

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: **VAC2018-00003**

WHEREAS, Petitioner **Gulf Star Marina, Inc.**, 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 Affidavit 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 Affidavit 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. VAC2018-00003 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"

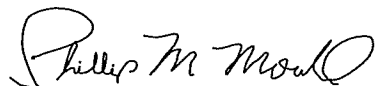
DESCRIPTION TO ACCOMPANY SKETCH:

VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT LYING IN LOTS 5, 6, 25 & 26, BLOCK 8, SAN CARLOS ON THE GULF,

SITUATE IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY,
FLORIDA AS RECORDED IN PLAT BOOK 6, PAGE 6,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
NOT A BOUNDARY SURVEY

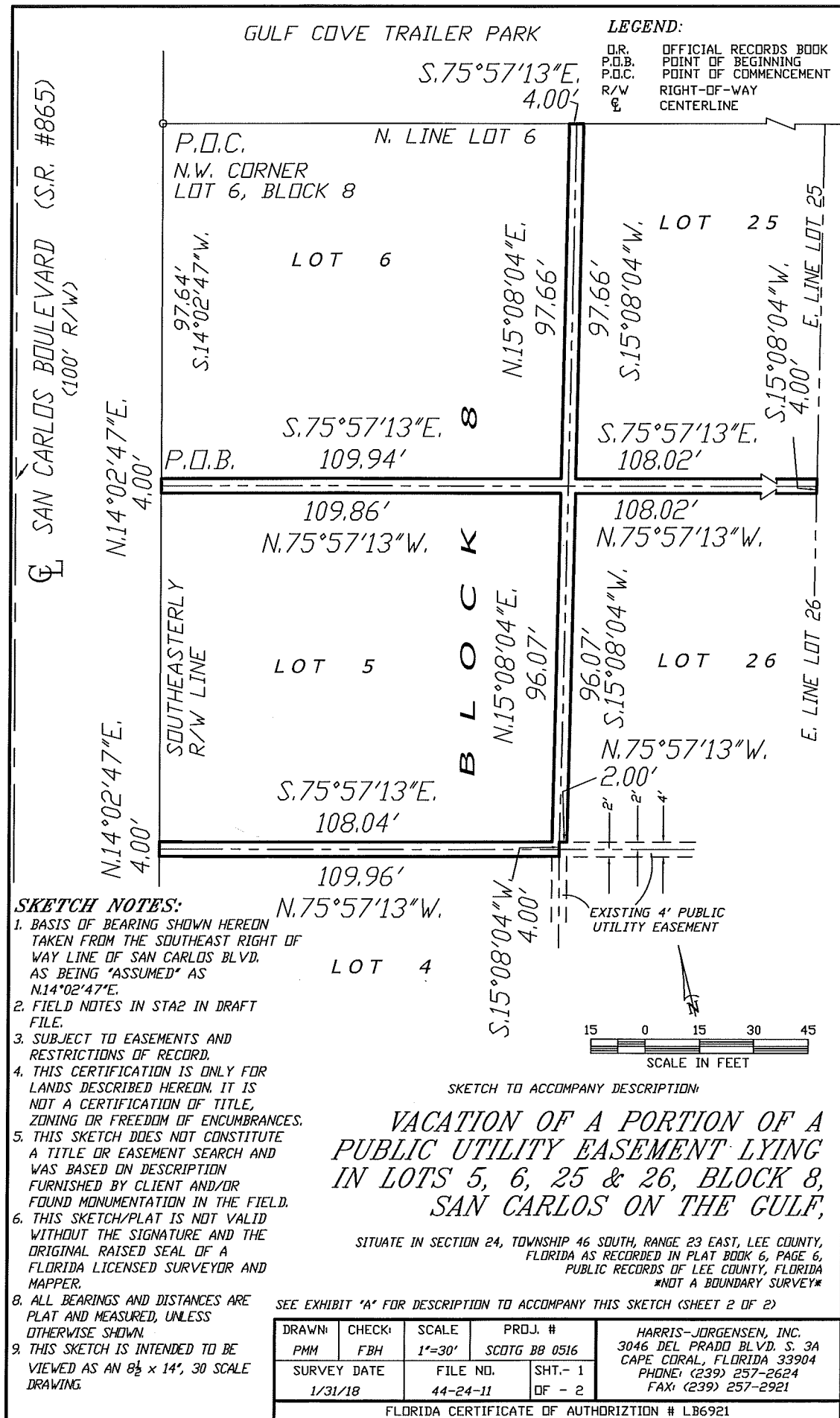
DESCRIPTION:

COMMENCING FROM THE NORTHWEST CORNER OF LOT 6,
BLOCK 8 AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE
OF SAN CARLOS BOULEVARD (100 FEET WIDE) AS RECORDED
IN PLAT BOOK 6, AT PAGE 6, PUBLIC RECORDS OF LEE
COUNTY, FLORIDA; THENCE RUN S.14°02'47"W. ALONG SAID
SOUTHEASTERLY RIGHT-OF-WAY FOR 97.64 FEET TO THE
POINT OF BEGINNING; THENCE RUN S.75°57'13"E. FOR 109.94
FEET; THENCE RUN N.15°08'04"E. TO A POINT ALONG THE
NORTH LINE SAID LOT 6, BLOCK 8 FOR 97.66 FEET; THENCE
RUN S.75°57'13"E. FOR 4.00 FEET; THENCE RUN S.15°08'04"W.
FOR 97.66 FEET; THENCE RUN S.75°57'13"E. TO A POINT
ALONG THE EAST LINE LOT 25 OF THE AFORESAID BLOCK 8
FOR 108.02 FEET; THENCE RUN S.15°08'04"W. FOR 4.00 FEET;
THENCE RUN N.75°57'13"W. FOR 108.02 FEET; THENCE RUN
S.15°08'04"W. FOR 96.07 FEET; THENCE RUN N.75°57'13"W.
FOR 2.00 FEET; THENCE RUN S.15°08'04"W. 4.00 FEET; THENCE
RUN N.75°57'13"W. TO A POINT ALONG THE SAID
SOUTHEASTERLY RIGHT-OF-WAY LINE SAN CARLOS
BOULEVARD (100 FEET WIDE) FOR 109.96 FEET; THENCE RUN
N.14°02'47"E. ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY
LINE SAN CARLOS BOULEVARD (100 FEET WIDE) FOR 4.00
FEET; THENCE RUN S.75°57'13"E. FOR 108.04 FEET; THENCE
RUN N.15°08'04"E. FOR 96.07 FEET; THENCE RUN N.75°57'13"W.
TO A POINT ALONG THE AFORESAID SOUTHEASTERLY
RIGHT-OF-WAY LINE SAN CARLOS BOULEVARD (100 FEET
WIDE) FOR 109.86 FEET; THENCE RUN N.14°02'47"E. ALONG
SAID RIGHT-OF-WAY LINE FOR 4.00 FEET TO THE POINT OF
BEGINNING.
CONTAINING: 1,937.12 SQUARE FEET, MORE OR LESS.



PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
1/31/18

NOT A BOUNDARY SURVEY



NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2018-00003

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 jlaguardia@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: February 23, 2018

To: Kim Rasner

Adminsitration

FROM: Gary Rashford

Development Services

BLUESHEET NUMBER: _____

CASE NUMBER: VAC2018-00003

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 John Fredyma, Senior Assistant County Attorney (jfredyma@leegov.com)



PETITION TO VACATE (AC 13-1)

Case Number: **VAC2018-00003**

Petitioner(s), Gulf Star Marina, Inc 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: 12734 Kenwood Lane, Suite #35 Fort Myers, FL 33907
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

PRESIDENT

Petitioner Signature

James T Carroll

Printed Name

PRESIDENT

Printed Name