

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 12-foot wide Drainage and Public Utility Easement located between 11360 and 11370 Longwater Chase Court, Ft. Myers, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 14th day of October, 2003. (VAC2003-00036)

**WHY ACTION IS NECESSARY:** To resolve title issues on both properties that resulted from improvements that were constructed within the easement. **The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

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

**2. DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT #: 5

C4A

**3. MEETING DATE:**

09-16-2003

**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]* 9/02/03  
Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2003-00036 was submitted by Russell P. Schropp, Attorney for Petitioners.

**LOCATION:** Petition No. VAC2003-00036 proposes to vacate a 12-foot wide Drainage and Public Utility Easement centered on the lot lines common to Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as recorded in Plat Book 56, Pages 1-4, Section 30, Township 45 South, Range 24 East, of the Public Records of Lee County, Florida, LESS and EXCEPT the South 10-feet thereof. The site is located between 11360 and 11370 Longwater Chase Court, Ft. Myers, Florida 33908.

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, Resolution to set Public Hearing, Notice of Public Hearing and 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>	N/A	N/A	N/A	John J. Preger 9-3-03	<i>[Signature]</i> 9/4/03	<i>[Signature]</i> 9/4/03	<i>[Signature]</i> 9/4/03	<i>[Signature]</i> 9/4/03	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 9/3/03  
Time: 2:18 pm

Forwarded To:  
Co. Helm.  
9/4/03 8:35 AM

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
9/3  
8:50  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
9/4/03

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00036

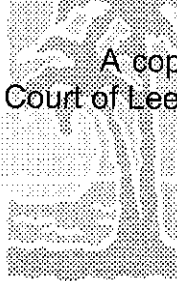
## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 14th day of OCTOBER, 2003 at 5:00PM 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

## **EXHIBIT A**

Petition to Vacate - Case No. VAC2003-00036

A legal description of the area proposed for vacation:

A Twelve (12) foot wide Drainage and Public Utility Easement lying Six (6) feet on either side of the common property line lying between Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as shown and recorded in Plat Book 56, Page 1, of the Public Records of Lee County, Florida, LESS and EXCEPT the South Ten (10) feet thereof.

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2003-00036**

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. VAC2003-00036 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

## **EXHIBIT A**

Petition to Vacate - Case No. VAC2003-00036

A legal description of the area proposed for vacation:

A Twelve (12) foot wide Drainage and Public Utility Easement lying Six (6) feet on either side of the common property line lying between Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as shown and recorded in Plat Book 56, Page 1, of the Public Records of Lee County, Florida, LESS and EXCEPT the South Ten (10) feet thereof.

PETITION TO VACATE

Case Number: VAC 2003-00036

PAUL S. BUSH, TRUSTEE AND  
Petitioner(s), JERRY P. AND ELISIE E. MARTIN

requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

C/O Russell P. Schropp, attorney for Petitioners

1. Petitioner(s) mailing address, P.O. Box 280, Fort Myers, FL 33902-0280.

2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".

4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".

5. Petitioner is fee simple title holder to the underlying land sought to be vacated.

6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.

7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted,

By: 

Petitioner Signature  
Russell P. Schropp  
Attorney for Petitioners

Printed Name

By: \_\_\_\_\_

Petitioner Signature

\_\_\_\_\_  
Printed Name

**LETTER OF AUTHORIZATION**

**TO:** Lee County  
Department of Community Development

**FROM:** Paul S. Bush, Trustee

**RE:** Petition to Vacate Drainage and Utility Easement between Lots 28 and 29,  
Gulf Harbour, Phase I, Plat Book 56, Page 1, Public Records of Lee  
County, Florida

Please be advised that I hereby authorize Russell P. Schropp of the law firm of Henderson, Franklin, Starnes & Holt, P.A., to represent me in connection with the above referenced matter.

  
\_\_\_\_\_  
Paul S. Bush, Trustee

STATE OF New York  
COUNTY OF Chautauque

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of August, 2003  
by Paul S. Bush, Trustee, who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

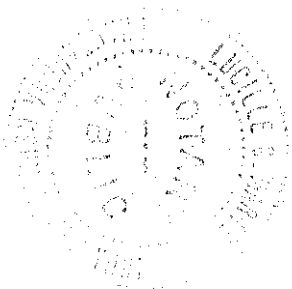
  
\_\_\_\_\_  
Notary Public Signature

My Commission Expires:

\_\_\_\_\_  
Type/Print Notary Public Name

Commission No.: \_\_\_\_\_

LUCILLE G. MARTS, #4646039  
Notary Public, State of New York  
Qualified in Chautauque County  
My Commission Expires Dec. 31, 2005



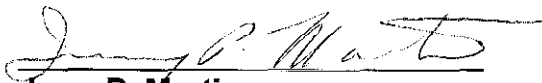
**LETTER OF AUTHORIZATION**

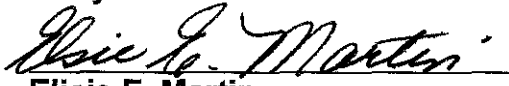
**TO:** Lee County  
Department of Community Development

**FROM:** Jerry P. Martin and Elisie E. Martin

**RE:** Petition to Vacate Drainage and Utility Easement between Lots 28 and 29,  
Gulf Harbour, Phase I, Plat Book 56, Page 1, Public Records of Lee  
County, Florida

Please be advised that I hereby authorize Russell P. Schropp of the law firm of Henderson, Franklin, Starnes & Holt, P.A., to represent me in connection with the above referenced matter.

  
Jerry P. Martin

  
Elisie E. Martin

STATE OF Indiana  
COUNTY OF Johnson

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of August, 2003 by Jerry P. Martin and Elisie E. Martin, who are personally known to me or who have produced Driver's License as identification.

  
Notary Public Signature

Linda K. Fox  
Type/Print Notary Public Name



My Commission Expires: 03-25-09

Commission No.: \_\_\_\_\_



## **EXHIBIT A**

Petition to Vacate - Case No. VAC2003-00036

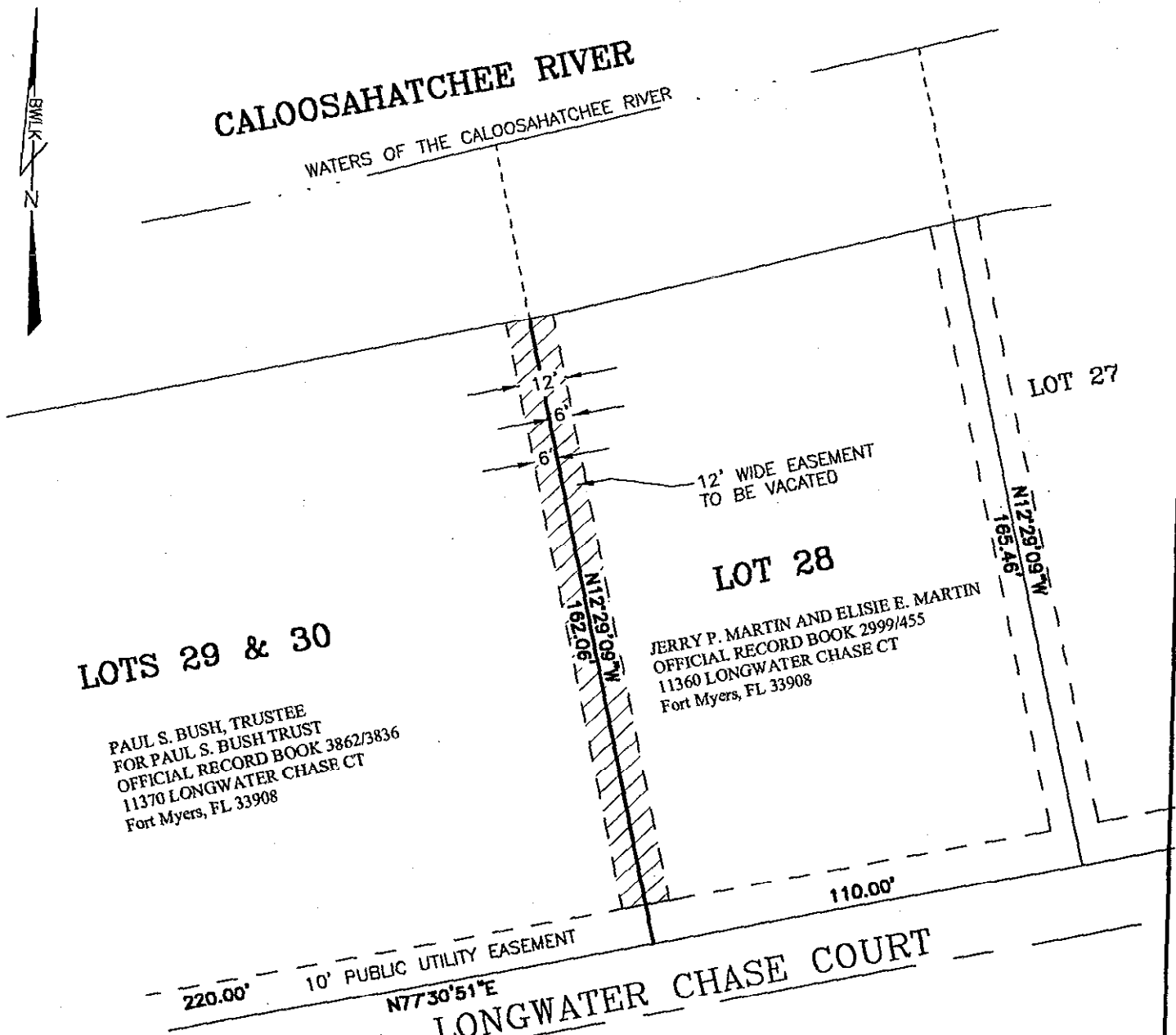
A legal description of the area proposed for vacation:

A Twelve (12) foot wide Drainage and Public Utility Easement lying Six (6) feet on either side of the common property line lying between Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as shown and recorded in Plat Book 56, Page 1, of the Public Records of Lee County, Florida, LESS and EXCEPT the South Ten (10) feet thereof.

# SKETCH OF LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF THE AREA PROPOSED FOR VACATION:

A TWELVE (12) FOOT WIDE DRAINAGE AND/OR PUBLIC UTILITY EASEMENT LYING SIX (6) FEET ON EITHER SIDE OF THE COMMON PROPERTY LINE LYING BETWEEN LOTS 28 AND 29, GULF HARBOUR YACHT AND COUNTRY CLUB, PHASE ONE, AS SHOWN AND RECORDED IN PLAT BOOK 56, PAGE 1, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH TEN (10) FEET THEREOF.



**LOTS 29 & 30**

PAUL S. BUSH, TRUSTEE  
FOR PAUL S. BUSH TRUST  
OFFICIAL RECORD BOOK 3862/3836  
11370 LONGWATER CHASE CT  
Fort Myers, FL 33908

**LOT 28**

JERRY P. MARTIN AND ELISIE E. MARTIN  
OFFICIAL RECORD BOOK 2999/455  
11360 LONGWATER CHASE CT  
Fort Myers, FL 33908

**LOT 27**

**LONGWATER CHASE COURT**

220.00' 10' PUBLIC UTILITY EASEMENT  
N77°30'51"E

\*\*\*\*NOT A SURVEY\*\*\*\*



**JOSEPH L. LUTZ**  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATION LS 3375  
(FOR THE FIRM)

<b>Bean, Whitaker, Lutz &amp; Kareh, Inc.</b>		
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS		
13041 MCGREGOR BLVD., SUITE 1, FORT MYERS, FL 33919 (941) 481-1331		
AUTHORIZATION NUMBER: EB4919 AND LB4919		
DRAFTING BY: J.L.L.	CHECKED BY: J.L.L.	SCALE: 1"=40'
PROJECT NUMBER 31149	DRAWING DATE 8-8-03	DRAWING FILE NAME SR31149

Exhibit "B"

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS DUE FOR YEAR 2002  
 REAL PROPERTY TAXES FOR LEE COUNTY, FLORIDA 06/05/2003

REAL PROPERTY

OWNER NAME AND ADDRESS	PIN NUMBER	VALUES AND EXEMPTIONS
BUSH PAUL S TR FOR PAUL S BUSH TRUST 12610 WORLD PLAZA LN ST 1 FORT MYERS FL 33907	02-00445978	MARKET ASSESSED VAL 1190000
	ACCOUNT NUMBER 30-45-24-08-00000.0290	SOH ASSESSED VAL 1190000
	SITE ADDRESS 11370 LONGWATER CHASE CT	TAXABLE VAL 1190000
	LEGAL DESCRIPTION GULF HARBOUR YACHT + CC PH 1 PB 56 PGS 1-4 LT 29 + 30 + OR 2999/457 + 459 BOOK: 3235 PAGE: 177	PAYMENTS 21715.78 13451-461-1 11/26/2002



AD VALOREM TAXES		DISTRICT CODE: 110		
TAXING AUTHORITY	TELEPHONE	MILL RATE	MULTIPLIER	TAXES LEVIED
LEE COUNTY GENERAL REVENUE	(239) 335-2221	.0043277	1190000.00	5149.96
LEE COUNTY CAPITAL IMP	(239) 335-2221	.0010124	1190000.00	1204.76
LEE CO UNINCORPORATED - MSTU	(239) 335-2221	.0012114	1190000.00	1441.57
PUBLIC SCHOOL - BY LOCAL BOARD	(239) 337-8215	.0025990	1190000.00	3092.81
PUBLIC SCHOOL - BY STATE LAW	(239) 337-8215	.0059730	1190000.00	7107.87
IONA MCGREGOR FIRE DISTRICT	(239) 433-0660	.0017500	1190000.00	2082.50
LEE COUNTY HYACINTH CONTROL	(239) 694-2174	.0000327	1190000.00	38.91
LEE COUNTY LIBRARY FUND	(239) 335-2221	.0009630	1190000.00	1145.97
LEE COUNTY MOSQUITO CONTROL	(239) 694-2174	.0003294	1190000.00	391.99
SFL WATER MGMT-EVERGLADE CONST	(561) 682-2934	.0001000	1190000.00	119.00
WEST COAST INLAND WATERWAY	(941) 485-9402	.0000400	1190000.00	47.60
LEE COUNTY ALL HAZARDS - UNINC	(239) 335-2186	.0000733	1190000.00	87.23
SFL WATER MGMT-DISTRICT LEVY	(561) 682-2934	.0005970	1190000.00	710.43
TOTALS FOR AD VALOREM:		.0190089		22620.60

Keep Your Records

NON-AD VALOREM ASSESSMENTS			
LEVYING AUTHORITY	TELEPHONE	RATE BASIS	AMOUNT
TOTALS FOR NON-AD VALOREM: 0.00			
COMBINED TOTAL FOR AD VALOREM AND NON-AD VALOREM: 22620.60			

Amount Due If Postmarked By:	0.00 Nov 30, 2002	0.00 Dec 31, 2002	0.00 Jan 31, 2003	0.00 Feb 28, 2003	0.00 Mar 31, 2003	DELINQUENT * Apr 1, 2003
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\* See reverse side for important information and change of mailing address\*

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS DUE FOR YEAR 2002  
 REAL PROPERTY TAXES FOR LEE COUNTY, FLORIDA 06/05/2003

Pay in U.S. funds drawn on a U.S. bank to: Lee County Tax Collector. Payments processed upon receipt.

Amount Due If Postmarked By:	0.00 Nov 30, 2002	0.00 Dec 31, 2002	0.00 Jan 31, 2003	0.00 Feb 28, 2003	0.00 Mar 31, 2003	DELINQUENT Apr 1, 2003
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ACCOUNT NUMBER/SITE ADDRESS	IF MAKING AN EFT PAYMENT, YOUR INPUT OF THE 10-DIGIT PIN NUMBER ABOVE VERIFIES YOUR AUTHORIZATION TO AN ACH DEBIT.
30-45-24-08-00000.0290 11370 LONGWATER CHASE CT	

Paid

\*0301200306050200445978\*  
 BUSH PAUL S TR  
 FOR PAUL S BUSH TRUST  
 12610 WORLD PLAZA LN ST 1  
 FORT MYERS FL 33907

Make Payable To:  
 LEE COUNTY  
 TAX COLLECTOR  
 P O BOX 1609  
 FT MYERS FL 33902-1609  
 \*339021609098\*

Return With Payment

EXHIBIT "C" PAGE 1 of 2

NOTICE OF AD VALOR REAL PROPERTY TAXES AND NON-AD VALOREM ASSESSMENTS DUE FOR YEAR 2002  
 FLORIDA 06/05/2003

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OWNER NAME AND ADDRESS	PIN NUMBER	VALUES AND EXEMPTIONS
MARTIN JERRY P + ELISIE E 2801 FAIRVIEW PL STE O GREENWOOD IN 46142	02-00445977	MARKET ASSESSED VAL 1457160 SOH ASSESSED VAL 1457160 TAXABLE VAL 1457160
	ACCOUNT NUMBER 30-45-24-08-00000.0280	
	SITE ADDRESS 11360 LONGWATER CHASE CT	
	LEGAL DESCRIPTION GULF HARBOUR YACHT + CC PH 1 PB 56 PGS 1-4 LT 28 + OR 2999/455 BOOK: 2999 PAGE: 455	PAYMENTS 27059.13 13557-395-1 12/26/2002

AD VALOREM TAXES		DISTRICT CODE: 110		
TAXING AUTHORITY	TELEPHONE	MILL RATE	MULTIPLIER	TAXES LEVIED
LEE COUNTY GENERAL REVENUE	(239) 335-2221	.0043277	1457160.00	6306.15
LEE COUNTY CAPITAL IMP	(239) 335-2221	.0010124	1457160.00	1475.23
LEE CO UNINCORPORATED - MSTU	(239) 335-2221	.0012114	1457160.00	1765.20
PUBLIC SCHOOL - BY LOCAL BOARD	(239) 337-8215	.0025990	1457160.00	3787.16
PUBLIC SCHOOL BY STATE LAW	(239) 337-8215	.0059730	1457160.00	8703.62
IONA MCGREGOR FIRE DISTRICT	(239) 433-0660	.0017500	1457160.00	2550.03
LEE COUNTY HYACINTH CONTROL	(239) 694-2174	.0000327	1457160.00	47.65
LEE COUNTY LIBRARY FUND	(239) 335-2221	.0009630	1457160.00	1403.25
LEE COUNTY MOSQUITO CONTROL	(239) 694-2174	.0003294	1457160.00	479.99
SFL WATER MGMT-EVERGLADE CONST	(561) 682-2934	.0001000	1457160.00	145.72
WEST COAST INLAND WATERWAY	(941) 485-9402	.0000400	1457160.00	58.29
LEE COUNTY ALL HAZARDS - UNINC	(239) 335-2186	.0000733	1457160.00	106.81
SFL WATER MGMT-DISTRICT LEVY	(561) 682-2934	.0005970	1457160.00	869.92
TOTALS FOR AD VALOREM:		.0190089		27699.02

NON-AD VALOREM ASSESSMENTS				
LEVYING AUTHORITY	TELEPHONE	RATE	BASIS	AMOUNT
SOLID WASTE ASSESSMENT	(239) 338-3302	1.000000	ACTL LEVY	196.99
TOTALS FOR NON-AD VALOREM:				196.99
COMBINED TOTAL FOR AD VALOREM AND NON-AD VALOREM:				27896.01

Amount Due If	0.00	0.00	0.00	0.00	0.00	DELINQUENT *
Postmarked By:	Nov 30, 2002	Dec 31, 2002	Jan 31, 2003	Feb 28, 2003	Mar 31, 2003	Apr 1, 2003

\* See reverse side for important information and change of mailing address\*

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS DUE FOR YEAR 2002  
 REAL PROPERTY TAXES FOR LEE COUNTY, FLORIDA 06/05/2003

Pay in U.S. funds drawn on a U.S. bank to: Lee County Tax Collector. Payments processed upon receipt.

Amount Due If	0.00	0.00	0.00	0.00	0.00	DELINQUENT
Postmarked By:	Nov 30, 2002	Dec 31, 2002	Jan 31, 2003	Feb 28, 2003	Mar 31, 2003	Apr 1, 2003

ACCOUNT NUMBER/SITE ADDRESS
30-45-24-08-00000.0280
11360 LONGWATER CHASE CT

IF MAKING AN EFT PAYMENT, YOUR INPUT OF THE 10-DIGIT PIN NUMBER ABOVE VERIFIES YOUR AUTHORIZATION TO AN ACH DEBIT.

Paid

\*0301200306050200445977\*  
 MARTIN JERRY P + ELISIE E  
 2801 FAIRVIEW PL STE O  
 GREENWOOD IN 46142

Make Payable To: P O BOX 1609  
 LEE COUNTY FT MYERS FL 33902-1609  
 TAX COLLECTOR \*339021609098\*

EXHIBIT "C" PAGE 2 of 2

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INSTRUMENT NO. 4840461

**INSTR # 4840461**  
**OR BK 03235 PG 0177**

**THIS INSTRUMENT PREPARED BY:**  
Denis H. Noah, Esq.  
P. O. Box 280  
Ft. Myers, FL 33902

RECORDED 03/24/00 02:40 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DOC TAX PD (F.S. 201.02) 0.70  
DEPUTY CLERK B Cruz

**THIS INSTRUMENT WAS PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION**

**WARRANTY DEED**

THIS INDENTURE, made this 17<sup>th</sup> day of March, 2000 between PAUL S. BUSH, a single man, whose mailing address is 12800 University Drive, Suite 650, Fort Myers, Florida 33907, of the County of Lee and State of Florida, party of the first part, and PAUL S. BUSH, Trustee under the Paul S. Bush Declaration of Trust dated December 21, 1999, whose mailing address is 12800 University Drive, Suite 650, Fort Myers, Florida 33907, of the County of Lee and State of Florida, party of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

**Parcel 1:**

Lot 161, GULF HARBOUR YACHT AND COUNTRY CLUB, PHASE ONE, according to the Plat thereof recorded in Plat Book 56, Pages 1 through 4, Public Records of Lee County, Florida.

**Parcel 2:**

Lots 29 and 30, GULF HARBOR YACHT AND COUNTRY CLUB, PHASE ONE, as shown in Plat recorded in Plat Book 56, Page 1, Public Records of Lee County, Florida.

**Parcel 3:**

Unit No. T-S 302 and Unit No. T-S 303, Sanibel Harbour Tower South, a Condominium, according to the Condominium Declaration and Exhibits thereof on file and recorded in the Office of the Clerk of the Circuit Court in Official Records Book 1826, at Pages 1607 through 1670, inclusive, and as recorded in Condominium Plat Book 13, at Pages

23 through 28, inclusive, both of the Public Records of Lee County, Florida; together with all appurtenances thereunto appertaining and specified in said Condominium Declaration. Subject to restrictions, easements and reservations and designations of record as stated in said Condominium Declaration, which Party of the second part hereby assumes and agrees to observe, comply with, perform and to be subject to, including, but not limited to, payment of all assessments as may be determined pursuant to said Condominium Declaration.

Parcels 1, 2 and 3 above are conveyed subject to easements, restrictions and reservations of record and real property taxes and assessments for the year 2000 and subsequent years.

The party of the second part is hereby given full power and authority to protect, conserve, convey and otherwise deal with the real property conveyed herein pursuant to the provisions of Florida Statute 689.071.

Parcel Identification Nos.: 30-45-24-08-00000.0161  
30-45-24-08-00000.0290  
30-45-24-08-00000.0300  
09-46-23-06-000TS.0302  
09-46-23-06-000TS.0303

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Elaine M. Cobtree

Witness Signature

Elaine M. Cobtree

(Type/Print Name of Witness)

margaret atkins

Witness Signature

margaret atkins

(Type/Print Name of Witness)

Paul S. Bush

PAUL S. BUSH

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of March, 2000 by PAUL S. BUSH, who is personally known to me or who produced \_\_\_\_\_ as identification.

My Commission Expires:



Notary Public, State of Florida  
DONNA J. DOYLE  
Commission # CC 725783  
Comm. Expires Mar. 18, 2002

Donna J Doyle  
Notary Public

Donna J Doyle  
(Type/Print Name of Notary)

Commission No: \_\_\_\_\_



**THIS INSTRUMENT PREPARED BY:**  
**Denis H. Noah, Esq.**  
**P. O. Box 280**  
**Ft. Myers, FL 33902**

**INSTR # 5734919**  
**Official Records BK 03862 PG 3836**  
**RECORDED 03/05/2003 04:44:00 PM**  
**CHARLIE GREEN, CLERK OF COURT**  
**LEE COUNTY**  
**RECORDING FEE 15.00**  
**DEED DOC 0.70**  
**DEPUTY CLERK J Miller**

3

**WARRANTY DEED**

**THIS INDENTURE**, made this 5<sup>th</sup> day of March, 2003 between **PAUL BUSH**, a married man, joined by **DIANE BUSH**, his wife, whose mailing address is 12610 World Plaza Lane, Building 61, Suite 1, Ft. Myers, FL 33907, of the County of Lee and State of Florida, party of the first part, and **PAUL S. BUSH, Trustee under the Paul S. Bush Declaration of Trust dated December 21, 1999**, whose mailing address is 12610 World Plaza Lane, Building 61, Suite 1, Ft. Myers, FL 33907, of the County of Lee and State of Florida, party of the second part,

**WITNESSETH** that the said party of the first part, for and in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

A tract or parcel of land lying in Section 30, Township 45 South, Range 24 East, Lee County, Florida, being a parcel as described in Official Record Book 2999, Pages 0457 and 0458 of the Public Records of said Lee County and further bound and described as follows:

Beginning at the Northwest corner of Lot 29, Gulf Harbour Yacht and Country Club Phase One, as recorded in Plat Book 56, Pages 1 through 4 of the Public Records of Lee County, Florida; thence N12°29'09"W along the prolongation of the West line of said Lot 29 for 42 feet more or less to the waters of the Caloosahatchee River; thence Northeasterly along the waters of the Caloosahatchee River for 110 feet more or less to an intersection with a prolongation of the East line of said Lot 29; thence S12°29'09"E along said prolongation for 41 feet more or less to the Northeast corner of said Lot 29; thence S76°48'55"W along the North line of said Lot 29 for 105.02 feet; thence S77°43'33"W along said North line for 4.98 feet; to the point of beginning.

**ALSO:**

A tract or parcel of land lying in Section 30, Township 45 South, Range 24 East, Lee County, Florida, being a parcel as described in Official Record Book 2999, Page 0459 and 0460, of the Public Records of said Lee County and further bound and described as follows:

Beginning at the Northwest corner of Lot 30, Gulf Harbour Yacht and Country Club Phase One, as recorded in Plat Book 56, Pages 1 through 4 of the Public Records of Lee County, Florida; thence N12°29'09"W along the prolongation of the West line of



said Lot 30 for 46 feet more or less to the waters of the Caloosahatchee River; thence Northeasterly along the waters of the Caloosahatchee River for 110 feet more or less to an intersection with a prolongation of the East line of said Lot 30; thence S12°29'09"E along said prolongation for 42 feet more or less to the Northeast corner of said Lot 30; thence S77°43'33"W along the North line of said Lot 30 for 106.70 feet; thence S76°29'06"W along said North line for 3.30 feet; to the point of beginning.

The above property is conveyed subject to easements, restrictions and reservations of record and real property taxes and assessments for the year 2002 and subsequent years.

The party of the second part is hereby given full power and authority to protect, conserve, convey and otherwise deal with the real property conveyed herein pursuant to the provisions of Florida Statute 689.071.

Parcel Identification Nos.: 30-45-24-08-00000.0290  
30-45-24-08-00000.0300

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the said party of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Denis H. Noah  
Witness

Paul J. Bush  
PAUL BUSH

Denis H. Noah  
(Type/Print name of Witness)

Judith M. Perry  
Witness

Judith M. Perry  
(Type/Print name of Witness)

Denis H. Noah  
Witness

Diane Bush  
DIANE BUSH

Denis H. Noah  
(Type/Print name of Witness)

Judith M. Perry  
Witness

Judith M. Perry  
(Type/Print name of Witness)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of March, 2003 by PAUL BUSH and DIANE BUSH, who are personally known to me or who have produced \_\_\_\_\_ as identification.

My Commission Expires:

Judith M. Perry  
Notary Public



Judith M. Perry  
MY COMMISSION # DC009832 EXPIRES  
April 23, 2005  
BONDED THRU TROY FAIN INSURANCE, INC.

Print/Type Name of Notary

Commission No. \_\_\_\_\_

#1101578

This Document Prepared By:  
DAVID K. FOWLER, ESQ.  
HENDERSON, FRANKLIN, STARNES & HOLT, P.A.  
1715 MONROE STREET POST OFFICE BOX 280  
FORT MYERS, FL. 33902-0280

CHARL. REEN LEE CTY. FL

97 MAY -7 AM 10:44

4162485

OR2820 P62808

283500

Parcel ID Number: 30-45-24-08-00000.0280  
Grantee #1 TIN:  
Grantee #2 TIN:

# Warranty Deed

This Indenture, Made this 5 day of May, 1997 A.D., Between  
DAVID J. DER HAGOPIAN, TRUSTEE OF THE DAVID J. DER HAGOPIAN DECLARATION OF TRUST  
DATED AUGUST 19, 1988,

of the County of Lee, State of Florida, grantor, and  
DERRY P. MARTIN and ELSIE E. MARTIN, husband and wife,

whose address is: 6632 MOSSY PARK LANE, Indianapolis, Indiana 46237

of the County of \_\_\_\_\_, State of Indiana, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of \_\_\_\_\_  
----- TEN & NO/100(\$10.00) ----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs and assigns forever, the following described land, situate,  
lying and being in the County of Lee State of Florida to wit:

Lot 28, GULF HARBOUR YACHT AND COUNTRY CLUB, PHASE ONE, as shown  
in plat recorded in Plat Book 56, Page 1, Public Records of Lee  
County, Florida.

Subject to restrictions, reservations and easements of record,  
if any, and taxes and assessments for the year 1997 and all  
subsequent years.

RECORD REPAIRED - CHARLIE GREEN, CLERK  
By: J. Miller, D.C.

Documentary Tax \$ 2835.00  
Notary Public, Lee County  
Deborah A. Stockman

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.  
In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

Deborah A. Stockman  
Printed Name: Deborah A. Stockman  
Witness  
Sean T. Williams  
Printed Name: Sean T. Williams  
Witness

By: David J. Der Hagopian (Seal)  
DAVID J. DER HAGOPIAN, TRUSTEE  
P.O. Address 16960 TIMBERLAKES, Fort Myers, FL. 33908

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5 day of May, 1997 by  
DAVID J. DER HAGOPIAN, TRUSTEE on behalf of said Florida trust

who is personally known to me or who has produced his \_\_\_\_\_  
as identification.

Deborah A. Stockman  
Printed Name: Deborah A. Stockman  
NOTARY PUBLIC  
My Commission Expires \_\_\_\_\_



10-30-98  
2007

Parcel Identification No. 30-45-24-07-0000E.0000

Prepared by & return to:  
Florida Design Communities, Inc.  
15000 McGregor Blvd.  
Ft. Myers, Florida 33908

4450869

### QUIT CLAIM DEED

OR 2999 PGN 455

This Quit Claim Deed, Made this July 30, 1998, between FLORIDA DESIGN COMMUNITIES, INC., a Delaware corporation, 15000 McGregor Blvd., Ft. Myers, FL 33908 of the County of Lee, State of Florida, Grantor and Jerry Martin & Elsie Martin, Husband and Wife, whose address is 11360 Longwater Chase Ct., Ft. Myers, FL 33908, of the County of Lee, State of Florida, Grantee.

Witnesseth, that the Grantor, for and in consideration of the sum of TEN & NO/100 (\$10.00)-----DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

#### SEE ATTACHED FOR LEGAL DESCRIPTION

Subject to covenants, restrictions, easements, reservations recorded and unrecorded, and rights-of-way written and unwritten for Tract E, Preservation Area. Also subject to taxes for 1998

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

In Witness Whereof, the Grantor has hereunto set his/her/their hand(s) and seal(s) the day and year first above written.

Signed, Sealed and delivered in our presence:

FLORIDA DESIGN COMMUNITIES, INC.

*Lisa M. Key*  
witness  
Lisa M Key  
printed name

*[Signature]* L.S.  
By: Tim Oak, Vice-President

*Lisa L. Morgan*  
witness  
Lisa L. Morgan  
printed name

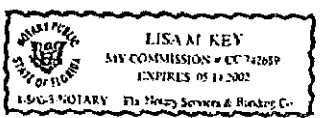
#### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this July 30, 1998 by TIM OAK, Vice-President of FLORIDA DESIGN COMMUNITIES, INC., a Delaware corporation, who is/are personally known to me or who produced \_\_\_\_\_ as identification.

Documentary Tax Pa. \$ 70  
Intangible Tax Pd.  
CHARLIE GREEN, CLERK, LEE COUNTY  
By *Joanne Miller* Deputy Clerk

*Lisa M. Key*  
Notary Public  
My Commission Expires:



RECORDED BY  
JOANNE MILLER, D.C.

**SURVEY PLAT**

OF PART OF TRACT "E", GULF HARBOR YACHT AND COUNTRY CLUB, PLAT BOOK 55, PAGES 5-27, LEE COUNTY PUBLIC RECORDS, LYING IN SECTION 20, T-49-S, R-24-E, LEE COUNTY, FLORIDA.

OR 2999 60456

CHARLIE GREEN, CLERK  
LEE COUNTY, FL  
98 AUG 12 PM 12:24

DESCRIPTION OF A PARCEL LYING IN SECTION 20, T-49-S, R-24-E, LEE COUNTY, FLORIDA.  
(PART OF TRACT "E", PRESERVATION AREA)

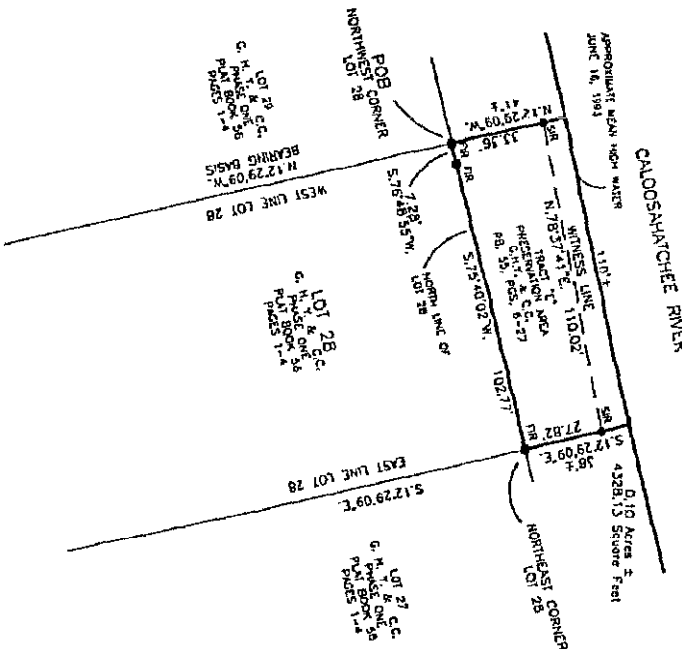
A TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 49 SOUTH, RANGE 24 WEST, LEE COUNTY, FLORIDA, BEING PART OF TRACT "E", GULF HARBOR YACHT AND COUNTRY CLUB, PLAT BOOK 55, PAGES 5-27 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND OTHER BOUNDARY AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 28, GULF HARBOR YACHT AND COUNTRY CLUB PHASE ONE, AS RECORDED IN PLAT BOOK 55, PAGES 1 THROUGH 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S17°29'09"E ALONG THE PROLONGATION OF THE WEST LINE OF SAID LOT 28, BEARING THE PROLONGATION OF THE WEST LINE OF CALOOSAHATCHEE RIVER, THENCE NORTHEAST, 110.02 FEET, TO AN INTERSECTION WITH A PROLONGATION OF THE EAST LINE OF SAID LOT 28, THENCE S17°29'09"E ALONG SAID PROLONGATION FOR 28 FEET 4 INCHES OR LESS TO THE NORTHWEST CORNER OF SAID LOT 28; THENCE S76°45'52"E ALONG SAID NORTH LINE 78 FEET; TO THE POINT OF BEGINNING.

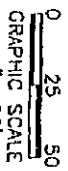
PARCEL CONTAINS 4540 SQUARE FEET, MORE OR LESS. BEARINGS ARE BASED ON THE COMMON LINE BETWEEN LOTS 28 AND 29, GULF HARBOR YACHT AND COUNTRY CLUB PHASE ONE, PLAT BOOK 55, PAGES 1-4, AS BEARING N17°29'09"E. PARCEL SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS RECORDED AND UNRECORDED, AND RIGHTS OF WAY WRITTEN AND WRITTEN.

THIS SURVEY PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND LAND SURVEYORS IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF THE FLORIDA LICENSED SURVEYOR AND MEASURER.

*Richard A. Mettler*  
RICHARD A. METTLER, PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 4789 DATE SIGNED: 6/23/98



- NOTES:**
1. THIS PLAT PREPARED AS A BOUNDARY SURVEY.
  2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ZONING, EASEMENTS, RIGHTS OF WAY OWNERSHIP OR RESTRICTIONS.
  3. LAND DESCRIPTION AS SHOWN HEREON WAS PROVIDED BY THE CLIENT.
  4. LOT IS IN FLOOD ZONE "A10". THIS INFORMATION TAKEN FROM THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAP 125174-0315-C. REVERSED MAP DATE: 11-11-92. BASE FLOOD ELEVATION IS -8.00'.
  5. ELEVATIONS AS SHOWN HEREON ARE BASED ON M.C.V.D. OF 1929.
  6. AND LEE COUNTY BENCHMARK NO. 574 28-04, ELEVATION: +6.92', AND DATE: 11-11-92. THESE DATA WERE OBTAINED FROM THE RECORDED PLAT AND ARE REPRODUCED UNLESS OTHERWISE NOTICED.
  7. UNDERGROUND AND ABOVE GROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE NOTICED.
  8. DATE OF LAST FIELD WORK: 8-17-98



**LEGEND**

C.M.	CONCRETE MONUMENT
F.N.D.	FOUND
EDIC.	CONCRETE
SR	SET 5/8" IRON ROD WITH K&T CAP LBY 6+68
FR	FOUND 5/8" IRON ROD WITH K&T CAP LBY 6+68
O	TELEPHONE PEDestal
POB	POINT OF BEGINNING
▲	IRRIGATION SERVICE
P.U.E.	PUBLIC UTILITY EASEMENT
D. & P.U.E.	DRAINAGE & PUBLIC UTILITY EASEMENT
L.M.E.	LAKE MAINTENANCE EASEMENT
G.H.Y. & C.C.	GULF HARBOR YACHT & COUNTRY CLUB
P.B.	PLAT BOOK
(1)	CURVE 1, SEE TABLE
(7)	RADIAL
(NR)	NON-RADIAL
SE	SURVEY SERVICE
ES	ELECTRIC SERVICE
W	WATER SERVICE
PT	POINT OF INTERSECTION

Florida Cook 3646B

**K&T**  
SURVEY GROUP, INC.  
LAND SURVEYORS  
2126 Swamp Cottage Court Fort Myers Florida 33901  
Phone (941) 274-0991 Fax (941) 274-0992

PREPARED FOR:	FLORIDA DESIGN COMMUNITIES
FILE NO.:	5113SRd F.B./PG. 142/60-62
SCALE:	1" = 50' DATE: 8-17-98

REVISIONS:	DATE:



Florida Power & Light Company

April 9, 2003

Mr. Russell P. Schropp  
Henderson Franklin  
1715 Monroe Street  
Fort Myers, FL 33902

Re: Proposed Vacation of Easement for Lots 29 & 30 Gulf Harbour Subdivision

Dear Mr. Schropp,

FPL would have no objection to vacating a 12-foot wide Public Utility Easement centered on the lot line common to Lots 29 & 30, Gulf Harbour Yacht and Country Club, Phase 1 Plat Book 56, Pages 1-4, Public Records of Lee County, Florida.

If you have any question, please call me at (941) 415-1329.

Sincerely,

A handwritten signature in cursive script that reads "Jane Gunter".

Jane Gunter  
Customer Project Manager



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

April 11, 2003

Henderson, Franklin, Starnes & Holt, P.A.  
Post Office Box 280  
Fort Myers, Florida 33902-0280

Attn: Russell P. Schropp

RE: Vacation of Utility Easement – Gulf Harbor, Phase I  
Paul S. Bush, Trustee and Mr. & Mrs. Jerry P. Martin

Dear Mr. Schropp:

Sprint-Florida Incorporated has reviewed the plans for the above referenced proposal. Based on the review of the request, we do not have any objections to the vacation of the 12' drainage and utility easement located along the common lot line of:

Lots 28 and 29, GULF HARBOR YACHT AND COUNTRY CLUB, Phase One,  
Plat Book 56, Pages 1-4, Public Records of Lee County, Florida.

If you should have any questions or require additional information, please give me a call at (239) 336-2030.

Sincerely,  
Sprint-Florida Incorporated

A handwritten signature in cursive script that reads "Jack H. Mitchell".

Jack H. Mitchell  
Network Engineer I

cc: File



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(941)479-8531

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One  
April 23, 2003

Douglas R. St. Cerny  
District Two  
Russell P. Schropp  
Henderson, Franklin

Ray Judah  
District Three  
P. O. Box 280  
Fort Myers, FL 33902-0280

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

**SUBJECT: PETITION TO VACATE PLATTED DRAINAGE AND PUBLIC UTILITY EASEMENT**  
**STRAP #S: 30-45-24-08-00000.0280 & .0290**  
**GULF HARBOUR YACHT AND COUNTRY CLUB, PHASE 1**

Dear Mr. Schropp:

Lee County Utilities is in receipt of your letter and associated attachments concerning a proposed Petition to Vacate an existing 12-foot wide public utility easement centered on the common lot line between Lots 28 and 29 of Gulf Harbour Yacht and Country Club, Phase 1 as recorded in Plat Book 40, Page 39 of Lee County Public Records. Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation.

However, please be advised that record drawings indicate that Lee County Utilities owns and maintains potable water and sanitary sewer facilities within or near the easement to be vacated. Lee County Utilities' position of '**NO OBJECTION**' is based in part, on the belief that those facilities are located within the road right of way, public utility easement and/or the additional 10' wide public utility easement along the street boundary of each tract and lot as dedicated in the plat book noted in paragraph one above. These platted easements are to remain intact.

If you should 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 #(239)334-4100  
ORIGINAL MAILED 04/23/03

cc: Correspondence File

S:\UTILS\Engr\TAK\LETTERS\VAC\FY 2003\Henderson, Franklin - Gulf Harbour, PH 1 - Lots 28 & 29 - PUE Vacation.doc



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



April 17, 2003

Henderson/Franklin Attorneys At Law  
C/O Russell Schropp  
1715 Monroe St  
PO BOX 280  
Ft Myers, FL 33902

Re: Request for a letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: Lots 28 and 29, Gulf  
Harbour Yacht and Country Club, Phase One, Plat Book 56, Pages 1-4  
Public Records of Lee County, Florida

Dear Mr. Russell Schropp,

Comcast has no objection with the vacation of the above referenced utility easement. All utilities are located in the front 10' public utility easement and should not hinder your request to vacate.

If you should have any further questions or concerns, please feel free to contact me here at (239)432-1865.

Cordially,

A handwritten signature in cursive script that reads "Lucia Vera".

Lucia Vera  
Project Coordinator

 **LEE COUNTY**  
SOUTHWEST FLORIDA  
**BOARD OF COUNTY COMMISSIONERS**

(239) 479-8348

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
*District One*

September 2, 2003

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Russell P. Schropp, Attorney for Petitioners  
P. O. Box 280  
Ft. Myers, Florida 33902-0280

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Re: Recommendation for proposed vacation of a 12-foot wide Easement,  
located between 11360 and 11370 Longwater Chase Court, Ft. Myers,  
Florida 33908.  
VAC2003-00036

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Dear Mr. Schropp:

This office has received your request to vacate a 12-foot wide Drainage and Public Utility Easement lying 6-feet on either side of the common property line lying between Lots 28 and 29, Gulf Harbour Yacht and Country Club, Phase One, as shown and recorded in Plat Book 56, Pages 1-4, of the Public Records of Lee County, Florida, LESS AND EXCEPT the South 10-feet thereof.

You indicate approval of this easement vacation would resolve title issues on both properties that have arisen as a result of improvements constructed within the easement. 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



Pete Eckenrode  
Director

PJE/ rlm

U:\200307\VAC20030.003\6\DCDLETTER.DOC



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number (941) 479-8124

Tuesday, May 27, 2003

Bob Janes  
District One

Douglas R. St. Cery  
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

Mr. Russell P. Schropp  
Henderson Franklin, Attorneys at Law  
P.O. Box 280  
Fort Myers, FL 33902-0280

Re: Petition to Vacate a twelve (12) foot wide public utility and drainage easement common to Lots 28 and 29, Phase One, Gulf Harbor Yacht and Country Club Subdivision, as recorded in Plat Book 56 Page 1-4, Public Records of Lee County, Florida.

Dear Mr. Schropp:

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

S:\NATRES\SURFACE\DOCUMENT\vac335.doc

## **AFFECTED PROPERTY OWNERS**

Paul S. Bush, Trustee

12610 World Plaza Lane Suite 1

Fort Myers FL 33907

Jerry P. and Elisie E. Martin

2801 Fairview Pl. Suite O

Greenwood IN 46142



Reply to  
Russell P. Schropp  
Direct Dial Number 239.337.8414  
E-Mail: russell.schropp@henlaw.com

June 5, 2003

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. and Mrs. Jerry P. Martin  
2801 Fairview Place, Suite O  
Greenwood, IN 46142

Re: Vacation of Utility Easement

Dear Mr. and Mrs. Martin:

As you know, our law firm will soon be submitting a Petition to Vacate the utility easement along the common property line between your property and the adjoining lot owned by Paul S. Bush, Trustee. County vacation procedures require that we provide adjacent property owners with certified notice of the proposed vacation. Please allow this letter to serve as the required notice of the Petition to Vacate the 12 foot wide drainage and public utility easement lying 6 feet on each side of the common lot line between Lots 28 and 29, Gulf Harbour, Phase I, Plat Book 56, Page 1, Public Records of Lee County, Florida.

Please call me should you have any questions. Thank you.

Sincerely,

Russell P. Schropp

RPS/wm

cc: Steven I. Winer, Esq. (via certified mail)

2. Article Number



7106 4575 1292 5035 0648

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

Mr. and Mrs. Jerry P. Martin  
2801 Fairview Place, Suite 0  
Greenwood, IN 46142

**COMPLETE THIS SECTION ON DELIVERY**

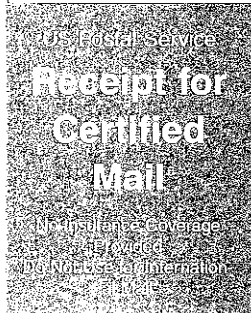
A. Received by (Please Print Clearly) <i>B</i>	B. Date of Delivery <i>6/16/03</i>
C. Signature <i>X J Rosemary Dooly</i>	
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

*RPS/40 6694/21*

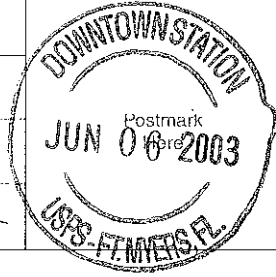
PS Form 3811, June 2000

Domestic Return Receipt

7106 4575 1292 5035 0648



Postage	\$ <i>37</i>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ <i>472</i></b>



Sent to:  
Mr. and Mrs. Jerry P. Martin  
2801 Fairview Place, Suite 0  
Greenwood, IN 46142

*RPS/40 6694/21*

PS Form 3800, June 2000

US Postal Service

Certified Mail Receipt



Reply to  
Russell P. Schropp  
Direct Dial Number 239.337.8414  
E-Mail: russell.schropp@henlaw.com

June 5, 2003

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Paul S. Bush, Trustee  
12610 World Plaza Lane, Suite 1  
Fort Myers, 33907

Re: Vacation of Utility Easement

Dear Mr. Bush:

As you know, our law firm will soon be submitting a Petition to Vacate the utility easement along the common property line between your property and the adjoining lot owned by Jerry P. and Elisie Martin. County vacation procedures require that we provide adjacent property owners with certified notice of the proposed vacation. Please allow this letter to serve as the required notice of the Petition to Vacate the 12 foot wide drainage and public utility easement lying 6 feet on each side of the common lot line between Lots 28 and 29, Gulf Harbour, Phase I, Plat Book 56, Page 1, Public Records of Lee County, Florida.

Please call me should you have any questions. Thank you.

Sincerely,

Russell P. Schropp

RPS/wm

2. Article Number



7160 3901 9842 1801 2233

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

Mr. Paul S. Bush, Trustee  
12610 World Plaza Ln., Ste. 1  
Fort Myers, FL 33907

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6-7-03

C. Signature

M. Atken

Agent  
 Addressee

D. Is delivery address different from item 1?

Yes  
 No

If YES, enter delivery address below:

RPS/40 6694/21

PS Form 3811, April 2002

Domestic Return Receipt

7160 3901 9842 1801 2233



Postage	\$ 37
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 442</b>



Sent To:

Mr. Paul S. Bush, Trustee  
12610 World Plaza Ln., Ste. 1  
Fort Myers, FL 33907

RPS/40 6694/21

PS Form 3800, APRIL 2002

US Postal Service

Certified Mail Receipt





August 12, 2003

**Memorandum**

TO: Lee County Development Review  
FROM: Russell P. Schropp  
Re: Petition to Vacate Case No. VAC2003-00036  
Lots 28, 29, and 30, Gulf Harbour

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Please accept this memo as the Petitioners' Letter of Explanation for the above-referenced vacation.

The Petition to Vacate seeks to have the County vacate a 12-foot wide drainage and public utility line located 6-feet on either side of the common lot line running between Lots 28 and 29, Gulf Harbour Yacht and Country Club Subdivision, Phase One, Plat Book 56, Pages 1-4, Public Records of Lee County. The purpose of the vacation is alleviate possible encroachments that could be raised as title objections arising from minor improvements done within the easement area, specifically, a concrete pad for air conditioners, rip-rap retaining wall, sprinkler heads, and concrete wall.

No objection has been received from any utility company or county agency with regard to the vacation request, and no impact to the provision of utility service or drainage would be anticipated.

/rs

### **LEGAL DESCRIPTION**

Lots 28 and 29, GULF HARBOUR YACHT AND COUNTRY CLUB, PHASE ONE, as shown in the plat recorded in Plat Book 56, Page 1, Public Records of Lee County, Florida.

### **STREET ADDRESSES**

11360 and 11370 Longwater Chase Court, Fort Myers FL 33908

### **STRAP NUMBERS**

30-45-24-08-00000.0280 and .0290







**From:** Russell Schropp  
**To:** Don Blackburn  
**Subject:** Re: Gulf Harbor Petition to Vacate

thanks

>>> "Don Blackburn" <BLACKBDR@leegov.com> 04/09/03 11:19AM >>>

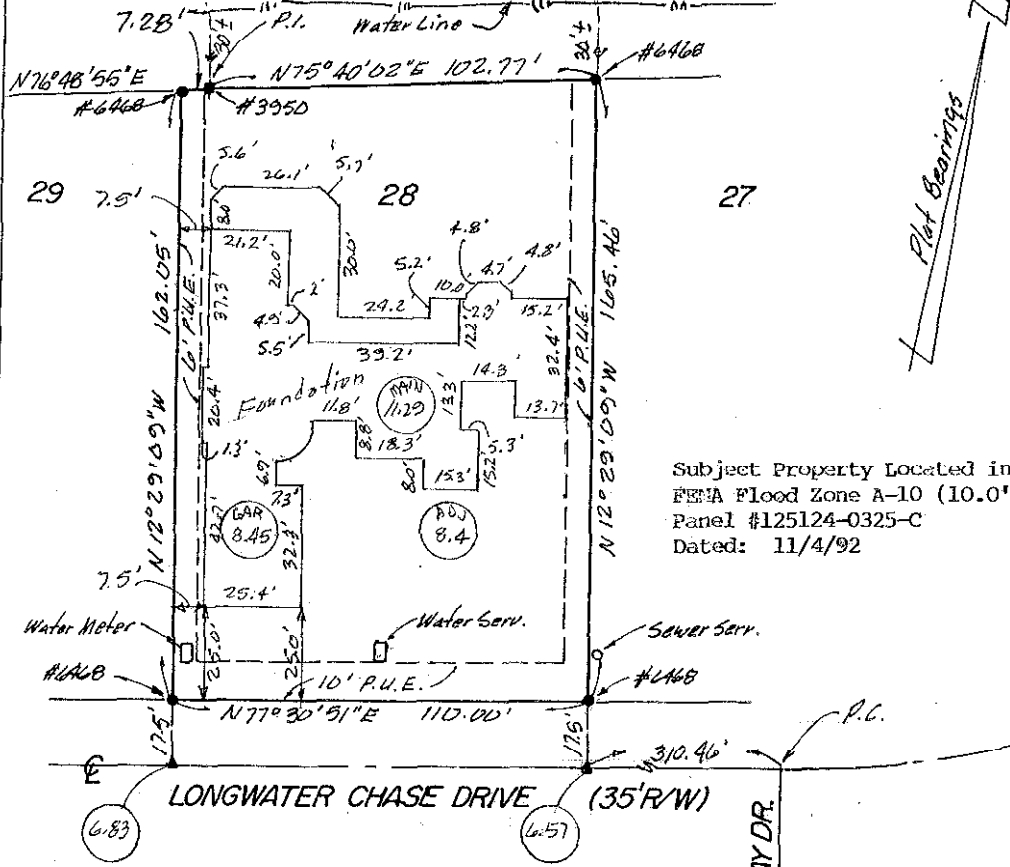
Hi Russell,

Regarding the letter of Review and Recommendation from Pete. Pete's letter is a summation of everybody else's letter. Because of that you don't need it to submit the Vacation. After he does issue his letter you will get a copy of it.

thanks

Don Blackburn  
Development Review Manager  
239-479-8587 ext.15

CALOOSAHATCHEE RIVER  
TRACT "E" - GULF HARBOUR YACHT & COUNTRY CLUB



Subject Property Located in  
FEMA Flood Zone A-10 (10.0')  
Panel #125124-0325-C  
Dated: 11/4/92

Boundary & NGVD Elevations  
FOUNDATION SURVEY 9/9/98

LEGAL DESCRIPTION:  
Lot 28, Phase 1, GULF HARBOUR, a subdivision according to the map or plat thereof on file and recorded in Plat Book 56, Pages 1-4, in the Public Records of Lee County, Florida.

CERTIFY TO: JERRY P. & ELSIE MARTIN

11360 LONGWATER CHASE DRIVE

CERTIFICATION:  
I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE HEREON DESCRIBED PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS. I FURTHER CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, ESTABLISHED PURSUANT TO CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE.

DATE: 6/3/98  
SCALE: 1"=40'  
JOB #: 12116

BY: *R.L. Schumann*  
R.L. SCHUMANN, RLS  
FLORIDA REC. #2239

LEGEND

o	5" Iron/cap set
•	5" Iron rod found
▲	PK Nail set
▲	PK Nail found
•	Concrete Monument Found
P.U.E.	Public Utility Easement
D.E.	Drainage Easement
P.C.	Point of Curva
P.T.	Point of Tangent
P.R.C.	Point of Reverse Curve
R/W	Right of Way
P.O.B.	Point of Beginning
P.O.C.	Point of Commencement
C.H.S.	Concrete Block Stucco
N.G.V.D.	National Geodetic Vertical Datum (1929)
P.P.	Power Pole
T.PED.	Telephone Pedestal
F.H.	Fire Hydrant
C.B.	Catch Basin
-	Center Line
D	Dead
M	Measured
C	Calculated
P	Plat

- NOTES:
- Description as furnished by client. No search of the Public Records was conducted by this firm.
  - Elevations as shown are based on N.C.V.D. 1929 datum unless otherwise stated.
  - Bearings are based on plat or deed.
  - Encroachments are based on plat.
  - There may be other easements not shown hereon recorded in the Public Records of governing county.
  - No Determination of Hazardous Waste Materials has been made by this firm.
  - Signor limits liability only up to the cost of the survey.
  - This survey is protected by copyright and all rights are reserved.

S & H LAND SURVEY COMPANY  
13611 MCGREGOR BLVD., SUITE 21  
FT. MYERS, FLORIDA 33919