

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: **VAC2019-00001**

WHEREAS, Petitioners **Garfield E. Young and Juliet R.A. Young**, 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 held a Public Hearing on this Petition to Vacate on the \_\_\_\_\_ ; 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 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. VAC2019-00001 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:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

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

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Print Name

Approved as to Form for the  
Reliance of Lee County Only

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

\_\_\_\_\_  
Please Print Name

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2019-00001**

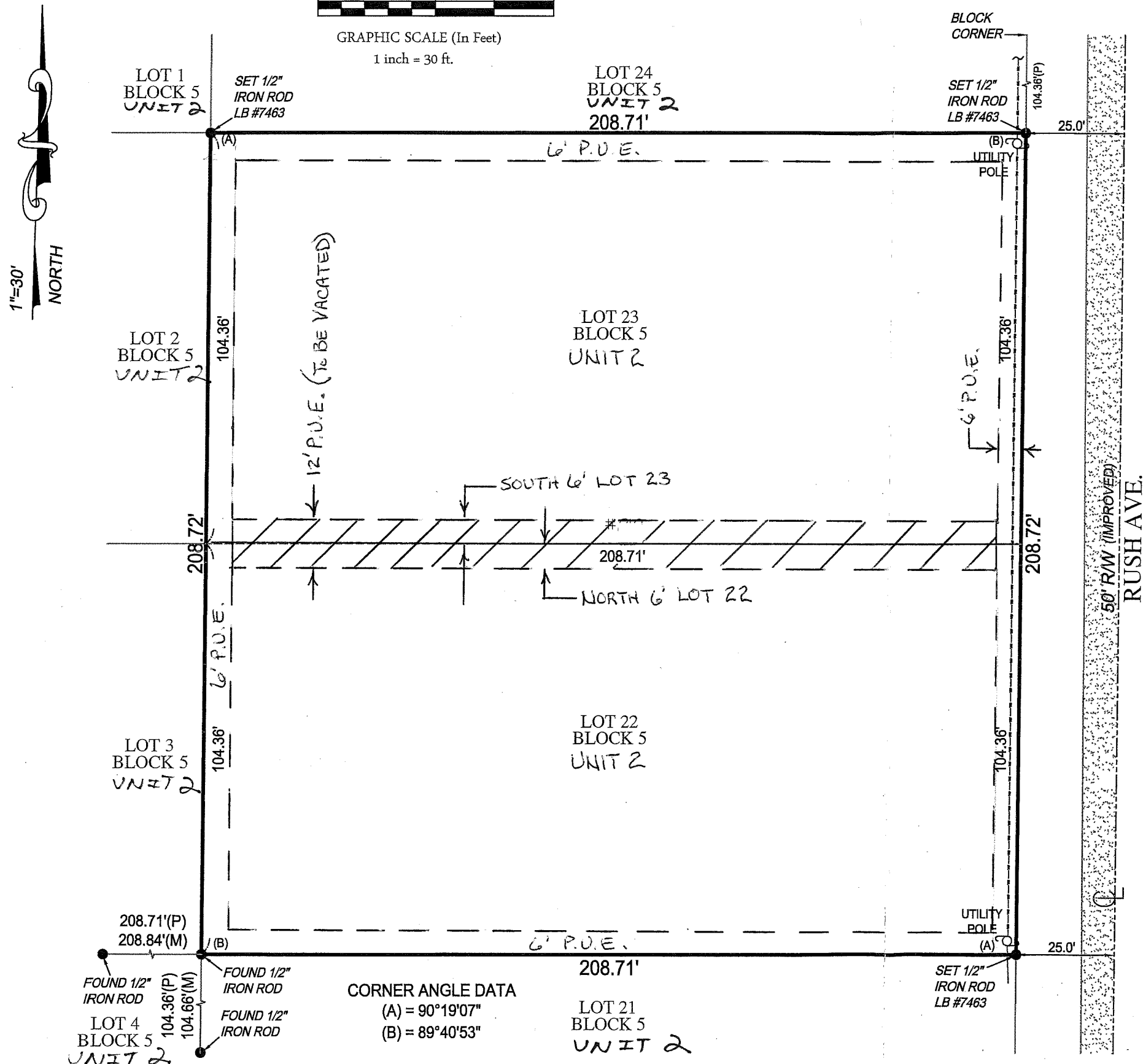
**Legal Description**  
**Public Utility Easement to be Vacated**

The twelve-foot wide Public Utility Easement centered on the common lot line between Lots 22 and 23, Block 5, Unit 2 of that certain plat of Units 1,2,3,4,5,6,7,8,9,10,11,12 Section 19, Township 44 S, Range 27 E, A Subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 26 of the Public Records of Lee County, Florida.

Less and except the east and west 6 feet thereof.

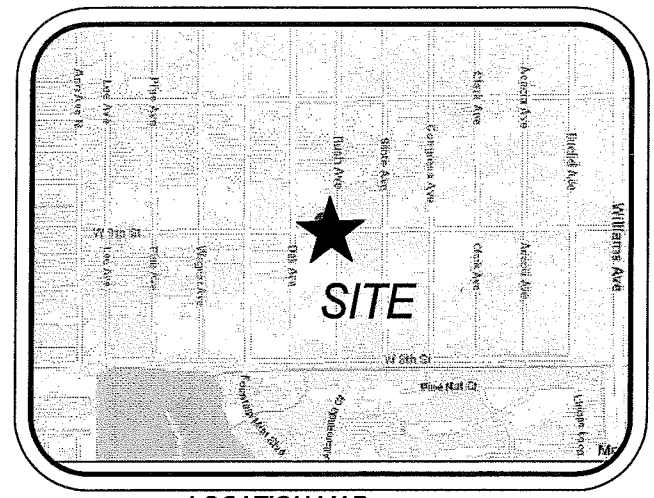
(STRAP No. 19-44-27-02-00005.0220)

# EXHIBIT B



## NOTES:

- LEGAL DESCRIPTION PROVIDED BY CLIENT
- NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
- NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED



## LEGAL DESCRIPTION:

LOTS 22 AND 23, BLOCK 5, UNIT 2, SECTION 19, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEHIGH ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN DEED BOOK 252, PAGE 235 AND PLAT BOOK 15, PAGE 26, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

FLOOD ZONE: X  
COMMUNITY NUMBER: 125124  
PANEL: 12071C0319  
SUFFIX: F

## ABBREVIATION DESCRIPTION:

A/C	AIR CONDITIONER
C/L	CENTERLINE
I.D.	IDENTIFICATION
LB	LICENSED BUSINESS
P	PLAT
M	MEASURED
RW	RIGHT OF WAY
P.U.E.	PUBLIC UTILITY EASEMENT

PROPERTY ADDRESS: 819 RUSH AVE  
LEHIGH ACRES, FL  
STRAP # 19-44-27-02-00005.0220

819 RUSH AVENUE  
LEHIGH ACRES, FL 33972  
PREPARED FOR  
GARFIELD YOUNG

Project C-16795	1 of 1
Date 12-20-2018	
Scale 1" = 30'	

\* SKETCH ONLY - NOT A SURVEY

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2019-00001

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 Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service, or [adarequests@leegov.com](mailto:adarequests@leegov.com) at least five business days in advance.

LINDA DOGGETT, CLERK

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

\_\_\_\_\_  
Please Print Name

Approved as to Form for the  
Reliance of Lee County Only

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

\_\_\_\_\_  
Please Print Name



# PETITION TO VACATE TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: January 24, 2019

To: Kim Rasner  
Adminsitration

FROM: Gary Rashford  
Development Services

BLUESHEET NUMBER: \_\_\_\_\_

CASE NUMBER: VAC2019-00001

## 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 John Fredyma, Senior Assistant County Attorney ([jfredyma@leegov.com](mailto:jfredyma@leegov.com))



## PETITION TO VACATE (AC 13-1)

Case Number: VAC2019-00001

Petitioner(s), GARFIELD & JULIET YOUNG requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

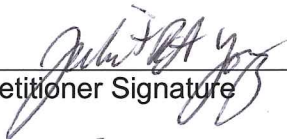
1. Petitioner(s) mailing address: PO BOX 1734 LEHIGH ACRES, FL 33970
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached 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

Garfield Young  
\_\_\_\_\_  
Printed Name

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

Juliet R.A. Young  
\_\_\_\_\_  
Printed Name