

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a 10-foot wide Public Utility Easement located at 4290 Boatsway Rd., Fort Myers, Florida 33905, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 25th day of May, 2004. (Case No. VAC2004-00003).

**WHY ACTION IS NECESSARY:** To construct a multi story hotel. **The vacation of this easement will not alter existing 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 #:** 2

04

**3. MEETING DATE:**

04-27-2004

**4. AGENDA:**

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

**6. REQUESTOR OF INFORMATION:**

C4A

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

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

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: [Signature] 4/7/04

Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2004-00003 was submitted by Patrick Hunt as the agent on behalf of Four Star Investment Group, Inc.

**LOCATION:** Petition No. VAC2004-00003 proposes to vacate a 10-foot wide Public Utility Easement situated in Lot 1, Orange River Centre, as recorded in Plat Book 48, Page 67, Section 3, Township 44 South, Range 25 East, of the Public Records of Lee County, Florida, **LESS and EXCEPT** the northerly 10-feet and the southerly 12-feet of each easement. The site is located at 4290 Boatsway Rd., Fort Myers, Florida 33905 and its strap number is 03-44-25-10-00000.001A

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. A replacement easement to FPL has been provided and will be held in trust by the County Attorney Office pending the outcome of the vacation request. 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 <i>apm 4/19/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>Wm Gibbs</i>	N/A	N/A	N/A	<i>John A. ... 4-9-04</i>	<i>1:00 4/13/04</i>	<i>4/13/04</i>	<i>4/13/04</i>	<i>4/13/04</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 4/9/04  
Time: 1:30 PM  
CO. CLERK  
4/12/04 9 AM

RECEIVED BY  
COUNTY ADMIN: [Signature]  
11:20 AM 9/7  
4/12/04  
COUNTY ADMIN  
FORWARDED TO: [Signature]  
4-14-04 11:30 AM

*BA*

## PETITION TO VACATE

Case Number: VAC2004-00003

Petitioner(s), FOURSTAR INVESTMENT GROUP, INC. requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 13651 INDIAN PAINT LANE, FORT MYERS, FL 33912.
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:  AGENT  
Petitioner Signature

Patrick C. Hunt, Agent for Four Star Investment Group, Inc.  
Printed Name

# 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 Lot 1A, Davis River Canal and legally described in exhibit A attached hereto.  
STR# 03-44-25-10-0000.001A

The property described herein is the subject of an application for zoning or development. We hereby designate Patrick Hunt 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.

Fourstar Investment Group, Inc.

BY: Mohammed M Rahman  
Owner\*(signature)  
MOHAMMED M RAHMAN  
Printed Name Corporate Director

~~Owner\*(signature)~~  
~~Printed Name~~

~~Owner\*(signature)~~  
~~Printed Name~~

~~Owner\*(signature)~~  
~~Printed Name~~

~~Owner\*(signature)~~  
~~Printed Name~~

~~Owner\*(signature)~~  
~~Printed Name~~

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 01 day of April, 2004, by Mohammed M Rahman\*, who is personally known to me or who has produced FL DL # R550 553 56221 0 as identification and who did (did not) take an oath.

(SEAL)



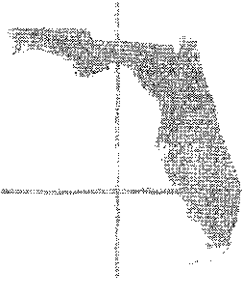
Catherine L. Allen  
Notary Public  
Catherine L. Allen  
(Name typed, printed or stamped)

\*Director, Four Star Investment Group, Inc.

C:\Documents and Settings\kathrs\Local Settings\Temp\ZDS01031.WPD

**RECEIVED**  
APR 05 2004

**PERMIT COUNTER**



**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION  
OF AN EASEMENT LYING IN  
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

(10' FLORIDA POWER & LIGHT EASEMENT)  
(TO BE VACATED)

A 10 FOOT WIDE FLORIDA POWER & LIGHT EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING OVER, ACROSS AND THROUGH A PART OF LOT 1, ORANGE RIVER CENTRE A SUBDIVISION RECORDED IN PLAT BOOK 48, PAGE 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S.88°45'42"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 227.03 FEET; THENCE N.00°34'52"W. FOR 12.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S.88°45'42"W. FOR 10.00 FEET; THENCE N.00°34'52"W. FOR 209.85 FEET; THENCE N.89°11'12"E. FOR 10.00 FEET; THENCE S.00°34'52"E. FOR 209.77 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 2,098 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, ORANGE RIVER CENTRE BEING S.88°45'42"W.

METRON SURVEYING & MAPPING, LLC  
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

3-9-2004

SCOTT M. SHORE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5743

DATE

Exhibit "A"  
Petition to Vacate  
VAC2004-00003  
[Page One of One]



Exhibit "C"  
 Petition to Vacate  
 VAC2004-00003  
 [Page One of One]

**Tax Roll Search - Real Property**

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

*The results to your tax search are based upon information provided to the Lee County Tax Collector by the Lee County Property Appraiser. **This website should not be relied upon for a title search.** Amounts due are subject to change without notice due to statutory compliance (i.e. tax deed application, county held tax certificates, errors & insolvencies (E&I), bankruptcy, litigation, etc.)*

View      Account  for Tax Year:   
 Save as File       Extensive Search  
 View file format.



Your search for 0344251000000001A has returned 2 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
03-44-25-10-00000.001A	2003	FOURSTAR INVESTMENT GROUP INC CORNER LOT	PAID <input type="button" value="Details"/>
03-44-25-10-00000.001A	2002	FOURSTAR INVESTMENT GROUP INC CORNER LOT	PAID <input type="button" value="Details"/>

(Click on the account number for more information and/or online payment.)  
 2 match(es) Page 1 of 1

Return to and prepared by:  
Thomas B. Hart, Esquire  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry Street, Third Floor  
Fort Myers, Florida 33901  
(239) 334-2722  
Florida Bar No. 754684  
Property Identification

INSTR # 5506374  
OR BK 03687 PG 0381  
RECORDED 07/16/2002 04:10:24 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DEED DOC 1,974.00  
DEPUTY CLERK J Miller

**SPECIAL WARRANTY DEED**

THIS INDENTURE made this 11<sup>th</sup> day of July, 2002, between **CRACKER BARREL OLD COUNTRY STORE, INC.**, a Tennessee corporation, herein referred to as Grantor, whose mailing address is Post Office Box 787, Lebanon, Tennessee 37087, and **FOURSTAR INVESTMENT GROUP, INC.**, herein referred to as Grantee, whose mailing address is 13651 Indian Paint Lane, Fort Myers, FL 33912.

**WITNESSETH:**

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

**Legal Description of Property attached as Exhibit "A"**

The Property described herein shall not be sold, leased or occupied for use as a restaurant or the advertising thereof or for any noxious or offensive activity for a period of ten (10) years from the date hereof, and may only be used by the Grantee herein for a hotel or retail/office use. This restriction shall be enforceable by the Grantor and its successors and assigns, and against the Grantee and its successors and assigns.

This conveyance is made subject to ad valorem real property taxes for the current and subsequent years, conditions, easements and restrictions of record and zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.

Grantor does hereby covenant with Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land and will warrant the title and defend the same against the lawful claims and demands of all persons claiming by, through or under it, but against none other.

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





**EXHIBIT "A"****LEGAL DESCRIPTION**

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 3, Township 44 South, Range 25 East, being a part of Lot 1, Orange River Centre as recorded in Plat Book 48, Page 67 of the Public Records of Lee County, Florida, being more particularly described as follows:

Beginning at the Southeast corner of said Lot 1; thence S. 88° 45'42" W. along the South line of said Lot 1 for 284.84 feet; thence leaving said South line N. 00° 48'48" W. for 232.20 feet to the South right-of-way line of Boat Ways Drive (60 feet wide); thence N. 89°11'12" E. along said South right-of-way line for 250.05 feet to the beginning of a tangent curve to the right, having a radius of 35.00 feet, a central angle of 90° 04'08", a chord bearing of S. 45° 46'52" E. and a chord length of 49.53 feet; thence along the arc of said curve for 55.02 feet to the end of said curve, being on the West right-of-way line of Orange River Boulevard (80 feet wide); thence S. 00° 44'56" E. along said West right-of-way line for 195.05 feet to the Point of Beginning.

Parcel contains 1.51 acres, more or less.



Florida Power &amp; Light Company

July 9, 2002

Patrick C. Hunt  
8363 Caloosa Rd  
Fort Myers Fl. 33912

Re Orange River Centre

We at FPL appreciate the opportunity to work with you on your new construction project at Orange River Centre. Based on the agreed design of (converting overhead feeder to underground), the ballpark estimate cost for the installation you requested has been calculated.

The estimated cost of this installation is \$28,258.00, and this pricing is valid up to 6 months. As this is a customer requested relocation all costs associated with this job will be billed to the customer and additional cost such as tree work, or changes in original design may add to this estimate. In order to work toward achieving your desired construction schedule we would appreciate notification of your intentions as soon as possible. At that time an invoice will be sent to you for the cost of the installation. The job will be scheduled with our construction department once the invoice has been paid.

Sincerely,

A handwritten signature in black ink that reads "Dan Thompson".

Dan Thompson  
Project Manager



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

December 19, 2003

Re: Mr. Patrick C Hunt, Agent  
Site Concepts  
8363 Caloosa Road  
Fort Myers, FL 33912

Ref: Petition to Vacate a Utility easement in the Orange River Center  
STRAP # 03-44-25-10-00000.001A

Dear Mr. Patrick C. Hunt

This letter is a follow up our phone conversation and site meeting Nov 7, 2002  
Sprint has no objection to relocate our existing cable from the existing utility easement  
to the proposed utility easement to the above site.

The estimated charges amount to approximately \$4718.00. This includes all labor and  
associated charges. The actual labor cost incurred upon completion of this work order  
39154831 would be billed to you.

Work will begin as soon as payment is received.

Questions please advise Craig Sloan 293-336-2039 or Dick Hayman 336-2032.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Sloan", written over a horizontal line.

Craig Sloan  
Engineer Sprint

Cc: rt



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

November 13, 2002

Site Concepts  
C/O Patrick C. Hunt  
8363 Caloosa Rd  
Ft. Myers, FL 33912

Re: Request for a Letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location: Orange River Centre  
Strap#03-44-25-10-00000.001A

Dear Patrick C Hunt,

This letter will serve to inform you that Comcast facilities are aerial on East side of  
Orange River Bl and should not interfere with your petition to vacate.

If you should require further information, please feel free to contact me here at (941)  
432-1865.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucia Vera".

Lucia Vera  
Design Coordinator



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941)479-8531

Bob Jones  
District One

December 2, 2002

Douglas R. St. Cerny  
District Two

Patrick C. Hunt

Fily Judah  
District Three

Site Concepts

Andrew W. Coy  
District Four

8363 Caloosa Road

Fort Myers, FL 33912

John E. Albion  
District Five

**SUBJECT: PETITION TO VACATE UTILITY EASEMENT  
ORANGE GROVE CENTRE – FOURSTAR INVESTMENT GROUP, INC.  
STRAP #: 03-44-25-10-00000.001A**

Robert D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Dear Mr. Hunt:

Diana M. Parker  
County Hearing Examiner

Lee County Utilities is in receipt of your letter concerning the Petition to Vacate and replace the existing 10' Florida Power & Light easement located across a portion of Lot 1, Orange Grove Centre as recorded in Plat Book 48, Page 67 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 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 existing 60' Boatways Road right-of-way and will not be adversely affected by the proposed easement vacation and/or replacement.

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 #267-4915  
Original Mailed 12/02/02

cc: Sal Elrubie, Development Services  
Correspondence File

 **LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8440

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

April 6, 2004

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*

Patrick Hunt  
Site Concepts  
8363 Caloosa Rd.,  
Fort Myers, FL 33912

Re: **VAC2004-00003 - Petition to Vacate** a 10-foot Public Utility Easement situated in Lot 1, Orange River Centre, as recorded in Plat Book 48, Page 67, Section 3, Township 44 South, Range 25 East, of the Public Records of Lee County, Florida, **LESS and EXCEPT** the Northerly 10-feet and the Southerly 12-feet of each easement.

Dear Mr. Hunt:

You have indicated that in order to construct a multi story hotel over and across the 10-foot utility easement in Lot 1, your client, Four Star Investment Group, Inc. desire to eliminate the 10-foot Public Utility Easement located at 4290 Boatsway Rd., Fort Myers, Florida. It is appropriate to note that Sprint's presence in the current 10-foot FPL easement (Public Utility Easement) was never consented to or approved by the property owner. This should leave Sprint to resolve the relocation issue with the property owner and/or FPL.

Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director

PJE/RSK

U:\200404\20040106.162\1287190\DCDLETTER.DOC

BOARD OF COUNTY COMMISSIONERS

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

Friday, November 15, 2002

Bob Latta  
Member One

Gregory R. St. Cery  
Member Two

Paul Jordan  
Member Three

Andrew W. Coy  
Member Four

John E. Abdon  
Member Five

Charles D. Bryant  
County Manager

John W. Keegan  
County Attorney

Diana M. Parker  
County Hearing Examiner

**Mr. Patrick C. Hunt**  
Site Concepts  
8363 Caloosa Road  
Fort Myers, FL 33912

Re: Petition to Vacate a ten (10) foot wide utility easement common to Lots 1-A & 1-B, Orange River Centre Subdivision, as recorded in Plat Book 48 Page 67, in Lee County, Florida.


Dear Mr. Hunt:

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

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

  
Allen L. Davies, Jr.  
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac295.doc

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2004-00003**

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. VAC2004-00003 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

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

LEE COUNTY  
BOARD OF COUNTY  
COMMISSIONERS OF  
LEE COUNTY, FLORIDA

\_\_\_\_\_  
Chairman Signature

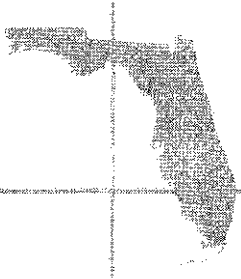
\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

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

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





# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION  
OF AN EASEMENT LYING IN  
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

(10' FLORIDA POWER & LIGHT EASEMENT)  
(TO BE VACATED)

A 10 FOOT WIDE FLORIDA POWER & LIGHT EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING OVER, ACROSS AND THROUGH A PART OF LOT 1, ORANGE RIVER CENTRE A SUBDIVISION RECORDED IN PLAT BOOK 48, PAGE 67 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S.88°45'42"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 227.03 FEET; THENCE N.00°34'52"W. FOR 12.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE S.88°45'42"W. FOR 10.00 FEET; THENCE N.00°34'52"W. FOR 209.85 FEET; THENCE N.89°11'12"E. FOR 10.00 FEET; THENCE S.00°34'52"E. FOR 209.77 FEET TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 2,098 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1, ORANGE RIVER CENTRE BEING S.88°45'42"W.

METRON SURVEYING & MAPPING, LLC  
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

3-9-2004

SCOTT M. SHORE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5743

DATE

Exhibit "A"  
Petition to Vacate  
VAC2004-00003  
[Page One of One]

SHEET 1 OF 2

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00003

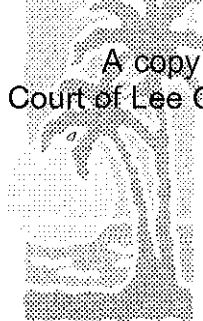
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 25th day of May 2004 @ 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  
SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

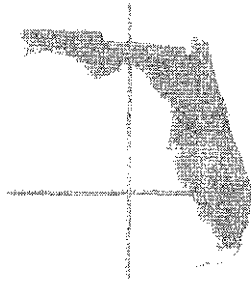
\_\_\_\_\_  
Deputy Clerk Signature

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

APPROVED AS TO FORM

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

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



**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION  
OF AN EASEMENT LYING IN  
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

(10' FLORIDA POWER & LIGHT EASEMENT)  
(TO BE VACATED)

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METRON SURVEYING & MAPPING, LLC  
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

3-9-2004

SCOTT M. SHORE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5743

DATE

Exhibit "A"  
Petition to Vacate  
VAC2004-00003  
[Page One of One]

SHEET 1 OF 2

ORANGE RIVER CENTRE

A REPLAT OF A PART OF TERRY-TICE & VANDAWALKERS SUBDIVISION INCLUSIVE OF LOTS 4.5, 8 1/2, AND UN-NAMED ROAD, PLAT BOOK 1, PAGE 46, AND A REPLAT OF PART OF ALTA VISTA SUBDIVISION (MISSOURI DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID SECTION 3, S. 89°52'16" W. 1070.85 FEET TO A POINT ON THE NORTHERLY ALIGNMENT OF THE WESTERLY RIGHT-OF-WAY LINE OF ORANGE RIVER (180 FOOT RIGHT-OF-WAY); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF ORANGE RIVER 2.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD, S. 00°44'56" E. 1082.94 FEET; THENCE S. 85°45'42" W. 575.97 FEET; THENCE N. 00°51'41" W. 811.78 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHEAST, TO WHICH A RADIAL LINE BEARS N. 68°06'09" W. A CHORD OF 26.00 FEET; A CENTRAL ANGLE OF 03°18'48" BEARING OF N. 25°38'45" E. SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 1-75 AS ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN ITS ACTION FOR EMINENT DOMAIN BROUGHT IN CONNECTION WITH THE ACQUISITION OF RIGHT-OF-WAY FOR 1-75 AND BEING CIVIL ACTION NO. 75-2502-GA-TWS IN THE THIRTIETH COURT IN AND FOR LEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 20.51 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE N. 27°23'39" E. 197.09 FEET; THENCE S. 20°21'37" E. 50.00 FEET; THENCE S. 00°48'48" E. 41.82 FEET; THENCE N. 88°11'27" E. 50.00 FEET; THENCE N. 00°48'48" W. 75.20 FEET; THENCE N. 55°27'37" E. 46.22 FEET; THENCE N. 57°55'45" E. 175.53 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 3; THENCE ALONG SAID NORTH LINE N. 88°42'16" E. 29.50 FEET; THENCE S. 73°08'33" E. 8.43 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES

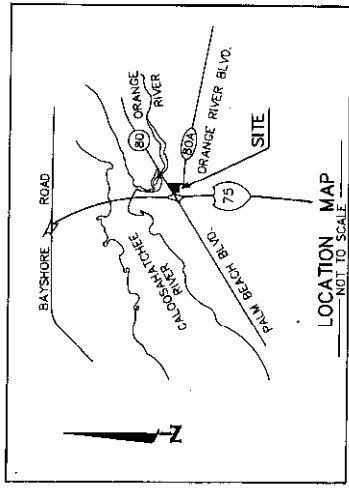
BEARINGS BASED ON THE NORTH LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, AS BEING N. 88°42'16" E.

- DENOTES PERMANENT REFERENCE MONUMENT
- DENOTES PERMANENT CONTROL POINT
- Ⓢ DENOTES CURVE NUMBER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF ORANGE RIVER CENTRE A REPLAT OF A PART OF TERRY-TICE & VANDAWALKERS SUBDIVISION INCLUSIVE OF LOTS 4.5, 8 1/2, AND UN-NAMED ROAD, PLAT BOOK 1, PAGE 46, AND A REPLAT OF PART OF ALTA VISTA SUBDIVISION (MISSOURI DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA IS A TRUE AND CORRECT REPRESENTATION OF THE HERIN DESCRIBED LANDS ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND SUPERVISION, AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I ALSO CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS HAVE BEEN SET AS SHOWN ON THE PLAT.

*John R. Fathauer*  
JOHN R. FATHAUER  
REGISTERED SURVEYOR  
FLORIDA CERTIFICATE NO. 3216



3004269

CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF "ORANGE RIVER CENTRE" A REPLAT OF A PART OF TERRY-TICE & VANDAWALKERS SUBDIVISION INCLUSIVE OF LOTS 4.5, 8 1/2, AND UN-NAMED ROAD, PLAT BOOK 1, PAGE 46, AND A REPLAT OF PART OF ALTA VISTA SUBDIVISION (MISSOURI DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA HAS BEEN EXAMINED BY ME, AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORDING ON July 17 DAY OF July, 1991 A.D., AND DULY RECORDED IN PLAT BOOK 48 AT PAGES 64-65 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

*Walter Galbraith*  
WALTER GALBRAITH  
CLERK OF THE CIRCUIT COURT IN AND FOR LEE COUNTY, FLORIDA

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

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT JAMES E. KINSEY, SR., AS TRUSTEE, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE ATTACHED PLAT ENTITLED ORANGE RIVER CENTRE, BEING A REPLAT OF A PART OF TERRY-TICE & VANDAWALKERS SUBDIVISION INCLUSIVE OF LOTS 4.5, 8 1/2, AND UN-NAMED ROAD, PLAT BOOK 1, PAGE 46, AND A REPLAT OF PART OF ALTA VISTA SUBDIVISION (MISSOURI DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, HEREBY DEDICATES ALL ROADWAYS AND ALL DRAINAGE AND UTILITY EASEMENTS SHOWN OR DESCRIBED HEREON TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, HEREBY RENOVING VACATING AND ABROGATING ANY PLAT OR PLATS OF ANY PART OF SAID LANDS HERETOFORE MADE.

IN WITNESS WHEREOF, JAMES E. KINSEY, SR., AS TRUSTEE HAS CAUSED THIS DEDICATION TO BE MADE AND SIGNED THIS 17 DAY OF JULY, 1991.

WITNESSES

*James E. Kinsey, Sr.*  
JAMES E. KINSEY, SR., AS TRUSTEE

*Kira Bayne*  
KIRA BAYNE  
NOTARY PUBLIC - STATE OF FLORIDA

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE ME THIS DAY PERSONALLY APPEARED JAMES E. KINSEY, SR., AS TRUSTEE, TO ME WELL KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION, AND WHO ACKNOWLEDGED THAT HE DID SO AS TRUSTEE FOR THE PURPOSES THEREIN EXPRESSED.

DATE: 7-17-91  
MY COMMISSION EXPIRES: 7/1/93

*Kira Bayne*  
KIRA BAYNE  
NOTARY PUBLIC - STATE OF FLORIDA

MORTGAGEE CONSENT

KNOW ALL MEN BY THESE PRESENTS THAT GOLIE MAE SIDENS HOLDER OF CERTAIN MORTGAGE RECORDED IN O.R. BOOK 2027 AT PAGE 185 PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ON THE HERIN DESCRIBED LANDS, DOES HEREBY JOIN IN THE PLAT DEDICATION APPEARING HEREON THIS 17 DAY OF JULY, 1991 A.D.

WITNESSES:  
*James E. Kinsey, Sr.*  
JAMES E. KINSEY, SR., AS TRUSTEE  
*Kira Bayne*  
KIRA BAYNE  
NOTARY PUBLIC - STATE OF FLORIDA

*Golie Mae Sidens*  
GOLIE MAE SIDENS

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE ME THIS DAY PERSONALLY APPEARED GOLIE MAE SIDENS TO ME WELL KNOWN TO BE THE PERSON WHO SIGNED THE FOREGOING CONSENT AND JOINER AND WHO ACKNOWLEDGED THIS TO BE HER OWN FREE ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED. WITNESS MY HAND AND SEAL THIS 17 DAY OF JULY, 1991.

MY COMMISSION EXPIRES: 5/17/93  
*Kira Bayne*  
KIRA BAYNE  
NOTARY PUBLIC - STATE OF FLORIDA

APPROVALS

THIS PLAT ACCEPTED THIS 31st DAY OF JULY, 1991 A.D. IN AN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

*Walter Galbraith*  
WALTER GALBRAITH  
CLERK OF COURTS

*Mary Gibbs*  
MARY GIBBS  
DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT

*Donna M. Long*  
DONNA M. LONG  
COUNTY ATTORNEY

### ORANGE RIVER CENTRE

A REPLAT OF A PART OF TERRY-TICE  
& VANDAWALKERS SUBDIVISION INCLUSIVE  
OF LOTS 4,5,& 8 1\2, AND UN-NAMED ROAD,  
PLAT BOOK 1, PAGE 46, AND A REPLAT OF  
PART OF ALTA VISTA SUBDIVISION (MISSOURI  
DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3,  
TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE  
COUNTY, FLORIDA.

#### MORTGAGEE'S CONSENT TO DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT THE CITIZENS AND SOUTHERN  
NATIONAL BANK OF FLORIDA, A NATIONAL BANKING ASSOCIATION,  
HOLDER OF A CERTAIN MORTGAGE RECORDED IN O.R. BOOK 2225,  
AT PAGE 946 PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ON THE  
HEREIN DESCRIBED LANDS, DOES HEREBY JOIN IN THE PLAT DEDICATION  
APPEARING HEREON THIS 17 DAY OF JULY, 1991 A.D.

THE CITIZENS AND SOUTHERN  
NATIONAL BANK OF FLORIDA, A  
NATIONAL BANKING ASSOCIATION

WITNESSES:

[Signature]  
[Signature]

BY:

TITLE:

[Signature]  
Vice President

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE ME THIS DAY PERSONALLY APPEARED THOMAS FUESS  
AS VICE PRESIDENT OF THE CITIZENS AND SOUTHERN  
NATIONAL BANK OF FLORIDA, A NATIONAL BANKING ASSOCIATION, TO ME  
WELL KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING CONSENT AND  
JOINER TO THE PLAT AND ACKNOWLEDGED SAME TO BE HIS OWN FREE ACT  
AND ON DEED FOR THE PURPOSES THEREIN EXPRESSED, FOR AND ON BEHALF OF  
SAID ASSOCIATION.

DATE: 7-17-91

[Signature]  
NOTARY PUBLIC-STATE OF FLORIDA.

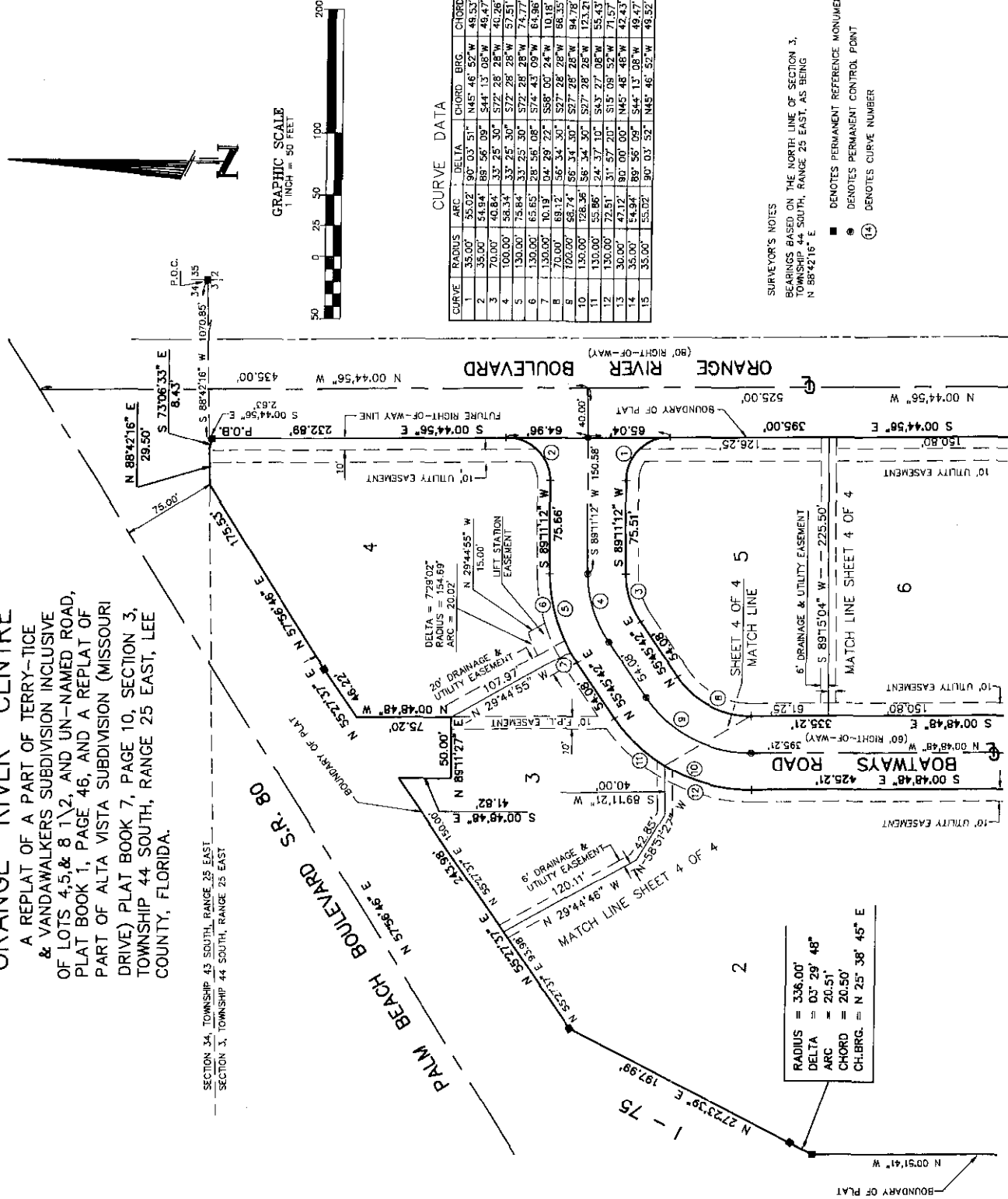
MY COMMISSION EXPIRES: \_\_\_\_\_

STOUTEN-STEVENOT AND ASSOCIATES, INC.  
 4414 S.E. 16th PLACE  
 CAPE CORAL, FLORIDA

# ORANGE RIVER CENTRE

A REPLAT OF A PART OF TERRY-TICE & VANDAWALKERS SUBDIVISION INCLUSIVE OF LOTS 4, 5, & 8 1/2, AND UN-NAMED ROAD, PLAT BOOK 1, PAGE 46, AND A REPLAT OF PART OF ALTA VISTA SUBDIVISION (MISSOURI DRIVE) PLAT BOOK 7, PAGE 10, SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 25 EAST  
 SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST



CURVE DATA

CURVE	RADIUS	ARC	DELTA	CHORD	BRG	CHORD
1	35.00	55.02'	90° 03' 51"	N45° 46' 52" W	48.57'	48.57'
2	35.00	54.84'	89° 56' 09"	S44° 13' 05" W	48.47'	48.47'
3	70.00	40.84'	33° 25' 30"	S72° 28' 28" W	46.26'	46.26'
4	100.00	58.34'	33° 25' 30"	S72° 28' 28" W	57.51'	57.51'
5	130.00	75.84'	33° 25' 30"	S72° 28' 28" W	74.77'	74.77'
6	130.00	65.65'	28° 56' 08"	S74° 43' 09" W	64.96'	64.96'
7	130.00	10.19'	04° 29' 22"	S58° 00' 24" W	10.18'	10.18'
8	70.00	68.12'	56° 34' 30"	S27° 28' 28" W	86.35'	86.35'
9	70.00	68.12'	56° 34' 30"	S27° 28' 28" W	86.35'	86.35'
10	130.00	128.36'	56° 34' 30"	S27° 28' 28" W	123.21'	123.21'
11	130.00	55.86'	24° 37' 10"	S43° 27' 08" W	55.43'	55.43'
12	130.00	72.51'	31° 57' 20"	S15° 08' 52" W	71.57'	71.57'
13	30.00	47.12'	80° 00' 00"	N45° 48' 48" W	47.43'	47.43'
14	35.00	54.94'	89° 56' 09"	S44° 13' 05" W	48.47'	48.47'
15	35.00	55.02'	90° 03' 52"	N45° 46' 52" W	48.57'	48.57'

SURVEYOR'S NOTES

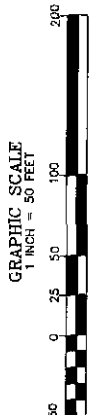
BEARINGS BASED ON THE NORTH LINE OF SECTION 3,  
 TOWNSHIP 44 SOUTH, RANGE 25 EAST, AS BEING  
 N 88°42'16" E

- DENOTES PERMANENT REFERENCE MONUMENT
- DENOTES PERMANENT CONTROL POINT
- (14) DENOTES CURVE NUMBER

# ORANGE RIVER CENTRE

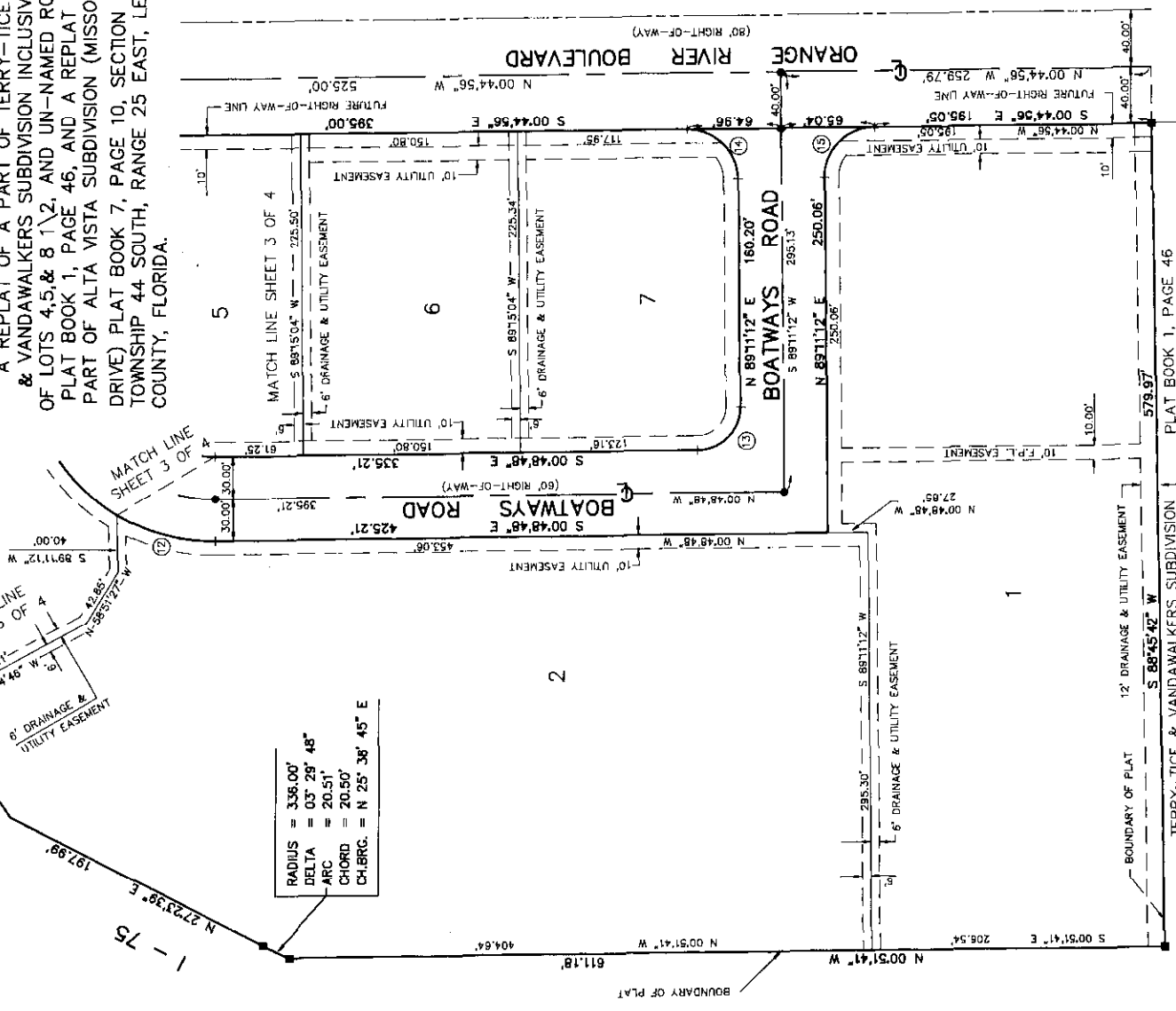
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STOUTEN-STEVENOT AND ASSOCIATES, INC.  
4414 S.E. 16th PLACE  
CAPE CORAL, FLORIDA



**SURVEYOR'S NOTES**  
 BEARINGS BASED ON THE NORTH LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, AS BEING N 88°42'16" E  
 ■ DENOTES PERMANENT REFERENCE MONUMENT  
 ● DENOTES PERMANENT CONTROL POINT  
 (14) DENOTES CURVE NUMBER

RADIUS	= 336.00'
DELTA	= 03° 29' 48"
ARC	= 20.51'
CHORD	= 20.50'
CH.BRC.	= N 25° 36' 45" E



PLATS SUBDIVISION

PLAT BOOK 1, PAGE 46

579.97'

& UTILITY EASEMENT

10.00'

10' F.P.L. EASEMENT

N 00°48'48" W  
27.85'

N 00°

N 00°

(13)

N 89°11'12" E 160.20'

BOATWAYS ROAD

S 89°11'12" W 295.13'

N 89°11'12" E 250.06'

250.06'

250.06'

(14)

64.90'

10' UTILITY EASEMENT

(15)

N 00°44'56" W

195.05'

S 00°44'56" E 195.05'

65.04'

FUTURE RIGHT-OF-WAY LINE

N 00°44'56" W 259.79'

40.00'

40.00'

40.00'

ORANGE

F

(80'



