

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2001-00015 to Vacate Beach Road Plaza frontage road and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 9th day of April, 2002.

WHY ACTION IS NECESSARY: To allow the Beach Road Plaza property owner to locate a sign closer to Bonita Beach Road than would be permissible with the frontage road. The sign will still meet the minimum setback requirement from Bonita Beach Road. **Lee County Department of Transportation has determined the vacation of the frontage road will not alter traffic conditions and the easements are not necessary to accommodate any future traffic requirement.**

WHAT THE ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04 Community Development

C4B

3. MEETING DATE:

03-19-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 336
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
 B. DEPARTMENT Community Development
 C. DIVISION Development Services
 BY: *[Signature]* 02/07/02
 Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Mr. Alan V. Roseman, Agent for John Kaptyn, Captain Investments, Inc.

LOCATION: The Beach Road Plaza frontage road is recorded in Official Record Book 2025, Pages 2984 - 2987 and Official Record Book 2133, Pages 3105 - 3109B, in the Public Records of Lee County, Florida and being more particularly described on the attached Exhibit "A". The site is located at 3401 - 3431 Bonita Beach Road S.W., Bonita Springs, Florida, Section 04, Township 48 South, Range 25 East.

The County Attorney's Office has determined the County retained the frontage road in the Interlocal Agreement executed between Lee County and the City of Bonita Springs. Lee County's Petition to Vacate process is the right forum and the City Attorney and Public Works Manager issued memos stating they have no objections.

A replacement Access Road Easement Grant that was approved by Lee County Department of Transportation has been executed and will be recorded in conjunction with this vacation, if approved.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, the Resolution to set the Public Hearing, the Notice of Public Hearing, and Exhibit "A" - legal description.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | G County Manager |
|-----------------------------|---------------------------------|-------------------------|------------|-------------------------|----------------------|---------------------|
| <i>[Signature]</i> | N/A | N/A | | <i>[Signature]</i> | <i>App 2/27</i> | <i>[Signature]</i> |
| | | | | | <i>AR 2/26/02</i> | <i>19 02-26-02</i> |
| | | | | | <i>OM 2/27/02</i> | <i>2-22-02</i> |
| | | | | | <i>Risk 2/27</i> | |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
by CO. ATTY
3/10/02
400 PD
CO. ATTY.
FORWARDED TO:
[Signature]
2/25/02 1:00 PM

RECEIVED BY
COMM. CLERK
2/25/02
2:25 pm
2/28 9:30

PETITION TO VACATE


Case Number: VAC2001-00015

Petitioner(s), Captain Investments, Inc. A Florida Corporation
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, 3940 Gordon Drive, Naples, FL 34102.
2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted,

By: 

Petitioner Signature
Captain Investments, Inc.
John Kaptyn, President

Printed Name

By: _____

Petitioner Signature

Printed Name

10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 ■ (813)947-1144

JULY 17, 1987

EXHIBIT "A"

WEST BEACH ROAD PLAZA

FRONTAGE ROAD EASEMENT

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST; LEE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID SECTION 4 AND THE CENTER LINE OF BONITA BEACH ROAD N 89°46'38" E, 350.00 FEET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE S 00°00'10" E, 74.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°00'10" E, 40.00 FEET; THENCE N 89°46'38" E, 187.62 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET, THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 10.14 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 10.35 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 55.00 FEET THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 37.19 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 37.93 FEET; THENCE N 89°46'38" E, 77.87 FEET; THENCE N 00°05'16" W, 56.00 FEET; THENCE S 89°46'38" W, 310.01 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.32 ACRES MORE OR LESS.

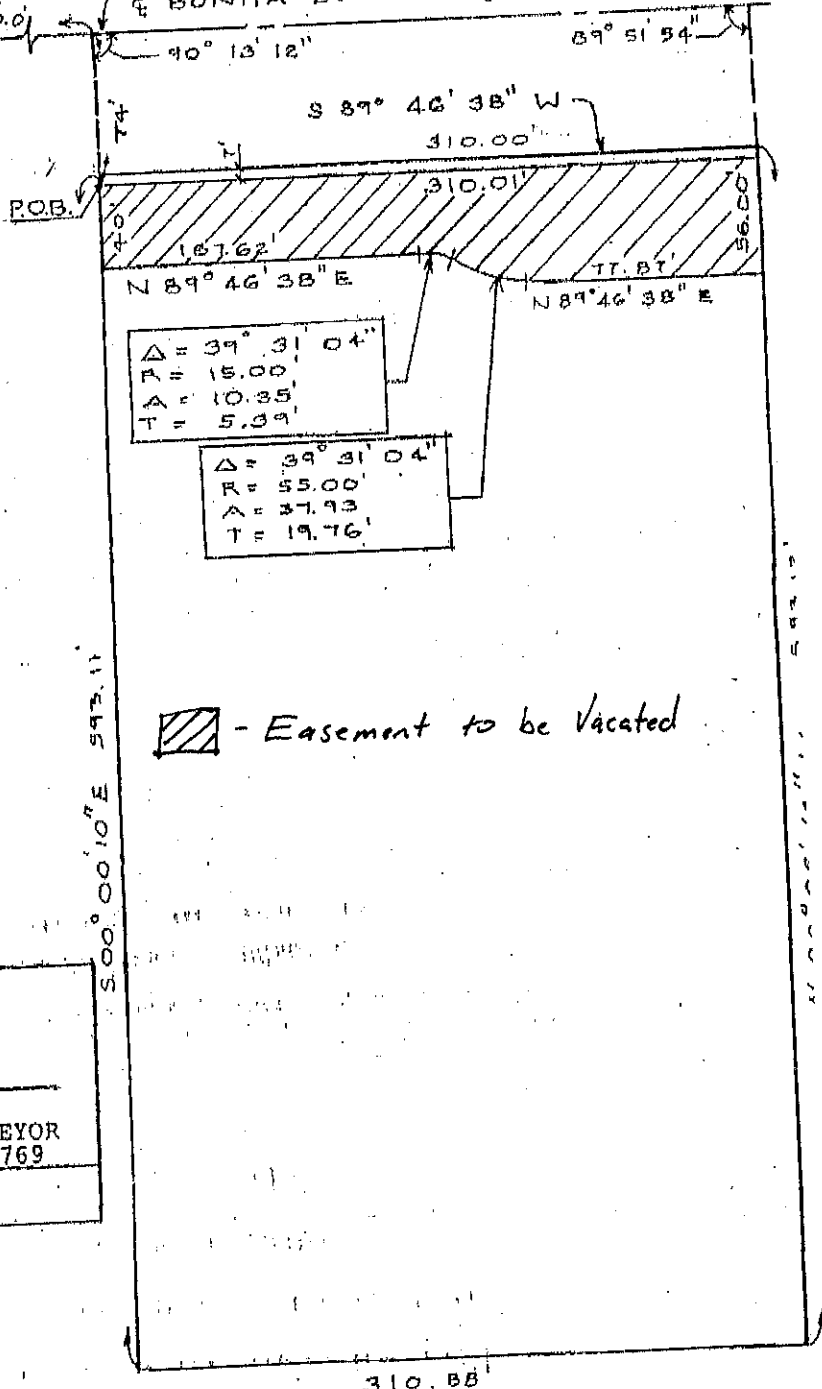
July 17, 1989

EXHIBIT A-1

WEST BEACH ROAD PLAZA
FRONTAGE ROAD EASEMENT
SKETCH OF DESCRIPTION

NORTHWEST CORNER
NORTHEAST 1/4 SEC. 4
T 46 S R 25 E
N 89° 46' 38" E 350.0'

NORTH LINE SECTION 4
& BONITA BEACH RD. (OLD)



$\Delta = 39^\circ 31' 04''$
 $R = 15.00'$
 $A = 10.35'$
 $T = 5.09'$

$\Delta = 39^\circ 31' 04''$
 $R = 55.00'$
 $A = 37.93'$
 $T = 19.76'$

- Easement to be Vacated

"THIS IS NOT A
LAND SURVEY"

Richard [Signature]
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA NO. 2769
JOB CODE:

1" = 60'

Exhibit "B"

TAXES

TAX ROLL SEARCH RESULTS

Searching the Real Estate Tax Roll for Account "044825b2000250000" has returned 4 records.

Page 1 of 1

For a **DETAIL** explanation of a specific property displayed, Click on the underlined Account numbers in the column on the left of the table.

FOR A DEFINITION OF THE ABBREVIATION IN THE TAX STATUS COLUMN, CLICK ON LEGEND.

| Account | Tax Year | Owner Name and Address | Legal Description | Tax Status Legend | Prior Year(s) Taxes Due |
|-------------------------------|----------|---|--|-------------------|---|
| <u>04-48-25-B2-00025.0000</u> | 1998 | CAPTAIN INVESTMENTS INC C/O BARRON COLLIER COMMERCIAL 2640 GOLDEN GATE PKWY STE 108 NAPLES FL 34105 USA | E 310 FT OF NW 1/4 OF NW 1/4 OF NE 1/4 | PAID | Click here for outstanding taxes |
| <u>04-48-25-B2-00025.0000</u> | 1999 | CAPTAIN INVESTMENTS INC C/O BARRON COLLIER COMMERCIAL 2640 GOLDEN GATE PKWY STE 108 NAPLES FL 34105 USA | E 310 FT OF NW 1/4 OF NW 1/4 OF NE 1/4 | PAID | Click here for outstanding taxes |
| <u>04-48-25-B2-00025.0000</u> | 2000 | CAPTAIN INVESTMENTS INC C/O BARRON COLLIER COMMERCIAL 2600 GOLDEN GATE PKWY STE 200 NAPLES FL 34105 | E 310 FT OF NW 1/4 OF NW 1/4 OF NE 1/4 | PAID | Click here for outstanding taxes |
| <u>04-48-25-B2-00025.0000</u> | 2001 | CAPTAIN INVESTMENTS INC C/O BARRON COLLIER COMMERCIAL 2600 GOLDEN GATE PKWY STE 200 NAPLES FL 34105 | E 310 FT OF NW 1/4 OF NW 1/4 OF NE 1/4 | PAID | Click here for outstanding taxes |

2549482

This instrument prepared by
JAMES W. ELKINS, P.A.
1000 Tamiami Trail No., #303
Naples, FL 33940
1-813-263-0910

GENERAL WARRANTY DEED

M. J. ZUIDEMA, and RAYMOND PATRICK DeANGELIS and ROSEANN DeANGELIS, husband and wife, the Grantors, in consideration of the sum of \$2,790,000.00 received from CAPTAIN INVESTMENTS, INC., a Florida corporation, whose Employer Identification Number is 59-2485407, the Grantee, of 3045 Estero Blvd., Ft. Myers Beach, Florida 33931, hereby, on this 10 Nov, 1988, sell, bargain and convey in fee simple to the Grantee, and the Grantee's successors and assigns forever, the real property in Lee County, Florida, together with any buildings, improvements, fixtures, leases and appurtenances thereto or thereon, bearing Property Appraiser's Parcel Identification Number 04-48-25-00-0025.0009, and described as:

OR2028

PG4,75

From the Northwest corner of the Northeast Quarter (NE 1/4) of Section 4, Township 48 South, Range 25 East, Lee County, Florida, run East 350 feet to the point of beginning of the land hereby described; thence run South 660 feet; thence run East 310 feet; thence run North 660 feet to the North line of Section 4; thence run West 310 feet to the point of beginning, EXCEPTING THEREFROM the right-of-way of the Bonita Beach Road;

and grant to the Grantee all appurtenant easement(s), if any, and Grantors covenant and warrant, except as provided below, that at the time of delivery of this deed:

1. the real property is free of all encumbrances;
2. lawful seisin of and good right to convey the real property are vested in the Grantors;
3. the real property is not homestead property as their homesteads are 308 Turtle Hatch Road, Naples, Florida 33940 (MJZ) and 302 Turtle Hatch Road, Naples, Florida 33940 (RPD & RAD).

The Grantors, except as provided below, hereby fully and generally warrant the title to the real property and will defend the same against the lawful claims of all persons whomsoever.

This deed and the title to the real property are subject to:

1. Restrictions and easements common to the subdivision, if any, but this provision shall not operate to reimpose the same.

15,345.50

[Handwritten signature]

factory in this document

CLERK

2. Zoning and other governmental regulations affecting the use and occupancy of the real property.
3. Taxes and assessments for current and subsequent years.
4. Oil, gas and mineral interests of record, if any.
5. State of facts as shown on survey dated March 24, 1984, prepared by William McAlear, P.L.S., Cert. No. 3667
6. Right-of-Way for Bonita Beach Road as set forth in that certain Special Warranty Deed dated March 29, 1957, recorded April 3, 1957, in Deed book 269, at Page 241, of the Public Records of Lee County, Florida.
7. Access Road Easement Grant dated 3 October 1988, and recorded at O.R. Book 2025, page 2984, Public Records of Lee County, Florida.
8. Temporary Access and Access Frontage Road Agreement dated 27 October 1988, and recorded at O.R. Book 2025, page 2988, Public Records of Lee County, Florida.

Signed in the presence of :

[Signature]
[Signature]
[Signature]

[Signature]
 M. J. ZUIDEMA

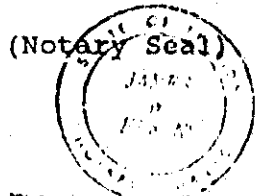
[Signature]
 RAYMOND PATRICK DeANGELIS

[Signature]
 ROSEANN DeANGELIS

STATE OF FLORIDA
 COUNTY OF Lee

I, a Notary Public duly authorized by law in the state and county named above to take acknowledgments, hereby certify that M. J. ZUIDEMA is known to me to be the person described in the foregoing warranty deed as Grantor, that the Grantor signed the warranty deed in my presence, and that he acknowledged to me that he executed that warranty deed.

Witness my hand and official seal in the county and State named above this 10 Nov. 1988.



[Signature]
 Notary Public
 My Commission Expires:

 (Date)

STATE OF FLORIDA
COUNTY OF COLLIER

I, a Notary Public duly authorized by law in the state and county named above to take acknowledgments, hereby certify that RAYMOND PATRICK DeANGELIS and ROSEANN DeANGELIS are known to me to be the persons described in the foregoing warranty deed as Grantors, that the Grantors signed the warranty deed in my presence, and that they acknowledged to me that they executed that warranty deed.

Witness my hand and official seal in the county and State named above this 10 Nov. 1988.

(Notary Seal)



[Signature]
Notary Public
My Commission Expires:

(Date)

OR2028

Delivery to and acceptance of this deed by the Grantee is hereby acknowledged.

Date: Nov. 10, 1988

[Signature]
For All Grantee(s)

PG4477

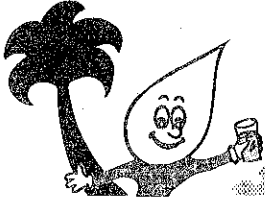
zuidema.wy(mh)110888
(c:/ws2000/wsdirt/zuidema)

RECORDED & RETURNED
Nov 10 1988
[Signature]

From: Mary Ritter <mritter@bonitaspringsutilities.com>
To: "haganjg@leegov.com" <haganjg@leegov.com>
Date: 1/8/02 3:02PM
Subject: Beach Road Frontage Vacation

January 8, 2002

Bonita Springs Utilities does not object to the roadway being vacated as we have separate utility easement for the utilities in that location.
Mary Ritter, Project Administrator
Bonita Springs Utilities
941-390-4811 or 800-583-1496



Bonita Springs Utilities, Inc.

November 7, 2001

Ms. Sharon Umphenour
Q. Grady Minor & Associates
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Vacation of Frontage Road Easement, West Beach Road Plaza, directly off south side of Bonita Beach Rd., approximately two blocks west of US 41, as highlighted on the attached sketch, Bonita Springs, Lee County, Florida

Dear Ms. Umphenour:

Please be advised that Bonita Springs Utilities, Inc. does not object to the vacation of frontage road easement as described above and shown on the highlighted portion of the attached sketch, with the understanding that the existing utility easement with Bonita Springs Utilities will not be affected.

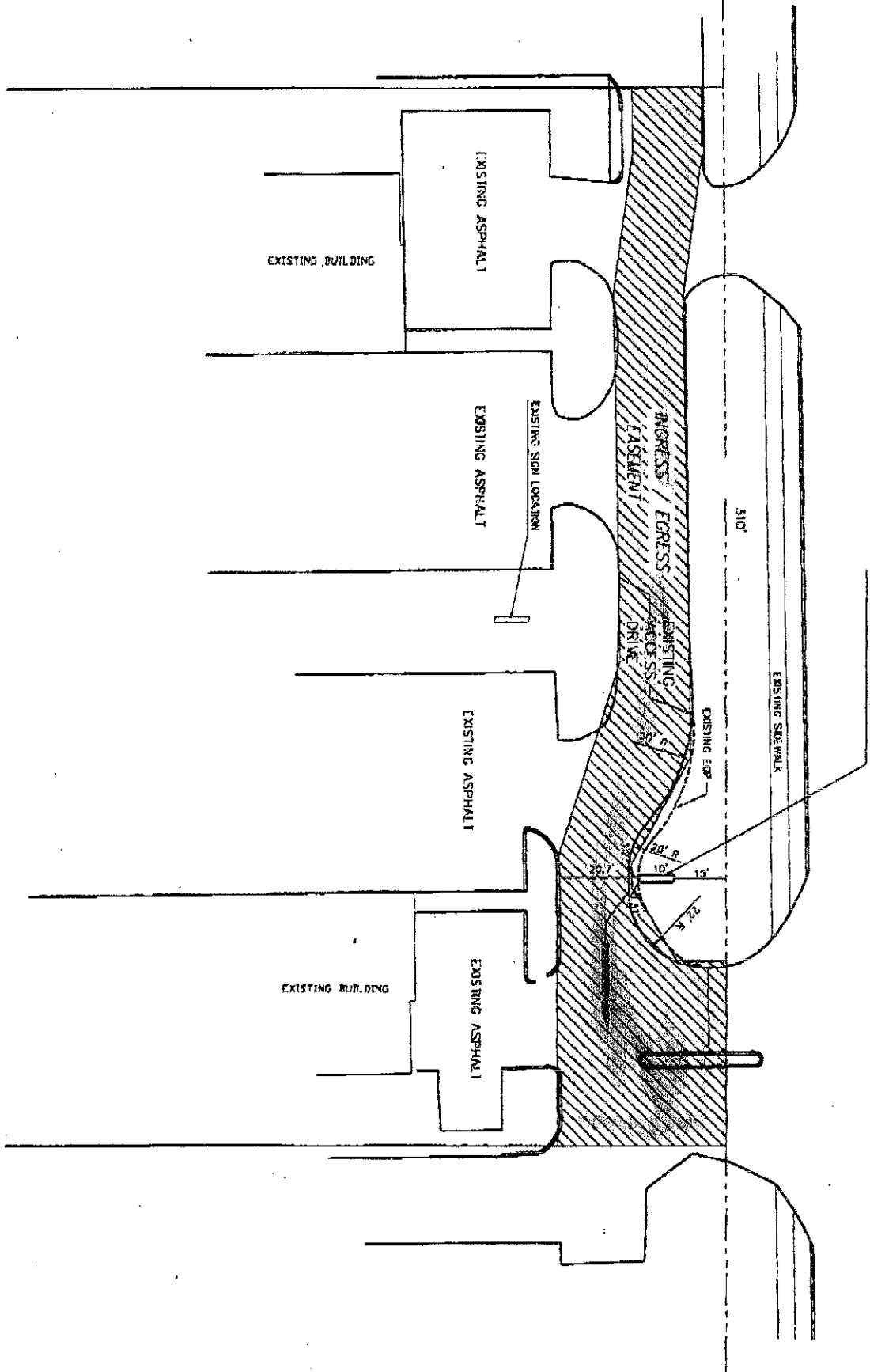
If you have any questions, please do not hesitate to contact our office.

Yours truly,

Fred Parin
General Manager
Bonita Springs Utilities, Inc.

FP/mar

BONITA BEACH ROAD





Box 2469
Naples, FL 34106-2469

November 8, 2001

Ms. Sharon Umphenour
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

RE: Petition to Vacate – Frontage Road – Beach Road Plaza
Section 4 Township 48S Range 25E
Lee County, Florida

Dear Ms. Umphenour:

Sprint-Florida, Inc. has no objection to your petition to vacate the easement as described in the attached letter.

If we can be of any further assistance, please contact me at 263-6342.

Sincerely,

A handwritten signature in cursive script that reads "John T. Reynolds".

John T. Reynolds
Network Engineer I – E&C

JTR/jw

Attach.

cc: Easement File



Box 2469
Naples, Florida 34106-2469

January 3, 2001

Ms Sharon Umphenour
Q. Grady Minor & Associates, P. A.
3800 Via Del Rey
Bonita Springs, Florida 34134

**RE: Vacation Right-of-Way - West Beach Road Plaza
Sec 4 Twp 48S Rng 25E**

Dear Ms Umphenour:

Regarding your correspondence dated December 26, 2000, this is to advise that Sprint-Florida, Inc. has no objection to the conditions in your letter, contingent upon the following criteria:

1. All existing telephone cables must maintain a 24 inch minimum cover after all work is complete.
2. Any conflicts which may arise as a result of your proposed construction and existing telephone facilities, will be corrected by Sprint-Florida, Inc. with all charges to be paid for by the property owner.
3. Any damage to telephone facilities as a result of the proposed construction will be paid for by the property owner.
4. In the event that future maintenance operations are performed on the telephone facilities, restoral of the easement to its original condition will be the responsibility of the property owner.

Please be aware that there are **buried telephone cables** in this road right-of-way and extreme caution should be used when working in this area. Our location service should be called **48 hours in advance at 1-800-432-4770** for field location of the telephone facilities.

If you have any further questions, please call me at (941) 263-6342.

Sincerely,

A handwritten signature in cursive script that reads "John T. Reynolds".

John T. Reynolds
Network Engineer II - E&C

JTR:ns

cc: Chron File

Comcast Cable Communications, Inc.
P.O. Box 413018
Naples, FL 34101



February 15, 2001

Ms. Sharon Umpenhour
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Re: Vacation of a portion of right-of-way known as West Beach Road Plaza frontage,
Bonita Springs, Florida

Dear Ms. Umpenhour:

Comcast has no objection to the vacation of the right-of-way to the above referenced property.

If you have any future concerns, please feel free to call me at (941) 432-1801.

Sincerely,

A handwritten signature in cursive script that reads "Gene Howell".

Gene Howell,
Construction Manager

EH/fjh



26430 Old US 41
Bonita Springs, FL 34135
1-941-947-7362
Fax: 1-941-947-7345

1-23-01

Sharon Umpenhour
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

RE: No Objection to Vacation

Dear Ms. Umpenhour,

In reply to your recent request, FPL Company has no objection to the vacation of a portion of the right-of-way know as West Beach Road Plaza frontage in Bonita Springs as shown on your plans dated September, 1984.

We will retain our rights to utilize any FPL easements for the installation of new or upgraded electric facilities, both overhead and underground.

If you have any questions regarding this matter, please contact me at 941-947-7361.

Sincerely,

A handwritten signature in cursive script that reads "Dick Foley".

Dick Foley
Construction Services



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob Janes
District One

Douglas R. St. Cerny
District Two

January 9, 2002

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Alan V. Roseman
Q. Grady Minor & Assoc., P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Proposed vacation of the West Beach Road Plaza frontage road lying south of Bonita Beach Road in Section 04, Township 48 South, Range 25 East, Lee County, Florida. The site is located at 3401-3431 Bonita Beach Road S.W.

Dear Mr. Roseman:

This office has received your request to vacate the above referenced frontage road that is recorded in Official Record Book 2025, Pages 2984 - 2987 and Official Record Book 2133, Pages 3105 - 3109B, in the Public Records of Lee County Florida. The County Attorney's office and Lee County Department of Transportation have indicated approval of the Access Road Easement Grant that has been executed and will be recorded in the Public Records if the Board of County Commissioners approve the vacation of the frontage road. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

You and your clients should be aware, however, that the Board of County Commissioner's approval of this petition will only extinguish the rights of the public to use the right-of-way. Private rights of use will remain in the rights-of-way to the extent that they exist. This means that until such time that the Petitioner is able to provide the County with a certification of fee ownership in the area of the rights-of-way being vacated, the County will be precluded from issuing any building permit(s) to construct any structure(s) within the area of the easement as it presently exists, occupied or otherwise.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode,
Director

PJE/jgh



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8132

John E. Manning
District One

Douglas R. St. Cerny
District Two

January 3, 2001

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Sharon Umpenhour
Q. Grady Minor & Assoc.
3800 Via Del Rey
Bonita Springs, FL 34134

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

SUBJECT: PETITION TO VACATE
West Beach Road Plaza

Diana M. Parker
County Hearing
Examiner

Dear Ms. Umpenhour:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to that proposed.

Should you have any questions, please call me at the above telephone number.

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT

Bradley S. Vance
Professional Engineer II
Natural Resources Division

cc: Don Blackburn, Development Services
John Fredyma, County Attorney Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., NRD



LEE COUNTY
SOUTH WEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8580

John E. Manning
District One

May 17, 2001

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

Ms. Sharon Umpenhour
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

**RE: Petition to Vacate:
Frontage Road – West Beach Road Plaza
Bonita Beach Road
Section 4, Township 48, Range 25**

LEE COUNTY
RECEIVED
01 MAY 21 AM 9:39
COUNTY DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

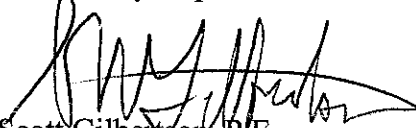
Dear Ms. Umpenhour:

This is a follow-up to the letter of objection written by the Department of Transportation (DOT) dated February 16, 2001, concerning the vacation of the frontage road recorded in official record book 2133, page 3107. DOT has reviewed the proposed replacement frontage road easement legal description and finds it acceptable.

DOT offers no objection to the vacation of the existing frontage road and recommends recording of the replacement easement.

Yours truly,

Lee County Department of Transportation


Scott Gilbertson, P.E.
Director

JK/SMG/mlb

cc: Roland Ottolini, Natural Resources Director
Don Blackburn, Development Services
Margaret Lawson, Right-of-way Supervisor
Petition to vacate file

\\LCFNW04\DATA\SHARED\DOT\DOCUMENT\Petition To Vacate\2001\Frontage Road easement grant, west beach road plaza.doc

From: Joan Henry
To: Hagan, Jonathan
Date: 5/29/01 2:28PM
Subject: Bonita Beach Frontage Road Vacation

Jon,

The county is the right forum to proceed with this vacation, however, the City of Bonita Springs needs to be notified and their comments solicited. They may have some other interest/objections. Also, do you have an aerial for this?

Joan C. Henry
Assistant County Attorney
Lee County Attorney's Office
jhenry@leegov.com
Phone: 941-335-2236
FAX: 941-335-2606



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

April 23, 2001

Sharon Umphenour
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

RE: Vacation of A Portion of Right of Way known as West Beach Road Plaza frontage

Dear Ms. Umphenour:

Our staff has conducted a review of your request to vacate a portion of the existing frontage road as referenced above and dedicate a newly configured frontage road. These same areas were further described and referenced in your letter and highlighted maps, of April 17, 2001. Copies of these maps and descriptions are attached

Based on this review, we offer "No Objections" to this vacation request.

Sincerely,

James W. Dunsford,
District R/W Administrator,
Property Management

JWD/jwd

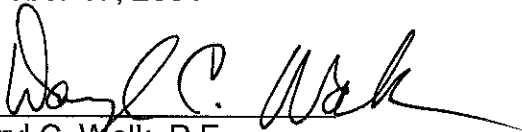
cc: Scott Gilbertson, P.E. - Lee County
Walter McCarthy, P.E. - Lee County
Joe Philips - FDOT
Tom Garcia - FDOT

01 APR 26 PM 2:44
LEE COUNTY
RECEIVED
COMM. DEV/
PLANNING & CONTR.
SECTION

**Memorandum
from the
Bonita Springs Public Works Manager**

Date: October 17, 2001

To: Jon Hagan,
Development Review Technician
Lee County Community Development

From: 
Daryl C. Walk, P.E.
Public Works Manager

Re: Petition to Vacate (Lee County) 2001-00015

I have field inspected the area and reviewed a sign Relocation Plan prepared by Q. Grady Minor and Associates. I think it would be very unlikely from an engineering standpoint that the City of Bonita Springs would be looking to retain any underground easements for the parcel to be vacated. I understand this stretch of Bonita Beach Road will be resurfaced with the widening to the east; however, no widening is scheduled to occur in this area for the foreseeable future. I have no objections to the proposed vacation and ingress/egress easement.

DCW/gd

Cc: Gary A. Price, City Manager
Audrey E. Vance, City Attorney
Dianne Lynn, City Clerk
Mary Gibbs, Director, Lee County Community Development
Pete Eckenrode, Acting Director, Lee County Development Services
Joan Hendry, Assistant Lee County Attorney
Alan V. Roseman, P.E., Q.Grady Minor & Associates, P.A.

To *Jon Hagan*
ME

**Memorandum
from the
Bonita Springs City Attorney**

Date: October 8, 2001

To: Daryl Walk, P.E.
Public Works Manager

From: 
Audrey E. Vance
City Attorney

Re: Petition to Vacate (Lee County) 2001-00015
West Beach Road Plaza / 3401 Bonita Beach Road

Attached is a memorandum from Jon Hagan at Lee County. The applicant for the vacation owns the shopping strip directly across from Publix on Bonita Beach Road. I concur legally, since Bonita Beach Road is a County maintained road, the vacation of the frontage road should be with Lee County. There are no issues from a legal standpoint. However, from an engineering standpoint, there may be comments necessary. Please provide communication directly to John Hagan at Lee County. If I can be of any further assistance, please let me know.

AEV/dfg

Enclosure

cc: Gary A. Price, City Manager
Dianne Lynn, City Clerk
✓ Mary Gibbs, Director, Lee County Community Development
Pete Eckenrode, Acting Director, Lee County Development Services
Joan Hendry, Assistant Lee County Attorney
Alan V. Roseman, P.E., Grady Minor & Associates, P.A.
Without enclosure

LEE COUNTY
RECEIVED
01 OCT 20 AM 7:53
COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

THIS INSTRUMENT PREPARED BY:

Person's Name: **Q. Grady Minor & Assoc.**
Address: **3800 Via Del Rey**
Bonita Springs, FL 34134

PROPERTY APPRAISERS PARCEL #
04-48-25-B2-00025.0000

SOCIAL SECURITY #
GRANTEE F S 689.02

THIS SPACE FOR RECORDING

ACCESS ROAD EASEMENT GRANT

DSO #

PROJECT NAME: **Beach Road Plaza**

THIS INDENTURE, made and entered into between **Captain Investments, Inc.**,^{a Florida Corporation} **3421 Bonita Beach Road, Unit 408, Bonita Springs, Florida 34134.**

as owner, hereinafter referred to as **GRANTOR**; and Lee County, a political subdivision of the State of Florida, hereinafter referred to as **GRANTEE**:

WITNESSETH:

1. For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, **GRANTOR** does hereby grant to the **GRANTEE**, its successors and assigns, a perpetual easement for the purpose of providing pedestrian and vehicular ingress and egress to the public upon and across **GRANTOR'S** property, which easement is situated in Lee County, Florida, more particularly described in Exhibit "A" dated **December 21, 2000**, attached hereto and incorporated herein.
2. **GRANTOR**, its successors, appointees and assigns, shall construct, replace, renew and maintain a paved access road, in compliance with existing regulations, together with necessary connections and/or other appurtenances, to be located on, across and through the above described property and shall replace or repair said road when necessary and trim and remove roots, shrubs, bushes and plants which affect the operation of this said access road.

Page 1 of 3

3. **GRANTOR** covenant to and with **GRANTEE** that subject to existing easements, if any, for highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and telegraph lines covering the land herein described, **GRANTOR** is lawfully seized and possessed of said lands, having good and lawful right and power to sell and convey them and that they are free and clear of all mortgages, liens, easements and encumbrances except those of record; and **GRANTOR** will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

4. The easement, rights and privileges granted herein are nonexclusive and **GRANTOR** reserves and retains the right to convey similar rights and easements to such other persons as **GRANTOR** may deem proper. **GRANTOR** also retains, reserves and shall continue to enjoy use of the surface of such property for any and all purposes which do not interfere with and prevent the use by **GRANTEE** of the within easement, including the right to build and use the surface of the driveways, alleys, walks gardens, lawns, planting or parking areas and other like uses.

5. The instrument shall be binding on and shall inure to the benefit of, the heirs, executors, administrators, successors and assigns of the parties hereto.

The easement herein granted shall be perpetual.

SIGNED this 28th day of January, 2002 in the presence of:

Janet Ward
 Witness
Janet Ward

[Signature]
Captain Investment, Incorporated, a Florida Corporation
John Kaptyn, President
 Grantor

Carol J. Roettele
 Witness
CAROL J. ROETTELE

 Grantor

STATE OF FLORIDA)
)
 COUNTY OF LEE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take oaths, personally appeared John Kaptyn Who is personally well know to me or who has produced personally known As identification and who did take an oath that he is the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same as president of Captain Investments, Incorporated.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of January, 2002.

My Commission Expires:



Alan V. Roseman
Commission # QQ 853959
Expires Aug. 20, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

Notary Public

SEAL

Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2002.

ATTEST:
CHARLES GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

CLERK'S SEAL

APPROVED AS TO FORM

By: _____
County Attorney's Office

Legal Description

An Ingress/Egress Easement

A parcel of land lying in the Northeast Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest Corner of the Northeast Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida; Thence run N 89°46'38"E along the North line of the Northeast Quarter of said Section 4 for a distance of 350.00 feet; Thence run S 00°00'10" E for a distance of 73.35 feet to the Point of Beginning of the parcel of land herein described; Thence run N 89°24'29"E for a distance of 20.19 feet; Thence run S 82°15'52" E for a distance of 41.50 feet; Thence run N 88°57'55" E for a distance of 134.87 feet; Thence run S 61°47'30"E for a distance of 35.87 feet; Thence run N 88° 57' 55" E for a distance of 7.14 feet; Thence run N 58° 34' 28" E for a distance of 24.71 feet; Thence run N 00° 00' 43" W for a distance of 14.24 feet; Thence run N 88° 48' 38" E for a distance of 54.29 feet; Thence run S 00° 05' 18" W for a distance of 48.73 feet; Thence run S 89° 30' 24" W for a distance of 82.86 feet; Thence run N 72° 34' 13" W for a distance of 61.55 feet; Thence run S 88° 57' 55" W for a distance of 108.45 feet; Thence run N 82°15'52" W for a distance of 41.58 feet; Thence run S 89°24'28" W for a distance of 18.94 feet; Thence run N 00°00'10" W for a distance of 20.00 to the Point of Beginning of the parcel of land described herein, containing 8,271 square feet, more or less.

Bearings shown herein refer to the North Line of the Northeast Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida, as being N 89°46'38" E.

This property is subject to easements, reservations and/or restrictions of record.

Q. Grady Minor & Associates, P.A.

SIGNED 8-10-01

Eric V. Sandoval

Eric V. Sandoval
P.S.M. #5223
State of Florida

LEGAL DESCRIPTION AND SKETCH
AN INGRESS / EGRESS EASEMENT
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE: AUGUST, 2001

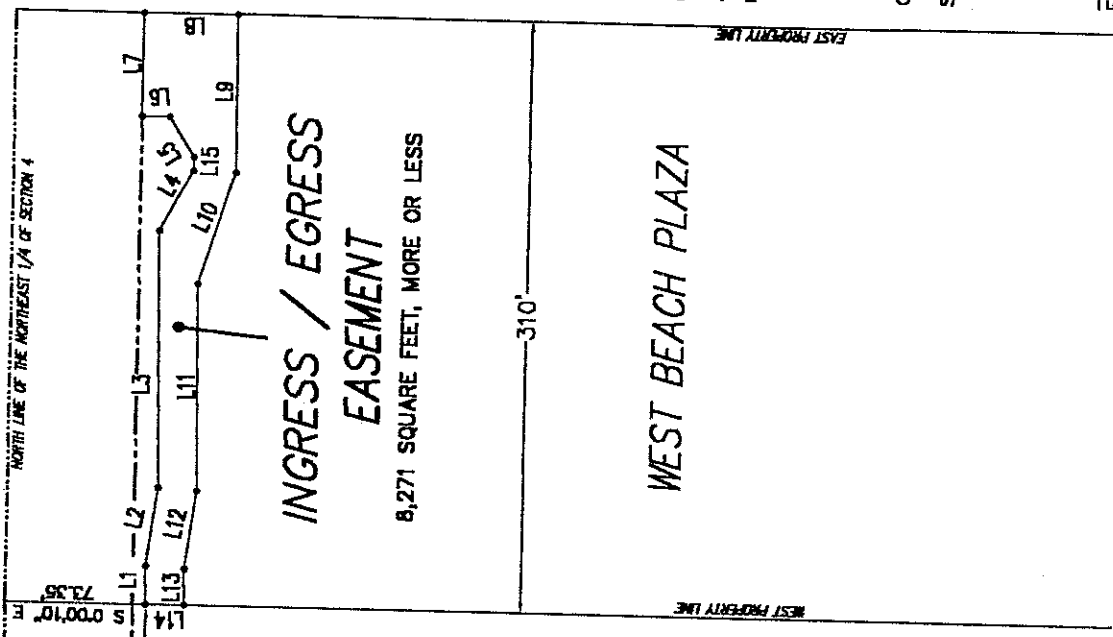
DRAWING # B-2006-A

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS
8000 VIA DEL REY
BONITA SPRING, FLORIDA 34104
PHONE: (844) 847-1144 FAX: (844) 847-0878
CERTIFICATE OF AUTHORIZATION NUMBER 12101

SHEET 1 OF 1
DRAWN: C.D.O.
JOB CODE: 8897
SCALE: 1" = 100'

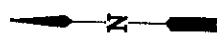
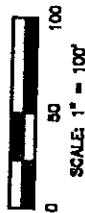
A REVISE EASEMENT 8/10/01
*** THIS IS NOT A SURVEY ***

LEGEND
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
C.R. COUNTY ROAD



LINE TABLE

| | | |
|-----|---------------|---------|
| L1 | N 89°24'29" E | 20.19' |
| L2 | S 82°15'52" E | 41.50' |
| L3 | N 88°57'55" E | 134.87' |
| L4 | S 61°47'30" E | 35.87' |
| L5 | N 88°34'28" E | 24.71' |
| L6 | N 00°00'43" W | 14.24' |
| L7 | N 88°48'38" E | 54.29' |
| L8 | S 00°05'18" E | 48.73' |
| L9 | S 89°30'24" W | 82.86' |
| L10 | N 72°34'13" W | 61.55' |
| L11 | S 88°57'55" W | 108.45' |
| L12 | N 82°15'52" W | 41.58' |
| L13 | S 89°24'28" W | 18.94' |
| L14 | N 00°00'10" W | 20.00' |
| L15 | N 88°57'55" E | 7.14' |



P.O.C.
NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 4-48-25

BONITA BEACH ROAD
(C.R. 865)
N 89°46'38" E 350.00'

NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 4

SOUTH RIGHT OF WAY LINE

P.O.B.

INGRESS / EGRESS EASEMENT
8,271 SQUARE FEET, MORE OR LESS

WEST BEACH PLAZA

WEST PROPERTY LINE

EAST PROPERTY LINE

310'

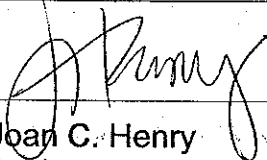
33.33
4

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: October 4, 2001

To: Scott Gilbertson, Director
Department of Transportation

FROM:


Joan C. Henry
Assistant County Attorney

RE: Frontage Road - West Beach Road Plaza

Attached for your review and comments is an Access Road Easement Grant from Captain Investments, Inc. to Lee County. This is to replace the frontage road for which the county has a pending Petition to Vacate. Please review the Easement Grant and legal description and forward your comments to me.

If you have any questions or require additional information, please do not hesitate to contact me.

JCH/bas
Attachment

cc: Jon Hagan, Development Review Technician
Margaret Lawson, Right-of-Way Supervisor

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

September 19, 2001

Mr. Jon Hagen
Lee County Development Services
P.O. Box 398
Fort Myers, FL 33902-0398

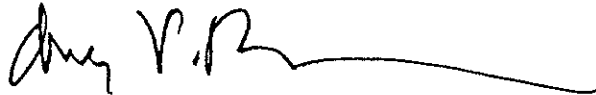
RE: Petition to Vacate: Frontage Road - West Beach Road Plaza
Section 4, Township 48, Range 25

Dear Mr. Hagen:

Enclosed please find an original "Access Road Easement Grant" along with an original "Subordination of Encumbrance" for the proposed access easement to be recorded in place of the existing easements (Official Record Book 2025, Page 2984 and Official Record Book 2095, Page 0841) which are to be vacated.

Please proceed with vacation process and call if you require additional items.

Very truly yours,



Alan V. Roseman

AVR:jw

Enclosure

cc: John Kaptyn

THIS INSTRUMENT PREPARED BY:

Person's Name: **Q. Grady Minor & Assoc.**
Address: **3800 Via Del Rey**
Bonita Springs, FL 34134

PROPERTY APPRAISERS PARCEL #
04-48-25-B2-00025.0000

SOCIAL SECURITY #
GRANTEE F S 689.02

THIS SPACE FOR RECORDING

ACCESS ROAD EASEMENT GRANT

DSO #

PROJECT NAME: **Beach Road Plaza**

THIS INDENTURE, made and entered into between **Captain Investments, Inc., 3421 Bonita Beach Road, Unit 408, Bonita Springs, Florida 34134.**

as owner ^{referred} ~~(X)~~, hereinafter to as **GRANTOR(X)**; and Lee County, a political subdivision of the State of Florida, hereinafter referred to as **GRANTEE**:

WITNESSETH:

1. For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, **GRANTOR** does hereby grant to the **GRANTEE**, its successors and assigns, a perpetual ~~variable~~ ²⁰ foot wide permanent easement for the purpose of providing pedestrian and vehicular ingress and egress to the public upon and across **GRANTOR'S** property, which easement is situated in Lee County, Florida, more particularly described in Exhibit "A" dated **December 21, 2000**, attached hereto and incorporated herein.
2. **GRANTOR**, its successors, appointees and assigns, shall construct, replace, renew and maintain a paved access road, in compliance with existing regulations, together with necessary connections and/or other appurtenances, to be located on, across and through the above described property and shall replace or repair said road when necessary and trim and remove roots, shrubs, bushes and plants which affect the operation of this said access road.

3. **GRANTOR** covenants to and with **GRANTEE** that subject to existing easements, if any, for highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and telegraph lines covering the land herein described, **GRANTOR** ^{is} are lawfully seized and possessed of said lands, having good and lawful right and power to sell and convey them and that they are free and clear of all mortgages, liens, easements and encumbrances except those of record; and **GRANTOR** will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

4. The easement, rights and privileges granted herein are nonexclusive and **GRANTOR** reserves and retains the right to convey similar rights and easements to such other persons as **GRANTOR** may deem proper. **GRANTOR** also retains, reserves and shall continue to enjoy use of the surface of such property for any and all purposes which do not interfere with and prevent the use by **GRANTEE** of the within easement, including the right to build and use the surface of the driveways, alleys, walks gardens, lawns, planting or parking areas and other like uses.

5. The instrument shall be binding on and shall inure to the benefit of, the heirs, executors, administrators, successors and assigns of the parties hereto.

The easement herein granted shall be perpetual.

SIGNED this 27th day of August, 2001 in the presence of:

Alan V. Roseman
 Witness
Alan V. Roseman
Irene Boden
 Witness

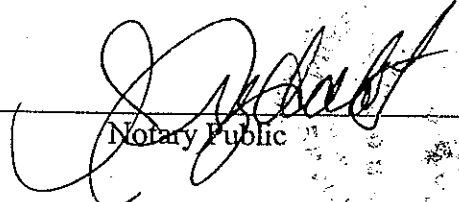
Captain Investments, Inc.
 Grantor
 John Kaptyn, President
[Signature]
 Grantor

CANADA)
~~STATE OF FLORIDA~~)
 PROVINCE OF ONTARIO)
~~COUNTY OF LEE~~)

✓ I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the ^{Province} ~~State~~ aforesaid and in the County aforesaid to take ^{oaths} acknowledgments, personally appeared John Kaptyn Who is personally well know to me, ~~or who has produced~~ As identification and who did ~~(did not)~~ take an oath that he/~~she/they~~ ^{is/are} the person(s) described in and who executed the foregoing instrument and he/~~she/they~~ acknowledged before me that he/~~she/they~~ executed the same as President of Captain Investments, Inc. *[Signature]*

Country Province
WITNESS my hand and official seal in the County and State last aforesaid this 27th day
of August, 2001.

My Commission ~~Expires~~ Does Not Expire


Notary Public

SEAL

Approved and accepted for and on behalf of Lee County, Florida, this _____ day
of _____, 2001.

ATTEST:
CHARLES GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDIA

By: _____
Deputy Clerk

By: _____
Chairman

CLERK'S SEAL

APPROVED AS TO FORM

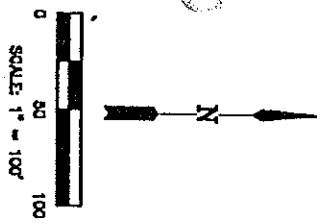
By: _____
County Attorney's Office

BONITA BEACH ROAD
(C.R. 865)

N 89°46'38" E 300.00'

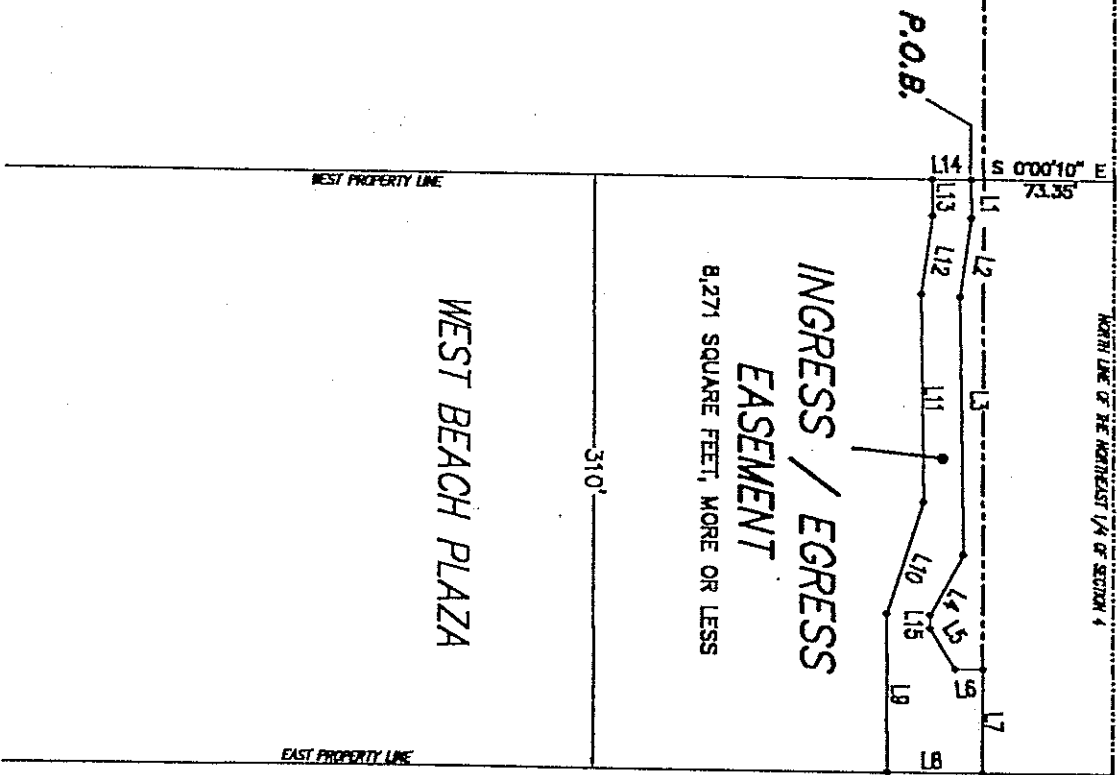
P.O.C.
NORTHWEST CORNER OF
THE NORTHWEST 1/4 OF
SECTION 4-48-25

SOUTH RIGHT OF WAY LINE



LINE TABLE

| | | |
|-----|---------------|---------|
| L1 | N 89°24'29" E | 20.19' |
| L2 | S 82°15'52" E | 41.50' |
| L3 | N 88°57'35" E | 134.67' |
| L4 | S 81°47'30" E | 35.87' |
| L5 | N 58°34'28" E | 24.71' |
| L6 | N 00°00'43" W | 14.24' |
| L7 | N 89°46'38" E | 54.29' |
| L8 | S 00°05'16" E | 48.73' |
| L9 | S 89°30'24" W | 82.88' |
| L10 | N 72°34'13" W | 81.55' |
| L11 | S 88°57'55" W | 108.45' |
| L12 | N 82°15'52" W | 41.58' |
| L13 | S 89°24'29" W | 18.94' |
| L14 | N 00°00'10" W | 20.00' |
| L15 | N 88°57'55" E | 71.4' |



Legal Description

An Ingress/Egress Easement

A parcel of land lying in the Northeast Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest Corner of the Northeast Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida; Thence run N 88°46'38" E along the North line of the Northeast Quarter of said Section 4 for a distance of 350.00 feet; Thence run S 00°00'10" E for a distance of 73.35 feet to the Point of Beginning of the parcel of land herein described; Thence run N 89°24'29" E for a distance of 20.19 feet; Thence run S 82°15'52" E for a distance of 41.50 feet; Thence run N 88°57'55" E for a distance of 134.67 feet; Thence run N 88°57'55" E for a distance of 71.4 feet; Thence run N 00°00'43" W for a distance of 24.71 feet; Thence run N 88°46'38" E for a distance of 54.29 feet; Thence run S 00°05'16" W for a distance of 48.73 feet; Thence run S 89°30'24" W for a distance of 82.88 feet; Thence run N 72°34'13" W for a distance of 81.55 feet; Thence run S 88°57'55" W for a distance of 108.45 feet; Thence run S 89°24'29" W for a distance of 18.94 feet; Thence run N 00°00'10" W for a distance of 20.00 to the Point of Beginning of the parcel of land described herein, containing 8,271 square feet, more or less.

Bearings shown hereon refer to the North Line of the Northeast Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida, as being N 89°46'38" E.

This property is subject to easements, reservations and/or restrictions of record.

Q. Grady Minor & Associates, P.A.

SIGNED 8-10-01

Eric V. Sandovl
Eric V. Sandovl
P.S.M. #5223
State of Florida

LEGAL DESCRIPTION AND SKETCH

AN INGRESS / EGRESS EASEMENT
WEST BEACH PLAZA
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE: AUGUST, 2001 DRAWING # B-806-4

SHEET 1 OF 1

| |
|------------------|
| DRAWN C.L.D. |
| CHECKED M.P.T. |
| SCALE: 1" = 100' |

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS
3001 VIA DEL MAR
BOHOTA SPRINGS, FLORIDA 34134
PHONE: (941) 847-3444 FAX: (941) 847-0878
CERTIFICATE OF ADEQUACY NUMBER 12 811

LEGEND

POB POINT OF COMMENCEMENT
POB POINT OF BEGINNING
C.R. COUNTY ROAD

A REVISE EASEMENT 8/10/01
*** THIS IS NOT A SURVEY ***

LEE COUNTY
RECEIVED

MAY 18 AM 11:16

COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

MEMO / FAX

[Handwritten notes]

FROM: Alan V. Roseman

RE: Beach Road Plan

REMARKS: FOLLOWING ARE COPIES OF LETTERS ETC
CONCERNING VARIATION OF FRONTAGE ROAD
EASEMENT FOR PURCHASES OF MOVING SURVIVOR
PLAN BETWEEN BEACH ROAD AND DRIVE
John Hagen has submittal.

OF PAGES: 15

3800 Via Del Rey
Bonita Springs, Florida 34134
(941) 947-1144 ■ Fax (941) 947-0375
E-Mail: engineering@qgradvminor.com

Q. GRADY MINOR & ASSOCIATES, P.A.

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC TORANDUVAL, P.S.M.
TOM CHERNESKY, P.S.M.

March 9, 1999

Mr. Walter J. McCarthy, P.E. Director
Lee County Department of Community Development
Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Beach Road Plaza, 3421 Bonita Beach Road SW, Bonita Springs, Lee County, Florida

Dear Walter:

I represent the owner of Beach Road Plaza. Beach Road Plaza received a development order (No. 8-26-84) in 1984 under the name Zaidema Plaza. At that time, a frontage road was required along this portion of Bonita Beach Road and the developer provided that frontage road.

In 1998, Flex Bon Plaza was developed immediately to the west of Beach Road Plaza. They connected to the Beach Road Plaza frontage road but did not provide a frontage road through their property. They have parking directly on their driveway and their plaza sign is located approximately 15' setback from the south right-of-way line of Bonita Beach Road. The plaza sign for Beach Road Plaza is located 55' back from the right-of-way of Bonita Beach Road to accommodate the 40' frontage road.

Traffic accessing the Flex Bon Plaza uses the frontage road across Beach Road Plaza property. I questioned Saeed Kazemi of Lee County DOT about this and asked who is going to maintain the frontage road since people are using it other than Beach Road Plaza customers. Saeed said that the frontage road was private and the responsibility was with the owner of the land which would be the owner of Beach Road Plaza. He asked if there was an agreement between the two property owners since Flex Bon Plaza was allowed to connect to the frontage road of Beach Road Plaza. I said no, the owner of Beach Road Plaza was not contacted about the roadway connection. Saeed thought that the Beach Road Plaza property owner should have been contacted and an agreement should have been made regarding operation and maintenance of the shared frontage road.

Mr. Walter J. McCarthy, P.E., Director

RE: Beach Road Plaza, 3421 Bonita Beach Road SW, Bonita Springs, Lee County, Florida

March 9, 1999

Page 2

Since frontage roads are no longer a requirement along this section of Bonita Beach Road, I would like to know if you would vacate this frontage road within the Beach Road Plaza property. This would allow the Beach Road Plaza property owner to locate his sign within 15' of the Bonita Beach Road right-of-way the same as Flex Bon Plaza. It would also allow him to request an agreement with the Flex Bon Plaza property owners regarding operation and maintenance of the frontage road which they share. If they are not willing to enter into an agreement, the owner of Beach Road Plaza might block their access.

Thank you for your attention to this.

Very truly yours,



Q. Grady Minor, P.E.

QGM:jw

cc: Captain Investments, Inc.

F:BRP

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: March 23, 1999

To: Walter J. McCarthy, P.E.

Director, Development
Services

From: 

Robert G. Rentz, P.E.
Development Review
Engineer

RE: **Beach Road Plaza (f.k.a. Zuidema Plaza)**
D.O. #84-08-026.00D

As requested I have researched the issues raised in Q. Grady Minor' letter of March 09, 1999 regarding the frontage road on the referenced project and access provision through the adjoining project known as Flex Bon Plaza, D.O. #97-03-282.00D. I will address the issues in the order in which they were written.

It is true that people other than customers of the Beach Road Plaza can use the frontage road. However, people other than customers of the Flex Bon Plaza can also travel through that site, via the ingress/egress easement.

I agree with Saeed Kazemi that the frontage road maintenance responsibility lies with the owner of the Beach Road Plaza.

The owner of the Beach Road Plaza would have been notified of plans for the Flex Bon Plaza during the CPD zoning, since the LDC requires that all property owners within 375 feet of the property are to be notified. Through that notification process the Beach Road Plaza owner would have had the opportunity to know what was proposed for the Flex Bon Plaza. However, I don't agree with Saeed that there should have been an agreement between the property owners regarding operation and maintenance of the shared frontage road. The access through the Flex Bon Plaza was simply the continuation of an existing frontage road and, as previously stated, each property owner is responsible for maintenance of the portion of the frontage road that is on his property.

Walter J. McCarthy, P.E.

March 23, 1999

Page No. 2

RE: Beach Road Plaza D.O. #84-08-026.00D

It is true that there is no longer a frontage road requirement along Bonita Beach Road. Although access across and between the two projects still needs to be maintained, I don't foresee any problem with vacating the 40-foot frontage easement across the referenced property, with the condition that it be replaced with a minimum 24-foot wide non-exclusive ingress/egress easement, similar to the Flex Bon Plaza. This would provide adequate access while allowing some flexibility in parking, sign placement, setbacks, etc.

The easement across the Beach Road Plaza was dedicated as a perpetual permanent easement to provide access to the public. Therefore, I don't believe the owner of the Beach Road Plaza can legally block access through the easement.

If you need anything else please let me know.

attachments: ACCESS ROAD EASEMENT GRANT.
AGREEMENT
TEMPORARY ACCESS AND ACCESS FRONTAGE ROAD AGREEMENT
Q. Grady Minor's letter of March 09, 1999

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers - Land Surveyors - Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEANSMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
TOM CHERNESKY, P.S.M.

March 9, 1999

RECEIVED
LEE COUNTY
PLANNING DEPARTMENT
MARCH 10 PM 2:01
COUNTY PLANNING DEPARTMENT
2000 W. PALM BLVD.
FORT MYERS, FL 33902

Mr. Walter J. McCarthy, P.E., Director
Lee County Department of Community Development
Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Beach Road Plaza, 3421 Bonita Beach Road SW, Bonita Springs, Lee County, Florida

Dear Walter:

I represent the owner of Beach Road Plaza. Beach Road Plaza received a development order (No. 8-26-84) in 1984 under the name Zuidema Plaza. At that time, a frontage road was required along this portion of Bonita Beach Road and the developer provided that frontage road.

In 1998, Flex Bon Plaza was developed immediately to the west of Beach Road Plaza. They connected to the Beach Road Plaza frontage road but did not provide a frontage road through their property. They have parking directly on their driveway and their plaza sign is located approximately 15' setback from the south right-of-way line of Bonita Beach Road. The plaza sign for Beach Road Plaza is located 55' back from the right-of-way of Bonita Beach Road to accommodate the 40' frontage road.

Traffic accessing the Flex Bon Plaza uses the frontage road across Beach Road Plaza property. I questioned Saeed Kazemi of Lee County DOT about this and asked who is going to maintain the frontage road since people are using it other than Beach Road Plaza customers. Saeed said that the frontage road was private and the responsibility was with the owner of the land which would be the owner of Beach Road Plaza. He asked if there was an agreement between the two property owners since Flex Bon Plaza was allowed to connect to the frontage road of Beach Road Plaza. I said no, the owner of Beach Road Plaza was not contacted about the roadway connection. Saeed thought that the Beach Road Plaza property owner should have been contacted and an agreement should have been made regarding operation and maintenance of the shared frontage road.

Mr. Walter J. McCarthy, P.E., Director

RE: Beach Road Plaza, 3421 Bonita Beach Road SW, Bonita Springs, Lee County, Florida

March 9, 1999

Page 2

Since frontage roads are no longer a requirement along this section of Bonita Beach Road, I would like to know if you would vacate this frontage road within the Beach Road Plaza property. This would allow the Beach Road Plaza property owner to locate his sign within 15' of the Bonita Beach Road right-of-way the same as Flex Bon Plaza. It would also allow him to request an agreement with the Flex Bon Plaza property owners regarding operation and maintenance of the frontage road which they share. If they are not willing to enter into an agreement, the owner of Beach Road Plaza might block their access.

Thank you for your attention to this.

Very truly yours,



Q. Grady Minor, P.E.

QGM:jw

cc: Captain Investments, Inc.

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners
3800 Via Del Rey
Bonita Springs, Florida 34134
(941) 947-1144 ■ Fax (941) 947-0375
E-Mail: QGMA@aol.com

FAX MESSAGE

DATE: April 8, 1999

TO: Walter McCarthy

FROM: Q. Grady Minor

RE: Beach Road Plaza, Bonita Springs

MESSAGE: Have you had a chance to review our letter regarding the frontage road at West Beach Road Plaza? Any response?

OF PAGES (INCLUDING THIS SHEET): 3

**LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

John E. Manning
District OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Stillwell
County ManagerJames G. Yaeger
County AttorneyDiana M. Parker
County Hearing
Examiner

May 11, 1999

Mr. Q. Grady Minor, P.E.
Q. Grady Minor & Associates
3800 Via Del Rey
Bonita Springs, FL 33923**Re: Beach Road Plaza, Bonita Springs****Dear Mr. Minor:**

Accept my apology for not responding on this matter sooner. I was absolutely sure that I had responded only to find that I was absolutely wrong.

Attached is a copy of a memo from Bob Rentz which summarized our position on the matter. We believe that vacating the frontage road and substituting an ingress egress easement will satisfy our mutual objectives.

Please advise if we can assist your further. Again, sorry for the delay.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division**Walter J. McCarthy, P.E.**
Director

WJM/ph

Attachment: Rentz memorandum dated 3/23/99 w/attachments
cc: D.O. File #84-08-026.00D

H:\WRITERS\MCCARTW\BeachRoad Plaza.ltr.wpd

Q. GRADY MINOR & ASSOCIATES, P.A.Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.

May 14, 1999

Mr. John Kaptyn
Captain Investments
600 Highway #7 East
Suite 101
Richmond Hill, Ontario CANADA L4B 1B2

RE: Bonita Road Plaza, Bonita Springs, Lee County, Florida

Dear John:

I'm enclosing a letter that we received from Walter J. McCarthy of Lee County Development Services regarding your frontage road at Bonita Road Plaza. I'll be glad to discuss this with you after you have read it. Perhaps the next time that you are in town, we can meet and have a drawing in front of us to discuss what advantage, if any, you would have if you vacated the frontage road and substituted an ingress/egress easement.

Very truly yours,



Q. Grady Minor

QGM:jw

Enclosure

F:BRP

Q. GRADY MINOR & ASSOCIATES, P.A.Civil Engineers = Land Surveyors = Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.

ALAN V. ROEMER
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.

July 19, 1999

Mr. John Kaptyn
Captain Investments
600 Highway #7 East
Suite 101
Richmond Hill, Ontario CANADA L4B 1B2

RE: Beach Road Plaza Access Road

Dear John:

I finally spoke to Don Blackburn of Lee County Development Services about your access road and the fact that the Flex Bon Plaza customers use it much more than any of your customers use their driveway. I told Don that we had asked the owner of Flex Bon Plaza to share in maintenance responsibilities for this accessway. I also mentioned that we wanted Hidden Beach Storage to share in maintenance also. I asked Don if there were any similar situations in Lee County that he was aware of that had maintenance agreements and if the County would help enforce a maintenance agreement.

Don said he was not aware of any situations where Lee County had been involved with maintenance agreements. He said there were probably some private agreements out there but he wasn't aware of where they were. He said that it was a private matter between the owners of the parcels and that Lee County would not get involved with the maintenance agreement.

I asked what would happen if no one maintained the access road across Beach Road Plaza property. He said that if the standard of the accessway deteriorated to a point where it was a nuisance, he would issue a citation to the owner of Beach Road Plaza for a nuisance and require that the owner of that property repair the accessway.

I told him that didn't seem fair and he agreed that it didn't seem fair but that was what the County's position would be.

Mr. John Kapryn

RE: Beach Road Plaza Access Road

July 19, 1999

Page 2

It seems that your best strategy would be to continue to negotiate with the owner of Flex Bon Plaza for a maintenance agreement and if you are interested, use his need of additional parking as your leverage to get the maintenance agreement that you want and possibly other concessions.

Very truly yours,



Q. Grady Minor

QGM:jw

cc: Fred DePirro

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DON SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL I. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.E.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

March 12, 2001

Ms. Margaret Lawson
Lee County Department of Transportation
P.O. Box 398
Fort Myers, FL 33902-0398

**RE: Vacation of Existing Frontage Road Easement, West Beach Plaza, Bonita Springs,
Lee County, Florida**

Dear Margaret:

I'm enclosing a copy of the legal description and sketch for the ingress/egress easement that we will grant back to Lee County after the existing frontage road easement is vacated. When you visit the site, I'm sure you will find that all of your facilities are within this proposed easement because this encompasses the asphalt paving.

If this meets with your approval, please give us a letter of no objection to vacating the existing recorded frontage road easement. Thank you.

Very truly yours,



Q. Grady Minor, P.E.

QGM:jw

Enclosure

Legal Description

An Ingress/Egress Easement

A parcel of land lying in the Northwest Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest Corner of the Northwest Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida; Thence run N 89°46'38" E along the North line of the Northwest Quarter of said Section 4 for a distance of 380.00 feet; Thence run S 00°00'10" E for a distance of 71.35 feet to the Point of Beginning of the parcel of land herein described; Thence run S 82°15'53" E for a distance of 20.11 feet; Thence run S 82°15'53" E for a distance of 41.50 feet; Thence run N 82°15'53" E for a distance of 138.98 feet; Thence run S 81°47'30" E for a distance of 33.83 feet; Thence run N 11° 06' 55" W for a distance of 32.44 feet; Thence run N 88° 48' 34" E for a distance of 8.83 feet; Thence run S 00° 08' 16" W for a distance of 34.29 feet; Thence run S 88° 30' 26" W for a distance of 48.73 feet; Thence run N 72° 34' 13" W for a distance of 81.88 feet; Thence run S 86° 57' 55" W for a distance of 108.43 feet; Thence run N 82°15'53" W for a distance of 41.50 feet; Thence run S 82°15'53" W for a distance of 12.54 feet; Thence run N 00°00'10" W for a distance of 20.00 to the Point of Beginning of the parcel of land described herein, containing 8,434 or more or less.

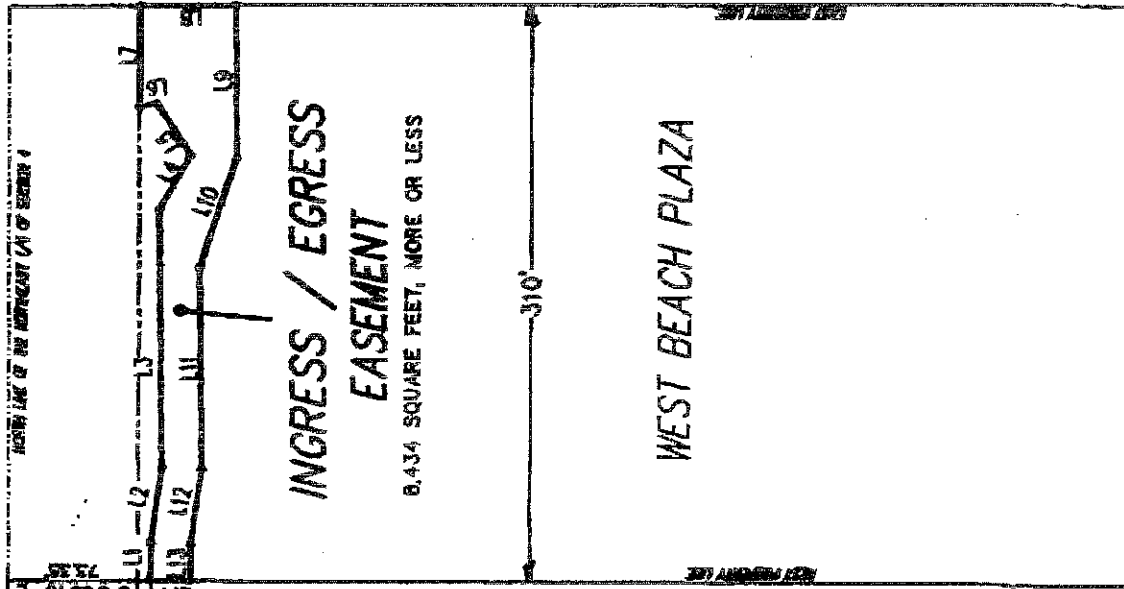
Bearings shown herein refer to the North Line of the North Quarter of Section 4, Township 48 South, Range 25 East, Lee County, Florida, as being N 89°46'38" E.

This property is subject to easements, reservations and/or restrictions of record.

Q. Grady Minor & Associates, P.A.

SIGNED 12-21-00

Eric V. Sandford
P. 833
State of Florida



| | | |
|-----|-----------------|---------|
| L1 | N 89°46'28" E | 20.19' |
| L2 | S 82°15'53" E | 41.50' |
| L3 | N 11° 06' 55" W | 32.44' |
| L4 | S 00° 08' 16" E | 34.29' |
| L5 | N 72° 34' 13" W | 81.88' |
| L6 | S 86° 57' 55" W | 108.43' |
| L7 | N 82°15'53" W | 41.50' |
| L8 | S 82°15'53" W | 12.54' |
| L9 | N 00°00'10" W | 20.00' |
| L10 | S 82°15'53" W | 138.98' |
| L11 | N 88° 48' 34" E | 8.83' |
| L12 | S 00° 08' 16" W | 34.29' |
| L13 | N 82°15'53" W | 41.50' |
| L14 | S 82°15'53" W | 71.35' |
| L15 | N 89°46'38" E | 380.00' |

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS
3050 VIA DEL SOL
BOCA RATON, FLORIDA 33433
PHONE: (561) 941-1444 FAX: (561) 941-9870
CERTIFICATE OF APPROVAL NUMBER 10 2001

LEGAL DESCRIPTION AND SURVEY
AN INGRESS / EGRESS EASEMENT
WEST BEACH PLAZA
SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
DATE: DECEMBER 2000 DRAWING # 10-000

LEGEND
C POINT OF COMMENCEMENT
S POINT OF BEGINNING
I COUNTY ROAD

THIS IS NOT A SURVEY

BONITA BEACH ROAD
(C.R. 865)

P.O.C.
POINT OF COMMENCEMENT
THE COMMENCEMENT OF THIS SURVEY IS AT THE POINT OF COMMENCEMENT

P.O.B.
POINT OF BEGINNING



Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHESTNUT, P.S.M.
ALAN V. ROSEMAN

February 27, 2001

Ms. Margaret Lawson
Lee County Department of Transportation
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Vacation of Existing Frontage Road Easements, West Beach Plaza, Bonita Springs,
Lee County, Florida

Dear Margaret:

Thank you for meeting with me on Friday to discuss our request to vacate the existing frontage road easements at the West Beach Plaza property. You informed me that you have traffic loop detectors within the existing asphalt. I told you that we were going to grant an easement back to the public for all of the asphalt areas within the existing frontage road easement of West Beach Plaza at the time of submittal of variance request. This will protect your traffic loop detectors.

The reason we are vacating the pervious areas of the existing easement is so the owner can relocate his sign from the south side of the frontage road to the area between the frontage road and the Bonita Beach road right-of-way.

I would appreciate it if you could prepare and send us a letter of no objection based on this understanding. Thank you for your help with this.

Very truly yours,



Alan V. Roseman

AVR:jw

ACCESS ROAD EASEMENT GRANT

D.S.O. # 8-27-84

Project Name:

Zuidema Plaza

2541592

OR2025

11/20/84
cc
J. Zuidema

THIS INDENTURE, made and entered into between M.J. Zuidema
308 Turtle Hatch Road, Naples, FL 33940 and Raymond P. DeAngelis
and Roseann DeAngelis, 302 Turtle Hatch Road, Naples, FL 33940
(address)

as owner(s), hereinafter referred to as GRANTOR(S); and Lee
County, a political subdivision of the State of Florida,
hereinafter referred to as GRANTEE:

PG2984

WITNESSETH:

1. For and in consideration of the sum of Ten Dollars
(\$10.00) and other good and valuable consideration, receipt of
which is hereby acknowledged, GRANTOR does hereby grant to the
GRANTEE, its successors and assigns, a perpetual 40 foot
wide permanent easement for the purpose of providing pedestrian
and vehicular ingress and egress to the public upon and across
GRANTOR's property, which easement is situated in Lee County,
Florida, more particularly described in Exhibit "A"
dated October 3, 1988, attached hereto and incorporated
herein.

2. GRANTOR, its successors, appointees and assigns, shall
construct, replace, renew, and maintain a paved access road, in
compliance with existing regulations, together with necessary
connections, and/or other appurtenances, to be located on,
across and through the above described property and shall
replace or repair said road when necessary, and trim and remove
roots, shrubs, bushes and plants which affect the operation of
this said access road.

3. GRANTORS covenant to and with GRANTEE that subject to
existing easements, if any, for public highways or roads,

RECORD VERIFIED - CHARLIE GREEN, CLERK
LEE COUNTY, FLORIDA

railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and telegraph lines covering the land herein described, GRANTORS are lawfully seized and possessed of said lands, having good and lawful right and power to sell and convey them, and that they are free and clear of all mortgages, liens, easements and encumbrance except those of record; and GRANTORS will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

OR2025

PG2985

4. The easement, rights, and privileges granted herein are nonexclusive, and GRANTOR reserves and retains the right to convey similar rights and easements to such other persons as GRANTOR may deem proper. GRANTOR also retains, reserves, and shall continue to enjoy use of the surface of such property for any and all purposes which do not interfere with and prevent the use by GRANTEE of the within easement, including the right to build and use the surface of the herein granted easement for drainage ditches and streets, roads, driveways, alleys, walks, gardens, lawns, planting or parking areas, and other like uses.

5. This instrument shall be binding on, and shall inure to the benefit of, the heirs, executors, administrators, successors, and assigns of the parties hereto.

The easement herein granted shall be perpetual.

IN WITNESS WHEREOF, this instrument is executed this 3rd day of October, 1988.

Signed, Sealed and Delivered
In the Presence of:

[Signature]
Witness

[Signature]
Grantor

[Signature]
Witness

[Signature]
Grantor

[Signature]
Grantor

factory in This Document When Received

STATE OF FLORIDA
COUNTY OF LEE

OR2025

RAYMOND P. DE ANGELIS,
ROSEANN DE ANGELIS &
M. J. ZUIDEMA

Before me personally appeared _____
known to me to be the person(s) described in and who executed
the foregoing instrument, and acknowledged to and before me
that THEY executed said instrument
for the purposes therein expressed.

PG2906

WITNESS my hand and official seal this 3rd day
of OCTOBER, A.D. 1988

[Signature]
Notary Public

My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires Aug. 29, 1991

SEAL

COUNTY

THIS EASEMENT DOCUMENT WAS PREPARED BY THE GRANTOR AND LEGAL
DESCRIPTION PREPARED BY THE GRANTOR AS DESCRIBED AND ATTESTED
TO.

(1401L)

DA-201

REV. 10-8-86

Approved As
to term)

by [Signature]
Attorney

RECORDERS MEMO.
Legibility of Writing, Typing or Printing Unsatisfactory in This Document When Received

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS

Q. GRADY MINOR, P.E.
ALAN V. ROSEMAN

TELEPHONE
BONITA SPRINGS (813) 947-1144
NAPLES AND FT. MYERS
TOLL FREE 1-947-1144

OR2025

EXHIBIT "A"

Zuidema Plaza

Legal Description

40' Frontage Road Easement

PG2987

From the Northwest corner of the Northeast 1/4 of Section 4, Township 48 South, Range 25 East, run East 350 feet; thence run South 74 feet to the Point of Beginning of the land hereby described; thence continue South 40 feet; thence run East 310 feet; thence run North 40 feet; thence run West 310 feet to the Point of Beginning. Containing 0.28 acres more or less.

Dated October 3, 1988.

RECORDED & RECORD VERIFIED
David J. ...
EPR DIRECT
LEG. COUNCIL
OCT 21 11 10 AM '88

OR2133 PG3105

THIS INSTRUMENT PREPARED BY:

O. Grady Minor & Associates, P.A.
10911 Bonita Beach Road Southeast
Suite #105, Pine Haven Plaza
Bonita Springs, Florida 33923

PROPERTY APPRAISERS PARCEL #
04-48-25-00-00025.0000

SOCIAL SECURITY #
GRANTEE F S 689.02

2807315

THIS SPACE FOR RECORDING

ACCESS ROAD EASEMENT GRANT

D.S.O. # 8-27-84

Documentary Tax Pd. \$ 55
Intangible Tax Pd.
CHARLIE GREEN, LEE COUNTY
By W. J. Harrison Deputy Clerk

Project Name:

West Beach Road Plaza

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

THIS INDENTURE, made and entered into between CAPTAIN INVESTMENTS, INC.

West Beach Road Plaza, 3401-K Bonita Beach Road Southwest,

Unit "K", Bonita Springs, Florida 33923

(address)

as owner(s), hereinafter referred to as GRANTOR(S); and Lee County, a political subdivision of the State of Florida, hereinafter referred to as GRANTEE:

WITNESSETH:

1. For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the GRANTEE, its successors and assigns, a perpetual approximately 40 foot wide permanent easement for the purpose of providing pedestrian and vehicular ingress and egress to the public upon and across GRANTOR'S property, which easement is situated in Lee County, Florida, more particularly described in Exhibit "A" dated July 17, 1989, attached hereto and incorporated herein

2. GRANTOR, its successors, appointees and assigns, shall construct, replace, renew, and maintain a paved access road, in compliance with existing regulations, together with necessary connections, and/or other appurtenances, to be located on, across and through the above described property and shall replace or repair said road when necessary, and trim and remove roots, shrubs, bushes and plants which affect the operation of this said access road.

3. GRANTORS covenant to and with GRANTEE that subject to existing easements, if any, for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and telegraph lines covering the land herein described, GRANTORS are lawfully seized and possessed of said lands, having good and lawful right and power to sell and convey them, and

RECORDED

OR2133 PG3106

that they are free and clear of all mortgages, liens, easements and encumbrances except those of record; and GRANTORS will forever warrant and defend the title and terms to this said easement and the quiet possession thereof against the lawful claims and demands of all persons whomsoever.

4. The easement, rights, and privileges granted herein are nonexclusive, and GRANTOR reserves and retains the right to convey similar rights and easements to such other persons as GRANTOR may deem proper. GRANTOR also retains, reserves, and shall continue to enjoy use of the surface of such property for any and all purposes which do not interfere with and prevent the use by GRANTEE of the within easement, including the right to build and use the surface of the herein granted easement for drainage ditches and streets, roads, driveways, alleys, walks, gardens, lawns, planting or parking areas, and other like uses.

5. This instrument shall be binding on, and shall inure to the benefit of, the heirs, executors, administrators, successors, and assigns of the parties hereto.

The easement herein granted shall be perpetual.

IN WITNESS WHEREOF, this instrument is executed this 11th day of August, 1989.

Signed, Sealed and Delivered
In the Presence of:

CAPTAIN INVESTMENTS, INC.

[Signature]
Witness

[Signature]
Grantor- John Kaptyn, President

[Signature]
Witness

[Signature]
Grantor- John Kaptyn, President

DOMINION OF
~~STATE~~ OF CANADA
PROVINCE
~~COUNTY~~ OF ONTARIO

Before me personally appeared John Kaptyn, as President of CAPTAIN INVESTMENTS, INC. known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he ~~she~~ they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 11th day of August, 1989.

[Signature]
Notary

does not
My Commission Expires:

133

Q. GRADY MINOR AND ASSOCIATES, P.A.
ENGINEERS • SURVEYORS

10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 * (813)947-1144

JULY 17, 1989

EXHIBIT "A"

WEST BEACH ROAD PLAZA

FRONTAGE ROAD EASEMENT

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST; LEE COUNTY, FLORIDA: THENCE ALONG THE NORTH LINE OF SAID SECTION 4 AND THE CENTER LINE OF BONITA BEACH ROAD N 89°46'38" E, 350.00 FEET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE S 00°00'10" E, 74.00 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE S 00°00'10" E, 40.00 FEET; THENCE N 89°46'38" E, 187.62 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET, THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 10.14 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 10.35 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 55.00 FEET THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 37.19 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 37.93 FEET; THENCE N 89°46'38" E, 77.87 FEET; THENCE N 00°05'16" W, 56.00 FEET; THENCE S 89°46'38" W, 310.01 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.32 ACRES MORE OR LESS.

OR2133 PG3107

O. GRADY HINDR AND ASSOCIATES, P.A.
ENGINEERS & SURVEYORS

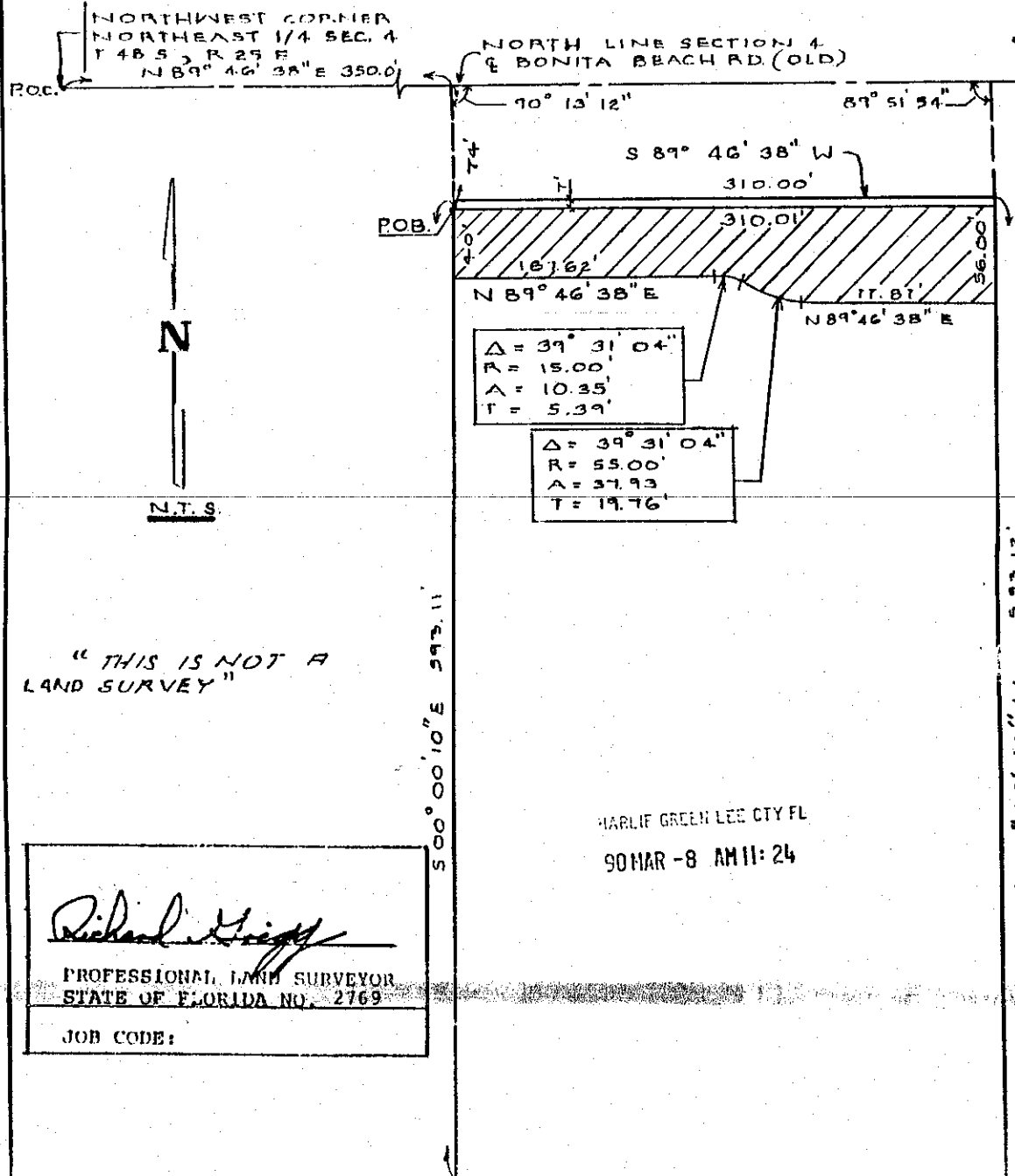
10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 • (813)947 1144

July 17, 1989

EXHIBIT A-1

WEST BEACH ROAD PLAZA
FRONTAGE ROAD EASEMENT
SKETCH OF DESCRIPTION

OR2133 PG3108



Richard Grady
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA NO. 2769
JOB CODE:

THIS INSTRUMENT PREPARED BY:

FRED M. COREY
Attorney at Law
P.O. Box 2730
Fort Myers Beach, FL. 33912-2730

PROPERTY APPRAISERS PARCEL #
04-48-25-00-00025.0000

SOCIAL SECURITY #
GRANTEE F S 689.02

2807316

OR2133 PG3109

THIS SPACE FOR RECORDING

SUBORDINATION OF ENCUMBRANCE

WHEREAS, on the 11 day of August, 1989, an easement was given by CAPTAIN INVESTMENTS, INC. to LEE COUNTY which ^{easement} covers the following described real property lying and being in Lee County:

SEE ATTACHED EXHIBIT

WHEREAS, a portion of the lands involved and necessary to said ^{easement} is subject to an encumbrance held by the undersigned; and

WHEREAS, a request has been made on behalf of Lee County for the undersigned to subordinate said encumbrance to the property rights of the County of Lee in and to the portion of the premises; and

WHEREAS, the undersigned for good and valuable consideration, desires to subordinate the encumbrance recorded in O.R. 2028 Page 4478.

NOW, THEREFORE, in consideration of the premises, the encumbrance first described above is by this instrument subordinated and made inferior to the ~~and~~ ^{easement} given to Lee County, as described above.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its ^{Vice} President and its Corporate Seal to be affixed ~~and attested by~~ ^{its} Secretary this 27 day of Nov., 1989.

BARNETT BANK OF LEE COUNTY, N.A.

By [Signature]
Vice President - William H. Null

(SEAL)

Attest
Secretary

STATE OF FLORIDA)
COUNTY OF LEE)

I hereby certify that on this day before me, an officer duly authorized to take acknowledgments, personally appeared William H. Null and [Signature], respectively ~~President and Secretary~~ ^{Vice President and Secretary} of the above-named Corporation, known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same for and on behalf of said corporation for the purposes therein expressed.

Witness my hand and official seal in the County and State aforesaid this 27 day of Nov., 1989.

[Signature]
Notary

My Commission Expires:

(SEAL)

(5588L)

(CORPORATE)

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. HENSHAW, D.C.

15-50

2133

Q. GRADY MINOR AND ASSOCIATES, P.A.
ENGINEERS & SURVEYORS

10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 ■ (813)947-1144

JULY 17, 1987

EXHIBIT "A"

WEST BEACH ROAD PLAZA

FRONTAGE ROAD EASEMENT

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID SECTION 4 AND THE CENTER LINE OF BONITA BEACH ROAD N 89°46'38" E, 350.00 FEET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE S 00°00'10" E, 74.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°00'10" E, 40.00 FEET; THENCE N 89°46'38" E, 187.62 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 15.00 FEET, THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 10.14 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 10.35 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 55.00 FEET THRU A CENTRAL ANGLE OF 39°31'04" (CHORD BEARING S 70°27'51" E FOR 37.19 FEET); THENCE ALONG THE ARC OF SAID CURVE SOUTHEASTERLY 37.93 FEET; THENCE N 89°46'38" E, 77.87 FEET; THENCE N 00°05'16" W, 56.00 FEET; THENCE S 89°46'38" W, 310.01 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.32 ACRES MORE OR LESS.

OR2133 PG3109-A

U. GRADY MINOR AND ASSOCIATES, P.A.
ENGINEERS & SURVEYORS

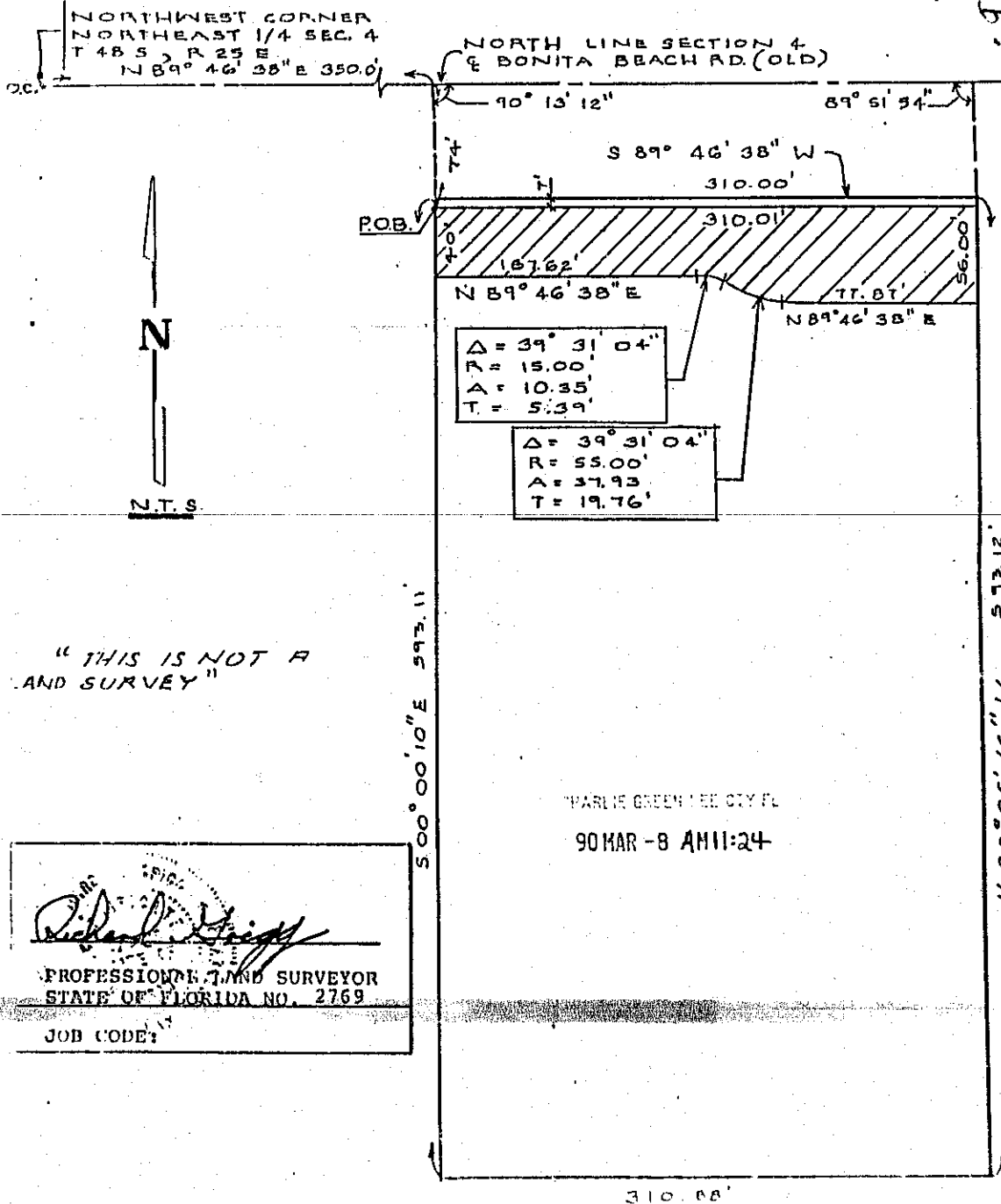
10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 ■ (613)947-1144

July 17, 1989

EXHIBIT A-1

WEST BEACH ROAD PLAZA
FRONTAGE ROAD EASEMENT
SKETCH OF DESCRIPTION

OR2133 PG3109-F



"THIS IS NOT A
LAND SURVEY"

Richard A. Grady
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA NO. 2769
JOB CODE:

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2001-00015**

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2001-00015 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

THIS RESOLUTION passed by voice and entered into the minutes of the Board of
County Commissioners of Lee County, Florida this _____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

10911 BONITA BEACH ROAD, SUITE 105
BONITA SPRINGS, FLORIDA 33923 • (813)947-1144

JULY 17, 1989

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CONTAINING 0.32 ACRES MORE OR LESS.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2001-00015

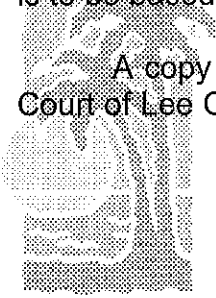
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 9th day of April 2002 @5:00 PM 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

CHARLIE GREEN, CLERK

SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

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JULY 17, 1989

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