

THIS INSTRUMENT PREPARED BY:

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

INSTR. # 2019000054043, Pages 5  
Doc Type: GOV, Recorded: 3/8/2019 at 3:13 PM  
Linda Doggett Lee County Clerk of the Circuit Court  
Rec Fees: \$44.00

Deputy Clerk TBAER  
#1

**RESOLUTION NO. 19-03-03 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 5<sup>th</sup> day of March, 2019; 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 5<sup>th</sup> day of March, 2019.

ATTEST:

LINDA DOGGETT, CLERK

Missy Flint

Deputy Clerk Signature

Missy Flint

Please Print Name

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

Brian Hamman

Vice-Chair Signature

Brian Hamman

Please Print Name



Approved as to Form for the  
Reliance of Lee County Only

John J. Freeman

County Attorney Signature

John J. Freeman

Please Print Name

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

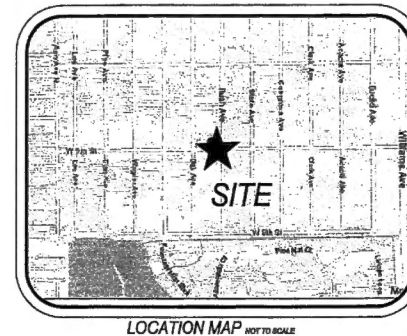
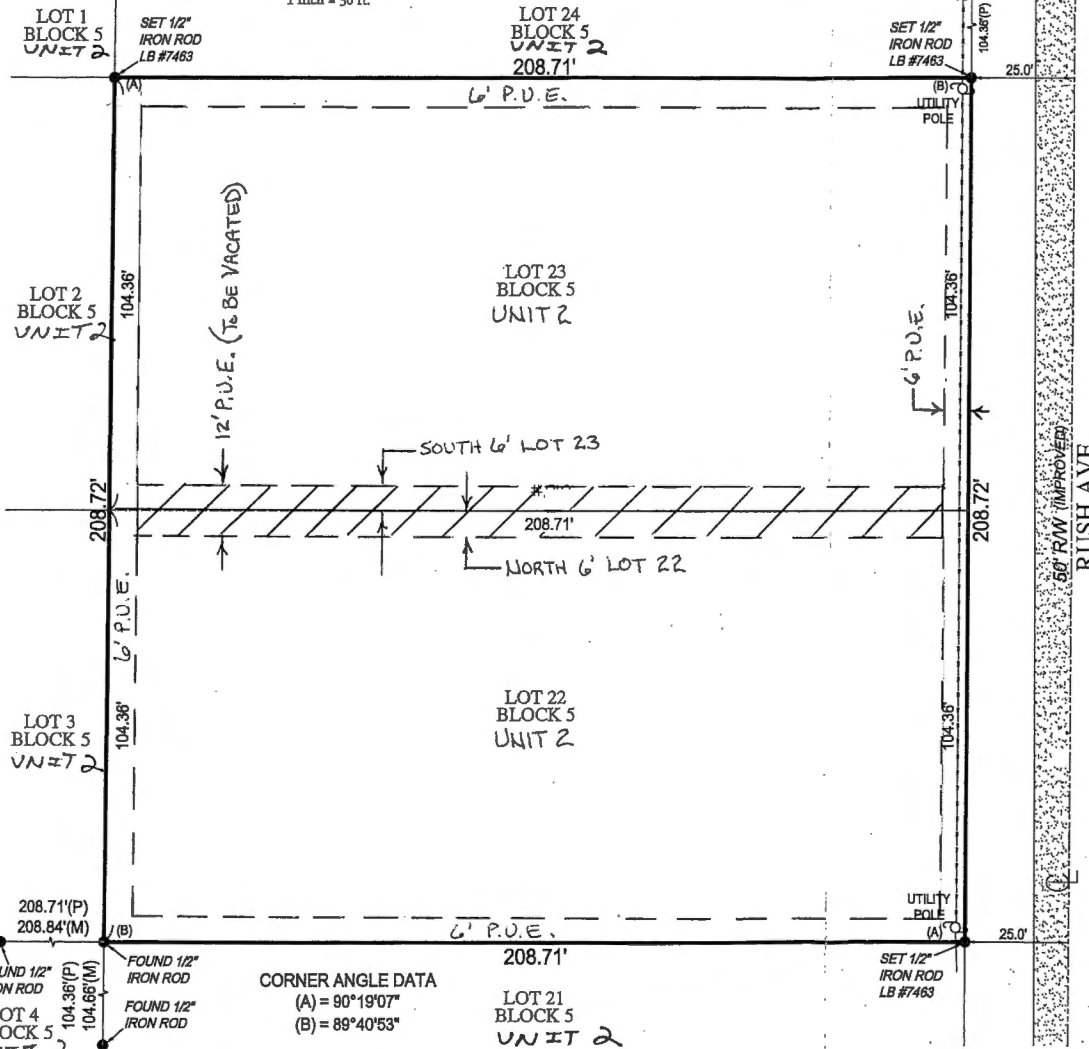
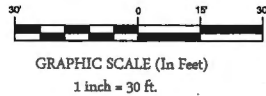
**Legal Description**  
**Public Utility Easement to be Vacated**

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 VAC 2019-00001



## 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
R/W	RIGHT OF WAY
P.D.E.	PUBLIC UTILITY EASEMENT

PROPERTY ADDRESS: 819 RUSH AVE  
LEHIGH ACRES, FL

STRAP # 19-44-27-02-00005.0220

## 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

819 RUSH AVENUE  
LEHIGH ACRES, FL 33912  
PREPARED FOR  
GARFIELD YOUNG

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

1 of 1

\* SKETCH ONLY - NOT A SURVEY

Exhibit C

0003374235 / FNP-586661

# The News-Press media group

news-press.com A GANNETT COMPANY

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2019-00001

Attn:

LCBC-COUNTY ADMINISTRATION  
2115 2ND ST  
FORT MYERS, FL 33901

### STATE OF NEW JERSEY COUNTY OF MONMOUTH:

Before the undersigned authority personally appeared Debbie Davis, who on oath says that he or she is a Legal Assistant 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

### Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

02/18/19, 02/26/19

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of February 2019,  
by Debbie Davis who is personally known to me.

Notary



Notice is hereby given that on the 5th day of March, 2019 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 12' wide public utility easement centered on an interior lot line at 819 Rush Ave, Lehigh Acres, 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 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 711, or adarequests@leegov.com, at least five business days in advance.

PO: Rasner P021819-15/P022619-16  
AD# 3374235 Feb. 18, 26, 2019

2019 MAR - 1 PM 4:44  
RECEIVED BY  
LEE CO. ATTORNEY

030519R 930PH1

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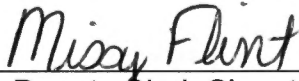
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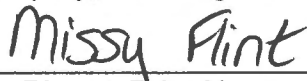
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LINDA DOGGETT, CLERK



Deputy Clerk Signature

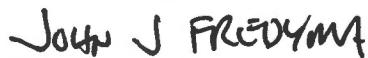


Please Print Name

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))