

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate a ±290' long portion of a platted 20-foot wide Sanitary Sewer Easement located within Lot 10 of Market Square (Target Plaza on US 41 South), Fort Myers, Florida, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 9th day of December, 2003. (Case No. VAC2003-00061)

WHY ACTION IS NECESSARY: To construct a new commercial building. **The vacation of this easement will not alter existing drainage utility conditions and the easement is not necessary to accommodate any future utility requirements.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4A

3. MEETING DATE:

11-18-2003

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]* 10/30/03

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00061 was submitted by Johnson Engineering.

LOCATION: Petition No. VAC2003-00061 proposes to vacate an approximately 290' long portion of a platted 20-foot wide Sanitary Sewer Easement located within Lot 10 of the subdivision of Market Square, as recorded in Plat Book 53, Pages 11 through 14, Section 24, Township 45 South, Range 24 East, of the Public Records of Lee County, Florida. The site is located between Target and Barnes & Noble in the Market Square Plaza at the southeast corner of US 41 & Daniels Road.

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 Risk			G County Manager
<i>Man G 6/31</i>	N/A	N/A	N/A	<i>[Signature] 11-3-03</i>	<i>GA 11/04/03</i>	<i>OM 11/4/03</i>	<i>Risk 10/04/03</i>	<i>GC 11/04/03</i> <i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 10/31/03
Time: 10:00 AM
Forwarded To: Co. Adm.

RECEIVED BY
COUNTY ADMIN: *[Signature]*
11/4/03
9:20 am SLT
COUNTY ADMIN
FORWARDED TO: *[Signature]*
11/5 10:00

PETITION TO VACATE

Case Number: VAC2003-00061

Petitioner(s), Christine Partners, Ltd.

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

C/o B2D Semago
601 N. Ashley Drive, Suite 700
Tampa, Florida 33602

1. Petitioner(s) mailing address, _____
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,

Christine Partners, Ltd.

By: _____
Petitioner Signature

By: Nancy N. Sauer
Petitioner Signature

Printed Name

Nancy N. Sauer, President
Printed Name
RGSTHREE, Inc., a Florida
corporation, General Partner
of Christine Partners, Ltd.

EXHIBIT "A"
VAC2003-00061

DESCRIPTION

CENTERLINE SANITARY SEWER EASEMENT 10' WIDE
LOT 10, MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THROUGH 14)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

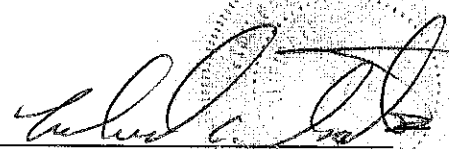
A STRIP OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 10 MARKET SQUARE AS RECORDED IN PLAT BOOK 53, PAGES 11 THROUGH 14, PUBLIC RECORDS OF LEE COUNTY, FLORIDA LYING 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

FROM THE SOUTHWEST CORNER OF SAID LOT 10 RUN N 89°07'22" E ALONG THE SOUTHERLY LINE OF LOT 10 FOR 325.53 FEET; THENCE N 01° 14'48" W FOR 30.59 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINE OF SAID 10 FOOT WIDE SANITARY SEWER EASEMENT: S 84°19'29" E FOR 84.31 FEET, N 88°45'12" E FOR 192.73 FEET, N 74°40'22" E FOR 11.28 FEET TO THE END OF SAID CENTERLINE EASEMENT.

CONTAINING 2,883 SQUARE FEET MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE EASTERLY RIGHT-OF-WAY OF U.S. 41 AS N 01°14'48" W PER SAID RECORD PLAT.

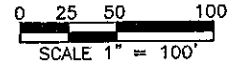


Leland Clayton Gates, III
Professional Surveyor and Mapper
Florida Registration No. 5710

N:\20030000\20033857\Lot 10 Market Square 4.lgl

EXHIBIT "B"
VAC2003-00061

LOT 9

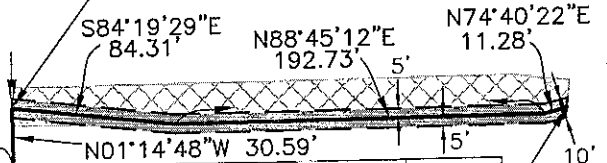


US 41 - TAMiami TRAIL
EASTERLY LINE OF US 41
N01°14'48"W BEARING BASIS

BARNES & NOBLE
31,315±SQ. FT.
(OR 2633, PAGE 2184)
PUBLIC RECORDS OF
LEE COUNTY, FLORIDA

LOT 10
MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THROUGH 14)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

Easement to be vacated:
POINT OF BEGINNING CENTERLINE
10' WIDE UTILITY EASEMENT



N89°07'22"E 325.73'
SOUTHERLY LINE LOT 10 578.91'
ELECTRONICS LANE
50' WIDE INGRESS / EGRESS EASEMENT (OR 1177, PAGE 1033)

POINT OF COMMENCEMENT
SOUTHWEST CORNER LOT 10
MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THRU 14)
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

POINT OF TERMINUS

NOT A SURVEY

LELAND CLAYTON GATES, III (FOR THE FIRM LB 642)
PROFESSIONAL SURVEYOR AND MAPPER,
FLORIDA REGISTRATION CERTIFICATE NO. 5710

DATE SIGNED: SEP 09 2003
NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

NOTES:

1. THIS SKETCH DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
2. DESCRIBED PARCEL CONTAINS 2883 SQUARE FEET MORE OR LESS.
3. BEARINGS ARE ASSUMED & BASED ON THE EASTERLY LINE OF US 41 AS N01°14'48"W.
4. SKETCH IS NOT VALID WITHOUT ACCOMPANYING DESCRIPTION.

JOHNSON
ENGINEERING

18501 MURDOCK CIRCLE, SUITE 404
PORT CHARLOTTE, FL 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B #642 & L.B. #642

SKETCH TO
ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
07/24/03	20033857	24-45-24	AS SHOWN	2 OF 2

J:\2003\0000\20033857\S & D LT 10 SAN.dwg (S & D LT 10 SAN) JJM Sep 09, 2003 - 5:03pm

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 24-45-24-11-0000-0100 and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Steven Siegel, President of Argate Properties, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Christine Partners, Ltd.,

By: RGSTHREE, Inc. a Florida corporation, General Partner

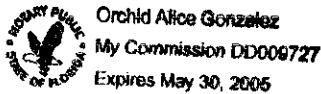
By: Nancy N. Sauer
Nancy N. Sauer, President
2215 South Occident Street
Tampa, Florida 33629-5423
(813) 229-6300

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Sworn to (or affirmed) and subscribed before me this 12th day of Sept., 2003, by NANCY N. SAUER who is personally known to me or who has produced identification. as

Orchid Alice Gonzalez
Notary Public

(SEAL)



(Name typed, printed or stamped)

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the Applicant of the property commonly known as **24-45-24-11-00000.0100**.

The property described herein is the subject of an application for zoning or development. We hereby designate Johnson Engineering, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

ARGATE PROPERTIES, INC.

By: [Signature]
Steven Siegel
1401 Brickell Avenue, Suite 520
Miami, Florida 33131
(305) 371-9041

STATE OF FLORIDA
COUNTY OF DADE

Sworn to (or affirmed) and subscribed before me this 4th day of September, 200 3, by STEVEN T. SIEGEL, who is personally known to me or who has produced N/A as identification.

[Signature]
Notary Public

(SEAL)

(Name typed, printed or stamped)



Parcel Identification Number:

2717103

This instrument prepared by:
John White, II
Nason, Gildan, Yeager & Gerson, P.A.
P. O. Box 3704
West Palm Beach, Florida 33402

1500
20900.00

Documentary Tax Pd. \$ 20900.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
Deputy Clerk

OR2097 PG0504

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 15 day of September, 1989, between NANCY N. SAUER, of the County of HILLSBOROUGH and State of Florida, hereinafter referred to as the "Grantor", and CHRISTINE PARTNERS, LTD., a Florida limited partnership, whose federal employer identification number is Applied for and address is Suite 2400, 1100 Park Central Boulevard South, Pompano Beach, Florida 33064, hereinafter referred to as "Grantee".

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, those certain lands situate, lying and being in the County of Lee, State of Florida, and described in attached Exhibit A.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof, including, without limitation, that certain 100' easement for drainage and ingress and egress reserved by Grantor in those certain instruments recorded at O.R. 328, P. 864 and O.R. 484, P. 51.

TO HAVE AND TO HOLD the above granted, bargained and described premises, with the appurtenances thereto, unto said Grantee to Grantee's own proper use, benefit and behoof forever, SUBJECT TO:

1. Conditions, restrictions, limitations, easements, reservations, zoning ordinances and other matters of record, if any, none of which are hereby reimposed; and
2. Real estate taxes for the year 1989 and subsequent years; and
3. The restriction that for twenty years from the date hereof the subject property shall not be used for a church or primary or secondary school, whether church related or secular, if such use would prohibit the sale of alcoholic beverages on the lands owned by the Grantor at the time of this conveyance.

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: J. TURNER, D.C.

AND the Grantor hereby covenants as follows:

- A. That the lands conveyed hereby are free from all encumbrances made by Grantor, and
- B. The Grantor has good right and lawful authority to sell and convey the above-described real property, and hereby warrants the title to said real property for any acts of Grantor and will defend the title against the lawful claims and demands of all persons claiming by, through, or under Grantor, but against none other.

DOCUMENTARY STAMP TAX COMPUTED IN ACCORDANCE WITH § 12B-4.013 (10), F.A.C.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered GRANTOR:
in the presence of:

[Signature]

Nancy N. Sauer
Nancy N. Sauer

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH) SS:

The foregoing Special Warranty Deed was acknowledged before me this 7th day of September, 1989, by Nancy N. Sauer.



JOHN WHITE, II
My Comm. Expires July 21, 1990
Notary Public, State of Florida

John White
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

JOHN WHITE, II
My Comm. Expires July 21, 1990
Notary Public, State of Florida



DR2097 PG0505

5654W/clc

A tract or parcel of land lying in the southwest quarter (SW-1/4) of Section 24, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the northwest corner of the southwest quarter (SW-1/4) of said Section 24 run N 89° 08' 53" E for 233.73 feet; thence run S 01° 14' 18" E for 71.00 feet to an intersection with the south line of Daniels Road and the northeast corner of lands described in Official Record Book 1830 at Page 3415 and the Point of Beginning.

From said Point of Beginning run N 89° 08' 53" E along said south line of Daniels Road for 1041.23 feet to the northwest corner of Brynwood Subdivision as recorded in Official Record Book 440 at Pages 328 and 329; thence run S 01° 15' 15" E along the west line of said Brynwood Subdivision and the east line of the west half (W-1/2) of said southwest quarter (SW-1/4) for 2223.37 feet to an intersection with a line parallel with and 350.00 feet north of the south line of said southwest quarter (SW-1/4); thence run S 89° 06' 11" W along said parallel line for 662.76 feet; thence run N 01° 13' 53" W for 475.00 feet; thence run S 89° 07' 22" W for 578.91 feet to an intersection with the east line of State Road No. 45 (South Cleveland Avenue); thence run N 01° 14' 48" W along said east line for 1514.43 feet to the southwest corner of said lands described in Official Record Book 1830 at Page 3415; thence run N 89° 08' 53" E along the south line of said lands for 200.00 feet; thence run N 01° 14' 18" W along the east line of said lands for 235.00 feet to the Point of Beginning.

Containing 55.99 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone (1979 Adjustment).

Exhibit A

OR2097 PG0506

CHARLIE GREEN LEE CITY FL
89 SEP 18 PM 4:47

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

RECEIVED

SEP 16 2003

JOHNSON ENGINEERING
(941) 479-8181

Writer's Direct Dial Number: _____

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. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

September 15, 2003

Patricia Newton
Johnson Engineering, Inc.
2158 Johnson Street
Fort Myers, Fl. J33902-1550

**SUBJECT: PETITION TO VACATE A PORTION OF A PUBLIC UTILITY EASEMENT
AT STRAP # 24-45-24-11-00000.0100, LOT 10 MARKET SQUARE**

Dear Ms. Newton:

Lee County Utilities has reviewed the Public utility easement described in your letter of September 4, 2003. Lee County Utilities has no facilities located within the easement; therefore, there is no objection to the vacation of this easement.

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

S:\UTILS\Engr\MMML\LETTERS\VACATION\GENERAL\LOT 10 MARKET SQUARE-NO-OBJECTION.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8374

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. Stiwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

October 29, 2003

Ms. Patricia Newton
2158 Johnson Street
Fort Myers, Florida 33902

Re: VAC2003-00061

Dear Ms. Newton:

It appears that a platted sanitary sewer easement dedicated to Lee County Utilities prohibits the construction of a commercial structure as per the proposed site plan in your pending development order DOS2003-00195.

Based upon the recommendation of Lee County Utilities (LCU); as well as the easement having never been used or formally accepted by LCU, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/sbe

H:\Correspondence\Vacations\Vac2003\00061 Market Square\Development Review Recommends.wpd

3508714

24-00
70

9.7
70

**PERPETUAL UTILITY EASEMENT GRANT
AND
INDEMNITY AGREEMENT**

[Signature]
Secretary Clerk

THIS INDENTURE, made and entered into this 21st day of July, 1993, between CHRISTINE PARTNERS, LTD., Owner, hereinafter referred to as GRANTOR, and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby grants and transfers to the GRANTEE, its successors and assigns, the use of a perpetual public utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is to be reserved for utility lines, mains, or facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds or any other structures shall not be constructed upon or placed in this easement, at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to the utilities constructed hereunder shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTORS covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful

OR2455 P60278

Recorded

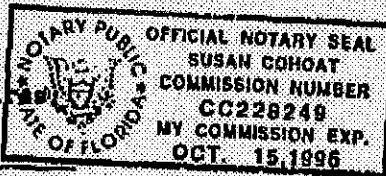
9-10

12/21/93

C10c
7-21-93

WITNESS my hand and official seal, this 27th day of May, 1993.

My Commission Expires



Susan Choat
NOTARY PUBLIC-STATE OF FLORIDA

(OFFICIAL SEAL)

ATTEST:
CHARLIE GREEN, CLERK
By: [Signature]
DEPUTY CLERK

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

By: [Signature]
CHAIRMAN

APPROVED AS TO FORM:

[Signature]
OFFICE OF THE COUNTY ATTORNEY

OR2455 P60280

Exhibit "A"

Sanitary sewer easement and water line easement as shown on the
Market Square Record Plat to be platted at a later date.

OR2455 PG0281

Exhibit "A" cont'd

Lift station, force main and water line easement as shown on the Market Square Record Plat to be platted at a later date.

DR2455 PG0282

CHARLE GREEN LEE CIV. R.
93DEC21 AM 9:17



NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00061

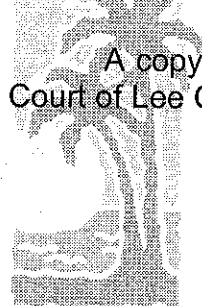
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 9th day of December 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

CHARLIE GREEN, CLERK

Deputy Clerk Signature

S O U T H W E S T F L O R I D A

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
VAC2003-00061

DESCRIPTION
CENTERLINE SANITARY SEWER EASEMENT 10' WIDE
LOT 10, MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THROUGH 14)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

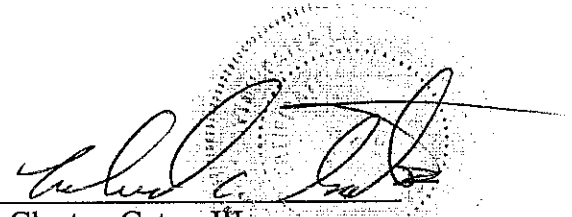
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FROM THE SOUTHWEST CORNER OF SAID LOT 10 RUN N 89°07'22" E ALONG THE SOUTHERLY LINE OF LOT 10 FOR 325.53 FEET; THENCE N 01° 14'48" W FOR 30.59 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINE OF SAID 10 FOOT WIDE SANITARY SEWER EASEMENT: S 84°19'29" E FOR 84.31 FEET, N 88°45'12" E FOR 192.73 FEET, N 74°40'22" E FOR 11.28 FEET TO THE END OF SAID CENTERLINE EASEMENT.

CONTAINING 2,883 SQUARE FEET MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE EASTERLY RIGHT-OF-WAY OF U.S. 41 AS N 01°14'48" W PER SAID RECORD PLAT.



Leland Clayton Gates, III
Professional Surveyor and Mapper
Florida Registration No. 5710

N:\20030000\20033857\Lot 10 Market Square 4.lgl

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2003-00061

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. VAC2003-00061 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

Deputy Clerk Signature

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
VAC2003-00061

DESCRIPTION

**CENTERLINE SANITARY SEWER EASEMENT 10' WIDE
LOT 10, MARKET SQUARE
(PLAT BOOK 53, PAGES 11 THROUGH 14)
SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA**

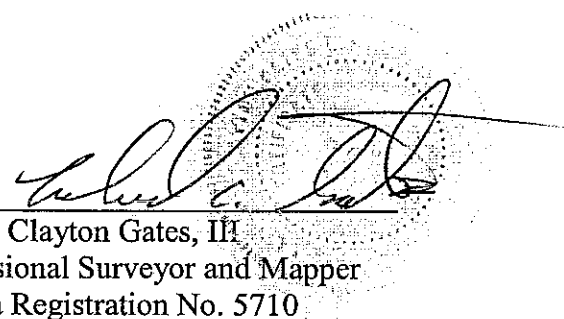
A STRIP OF LAND LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 10 MARKET SQUARE AS RECORDED IN PLAT BOOK 53, PAGES 11 THROUGH 14, PUBLIC RECORDS OF LEE COUNTY, FLORIDA LYING 5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

FROM THE SOUTHWEST CORNER OF SAID LOT 10 RUN N 89°07'22" E ALONG THE SOUTHERLY LINE OF LOT 10 FOR 325.53 FEET; THENCE N 01° 14'48" W FOR 30.59 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINE OF SAID 10 FOOT WIDE SANITARY SEWER EASEMENT: S 84°19'29" E FOR 84.31 FEET, N 88°45'12" E FOR 192.73 FEET, N 74°40'22" E FOR 11.28 FEET TO THE END OF SAID CENTERLINE EASEMENT.

CONTAINING 2,883 SQUARE FEET MORE OR LESS.

BEARINGS ARE ASSUMED AND BASED ON THE EASTERLY RIGHT-OF-WAY OF U.S. 41 AS N 01°14'48" W PER SAID RECORD PLAT.



Leland Clayton Gates, III
Professional Surveyor and Mapper
Florida Registration No. 5710

N:\20030000\20033857\Lot 10 Market Square 4.lgl

MARKET SQUARE

A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

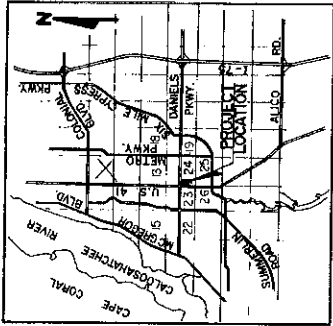
JOHNSON ENGINEERING, INC.
2156 JOHNSON STREET
FORT MYERS, FLORIDA 33901

JUNE 1993

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS - LAND SURVEYORS
FORT MYERS, FLORIDA

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA UN-24-45-24-1, BEING THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 24, RUN N 89° 08' 50" E FOR 203.73 FEET, THENCE RUN S 01° 14' 18" E FOR 74.00 FEET TO AN INTERSECTION CORNER OF SOUTH LINE OF DANIELS PARKWAY AND THE NORTHEAST CORNER OF DANIELS PARKWAY, BEING THE POINT OF BEGINNING. THE POINT OF BEGINNING IS LOCATED IN OFFICIAL RECORD BOOK 1630 AT PAGE 3415 AND THE POINT OF BEGINNING IS THE POINT OF BEGINNING OF DANIELS PARKWAY FOR 1041.23 FEET TO THE NORTHWEST CORNER OF BRYNWOOD SUBDIVISION AS RECORDED IN OFFICIAL RECORD BOOK 1630 AT PAGES 359 AND 369; THENCE RUN S 01° 15' 18" E ALONG THE WEST LINE OF BRYNWOOD SUBDIVISION AND THE EAST LINE OF THE WEST HALF (W-1/2) OF SAID SECTION 24 WITH A LINE PARALLEL WITH AND 350.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW-1/4); THENCE RUN S 89° 06' 11" W FOR 101.73 FEET TO AN INTERSECTION WITH THE EAST LINE OF ROAD NO. 45 (SOUTH CLEVELAND AVENUE); THENCE RUN N 01° 14' 48" W ALONG SAID EAST LINE FOR 1514.43 FEET TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1630 AT PAGE 3415; THENCE RUN S 89° 06' 11" W ALONG THE SOUTH LINE OF SAID LANDS FOR 200.00 FEET THENCE RUN S 01° 15' 18" E ALONG THE EAST LINE OF SAID LANDS FOR 235.00 FEET TO THE POINT OF BEGINNING. CONTAINING 55.99 ACRES MORE OR LESS. THE POINTS HEREIN MENTIONED ARE PLANE COORDINATE FOR THE FLORIDA STATE PLAT (1929 ADJUSTMENT).



VICINITY MAP
SCALE: 1" = 3 MILES

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.

CERTIFICATE

I HEREBY CERTIFY THE ATTACHED PLAT OF MARKET SQUARE IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE BY ME AND THAT THE SURVEY DATA COMPLETES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.H.'S) DONE HAS BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.
DONE THIS 23 DAY OF SEPT. 1993.

[Signature]
V. BRITTY SURVEYOR
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4446

MARKET SQUARE
COUNTY DEVELOPMENT
ORDER NO. 91-10-008.000

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CHRISTINE PARTNERS, LTD., A FLORIDA LIMITED PARTNERSHIP, AS OWNER OF LOT 1, DANIELS SUBDIVISION BUILDERS SQUARE, INC. AS OWNER OF LOT 2, DANIELS SUBDIVISION CORPORATION, A MINNESOTA CORPORATION AS OWNER OF LOT 9; HAS CAUSED THIS PLAT OF MARKET SQUARE TO BE MADE AND DOES HEREBY SHOW HERON, SAID EASEMENTS, INGRESS/EGRESS EASEMENTS FOR THE USES AND PURPOSES INDICATED, INGRESS/EGRESS EASEMENTS FOR THE USES AND DRAINAGE EASEMENTS ARE DEDICATED TO ALL LOT OWNERS. INGRESS AND EGRESS EASEMENTS ARE ALSO PUBLIC UTILITY AND LOT OWNERS. INGRESS AND EGRESS EASEMENTS IS DEDICATED TO THE PUBLIC. IN WITNESS WHEREOF, THE PARTNERS, HAVE HEREUNTO SET THEIR HANDS AND SEALS THIS 23 DAY OF SEPTEMBER, 1993 A.D.

CHRISTINE PARTNERS, LTD.

[Signature]
MONNA BOAN, GENERAL PARTNER

WITNESSES:
NAME: Kathy Orlandi
[Signature]
NAME: Leanne Larsen
[Signature]

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME PERSONALLY APPEARED MONNA BOAN, GENERAL PARTNER FOR CHRISTINE PARTNERS, LTD., TO THE ENDORSE AND ACKNOWLEDGE THE EXECUTION THEREOF FOR THE USES AND PURPOSES INDICATED IN THIS PLAT. I, THE NOTARY PUBLIC, WITNESS BY HAND AND OFFICIAL SEAL AT CITY OF FORT MYERS SAID COUNTY AND STATE THIS 23 DAY OF SEPTEMBER, 1993 A.D.

[Signature]
NOTARY PUBLIC STATE OF FLORIDA - AT-LARGE
MY COMMISSION EXPIRES: _____

APPROVALS

THIS PLAT ACCEPTED THIS 30 DAY OF AUGUST, 1993 IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

NAME: *[Signature]*
VICE-CHAIRMAN OF THE BOARD

[Signature]
NAME: WALTER J. MC CARTHY
MANAGER, DIVISION OF ZONING AND DEVELOPMENT REVIEW

[Signature]
NAME: WALTER J. MC CARTHY
CLERK OF COURT

3484244

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF MARKET SQUARE HAS BEEN EXAMINED BY AND THROUGH EXAMINATION I FIND THAT SAID PLAT COMPLETES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 2:23 PM THIS 23 DAY OF SEPTEMBER, 1993, AND WAS DULY RECORDED IN COUNTY BOOK _____ AT PAGES 11288-11292 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

[Signature]
NAME: *[Signature]*
CLERK OF THE CIRCUIT COURT, IN AND FOR LEE COUNTY

NOTICE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT REQUIRED BY THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

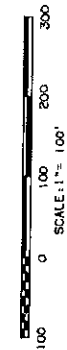
NOTES

- PERMANENT REFERENCE MONUMENTS (P.R.H.'S) ARE TAPERED CONCRETE MONUMENTS WITH METAL DISKS SET IN THE TOP BEARING THE SURVEYOR'S CERTIFICATE NUMBER.
- FLORIDA SURVEYING ZONE EASEMENTS ARE ALSO PUBLIC UTILITY AND DRAINAGE EASEMENTS.
- IMPROVEMENTS DISTURBED BY ENTITIES INSTALLING, REPLACING, REMOVING OR MAINTAINING UTILITIES OR OTHER FACILITIES SHALL BE RETURNED TO EQUAL OR BETTER CONDITIONS PRIOR TO OR UPON THE COMPLETION OF WORK.

MARKET SQUARE

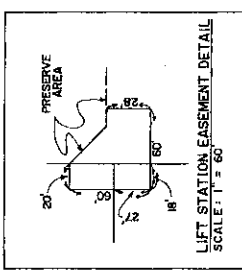
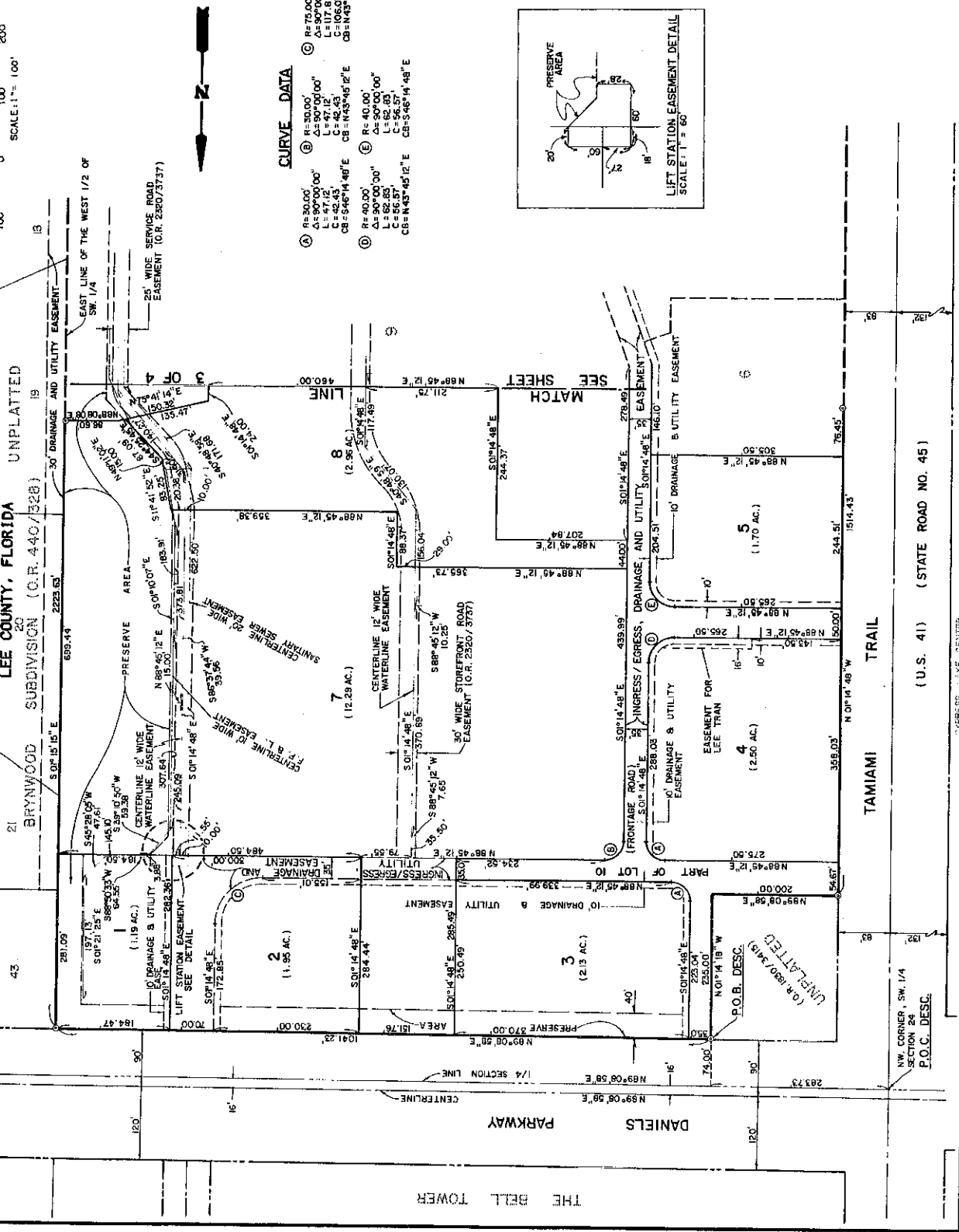
A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST UNPLATTED LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
2156 JOHNSON STREET
FORT MYERS, FLORIDA 33901



CURVE DATA

- (A) R=30.00'
Δ=90°00'00"
L=47.12'
CB=143°46'12"E
CB-S=46°14'48"E
- (B) R=30.00'
Δ=90°00'00"
L=47.12'
CB=143°46'12"E
CB-S=46°14'48"E
- (C) R=75.00'
Δ=90°00'00"
L=117.81'
CB=103.50'
CB-S=46°14'48"E
- (D) R=40.00'
Δ=90°00'00"
L=52.55'
CB=54°46'14"48"E
- (E) R=40.00'
Δ=90°00'00"
L=52.55'
CB=54°46'14"48"E

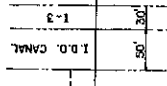
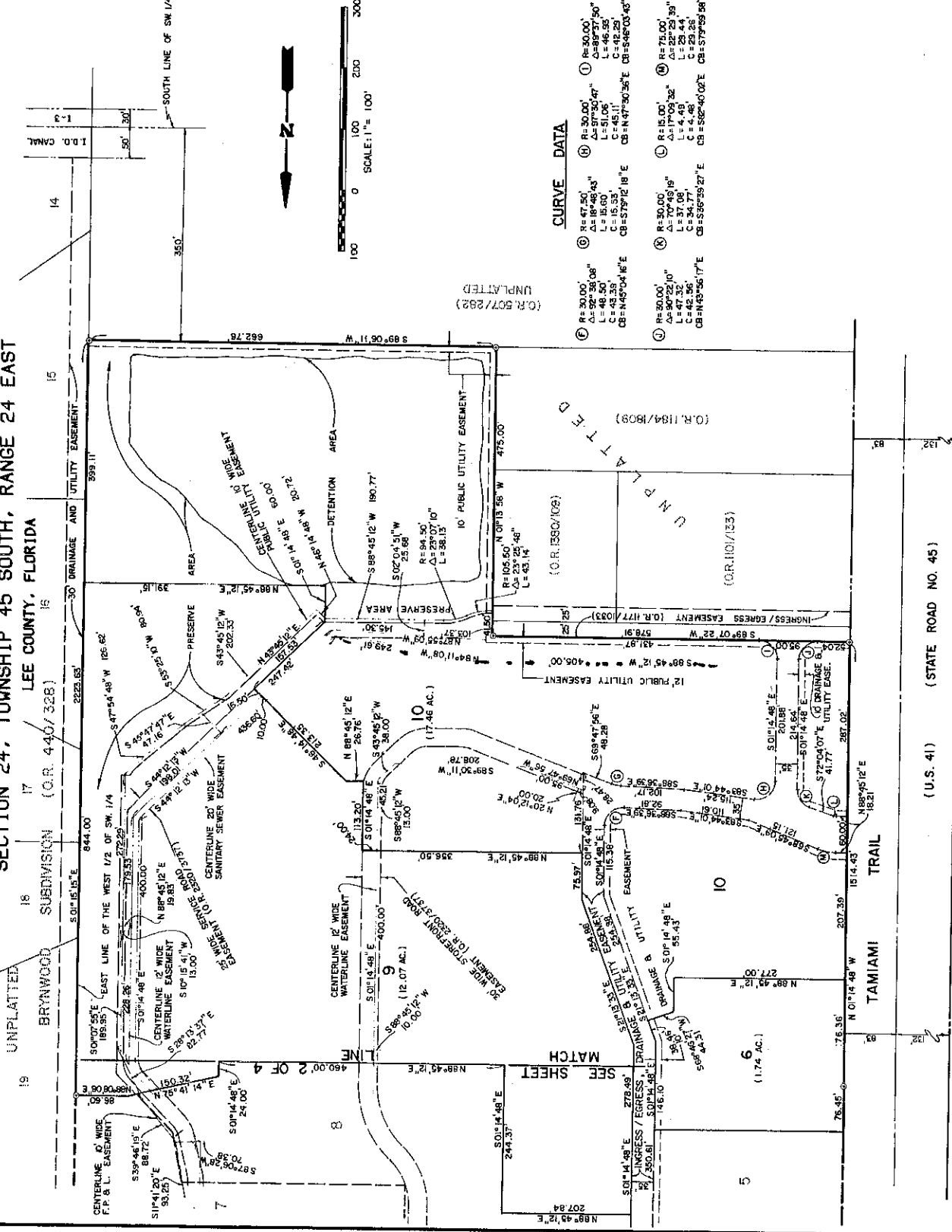


17877-1

MARKET SQUARE

A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC
2159 JOHNSON STREET
FORT MYERS, FLORIDA 33901



CURVE DATA

①	R=30.00' Δ=52° 38' 08\"	②	R=47.50' Δ=18° 48' 43\"	③	R=30.00' Δ=52° 38' 08\"	④	R=30.00' Δ=52° 38' 08\"
⑤	R=30.00' Δ=52° 38' 08\"	⑥	R=47.50' Δ=18° 48' 43\"	⑦	R=30.00' Δ=52° 38' 08\"	⑧	R=30.00' Δ=52° 38' 08\"
⑨	R=30.00' Δ=52° 38' 08\"	⑩	R=47.50' Δ=18° 48' 43\"	⑪	R=30.00' Δ=52° 38' 08\"	⑫	R=30.00' Δ=52° 38' 08\"
⑬	R=30.00' Δ=52° 38' 08\"	⑭	R=47.50' Δ=18° 48' 43\"	⑮	R=30.00' Δ=52° 38' 08\"	⑯	R=30.00' Δ=52° 38' 08\"
⑰	R=30.00' Δ=52° 38' 08\"	⑱	R=47.50' Δ=18° 48' 43\"	⑲	R=30.00' Δ=52° 38' 08\"	⑳	R=30.00' Δ=52° 38' 08\"

(U.S. 41) (STATE ROAD NO. 45)

17877-1

MARKET SQUARE

A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 45 SOUTH, RANGE 24 EAST LEE COUNTY, FLORIDA

JOHNSON ENGINEERS, INC
2158 JOHNSON STREET
FORT MYERS, FLORIDA 33901

CONSENT AND JOINDER

THE UNDERSIGNED OWNER OF AN INTEREST IN A PART OF THE LANDS DESCRIBED IN THE PLAT BY REASON OF THAT CERTAIN PARAGRAPH DATED AUGUST 15, 1992, AND RECORDED IN O.R. BOOK 2363 AT PAGE 302 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, COVERING THOSE LANDS DESCRIBED AS LOT 7 OF MARKET SQUARE, DOES HEREBY CONSENT TO AND JOIN IN THE DEDICATION OF THIS PLAT.

Anna F. Strick
WITNESS NAME: Anna F. Strick
Anna Belinda Garcia
WITNESS NAME: Anna Belinda Garcia

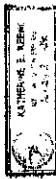
David M. Baratta
DAVID M. BARATTA
VICE PRESIDENT
BUILDERS SQUARE, INC.

ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Bexar

THE FOREGOING CONSENT AND JOINDER WAS ACKNOWLEDGED BEFORE ME THIS 15th DAY OF August, A.D. 1992 BY David M. Baratta WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION AND WHO DID / DID NOT TAKE AN OATH.

Thomas E. Henson
NOTARY PUBLIC - STATE OF TEXAS
Thomas E. Henson
NAME



COMMISSION # _____
EXPIRES _____

CONSENT AND JOINDER

THE UNDERSIGNED OWNER OF AN INTEREST IN A PART OF THE LANDS DESCRIBED IN THE PLAT BY REASON OF THAT CERTAIN PARAGRAPH DATED AUGUST 15, 1992, AND RECORDED IN O.R. BOOK 2363 AT PAGE 302 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, COVERING THOSE LANDS DESCRIBED AS LOT 9 OF MARKET SQUARE, DOES HEREBY CONSENT TO AND JOIN IN THE DEDICATION OF THIS PLAT.

John A. Cobbell
WITNESS NAME: John A. Cobbell
John A. Cobbell
WITNESS NAME: John A. Cobbell

DAYTON HUDSON CORPORATION
Bob McMahon
BY: Bob McMahon
BOB McMahon
Sr. Vice President
Target Stores

ACKNOWLEDGMENT

STATE OF MINNESOTA
COUNTY OF ROSEMERE

THE FOREGOING CONSENT AND JOINDER WAS ACKNOWLEDGED BEFORE ME THIS 15th DAY OF August, A.D. 1992 BY John A. Cobbell WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION AND WHO DID / DID NOT TAKE AN OATH.

John A. Cobbell
NOTARY PUBLIC - STATE OF MINNESOTA
John A. Cobbell
NAME

COMMISSION # _____
EXPIRES _____



LOT NO. AREA OF DRY DETENTION AT ELEV. 10.3' (SQ.-FT) STORAGE FROM / TO ELEV. (NGVD)

LOT NO.	AREA OF DRY DETENTION AT ELEV. 10.3' (SQ.-FT)	STORAGE FROM / TO ELEV. (NGVD)
1	5,000	9.0' / 10.3'
2	9,900	9.0' / 10.3'
3	19,300	9.0' / 10.3'
4	32,100	8.0' / 10.3'
5	12,300	8.0' / 10.3'
6	10,100	8.0' / 10.3'
7	8,100	9.0' / 10.3'
8	0	-
9	0	-
10	22,000	8.0' / 10.3'

Commonwealth Land Title Insurance Company
5245 Big Pine Way
Suite 102
Fort Myers FL 33907
(941) 481-3035
FAX: (941) 481-8119

Commonwealth Land Title Insurance Company

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

Order No: 43163767CC

Customer Reference No: 455-21

COMMITMENT NO.: 814-914026

Effective Date: April 19th, 2003 at 8:00 a.m.

1. Policy or Policies to be issued:

a). ALTA Owner's Policy (10/17/1992) with Florida Modifications
Proposed Insured: Argate Properties, Inc.
Amount of Insurance: \$1,975,000.00

2. The estate or interest in the land described or referred to in this Schedule and covered herein is a Fee Simple and title thereto is at the effective date hereof vested in:

Christine Partners, Ltd., a Florida limited partnership

3. The land referred to in this Commitment is described in Exhibit "A" attached hereto and made part hereof.

Countersigned:

BY: 
Authorized Officer or Agent

This Commitment is invalid unless the insuring provisions and Schedules A and B are attached.

Order No: 43163767CC

Reference No: 455-21

**Schedule B Section 1
Requirements**

The following are requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record.
 - A. Warranty Deed to be executed by Christine Partners, LTD. to Argate Properties, Inc.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Require evidence satisfactory to the Company that the Limited Partnership is in good standing with the Florida Secretary of State.
5. Proof satisfactory to the Company must be furnished of the good standing of Argate Properties, Inc. under the laws of the state of its incorporation.
6. A survey, satisfactory to the Company, must be furnished. If said survey should disclose building setback lines, easements, encroachments, overlaps, boundary line disputes, or other adverse matters, they will appear as exceptions in Schedule B of the Owner's Policy and Schedule B, Part I of the Loan Policy to be issued.
7. Require that all assessments have been paid in full, and that there are no delinquencies.
8. NOTE: 2002 taxes have been paid in the following amount(s) \$47,284.65 under Tax ID No. 24-45-24-11-00000.0100.

Order No: 43163767CC**Reference No: 455-21****Schedule B Section 2
Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Easements or claims of easements not shown by the Public Records, boundary line disputes, overlaps, encroachments, and any matters not of record which would be disclosed by an accurate survey and inspection of the premises.
3. Rights of parties in possession, other than the record owner.
4. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Taxes and assessments for the year 2002 and subsequent years.
- ✓ 6. Easements and restrictions as shown on the plat of Market Square as recorded in Plat Book 53, Pages 11-14, Public Records of Lee County, Florida.
7. Terms and conditions of that Covenant of Unified Control as recorded in OR Book 2250, Page 2072, Public Records of Lee County, Florida.
8. Easement Agreement dated August 13, 1992, recorded in OR Book 2320, Page 3622, Public Records of Lee County, Florida.
- ✗ 9. Easement Agreement as recorded in OR Book 2320, Page 3637 amended in OR Book 2761, Page 3115, Public Records of Lee County, Florida.
- ✓ 10. Terms, conditions and stipulations of Development Agreement as recorded in OR Book 2326, Page 2305, Public Records of Lee County, Florida.
- ✓ 11. Terms, conditions and stipulations of Agreement as recorded in OR Book 2320, Page 3743, Public Records of Lee County, Florida.
12. Oil, gas and mineral rights as recorded in Deed Book 227, Page 517, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2294, Page 1200, Public Records of Lee County, Florida.

13. Oil, gas and mineral rights as recorded in Deed Book 227, Page 519, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2294, Page 1198, Public Records of Lee County, Florida.
14. Oil, gas and mineral rights as recorded in Deed Book 246, Page 273, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2294, Page 1194, OR Book 2294, Page 1192, OR Book 2293, Page 3362, OR Book 2293, Page 3360, OR Book 2293, Page 3358, OR Book 2293, Page 3356, OR Book 2293, Page 3354, Public Records of Lee County, Florida.
15. Oil, gas and mineral rights as recorded in Deed Book 246, Page 271, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2294, Page 1196, Public Records of Lee County, Florida.
16. Oil, gas and mineral rights as recorded in OR Book 769, Page 392, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4348, Public Records of Lee County, Florida.
17. Oil, gas and mineral rights as recorded in OR Book 769, Page 395, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4344 and OR Book 2189, page 4346, Public Records of Lee County, Florida.
18. Oil, gas and mineral rights as recorded in OR Book 847, Page 811, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4340 and OR Book 2189, Page 4350, Public Records of Lee County, Florida.
19. Oil, gas and mineral rights as recorded in OR Book 896, Page 34, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4340, Public Records of Lee County, Florida.
20. Oil, gas and mineral rights as recorded in OR Book 1922, Page 730 and OR Book 1922, Page 732, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4340, Public Records of Lee County, Florida.
21. Oil, gas and mineral rights as recorded in OR Book 973, Page 754, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4342, OR Book 2191, Page 2410 and OR Book 2191, Page 2414, Public Records of Lee County, Florida.
22. Oil, gas and mineral rights as recorded in OR Book 1763, Page 1804, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page

4328, Public Records of Lee County, Florida.

23. Oil, gas and mineral rights as recorded in OR Book 1808, Page 3249, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2192, Page 1749, Public Records of Lee County, Florida.
24. Oil, gas and mineral rights as recorded in OR Book 1758, Page 1462, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4332, Public Records of Lee County, Florida.
25. Oil, gas and mineral rights as recorded in OR Book 2121, Page 1826, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4338, Public Records of Lee County, Florida.
26. Oil, gas and mineral rights as recorded in OR Book 1808, Page 3246, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4336, Public Records of Lee County, Florida.
27. Oil, gas and mineral rights as recorded in OR Book 1748, Page 1072, OR Book 2230, Page 39 and OR Book 2253, Page 3555, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4334, Public Records of Lee County, Florida.
28. Oil, gas and mineral rights as recorded in OR Book 1728 Page 4701, Public Records of Lee County, Florida. With respect to such document, the rights of entry and other rights have been released pursuant to that certain Release of Right of entry as recorded in OR Book 2189, Page 4330, Public Records of Lee County, Florida.
29. Notice of Lot Split Approval recorded in OR Book 2633, Page 2184, Public Records of Lee County, Florida.
- ✓ 30. Hold Harmless and Maintenance Agreement recorded in OR Book 2330, Page 2664, Public Records of Lee County, Florida.
31. Easement granted to Florida Power & Light Company recorded in OR Book 2704, Page 405, Public Records of Lee County, Florida.
32. Easement granted to Florida Power & Light Company recorded in OR Book 2704, Page 403, Public Records of Lee County, Florida.
33. Easement granted to Florida Power & Light Company recorded in OR Book 2704, Page 401, Public Records of Lee County, Florida.
- ✓ 34. Common Wall Agreement recorded in OR Book 2677, Page 3447, Public Records of Lee County, Florida.

- ✓ 35. Common Area Maintenance Cost Contribution Agreement recorded in OR Book 2677, Page 3441, Public Records of Lee County, Florida.
- ✓ 36. Encroachment and Grease Trap Easement recorded in OR Book 2658, Page 2362, Public Records of Lee County, Florida.
- ✓ 37. Access, Parking, Maintenance and Utility Easement recorded in OR Book 2658, Page 2354, Public Records of Lee County, Florida.
- ✓ 38. Agreement and Certificate of Allocation recorded in OR Book 2520, Page 3652, Public Records of Lee County, Florida.
- ✓ 39. Perpetual Utility Easement Grant and Indemnity Agreement recorded in OR Book 2455, Page 278, Public Records of Lee County, Florida.
- ✓ 40. Short Form Lease recorded in OR Book 2413, Page 832, Public Records of Lee County, Florida.
- 41. Easement Deed executed by and between Kelly Tractor Co. and Christine Partners, Ltd., recorded in OR Book 2189, Page 4352, Public Records of Lee County, Florida.

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Lee County, Florida, unless otherwise noted.

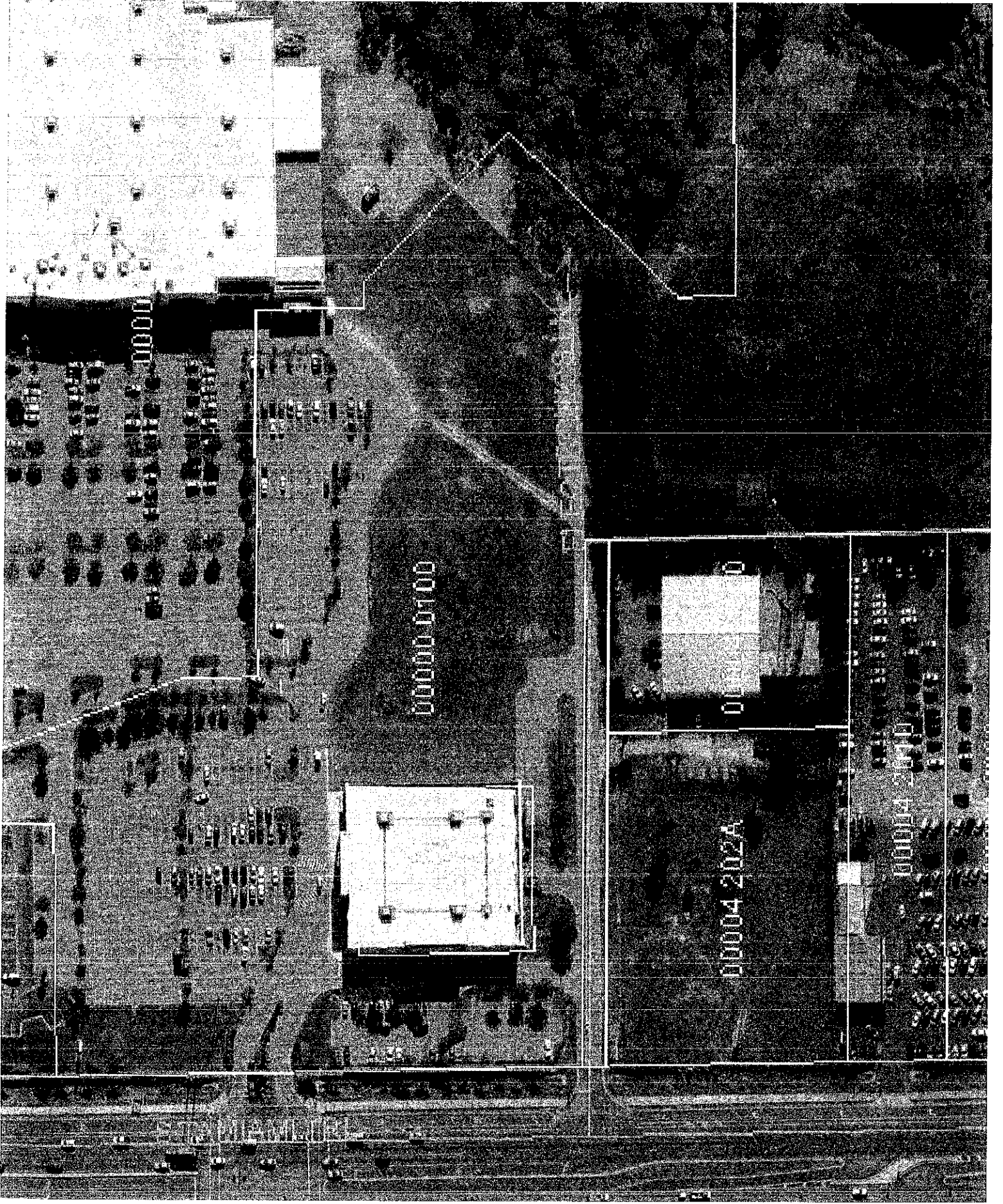
NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting the Regional Office, 201 South Orange Avenue, Suite 1350, Orlando, FL 32801 Telephone 407-481-8181.

Order No: 43163767CC

Reference No: 455-21

Exhibit "A"

Lot 10, MARKET SQUARE, a subdivision according to the map or plat thereof, as recorded in Plat Book 53, Pages 11 thru 14, inclusive, Public Records of Lee County, Florida, LESS and EXCEPT that portion of subject property conveyed to Barnes & Noble Superstores, Inc., in OR Book 2761, Page 3106, and being more fully described as follows: From a Southwest corner of said Lot 10, said corner being the intersection of the east line of the Tamiami Trail and the North line of an ingress/egress easement as recorded in OR Book 1177, Page 1033, Public Records of Lee County, Florida, run North 89 deg. 07'22" East along the South line of said lot for 121.23 feet; thence run North 01 deg. 14'48" West for 50.11 feet to the Point of Beginning. From said Point of Beginning continue North 01 deg. 14'48" West for 180.00 feet; thence run North 88 deg. 45'12" East for 52.67 feet; thence run North 01 deg. 14'48" West for 9.00 feet; thence run North 88 deg. 45'12" East for 66.00 feet; thence run South 01 deg. 14'48" East for 9.00 feet; thence run North 88 deg. 45'12" East for 52.00 feet; thence run South 01 deg. 14'48" East for 180.00 feet; thence run South 88 deg. 45'12" West for 170.67 feet to the Point of Beginning.



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