.02'	72.10'	N 44°22'05"W	L 1	N 01°45'58"E	4.22'
C 2	92°16'07"	25.00'	40.26'	26.01'	36.05'	S 44°22'06"E	L 2	S 89°29'51"W	2.25'
C 3	18°24'31"	19.00'	6.10'	3.08'	6.08'	S 35°09'50"E	L 3	S 45°37'55"W	6.00'
C 4	06°09'02"	56.00'	6.01'	3.01'	6.01'	N 41°17'34"W			
C 5	06°09'02"	56.00'	6.01'	3.01'	6.01'	N 47°26'37"W			
C 6	18°24'31"	19.00'	6.10'	3.08'	6.08'	S 53°34'21"E			



Plat North  
1" = 40'

**PARCEL DESCRIPTION:**  
A DRAINAGE AND UTILITY EASEMENT ACROSS THE SOUTHEASTERLY 6 FEET OF LOT 9 AND THE NORTHWESTERLY 6 FEET OF LOT 10, EXCEPTING THE NORTHEASTERLY AND SOUTHWESTERLY 6 FEET THEREOF, OF BLOCK 41, UNIT 8, SECTION 27, TOWNSHIP 45 SOUTH, RANGE 27 EAST, A SUBDIVISION OF LEHIGH ACRES, AS RECORDED IN PLAT BOOK 18, PAGE 131, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT 9, BEING ALSO THE NORTHERLY CORNER OF SAID LOT 10; THENCE ALONG THE LINE BETWEEN SAID LOTS 9 AND 10, S 45°37'54"W 6.00 FEET TO THE SOUTHWESTERLY SIDE OF A DRAINAGE AND UTILITY EASEMENT AND A POINT ON A CURVE AND THE POINT OF BEGINNING; SAID CURVE HAVING A DELTA ANGLE OF 18°24'31", A RADIUS OF 19.00 FEET, A CHORD OF 6.08 FEET AND A CHORD BEARING OF S 35°09'50"E, THENCE ALONG THE ARC OF SAID CURVE FOR 6.10 FEET TO A POINT ON THE SOUTHEASTERLY SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE S 45°37'54"W ALONG SAID SOUTHEASTERLY SIDE, 6 FEET FROM AND PARALLEL TO THE LINE BETWEEN SAID LOTS 9 AND 10 FOR 178.81 FEET TO A POINT ON THE NORTHEASTERLY SIDE OF A DRAINAGE AND UTILITY EASEMENT AND A POINT ON A CURVE, SAID CURVE HAVING A DELTA ANGLE OF 06°09'02", A RADIUS OF 56.00 FEET, A CHORD OF 6.01 FEET, AND A CHORD BEARING OF N 41°17'34"W; THENCE ALONG THE ARC OF SAID CURVE FOR 6.01 FEET TO A POINT ON THE LINE BETWEEN SAID LOTS 9 AND 10 AND A POINT ON A CURVE, SAID CURVE HAVING A DELTA ANGLE OF 06°09'02", A RADIUS OF 56.00 FEET, A CHORD OF 6.01 FEET AND A CHORD BEARING OF N 47°26'37"W; THENCE ALONG THE ARC OF SAID CURVE FOR 6.01 FEET TO A POINT ON THE NORTHWESTERLY SIDE OF A DRAINAGE AND UTILITY EASEMENT; THENCE N 45°37'54"E ALONG SAID NORTHWESTERLY SIDE, 6 FEET FROM AND PARALLEL TO THE LINE BETWEEN SAID LOTS 9 & 10 FOR 178.81 FEET TO A POINT ON THE SOUTHWESTERLY SIDE OF A DRAINAGE AND UTILITY EASEMENT AND A POINT ON A CURVE, SAID CURVE HAVING A DELTA ANGLE OF 18°24'31", A RADIUS OF 19.00 FEET, A CHORD OF 6.08 FEET AND A CHORD BEARING OF S 53°34'21"E; THENCE ALONG THE ARC OF SAID CURVE FOR 6.10 FEET TO THE POINT OF BEGINNING.

**THIS IS NOT A BOUNDARY SURVEY**

WQ#: 22-0964L 06/13/2024

- 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.

**R. K. BURNS SURVEYING, INC.**

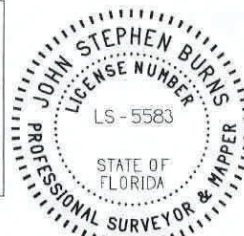
3507 LEE BLVD. # 230  
LEHIGH ACRES, FL. 33971  
239-303-0764  
INFO@BURNSSURVEYING.COM

SKETCH AND  
LEGAL DESCRIPTION

SHEET 1 OF 1

**LEGEND:**  
C/L = CENTERLINE  
DUE = DRAINAGE & UTILITY EASEMENT  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
ROW = RIGHT-OF-WAY

Digitally signed by  
**John Burns**  
Surveyor & Mapper  
LS 5583  
State of Florida  
Date:  
2024.06.13  
11:57:48  
-04'00'



By: *John Burns*

## NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2024-00024

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 the Office of the Department of Community Development, 1500 Monroe Street, Fort Myers, Florida. The office can 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 Raphaela Morais-Peroba, (239) 533-8782, 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



PETITION TO

VACATE

TRANSMITTAL FOR PUBLIC NOTICE  
REQUIREMENTS

DATE: August 2, 2024

To: Rose Bahena  
Administration

FROM: Gary Rashford  
Development Services

CASE NUMBER: VAC2024-00024

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))



**BOARD OF COUNTY COMMISSIONERS**

Kevin Ruane  
*District One*

239.533.8374

Cecil L Pendergrass  
*District Two*

Ray Sandelli  
*District Three*

Date: August 2, 2024

Brian Hamman  
*District Four*

Harold Elie  
4912 Beauty St.  
Lehigh Acres, FL 33971  
[helie8227@gmail.com](mailto:helie8227@gmail.com)

Mike Greenwell  
*District Five*

Dave Harner, II  
*County Manager*

Richard Wm. Wesch  
*County Attorney*

RE: 866 Bumby St. E. PTV  
VAC2024-00024

Donna Marie Collins  
*Hearing Examiner*

Dear Harold

This office has received your request to vacate the public interest in a portion of the 12' public utility and drainage easement centered on the common lines between lots 9 and 10 of Block 41, Unit 8 Section 27, Township 45 South, Range 27 East, A subdivision of Lehigh Acres as recorded in Plat Book 18, Page 131 of the public records of Lee County, Florida. Based upon the narrative accompanying the Petition to Vacate, the expressed purpose for the easement vacation is to create a unified site for future development.

Based upon the information accompanying your request as well as subsequent research and review, this office has no objection to the proposed vacation. Please be reminded, however, that if approved, only the public's interest in the public utility easement will be vacated. Private rights, to the extent that they exist, are not affected, and will remain.

Should you have any questions, please call me at the above telephone number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services

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Ohdet Kleinmann  
Development Services Manager



**PETITION TO VACATE (AC 13-1)**

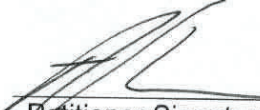
**Case Number:** VAC2024-00024

Petitioner(s), Andre Knowles & Jessica Horner 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: 4623 Gene Ave N Lehigh Acres, FL 33971
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".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted by:

  
\_\_\_\_\_  
Petitioner Signature

Andre Knowles  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Petitioner Signature

Jessica Horner  
\_\_\_\_\_  
Printed Name