

Deputy Clerk RRUMER  
#1

THIS INSTRUMENT PREPARED BY:

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

**RESOLUTION NO. 24-09-04 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 3rd day of September, 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:

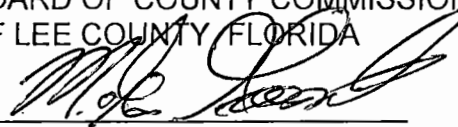
1. Petition to Vacate No. VAC2024-00024 is hereby granted.
  2. The public's interest in the easements legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
  3. This Resolution will become effective upon recording of a fully executed copy 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 3rd day of September, 2024.

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

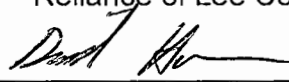
  
\_\_\_\_\_  
Deputy Clerk Signature

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

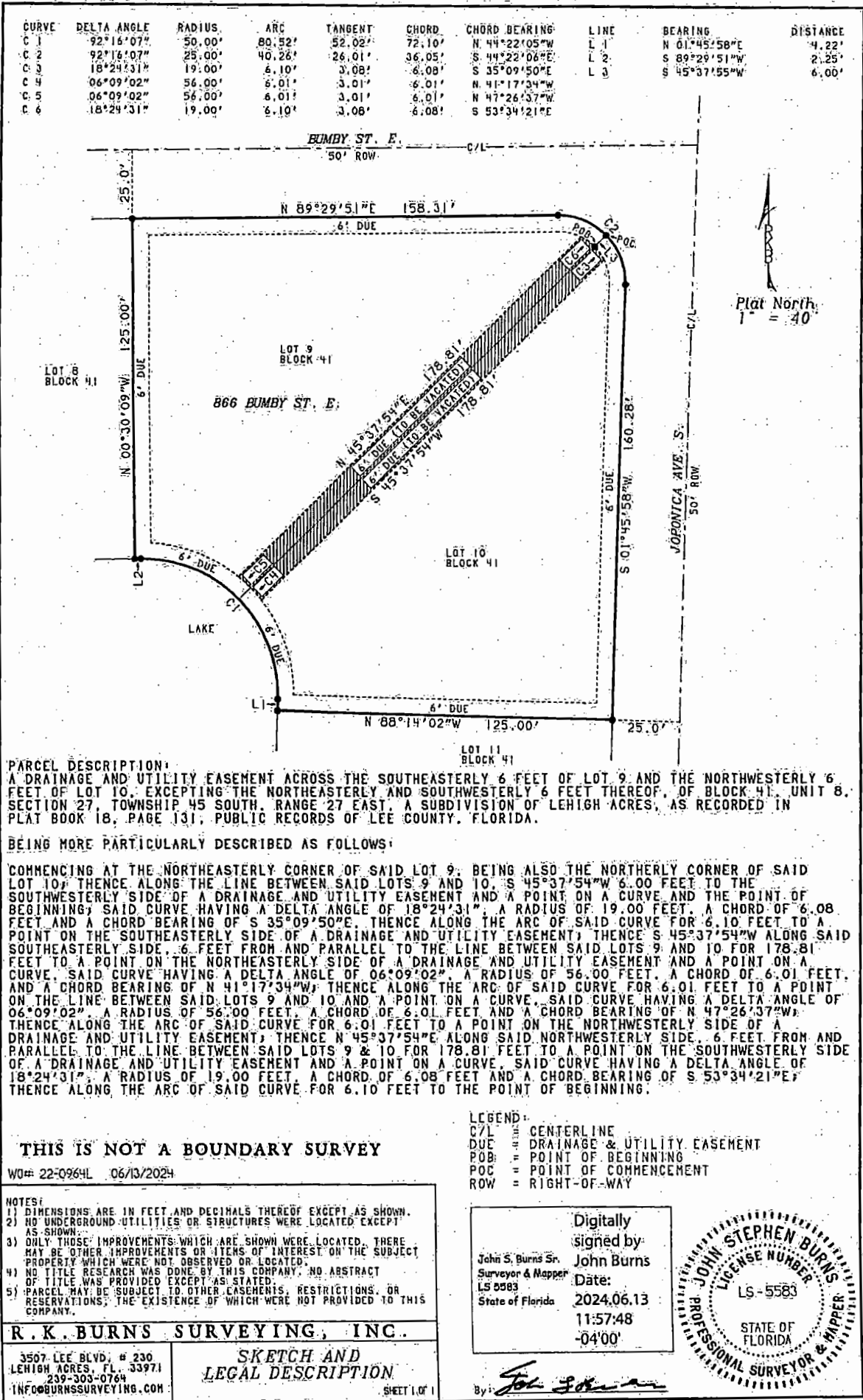
  
\_\_\_\_\_  
Chair Signature



Approved as to Form for the  
Reliance of Lee County Only

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

# Exhibit A & Exhibit B



**PARCEL DESCRIPTION:**  
 A DRAINAGE AND UTILITY EASEMENT ACROSS THE SOUTHEASTERLY 6 FEET OF LOT 9 AND THE NORTHWESTERLY 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**  
 WD# 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**  
 Date: 2024.06.13 11:57:48 -04'00'

John S. Burns Sr.  
 Surveyor & Mapper  
 LS 5583  
 State of Florida



Exhibit C



PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT 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:

08/19/2024, 08/27/2024

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 08/27/2024

*[Signature]*  
\_\_\_\_\_  
Legal Clerk  
*[Signature]*  
\_\_\_\_\_  
Notary, State of WI, County of Brown

8-21-26

My commission expires

Publication Cost: \$379.00  
Tax Amount: \$0.00  
Payment Cost: \$379.00  
Order No: 10482150 # 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

**NOTICE OF INTENT FOR PETITION TO VACATE**

Case Number: VAC2024-00024

Notice is hereby given that on the 3rd day of September 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 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. (Strap # 27-45-27-L2-08041.0090)

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 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.  
10482150 Aug. 19, 27, 2024

## NOTICE OF INTENT FOR PETITION TO VACATE

Case Number: VAC2024-00024

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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))

**AGENDA ITEM REPORT**

**DATE:** September 3, 2024  
**DEPARTMENT:** Community Development  
**REQUESTER:** Mikki Rozdolski  
**TITLE:** Approve Petition to Vacate at 866 Bumby St. E., Lehigh Acres

**I. MOTION REQUESTED**

Case No. VAC2024-00024. Adopt a resolution approving vacation of the public interest in a portion of the 12-foot 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.  
 (Strap # 27-45-27-L2-08041.0090)

**II. ITEM SUMMARY**

Extinguishes the public interest in a portion of the unimproved public utility and drainage easement centered along the common lot line between Lots 9 and 10 of the platted lots at 866 Bumby Street in Lehigh Acres. This action will remove encumbrances to create a unified building site for residential development. There were no objections from the public utility providers and there are no other affected property owners.

**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, VAC2024-00024, was submitted by Andre Knowles & Jessica Horner, who propose to remove encumbrances to create a unified building site for residential development. Staff has reviewed the Petition to Vacate, VAC2024-00024, 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:	

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
VAC2024-00024 PTV	8/12/2024	Backup Material
Vicinity Map	8/12/2024	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Development	Rozdolski, Mikki	Approved	8/21/2024 - 9:55 AM
Budget Services	Henkel, Anne	Approved	8/21/2024 - 10:57 AM
Budget Services	Winton, Peter	Approved	8/21/2024 - 4:15 PM
County Attorney	Halverson, David	Approved	8/27/2024 - 10:27 AM
County Manager	Mora, Marc	Approved	8/27/2024 - 2:47 PM