

THIS INSTRUMENT PREPARED BY:

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

INSTR. # 2019000122792, Pages 5  
Doc Type: GOV, Recorded: 5/29/2019 at 2:47 PM  
Linda Doggett Lee County Clerk of the Circuit Court  
Rec Fees: \$44.00

Deputy Clerk TBAER  
#2

**RESOLUTION NO. 19-05-18 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 21st day of May, 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.

9:30 AM PH#1  
05-21-2019

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 21<sup>st</sup> day of May, 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. Freyma*

County Attorney Signature

*John J. Freyma*

Please Print Name

# EXHIBIT "A"

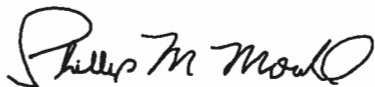
DESCRIPTION TO ACCOMPANY SKETCH:

## 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\*

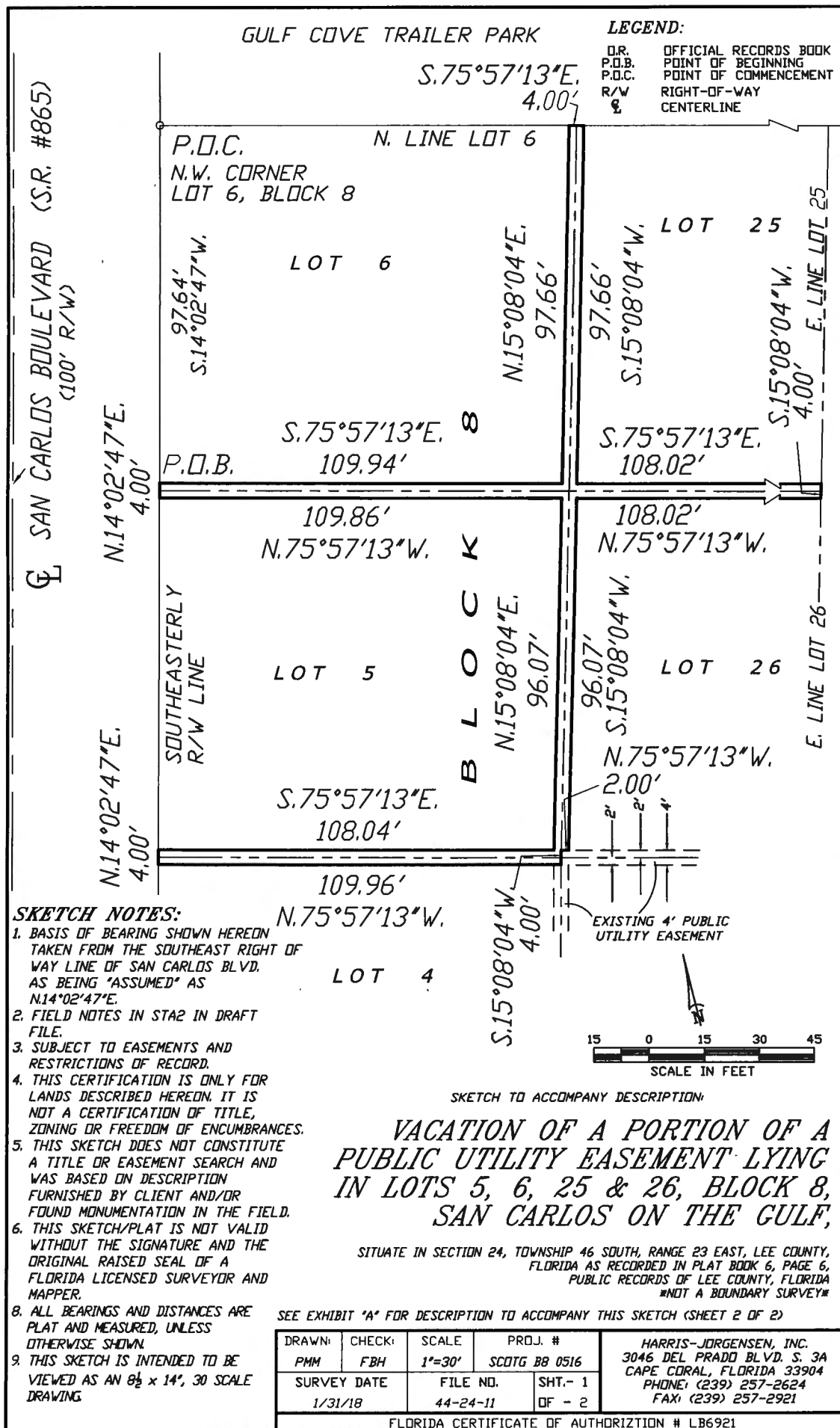


Exhibit C

0003535470 / FNP-586661

**The News-Press**  
**media group**  
news-press.com A GANNETT COMPANY

**NOTICE OF PUBLIC HEARING  
FOR PETITION TO VACATE**

Case Number: VAC2018-00003

Notice is hereby given that on the 21st day of May, 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:

2' platted public utility easements centered on common lot lines at 704-742 Fisherman's Wharf, San Carlos Island, 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](mailto:adarequests@leegov.com), at least five business days in advance.

PO: Rasner P050619-21/P051419-22  
AD# 3535404 May 6, 14, 2019

Attn:

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

**STATE OF FLORIDA COUNTY OF LEE:**

Before the undersigned authority personally appeared Morgan Maguire, 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

**Legal Notices**

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

05/06/19, 05/14/19

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County 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 15th of May 2019, by Morgan Maguire who is personally known to me.

Morgan Maguire  
Affiant

Kathleen A. Gibson

05-21-19 R  
9:30 AM - PH1



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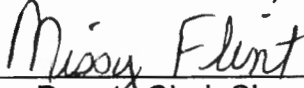
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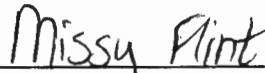
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LINDA DOGGETT, CLERK



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: 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

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))