

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Accept a Petition to Vacate a portion of Platted Waterway/Canal Right-of-Way located at 11828 Island Ave., Matlacha, Florida 33993 and adopt a resolution, setting a Public Hearing for 5:00 PM on the 22nd day of June, 2004., (Case No. VAC2004-00014), and authorize the Chairman to accept a replacement Drainage Easement in favor of Lee County. *JJf*

**WHY ACTION IS NECESSARY:** To extinguish any public rights to a narrow filled "hiatus strip" located between the homeowner's lot line and the existing limits of the excavated canal, and also to restore the original's developer's intent for this lot to abut the waterway. **The vacation of the canal will not alter existing waterway/canal conditions and the easement is not necessary to accommodate any future waterway/canal requirements.** The Board must accept all conveyances of real estate interests to the County. *JJf*

**WHAT ACTION ACCOMPLISHES:** Sets the time and date of the Public Hearing, and provides a necessary replacement drainage easement to the County. *JJf*

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:** 1

04

*C4A*

**3. MEETING DATE:**

*05-25-2004*

**4. AGENDA:**

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

**5. REQUIREMENT/PURPOSE:** *JJf*

- (Specify) F.S. Ch. 125
- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1 (PTV) *JJf*
- OTHER

**6. REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY *[Signature]* 3/31/04
- Peter J. Eckenrode, Director

**7. BACKGROUND:**

The completed petition to vacate, VAC2004-00014 was submitted by Knott, Consoer, Ebelini Hart & Swett, P.A., as the agent on behalf of Frederick E. & Joanne M. Raimann.

**LOCATION:** Petition No. VAC2004-00014 proposes to vacate a portion of Platted Waterway/Canal Right-of-Way beginning at the southeasterly corner of Lot 431, Scallop Harbor as shown on the plat of Unit no. 2 sixth addition to Island Harbors as recorded in Plat Book 12 at Page 93 among the Public Records of Lee County, Florida. The site is located at 11828 Island Ave., Matlacha, Florida 33993 and the strap number is 14-44-22-04-00000.4310 *JJf*

Petitioner has provided the County with a replacement drainage easement and will pay costs. 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, and acceptance of the replacement drainage easement. *JJf*

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits. and a copy of the replacement drainage easement. *JJf*

**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
					QA	OM	Risk	GC	
<i>Man Gibbs</i>	N/A	N/A	N/A	<i>John... 5-13-04</i>	<i>[Signature] 5/13/04</i>	<i>[Signature] 5/13/04</i>	<i>[Signature] 5/13/04</i>	<i>[Signature] 5/13/04</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: *5/11/04*  
Time: *1:05 PM*  
Forwarded to:  
*Co. Adm. 5/13/04 13PM*

RECEIVED BY  
COUNTY ADMIN. *[Signature]*  
*5/13/04*  
*2:30 pm SLT*  
COUNTY ADMIN.  
FORWARDED TO *[Signature]*  
*5-13-04*

*BA*

COPY

This Instrument Prepared by:

Lee County Environmental Services Department  
Natural Resources Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

STRAP Number: 14-44-22-04-00000.4310

This Space for Recording

### PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between **Frederick E. Raimann** and **Joanne M. Raimann**, owners, whose address is 940 Hidden Harbor Drive, Naples, Florida 34109 (Grantor) and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.

6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except as stated herein, and has the right and power to convey this easement.

7. County/Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, there successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this 13 day of April, 2004.

Signed, sealed and delivered in presence of two separate witnesses:

*Patricia Hardy*  
1<sup>st</sup> Witness Signature - as to both

Patricia Hardy  
Printed Name of 1<sup>st</sup> Witness

*Frederick E. Raimann*  
Frederick E. Raimann

*Tammie McCumber*  
2<sup>nd</sup> Witness Signature - as to both

*Joanne M. Raimann*  
Joanne M. Raimann

Tammie McCumber  
Printed Name of the 2<sup>nd</sup> Witness

STATE OF FLORIDA )  
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 13 day of April, 2004 by Frederick E. Raimann and Joanne M. Raimann, who are personally known to me or who have produced personally known (type of identification) as identification.



*Mary D. Karlis*  
Signature of Notary Public  
MARY D. KARLIS  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

**EXHIBIT "A"**

The northerly 5 feet of the following described parcel or tract of land situate in Section 14, Township 44 South, Range 22 East, Lee County, Florida

Beginning at the southeasterly corner of Lot 431 as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors, as recorded in Plat Book 12 at Page 93 of the Official Records of the Public Records of Lee County Florida; thence run North 05°01'00" West along the easterly line of said Lot 431 for 50.00 feet to the northeast corner of said Lot 431; thence run North 84°59'00" East perpendicular to the centerline of said Scallop Harbor for 6.46 feet to a point on the waterward side of the seawall; thence run South 07°55'49" East along said waterward side of the seawall for 47.90 feet to its intersection with the easterly extension of the southerly line of said Lot 431; thence run South 71°18'20" West along said line for 9.15 feet to the Point of Beginning. Containing 377 square feet of land, more or less.

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
[Type or Print Name]  
Deputy Clerk

Approved as to form by:

\_\_\_\_\_  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office



**PETITION TO VACATE (AC 13-1)**

Case Number: VAC 2004-00014

Petitioner(s), Frederick E Raimann and Joanne M Raimann 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, 940 Hidden Harbor Dr., Naples, FL 34109.
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:

*Frederick E Raimann*  
Petitioner Signature

*Joanne M Raimann*  
Petitioner Signature

Frederick E Raimann  
Printed Name

Joanne M. Raimann  
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 11828 Island Avenue, Cape Coral, FL 33993 (Strap #14-44-22-04-00000.4310) 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 Knott, Consoer, Ebelini, Hart & Swett, P.A. 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.

Owner\* (signature) Frederick E. Raimann

Printed Name Frederick E. Raimann

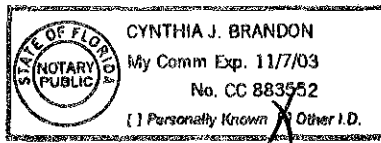
Owner\* (signature) Joanne M. Raimann

Printed Name Joanne M. Raimann

STATE OF FLORIDA COUNTY OF Collier

Sworn to (or affirmed) and subscribed before me this 29 day of January, 2003, by Frederick E. Raimann, who is personally known to me or who has produced FL Drivers License as identification.

(SEAL)



Notary Public Cynthia J. Brandon (Name typed, printed or stamped)

STATE OF FLORIDA COUNTY OF Collier

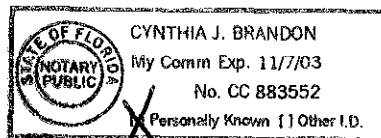
Sworn to (or affirmed) and subscribed before me this 29th day of January, 2003, by Joanne M. Raimann, who is personally known to me or who has produced as identification.

(SEAL)

Notary Public Cynthia J. Brandon (Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.

Handwritten signature: Frederick E. Raimann FL Drivers Lic.



**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00014**

**Legal Description of the Portion of a Platted  
Canal Right-of-Way to be Vacated**

A portion of a canal right-of-way know as Scallop Harbor as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors as recorded in the Official Records of the Public Records of Lee County, Florida in Plat Book 12, Page 93, being more particulary described as follows:

Beginning at the southeasterly corner of Lot 431 as shown on said Plat of Unit No. 2 Sixth Addition to Island Harbors; thence run North 05°01'00" West along the easterly line of said Lot 431 for 50.00 feet to the northeast corner of said Lot 431; thence run North 84°59'00" East perpendicular to the centerline of said Scallop Harbor for 6.46 feet to a point on the waterward side of the seawall; thence run South 07°55'49" East along said waterward side of the seawall for 47.90 feet to its intersection with the easterly extension of the southerly line of said Lot 431; thence run South 71°18'20" West along said line for 9.15 feet to the Point of Beginning. Containing 377 square feet of land, more or less.



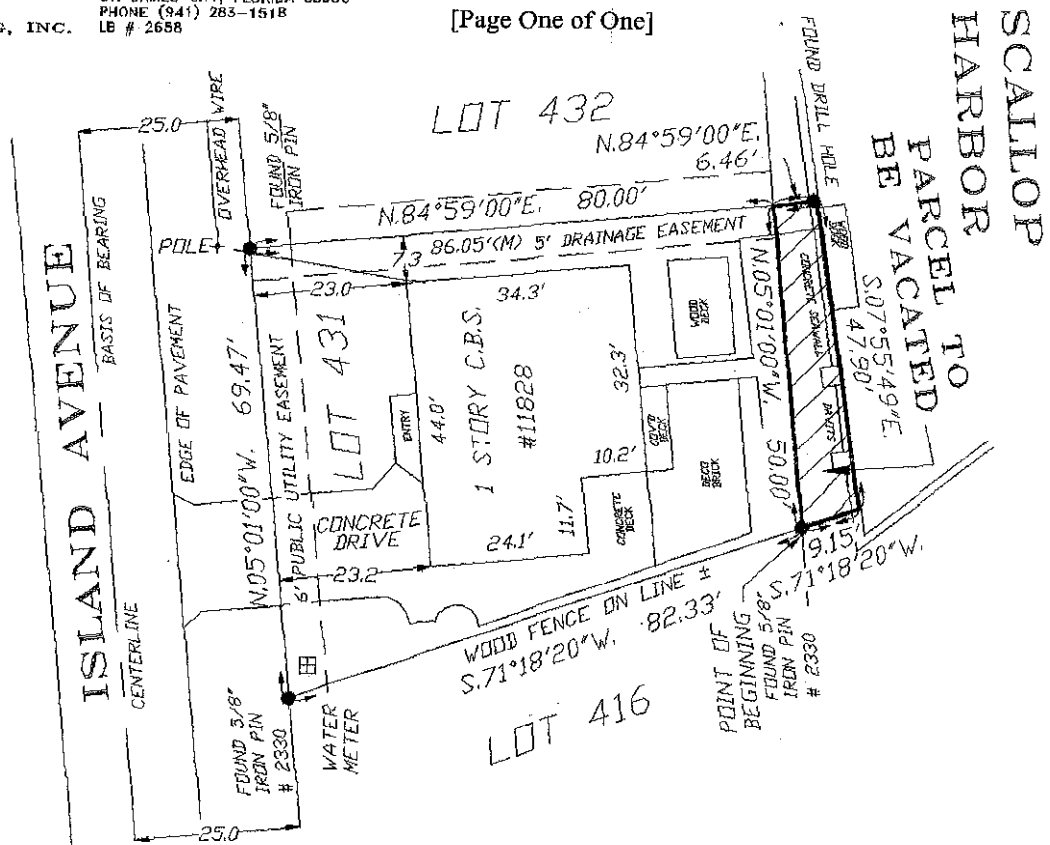
A. J. WATSON



P.O. BOX 423 OR 2284 DATE STREET  
ST. JAMES CITY, FLORIDA 33956  
PHONE (941) 283-1518  
LB # 2658

SURVEYING, INC.

Exhibit "B"  
Petition to Vacate  
VAC2004-00014  
[Page One of One]



DESCRIPTION OF A PORTION OF CANAL RIGHT-OF-WAY KNOWN AS SCALLOP HARBOR AS SHOWN ON THE PLAT OF UNIT NO. 2 SIXTH ADDITION TO ISLAND HARBORS AS RECORDED IN PLAT BOOK 12 AT PAGE 93 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA:

BEGIN AT THE SOUTHEASTERLY CORNER OF LOT 431 SAID UNIT NO. 2 SIXTH ADDITION TO ISLAND HARBORS; THENCE RUN N 05° 01' 00" W ALONG THE EASTERLY LINE OF SAID LOT 431 FOR 50.00 FEET TO THE NORTHEASTERLY CORNER SAID LOT 431; THENCE RUN N 84° 59' 00" E PERPENDICULAR TO THE CENTERLINE OF SAID SCALLOP HARBOR FOR 6.46 FEET TO A POINT ON THE WATERWARD SIDE OF A CONCRETE SEAWALL; THENCE RUN S 07° 55' 49" E ALONG SAID WATERWARD SIDE OF THE SEAWALL FOR 47.90 FEET TO ITS INTERSECTION WITH THE EASTERLY EXTENTION OF THE SOUTHERLY LINE OF SAID LOT 431; THENCE RUN S 71° 18' 20" W ALONG SAID LINE FOR 9.15 FEET TO THE POINT OF BEGINNING, CONTAINING 377 SQUARE FEET OF LAND.

NATIONAL FLOOD INSURANCE DATA, COMMUNITY PANEL NUMBER 125124 0165 B, FEDERAL FLOOD ZONE A9, ELEVATION 9' ELEVATIONS BASED ON N.G.V.D.-29, BENCH MARK

SPECIFIC PURPOSE SKETCH DELINEATING AND DESCRIBING A PORTION OF CANAL RIGHT-OF-WAY, (SCALLOP HARBOR) TO BE VACATED THAT IS CONTIGUOUS TO LOT 431, UNIT No. 2 SIXTH ADDITION TO ISLAND HARBORS AS RECORDED IN PLAT BOOK 12 AT PAGE 93 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED ABOVE.

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

ALFRED J. WATSON  
PROFESSIONAL SURVEYOR AND MAPPER  
#2330 - STATE OF FLORIDA

FOR: RAIMANN  
JOB # 01-0420 F.B. L 83-41  
STRAP # 14-44-22-04-00000.4310

SKETCH OF SURVEY  
SCALE 1" = 30'

DATE: OCTOBER 31, 2002  
DATE: 1/8/04  
DATE:

Exhibit "C"  
 Petition to Vacate  
 VAC2004-00014  
 [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  for Tax Year:   
 Save as File   Extensive Search  
 View file format.



Your search for 14442204000004310 has returned 6 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
14-44-22-04-00000.4310	2003	RAIMANN FREDERICK E + JOANNE M 11828 ISLAND AVE	PAID <input type="button" value="Details"/>
14-44-22-04-00000.4310	2002	RAIMANN FREDERICK E + JOANNE M 11828 ISLAND AV	PAID <input type="button" value="Details"/>
14-44-22-04-00000.4310	2001	RAIMANN FREDERICK E + JOANNE M 11828 ISLAND AV	PAID <input type="button" value="Details"/>
14-44-22-04-00000.4310	2000	RAIMANN FREDERICK E + JOANNE M 11828 ISLAND AV	PAID <input type="button" value="Details"/>
14-44-22-04-00000.4310	1999	SCHUTZ SCOTT E 11828 ISLAND AV	PAID <input type="button" value="Details"/>
14-44-22-04-00000.4310	1998	SCHUTZ SCOTT E + CHEVETTA R	PAID <input type="button" value="Details"/>

**INSTR # 5222042**  
**OR BK 03475 PG 2999**

RECORDED 08/28/01 03:47 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 10.50  
DOC TAX PD(F.S.201.02) 1,175.30  
DEPUTY CLERK K Cartwright

Prepared by and return to:  
Timothy J. Bruehl  
Waggoner & Bruehl, P.A.  
5400 Pine Island Road, Suite D  
Bokeelia, FL 33922

Will Call No.: 105

Parcel Identification No. 14-44-22-04-00000.4310

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this 13th day of August, 2001 between Mark Ryan and Victoria Ryan, husband and wife, whose post office address is 1214 SW 51st Street, Cape Coral, FL 33914 of the County of Lee, State of Florida, grantor\*, and Frederick E. Raimann and Joanne M. Raimann, husband and wife, whose post office address is 940 Hidden Harbor Drive, Naples, FL 34109 of the County of Collier, State of Florida, grantee\*,

**Witnesseth** that said grantor, for and in consideration of the sum of TEN AND NO/100 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 heirs and assigns forever, the following described land, situate, lying and being in Lee County Florida, to-wit:

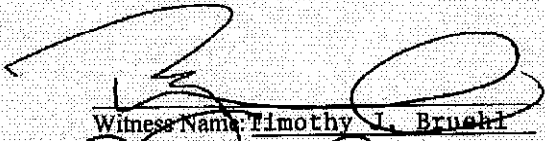
**Lot 431, Island Harbors Sixth Addition, Unit 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 12, Page 93, Public Records of Lee County, Florida.**

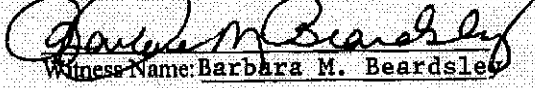
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

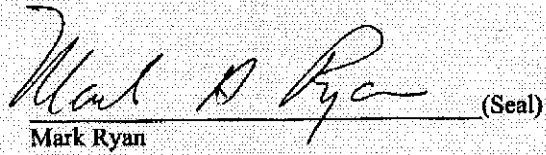
\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

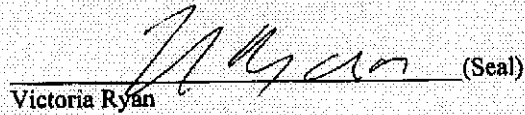
**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

  
Witness Name: Timothy J. Bruehl

  
Witness Name: Barbara M. Beardsley

 (Seal)  
Mark Ryan

 (Seal)  
Victoria Ryan

State of Florida  
County of Lee

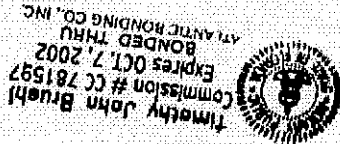
The foregoing instrument was acknowledged before me this 13th day of August, 2001 by Mark Ryan and Victoria Ryan, who  are personally known or  have produced a driver's license as identification.

[Notary Seal]

  
Notary Public

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

My Commission Expires: \_\_\_\_\_



DR BK 03475 PG 3000

This Instrument Prepared by:

Lee County Environmental Services Department  
Natural Resources Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

STRAP Number: 14-44-22-04-00000.4310

This Space for Recording

## PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between **Frederick E. Raimann** and **Joanne M. Raimann**, owners, whose address is 940 Hidden Harbor Drive, Naples, Florida 34109 (Grantor) and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".

2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.

3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.

4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.

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6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except as stated herein, and has the right and power to convey this easement.

7. County/Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, there successors and assigns.

**IN WITNESS WHEREOF**, this instrument is executed this \_\_\_\_ day of \_\_\_\_\_, 2004.

Signed, sealed and delivered in presence of two separate witnesses:

\_\_\_\_\_  
1<sup>st</sup> Witness Signature - as to both

\_\_\_\_\_  
**Frederick E. Raimann**

\_\_\_\_\_  
Printed Name of 1<sup>st</sup> Witness

\_\_\_\_\_  
2<sup>nd</sup> Witness Signature - as to both

\_\_\_\_\_  
**Joanne M. Raimann**

\_\_\_\_\_  
Printed Name of the 2<sup>nd</sup> Witness

STATE OF FLORIDA     )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by Frederick E. Raimann and Joanne M. Raimann, who are personally known to me or who have produced \_\_\_\_\_ (type of identification) as identification.

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

\_\_\_\_\_  
(Name typed, printed or stamped)  
(Title or Rank)  
(Serial Number, if any)

**EXHIBIT "A"**

The northerly 5 feet of the following described parcel or tract of land situate in Section 14, Township 44 South, Range 22 East, Lee County, Florida

Beginning at the southeasterly corner of Lot 431 as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors, as recorded in Plat Book 12 at Page 93 of the Official Records of the Public Records of Lee County Florida; thence run North 05°01'00" West along the easterly line of said Lot 431 for 50.00 feet to the northeast corner of said Lot 431; thence run North 84°59'00" East perpendicular to the centerline of said Scallop Harbor for 6.46 feet to a point on the waterward side of the seawall; thence run South 07°55'49" East along said waterward side of the seawall for 47.90 feet to its intersection with the easterly extension of the southerly line of said Lot 431; thence run South 71°18'20" West along said line for 9.15 feet to the Point of Beginning. Containing 377 square feet of land, more or less.

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
[Type or Print Name]  
Deputy Clerk

Approved as to form by:

\_\_\_\_\_  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office



Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
A T T O R N E Y S - A T - L A W

George H. Knott \*+  
George L. Consoer, Jr. \*\*  
Mark A. Ebelini  
Thomas B. Hart  
H. Andrew Swett

\* Board Certified Civil Trial Lawyer  
\*\* Board Certified Real Estate Lawyer  
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722  
Telecopier (239) 334-1446

[dryan@knott-law.com](mailto:dryan@knott-law.com)

Matthew D. Uhle  
Aaron A. Haak  
Derrick S. Eihausen  
Naty Torres-Alvarado

Director of  
Zoning and Land  
Use Planning  
Michael E. Roeder, AICP

November 20, 2003

Via Certified Mail  
RR #7160 3901 9842 1387 7998

Marco and Kimberly Salvino  
713 NW 7<sup>th</sup> Avenue  
Dania, FL 33004

RE: Proposed vacation of a portion of canal right-of-way known as Scallop Harbor contiguous to 11828 Island Avenue, Cape Coral (Lot 431, Unit 2 Sixth Addition to Island Harbors as recorded in Plat Book 431, Plat Book 12, Page 93, Public Records of Lee County, Florida)

Dear Mr. and Mrs. Salvino:

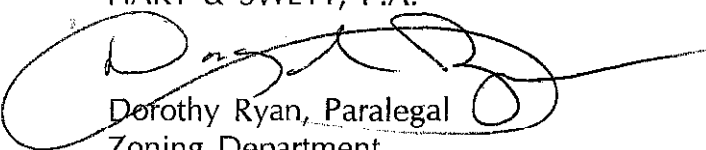
We are in the process of submitting a petition to Lee County to vacate the portion of canal right-of-way shown on Exhibit "A" attached hereto.

As the owner of Lot 432, located at 11836 Island Avenue, we hereby provide you with this courtesy notice of the proposed vacation.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at 239/334-2722.

Sincerely,

KNOTT, CONSOER, EBELINI,  
HART & SWETT, P.A.



Dorothy Ryan, Paralegal  
Zoning Department  
Enclosure

**Knott, Consoer, Ebelini  
Hart & Swett, P.A.**  
ATTORNEYS - AT - LAW

George H. Knott \*+  
George L. Consoer, Jr. \*\*  
Mark A. Ebelini  
Thomas B. Hart  
H. Andrew Swett

\* Board Certified Civil Trial Lawyer  
\*\* Board Certified Real Estate Lawyer  
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722  
Telecopier (239) 334-1446

[dryan@knott-law.com](mailto:dryan@knott-law.com)

Matthew D. Uhle  
Aaron A. Haak  
Derrick S. Eihausen  
Natly Torres-Alvarado

Director of  
Zoning and Land  
Use Planning  
Michael E. Roeder, AICP

November 20, 2003

Via Certified Mail  
RR #7160 3901 9842 1387 7981

James G. and Jane L. Gunter  
11820 Island Avenue  
Cape Coral, FL 33993

RE: Proposed vacation of a portion of canal right-of-way known as Scallop Harbor contiguous to 11828 Island Avenue, Cape Coral (Lot 431, Unit 2 Sixth Addition to Island Harbors as recorded in Plat Book 431, Plat Book 12, Page 93, Public Records of Lee County, Florida)

Dear Mr. and Mrs. Gunter:

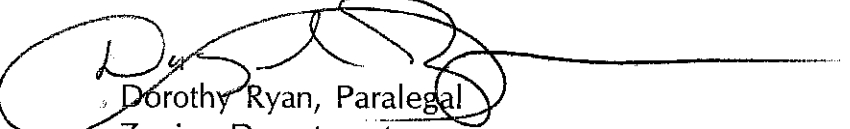
We are in the process of submitting a petition to Lee County to vacate the portion of canal right-of-way shown on Exhibit "A" attached hereto.

As the owner of Lot 416, located at 11820 Island Avenue, we hereby provide you with this courtesy notice of the proposed vacation.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at 334-2722.

Sincerely,

KNOTT, CONSOER, EBELINI,  
HART & SWETT, P.A.



Dorothy Ryan, Paralegal  
Zoning Department  
Enclosure

**Knott, Consoer, Ebelini**  
**Hart & Swett, P.A.**  
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Aaron A. Haak  
Derrick S. Eihausen  
Nady Torres-Alvarado

Director of  
Zoning and Land  
Use Planning  
Michael E. Roeder, AICP

November 20, 2003

Via Certified Mail  
RR #7160 3901 9842 1387 8001

Claude N. Herrington  
2816 Janet Street  
Matlacha, FL 33993

RE: Proposed vacation of a portion of canal right-of-way known as Scallop Harbor contiguous to 11828 Island Avenue, Cape Coral (Lot 431, Unit 2 Sixth Addition to Island Harbors as recorded in Plat Book 431, Plat Book 12, Page 93, Public Records of Lee County, Florida)

Dear Mr. Harrington:

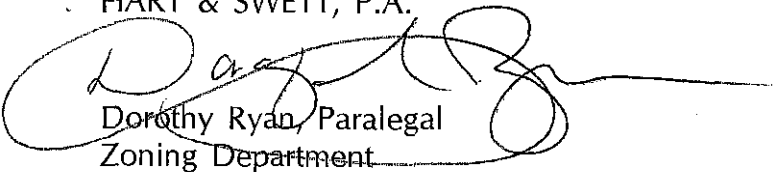
We are in the process of submitting a petition to Lee County to vacate the portion of canal right-of-way shown on Exhibit "A" attached hereto.

As the owner of Lot 415A (Lot 415 and part of Lot 414), located at 2816 Janet Street, we hereby provide you with this courtesy notice of the proposed vacation.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at 334-2722.

Sincerely,

KNOTT, CONSOER, EBELINI,  
HART & SWETT, P.A.

  
Dorothy Ryan, Paralegal  
Zoning Department  
Enclosure



Post Office Box 3455

North Fort Myers, FL 33918-3455

(239) 995-2121 • FAX (239) 995-7904

www.lcec.net • www.lline.com

March 26, 2003

Zsuzsanna Weigel  
Knott, Consoer, Ebelini  
Hart & Sweet, P.A.  
P. O. Box 2449  
Ft. Myers, FL 33902-2449

Re: Strap No. 14-44-22-04-00000.4310  
11838 Island Avenue, Cape Coral, FL 33993 (Owner: Raimann)

Dear Ms. Weigel:

LCEC does not object to vacation of that portion of canal right-of-way known as Scallop Harbor further described on the attached sketch of survey prepared by Alfred J. Watson on October 31, 2002.

Please call me at 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin  
Real Property Representative

Attachment



8441 Littleton Road  
North Fort Myers, FL 33903

March 6, 2003

Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
ATTORNEYS - AT - LAW  
1625 Hendry Street - Third Floor  
P.O. Box 2449  
Fort Myers, Florida 33902 - 2449

RE: Request for a letter of Review and Recommendation on a proposed easement vacations on the following parcel:

Strap NO: 14 44 22 04 00000.4310 11828 Island Avenue

With reference to your letter of February 3, 2003, requesting Sprint's concurrence with your request to vacate the public interest in the portion of the canal previously filled in around 1973. Sprint has no objection to the vacation of this easement.

If you have any questions please call me at 239 - 336-2017.

Sincerely,

*Bill Freeman*

Bill Freeman  
Engineer II - Sprint

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



April 1, 2003

Knott, Consoer, Ebelini Hart & Swett  
C/O Zsuzsanna Weigel  
PO BOX 2449  
Ft Myers, FL 33902

Re: Request for a Letter of Review and Recommendation on a Proposed  
Easement Vacation of the Following Location:  
11828 Island Av Cape Coral Fl 33993

Dear Ms. Weigel,

Comcast has Aerial facilities existing in the above referenced location and has no objection with the vacation of the above referenced utility easement.

If I can be of further assistance to you please do not hesitate to contact me at 239-732-3865.

Sincerely,

A handwritten signature in cursive script that reads "Lucia Vera". The signature is written in black ink and is positioned above the typed name.

Lucia Vera  
Design Coordinator



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(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

February 28, 2003

Zsuzsanna Weigel  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, Fl.. 33902-2449

**SUBJECT: PETITION TO VACATE A PORTION OF A CANAL IN THE REAR OF  
11828 ISLAND AVE., CAPE CORAL, FL. 33993  
14-44-22-04-00000.4310**

Dear Ms. Weigel:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate a portion of a canal as described in your letter of February 3, 2003. Lee County Utilities has reviewed your request and currently has ***NO OBJECTION*** to this proposed vacation.

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic  
Engineering Tech II  
UTILITIES ENGINEERING

\\LCFNW15\DATA\SHARED\ENVS\SRV\UTILS\Engr\MMMM\LETTERS\VACATION\11828 ISLAND AVE - MATLACHE - NO-OBJECTION - CANAL VACATION.doc



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: \_\_\_\_\_ (941) 479-8133

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

March 3, 2003

Andrew W. Coy  
*District Four*

Ms. Zsuzsanna Weigel  
1625 Hendry St., Suite 301  
Fort Myers, Fl. 33901

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

RE: Easement Vacation – STRAP# 14-44-22-03-00000.4310

James G. Yaeger  
*County Attorney*

Dear Ms. Weigel:

Diana M. Parker  
*County Hearing Examiner*

This letter is in reference to your request for information regarding property at the above referenced Strap number in Matlacha and a request to vacate a portion of a Canal right-of-way at the back of the lot. The Waterways Advisory Committee (WAC) is required to review vacation requests when the property in question abuts County waterways. In this instance, there is no connection between the waterway and public access, as the right-of-way only abuts private property. Therefore, review by the WAC is not required.

If there are any questions from the reviewing agencies, please have them contact me at the number listed above.

Sincerely,

Chris Koepfer, Biologist  
Natural Resource Division

xc: Steve Boutelle, Staff Liaison





BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8440

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

March 23, 2004

Matthew Uhle, Esq.  
KNOTT, CONSOER, EBELINI  
HART & SWETT, P.A.  
1625 HENDRY ST., 3<sup>rd</sup> Floor  
FORT MYERS, FL 33902

RE: VAC2004-00014 - **Petition to Vacate** a portion of Platted Waterway/Canal Right-of-Way located in Scallop Harbor as shown on the plat of Unit no. 2 sixth addition to Island Harbors as recorded in Plat Book 12 at Page 93 among the Public Records of Lee County, Florida

Dear Mr. Uhle:

You have indicated that in order to extinguish any public rights to a narrow filled "hiatus strip" located between you client's lot line and the canal, your clients, Frederick E. & Joanne M. Raimann desire to eliminate a portion of Platted Waterway/Canal Right-of -Way, which is located at 11828 Island Ave., Matlacha, Florida. The vacation of this portion of canal will restore the original developer's intent for this lot to abut the waterway.

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:\200403\20040303.140\8382360\DCDLETTER.DOC



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Tuesday, April 01, 2003

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*

**Ms. Zsuzsanna Weigel**  
Knott, Consoer, Ebelini, Hart and Swett, P.A.  
1625 Hendry Street  
Fort Myers, FL 33902

(941) 479-8124

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

RECEIVED  
Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
AM APR 03 2003 PM  
7 8 9 10 11 12 1 2 3 4 5 6

**Re: Petition to Vacate a portion of Scallop Harbor Canal adjoining Lot 431, Unit No. 2, Sixth Addition, Island Harbors Subdivision, as recorded in Plat Book 12 Page 93, in Lee County, Florida.**

Dear Ms. Weigel:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject public canal 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\vac319.doc



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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*

Writer's Direct Dial Number: (239) 479-8517

March 1, 2004

Mr. Matthew D. Uhle  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, FL 33902-2449

**Re: Request to Vacate portion of a canal known as Scallop Harbor as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors as recorded in Plat Book 12 at Page 93 – 11828 Island Avenue; 14-44-22 04 00000 4310 (Raimann)**

Dear Mr. Uhle:

Lee County Department of Transportation has reviewed the request to vacate a portion of a canal adjacent to Lot 431 on the Plat of Unit Number 2 Sixth Addition to Island Harbors. DOT has concluded from the review that the vacation of this canal will not adversely impact existing drainage. It is the intent of the Petition to Vacate to remedy title to the extent that there is an existing seawall located within the platted canal.

Based upon the review, DOT offers no objection to the vacation.

Very truly yours,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson  
Right of Way Supervisor

ML:lcc

cc: Terry Kelley, Lee County Utilities  
Allen Davies, Lee County Natural Resources  
Ruth Keith, Lee County Development Review  
DOT 04 PTV File (Island Avenue; Knot Consoer)

S:\DOCUMENT\Petition To Vacate\2004\Island Ave - Knott Consoer.doc



## *Florida Department of Transportation*

**JEB BUSH  
GOVERNOR**

801 North Broadway Avenue  
Bartow, Florida 33830

March 3, 2003

Zsuzsanna Weigel  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
Post Office Box 2449  
Fort Myers, Florida 33902-2449

RE: Vacation of A Portion of Canal Easement/Right of Way

Dear Ms Weigel:

Our staff has conducted a review of your request to vacate a portion of Canal Right of Way known as Scallop Harbor lying east of Lot 431, Unit 2, Sixth Addition to Island Harbors, as recorded in Plat 12, Page 93, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of February 3, 2003.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Dunsford".

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

JWD/jwd

cc: Scott Gilbertson, P.E. - Lee County  
Peter J. Eckenrode - Lee County  
Mike Rippe - FDOT  
Tom Garcia - FDOT

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE** Case Number: VAC2004-00014

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. VAC2004-00014 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

**EXHIBIT "A"**  
**Petition to Vacate**  
**VAC2004-00014**

**Legal Description of the Portion of a Platted  
Canal Right-of-Way to be Vacated**

A portion of a canal right-of-way know as Scallop Harbor as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors as recorded in the Official Records of the Public Records of Lee County, Florida in Plat Book 12, Page 93, being more particularly described as follows:

Beginning at the southeasterly corner of Lot 431 as shown on said Plat of Unit No. 2 Sixth Addition to Island Harbors; thence run North 05°01'00" West along the easterly line of said Lot 431 for 50.00 feet to the northeast corner of said Lot 431; thence run North 84°59'00" East perpendicular to the centerline of said Scallop Harbor for 6.46 feet to a point on the waterward side of the seawall; thence run South 07°55'49" East along said waterward side of the seawall for 47.90 feet to its intersection with the easterly extension of the southerly line of said Lot 431; thence run South 71°18'20" West along said line for 9.15 feet to the Point of Beginning. Containing 377 square feet of land, more or less.

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00014

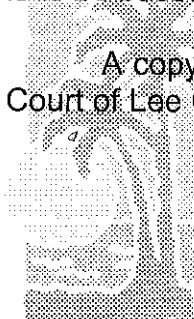
## TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 22nd day of June 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

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"**  
**Petition to Vacate**  
**VAC2004-00014**

**Legal Description of the Portion of a Platted  
Canal Right-of-Way to be Vacated**

A portion of a canal right-of-way know as Scallop Harbor as shown on the Plat of Unit No. 2 Sixth Addition to Island Harbors as recorded in the Official Records of the Public Records of Lee County, Florida in Plat Book 12, Page 93, being more particulary described as follows:

Beginning at the southeasterly corner of Lot 431 as shown on said Plat of Unit No. 2 Sixth Addition to Island Harbors; thence run North 05°01'00" West along the easterly line of said Lot 431 for 50.00 feet to the northeast corner of said Lot 431; thence run North 84°59'00" East perpendicular to the centerline of said Scallop Harbor for 6.46 feet to a point on the waterward side of the seawall; thence run South 07°55'49" East along said waterward side of the seawall for 47.90 feet to its intersection with the easterly extension of the southerly line of said Lot 431; thence run South 71°18'20" West along said line for 9.15 feet to the Point of Beginning. Containing 377 square feet of land, more or less.



**Knott, Consoer, Ebelini  
Hart & Swett, P.A.**  
ATTORNEYS - AT - LAW

George H. Knott \*+  
George L. Consoer, Jr. \*\*  
Mark A. Ebelini  
Thomas B. Hart  
H. Andrew Swett

\* Board Certified Civil Trial Lawyer  
\*\* Board Certified Real Estate Lawyer  
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722  
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle  
Aaron A. Haak  
Derrick S. Eihausen  
Naty Torres-Alvarado

Director of  
Zoning and Land  
Use Planning  
Michael E. Roeder, AICP

March 3, 2004

Mr. Peter Eckenrode,  
Director of Development Services  
Community Development  
1500 Monroe Street, 3<sup>rd</sup> Floor  
Fort Myers, FL 33901

RE: Strap Number: 14-44-22-04-00000.4310

Dear Pete:

The canal appears on the Plats for both Unit 1 and Unit 2. The canal was initially dedicated in the Plat of Unit 1; however, the Raimann's lot actually appeared in the Plat of Unit 2. We have agreed with the County Attorney's office that both plats should be vacated.

The purpose of the proposed vacation is to extinguish any public right to a narrow filled "hiatus strip" located between the applicant's lot line and the canal. The "hiatus strip", which was created by a previous owner, no longer serves any public purpose due to the filling of that portion of the canal.

Mr. And Mrs. Raimann's mailing address and day time phone number are as follows:  
940 Hidden Harbor Drive, Naples, Florida 34109, 239-591-7753.

Sincerely,

KNOTT, CONSOER, EBELINI,  
HART & SWETT, P.A.

*Matthew D. Uhle*  
Matthew D. Uhle

MDU/dar

VAL 2004-00014  
RECEIVED  
VPL  
MAR 03 2004  
DUE 05-05-04  
COMMUNITY DEVELOPMENT

**Knott, Consoer, Ebelini  
Hart & Swett, P.A.**  
A T T O R N E Y S - A T - L A W

George H. Knott \*+  
George L. Consoer, Jr. \*\*  
Mark A. Ebelini  
Thomas B. Hart  
H. Andrew Swett

\* Board Certified Civil Trial Lawyer  
\*\* Board Certified Real Estate Lawyer  
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722  
Telecopier (239) 334-1446

gconsoer@knott-law.com

Matthew D. Uhle  
Aaron A. Haak  
Derrick S. Eihausen

Director of  
Zoning and Land  
Use Planning  
Michael E. Roeder, AICP

September 25, 2003

Lee County Board of County Commissioners  
P.O. Box 398  
Fort Myers, FL 33902Fort Myers, FL 33916

RE: Raimann Parcel, Island Harbor Subdivision-  
Scallop Harbor File LU-02-09-2243  
Title Opinion Pursuant to Lee County  
Administrative Code (AC)13-1  
Property to be Vacated Attached is Exhibit "A"

Dear Commissioners:

This Opinion Letter is submitted to you in compliance with the Lee County Administrative Code 13-1, which requires that in matters regarding a vacation that Petitioner will submit an Opinion from a licensed Florida Attorney indicating that the subsequent vesting of ownership of the land to be vacated will vest in the Petitioners upon the successful approval of the request for vacation.

Please be advised that I have examined title to the above-referenced real property, which is the property proposed to be vacated by the Petitioner, and, in addition, I have examined what I believe to be the pertinent Florida Statutes and case law governing this issue.

In light of the foregoing review and analysis and although the matter is not free from doubt, it is my opinion that upon the successful approval of the request for vacation that title to the real property described herein, would vest in the Petitioners, namely, Frederick E. Raimann and Joanne M. Raimann, husband and wife.

This opinion is provided only for the purpose indicated, without the prior written consent

Lee County Board of County Commissioners  
September 25, 2003

of the undersigned, may not be relied upon by any person, firm or entity whatsoever other than the Lee County Board of County Commissioners.

Sincerely,

KNOTT, CONSOER, EBELINI,  
HART & SWETT, P.A.



George L. Consoer, Jr.  
GLC/zw

2. Article Number



7160 3901 9842 1387 8001

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

**Claude N. Herrington  
2816 Janet Street  
Maitlacha, FL 33098**

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) <i>Claude Herrington</i>	B. Date of Delivery <i>11-25-03</i>
C. Signature <i>Claude Herrington</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 checked="" type="checkbox"/> No

PS Form 3811, April 2002

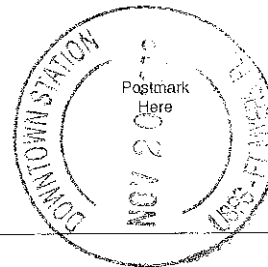
Domestic Return Receipt

*MDU*

7160 3901 9842 1387 8001



Postage	\$ 37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>



Sent To: *[Signature]*  
 Claude N. Herrington  
 2816 Janet Street  
 Maitlacha, FL 33098

*7286.000 MDU Rev*

PS Form 3800, APRIL 2002

US Postal Service

Certified Mail Receipt

2. Article Number



7160 3901 9842 1387 7981

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

James G. and Jane L. Gunter  
11820 Island Avenue  
Cape Coral, FL 33903

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature	<input type="checkbox"/> Agent
<input type="checkbox"/> Is delivery address different from item 1?	<input type="checkbox"/> Addressee
If YES, enter delivery address below:	<input type="checkbox"/> Yes
	<input type="checkbox"/> No

PS Form 3811, April 2002

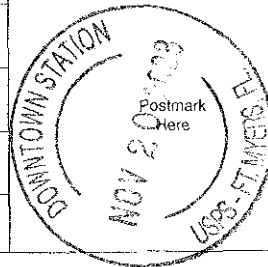
Domestic Return Receipt

MDU *Raumann*

7160 3901 9842 1387 7981



Postage	\$ .37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>



Sent To:

James G. and Jane L. Gunter  
11820 Island Avenue  
Cape Coral, FL 33903

7286.000 *Raumann*

PS Form 3800, APRIL 2002

US Postal Service

MDU

Certified Mail Receipt

2. Article Number



7160 3901 9842 1387 7998

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

**Marco and Kimberly Salvinio**  
713 NW 7th Avenue  
Dania, FL 33004

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

*E. SALVI No*

B. Date of Delivery

*11-22-03*

C. Signature

*Kimberly J. Salvinio*

Agent

Addressee

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

PS Form 3811, April 2002

Domestic Return Receipt

*MDU*

7160 3901 9842 1387 7998



Postage

\$ *.37*

Certified Fee

*2.30*

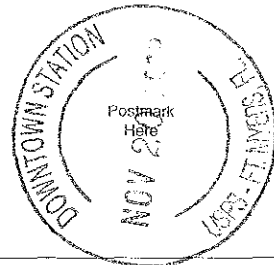
Return Receipt Fee  
(Endorsement Required)

*1.75*

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$ *4.42*



Sent To:

*Marco and Kimberly Salvinio*  
713 NW 7th Avenue  
Dania, FL 33004

*7286.000 MDU*

PS Form 3800, APRIL 2002

US Postal Service

Certified Mail Receipt

UNIT No. 2

# SIXTH ADDITION TO ISLAND HARBORS

A SUBDIVISION OF LOT A, UNIT No. 1, SIXTH ADDITION TO ISLAND HARBORS  
(According to Plat Recorded in Plat Book 10 at Page 119)  
AND PART OF WEST ISLAND - SECTION 24, T.44S., R.22E.  
LEE COUNTY, FLORIDA

Scale: 1"=100'

January 1960.

NOTE: Full riparian rights are conveyed with title fronting on Matlacha Pass and Bay on eastward side of West Island even though boundary of Corporation Zone and Trusts Internal Improvement Fund may be beyond alternative shown herein.



**DESCRIPTION**  
A tract or parcel of land lying on West Island in Section 24, Township 44 South, Range 22 East described as follows:  
Lot A of Unit No. 1, Sixth Addition to Island Harbors, according to a map or plat thereof recorded in Plat Book 10 at Page 119 of the public records of Lee County, Florida. All of West Island as described in deed to Crow and Jelle from Trusts Base of Internal Improvement Fund, recorded in Deed Book 224 at Pages 270 to 272, inclusive, of said public records lying northwesterly of said Unit No. 1 Sixth Addition to Island Harbors. Since description in said deed to Crow and Jelle does not give origin of bearings and does not reflect several small bands in center line survey of State Road No. 78, it is impossible to give exact dimensions to the boundaries of this deed which are in the waters of Matlacha Pass and an arm or bay of same.

**NOTES**  
P.R.M.s are 4"x4"x12" Concrete Monuments or 4"x4"x60" Concrete Posts.  
Bearings are calculated from those shown on George's Add. to Matlacha Co. Island Harbors & First, Second, Third, Fourth, Fifth and Unit No. 1 Sixth Addition here to S. & Survey State Rd. No. 78 (formerly No. 182). Both chord and arc distances are shown on curved lines with chord bearings.  
Except where indicated all utilities are marked with 3/4"x1/2" steel pins with 1"x3" painted wooden marking stakes.

**CERTIFICATE**  
I HEREBY CERTIFY that this plat of UNIT No. 2 SIXTH ADDITION TO ISLAND HARBORS is a true and correct representation of a recent survey made and plotted under my direction, and that Permanent Reference Monuments (P.R.M.s) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Act of 1925.

*Carl B. Johnson*  
Registered Land Surveyor  
Florida Certificate No. 1011  
Fort Myers, Florida

**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS that Island Harbors, Incorporated, a corporation under the laws of Florida, the owner of the herein described lands, has caused this plat of UNIT No. 2 SIXTH ADDITION TO ISLAND HARBORS to be made and does hereby dedicate to the perpetual use of the public all streets, avenues and waterways and/or harbors shown herein, hereby reserving, abrogating and vacating any plat or plots of any part of the herein described lands heretofore made.  
WITNESS WHEREOF, Island Harbors, Incorporated, has caused this dedication to be signed in its name by its president, and its corporate seal affixed, at a meeting of its board of directors, on the 21st day of January, A.D. 1960.

ISLAND HARBORS, INCORPORATED

By: *Walter J. Gandy*  
President  
Attest: *James L. ...*  
Secretary

**ACKNOWLEDGMENT**  
STATE OF FLORIDA  
COUNTY OF LEE  
I HEREBY CERTIFY that on this day before me personally appeared Clyde Gandy, and Bruce J. Scott, respectively president and secretary of Island Harbors, Incorporated, a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication, and they acknowledged the execution thereof to be their free act and deed as such officers by the deed and purposes therein mentioned and that they affixed thereto the official seal of said corporation and that said dedication is the act and deed of said corporation.  
WITNESS my hand and official seal of Fort Myers, said County and State, this 21st day of March, A.D. 1960.

*Bruce J. Scott*  
Notary Public, State of Florida of Large  
My commission expires March 2, 1964

**APPROVALS**  
This plat accepted this 21st day of March, A.D. 1960 in a meeting of the Board of County Commissioners of Lee County, Florida.

*Lyndal ...*  
Chairman  
*W. J. ...*  
Clerk  
*...*  
County Attorney  
*...*  
County Road Superintendent

I HEREBY CERTIFY that this plat of UNIT No. 2 SIXTH ADDITION TO ISLAND HARBORS has been examined by me, and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Act of 1925.  
I FURTHER CERTIFY that said plat complies for record with the provisions of Section 7, Chapter 10275, Laws of Florida, Act of 1925, and duly recorded in Plat Book 12 at Page 93 of the public records of Lee County, Florida.

*W. J. ...*  
Clerk of the Circuit Court in and for Lee County

