

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition VAC2002-00052 to vacate a 6-ft wide Drainage and/or Public Utility Easement along both side lot lines and across the rear lot line of Lot 45, Block A, Unit 2, Cross Creek Estates Subdivision, in Ft. Myers, Florida. Adopt a Resolution setting a Public Hearing for 5:00 pm on the 13th day of May, 2003.

**WHY ACTION IS NECESSARY:** Rendering these easements would release unnecessary encumbrances and resolve the conflict of minimum setbacks and plated easements upon the property. **The vacation of these Drainage and/or Public Utility Easements will not alter existing or future Drainage and/or Public Utility requirements.**

**WHAT ACTION ACCOMPLISHES:** Setting the time and date of the Public Hearing.

**2. DEPARTMENTAL CATEGORY:** 04  
**COMMISSION DISTRICT # 2**

*C4A*

**3. MEETING DATE:**

*04-08-2003*

**4. AGENDA:**

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

**5. REQUIREMENT/PURPOSE:**  
(Specify)

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 3/24/03
- Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed Petition to Vacate, VAC2002-00052 was submitted by Pam Naylor as agent for U.S. Home Corporation.

**LOCATION:** Petition # VAC2002-00052 proposes to vacate the 6-foot wide Drainage and/or Public Utility Easement along both side lot lines of Lot 45, LESS and EXCEPT the South 10-feet thereof, and vacate across the rear lot line a 6-foot drainage and/or Public Utility Easement on Lot 45, Block A, Unit 2, Cross Creek Estates Subdivision, Section 16, Township 45 South, Range 25 East, as recorded in Plat Book 55, Pages 93-97, of the Public Records of Lee County, Florida. The site is located at 12726 Kedleston Circle, Ft. Myers, Florida 33912.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office 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, Resolution to set Public Hearing, Notice of Public Hearing with exhibits.

**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
					OM	Risk	GC	
<i>[Signature]</i> for Mary Gibbs	N/A	N/A	N/A	<i>[Signature]</i> 3-27-03	<i>[Signature]</i> 3/27/03	<i>[Signature]</i> 03/27/03	<i>[Signature]</i> 3/27/03	<i>[Signature]</i> DD

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 3-24-03  
Time: 1:45PM  
Forwarded To:  
*[Signature]*  
3/27/03 11AM

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
3-27-03  
1:15  
COUNTY ADMIN.  
FORWARDED TO: *[Signature]*  
3/27 400

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2002-00052**

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. VAC2002-00052 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

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

**(PUBLIC UTILITY EASEMENT VACATION)**

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND BEING A PART OF LOT 45, BLOCK A OF CROSS CREEK ESTATES UNIT 2, AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 45; THENCE N.32°24'09"W. ALONG THE WESTERLY LINE OF SAID LOT 45 FOR 10.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.32°24'09"W. ALONG SAID WESTERLY LINE FOR 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 45; THENCE N.57°35'51"E. ALONG THE NORTHERLY LINE OF SAID LOT 45 FOR 52.44 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 145.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 25°26'24" FOR 64.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 45; THENCE S.11°12'24"E. ALONG THE EASTERLY LINE OF SAID LOT 45 FOR 118.06 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 135.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.11°12'24"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°32'50" FOR 6.00 FEET; THENCE N.11°12'24"W. FOR 112.51 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 139.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.09°15'21"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°08'48" FOR 56.15 FEET; THENCE S.57°35'51"W. FOR 46.44 FEET; THENCE S.32°24'09"E. FOR 109.00 FEET; THENCE S.57°35'51"W. FOR 6.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 0.05 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE WESTERLY LINE OF LOT 45 BLOCK A AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING N.32°24'09"W.

DESCRIPTION PREPARED: 07-23-02

DESCRIPTION REVISED: 10-29-02

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

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S:\Jobs\133x\1320 SURVEYING\1320\_BK-A\_LOT45\_ESMT\_VAC.dwg

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00052

### TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 13th day of May 2003 @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  
SOUTH WEST FLORIDA  
CHARLIE GREEN, CLERK

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

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

APPROVED AS TO FORM

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

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

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

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DESCRIPTION PREPARED: 07-23-02

DESCRIPTION REVISED: 10-29-02

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

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## PETITION TO VACATE

Case Number: VAC2002-00052  
LOT 45, BLOCK "A", CROSS CREEK ESTATES  
Strap # 16-45-25-02-0000A.0450

Frederick W. Schekorra  
Petitioner, and Kathy D. Schekorra \_\_\_\_\_ requests the Board of County  
Commissioners of Lee County, Florida, to grant this Petition to Vacate and  
states as follows:

Petitioners mailing address: 10481 Six Mile Cypress Parkway  
Fort Myers, Florida 33912

1. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A". **Exhibit "A" is attached.**
2. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".  
**Exhibit "B" is attached**
3. Proof Petitioner paid all applicable state and county taxes in attached as Exhibit "C".  
**Exhibit "C" is attached**
4. Petitioner is fee simple title holder to the underlying land sought to be vacated.  
**Please see the attached Letter(s) of Authorizations**
5. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1. N/A Please see attached email.
6. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioners request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.  
**Please see the attached letters from governmental and utility entities.**

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

Respectfully Submitted, Frederick W. Schekorra and Kathy D. Schekorra  
BY: **US Home Corporation**

By: \_\_\_\_\_  
**Constantine Benetis, Sr. Vice President**

# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

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LYING IN  
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DESCRIPTION PREPARED: 07-23-02

DESCRIPTION REVISED: 10-29-02

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

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S:\Jobs\13xx\1320 SURVEYING\1320\_BLK-A\_LOT45\_ESMT\_VAC.dwg

SHEET 1 OF 2

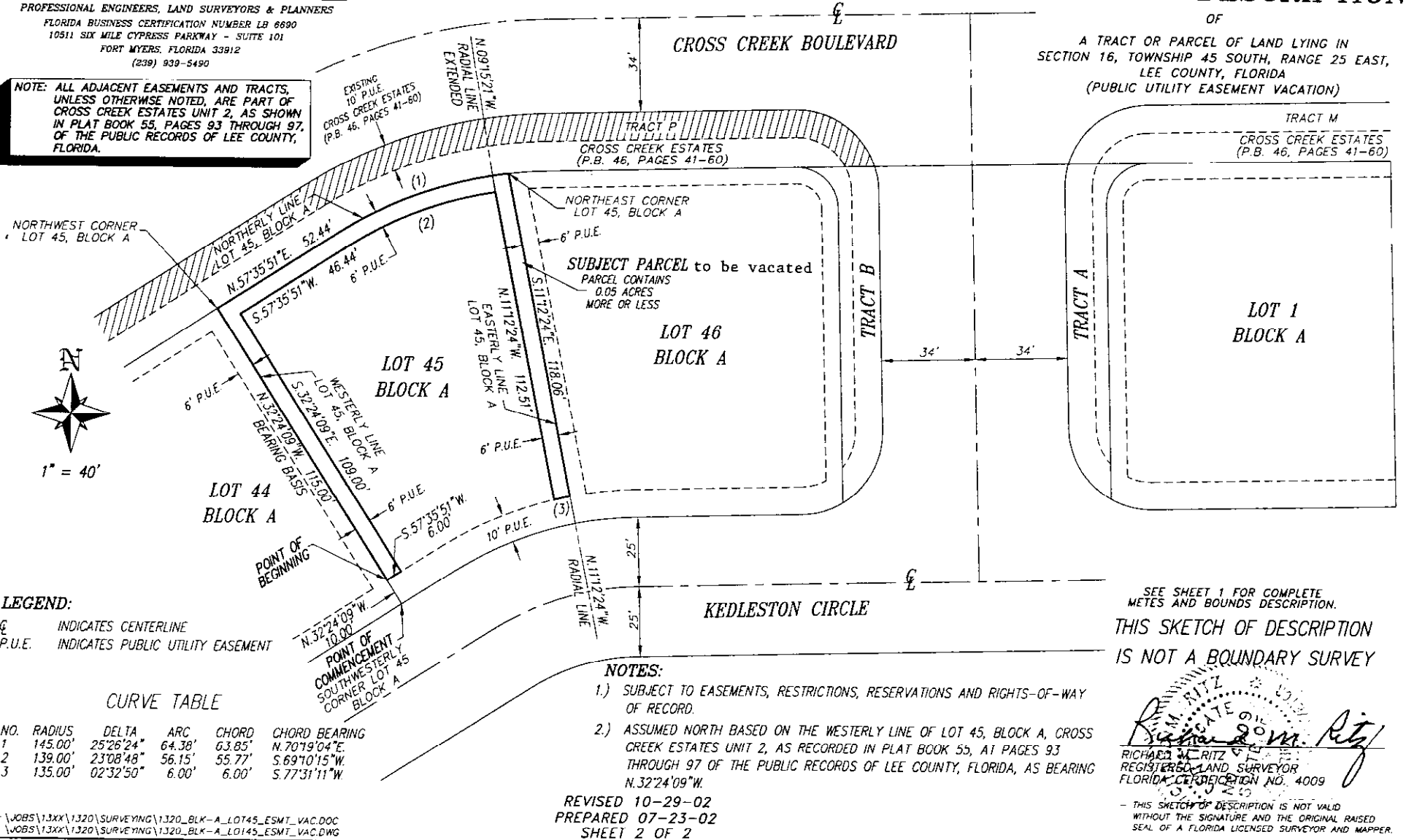
# Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 939-5490

NOTE: ALL ADJACENT EASEMENTS AND TRACTS, UNLESS OTHERWISE NOTED, ARE PART OF CROSS CREEK ESTATES UNIT 2, AS SHOWN IN PLAT BOOK 55, PAGES 93 THROUGH 97, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

# SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 (PUBLIC UTILITY EASEMENT VACATION)



**LEGEND:**  
 ⊕ INDICATES CENTERLINE  
 P.U.E. INDICATES PUBLIC UTILITY EASEMENT

**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	145.00'	25°26'24"	64.38'	63.85'	N.70°19'04"E.
2	139.00'	23°08'48"	56.15'	55.77'	S.69°10'15"W.
3	135.00'	02°32'50"	6.00'	6.00'	S.77°31'11"W.

**NOTES:**  
 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.  
 2.) ASSUMED NORTH BASED ON THE WESTERLY LINE OF LOT 45, BLOCK A, CROSS CREEK ESTATES UNIT 2, AS RECORDED IN PLAT BOOK 55, A1 PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING N.32°24'09"W.

REVISED 10-29-02  
 PREPARED 07-23-02  
 SHEET 2 OF 2

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.  
 THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4009  
 - THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**EXHIBIT "B"**

S:\JOBS\13xx\1320\SURVEYING\1320\_BLK-A\_LOT45\_ESM1\_VAC.DOC  
 10/29/2002 04:08:28 PM, Rick Ritz



Petition to Vacate No. VAC20 -0052  
Exhibit "C"

Pay Online:



**Real Property Information**

<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
16-45-25-02-0000A.0450	2002	PAID
<b>Original Account</b>	<b>Book/Page</b>	
16-45-25-02-0000A.0450	3624/4302	
<b>Physical Address</b>	<b>Mailing Address</b>	
SCHEKORRA FREDERICK W+ KATHY D 12726 KEDLESTON CIR FORT MYERS FL 33912	SCHEKORRA FREDERICK W+ KATHY D 12726 KEDLESTON CIR FORT MYERS FL 33912 USA	
<b>Legal Description</b>		
CROSS CREEK ESTS UT 2 PB 55 PGS 93-97 BLK A LOT 45		
<b>Total Amount Due as of 3/27/2003</b>		<b>\$0.00</b>

<b>District</b>	<b>012</b>
<b>Market Assessed Value</b>	<b>\$232,840.00</b>
<b>Agricultural Exemption</b>	<b>\$0.00</b>
<b>Assessed SOH Value</b>	<b>\$232,840.00</b>
<b>Homestead Exemption</b>	<b>\$0.00</b>
<b>Other Exemption</b>	<b>\$0.00</b>
<b>Wholly Exemption</b>	<b>\$0.00</b>
<b>Taxable Value</b>	<b>\$232,840.00</b>
<b>Senior Exemption</b>	<b>\$0.00</b>
<b>Historical Exemption</b>	<b>\$0.00</b>
<b>Economic Exemption</b>	<b>\$0.00</b>
<b>Tax Amount</b>	<b>\$4,681.58</b>

**Ad Valorem Taxes**

<b>Taxing Authority</b>	<b>Millage Rate</b>	<b>Taxes Levied</b>
PUBLIC SCHOOL - BY LOCAL BOARD	2.5990	\$605.15
PUBLIC SCHOOL - BY STATE LAW	5.9730	\$1,390.75
LEE COUNTY CAPITAL IMP	1.0124	\$235.73
LEE CO UNINCORPORATED - MSTU	1.2114	\$282.06
LEE COUNTY GENERAL REVENUE	4.3277	\$1,007.66
LEE COUNTY HYACINTH CONTROL	0.0327	\$7.61
LEE COUNTY LIBRARY FUND	0.9630	\$224.22
LEE COUNTY MOSQUITO CONTROL	0.3294	\$76.70
SFL WATER MGMT-EVERGLADE CONST	0.1000	\$23.28
SOUTH TRAIL FIRE DISTRICT	2.0000	\$465.68
WEST COAST INLAND WATERWAY	0.0400	\$9.31
LEE COUNTY ALL HAZARDS - UNINC	0.0733	\$17.07
SFL WATER MGMT-DISTRICT LEVY	0.5970	\$139.01

**Non Ad Valorem Taxes**

<b>Taxing Authority</b>	<b>Rate</b>	<b>Amount</b>
SOLID WASTE ASSESSMENT	1.0000	\$197.35

<b>Nov 2002</b>	<b>Dec 2002</b>	<b>Jan 2003</b>	<b>Feb 2003</b>	<b>Mar 2003</b>
<b>\$4,494.32</b>	<b>\$4,541.13</b>	<b>\$4,587.95</b>	<b>\$4,634.76</b>	<b>\$4,681.58</b>

**LETTER OF AUTHORIZATION**

The undersigned hereby acknowledges to be the owner or legal representative of the real property described below and further authorizes **U.S. HOME CORPORATION**, to act as agent in Petitioning Lee County to Vacate the Public Utility Easements of the subject property.

By: Frederick W. Schekorra  
Frederick W. Schekorra, Owner

By: Kathy D. Schekorra  
Kathy D. Schekorra, Owner

Property Description:

**Lot 45, Block 'A', CROSS CREEK ESTATES,**  
**Book 55 at page 92 of the Lee County Public Records**  
**Strap # 16-45-25 - 02-0000A.0450**  
**12726 Kedleston Circle, Fort Myers, Florida 33912**

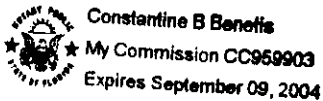
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 7/9/02 by \_\_\_\_\_ (Date)

Frederick & Kathy Schekorra who is personally known to me or who has produced \_\_\_\_\_ (Name of person acknowledging)

\_\_\_\_\_ as identification.  
(Type of identification)

[Signature]  
(Signature of person taking acknowledgment)

Constantine B. Benoit  
(Name typed, printed or stamped)



\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

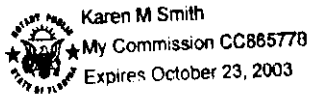
**LETTER OF AUTHORIZATION**

The undersigned hereby acknowledges to be the owner's designated authorized legal representative of the real property described below and further authorizes **Banks Engineering, Inc.** to act as agent in Petitioning Lee County to Vacate the Public Utility Easements of the subject property.

Company: **U.S. Home Corporation**  
10481 Six Mile Cypress Parkway  
Fort Myers, Florida 33912  
Signature: \_\_\_\_\_  
Name & Title: **Constantine Benetis, Sr. Vice President**

Property Description: **Lot 45, Block 'A', Cross Creek Estates**  
**Book 55 at page 92 of the Lee County Public Records**  
Strap Number: **16-45-25-02-0000A.0450**  
Address: **12726 Kedleston Circle**  
**Fort Myers, Florida 33912**

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9th July 02  
(Name of officer or agent, title of officer or agent) (Date)  
by CONSTANTINE BENETIS, of U.S. HOME CORPORATION,  
(Name of officer or agent, title of officer or agent) (Name of corporation acknowledging)  
a FLORIDA corporation, on behalf of the corporation. He/she is personally know to me, or has  
(State)  
produced \_\_\_\_\_ as identification.



Karen M Smith  
(Signature of person taking acknowledgment)  
KAREN M SMITH  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

**Banks Engineering, Inc.  
10511-101 Six Mile Cypress Parkway  
Fort Myers, Florida 33912  
(941)939-5490 ~ Fax (941)939-2523**

*Pam Naylor*

---

**From:** Tom Lehnert  
**Sent:** Wednesday, July 24, 2002 10:25 AM  
**To:** Pam Naylor  
**Subject:** FW: Cross Creek Estates Petition to Vacate

-----Original Message-----

From: Jonathan Hagan [mailto:HAGANJG@leegov.com]  
Sent: Wednesday, July 24, 2002 9:42 AM  
To: tlehnert@bankseng.com  
Subject: Cross Creek Estates Petition to Vacate

Tom,

Per our conversation there are no affected property owners that need to be notified. Therefore, this item on the checklist is not applicable and the application should be taken in at the front counter. If there are any problems when you submit it at the front counter please have them call me. Thanks.

Jon Hagan  
Development Review Representative  
Department of Community Development  
Division of Development Services  
haganjg@leegov.com  
(941) 479-8587 ext. 14  
(941) 479-8386 FAX

# 8120506



Return to and prepared by:  
Mary T. Ruffolo, Esq.  
North American Title Company  
7051 CYPRESS TERRACE, SUITE 203  
FT. MYERS, FL 33907

Property Appraiser's Folio No  
16-15-25-02-0000A 0450

INSTR # 5418931  
OR BK 03624 PG 4392  
RECORDED 04/17/2002 08:44:53 AM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DEED DOC 2,765.00  
DEPUTY CLERK C Keller

**SPECIAL WARRANTY DEED**

THIS Deed is made on this 4th day of April, 2002 by LENONE, INC., A VIRGINIA CORPORATION, (the "Grantor") whose address is 7204 Glen Forest Dr., Suite 201, Richmond, VA 23226, and Frederick W. Schekorra and Kathy D. Schekorra, Husband and Wife, (the "Grantee") whose address is 12726 Redleston Circle, Fort Myers FL 33912

The terms "Grantor" and "Grantee" in these instruments include the respective successors and assigns have said parties.

**WITNESSETH:**

That Grantor, for and in consideration of the sum of Ten Dollars(\$10.00) to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee in the following property (the "Property") lying and in Lee County, Florida and more particularly described as follows:

Lot 45, Block A, CROSS CREEK ESTATES, Unit 2, according to the Plat thereof, recorded in Plat Book 55, Pages 93 through 97, of the Public Records of Lee County, Florida.

**SUBJECT TO THE FOLLOWING:**

1. Real estate taxes for the year 2002 and subsequent years.
2. Covenants, conditions, easements, encumbrances, reservations and restrictions of record, without hereby reimposing same.
3. Zoning and other governmental restrictions.

**TOGETHER** with all the tenements, hereditaments and appurtenances belonging or in any way appertaining to said Property

**TO HAVE AND TO HOLD** the same in fee simple forever.

**AND GRANTOR** hereby covenants with said Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor had full right and lawful authority to sell and convey said Property; and that the Grantor does hereby warranty the title to said Property and will defend the same against the lawful claims of all persons claiming by through and under Grantor and no other

**IN WITNESS WHEREOF**, THE Grantor has caused this Special Warranty Deed to be executed the day and year first above written.

Signed, sealed and delivered  
in the presence of:

WITNESS Karen A. Counts

LENONE, INC., A VIRGINIA CORPORATION

BY: Brian Murray  
Brian Murray, Vice President

PRINT Yaven Cowitz

PRINT \_\_\_\_\_

WITNESS Virginia Marsden

PRINT Lynn Marsden

(CORPORATE SEAL)

STATE OF Virginia  
COUNTY OF Henrico SS:

Before me personally appeared Brian Murray, Vice President of LENONE, INC., A VIRGINIA CORPORATION personally known to me or who produced DRIVER LICENSE as identification and who did not take and oath, and to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged before me that he executed the same.

Witness my hand and official seal in the county and state aforesaid the 31 day of April, 2002.

NOTARY PUBLIC Virginia Marsden

SEAL

PRINT Virginia Marsden

My Commission Expires: 7/31/03



Florida Power & Light Company  
15834 Winkler Road  
Fort Myers, FL 33908  
(239) 415-1326

VAC 2002-00052

November 8, 2002

Ms. Pamela P. Naylor  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Fort Myers, FL 33912

NOV 8 2002

NOV 8 2002

NOV 8 2002

RE: VACATION OF EASEMENTS  
CROSS CREEK ESTATES-STRAP # 16-45-25-02-0000A.0450  
12726 KEDLESTON CIRCLE, FORT MYERS, FL 33912

Dear Ms. Naylor:

I have reviewed your request to vacate the easements along the side and rear lot lines of Lot 45, Block A in Cross Creek Estates, Unit 2 as recorded in plat Book 55, pages 93-97 of Lee County Public Records and offer the following comments:

The easements in question are shown on the attached "Sketch of Description".

Florida Power & Light Company has "NO OBJECTION" to the vacation of said easements. FPL has completed the installation of all underground electric facilities in the area. There are no underground electric facilities within the said easements and none are contemplated for the future.

If you have any questions, please feel free to call me at (239) 415-1326.

Yours truly,

A handwritten signature in cursive script that reads "John W. Hahn".

John W. Hahn  
Senior System Project Manager

Attachments

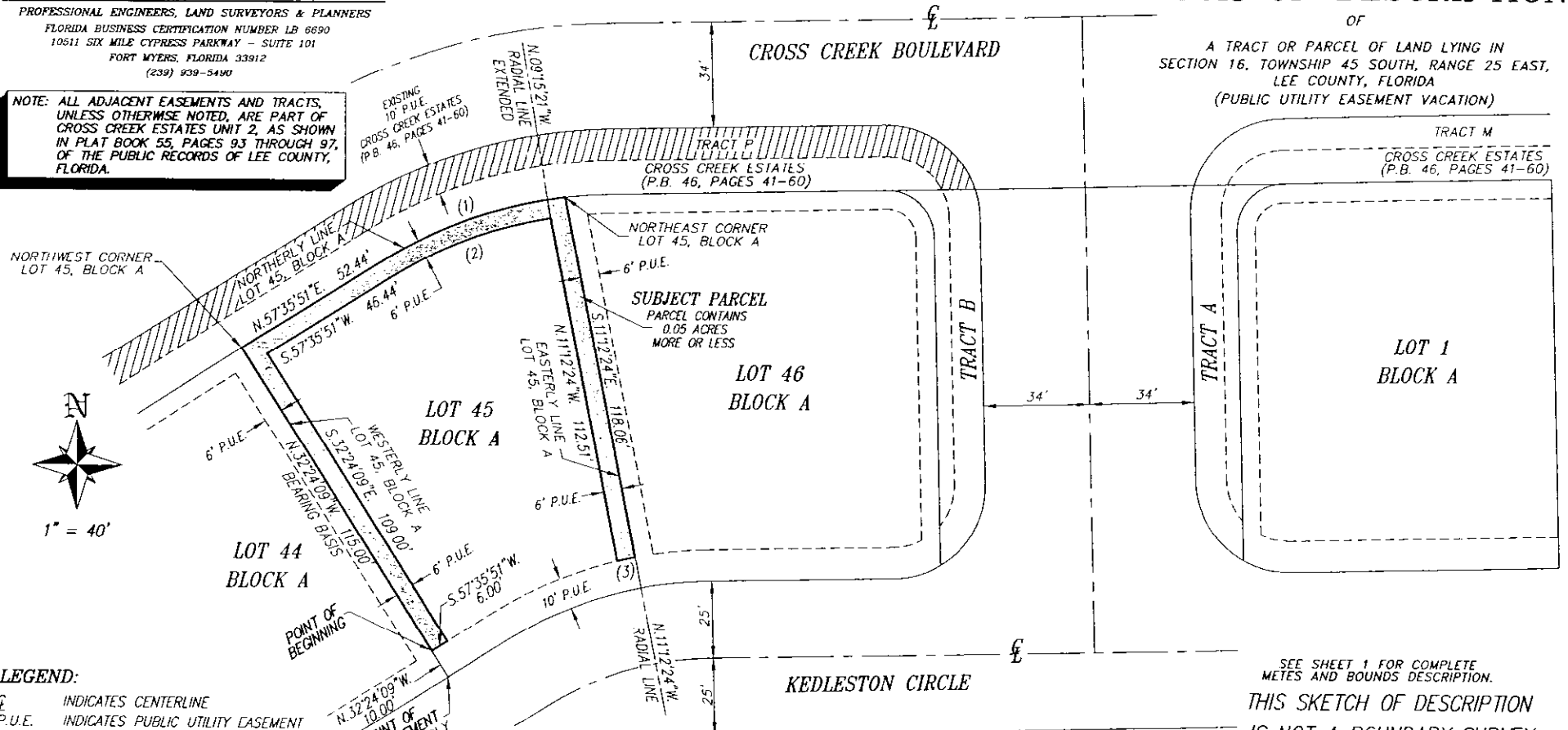
# Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS  
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690  
 10611 SIX MILE CYPRESS PARKWAY - SUITE 101  
 FORT MYERS, FLORIDA 33912  
 (239) 939-5490

**NOTE: ALL ADJACENT EASEMENTS AND TRACTS, UNLESS OTHERWISE NOTED, ARE PART OF CROSS CREEK ESTATES UNIT 2, AS SHOWN IN PLAT BOOK 55, PAGES 93 THROUGH 97, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.**

# SKETCH OF DESCRIPTION

OF  
 A TRACT OR PARCEL OF LAND LYING IN  
 SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 (PUBLIC UTILITY EASEMENT VACATION)



1" = 40'

**LEGEND:**  
 ☉ INDICATES CENTERLINE  
 P.U.E. INDICATES PUBLIC UTILITY EASEMENT

### CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	145.00'	25°26'24"	64.38'	63.85'	N.70°19'04"E.
2	139.00'	23°08'48"	56.15'	55.77'	S.69°10'15"W.
3	135.00'	02°32'50"	6.00'	6.00'	S.77°31'11"W.

### NOTES:

- SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- ASSUMED NORTH BASED ON THE WESTERLY LINE OF LOT 45, BLOCK A, CROSS CREEK ESTATES UNIT 2, AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEARING N.32°24'09"W.

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.  
**THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY**

*Richard M. Ritz*  
 RICHARD M. RITZ  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISED 10-29-02  
 PREPARED 07-23-02  
 SHEET 2 OF 2

S:\JOB5\13XX\1320\SURVEYING\1320\_BLK-A\_LOT45\_ESMT\_VAC.DWG



# Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors  
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION  
OF A  
PARCEL OF LAND  
LYING IN  
SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

(PUBLIC UTILITY EASEMENT VACATION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND BEING A PART OF LOT 45, BLOCK A OF CROSS CREEK ESTATES UNIT 2, AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 45; THENCE N.32°24'09"W. ALONG THE WESTERLY LINE OF SAID LOT 45 FOR 10.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE N.32°24'09"W. ALONG SAID WESTERLY LINE FOR 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 45; THENCE N.57°35'51"E. ALONG THE NORTHERLY LINE OF SAID LOT 45 FOR 52.44 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 145.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 25°26'24" FOR 64.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 45; THENCE S.11°12'24"E. ALONG THE EASTERLY LINE OF SAID LOT 45 FOR 118.06 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 135.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.11°12'24"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°32'50" FOR 6.00 FEET; THENCE N.11°12'24"W. FOR 112.51 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 139.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.09°15'21"W.; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°08'48" FOR 56.15 FEET; THENCE S.57°35'51"W. FOR 46.44 FEET; THENCE S.32°24'09"E. FOR 109.00 FEET; THENCE S.57°35'51"W. FOR 6.00 FEET TO THE **POINT OF BEGINNING**.

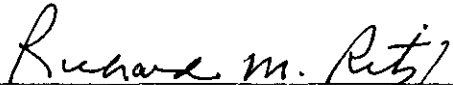
PARCEL CONTAINS 0.05 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

ASSUMED NORTH BASED ON THE WESTERLY LINE OF LOT 45 BLOCK A AS RECORDED IN PLAT BOOK 55, AT PAGES 93 THROUGH 97 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING N.32°24'09"W.

DESCRIPTION PREPARED: 07-23-02

DESCRIPTION REVISED: 10-29-02

  
RICHARD M. RITZ  
REGISTERED LAND SURVEYOR  
FLORIDA CERTIFICATION NO. 4009

S:\Jobs\13xxx\2005\SURVEYING\1329\_BLK\_A\_10145\_ESME\_VAC.doc  
S:\Jobs\13xx\1329\SURVEYING\1329\_BLK\_A\_10145\_ESME\_VAC.dwg

SHEET 1 OF 2



P. O. Box 370  
Fort Myers, FL 33902-0370

November 8, 2002

Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, Fl. 33912

VAC 2002 00052

[REDACTED]

NOV 8 2002

Attn: Ms. Pamela P. Naylor – Permit Technician

Ref: Vacation of Easements – Cross Creek  
12726 Kedleston Circle – Ft. Myers, Fl. 33912


Dear Ms. Naylor:

This is in response to your letter of October 31<sup>st</sup> regarding your Petition for Vacation of Easements at the abovementioned property.

Please be advised that Sprint has no objection to vacation of the easements, as described in your letter and depicted in your Sketch of Description.

If I can be of further assistance, please feel free to contact me at 336-2014.

Sincerely,

  
Denise Grabowski  
Engineer I – Network CSO



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941)479-8181

Bob Jones  
*District One*

September 26, 2002

Douglas R. St. Comy  
*District Two*

Ray Judah  
*District Three*

Pamela P. Naylor  
Banks Engineering, Inc.  
10511 Six Mile Cypress Pkwy., Suite 101  
Fort Myers, FL 33912

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stulwell  
*County Manager*

**SUBJECT: VACATE PLATTED PUBLIC UTILITY EASEMENTS  
STRAP #: 16-45-25-02-0000A.0450  
LOT 45, BLOCK A – CROSS CREEK ESTATES**

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Dear Ms. Naylor:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate the existing 6-foot wide public utility easements located along the side and rear lot lines of Lot 45, Block A in Cross Creek Estates, Unit 2 as recorded in Plat Book 55, pages 93-97 of Lee Count Public Records.

Lee County Utilities has reviewed your request and currently has no objection to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, we have no potable water or sanitary sewer facilities within the area to be vacated.

Should you have any questions or require further assistance, please do not hesitate to contact our office at 479-8531.

Sincerely,

**LEE COUNTY UTILITIES**

Terry A. Kelley  
Senior Engineering Technician  
Utilities Engineering Division

Via Facsimile #939-2523  
Original mailed 09/26/02



301 Tower Road  
Naples, FL 34113  
Telephone: 941-732-3819  
FAX: 941-992-1289

November 13, 2002

Pamela Naylor  
Banks Engineering, Inc.  
10511 Six Mile Cypress Pkwy., Suite 101  
Fort Myers, Florida 33912

Re: The Vacation of two 6-foot wide Drainage / Utility Easements adjacent to the lot lines common to lots 44 & 45, less and except the south 10-feet thereof, and the 6-foot Drainage / Utility Easement adjacent to Cross Creek Blvd., located on 45, Block "A", in Cross Creek Estates, Unit 2, as recorded in plat book 46, page 41-60.

Dear Pamela,

Comcast has reviewed the plans of the above referenced properties. Comcast has no OBJECTION to the vacation of the three 6-foot Drainage / Utility Easements refernced above. Comcast has utilities located in the rear 10-foot P.U.D. which is not being vacated . If you have any future concerns, please do not hesitate to call me at (941) 732-3819.

Sincerely,

*Scott Miller*

Scott Miller  
Design Coordinator

*RECEIVED*

NOV 20 2002

VAC 2002 00052

*Pg. 1 of 2*

2931 Michigan Avenue  
Fort Myers, Florida 33916  
Phone 941-334-8828  
Fax 941-334-8575



January 10, 2003

Banks Engineering, Inc  
C/O Pamela Naylor  
10511 Six Mile Cypress Pkwy. Suite 101  
Ft Myers, FL 33912

Re: Request for a letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location : Lot lines common to  
lots 44, 45 & 46. Cross Creek Estates, 12726 Kedleston Cr.

Dear Pamela Naylor,

Comcast has no existing utilities in the above referenced location and has no  
Objection with the vacation of the above referenced utility easement.

If you have any future concerns, please do not hesitate to contact me at (239)  
415-4750.

Sincerely,  
*Mike Evanek*

Mike Evanek  
Design Coordinator

*R. 2 7 2*

Bob Janes  
*District One*

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. Yeager  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

March 24, 2003

Pamela P. Naylor as agent for U.S. Home Corp.  
10511 six Mile Cypress Parkway, Suite 101  
Ft. Myers, Florida 33912

Re: Recommendation for proposed vacation of a Drainage and/or Public Utility Easement located at Cross Creek Estates, 12726 Kedleston Circle, Ft. Myers, Florida. (STRAP # 16-45-25-02-0000A.0450) VAC2002-00052

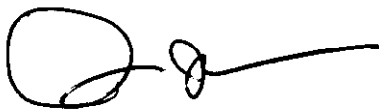
Dear Ms. Naylor:

This office has received your request to vacate the 6-foot wide Drainage and/or Public Utility Easements along both sides of Lot 45, LESS and EXCEPT the South Ten-feet thereof, and vacate the 6-foot rear lot line Drainage and/or Public Utility Easement on Lot 45, Block A, Unit 2, Cross Creek Estates Subdivision, Section 16, Township 45 South, Range 25 East, as recorded in Plat Book 55, Pages 93-97, of the Public Records of Lee County, Florida.

You indicate that no drainage or utility facilities lie within the proposed vacated easements and rendering these easements would release unnecessary encumbrances and resolve the conflict of minimum setbacks and platted easements upon the property. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director

PJE/rlm

U:\200210\VAC20020.005\2\D&PUE.WPD



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8580

Bob Janes  
*District One*

Douglas H. St. Geny  
*District Two*

Ray Juchth  
*District Three*

Andrew W. Coy  
*District Four*

John L. Albon  
*District Five*

Donald D. Stillwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Housing  
Examiner*

May 6, 2002

**Mr. Samuel W. Marshall**  
Banks Engineering, Inc.  
10511 Six Mile Cypress Pkwy., Suite 101  
Fort Myers, FL 33912

**RE: Petition to Vacate**  
**Cross Creek Estates, Strap #16 45 25 02 0000A.0450**  
**12726 Kedleston Circle, Fort Myers, FL 33912**


Dear Mr. Marshall:

Lee County Department of Transportation has reviewed the requested vacation of a public utility and drainage easement located on the single-family lot located within Cross Creek Estates. Lee County Department of Transportation does not maintain any easements or utilities within Cross Creek; therefore, offers no objection to the vacation.

I trust this information responds to your inquiry. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

Cc: Peter Eckenrode, Development Services  
DOT PTV File – Cross Creek Estates

S:\DOCUMENT\Petition To Vacate\2002\Cross Creek Estates.doc

(941) 479-8124

Tuesday, February 25, 2003

Ms. Pamela Naylor  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, FL 33912

Re: Petition to Vacate a several six (6) foot wide public utility easements common to all sides of Lot 45, Block A, Unit 2, Cross Creek Estates Subdivision as recorded in Plat Book 55 at Page 93, Public Records of Lee County, Florida less and except the ten (10) foot wide public utility easement fronting Kedleston Circle.

Dear Ms. Naylor:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easements.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT



Allen L. Davies, Jr.  
Natural Resources Division

-cc: Don Blackburn, Development Services  
Joan Henry, County Attorney's Office  
Margaret Lawson, LCDOT  
Roland Ottolini, P.E., NRD

1.4.2



(941) 479-8124

Tuesday, October 08, 2002

Ms. Pamela Naylor  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway  
Suite 101  
Fort Myers, FL 33912

Re: Petition to Vacate a six (6) foot wide public utility easement along the rear lot line of Lot 46 Block A, Unit 2, Cross Creek Estates Subdivision as recorded in Plat Book 55 at Page 93, Public Records of Lee County, Florida.

Dear Ms. Naylor:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public utility easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT



Allen L. Davies, Jr.  
Natural Resources Division

-cc: Don Blackburn, Development Services  
Joan Henry, County Attorney's Office  
Margaret Lawson, LCDOT  
Roland Ottolini, P.E., NRD

2/2



## Florida Department of Transportation

JEB BUSH  
GOVERNOR

THOMAS E. BARRY, JR.  
SECRETARY

April 15, 2002

Pamela P. Naylor, Permit Technician  
Banks Engineering, Inc.  
10511 Six Mile Cypress Parkway, Suite 101  
Ft. Myers, Florida 33912

RE: Vacation of A Public Utility Easement

Dear Ms Naylor:

Our staff has conducted a review of your request to vacate a public utility easement lying adjacent and parallel to the lot line of Lot 45, Block "A", Cross Creek Estates Unit 2, Plat Book 55 Pages 93 thru 97, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of April 4, 2002.

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

SEE SHEET 4 of 5

James R. Coleman & Associates, Inc.  
 Land Surveying Consultants  
 6236 Presidential Court Suite 22  
 Fort Myers, Florida 33910  
 Phone: (915) 459-8070

# CROSS CREEK ESTATES UNIT 2

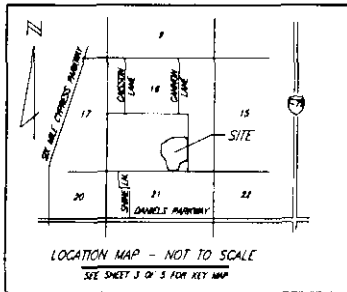
A REPLAT OF BLOCKS 10, 11, TRACT D AND PART OF TRACTS P AND M OF  
 CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

PLAT BOOK 55 PAGE 99

SHEET 1 OF 5  
 PROJECT NUMBER: 306012  
 DATE: JUNE, 1994

**NOTICE:**

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.



**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT CROSS CREEK ESTATES ASSOCIATES, A FLORIDA GENERAL PARTNERSHIP, THE OWNER OF THE HEREIN DESCRIBED LANDS, HAS CAUSED THIS PLAT OF CROSS CREEK ESTATES UNIT 2, A REPLAT OF BLOCKS 10, 11, TRACT D AND PART OF TRACTS P AND M OF CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO BE MADE AND DOES HEREBY DEDICATE TO THE PERPETUAL USE OF CROSS CREEK ESTATES ASSOCIATION INC., ALL STREETS AND ALL OF TRACTS A, B AND C, AND ALL DRAINAGE CASSEMENTS THE UTILITY EASEMENTS SHOWN OR DESCRIBED HEREON ARE HEREBY DEDICATED TO THE PUBLIC HEREBY RESERVING, MAINTAINING AND ABANDONING ANY PLAT OR PLATS OF ANY PART OF SAID LANDS HERETOFORE MADE.

IN WITNESS WHEREOF CROSS CREEK ESTATES ASSOCIATES, HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED IN ITS NAME THIS 28th DAY OF September, A.D. 1994.

CROSS CREEK ESTATES ASSOCIATES

*James R. Coleman*  
 JAMES R. COLEMAN  
 GENERAL PARTNER

WITNESS *John E. Lamm*  
 JOHN E. LAMM  
 WITNESS *Virginia P. Koenig*  
 VIRGINIA P. KOENIG

**ACKNOWLEDGEMENT**

STATE OF FLORIDA  
 COUNTY OF LEE

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME JAMES R. COLEMAN, GENERAL PARTNER OF CROSS CREEK ESTATES ASSOCIATES, A FLORIDA GENERAL PARTNERSHIP TO ME KNOWN TO BE THE PERSON DESCRIBED BY AND WHO CAUSED THE FOREGOING DEDICATION, AND HE ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED AND THAT SAID DEDICATION IS THE ACT AND DEED OF SAID GENERAL PARTNERSHIP.

WITNESS BY HAND AND NOTARIAL SEAL AT SAID COUNTY AND STATE THIS 28th DAY OF September, A.D. 1994.

OFFICIAL SEAL  
 JOHN E. LAMM  
 NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
 MY COMMISSION EXPIRES 12/31/94

*John E. Lamm*  
 JOHN E. LAMM  
 NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
 MY COMMISSION EXPIRES 12/31/94

**CONSENT TO DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT CROSS CREEK ESTATES ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION HAVING CERTAIN INTERESTS IN AND TO CERTAIN PORTIONS OF THE LANDS DESCRIBED ON THIS PLAT OF CROSS CREEK ESTATES UNIT 2, A REPLAT OF BLOCKS 10, 11, TRACT D AND PART OF TRACTS P AND M OF CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND DOES HEREBY JOIN IN AND CONSENT TO THE ABOVE DEDICATION.

IN WITNESS WHEREOF CROSS CREEK ESTATES ASSOCIATION, INC. HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED IN ITS NAME THIS 28th DAY OF September, A.D. 1994.

CROSS CREEK ESTATES ASSOCIATION, INC.  
 BY: DANN MCNEILLY, PRESIDENT

WITNESS *John E. Lamm*  
 JOHN E. LAMM  
 WITNESS *Virginia P. Koenig*  
 VIRGINIA P. KOENIG

**ACKNOWLEDGEMENT**

STATE OF FLORIDA  
 COUNTY OF LEE

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME DANN MCNEILLY, PRESIDENT OF CROSS CREEK ESTATES ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION, TO ME KNOWN TO BE THE PERSON DESCRIBED BY AND WHO CAUSED THE FOREGOING CONSENT TO DEDICATION AND HE ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED AND THAT SAID CONSENT TO DEDICATION IS THE ACT AND DEED OF SAID CORPORATION.

WITNESS BY HAND AND NOTARIAL SEAL AT SAID COUNTY AND STATE THIS 28th DAY OF September, A.D. 1994.

OFFICIAL SEAL  
 JOHN E. LAMM  
 NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
 MY COMMISSION EXPIRES 12/31/94

FOR JAMES R. COLEMAN & ASSOCIATES, INC.  
*James R. Coleman*  
 JAMES R. COLEMAN  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATE NO. 1203

**LEGAL DESCRIPTION**

BLOCKS 10 AND 11, TRACT D AND PART OF TRACTS P AND M OF CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 46 AT PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16 FOR 800.00 FEET; THENCE N01°17'00"W FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE N17°18'00"E FOR 270.13 FEET; THENCE S00°00'00"E FOR 80.00 FEET; THENCE N01°17'00"W FOR 180.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONTOUR TO THE NORTHEAST; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 85°00'00" FOR 163.78 FEET TO THE POINT OF TANGENCY; THENCE N01°17'00"W FOR 278.50 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONTOUR TO THE SOUTHWEST; THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 90°44'25" FOR 327.84 FEET TO THE POINT OF ENDPOINT; THENCE S01°17'00"E FOR 127.18 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONTOUR TO THE SOUTHWEST; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 113°02'14" FOR 288.10 FEET TO THE POINT OF TANGENCY; THENCE S01°17'00"E FOR 520.44 FEET; THENCE S00°00'00"E FOR 128.80 FEET; THENCE S01°17'00"E FOR 258.17 FEET; THENCE S00°00'00"E FOR 80.00 FEET; THENCE S01°17'00"E FOR 321.18 FEET; THENCE S01°17'00"E FOR 811.24 FEET; THENCE S00°00'00"E FOR 180.00 FEET TO THE POINT OF BEGINNING.

**SURVEYORS NOTES**

- (NW) DENOTES HIGH POINT.
- DENOTES POB (PERMANENT CONTROL POINT)
- DENOTES PNM (PERMANENT REFERENCE MONUMENT)
- 1. THE BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF CROSS CREEK ESTATES AS RECORDED IN PLAT BOOK 46 AT PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- 2. LINES INTERSECTING CURVES ARE TANGENTIAL UNLESS OTHERWISE INDICATED.
- 3. IN ADDITION TO THESE EASEMENTS SPECIFICALLY SHOWN HEREON, A PUBLIC UTILITY EASEMENT TEN FEET IN WIDTH IS HEREBY CREATED ALONG THE FRONT OF EACH LOT OR TRACT; A PUBLIC UTILITY EASEMENT SIX FEET IN WIDTH IS HEREBY CREATED ALONG THE SIDE OF EACH LOT; A PUBLIC UTILITY EASEMENT SIX FEET IN WIDTH IS HEREBY CREATED ALONG THE REAR OF EACH LOT AND AROUND THE PERIMETER OF TRACT C. A LARGE MANTHWAN'S EASEMENT FIVE (5) FT IN WIDTH IS HEREBY CREATED ALONG THE REAR OF ALL LOTS ABUTTING TRACT C.
- 4. A PUBLIC UTILITY EASEMENT IS HEREBY CREATED OVER AND ACROSS ALL STREETS.

NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**APPROVALS**

THIS PLAT OF CROSS CREEK ESTATES UNIT 2, A REPLAT OF BLOCKS 10, 11, TRACT D AND PART OF TRACTS P AND M OF CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WAS ACCEPTED THIS 28th DAY OF September, A.D. 1994, IN AN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

*John E. Lamm*  
 JOHN E. LAMM  
 NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
 MY COMMISSION EXPIRES 12/31/94

*James R. Coleman*  
 JAMES R. COLEMAN  
 GENERAL PARTNER

*John E. Lamm*  
 JOHN E. LAMM  
 NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
 MY COMMISSION EXPIRES 12/31/94

*Virginia P. Koenig*  
 VIRGINIA P. KOENIG

**CLERK'S CERTIFICATE 3071985**

I HEREBY CERTIFY THAT THIS PLAT OF CROSS CREEK ESTATES UNIT 2, A REPLAT OF BLOCKS 10, 11, TRACT D AND PART OF TRACTS P AND M OF CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE REQUIREMENTS OF PART 1 OF CHAPTER 177, FLORIDA STATUTES.

I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 10:17 AM, THIS DATE, THE DAY OF 28th, 1994, AND WAS RECORDED IN PLAT BOOK 55 AT PAGES 98 THROUGH 102 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF CROSS CREEK ESTATES UNIT 2, A REPLAT OF BLOCKS 10, 11, TRACT D AND PART OF TRACTS P AND M OF CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST, RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATED UNDER MY DIRECTION AND SUPERVISION, THAT THE PERMANENT REFERENCE MONUMENTS HAVE BEEN SET AND ARE BEING SURVEYED IN ACCORDANCE WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES.

FOR JAMES R. COLEMAN & ASSOCIATES, INC.  
*James R. Coleman*  
 JAMES R. COLEMAN  
 REGISTERED LAND SURVEYOR  
 FLORIDA CERTIFICATE NO. 1203

D.C. 889-05-015, 016

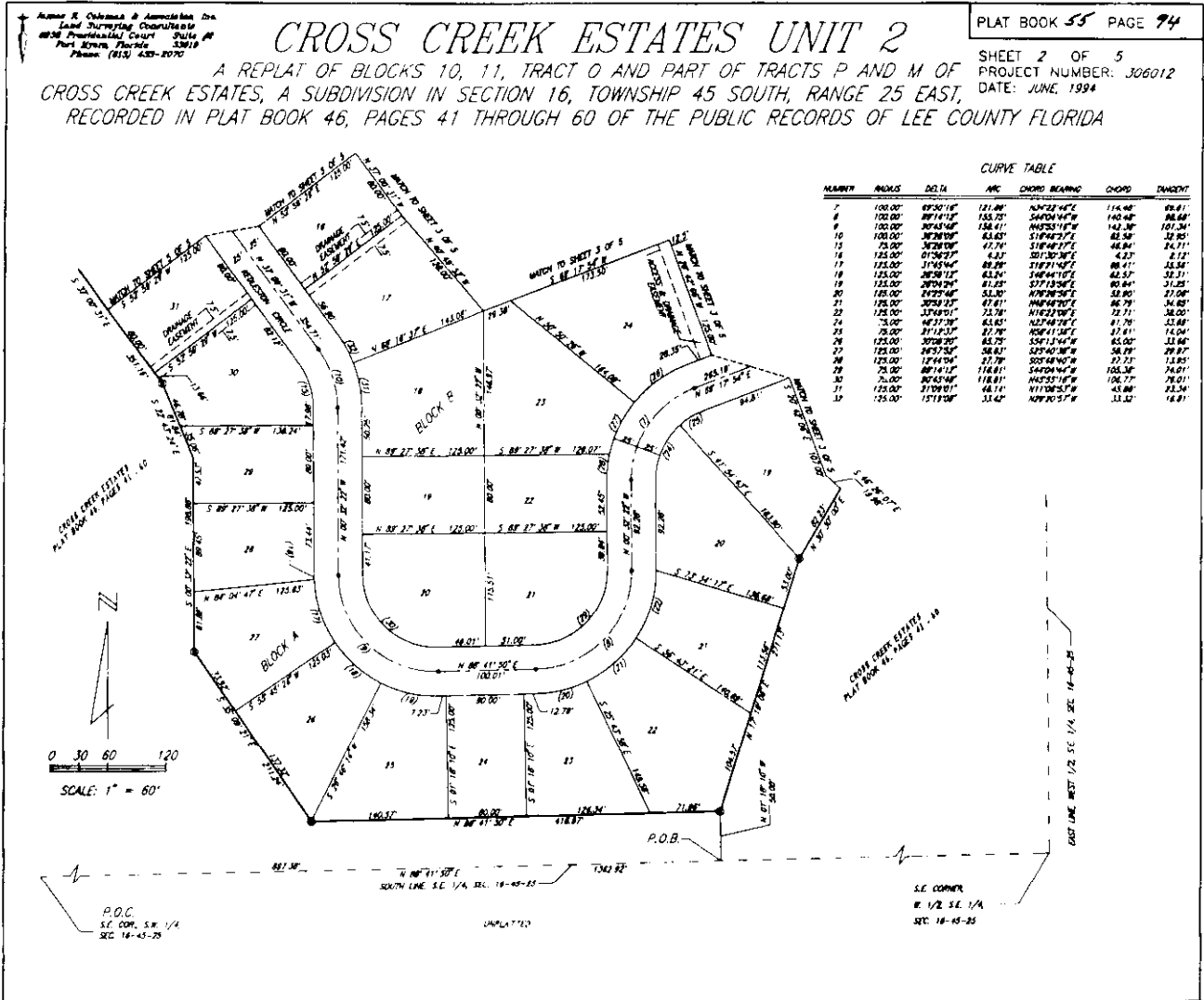
James R. Ockman & Associates, Inc.  
 Land Surveying Consultants  
 4838 Professional Court, Suite #4  
 Fort Myers, Florida 33916  
 Phone: (813) 452-2070

# CROSS CREEK ESTATES UNIT 2

PLAT BOOK 55 PAGE 94

A REPLAT OF BLOCKS 10, 11, TRACT O AND PART OF TRACTS P AND M OF  
 CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

SHEET 2 OF 5  
 PROJECT NUMBER: 306012  
 DATE: JUNE, 1994



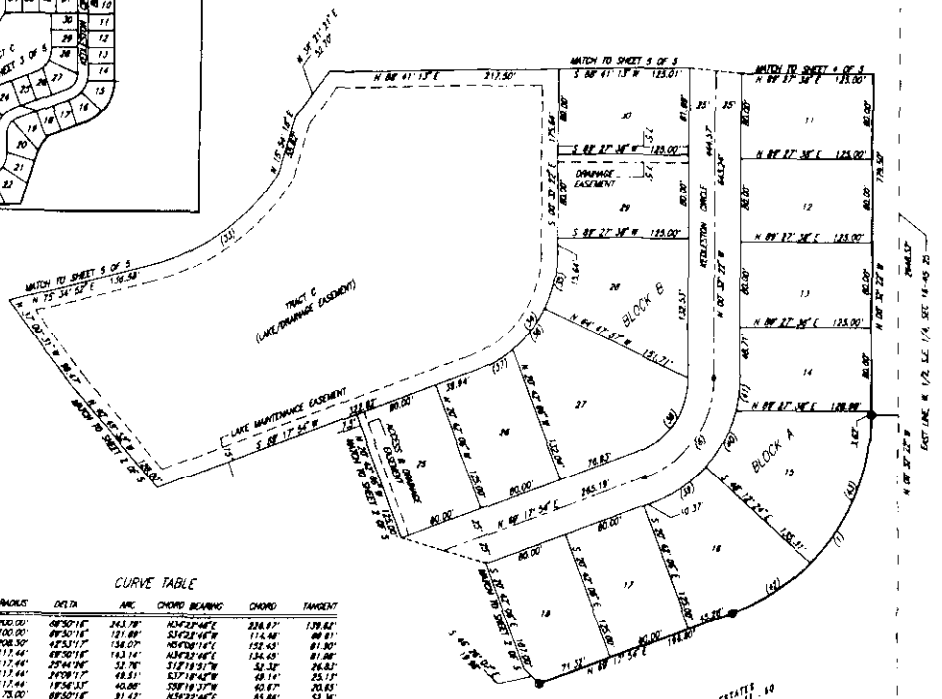
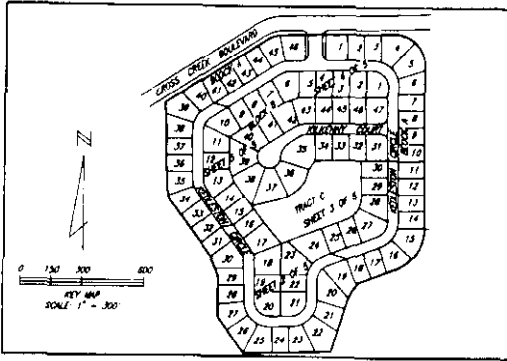
James B. Coleman & Associates, Inc.  
 Land Surveying Consultants  
 8200 Presidential Court Suite 40  
 Fort Myers, Florida 33924  
 Phone: (813) 439-8170

# CROSS CREEK ESTATES UNIT 2

PLAT BOOK 53 PAGE 95

A REPLAT OF BLOCKS 10, 11, TRACT O AND PART OF TRACTS P AND M OF  
 CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

SHEET 3 OF 5  
 PROJECT NUMBER: 306012  
 DATE: JUNE, 1994



NUMBER	RADIUS	DELTA	ARC	CHORD BEARING	CHORD	TANGENT
1	200.00'	89°30'16"	263.78'	N54°22'46"E	234.87'	139.82'
2	100.00'	89°30'16"	131.89'	S57°21'16"W	114.40'	69.91'
3	200.00'	89°30'16"	263.78'	N54°22'46"E	234.87'	139.82'
4	100.00'	89°30'16"	131.89'	S57°21'16"W	114.40'	69.91'
5	117.44'	25°44'16"	52.76'	S17°18'45"W	48.31'	25.17'
6	117.44'	25°44'16"	52.76'	S17°18'45"W	48.31'	25.17'
7	117.44'	18°45'11"	40.80'	S59°19'37"W	36.67'	20.63'
8	75.00'	89°30'16"	81.42'	N54°22'46"E	65.66'	32.54'
9	125.00'	27°30'11"	60.01'	N55°21'45"E	58.43'	30.59'
10	125.00'	27°30'11"	60.01'	N55°21'45"E	58.43'	30.59'
11	125.00'	14°29'38"	31.62'	N68°42'27"E	31.54'	15.80'
12	200.00'	44°32'16"	158.64'	N57°45'14"E	151.74'	88.00'

CROSS CREEK ESTATES  
 PLAT BOOK 46, PAGES 41 - 60

James R. Collins & Associates, Inc.  
 Land Surveying Consultants  
 2000 Presidential Court Suite #8  
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 Phone: (813) 639-9070

# CROSS CREEK ESTATES UNIT 2

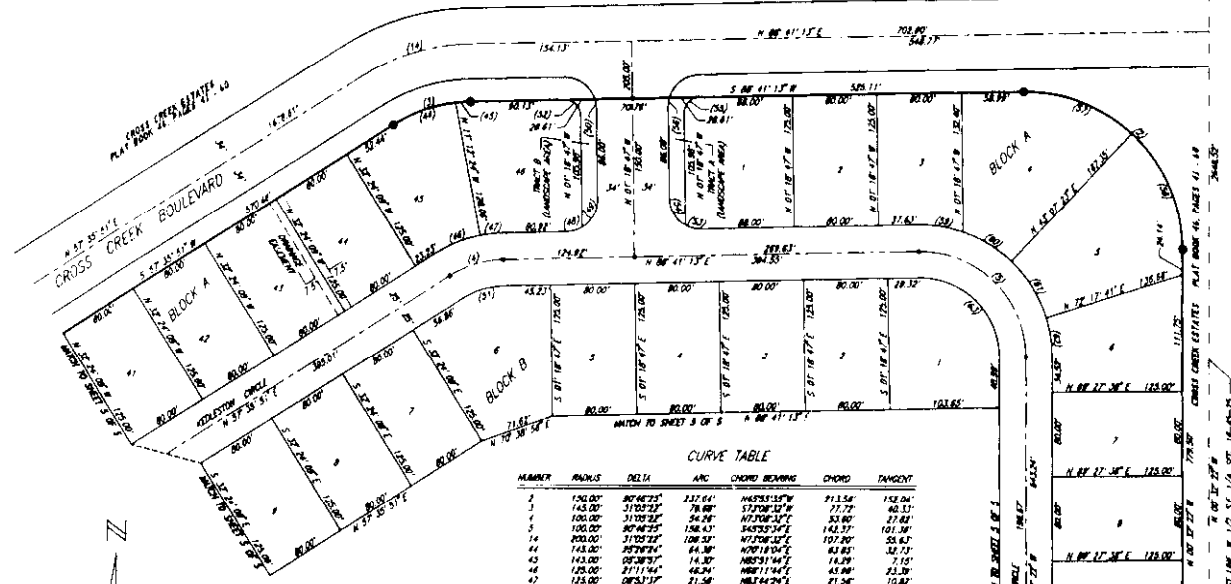
PLAT BOOK 55 PAGE 96

A REPLAT OF BLOCKS 10, 11, TRACT O AND PART OF TRACTS P AND M OF  
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 RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

SHEET 4 OF 5  
 PROJECT NUMBER: 306012  
 DATE: JUNE, 1994

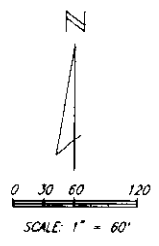
N.E. CORNER  
 1/2 SEC 1/4  
 SEC. 16-45-25

CROSS CREEK ESTATES  
 PLAT BOOK 46, PAGES 41 - 60



CURVE TABLE

NUMBER	POINTS	DELTA	ARC	CHORD BEARING	CHORD	TANGENT
1	150.00'	80°40'21"	227.64'	N45°21'15"W	213.34'	150.00'
2	150.00'	31°52'22"	78.80'	S72°08'32"E	77.77'	60.33'
3	100.00'	31°52'22"	54.28'	N72°08'32"E	53.80'	27.82'
4	100.00'	80°40'21"	158.43'	S45°21'15"W	142.37'	101.58'
5	200.00'	31°52'22"	108.52'	N72°08'32"E	107.20'	55.63'
6	143.00'	28°28'21"	64.38'	N70°18'04"E	63.85'	32.73'
7	143.00'	58°52'51"	14.30'	N82°53'54"E	14.28'	7.15'
8	125.00'	27°11'44"	48.24'	N87°11'44"E	45.88'	23.28'
9	125.00'	58°52'51"	21.58'	N82°54'29"E	21.58'	10.82'
10	30.00'	30°00'00"	15.71'	N57°51'15"E	15.53'	8.04'
11	30.00'	30°00'00"	31.42'	N57°51'15"E	30.00'	17.31'
12	30.00'	172°72'51"	8.14'	N70°08'28"W	8.11'	4.81'
13	75.00'	172°72'51"	40.70'	N70°08'28"W	40.80'	20.88'
14	13.00'	30°00'00"	23.58'	S48°18'47"E	21.21'	13.00'
15	30.00'	30°00'00"	15.71'	N57°51'15"E	15.53'	8.04'
16	30.00'	30°00'00"	31.42'	N57°51'15"E	30.00'	17.31'
17	15.00'	30°00'00"	23.58'	N43°34'13"E	21.21'	13.00'
18	30.00'	172°72'51"	8.14'	N70°08'28"W	8.11'	4.81'
19	150.00'	42°32'01"	113.87'	S58°32'47"E	117.23'	58.89'
20	150.00'	47°14'24"	123.87'	S47°08'34"E	120.20'	63.80'
21	125.00'	18°48'44"	43.91'	S87°24'25"E	43.01'	21.62'
22	125.00'	24°27'51"	53.72'	S83°11'18"E	53.21'	27.28'
23	125.00'	28°12'14"	63.84'	S81°17'38"E	62.88'	32.32'
24	125.00'	17°08'25"	57.45'	S88°02'02"E	57.21'	18.87'
25	75.00'	30°48'23"	118.81'	N45°33'35"W	108.79'	78.02'



EAST LINE 1/2 SEC 1/4 SEC. 16-45-25

N. 1/2 SEC. 1/4 SEC. 16-45-25

REFER TO SHEET 3 OF 5

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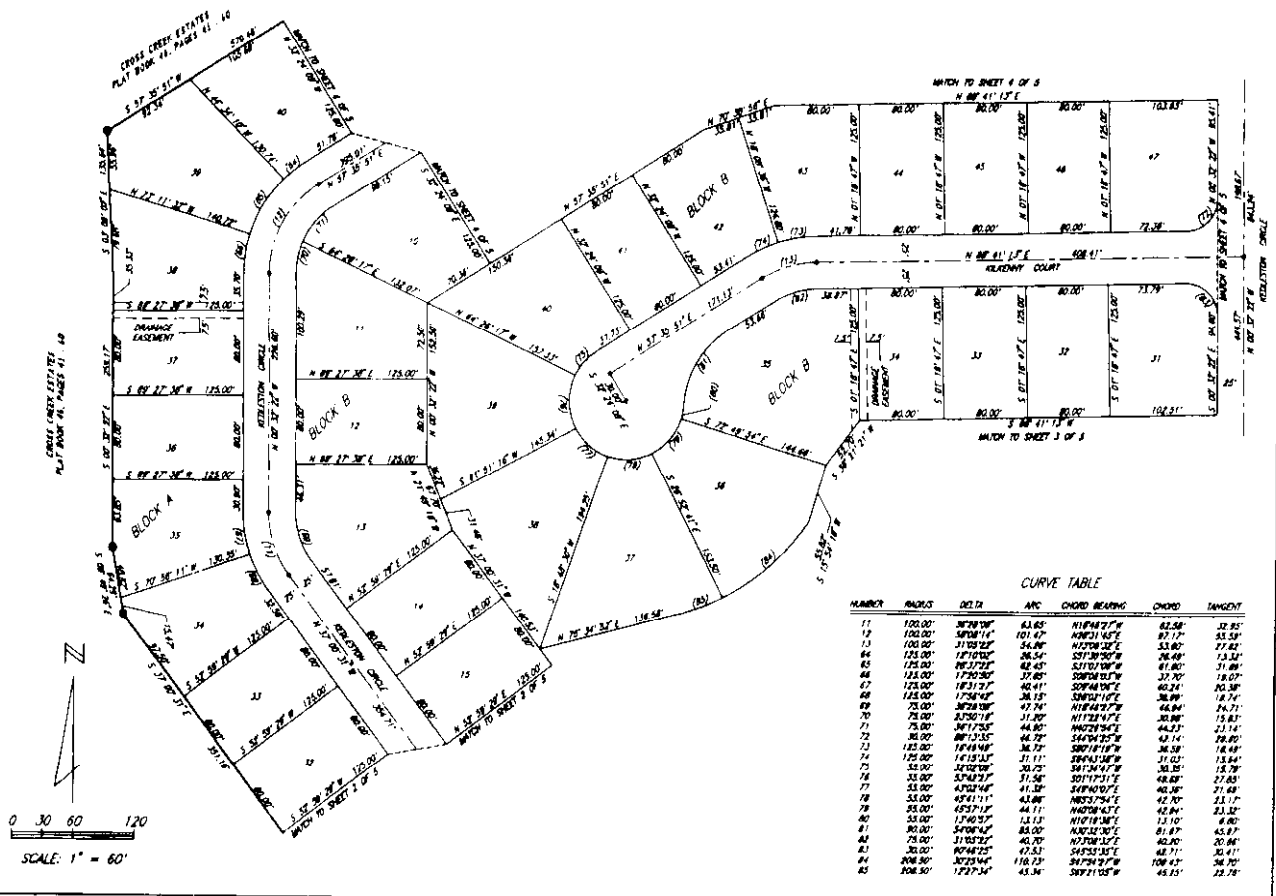
James B. Coleman & Associates, Inc.  
 Land Surveying & Construction  
 6230 Professional Center  
 Fort Myers, Florida 33918  
 Phone (813) 437-0770

# CROSS CREEK ESTATES UNIT 2

PLAT BOOK 53 PAGE 97

A REPLAT OF BLOCKS 10, 11, TRACT O AND PART OF TRACTS P AND M OF  
 CROSS CREEK ESTATES, A SUBDIVISION IN SECTION 16, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
 RECORDED IN PLAT BOOK 46, PAGES 41 THROUGH 60 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA

SHEET 3 OF 5  
 PROJECT NUMBER: 306012  
 DATE: JUNE, 1994



CURVE TABLE

NUMBER	RADIUS	DELTA	ARC	CHORD BEARING	CHORD	TANGENT
11	100.00'	38°28'30"	63.65'	N11°48'27"W	62.56'	32.25'
12	100.00'	38°28'30"	63.65'	N09°21'45"E	62.56'	32.25'
13	100.00'	38°28'30"	63.65'	N07°08'00"E	62.56'	32.25'
14	125.00'	18°10'30"	36.54'	S01°30'50"W	36.48'	13.21'
15	125.00'	18°10'30"	36.54'	S03°02'30"W	36.48'	13.21'
16	125.00'	18°10'30"	36.54'	S04°34'10"W	36.48'	13.21'
17	125.00'	18°10'30"	36.54'	S06°05'50"W	36.48'	13.21'
18	125.00'	18°10'30"	36.54'	S07°37'30"W	36.48'	13.21'
19	125.00'	18°10'30"	36.54'	S09°09'10"W	36.48'	13.21'
20	125.00'	18°10'30"	36.54'	S10°40'50"W	36.48'	13.21'
21	125.00'	18°10'30"	36.54'	S12°12'30"W	36.48'	13.21'
22	125.00'	18°10'30"	36.54'	S13°44'10"W	36.48'	13.21'
23	125.00'	18°10'30"	36.54'	S15°15'50"W	36.48'	13.21'
24	125.00'	18°10'30"	36.54'	S16°47'30"W	36.48'	13.21'
25	125.00'	18°10'30"	36.54'	S18°19'10"W	36.48'	13.21'
26	125.00'	18°10'30"	36.54'	S19°50'50"W	36.48'	13.21'
27	125.00'	18°10'30"	36.54'	S21°22'30"W	36.48'	13.21'
28	125.00'	18°10'30"	36.54'	S22°54'10"W	36.48'	13.21'
29	125.00'	18°10'30"	36.54'	S24°25'50"W	36.48'	13.21'
30	125.00'	18°10'30"	36.54'	S25°57'30"W	36.48'	13.21'
31	125.00'	18°10'30"	36.54'	S27°29'10"W	36.48'	13.21'
32	125.00'	18°10'30"	36.54'	S29°00'50"W	36.48'	13.21'
33	125.00'	18°10'30"	36.54'	S30°32'30"W	36.48'	13.21'
34	125.00'	18°10'30"	36.54'	S32°04'10"W	36.48'	13.21'
35	125.00'	18°10'30"	36.54'	S33°35'50"W	36.48'	13.21'
36	125.00'	18°10'30"	36.54'	S35°07'30"W	36.48'	13.21'
37	125.00'	18°10'30"	36.54'	S36°39'10"W	36.48'	13.21'
38	125.00'	18°10'30"	36.54'	S38°10'50"W	36.48'	13.21'
39	125.00'	18°10'30"	36.54'	S39°42'30"W	36.48'	13.21'
40	125.00'	18°10'30"	36.54'	S41°14'10"W	36.48'	13.21'
41	125.00'	18°10'30"	36.54'	S42°45'50"W	36.48'	13.21'
42	125.00'	18°10'30"	36.54'	S44°17'30"W	36.48'	13.21'
43	125.00'	18°10'30"	36.54'	S45°49'10"W	36.48'	13.21'
44	125.00'	18°10'30"	36.54'	S47°20'50"W	36.48'	13.21'
45	125.00'	18°10'30"	36.54'	S48°52'30"W	36.48'	13.21'

**CROSS CREEK ESTATES  
AERIAL**

