

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: **VAC2023-00002**

WHEREAS, Petitioners **Justin G. Ballard and Lauri A. Ballard, Trustees of the Justin G. Ballard Revocable Trust and the Lauri A. Ballard Revocable Trust** 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 original 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. **VAC2023-00002** 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

LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.

Exhibit A & Exhibit B

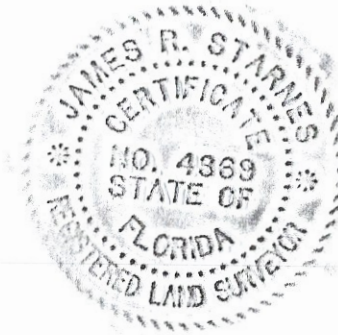
PORTION TO BE VACATED

A PORTION OF A 10 FOOT WIDE UTILITY EASEMENT AS DEPICTED ON LOT 23, BERT'S BAYSHORE MANOR SUBDIVISION, AS RECORDED IN PLAT BOOK 9 AT PAGE 121 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 23; THENCE RUN NORTH ALONG THE EAST LINE OF SAID LOT 23 FOR 10.00 FEET; THENCE RUN WEST ALONG THE NORTH LINE OF SAID AFOREMENTIONED 10 FOOT WIDE UTILITY EASEMENT FOR 11.39 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN S.10°00'19"W. ALONG A ROOF EAVE OF A PAVILION FOR 3.28 FEET; THENCE RUN N.79°52'13" W. ALONG SAID EAVE FOR 1.00 FEET; THENCE RUN S.10°00'19"W. ALONG THE EDGE OF A POOL DECK AND RAILING FOR 1.30 FEET; THENCE RUN N.79°52'13"W. ALONG SAID POOL DECK AND RAILING FOR 24.64 FEET TO THE NORTH EDGE OF SAID AFOREMENTIONED UTILITY EASEMENT; THENCE RUN EAST FOR 26.04 FEET TO THE POINT OF BEGINNING.

SAID PORTION CONTAINS 57 SQUARE FEET.



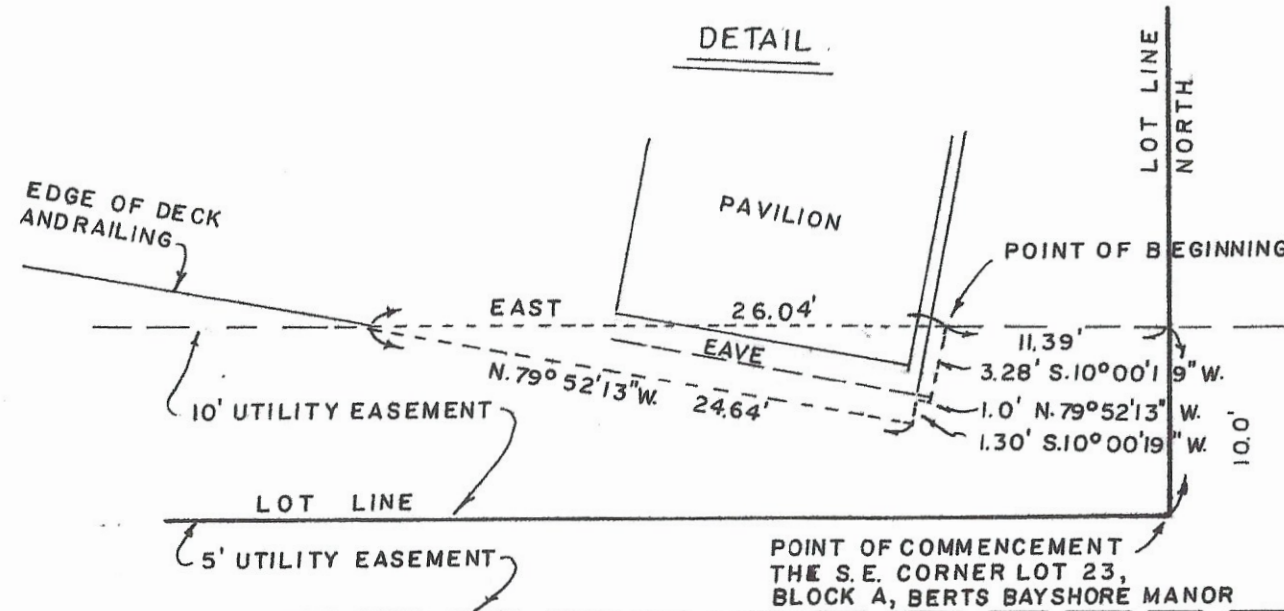
I HEREBY CERTIFY THAT THE SURVEY HEREON WAS MADE UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I DO NOT CERTIFY THAT THE ZONING REQUIREMENTS HAVE BEEN MET. I ALSO CERTIFY THAT THIS SURVEY HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, AS SET FORTH IN SECTION 472.027, FLORIDA STATUTES AND ACCORDING TO CHAPTER 54-17.050, 17.051, 17.052 F.A.C.

James R. Starnes
REGISTERED LAND SURVEYOR P.L.S. # 4869
STATE OF FLORIDA JAMES R. STARNES

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SCALE: 1" = 10'



- LEGEND
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. FD. = FOUND
 3. N = NORTH
 4. S = SOUTH
 5. E = EAST
 6. W = WEST
 7. C.M. = CONCRETE MONUMENT
 8. C = CENTERLINE
 9. B.D. = BRASS DISC
 10. B.M. = BENCH MARK
 11. EL. = ELEVATION
 12. R.O.W. = RIGHT OF WAY
 13. U.T.S. = UNITED TELEPHONE SYSTEM
 14. C.B. = CATCH BASIN
 15. F.P.R.L. = FLORIDA POWER AND LIGHT
 16. P.O.B. = POINT OF BEGINNING
 17. P.O.C. = POINT OF COMMENCEMENT
 18. P.R.M. = PERMANENT REFERENCE POINT
 19. P.C.P. = PERMANENT CONTROL POINT
 20. P.U.E. = PUBLIC UTILITY EASEMENT
 21. CALC. = CALCULATED
 22. MEAS. = MEASURED
 23. PRO. = PROLATED
 24. STARNES #4 REBAR = A #4 REBAR AND METAL CAP, STAMPED STARNES.
 25. STARNES C.M. = A CONCRETE MONUMENT WITH A METAL PLATE, STAMPED STARNES.
 26. CONC. = CONCRETE
 27. N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
 28. M.H.T. = MEAN HIGH TIDE
 29. Δ = DELTA
- NOTE: UNDER GROUND IMPROVEMENTS THAT ARE NOT NOT SHOWN, IF ANY WERE NOT LOCATED.
NOTE: WETLAND AREAS MAY EXIST, THAT ARE NOT SHOWN HEREON.

FOR: _____
DATE: 8-5-22
PHONE: (239) 543-3335

SHEET 2 OF 2

Starnes Surveying, Inc. L.R. 6766
SURVEYING • ENGINEERING • LAND PLANNING
16571 DURRANCE RD. N. FT. MYERS, FL. 33917

BOUNDARY SURVEY
FIELD BOOK 25-Z32
PAGE 45-49
W.O. NUMBER 6684

NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2023-00002

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 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

ATTEST:
KEVIN KARNES, CLERK

BY: _____
Deputy Clerk

Approved as to Form for the
Reliance of Lee County Only

County Attorney's Office



PETITION TO VACATE TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: June 12, 2024

To: Rose Bahena
Administration

FROM: Gary Rashford
Development Services

BLUESHEET NUMBER: _____

CASE NUMBER: VAC2023-00002

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)

Case Number: VAC 2023-00002

Petitioner(s), Justin Ballard + Lauri Ballard 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: 337 Lakeview Dr. N. Ft. Myers, FL 33917
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:

Justin Ballard
Petitioner Signature

Lauri Ballard
Petitioner Signature

Justin Ballard
Printed Name

Lauri Ballard
Printed Name